

BACKGROUND

The Department of the Interior is placing its National Environmental Policy Act (NEPA) implementing procedures into the Code of Federal Regulations (CFR). The publication of the final rule concludes a lengthy process of improving the Department's procedures for complying with NEPA. The final rule was published in the [Federal Register on October 15, 2008](#). The proposed rule was published on [January 2, 2008](#), with a 60-day public comment period that ended March 3, 2008. The Department received 100 comments in the form of letters, e-mails, and faxes. Fifty were detailed; all others were variations of a single form letter addressing one or more of three issues which were covered in the other 50 comments. Changes were made to the final rule based in large part in response to the comments.

By converting the NEPA procedures from the Departmental Manual (DM) at 516 DM, Chapters 1-6, into the CFR, the Department joins the majority of other Federal agencies that have their NEPA procedures located in the CFR. This move ensures that the Department's NEPA procedures are part of the Federal Government's official agency policy regulations. The final rule is expected to result in more effective NEPA decision making and documentation. It incorporates the Department's current practices of open and transparent public involvement, adaptive management practices and cooperative conservation efforts. The NEPA procedures emphasize placing public and other stakeholder interests "at the table" from the beginning and throughout project planning, while encouraging the management of natural, cultural, and historic resources in a manner that provides for continued learning and adaptation to new information. The Department is also replacing the NEPA procedures at 516 DM, Chapters 1-6, not otherwise covered in the new regulation, with any residual explanatory guidance on the regulations as new 516 DM, Chapters 1-3.

BENEFITS RESULTING FROM ADOPTION OF THE FINAL PROCEDURES:

The final procedures:

- Help field units conduct NEPA analyses and documentation more efficiently by encouraging public participation, early involvement with cooperating agencies and interested parties, transparent cooperative conservation initiatives, and formulation of adaptive management proposals and alternatives.
- Align the environmental analysis process with current decision making practices. It codifies in regulation that which we are already doing.
- Allow alternatives to be developed, analyzed, and documented throughout the environmental analysis process.
- Summarize the CEQ regulations and guidance relevant to the Department of the Interior in one place.
- Recognize that sometimes the Department needs to respond immediately to emergencies and ensure that line officers know what is required when there is not enough time for normal NEPA processes.
- Incorporate CEQ guidance on cumulative effects analysis by clarifying those past actions that are "relevant and useful" to illuminate or predict the cumulative effects of proposed actions.

- Clarify that alternatives, including the proposed action, may include and encompass adaptive management strategies.
- Incorporate CEQ guidance that allows analysis of only one alternative in situations where there are no unresolved conflicts about alternative uses of available resources.