

PEP - ENVIRONMENTAL REVIEW MEMORANDUM NO. ERM 10-10

To: Heads of Bureaus and Offices

From: Michaela E. Noble, Director
Office of Environmental Policy and Compliance

Subject: Improving Environmental Review Assignment Comments

PURPOSE

The purpose of this environmental review memorandum (ERM) is to provide guidance to bureaus and offices to improve comment memos and corresponding letters on Environmental Review Assignments (pursuant to 112 DM 4 and 516 DM 4) by ensuring they are concise, effective, and easily understood by recipients while meeting statutory, regulatory, and policy requirements.

BACKGROUND

The Office of Environmental Policy and Compliance (OEPC) provides oversight, guidance, and process management for the Department's review of environmental documents under 516 DM 4, including external agency Environmental Impact Statements under the National Environmental Policy Act and the hydroelectric and natural gas pipeline licensing programs and associated environmental documents of the Federal Energy Regulatory Commission (FERC). The OEPC has found that review comments from Bureaus have become, at times, lengthy with memos containing numerous pages of duplicative, unnecessary, or technical information that can obscure the conveyance of the intended message. The memos often lack clear organization, are repetitive, address unnecessary concerns, and use ineffective language. This ERM provides guidance to Bureaus and offices on reviewing and preparing comments for these Environmental Review Assignments (see related ERM 10-1).

COMMENT GUIDANCE

Comments should be pertinent, relevant, address Departmental authorities, and note specific concerns and recommendations. This includes comments associated with impacts, methodologies, studies, and research that are useful to a lead agency in addressing the comment. Comments should not be a general statement of beliefs, ideas, or potential considerations with no specific request to be addressed. Comments should include appropriate management level review to ensure they are within the statutory authorities and special expertise of the bureau or office. Following are six guidelines to assist Bureaus and offices in preparing Environmental Review Assignment comment memos that meet this guidance:

1. Concise and Non-Duplicative

Bureaus and offices should keep their submissions succinct. The comments should contain a summary of the main concerns on the first page, followed by general and then specific substantive comments. Comments should be in sentence format and provided electronically in a Word document. If grammatical or formatting changes are included, then they should be mentioned at the end of the comments, and included in an attachment. References, surveys, or detailed scientific data should be provided as attachments. Previously submitted information should only be referenced, not repeated, and only if the information or issue remains unaddressed. In the memo, bureaus and offices should explain how the incorporated information or analyses are relevant to the issues in the document under review and summarize the basis provided in those materials that support conclusions in the memo. For example, a list of relevant studies and technical analyses with web links used to support the comments, preliminary conditions, or fishway prescriptions, are best summarized in a few sentences in the letter with a reference to the attachment(s). The referenced material should be readily available by including it in an attachment or providing a web link for internet access, such as using the FERC e-Library web link, rather than including large portions of the text.

2. Appropriate Content

Comments should include an analysis of information pertinent to the proposal and how the action will impact Bureau or office jurisdictional responsibilities. They should also include related recommendations on implementation and any proposed mitigation. Bureaus and offices should include new information or circumstances relevant to their environmental concerns and its bearing on the proposal in the comment.

3. Use Plain Language

Bureaus and offices should write comments in plain language and follow a clear format, emphasizing important impact analyses and relevant information necessary for evaluating the proposal, rather than providing extensive background material or stating general concerns. Use of clear, specific language will ensure that the substance of the bureaus' or offices' comment is understood, avoiding unnecessary confusion or follow-up by the recipient to assist them in addressing the concern.

4. Address Interior Authorities

Bureaus and offices should conduct reviews and prepare comments based upon their areas of jurisdiction or special expertise, and not indulge in comments that stray from that jurisdiction or expertise, and provide comments in proportion to the scope and scale of the proposal. Comments should also avoid the lengthy explanation of the lead agency's authority in the proposal or process.

5. Reflect Departmental Coordination

The OEPC will work with Bureaus and offices to ensure that the Department does not transmit overlapping, unnecessarily complex, or potentially contradictory comments to external parties. Bureaus and offices will coordinate with OEPC during comment consolidation.

6. Within Page Limit

The Department's review and comment letter, excluding attachments, should not exceed 20 pages. If the Department's review and comment letter exceeds 20 pages, it will be reviewed by OEPC headquarters, before it is transmitted. Bureaus and offices should keep this in mind as they prepare their comments. The page limit further reinforces the need for concise and meaningful comments from Bureaus and offices.

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Reports/9040.1b/ERM/New ERMs/ERM 10-10
Concise_ER_Comment_inc_field_comment_Draft_new 4.27.2018