United States Department of the Interior

Office of the Secretary
Washington, D.C. 20240

JAN - 5 2016

PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 16-1

To: Heads of Bureaus and Offices

From: Mary Josie Blanchard, Acting Director
Office of Environmental Policy and Compliance

Subject: Memoranda in Effect

1. Environmental Statement Memoranda (ESMs) provide complementary information and guidance to bureaus and offices of the Department to ensure compliance with the National Environmental Policy Act of 1969 (NEPA), as amended. The NEPA compliance follows the order of precedence below:

a. Council on Environmental Quality regulations at 40 CFR 1500 *et seq*,
b. Department of the Interior regulations at 43 CFR Part 46,
c. Department of the Interior policy at 516 DM,
d. Department of the Interior guidance provided in ESMs.

2. This office issues ESMs as they relate to the general environmental compliance responsibilities of the Department (381 DM 4.5B).

3. The memoranda in this series, listed in the attachment are current and in effect. ESMs will be updated as appropriate; current ESMs will be maintained and made available at http://www.doi.gov/oepc/resources/environmental-memoranda-series.

4. This memorandum replaces ESM 15-1.

Attachments

cc: DAS/P&IA

CURRENT ENVIRONMENTAL STATEMENT MEMORANDA IN EFFECT

ESM 16-1	Memoranda in Effect
ESM 15-2	Approving and Filing Environmental Impact Statements (formerly ESM 13-2)
ESM 13-3	National Environmental Policy Act (NEPA) Compliance in Emergency Situations (combined from former ESM 10-2 and ESM 10-11)
ESM 13-4	Use of Departmental Categorical Exclusion for Policies, Directives, Regulations, and Guidelines (formerly ESM 11-4)
ESM 13-5	Review and Approval of Bureau and Office National Environmental Policy Act (NEPA) Departmental Manual Chapters, Categorical Exclusions, Handbooks, and Other Guidance (formerly ESM 10-9)
ESM 13-6	State and Local Agency Review of Environmental Statements (formerly ESM 10-14)
ESM 13-7	Publication and Distribution of Department of the Interior National Environmental Policy Act Compliance Documents via Electronic Methods (formerly ESM 10-15)
ESM 13-8	Preparing a Decision Memorandum When Using the Department's Categorical Exclusions for Fuels Treatment or Rehabilitation (formerly ESM 10-16)
ESM 13-9	Implementing Public Participation and Community-Based Training (formerly ESM 10-18)
ESM 13-10	Implementing Integrated Analyses in National Environmental Policy Act (NEPA) Process (formerly ESM 10-19)
ESM 13-11	Coordinating Adaptive Management and National Environmental Policy Act Processes (formerly ESM 10-20)
ESM 13-12	Incorporating Consensus-Based Management in Agency Planning and Operations (formerly ESM 10-21)
ESM 13-13	Standard Checklist for Use in Preparing National Environmental Policy Act (NEPA) Documents and for Complying with NEPA, Council on Environmental Quality, and Departmental Procedures (formerly ESM 10-22)

ENVIRONMENTAL STATEMENT MEMORANDA REVISIONS

Previous Memoranda		Disposition	NEW ESM
15-1	Memoranda in Effect	**Updated**	16-1
13-2	Procedures for Approving and Filing Environmental Impact Statements	**Revised** *Reflects additional language about issuing NOIs; clarified timing of non-delegated EIS notification; editorial revisions.*	15-2
11-3	Procedures for Intra-Departmental Review of National Environmental Policy Act Compliance Documents Prepared by Bureaus and Offices	**Removed** *Procedures are in 43 CFR 46.155 and guidance is in ESM 15-2.*	
11-4	Guidance for Use of Departmental Categorical Exclusion for Policies, Directives, Regulations, and Guidelines	**Editorial revisions** *Moved reference to DM authority to footnote and added qualifier about not creating any right or benefit.*	13-4
10-2	Guidance for Preparing a Decision Memorandum when Performing Emergency Stabilization following Wildland Fires	**Combined with ESM 10-11 into new ESM 13-3**	13-3
10-3	Numbers of Review Copies of Environmental Statements Required by Other Federal, State, and Local Agencies	**Removed** *List now provided on NRM website.*	
10-4	CEQ Guidance on Various Issues under the National Environmental Policy Act	**Removed** *Link to CEQ guidance is now provided on NRM website.*	
10-5	Federal and Federal-State Agency NEPA Contacts	**Removed** *Link to CEQ list of NEPA contacts is now provided on NRM website.*	
10-6	Federal and Federal-State Agencies with Jurisdiction by Law or Special Expertise on Environmental Quality Issues	**Removed** *The NRM website includes a link to the CEQ regs. and appendices, of which this is a part. Note: CEQ has not updated this information in 28 years.*	
10-7	Federal and Federal-State Offices for Receiving and Commenting on Other Agencies' Environmental Documents	**Removed** *The NRM website includes a link to the CEQ regs. and appendices, of which this is a part. Note: CEQ has not updated this information in 28 years.*	
10-8	Other Environmental Review and Consultation Requirements	**Removed** *This was not a comprehensive list and cannot be considered authoritative.*	
10-9	Procedures for Review and Approval of Bureau and Office NEPA Chapters, Categorical Exclusions, Handbooks, and Other Procedures	**Editorial Revisions** *Clarifies OEPC, CEQ, and public review of procedures and guidance.*	13-5

Previous Memoranda		Disposition	NEW ESM
10-10	Filing Guidance for Environmental Impact Statements	**Removed** *Link to EPA guidance is now on NRM website and in ESM 11-2.*	
10-11	NEPA Compliance in Emergency Situations	**Combined with ESM 10-2 into new ESM 13-3**	13-3
10-14	State and Local Agency Review of Environmental Statements	**Revised** *Clarifies that focus is specific to EISs for proposed Federal financial assistance and direct Federal development pursuant to the underlying E.O.*	13-6
10-15	Publication and Distribution of Department of the Interior National Environmental Policy Act Compliance Documents via Electronic Methods	**Revised** *Guidance for filing documents with EPA removed (link to EPA filing guidance is on NRM Team website). Text edited to make guidance more concise.*	13-7
10-16	Guidance for Preparing a Decision Memorandum When Using the Department's Categorical Exclusions for Fuels Treatment or Rehabilitation	**Revised** *Qualifier added to reflect that ESM does not supersede bureau guidance on the use of Category (k). Added link to electronic decision memo template.*	13-8
10-17	Procedures for Implementing Tiered and Transference of Analyses	**Removed** *This largely repeated 43 CFR 46.140.*	
10-18	Procedures for Implementing Public Participation and Community-Based Training	**Editorial revision** *Numerous edits for clarity.*	13-9
10-19	Procedures for Implementing Integrated Analyses in National Environmental Policy Act (NEPA) Process	**Editorial revision** *Moved reference to DM authority to footnote and added qualifier about not creating any right or benefit.*	13-10
10-20	Coordinating Adaptive Management and National Environmental Policy Act Processes	**Editorial revision** *Moved reference to DM authority to footnote and added qualifier about not creating any right or benefit. Added link to Department's 2012 adaptive management applications guide.*	13-11
10-21	Procedures for Incorporating Consensus-Based Management in Agency Planning and Operations	**Editorial revision** *Added clarifying language about the level of effort and application to CEs.*	13-12
10-22	Standard Checklist for Use in Preparing National Environmental Policy Act (NEPA) Documents and for Complying with NEPA, Council on Environmental Quality, and Departmental Procedures	**Editorial revision** *Hyperlinks were added where regulations are cited. Numerous edits for clarity.*	13-13