United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

APR 2 3 2010

PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 10-16

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director
Office of Environmental Policy and Compliance

Subject: Guidance for Preparing a Decision Memorandum When Using the Department's Categorical Exclusions for Fuels Treatment or Rehabilitation

The requirements in this Environmental Statement Memorandum (ESM) are being issued under the authority provided to the Office of Environmental Policy and Compliance (OEPC) by 381 Departmental Manual (DM) 4.5B, to convey instructions and guidance through its Environmental Memoranda Series, and by 516 DM 3.2, which authorizes OEPC to provide advice and assistance to the Department on matters pertaining to environmental quality and for overseeing and coordinating the Department's compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations, and 516 DM 1.21, which authorizes OEPC to provide further guidance concerning NEPA.

This memorandum supplements 43 CFR 46.210 for categorical exclusions (k) and (l) only. These categorical exclusions concern hazardous fuels reduction and fire rehabilitation activities. These categorical exclusions were published in the Federal Register on October 15, 2008 and June 5, 2003, respectively (see: 73 FR 61291-61323, and 68 FR 33813-33824).

When applying these categorical exclusions, bureau and office field managers must prepare a decision memorandum containing the elements of the attached template to support the use of these categorical exclusions. Bureau or office checklists or other existing documentation may be used in conjunction with this template. Also, existing bureau or office documentation may be used as a basis to create new bureau or office guidance to implement this Departmental guidance. However, any changes from the attached template must be approved by this office.

This memorandum replaces ESM 03-2.

Attachment

Template for Use in Preparing a Decision Memorandum to Support Application of Departmental Categorical Exclusions, 43 CFR 46.210

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Decision Memorandum on Action and for Application of:

Categorical Exclusion k (or l or both)

Project Name

U.S. Department of the Interior
Bureau or Office Name
Bureau Field Station (State Office, Regional Office, etc.)
County, State

Purpose and Need for the Action

[Provide a description of the purpose and need and provide any pertinent facts such as: applicable legal land description, statutory citations, and other agency involvements.]

Plan Conformance

[State that the Proposed Action is consistent with any land and resource management plans as required by appropriate Federal, State, or local statutes having a bearing on the decision.] [State that the Proposed Action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.] [insert findings for other applicable laws.]

Compliance with the National Environmental Policy Act

[State that the Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210 (k), or (l) or both).] [insert reasons.]

[State that the application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment.] [Clearly state that none of the exceptions apply. If any apply, then the categorical exclusions cannot be utilized.] [State that these extraordinary circumstances are contained in 43 CFR 46.215.]

I considered [insert any pertinent situations that were brought up during the design of the activities and explain why there is no potential for significant effects].

Persons and Agencies Consulted

[Explain how the public was made aware of this proposed activity. Describe people and agencies consulted regarding the development of the action and steps taken based on this consultation.]

Decision and Rationale on Action

I have decided to implement [insert description of actions, including mitigation measures and reference any maps and drawings]. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation Date

This project will be implemented on or after [insert implementation date and identify any conditions related to implementation].

_____ _____

[Insert Responsible Official's name] Date

[Insert Responsible Official's title]

Administrative Review or Appeal Opportunities

[State whether the decision is or is not subject to administrative appeal. If it is subject to appeal, provide the citation of the appeal rules and provide appeal information.]

Contact Person

For additional information concerning this decision, contact [Insert contact name, title, Office Name, Mailing Address, and phone number].

Notes:

1. This attachment may be updated as necessary without revising the entire ESM.
2. This attachment is dated: March 25, 2010.