

## **Index to 516 DM 1-7**

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**Department of the Interior**  
**DEPARTMENTAL MANUAL**

Part 516 National Environmental  
Policy Act of 1969

Environmental Quality

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Chapter 1	Protection and Enhancement of Environmental Quality	516 DM 1.1
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1.1 Purpose. This Chapter establishes the Department's policies complying with Title 1 of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4347) (NEPA); Section 2 of Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991; and the regulations of the Council on Environmental Quality (CEQ) implementing the procedural provisions of NEPA (40 CFR 1500-1508).

1.2 Policy. It is the policy of the Department:

A. To provide leadership in protecting and enhancing those aspects of the quality of the Nation's environment which relate to or may be affected by the Department's policies, goals, programs, plans, or functions in furtherance of national environmental policy;

B. To use all practicable means, consistent with other essential considerations of national policy, to improve, coordinate, and direct its policies, plans, functions, programs, and resources in furtherance of national environmental goals;

C. To interpret and administer, to the fullest extent possible, the policies, regulations, and public laws of the United States administered by the Department in accordance with the policies of NEPA;

D. To consider and give important weight to environmental factors, along with other essential considerations, in developing proposals and making decisions in order to achieve a proper balance between the development and utilization of natural, cultural, and human resources and the protection and enhancement of environmental quality;

E. To consult, coordinate, and cooperate with other Federal agencies and State, local, and Indian tribal governments in the development and implementation of the Department's plans and programs affecting environmental quality and, in turn, to provide to the fullest extent practicable, these entities with information concerning the environmental impacts of their own plans and programs;

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F. To provide, to the fullest extent practicable, timely information to the public to better assist in understanding Departmental plans and programs affecting environmental quality and to facilitate their involvement in the development of such plans and programs; and

G. To cooperate with and assist the CEQ.

1.3 General Responsibilities. The following responsibilities reflect the Secretary's decision that the officials responsible for making program decisions are also responsible for taking the requirements of NEPA into account in those decisions and will be held accountable for that responsibility:

A. Assistant Secretary--Policy, Budget and Administration.

(1) Is the Department's focal point on NEPA matters and is responsible for overseeing the Department's implementation of NEPA.

(2) Serves as the Department's principal contact with the CEQ.

(3) Assigns to the Director, Office of Environmental Project Review, the responsibilities outlined for that Office in this Part.

B. Solicitor. Is responsible for providing legal advice in the Department's compliance with NEPA.

C. Assistant Secretaries.

(1) Are responsible for compliance with NEPA, E.O. 11514, as amended, the CEQ regulations, and this Part for bureaus and offices under their jurisdiction.

(2) Will insure that, to the fullest extent possible, the policies, regulations, and public laws of the United States administered under their jurisdiction are interpreted and administered in accordance with the policies of NEPA.

C. Heads of Bureaus and Offices.

- (1) Must comply with the provisions of NEPA, E.O. 11514, as amended, the CEQ regulations and this Part.
- (2) Will interpret and administer, to the fullest extent possible, the policies, regulations, and public laws of the United States administered under their jurisdiction in accordance with the policies of NEPA.
- (3) Will continue to review their statutory authorities, administrative regulations, policies, programs, and procedures, including those related to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the intent, purpose, and provisions of NEPA and, in consultation with the Solicitor and the Legislative Counsel, shall take or recommend, as appropriate, corrective actions as may be necessary to bring these authorities and policies into conformance with the intent, purpose, and procedures of NEPA.
- (4) Will monitor, evaluate, and control on a continuing basis their activities so as to protect and enhance the quality of the environment. Such activities will include those directed to controlling pollution and enhancing the environment and designed to accomplish other program objectives which may affect the quality of the environment. They will develop programs and measures to protect and enhance environmental quality and assess progress in meeting the specific objectives of such activities as they affect the quality of the environment.

1.4 Consideration of Environmental Values.

A. In Departmental Management.

- (1) In the management of the natural, cultural, and human resources under its jurisdiction, the Department must consider and balance a wide range of economic, environmental, and social objectives at the local, regional, national, and international levels, not all of which are quantifiable in comparable terms. In considering and balancing these objectives, Departmental plans, proposals, and decisions often require recognition of complements and resolution of conflicts among interrelated uses of these natural, cultural, and human resources within technological, budgetary, and legal constraints.
- (2) Departmental project reports, program proposals, issue papers, and other decision documents must carefully analyze the various objectives, resources, and constraints, and comprehensively and objectively evaluate the advantages and disadvantages of the proposed actions and their reasonable alternatives. Where appropriate, these documents will utilize and reference supporting and underlying economic, environmental, and other analyses,

- (3) The underlying environmental analyses will factually, objectively, and comprehensively analyze the environmental effects of proposed actions and their reasonable alternatives. They will systematically analyze the environmental impacts of alternatives, and particularly those alternatives and measures which would reduce, mitigate or prevent adverse environmental impacts or which would enhance environmental quality. However, such an environmental analysis is not, in and of itself, a program proposal or the decision document, is not a justification of a proposal, and will not support or deprecate the overall merits of a proposal or its various alternatives.
- B. In Internally Initiated Proposals. Officials responsible for development or conduct of planning and decision making systems within the Department shall incorporate to the maximum extent necessary environmental planning as an integral part of these systems in order to insure that environmental values and impacts are fully considered and in order to facilitate any necessary documentation of those considerations.
- C. In Externally Initiated Proposals. Officials responsible for development or conduct of loan, grant, contract, lease, license, permit, or other externally initiated activities shall require applicants, to the extent necessary and practicable, to provide environmental information, analyses, and reports as an integral part of their applications. This will serve to encourage applicants to incorporate environmental considerations into their planning processes as well as provide the Department with necessary information to meet its own environmental responsibilities.

#### 1.5 Consultation, Coordination, and Cooperation with Other Agencies and Organizations.

##### A. Departmental Plans and Programs.

- (1) Officials responsible for planning or implementing Departmental plans and programs will develop and utilize procedures to consult, coordinate, and cooperate with relevant State, local, and Indian tribal governments; other bureaus and Federal agencies; and public and private organizations and individuals concerning the environmental effects of these plans and programs on their jurisdictions or interests.
- (2) Bureaus and offices will utilize, to the maximum extent possible, existing notification, coordination and review mechanisms established by the Office of Management and Budget, the Water Resources Council, and CEQ. However, use of these mechanisms must not be a substitute for early and positive consultation, coordination, and cooperation with others, especially State, local, and Indian tribal governments.

##### B. Other Departmental Activities.

- (1) Technical assistance, advice, data, and information useful in restoring, maintaining, and enhancing the quality of the environment will be made

available to other Federal agencies, State, local, and Indian tribal governments, institutions, and individuals as appropriate.

- (2) Information regarding existing or potential environmental problems and control methods developed as a part of research, development, demonstration, test, or evaluation activities will be made available to other Federal agencies, State, local, and Indian tribal governments, institutions and other entities as appropriate.
- (3) Recognizing the worldwide and long-range character of environmental problems, where consistent with the foreign policy of the United States appropriate support will be made available to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment.

#### C. Plans and Programs of Other Agencies and Organizations

- (1) Officials responsible for protecting, conserving, developing, or managing resources under the Department's jurisdiction shall coordinate and cooperate with State, local, and Indian tribal governments, other bureaus and Federal agencies, and public and private organizations and individuals, and provide them with timely information concerning the environmental effects of these entities' plans and programs.
- (2) Bureaus and offices are encouraged to participate early in the planning processes of other agencies and organizations in order to insure full cooperation with and understanding of the Department's programs and interests in natural, cultural, and human resources.
- (3) Bureaus and offices will utilize to the fullest extent possible, existing Departmental review mechanisms to avoid unnecessary duplication of effort and to avoid confusion by other organizations.

1.6 Public Involvement. Bureaus and offices, in consultation with the Office of Public Affairs, will develop and utilize procedures to insure the fullest practicable provision of timely public information and understanding of their plans and programs with environmental impact including information on the environmental impacts of alternative courses of action. These procedures will include, wherever appropriate, provision for public meetings or hearings in order to obtain the views of interested parties. Bureaus and offices will also encourage State and local agencies and Indian tribal governments to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment. (See also 301 DM 2.)

#### 1.7 Mandate.

- A. This Part provides Department-wide instructions for complying with NEPA and Executive Orders 11514, as amended by 11991 (Protection and Enhancement of Environmental Quality) and 12114 (Environmental Effects Abroad of Major Federal Actions).
- B. The Department hereby adopts the regulations of the CEQ implementing the procedural provisions of NEPA (Sec. 102(2)(C) except where compliance would be inconsistent with other statutory requirements. In the

case of any apparent discrepancies between these procedures and the mandatory provisions of the CEQ regulations the regulations shall govern.

- C. Instructions supplementing the CEQ regulations are provided in Chapters 2-7 of this Part. Citations in brackets refer to the CEQ regulations. Instructions specific to each bureau are appended to Chapter 6. In addition, bureaus may prepare a handbook(s) or other technical guidance for their personnel on how to apply this Part to principal programs.
- D. Instructions implementing Executive Order 12114 will be provided in Chapter 8.

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Chapter 2

Initiating the NEPA Process

516 DM 2.1

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2.1 Purpose. This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to initiating the NEPA process.

2.2 Apply NEPA Early (1501.2).

- A. Bureaus will initiate early consultation and coordination with other bureaus and any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved, and with appropriate Federal, State, local and Indian tribal agencies authorized to develop and enforce environmental standards.
- B. Bureaus will also consult early with interested private parties and organizations, including when the Bureau's own involvement is reasonably foreseeable in a private or non-Federal application.
- C. Bureaus will revise or amend program regulations or directives to insure that private or non-Federal applicants are informed of any environmental information required to be included in their applications and of any consultation with other Federal agencies, and State, local or Indian tribal governments required prior to making the application. A list of these regulations or directives will be included in each Bureau Appendix to Chapter 6.

2.3 Whether to Prepare an EIS (1501.4).

A. Categorical Exclusions (CX) (1508.4).

- (1) The following criteria will be used to determine actions to be categorically excluded from the NEPA process: (a) The action or group of actions would have no significant effect on the quality of the human environment; and (b) The action or group of actions would not involve unresolved conflicts concerning alternative uses of available resources.
- (2) Based on the above criteria, the classes of actions listed in Appendix 1 to this Chapter are categorically excluded, Department-wide, from the NEPA process. A list of CX specific to Bureau programs will be included in each Bureau Appendix to Chapter 6.
- (3) The exceptions listed in Appendix 2 to this Chapter apply to individual actions within CX. Environmental documents must be prepared for any actions involving these exceptions.

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(4) Notwithstanding the criteria, exclusions and exceptions above, extraordinary circumstances may dictate or a responsible Departmental or Bureau official may decide to prepare an environmental document.

- B. Environmental Assessment (EA) (1508.9). See 516 DM 3.
- C. Finding of No Significant Impact (FONSI) (1508.13). A FONSI will be prepared as separate covering document based upon a review of an EA. Accordingly, the words include(d) in Section 1508.13 should be interpreted as attach(ed).
- D. Notice of Intent (NOI) (1508.22)'. A NOI will be prepared as soon as practicable after a decision to prepare an environmental impact statement and shall be published in the Federal Register, with a copy to the Office of Environmental Project Review, and made available to the affected public in accordance with Section 1506.6. Publication of a NOI may be delayed if there is proposed to be more than three (3) months between the decision to prepare an environmental impact statement and the time preparation is actually initiated. The Office of Environmental Project Review will periodically publish a consolidated list of these notices in the Federal Register.
- E. Environmental impact Statement (EIS) (1508.11). See 516 DM 4. Decisions/actions which would normally require the preparation of an EIS will be identified in each Bureau Appendix to Chapter 6.

#### 2.4 Lead Agencies (1501.5).

- A. The Assistant Secretary-Policy, Budget and Administration will designate lead Bureaus within the Department when Bureaus under more than one Assistant Secretary are involved and will represent the Department in consultations with CEQ or other Federal agencies in the resolution of lead agency determinations.
- B. Bureaus will inform the Office of Environmental Project Review of any agreements to assume lead agency status.
- C. A non-Federal agency will not be designated as a joint lead agency unless it has a duty to comply with a local or State EIS requirement that is comparable to a NEPA statement. Any non-Federal agency may be a cooperating agency by agreement. Bureaus will consult with the Solicitor's Office in cases where such non-Federal agencies are also applicants before the Department to determine relative lead/cooperating agency responsibilities.

#### 2.5 Cooperating Agencies (1501.6).

- A. The Office of Environmental Project Review will assist Bureaus and coordinate requests from non-Interior agencies in determining cooperating agencies.
- B. Bureaus will inform the Office of Environmental Project Review of any agreements to assume cooperating agency status or any declinations pursuant to Section 1501.6(c).

#### 2.6 Scoping (1501.7).

- A. The invitation requirement in Section 1501.7(a)(1) may be satisfied by including such an invitation in the NOI.
- B. If a scoping meeting is held, consensus is desirable; however, the lead agency is ultimately responsible for the scope of an EIS.

2.7 Time Limits (1501.8). When time limits are established they should reflect the availability of personnel and funds.

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Chapter 3

Environmental Assessments

516 DM 3.1

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3.1 Purpose. This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to environmental assessments (EA).

3.2 When to Prepare (1501.3).

- A. An EA will be prepared for all actions, except those covered by a categorical exclusion, covered sufficiently by an earlier environmental document, or for those actions for which a decision has already been made to prepare an EIS. The purpose of such an EA is to allow the responsible official to determine whether to prepare an EIS.
- B. In addition, an EA may be prepared on any action at any time in order to assist in planning and decision making.

3.3 Public Involvement.

- A. Public notification must be provided and, where appropriate, the public involved in the EA process (1506.6).
- B. The scoping process may be applied to an EA (1501.7).

3.4 Content.

- A. At a minimum, an EA will include brief discussions of the need for the proposal, of alternatives as required by Section 102(2)(E) of NEPA, of the environmental impacts of the proposed action and such alternatives, and a listing of agencies and persons consulted (1508.9(b)).
- B. In addition, an EA may be expanded to describe the proposal, a broader range of alternatives, and proposed mitigation measures if this facilitates planning and decision making.
- C. The level of detail and depth of impact analysis should normally be limited to that needed to determine whether there are significant environmental effects.
- D. An EA will contain objective analyses which support its environmental impact conclusions. It will not, in and of itself, conclude whether or not an EIS will be prepared. This conclusion will be made upon review of the EA by the responsible official and documented in either a NOI or FONSI.

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### 3.5 Format.

- A. An EA may be prepared in any format useful to facilitate planning and decision making.
- B. An EA may be combined with any other planning or decision making document; however, that portion which analyzes the environmental impacts of the proposal and alternatives will be clearly and separately identified and not spread throughout or interwoven into other sections of the document.

### 3.6 Adoption.

- A. An EA prepared for a proposal before the Department by another agency, entity or person, including an applicant, may be adopted if, upon independent evaluation by the responsible official, it is found to comply with this Chapter and relevant provisions of the CEQ regulations.
- B. When appropriate and efficient, a responsible official may augment such an EA when it is essentially but not entirely in compliance in order to make it so.
- C. If such an EA or augmented EA is adopted, the responsible official must prepare his/her own N01 or FONSI which also acknowledges the origin of the EA and takes full responsibility for its scope and content.

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Chapter 4

Environmental Impact Statements

516 DM 4.1

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4.1 Purpose. This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to environmental impact statements (EIS).

4.2 Statutory Requirements (1502.3). NEPA requires that an EIS be prepared by the responsible Federal official. This official is normally the lowest-level official who has overall responsibility for formulating, reviewing, or proposing an action or, alternatively, has been delegated the authority or responsibility to develop, approve, or adopt a proposal or action. Preparation at this level will insure that the NEPA process will be incorporated into the planning process and that the EIS will accompany the proposal through existing review processes.

4.3 Timing (1502.5).

- A. The feasibility analysis (go/no-go) stage, at which time an EIS is to be completed, is to be interpreted as the stage prior to the first point of major commitment to the proposal. For example, this would normally be at the authorization stage for proposals requiring Congressional authorization, the location or corridor stage for transportation, transmission, and communication projects, and the leasing stage for mineral resources proposals.
- B. An EIS need not be commenced until an application is essentially complete; e.g., any required environmental information is submitted, any consultation required with other agencies has been conducted, and any required advance funding is paid by the applicant.

4.4 Page Limits (1502.7). Where the text of an EIS for a complex proposal or group of proposals appears to require more than the normally prescribed limit of 300 pages, bureaus will insure that the length of such statements is no greater than necessary to comply with NEPA, the CEQ regulations, and this Chapter.

4.5 Supplemental Statements (1502.9).

- A. Supplements are only required if such changes in the proposed action or alternatives, new circumstances, or resultant significant effects are not adequately analyzed in the previously prepared EIS.
- B. A bureau and/or the appropriate program Assistant Secretary will consult with the Office of Environmental Project Review and the Office of the Solicitor

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prior to proposing to CEQ to prepare a final supplement without preparing an intervening draft.

- C. If, after a decision has been made based on a final EIS, a described proposal is further defined or modified and if its changed effects are minor or still within the scope of the earlier EIS, an EA and FONSI may be prepared for subsequent decisions rather than a supplement.

#### 4.6 Format (1502.10).

- A. Proposed departures from the standard format described in the CEQ regulations and this Chapter must be approved by the Office of Environmental Project Review.
- B. The section listing the preparers of the EIS will also include other sources of information, including a bibliography or list of cited references, when appropriate.
- C. The section listing the distribution of the EIS will also briefly describe the consultation and public involvement processes utilized in planning the proposal and in preparing the EIS, if this information is not discussed elsewhere in the document.
- D. If CEQ's standard format is not used or if the EIS is combined with another planning or decision making document, the section which analyzes the environmental consequences of the proposal and its alternatives will be clearly and separately identified and not interwoven into other portions of or spread throughout the document.

4.7 Cover Sheet (1502.11). The cover sheet will also indicate whether the EIS is intended to serve any other environmental review or consultation requirements pursuant to Section 1502.25.

4.8 Summary (1502. 12). The emphasis in the summary should be on those considerations, controversies, and issues which significantly affect the quality of the human environment.

4.9 Purpose and Need (1502.13). This section may introduce a number of factors, including economic and technical considerations and Departmental or bureau statutory missions, which may be beyond the scope of the EIS. Care should be taken to insure an objective presentation and not a justification.

#### 4.10 Alternatives Including the Proposed Action (1502.14).

- A. As a general rule, the following guidance will apply:
  - (1) For internally initiated proposals; i.e., for those cases where the Department conducts or controls the planning process, both the draft and final EIS shall identify the bureaus' proposed action.
  - (2) For externally initiated proposals; i.e., for those cases where the Department is reacting to an application or similar request, the draft and final EIS shall identify the applicant's proposed action and the bureau's preferred alternative unless another law prohibits such an

expression (3) Proposed departures from this guidance must be approved by the Office of Environmental Project Review and the Office of the Solicitor.

- B. Mitigation measures are not necessarily independent of the proposed action and its alternatives and should be incorporated into and analyzed as a part of the proposal and appropriate alternatives. Where appropriate, major mitigation measures may be identified and analyzed as separate alternatives in and of themselves where the environmental consequences are distinct and significant enough to warrant separate evaluation.

4.11 Appendix (1502.18). If an EIS is intended to serve other environmental review or consultation requirements pursuant to Section 1502.25, any more detailed information needed to comply with these requirements may be included as an appendix.

4.12 Incorporation by Reference (1502.21). Citations of specific topics will include the pertinent page numbers. All literature references will be listed in the bibliography.

4.13 Incomplete or Unavailable Information (1502.22). The references to overall costs in this section are not limited to market costs, but include other costs to society such as social costs due to delay.

4.14 Methodology and Scientific Accuracy (1502.24). Conclusions about environmental effects will be preceded by an analysis that supports that conclusion unless explicit reference by footnote is made to other supporting documentation that is readily available to the public.

- 4.15 Environmental Review and Consultation Requirements (1502.25).
- A. A list of related environmental review and consultation requirements is available from the Office of Environmental Project Review.
  - B. If the EIS is intended to serve as the vehicle to fully or partially comply with any of these requirements, the associated analyses, studies, or surveys will be identified as such and discussed in the text of the EIS and the cover sheet will so indicate. Any supporting analyses or reports will be referenced or included as an appendix and shall be sent to reviewing agencies as appropriate in accordance with applicable regulations or procedures.

- 4.16 Inviting Comments (1503.1).
- A. Comments from State agencies will be requested through procedures established by the Governor pursuant to Executive Order 12372, and may be requested from local agencies through these procedures to the extent that they include the affected local jurisdictions. See 511DM.
  - B. When the proposed action may affect the environment of an Indian reservation, comments will be requested from the Indian tribe through the tribal governing body, unless the tribal governing body has designated an alternate review process.

- 4.17 Response to Comments (1503.4).
- A. Preparation of a final EIS need not be delayed in those cases where a Federal agency, from which comments are required to be obtained (1503.1(a)(1)), does not comment within the prescribed time period. Informal attempts will be made to determine the status of any such comments and every reasonable attempt should be made to include the comments and a response in the final EIS.
  - B. When other commentary are late, their comments should be included in the final EIS to the extent practicable.
  - C. For those EISs requiring the approval of the Assistant Secretary - Policy, Budget and Administration pursuant to 516 DM 6.3, bureaus will consult with the Office of Environmental Project Review when they propose to prepare an abbreviated final EIS (1503.4(c)).

4.18 Elimination of Duplication with State and Local Procedures (1506.2). Bureaus will incorporate in their appropriate program regulations provisions for the preparation of an EIS by a State agency to the extent authorized in Section 102(2XD) of NEPA. Eligible programs are listed in Appendix I to this Chapter.

4.19 Combining Documents (1506.4). See 516 DM 4.6D.

4.20 Departmental Responsibility (1506.5). Following the responsible official's preparation or independent evaluation of and assumption of responsibility for an environmental document, an applicant may print it provided the applicant is bearing the cost of the document pursuant to other laws.

4.21 Public Involvement (1506.6). See 516 DM 1.6 and 301 DM 2.

4.22 Further Guidance (1506.7). The Office of Environmental Project Review may provide further guidance concerning NEPA pursuant to its organizational responsibilities (110 DM 22) and through supplemental directives (381 DM 4.5B).

4.23 Proposals for Legislation (1506.8). The Legislative Counsel in consultation with the Office of Environmental Project Review, shall:

- A. Identify in the annual submittal to OMB of the Department's proposed legislative program any requirements for and the status of any environmental
- B. When required, insure that a legislative EIS is included as a part of the formal transmittal of a legislative proposal to the Congress.

4.24 Time Periods (1506.10).

- A. The minimum review period for a draft EIS will be sixty (60) days from the date of transmittal to the Environmental Protection Agency.

For those EISs requiring the approval of the Assistant Secretary - Policy, Budget and Administration pursuant to 516 DM 6.3, the Office of Environmental Project Review will be responsible for consulting with the Environmental Protection Agency and/or CEQ about any proposed reductions in time periods or any extensions of time periods proposed by those agencies

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Chapter 5

Relationship to Decisionmaking

516 DM 5.1

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5.1 Purpose. This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to decision making..

5.2 Predecision Referrals to CEQ (1504.3).

- A. Upon receipt of advice that another Federal agency intends to refer a Departmental matter to CEQ, the lead bureau will immediately meet with that Federal agency to attempt to resolve the issues raised and expeditiously notify its Assistant Secretary and the Office of Environmental Project Review.
- B. Upon any referral of a Departmental matter to CEQ by another Federal agency, the Office of Environmental Project Review will be responsible for coordinating the Department's position.

5.3 Decision making Procedures (1505.1).

- A. Procedures for decisions by the Secretary/Under Secretary are specified in 301 DM 1. Assistant Secretaries should follow a similar process when an environmental document accompanies a proposal for their decision.
- B. Bureaus will incorporate in their formal decision making procedures and NEPA handbooks provisions for consideration of environmental factors and relevant environmental documents. The major decision points for principal programs likely to have significant environmental effects will be identified in the Bureau Appendix to Chapter 6.
- C. Relevant environmental documents including supplements, will be included as part of the record in formal rulemaking or adjudicatory proceedings.
- D. Relevant environmental documents comments, and responses will accompany proposals through existing review processes so that Departmental officials use them in making decisions.
- E. The decision maker will consider the environmental impacts of the alternatives described in any relevant environmental document and the range of these alternatives must encompass the alternatives considered by the decision maker.

5.4 Record of Decision (1505-2).

- A. Any decision documents prepared pursuant to 301 DM 1 for proposals

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involving an EIS may incorporate all appropriate provisions of Section 1505.2(b) and (c).

- B. If a decision document incorporating these provisions is made available to the public following a decision, it will serve the purpose of a record of decision.

5.5 implementing the Decision (1505.3). The terms "monitoring" and "conditions" will be interpreted as being related to factors affecting the quality of the human environment.

5.6 Limitations on Actions (1506.1). A bureau will notify its Assistant secretary, the Solicitor, and the Office of Environmental Project Review of any situations described in Section 1506.1(b).

5.7 Timing of Actions (1506.10). For those EISs requiring the approval of the Assistant Secretary--Policy, Budget and Administration pursuant to 516 DM 6.3, the responsible official will consult with the Office of Environmental Project Review before making any request for reducing the time period before a decision or action.

5.8 Emergencies (1506.11). In the event of an unanticipated emergency situation, a bureau will immediately take any necessary action to prevent or reduce risks to public health or safety or serious resource losses and then expeditiously consult with its Assistant Secretary, the Solicitor, and the Office of Environmental Project Review about compliance with NEPA. The Office of Environmental Project Review and the bureau will jointly be responsible for consulting with CEQ.

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Chapter 6

Managing the NEPA Process

516 DM 1.1

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6.1 Purpose. This Chapter provides supplementary instructions for implementing those provisions of the CEQ regulations pertaining to procedures for implementing and managing the NEPA process.

6.2 Organization for Environmental Quality.

- A. Office of Environmental Project Review. The Director, Office of Environmental Project Review, reporting to the Assistant Secretary--Policy, Budget and Administration (PBA), is responsible for providing advice and assistance to the Department on matters pertaining to environmental quality and for overseeing and coordinating the Departments compliance with NEPA, E.O. 11514, the CEQ regulations, and this Part. (See also 110 DM 22.)
- B. Bureaus and Offices. Heads of bureaus and offices will designate organizational elements or individuals, as appropriate, at headquarters and regional levels to be responsible for overseeing matters pertaining to the environmental effects of the bureaus plans and programs. The individuals assigned these responsibilities should have management experience or potential, understand the bureau's planning and decision making processes, and be well trained in environmental matters, including the Department's policies and procedures so that their advice has significance in the bureau's planning and decisions. These organizational elements will be identified in the Bureau Appendix to this Chapter.

6.3 Approval of EISs.

- A. A program Assistant Secretary is authorized to approve an EIS in those cases where the responsibility for the decision for which the EIS has been prepared rests with the Assistant Secretary or below. The Assistant Secretary may further assign the authority to approve the EIS if he or she chooses. The Assistant Secretary--PBA will make certain that each program Assistant Secretary has adequate safeguards to assure that the EISs comply with NEPA, the CEQ regulations, and the Departmental Manual.
- B. The Assistant Secretary--PBA is authorized to approve an EIS in those cases where the decision-for which the EIS has been prepared will occur at a level in the Department above an individual program Assistant Secretary.

6.4 List of Specific Compliance Responsibilities.

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- A. Bureaus and offices shall:
  - (1) Prepare NEPA handbooks providing guidance on how to implement NEPA in principal program areas.
  - (2) Prepare program regulations or directives for applicants.
  - (3) Propose categorical exclusions.
  - (4) Prepare and approve EAs.
  - (5) Decide whether to prepare an EIS.
  - (6) Prepare and publish NOIs and FONSI.
  - (7) Prepare and, when assigned, approve EISs.
- B. Assistant Secretaries shall:
  - (1) Approve bureau handbooks.
  - (2) Approve regulations or directives for applicants.
  - (3) Approve categorical exclusions.
  - (4) Approve EISs pursuant to 516 DM 6.3.
- C. The Assistant Secretary--Policies Budget and Administration shall:
  - (1) Concur with regulations or directives for applicants.
  - (2) Concur with categorical exclusions.
  - (3) Approve EISs pursuant to 516 DM 6.3.

#### 6.5 Bureau Requirements.

- A. Requirements specific to bureaus appear as appendices to this Chapter and include the following:
  - (1) Identification of officials and organizational elements responsible for NEPA compliance (516 DM 6.2B).
  - (2) List of program regulations or directives which provide information to applicants (516 DM 2.2B).
  - (3) Identification of major decision points in principal programs (516 DM 5.3B) for which an EIS is normally prepared (516 DM 2.3E).
  - (4) List of categorical exclusions (516 DM 2.3A).
- B. Appendices are attached for the following bureaus:
  - (1) Fish and Wildlife Service (Appendix 1).
  - (2) Geological Survey (Appendix 2).
  - (3) Heritage Conservation and Recreation Service (Appendix 3).
  - (4) Bureau of Indian Affairs (Appendix 4).
  - (5) Bureau of Land Management (Appendix 5).
  - (6) Bureau of Mines (Appendix 6).
  - (7) National Park Service (Appendix 7)
  - (8) Office of Surface Mining (Appendix 8).
  - (9) Water and Power Resources Service (Appendix 9).
- C. The Office of the Secretary and other Departmental Offices do not have separate appendices, but must comply with this Part and will consult with the Office of Environmental Project Review about compliance activities

#### 6.6 Information About the NEPA Process. The Office of Environmental Project Review

will publish periodically a Departmental list of contacts where information about the NEPA process and the status of EISs may be obtained.

**Department of the Interior**  
**DEPARTMENTAL MANUAL**

Part 516 National Environmental  
Policy Act of 1969

Environmental Quality

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Chapter 7	Review of Environmental Statements Prepared by Other Federal Agencies	516 DM 7.1
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7.1 Purpose. These procedures are to implement the policy and directives of Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190, 83 Stat. 852, January 1, 1970); Section 2(f) of Executive Order No. 11514 (March 5, 1970); the Guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Bulletin No. 72-6 of the Office of Management and Budget (September 14, 1971); and provide guidance to bureaus and offices of the Department in the review of environmental statements prepared by and for other Federal agencies.

7.2 Policy. The Department considers it a priority responsibility to provide competent and timely review comments on environmental statements prepared by other Federal agencies for their major actions which significantly affect the quality of the human environment. These reviews are predicated on the Department's jurisdiction by law or special expertise with respect to the environmental impact involved and shall provide constructive comments to other Federal agencies to assist them in meeting their environmental responsibilities.

7.3 Responsibilities.

A. The Assistant Secretary - Program Policy:

- (1) Shall be the Department's contact point for the receipt of requests for reviews of draft and final environmental statements prepared by or for other Federal agencies;
- (2) Shall determine whether such review requests are to be answered by a Secretarial officer or by a Field Representative, and determine which bureaus and/or offices shall perform such reviews;
- (3) Shall prepare, or where appropriate, shall designate a lead bureau responsible for preparing the Department's review comments. The lead bureau may be a bureau, Secretarial office, other Departmental office, or task force and shall be that organizational entity with the most significant jurisdiction or environmental expertise in regard to the requested review;
- (4) Shall set review schedules and target dates for responding to review requests and monitor their compliance;
- (5) Shall Review, sign, and transmit the Department's Review comments to the requesting agency and to the Council on Environmental Quality, unless he designates otherwise;

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- (6) Shall follow through on the Department's Review comments transmitted to the requesting agency to ensure resolution of the Department's concerns, unless he designates otherwise; and
  - (7) Shall consult with the Legislative Counsel and the Solicitor when environmental reviews pertain to legislative or legal matters, respectively.
- B. The Legislative Counsel:
- (1) Shall ensure that requests for reviews of environmental statements prepared by other Federal agencies that accompany or pertain to legislative proposals are immediately referred to the Assistant Secretary - Program Policy.
- C. Field Representatives:
- (1) When designated by the Assistant Secretary Program Policy, shall Review, sign, and transmit the Department's Review comments to the requesting agency and to the Council on Environmental Quality.
- C. Assistant Secretaries and Heads of Bureaus and Offices:
- (1) Shall designate officials and organizational elements responsible for the coordination and conduct of environmental reviews and report this information to the Assistant Secretary - Program Policy;
  - (2) Shall provide the Assistant Secretary - Program Policy with appropriate information and material concerning their delegated jurisdiction and special environmental expertise in order to assist him in assigning Review responsibilities;
  - (3) Shall conduct reviews based upon their areas of jurisdiction or special environmental expertise and provide comments to designated lead bureaus assigned responsibilities for preparing Departmental comments;
  - (4) When designated lead bureau by the Assistant Secretary - Program Policy, shall prepare and forward the Department's Review comments as instructed; and
  - (5) Shall assure that Review schedules for discharging assigned responsibilities are met, and promptly inform other concerned offices if established target dates cannot be met and when they will be met.

#### 7.4 Types of Reviews

A. Descriptions of Proposed Actions:

- (1) Descriptions of proposed actions are not substitutes for environmental statements. Federal agencies and applicants for Federal assistance may circulate such descriptions, for the purpose of soliciting information concerning environmental impact in order to determine whether or not to prepare environmental statements.
- (2) Requests for reviews of descriptions of proposed actions are not required to be processed through the Assistant Secretary - Program Policy. Review comments may be handled independently by bureaus and offices, with the Field Representative and Assistant Secretary - Program Policy being advised of significant or highly controversial issues. Review

comments are for the purpose of providing technical assistance to the requesting agency and should reflect this fact.

**B. Environmental Assessments or Reports:**

(1) Environmental assessments or reports are not substitutes for environmental statements. These assessments or reports may be prepared by Federal agencies, their consultants, or applicants for Federal assistance. They are prepared either to provide information in order to determine whether or not an environmental statement should be prepared, or to provide input into an environmental statement. If they are separately circulated, it is generally for the purpose of soliciting additional information concerning environmental impact.

(2) Requests for reviews of environmental assessments or reports are not required to be processed through the Assistant Secretary - Program Policy. Review comments may be handled independently by bureaus and offices, with the Field Representative and Assistant Secretary - Program Policy being advised of significant or highly controversial issues. Review comments are for the purpose of providing technical assistance to the requesting agency and should reflect this fact.

**C. Negative Declarations:**

(1) Negative declarations are prepared in lieu of environmental statements by Federal agencies and, in some cases, by applicants for Federal assistance. A negative declaration is a statement for the record by the proponent Federal agency that it has reviewed the environmental impact of its proposed action, that it determines that the action will not significantly affect the quality of the human environment, and that an environmental statement is not required. Such declarations are not normally circulated.

(2) Requests for reviews of negative declarations are not required to be processed through the Assistant Secretary - Program Policy. Review comments may be handled independently by bureaus and offices and shall concur or not concur with the requesting agency. If a bureau or office does not concur, the Field Representative and Assistant Secretary - Program Policy will be advised promptly by copy of the comments with a copy of the negative declaration attached.

**D. Preliminary, Proposed, or Working Draft Environmental Statements:**

(1) Preliminary, proposed, or working draft environmental statements are sometimes prepared and circulated by Federal agencies and applicants for Federal assistance for consultative purposes.

(2) Requests for reviews of these types of draft environmental statements are not required to be processed through the Assistant Secretary - Program Policy. Review comments may be handled independently by bureaus and offices with the Field Representative and Assistant Secretary - Program Policy being advised of significant or highly controversial issues. Review comments are for the purpose of providing informal technical assistance to the requesting agency and

should state that they do not represent the Review comments of the Department on the draft environmental statement.

E. Draft Environmental Statements

(1) Draft environmental statements are prepared by Federal agencies under the provisions of Section 102(2)(C) of the National Environmental Policy Act and provisions of the Guidelines of the Council on Environmental Quality. They are officially circulated to other Federal agencies for Review from their Jurisdiction by law or special environmental expertise.

(2) All requests from other Federal agencies for Review of draft environmental statements shall be made through the Assistant Secretary - Program Policy. Review comments shall be handled in accordance with his instructions and the provisions of this chapter.

F. Final Environmental Statements:

(1) Final environmental statements are prepared by Federal agencies following receipt and consideration of Review comments. They are filed with the Council on Environmental Quality and are generally circulated for information purposes and sometimes for comment.

(2) The Assistant Secretary - Program Policy shall Review final environmental statements to determine whether they reflect adequate consideration of the Department's comments. Bureaus and offices shall not comment independently on final environmental statements, but shall inform the Assistant Secretary - Program Policy of their views. Any Review comments shall be handled in accordance with his instructions.

7.5 Content of Review Comments on Draft Environmental Statements

A. Departmental Comments:

(1) Departmental comments on draft environmental statements prepared by other Federal agencies shall be based upon the Department's jurisdiction by law or special expertise with respect to the environmental impact of the proposed action or alternatives to the action. The adequacy of the statement in regard to the Act and the Council on Environmental Quality's Guidelines is the responsibility of the Federal agency that prepared the statement and any comments on its adequacy shall be limited to the Department's jurisdiction or environmental expertise.

(2) Reviews shall be conducted in sufficient detail to insure that both potentially beneficial and adverse environmental effects of the proposed action, including cumulative and secondary effects, are adequately identified. Wherever possible, and within the Department's competence and resources, other agencies will be advised on ways to avoid or minimize adverse impacts of the proposed action and on alternatives to the proposed action that may have been overlooked or inadequately treated.

- (3) Review comments should not capsule or restate the environmental statement, but should provide clear, concise, substantive, and complete comments on the stated or unstated environmental impacts of the proposed action and, if appropriate, on alternatives to the action. Comments, either positive or negative, shall be objective and constructive.
- (4) Departmental Review comments shall be organized as follows:
  - (a) Control Number The Departmental Review control number shall be typed in the upper lefthand corner below the Departmental seal on the letterhead page of the comments.
  - (b) Introduction The introductory paragraph shall reference the other Federal agency's Review request, including the date, the type of Review requested, the subject of the Review, and, where appropriate, the geographic location of the subject and the other agency's control number.
  - (c) General Comments, if any This section will include those comments of a general nature and those which occur throughout the Review which ought to be consolidated in order to avoid needless repetition.
  - (d) Detailed Comments The format of this section shall follow the organization of the other agency's statement. These comments shall not approve, disapprove, support, or object to proposed actions of other Federal agencies, but shall constructively and objectively comment on the environmental-impact of the proposed action, and on the adequacy of the statement in describing the environmental impacts of the action, the alternatives, and the impacts of the alternatives.
  - (e) Summary Comments, if any in general, the Department will not take a position on the proposed action of another Federal agency, but will limit its comments to those above. However, in those cases where the Department has jurisdiction by statute, executive order, memorandum of agreement, or other authority the Department may comment on the proposed action. These comments shall be provided in this section and may take the form of support for, concurrence with, concern over, or objection to the proposed action and/or the alternatives.

B. Bureau and Office Comments:

- (1) Bureau and office reviews of environmental statements prepared by other Federal agencies are considered informal inputs to the Department's comments and their content will generally conform to paragraph 7.5A of this chapter with the substitution of the bureau's or office's delegated jurisdiction or special environmental expertise for that of the Department.

B. Relationship to Other Concurrent Reviews:

- (1) Where the Department, because of other authority or agreement, is concurrently requested to Review a proposal as well as its environmental

statement, the Department's comments on the proposal shall be separately identified and precede the comments on the environmental statement. A summary of the Department's position, if any, on the proposal and its environmental impact shall be separately identified and following the Review comments on the environmental statement.

- (2) Where another Federal agency elects to combine other related reviews into the review of the environmental statement by including additional or more specific information into the statement, the introduction to the Department's Review comments will acknowledge the additional Review request and the Review comments will be incorporated -into appropriate parts of the combined statement Review. A summary of the Department's position, if any, on the environmental impacts of the proposal and any alternatives shall be separately identified and follow the detailed Review comments on the - combined statement.

#### 7.6 Availability of Review Comments

- A. Prior to the public availability of another Federal agency's final environmental statement, the Department shall not independently release to the public its comments on that agency's draft environmental statement. In accordance with Section 10(f) of the Council on Environmental Quality's Guidelines [516 DM 2, App. A], the agency that prepared the statement is responsible for making the comments available to the public, and requests for copies of the Department's comments shall be referred to that agency. Exceptions to this procedure shall be made only by the Assistant Secretary - Program Policy in consultation with the Solicitor and the Director of Communications.
- B. Various internal Departmental memoranda, such as the Review comments of bureaus, offices, task forces, and individuals, which are used as inputs to the Department's Review comments are generally available to the public in accordance with the Freedom of Information Act (5 U.S.C. Section 552) and the Departmental procedures established by 43 C.F.R. 2. Upon receipt of such requests and in addition to following the procedures above, the responsible bureau or office shall notify and consult the Assistant Secretary Program Policy.

#### 7.7 Procedures for Processing Environmental Reviews

##### A. General Procedures:

- (1) All requests for reviews of draft and final environmental statements prepared by or for other Federal agencies shall be received and controlled by the Assistant Secretary - Program Policy.
- (2) If a bureau or office, whether: at headquarters or field level, should receive an environmental statement for Review directly from outside of the Department, it should ascertain whether the statement is a preliminary, proposed, or working draft circulated for technical assistance or input in order to prepare a draft statement or whether the statement is in fact a draft environmental statement, or in some cases, a final

statement circulated for official Review.

- (a) If the document is a preliminary, proposed, or working draft, the bureau or office should handle independently and provide whatever technical assistance possible within the limits of their resources, to the requesting agency. The response should clearly indicate the type of assistance being provided and state that it does not represent the office's or the Department's review of the draft environmental statement. Each bureau or office should provide the Field Representative and the Assistant Secretary - Program Policy copies of any comments involving significant or controversial issues.
  - (b) If the document is a draft or final environmental statement circulated for official Review, the bureau or office should inform the requesting agency of the Department's procedures in subparagraph (1) above and promptly refer the request and the statement to the Assistant Secretary Program Policy for processing.
- (3) All bureaus and offices processing and reviewing environmental statements of other Federal agencies will do so within the time limits specified by the Assistant Secretary - Program Policy. From thirty (30) to forty-five (45) days are normally available for responding to other Federal agency Review requests. Whenever possible the Assistant Secretary - Program Policy shall seek a forty-five (45) day waiting period. Further extensions shall be handled in accordance with paragraph 7.7B(3) of this chapter.
- (4) The Department's Review comments on other Federal agencies' environmental statements shall reflect the full and balanced interests of the Department in the protection and enhancement of the environment. Lead bureaus shall be responsible for resolving any intra-Departmental differences in bureau or office Review comments submitted to them. The Office of Environmental Project Review is available for guidance and assistance in this regard. In cases where agreement cannot be reached, the matter shall be referred through channels to the Assistant Secretary - Program Policy or to the Field Representative, if appropriate.

**B. Processing Environmental Reviews:**

(1) The Assistant Secretary - Program Policy has delegated to the Director, Office of Environmental Project Review, the responsibility for distributing and monitoring the Review of all environmental statements referred to the Department by other Federal agencies. In carrying out this responsibility, the Director, Office of Environmental Project Review, shall determine which bureaus and offices will Review the statements, shall designate lead bureaus which shall prepare the Department's comments, shall indicate the intended Signature of the comments, and shall set and monitor Review schedules.

(2) The Office of Environmental Project Review shall secure and distribute sufficient copies of environmental statements for Departmental Review. Bureaus and offices should keep the Office of

Environmental Project Review informed as to their needs for Review copies, which shall be kept to a minimum, and shall develop internal procedures to efficiently and expeditiously distribute environmental statements to reviewing offices.

(3) Reviewing bureaus and offices which cannot meet the Review schedule shall so inform the lead bureau and shall provide the date that the Review will be delivered. The lead bureau shall inform the Office of Environmental Project Review in cases of headquarters-level response, or the Field Representative in cases of field-level response, if it cannot meet the schedule, why it cannot, and when it will. The Office of Environmental Project Review or the Field Representative shall be responsible for informing the other Federal agency of any changes in the Review schedule.

(4) Reviewing offices shall route their Review comments through channels to the lead bureau, with a copy to the Office of Environmental Project Review. When, in cases, of headquarters-level response, Review comments cannot reach the lead bureau within the established Review schedule, reviewing bureaus and offices shall send a copy marked "Advance Copy" directly to the lead bureau.

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(5) In cases of headquarters-level response:

(a) The lead bureau shall route the completed comments through channels to the Office of Environmental Project Review. Copies shall be prepaid and attached for all bureaus and offices from whom Review comments were requested, for the Office of Environmental Project Review, and for the Field Representative when the Review pertains to a project within his geographic jurisdiction. In addition, legible copies of all Review comments received shall accompany the Department's comments through the clearance process and shall be retained by the Office of Environmental Project Review;

(b) The Office of Environmental Project Review shall Review, secure any necessary additional surnames, surname, and transmit the Department's comments to the Assistant Secretary - Program Policy for signature or for his forwarding to another appropriate Secretarial Officer for signature. Upon signature, the Office of Environmental Project Review shall transmit the comments to the requesting agency, and shall reproduce and send ten (10) copies of the signed original to the Council on Environmental Quality.

(6) In cases of field-level response:

(a) The lead bureau shall route the completed comments to the appropriate Field Representative. Copies shall be prepared and attached for all offices from whom review comments were requested and for the Office of Environmental Project Review. In addition legible copies of all review comments received shall be

attached to the Office of Environmental Project Review's copy and to the Field Representative's file copy;

(b) The Field Representative shall Review, sign, and transmit the Department's comments to the agency requesting the Review. In addition he shall reproduce and send ten (10) copies of the signed original to the Council on Environmental Quality and send a copy of the CEQ transmittal memorandum, the Department's comments, and the bureau Review comments to the Office of Environmental Project Review.

(c) If the Field Representative determines in the course of his review of the Department's comments that the Review involves policy matters of Secretarial significance, he shall not sign and transmit the comments as provided in subparagraph (b) above, but shall forward the Review to the Assistant Secretary - Program Policy.