



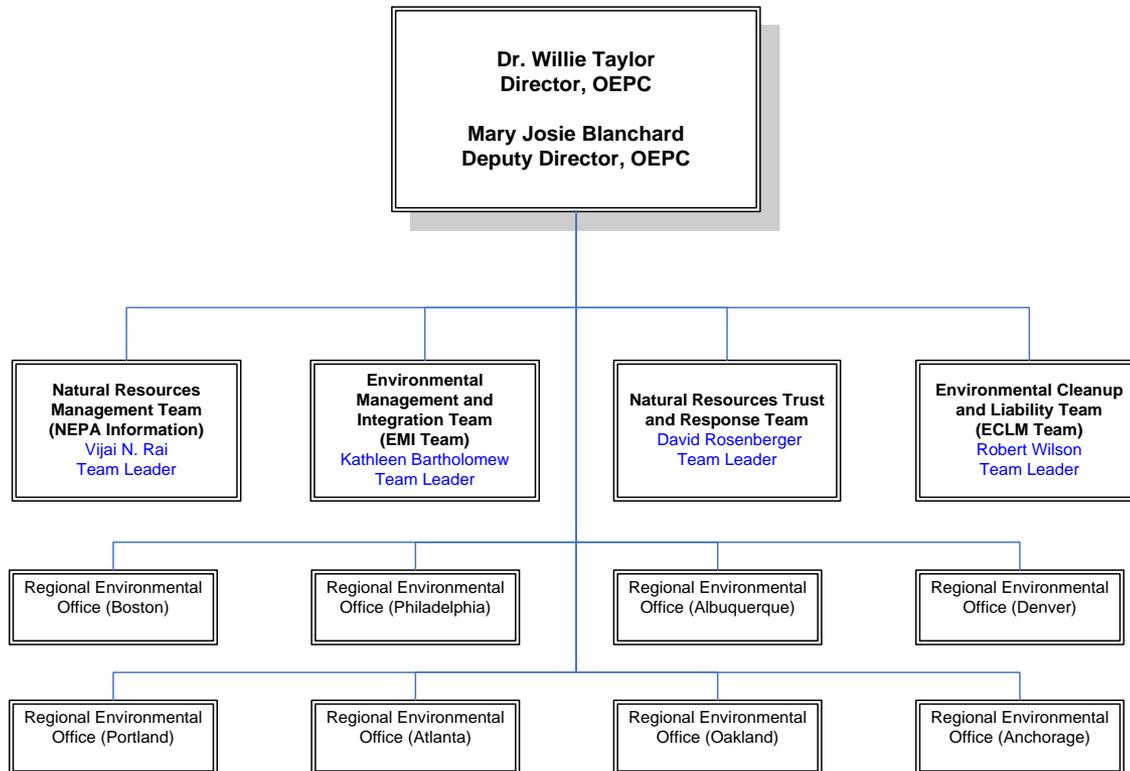
U.S. Department of the Interior

OFFICE OF THE SECRETARY

Office of Environmental Policy and Compliance (OEPC)

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969

ORGANIZATIONAL STRUCTURE



AGENDA

- Introduction
- Roles and Responsibilities
- 43 CFR Part 46 – Key Concepts
- Next Steps

DEPARTMENTAL NEPA GUIDING PRINCIPLES

- THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969
- COUNCIL ON ENVIRONMENTAL QUALITY (CEQ) REGULATIONS (40 CFR PARTS 1500-1508)
- DEPARTMENT OF THE INTERIOR IMPLEMENTATION OF NEPA (43 CFR PART 46) - **NEW**
- EXECUTIVE ORDERS
- DEPARTMENTAL MANUAL, PART 516, CHAPTERS 1-7 and 8-15; SERIES: ENVIRONMENTAL QUALITY- Currently Under Revision
- ENVIRONMENTAL STATEMENT MEMORANDA (ESM) -Currently Under Revision
- ENVIRONMENTAL COMPLIANCE MEMORANDA (ECM) - Currently Under Revision
- ENVIRONMENTAL REVIEW MEMORANDA (ERM)

ROLES AND RESPONSIBILITIES

NATURAL RESOURCES MANAGEMENT (NRM) TEAM

- COMPLIANCE
- IMPLEMENTATION

COMPLIANCE - EXTERNAL

- ENVIRONMENTAL REVIEWS
- 516 DM 7 (New DM 4 – IN THE APPROVAL PROCESS)
- ENVIRONMENTAL REVIEW MEMORANDUMs (ERMs)

COMPLIANCE - INTERNAL

- ENVIRONMENTAL DOCUMENTS (DEIS/FEIS)
- APPROVAL PROCESS
- 516 DM 1-6 (NEW DM 1-3, IN THE APPROVAL PROCESS)
- ENVIRONMENTAL STATEMENT MEMORANDA (ESM)
- ENVIRONMENTAL COMPLIANCE MEMORANDA (ECM)

IMPLEMENTAION

- 43 CFR PART 46 - **NEW**
- DEPARTMENTAL MANUAL (DM) CHAPTERS 1-6 and 8-15;
SERIES: ENVIRONMENTAL QUALITY
- ENVIRONMENTAL STATEMENT MEMORANDA (ESMs)
- ENVIRONMENTAL COMPLIANCE MEMORANDA (ECMs)

Why A Regulation vs. DM?

- Greater Deference From Courts
- Promote Greater Transparency in NEPA Process/ Environmental Analysis
- Enhanced Cooperative Conservation
- More Visibility
- Codifies Previous Management Techniques and Reform Efforts

Background

- 2002 - NEPA Working Group Listening Sessions
- 2003 - Five New ESMs (Directives to Bureaus)
- 2004 - Revised DM Chapters (NEPA Best Practices)
- 2005 – Revised 516 DM 2; Federal NEPA Working Group Recommendations to CEQ
- 2006 – Next Steps and Decision to Convert NEPA Procedures from Guidance to Regulations
- 2008 – Final Rule Issued

KEY CONCEPTS INCORPORATED IN THE FINAL RULE

- Address “Reasonably Foreseeable Future Actions”
- Consideration of Past Actions
- When to Apply Section 102(2)(C) - CEQ Guidance in One Place
- Flexibility for Emergencies for Quick Action
- Clarify Requirements for Public Involvement in an EA and EIS
- Allow Adaptive Management Alternatives in an EA and EIS
- Revises the Requirements for an EA
- Reform Efforts (Adaptive Management and Consensus-Based Management)

Reasonably Foreseeable Future Actions - 46.30

- “Include those Federal and non-Federal activities not yet undertaken, but sufficiently likely to occur...”
- Do not include those actions that are highly speculative or indefinite

Consideration of Past Actions – 46.115

- Cumulative Effects Analysis
- 40 CFR 1508.7

When to Apply Section 102(2)(C) – 46.100

- Clarifies which actions are subject to NEPA section 102(2) by locating all relevant CEQ guidance in one place, along with supplementary Department procedures.

Flexibility for Emergencies for Quick Action – 46.150

- Establishes the Department's documentation requirements for urgently needed emergency responses.

Clarify Requirements for Public Involvement in an EA – 46.305

- Clarifies that the Department has discretion to determine, on a case-by-case basis, how to involve the public in the preparation of Environmental Assessments (EAs).

Allow Adaptive Management Alternatives in an EA and EIS

- 46.145

- Highlights that adaptive management strategies may be incorporated into alternatives, including the proposed action.

Removes the Requirement for Alternatives for an EA - 46.310

- Eliminates the requirement for multiple alternatives in an EA.

ADAPTIVE MANAGEMENT – 46.145

- TRANSFORMS THE NEPA PROCESS FROM A FOCUS ON PROCEDURE TO AN EMPHASIS ON OUTCOME.
- OPENS A DOOR TO MORE PUBLIC PARTICIPATION
- PROVIDES A ROLE FOR NON-FEDERAL PLAYERS
- RESPONDS TO UNCERTAINTY
- ESTABLISHES PARAMETERS AND MONITORING

CONSENSUS-BASED MANAGEMENT – 46.110

- PROVIDES FOR PUBLIC PARTICIPATION AND INPUT INTO THE NEPA PROCESS
- EXTENDS THE NEPA PROCESS TO FULL INTEGRATED PUBLIC PARTICIPATION
- INCREASES COMMUNITY INVOLVEMENT

CONSENSUS-BASED MANAGEMENT LIMITATIONS

- NOT MEANT TO FORCE RESOURCE MANAGERS TO FORGE A CONSENSUS
- A TOOL TO BE USED AS APPROPRIATE
- CAN NOT VIOLATE LAW OR POLICY

FINAL RULE

- The final rule was published in the Federal Register, October 15, 2008.



Federal Register

Wednesday,
October 15, 2008

Part IV

**Department of the
Interior**

Office of the Secretary

43 CFR Part 46
Implementation of the National
Environmental Policy Act (NEPA) of 1969;
Final Rule

http://www.access.gpo.gov/su_docs/fedreg/a081015c.html

What's Next For The Department?

- Revision of the Department's Existing DM Chapters
- Revision of the Department's Existing Policy Memoranda (ESMs and ECMs)

DEPARTMENT OF THE INTERIOR DM REVISION

516 DM Chapters 1 – 7



Electronic Library of Interior Policies

<http://elips.doi.gov>

What's Next for the Bureaus?

- Revision of DM Chapters (516 DM 8-15)
- Revision of Handbooks
- Revision of Other Bureau Specific Internal Guidance
- On-the-ground implementation of techniques such as adaptive management, and
- Incorporate the new regulatory requirements into bureau training curriculums.

WEB SITES

DOI Office of Environmental Policy and Compliance:

<http://www.doi.gov/oepc/>

DOI OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE
(Natural Resources Management Team):

<http://www.doi.gov/oepc/nrm.html>

DOI ELECTRONIC LIBRARY

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Office of ENVIRONMENTAL POLICY & COMPLIANCE

THANK YOU

QUESTIONS AND COMMENTS