



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

APR 23 2010

PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 10-4

To: Heads of Bureaus and Offices

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

Subject: Council on Environmental Quality Guidance on Various Issues under the
National Environmental Policy Act

This memorandum supplements 43 CFR 46.220-240 and 516 DM 1.10 and 1.11.

Over the years the Council on Environmental Quality (CEQ) has issued various guidance letters and memoranda on environmental topics concerning how they should be handled under agency National Environmental Policy Act (NEPA) analysis and containing other important information and instructions. These guidance documents are listed in an attachment to this memo with links to CEQ's NEPANet web site, <http://ceq.hss.doe.gov/nepa/nepanet.htm>. Bureaus and offices are urged to familiarize themselves with this web site and its documents, and apply them as appropriate in the preparation of the Department's environmental compliance documents.

This list is not expected to be updated often; but, when it is, OEPC will issue a new attachment. OEPC would appreciate being informed of any changes to this list which may be known to bureaus and offices.

This memorandum replaces ESM 04-4.

Attachment

ATTACHMENT TO ESM 10-4

- Environmental Review Pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974 and its Relationship to NEPA, November 19, 1976.
<http://ceq.hss.doe.gov/nepa/regs/sdwa.html>
- CEQ Memorandum for Heads of Agencies: Implementation of Executive Order 11988 on Floodplain Management and Executive Order 11990 on Protection of Wetlands, March 21, 1978. <http://ceq.hss.doe.gov/nepa/regs/exec32178.html>
- Environmental Effects Abroad of Major Federal Actions, Executive Order 12114; Implementing and Explanatory Documents, March 21, 1979.
<http://ceq.hss.doe.gov/nepa/regs/guidance.html>
- CEQ Memorandum for NEPA Liaisons: Agency Implementing Procedures Under CEQ's NEPA Regulations, January 19, 1979.
<http://ceq.hss.doe.gov/nepa/regs/exec11979.html>
- Memorandum for the Heads of Departments and Agencies: Wild and Scenic Rivers and National Trails, August 2, 1979. <http://ceq.hss.doe.gov/nepa/regs/scenicrivers.html>
- Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory, August 10, 1980.
<http://ceq.hss.doe.gov/nepa/regs/guidance.html>
- Memorandum for Heads of Agencies: Prime and Unique Agricultural Lands and NEPA, August 11, 1980. <http://ceq.hss.doe.gov/nepa/regs/exec81180.html>
- Guidance on Applying Section 404(r) of the Clean Water Act to Federal Projects Which Involve the Discharge of Dredged or Fill Materials into Waters of the U.S. Including Wetlands, November 17, 1980. <http://ceq.hss.doe.gov/nepa/regs/guidance.html>
- Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981.
<http://ceq.hss.doe.gov/nepa/regs/40/40P1.htm>
- Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping, April 30, 1981. <http://ceq.hss.doe.gov/nepa/regs/scope/scoping.htm>
- Council on Environmental Quality Guidance Regarding NEPA Regulations, 1983.
<http://ceq.hss.doe.gov/nepa/regs/1983/1983guid.htm>
- Memorandum to Heads of Federal Departments and Agencies Regarding Pollution Prevention and the National Environmental Policy Act, January 12, 1983.
<http://ceq.hss.doe.gov/nepa/regs/poll/ppguidnc.htm>
- Council on Environmental Quality Guidance on NEPA Analyses for Transboundary Impacts, July 1, 1997. <http://ceq.hss.doe.gov/nepa/regs/transguide.html>
- Environmental Justice: Guidance Under the National Environmental Policy Act, December 10, 1997. <http://ceq.hss.doe.gov/nepa/regs/guidance.html>
- CEQ Memorandum for Heads of Federal Agencies: Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of NEPA, July 28, 1999. <http://ceq.hss.doe.gov/nepa/regs/guidance.html>
- CEQ Memorandum for Deputy/Assistant Heads of Federal Agencies: Identifying Non-

Federal Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, September 25, 2000.

<http://ceq.hss.doe.gov/nepa/regs/000925letter.html>

- CEQ Memorandum for Heads of Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, January 30, 2002.
<http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.htm>
 - [CEQ Memorandum to Secretary of Agriculture and Secretary of Interior: Guidance for Environmental Assessments of Forest Health Projects](#), 9 December 2002.
http://ceq.hss.doe.gov/nepa/regs/guidance_for_environmental_assessments.pdf
 - CEQ Memorandum to Heads of Federal Agencies: Reporting Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, December 23, 2004. <http://nepa.gov/nepa/regs/connaughton.pdf>
 - CEQ Memorandum for Heads of Agencies: Guidance on the Consideration of Past Actions in Cumulative Effects Analysis, June 24, 2005.
<http://ceq.hss.doe.gov/nepa/regs/guidance.html>
 - Memorandum for Federal NEPA Contacts: Emergency Actions and NEPA, September 8, 2005. http://nepa.gov/nepa/regs/Memo_to_NEPA_Contacts_September_8_05.pdf
 - CEQ & OMB Memorandum on Environmental Conflict Resolution, November 28, 2005.
http://nepa.gov/nepa/regs/OMB_CEQ_Joint_Statement.pdf
 - CEQ, OSTP, OMB Memo on National Environmental Status and Trends Indicators, June 2008. http://nepa.gov/nepa/regs/CEQ_OSTP_OMB_NEST_IndicatorsLetter.pdf
 - Memorandum for Heads of Departments and Federal Agencies: Department and Agency NEPA Contacts and Capacity, February 12, 2009.
http://nepa.gov/nepa/regs/NEPA_Capacity_Stimulus_Meeting_Invitation.pdf
 - [Memorandum for Heads of Departments and Federal Agencies Reporting on NEPA Status for Activities and Projects Receiving American Recovery and Reinvestment Act Funding](#), November 20, 2009.
http://ceq.hss.doe.gov/nepa/regs/ARRA_NEPA_Reporting_Memo_11202009_Final.pdf
 - Memorandum for Heads of Departments and Federal Agencies: Reporting NEPA Status and Progress for Recovery Act Activities and Projects, April 3, 2009.
http://nepa.gov/nepa/regs/Recovery_Act_and_NEPA_040309.pdf
-

Notes:

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