I
E/S

Requirements for development and maintenance of planning records are set forth in 36 CFR 217.2 "Decision Documentation" and "Decision,"
36 CFR 219.8(g), 36 CFR 219.10(h), and 40 CFR 1506.6(f), 40 CFR 1508.4, and FSM 1950.3(4).

05 - DEFINITIONS. The definitions are listed chronologically in order of record creation.

37. *Administrative Process Records*

a. *Planning Record.* Detailed, formal account of the planning process and is the responsibility of the Interdisciplinary Team leader.

b. *Appeal Record.* For appeals under 36 DFR 217 and 36 CFR 251, the relevant decision documentation and pertinent records, that identify and index where the documentation addresses the issues raised in the notice of appeal, and transmit the documentation and index to the Reviewing Officer within 30 days.

c. *Implementation Record.* Includes documents implementing the decision such as correspondence, special reports, bond, contracts, contract modifications, inspection reports, approval, acceptance, layout, design, the results of monitoring, validation, record of mitigation measure, and closure letter.

38. *Litigation Process Records*

a. *Certified Administrative Record.* Records compiled in preparation for National Environmental Policy Act (NEPA) litigation and marked for certification of completeness in Federal District Court.

b. *Litigation Report.* A privileged communication between the Forest Service and its attorneys made in preparation for litigation. This report is compiled from selected documents found primarily in the Planning Record, but may also include documents from the Implementation Record and Appeal Record, as well as documents used in response to issues broached by the plaintiffs which were not covered in the NEPA process.

rec'd from
K. Klinge 10/26/94

07 - FILING PRACTICES

1. *PLANNING RECORDS*

a. *Guiding Principles*. The following principles govern planning records for Categorical Exclusions (CEs), Environmental Assessments (EAs), and Environmental Impact Statements (EISs) and their organization for Regional, Forest, and District planning.

(1) Organize and index planning records in a manner that allows easy access and retrieval. Place documents under headings where it makes sense for them to be.

(2) Clearly indicate the date and author or person responsible for the content of each document in the record and, when appropriate, to whom the document was made available. Anonymous documents serve little purpose and create confusion.

(3) Include in the planning record all data and information used in the analysis to arrive at the final decision.

(4) Mark each page of all draft documents as "draft".

(5) Documents should be legible and standard size when possible.

b. *Contents of a Planning Record*. The Planning Record includes:

(1) A copy of all notices appearing in the Federal Register.

(2) All formal recommendations and directions from line officers, Staff/Directors, the IDT Leader, or other entities and all formal requests for such recommendations or directions.

(3) All record of consultation with the public, interest groups, and other agencies.

(4) A record of all announcements for public participation activities including a copy of the announcement, the date of the announcement, the medium or source used to make announcement (newspaper, magazine, television or radio), the area of circulation, and a copy of the announcement as published in each source.

(5) A record of each major public participation activity including the date and location of the activity, names of participants or contributors, purpose of the activity, and a summary of accomplishments of the activity (public comments, questions, suggestions, and decisions or agreements). Include hearing transcripts and tapes.

(6) Any draft of a work product or other document if it is clear that 1) the draft was used in the planning/decisionmaking process (Example: an unsigned draft wilderness plan which was used for its technical content) or 2) the draft was circulated externally for comment (Example: drafts provided to State agencies or interest groups for comment).

(7) All transmittal memorandums or letters enclosing or documenting circulation of any of the above products.

(8) All decision documents and any accompanying news release, circulation or mailing lists, or other attachments, summaries, and so forth.

(9) Published final and draft Environmental Impact Statements (EIS), Record of Decision (ROD), Environmental Assessments (EA), Decision Notice (DN), Decision Memo (DM), and any maps, charts, summaries, and so forth, made publicly available with these documents.

(10) Documents referenced (including other NEPA documents or decisions) in a draft, supplemental or final EIS, ROD, EA, DN, or DM. If the references are lengthy, include a copy of the cover and the specific chapter, section, or page referenced along with identifying information including the author, title, and date. Documents which are not readily available should be included in their entirety.

if you can get it to OGC in 2 days.

(11) All completed work products, which may or may not be marked as final, including IDT, specialist or resource reports, studies, inventories, or study plans prepared by the Forest Service or other entities.

(12) Electronic data frozen at a date specified, such as the date of use in the decision or the date of the decision. Include electronically generated data in the planning record either as hard copy or on electronic storage media such as disks to tapes suitable for producing a hard copy on demand.

(13) Forms indicating the location and physical description (dimensions, number of pages, color, edition, and so forth) of any document not physically included in the planning record due to size, bulk, volume, or availability and examples of such documents if available.

(14) Both formal and informal selection criteria for determining membership on the interdisciplinary planning team.

(15) Each IDT team member's specific qualifications including expertise, years of experience and education, and the specific contribution the team member makes to the development of the guide or plan. Document when IDT members join and leave the team.

(16) Minutes of interdisciplinary team meetings, management team meetings, or other staff meetings including the date, all participants or contributors, their titles and/or positions, and a summary of major happenings such as accomplishments, agreements, and decisions.

(17) Documentation of all coordination activities with adjacent Regions and National Forests including the date, major participants or contributors, their titles and/or positions, and a summary of major happenings such as accomplishments, agreements, and decisions.

(18) Records of each meeting or activity involving external coordination, including other Federal, State, county, local governments, Indian tribes and special interest groups including the type, date, location of the activity, all participants or contributors, purpose of the activity, summary of accomplishments, including information exchanged, comments, questions, suggestions received, and decisions or agreements.

(19) A dated copy of all agreements with Indian Tribes and State or other Federal agencies.

(20) Final computer runs used in the analysis. (See (12) on page 3)

c. *Documents Not Included in the Planning Record*. The documents listed below are part of the work process and may have some value as background or historical information. These work documents should either be destroyed or be clearly disassociated from the formal Planning Record.

The Planning Record should not include:

(1) Drafts of any document, except as specified above.

(2) Informal, preliminary internal deliberations, such as comments on internal drafts, informal notes of internal IDT meetings, and so forth.

(3) Other notes for which there is no documentation of circulation or adoption as final recommendations, direction, inventory, or analysis.

(4) Preliminary computer runs which were not used in the final decisionmaking process.

(5) Personnel documents, other than IDT team selection records, and fiscal documents.

d. *Organization and Structure*. Establish the organizational structure for the planning record, put it in writing, and then follow it, modifying where necessary. Organize documents in chronological order within each subdivision. Designate one person responsible for compiling, maintaining, and indexing the planning record.

The size of the planning record will determine the most efficient organization.

(1) *Small Planning Records*. Decision Memo project files, most EAs, and some EISs result in planning records which contain less than 100 documents. Organize and file documents in small planning records chronologically and/or subdivide by document source. Index each subdivision so that the organization and content is obvious at a glance. Example of subdivisions for a small planning record:

(a) Public Participation/Response to Scoping
(b) Forest Service authors
(c) Other agency authors
(d) Laws and Regulations
(e) Correspondence from the proponent
(f) References

(2) *Large Planning Records*. Some EAs and most EISs result in planning records which contain more than 100 documents. The Planning Record index should be self-explanatory and clearly show the hierarchy of subdivisions.

For large planning records, standardized indexing facilitates processing of appeals and litigation, and promotes use during project implementation.

An index structure may be based on subject matter, process, or a combination of both, and time. Each structure has advantages and disadvantages depending on the expertise and information needs of the user. An index subdivided primarily by subject matter facilitates filing and retrieval of documents for a single resource or topic but does not reflect the location of the document within the NEPA process. An index subdivided

primarily according to the NEPA process distributes specific resource information at various places in the record and is somewhat more difficult to use for persons not familiar with NEPA.

The most efficient and usable index structure for implementation, appeal, and litigation appears to be an index based on process, subdivided into subject matter, and organized chronologically.

The subject index format seems to be the most useful for appeals and litigation. It is also easy to use by persons not involved in the original planning process or familiar with the NEPA process. See Exhibit 1.

The process index format uses the table of contents of the NEPA document to form the main headings and subtitles. This format does not lend itself to easy retrieval of specific documents by agency/author or tracking a specific issue during project implementation. Many documents will logically fit in several subtitles. The location of documents is not obvious to persons not involved with the original planning process. See Exhibit 2.

Another type of subject index format is based on the Forest Service file designation system. This format facilitates the filing and retrieval of documents by subject, but not by agency/author. Documents covering several subjects may be difficult to locate unless copies are filed under dual designations. See Exhibit 3.

EXHIBIT 1

Example of 1989-94 KPC EIS Subject Format Index

1. General
   a. Study Plan 5/85
   b. Notice of Intent 12/85
   c. Newsclips, etc.
   d. Mailing Lists

2. IDT Activity
   a. IDT meeting notes
   b. Fisheries & Wildlife
      1. Endangered Species
      2. Deer
      3. Fisheries
   c. Subsistence
      1. Hanlon vs. Barton
      2. Related NEPA documents
   d. Log Transfer Facilities
      1. LTF Guidelines
      2. Field Investigations
      3. LTF Criteria for Design

3. Scoping
   a. Polk Inlet MAA 1/86
      1. IDT Letter and Study Plan
      2. Public participation
   b. Subsistence Inventory 3/86
      1. Questionnaire/Interviews 4/86
      2. Public participation
   c. Initial Scoping Package
      1. Invitation to Participate
      2. Public Participation Record
   d. Mt. Calder Deferral Area

4. Public Involvement
   a. Alternatives/Issues/Concerns
      1. Invitation to Participate
      2. Public Participation Records
   b. DEIS 9/88
      1. Invitation to Comment
      2. Meetings and Notices
      3. Comments and Responses
         a. Internal
         b. State of Alaska
         c. Other Federal
         d. Public
   c. Subsistence Hearings
      1. Notices and Schedules
      2. Public Participation

3. Hearing Transcripts

5. FEIS and ROD 5/89-6/89
   a. FEIS 5/89
   b. ROD 6/89

6. References (By author)

7. Maps, Inventories, Spreadsheets

8. Computer File Runs

EXHIBIT 2

Example of TLMP Administrative Record Process Index Format

A. Purpose and Need for Action

B. Alternatives Including the Proposed Action
   1. Alternative A
   2. Alternative B

C. Affected Environment
   1. Inventory Task Forces
      a. Landtype/Timber Task Force
      b. Recreation/Wilderness Task Force
         1. Visuals
         2. Recreation

D. Environmental Consequences
   1. Alternative A
      a. Timber
      b. Recreation
   2. Alternative B
      a. Timber
      b. Recreation

E. List of Preparers

F. Organizations and Persons to Whom Copies of EIS Were Sent

G. Public Comments and Forest Service Responses

H. Literature Cited

EXHIBIT 3

Example of 1981-86/1986-90 APC SEIS File Designation Index Format

TITLE A. REGIONAL OFFICE DOCUMENTS

1. Folder 1620: Public Involvement Programs
2. Folder 1950: Environmental Policy & Procedures
3. Folder 2400: Timber Management

TITLE B. STIKINE AREA DOCUMENTS

1. Folder 1620: Public Involvement Programs
2. Folder 1950: Environmental Policy & Procedures
3. Folder 2400: Timber Management

TITLE C. CHATHAM AREA DOCUMENTS

1. Folder 1620: Public Involvement Programs
2. Folder 1950: Environmental Policy & Procedures
3. Folder 2400: Timber Management

LITIGATION AND DOCUMENTATION

- Short time frames involved with litigation necessitate a systematically organized, readily accessible record.

- The scope of litigation is usually limited to the administrative record, so the record must be complete.

SUMMARY

- Types of documentation files:
  - project/planning record
  - appeal record
  - certified administrative record
- Contents of records
- Good organization