

## NEPA Search Index

The NEPA Search Index is a collection of .pdf files that are fully searchable. The files are grouped into two .zip folders – one with requirements and guidance issued by DOE and CEQ, and one primarily with guidance and related materials issued by other federal agencies. Below is a list of the documents contained in each .zip folder. The titles of some documents are abbreviated here to match the name of the .pdf files. Instructions for using the search index are available at <https://energy.gov/node/654351>.

### DOE and CEQ Requirements and Guidance

#### A. DOE requirements

1. *DOE NEPA Implementing Procedures (10 CFR Part 1021) [DOE][2012]*. The purpose of 10 CFR part 1021 is to establish procedures that the DOE shall use to comply with section 102(2) of NEPA and the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508). This part supplements, and is to be used in conjunction with, the CEQ NEPA regulations.
2. *Floodplain and Wetland Environmental Review Requirements [DOE][2003]*. This part establishes policy and procedures for discharging DOE's responsibilities under E.O. 11988 and E.O. 11990, including: (1) DOE policy regarding the consideration of floodplain and wetland factors in DOE planning and decisionmaking; and (2) DOE procedures for identifying proposed actions located in a floodplain or wetland, providing opportunity for early public review of such proposed actions, preparing floodplain or wetland assessments, and issuing statements of findings for actions in a floodplain. To the extent possible, DOE shall accommodate the requirements of E.O. 11988 and E.O. 11990 through applicable DOE NEPA procedures or, when appropriate, the environmental review process under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.).
3. *Management of Cultural Resources (DOE P 141.1) [DOE][2001]*. Preservation and protection of America's cultural heritage are important functions and responsibilities of the Federal Government for properties under its control or jurisdiction. This Policy helps ensure that DOE maintains a program that reflects the spirit and intent of the legislative mandates.
4. *National Environmental Policy Act Compliance Program (DOE P 451.1) [DOE] [2017]*. This Policy establishes DOE's expectations for implementing the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508); and the DOE NEPA Implementing Procedures (10 CFR Part 1021).

#### B. Other requirements

1. *Regulations for Implementing NEPA (40 CFR 1500-1508) [CEQ][1978]*. These are the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (Pub. L. 91–190, 42 U.S.C. 4321 et seq.) except where compliance would be inconsistent with other statutory requirements.
2. *Clean Air Act - Section 309 [Congress][1970]*. Section 309 of the Clean Air Act authorizes the Environmental Protection Agency (EPA) to review certain proposed actions of other federal agencies in accordance with NEPA and to make those reviews public. If the

proposing agency (the "lead" agency) does not make sufficient revisions and the project remains environmentally unsatisfactory, EPA may refer the matter to the Council on Environmental Quality for mediation.

3. *Environmental Quality Improvement Act of 1970 [Congress][1970]*. The Act is to assure that each federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law and authorize professional and administrative staff for the Office of Environmental Quality.
4. *The National Environmental Policy Act of 1969 (42 USC 4321) [Congress][1970]*. NEPA is a federal law that serves as the Nation's basic charter for environmental protection. It requires that all federal agencies consider the potential environmental impacts of their proposed actions. NEPA promotes better agency decisionmaking by ensuring that high quality environmental information is available to agency officials and the public before the agency decides whether and how to undertake a major federal action.
5. *EO 11514 - Protection and Enhancement of Environmental Quality [EOP][1970]*. This Executive Order was issued in furtherance of the purpose and policy of NEPA. The Executive Order's policy states that the Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals.
6. *EO 11988 - Floodplain Management [EOP][1977]*. This Executive Order was issued in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.
7. *EO 11990 - Protection of Wetlands [EOP][1977]*. This Executive Order was issued in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative.
8. *EO 12088 - Federal Compliance with Pollution Control Standards [EOP][1978]*. This Executive Order was issued to ensure federal compliance with pollution control standards. The Order states that each Executive agency is responsible for compliance with applicable pollution control standards, including those established pursuant to, but not limited to, the following: Toxic Substance Control Act; Federal Water Pollution Control Act; Public Health Service Act, as amended by the Safe Drinking Water Act; Clean Air Act, Noise Control Act of 1972; Solid Waste Disposal Act; Radiation guidance pursuant to Section 274(h) of the Atomic Energy Act of 1954; Marine Protection, Research, and Sanctuaries Act, and Federal Insecticide, Fungicide, and Rodenticide Act.
9. *EO 12114 - Environmental Effects Abroad of Major Federal Actions [EOP][1979]*. The purpose of this Executive Order is to enable responsible officials of federal agencies having ultimate responsibility for authorizing and approving actions encompassed by this Order to be informed of pertinent environmental considerations and to take such considerations into account, with other pertinent considerations of national policy, in making decisions regarding such actions. Action considered in this order are those having significant effects on the environment outside the geographical borders of the United States and its territories and possessions.
10. *EO 12898 - EJ in Minority and Low-income Populations [EOP][1994]*. This Executive Order directs each federal agency to make achieving environmental justice part of its mission

by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana islands. This Executive Order also provides for the establishment of an Interagency Federal Working Group on Environmental Justice.

11. *EO 13045 - Protection of Children from Environmental Health - Safety Risks [EOP][2003]*. This Executive Order states that to the extent permitted by law and appropriate, and consistent with the agency's mission, each federal agency: (a) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (b) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.
12. *EO 13112 - Invasive Species [EOP][1999]*. This Executive Order's purpose is to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.
13. *EO 13148 - Greening the Government - Leadership in Environmental Management [EOP][2000]*. This Executive Order states that environmental management considerations must be a fundamental and integral component of Federal Government policies, operations, planning, and management. The head of each Federal agency is responsible for meeting the goals and requirements of this order.
14. *EO 13158: Marine Protected Areas [EOP][2000]*. This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs).
15. *EO 13175: Consultation and Coordination With Indian Tribal Governments [EOP][2000]*. EO 13175 reaffirms the Federal government's commitment to tribal sovereignty, self-determination, and self-government. Its purpose is to ensure that all Executive departments and agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.
16. *EO 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds [EOP][2001]*. Migratory birds are of great ecological and economic value to this country and to other countries. The migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act (Act), the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.
17. *EO 13211 - Actions Concerning Regulations that Affect Energy [EOP][2001]*. This Executive Order was issued in order to appropriately weigh and consider the Federal Government's regulations on the supply, distribution, and use of energy. The Executive Order directs agencies to prepare a Statement of Energy Effects to describe the effects of certain regulatory actions on energy supply, distribution, or use when undertaking certain agency actions.
18. *EO 13212 - Actions To Expedite Energy-Related Projects [EOP][2001]*. This Executive Order directs executive departments and agencies to take appropriate actions, to the

extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.

19. *EO 13287 - Preserve America [EOP][2003]*. This Executive Order states that it is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. This Executive Order directs executive branch departments and agencies, where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, to advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the National Historic Preservation Act and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.
20. *EO 13547 - Stewardship of the Ocean, Our Coasts, and the Great Lakes [EOP][2010]*. This order establishes a national policy to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhance the sustainability of ocean and coastal economies, preserve our maritime heritage, support sustainable uses and access, provide for adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification, and coordinate with our national security and foreign policy interests.
21. *EO 13766: Expediting Environmental Reviews for High Priority Infrastructure Projects [EOP][2017]*. This Executive Order calls for the identification of high priority infrastructure projects by the Chair of the White House Council on Environmental Quality (CEQ) within 30 days of a request by the Governor of a State, or the head of any executive department or agency.
22. *EO 13807 - Env Review and Permitting Process for Infrastructure Projects [EOP][2017]*. The Executive Order states that "processing of environmental reviews and authorization decisions for new major infrastructure projects should be reduced to not more than an average of approximately 2 years." E.O. 13807 establishes an approach called "One Federal Decision" for use with major infrastructure projects. Under this approach, a lead federal agency is responsible for navigating the project through the federal environmental review and authorization process.

### **C. DOE guidance**

1. *A Resource Handbook on DOE Transportation Risk Assessment [DOE][2002]*. This resource handbook contains useful information to streamline radioactive material transportation risk assessments for NEPA documents prepared for DOE programs.
2. *Actions During the NEPA Process - Interim Actions [DOE][2003]*. DOE frequently needs to decide whether an action that is within the scope of an ongoing environmental impact statement (EIS) may proceed before a record of decision (ROD) is issued. An action

within the scope of an EIS that is taken before a ROD is commonly referred to as an "interim action."

3. *Alternative Actions for Analysis in Site-wide NEPA Reviews [DOE][1992]*. The purpose of this memorandum is to recommend the treatment of the proposed action and the no action alternatives in site-wide NEPA reviews that are prepared for continuing and reasonably foreseeable future actions at DOE sites.
4. *Analyzing Accidents under NEPA [DOE][2002]*. This guidance focuses on principles of accident analyses under NEPA and presumes that accident analysts have appropriate technical knowledge and skills. The guidance addresses many key aspects of analysis but is not comprehensive.
5. *Application of NEPA to CERCLA and RCRA Cleanup Actions [DOE][2002]*. This DOE memorandum reiterates and clarifies DOE policies to streamline environmental review of actions to be taken under CERCLA and RCRA. Specifically, CERCLA actions and RCRA corrective actions generally do not require a separate NEPA analysis.
6. *Benefits of Site-wide NEPA Review [DOE][1994]*. This guidance memorandum, prepared by the DOE NEPA Office, describes the potential benefits of conducting a site-wide EA or EIS. In addition, the memorandum provides background on DOE's approach to site-wide NEPA reviews
7. *CAA General Conformity Requirements and the NEPA Process [DOE][2000]*. This DOE guidance discusses how to coordinate the Clean Air Act general conformity and NEPA processes; provides greater detail on the Clean Air Act conformity requirements, the conformity review process, and the conformity determination process; and provides related references. This guidance recommends that a conformity review be conducted for all proposed actions (and alternatives), and that a conformity determination, if needed, be conducted for only the preferred alternative in an EA or EIS.
8. *Designating and Supporting NEPA Document Managers [DOE][1998]*. The purpose of this 1998 memorandum, prepared by the DOE NEPA Office, is to emphasize the important role NEPA Document Managers play in the success of DOE's NEPA compliance program and to help maximize their effectiveness. *Effective Public Participation under NEPA [DOE][1998]*. This guidance provides recommendations to aid those responsible for preparing NEPA documents and others involved in NEPA public participation activities by describing techniques and procedures that will enhance the usefulness of the NEPA process to DOE and to its stakeholders.
9. *EIS and EA Distribution [DOE][2016]*. This DOE guidance contains recommendations for the efficient and effective distribution of a draft, final, or supplemental environmental impact statement (EIS). It also includes recommendations for the distribution of environmental assessments, and provides template distribution letters.
10. *Environmental Assessment Checklist [DOE][1994]*. This checklist, developed by the DOE NEPA Office, is intended to aid in preparing and reviewing DOE EAs. Checklist questions are based on NEPA, the CEQ NEPA regulations (40 CFR parts 1500-1508), DOE NEPA regulations (10 CFR part 1021), the DOE "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," other CEQ and DOE guidance, and related federal environmental, safety, and health laws and regulations.
11. *Environmental Impact Statement Checklist [DOE][1997]*. The DOE NEPA Office developed this checklist as an aid in preparing and reviewing DOE EISs. Checklist questions are based on NEPA, the Council on Environmental Quality (CEQ) NEPA

- Regulations (40 CFR parts 1500-1508), DOE NEPA Regulations (10 CFR part 1021), DOE's "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," other CEQ and DOE guidance, and related federal environmental, safety, and health laws and regulations.
12. *Environmental Impact Statement Summary [DOE][1998]*. This guidance, prepared by the DOE NEPA Office, reviews the regulatory requirement to prepare an EIS summary, identifies the summary's required contents, provides recommendations for writing a good summary, and discusses how to use the summary to increase efficiency by reducing paperwork. The appendices provide additional resources. Although the guidance specifically addresses an EIS summary, the principles of good expository writing described herein apply equally to the body of an EIS.
  13. *Environmental Justice Strategy [DOE][2017]*. DOE's Environmental Justice Strategy demonstrates the Department's commitment to comply with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
  14. *Frequently Asked Questions on DOE's NEPA Regulations [DOE][1998]*. This document contains frequently asked questions on DOE's NEPA regulations.
  15. *Glossary of Terms Used in DOE NEPA Documents [DOE][1998]*. This glossary is provided as a resource for preparing technical glossaries and related explanatory material (such as text-box explanations of technical concepts) for DOE NEPA documents. Technical terms used in DOE NEPA documents should be defined to aid lay readers' understanding. Definitions may be provided either in the body of the document or in a glossary section. Using this glossary should foster efficiency and consistency in the preparation of DOE NEPA documents. DOE NEPA practitioners are not required to use these definitions, however.
  16. *Guidance for Site-wide Environmental Impact Statements [DOE][1995]*. A guidance memorandum from DOE NEPA Office director to a NEPA Compliance Officer regarding the interrelationship among proposed actions and alternatives in several programmatic and site-wide EISs related to the nuclear weapons complex and how to address reasonably foreseeable cumulative impacts in those documents.
  17. *Guidance on NEPA Categorical Exclusion Determinations [DOE][1998]*. This memorandum provides a reminder of the requirements for applying categorical exclusions pursuant to the Department of Energy's (DOE's) NEPA regulations and guidance for simple recordkeeping of such determinations.
  18. *Guidance on NEPA Review for Corrective Actions under RCRA [DOE][1997]*. This guidance results from the work of a Task Team formed by DOE's Environmental Management's NEPA Compliance Officer to study streamlining the NEPA process for RCRA corrective actions, in response to a recommendation in the National Academy of Sciences Report on "Improving the Environment: An Evaluation of DOE'S Environmental Management Program." The guidance addresses circumstances in which (1) a consolidated CERCLA/RCRA process incorporating National Environmental Policy Act (NEPA) values may be sufficient, or (2) a NEPA review process is needed for RCRA corrective actions.
  19. *Implementation of EO 12114 - Effects Abroad [DOE][1981]*. The guidelines further the purpose of NEPA and the Marine Protection Research and Sanctuaries Act and the Deepwater Port Act consistent with the foreign policy and national security policy of the

United States, and represents the United States government's exclusive and complete determination of the procedural and other actions to be taken by federal agencies to further the purpose of NEPA, with respect to the environment outside the United States, its territories and possessions.

20. *Implementing OMB Information Dissemination Quality Guidelines [DOE][2002]*. The Guidelines are designed so that DOE Elements can apply them in a common sense and workable manner. It is important that these guidelines not impose unnecessary administrative burdens that would inhibit DOE Elements from continuing to take advantage of the Internet and other technologies to disseminate information to the public.
21. *Need to Consider Intentional Destructive Acts in NEPA Documents [DOE][2006]*. In light of two decisions by the United States Court of Appeals for the Ninth Circuit, DOE NEPA documents, including environmental impact statements (EISs) and environmental assessments (EAs), should explicitly address potential environmental consequences of intentional destructive acts (i.e., acts of sabotage or terrorism). This guidance was developed by the DOE NEPA Office, in consultation with the Assistant General Counsel for Environment and the Deputy General Counsel of the National Nuclear Security Administration.
22. *Recommendations for the Preparation of EAs and EISs [DOE][2004]*. This document provides recommendations for DOE's preparation of environmental assessments and environmental impact statements under NEPA. The recommendations should materially aid those responsible for preparing and reviewing NEPA documents to focus on significant environmental issues, adequately analyze environmental impacts, and effectively present the analysis to decisionmakers and the public. The recommendations are not all-encompassing, however; preparers must apply independent judgment to determine the appropriate scope and analytical requirements of NEPA for each proposal. These recommendations do not constitute legal requirements, but are intended to enhance compliance with existing NEPA regulations (40 CFR parts 1500–1508, 10 CFR part 1021).
23. *Recommendations for the Supplement Analysis Process [DOE][2005]*. The guidance maintains the flexibility inherent in the CEQ and DOE regulations, while providing practical advice and direction for completing the supplement analysis (SA) process. The recommendations are aimed at assisting you in decisions regarding whether to prepare an SA, the substantive content of an SA, procedural aspects of preparing an SA, and outcomes that can result from an SA.
24. *The EIS Comment-Response Process [DOE][2004]*. This DOE guidance addresses both the substance and the mechanics of the comment-response process and provides advice on tracking and categorizing comments, considering comments and preparing responses, and presenting responses and corresponding changes in a final EIS.

#### **D. CEQ guidance**

1. *A Citizen's Guide to the NEPA - Having Your Voice Heard [CEQ][2007]*. This guide was developed to help citizens and organizations who are concerned about the environmental effects of federal decisionmaking to effectively participate in federal agencies' environmental reviews under NEPA.

2. *Aligning the NEPA Process with EMS [CEQ][2007]*. CEQ offers this guide to assist federal agencies in aligning the NEPA statement of policy in Section 101 and the analysis and decision processes of Section 102 with the elements of an Environmental Management System (EMS) when establishing, implementing, and maintaining their EMS. CEQ recognizes the benefits of aligning the complementary processes of NEPA and an EMS and encourages federal agencies to do so where appropriate.
3. *Analysis of Impacts on Prime or Unique Agricultural Lands and NEPA [CEQ][1980]*. The purpose of this memorandum is to alert federal agencies to the need and the opportunities to analyze agricultural land impacts more effectively in the project planning process and under NEPA. Determining the effects of a proposed federal agency action on prime or unique agricultural lands must be an integral part of the environmental assessment process, and must be a factor in deciding whether or not to prepare an environmental impact statement.
4. *Appropriate Use of Mitigation and Monitoring and Mitigated FONSI [CEQ][2011]*. This CEQ guidance is regarding the appropriate use of mitigation in EAs and EISs under NEPA. This guidance outlines principles federal agencies should apply in the development of their NEPA implementing regulations and procedures to guide their consideration of measures to mitigate adverse environmental impacts in EAs and EISs; their commitments to carry out mitigation made in related decision documents, such as the Record of Decision; the implementation of mitigation; and the monitoring of mitigation outcomes during and after implementation. This guidance also outlines principles agencies should apply to provide for public participation and accountability in the development and implementation of mitigation and monitoring efforts that are described in their NEPA documentation.
5. *Collaboration in NEPA - A Handbook for NEPA Practitioners [CEQ][2007]*. This handbook, prepared by CEQ, describes the potential benefits of collaboration, identifies opportunities for working collaboratively at every stage of the NEPA process, and provides case studies on the successful use of collaborative techniques and tips on attitudes and behaviors that foster successful collaboration.
6. *Consideration of Past Actions in Cumulative Effects Analysis [CEQ][2005]*. This CEQ memorandum provides guidance on the extent to which federal agencies are required to analyze the environmental effects of past actions when they describe the cumulative environmental effect of a proposed action.
7. *Considering Cumulative Effects Under the NEPA [CEQ][1997]*. This handbook, prepared by CEQ, introduces the complex issue of cumulative effects, outlines general principles, presents useful steps, and provides information on methods of cumulative effects analysis and data sources.
8. *Cooperating Agencies in Implementing the Requirements of NEPA [CEQ][2002]*. The purpose of this CEQ memorandum is to ensure that all federal agencies are actively considering designation of federal and non-federal cooperating agencies in the participation of analyses and documentation required by NEPA, and to ensure that federal agencies actively participate as cooperating agencies in other agency's NEPA processes.
9. *CWA-404(r) - Federal Projects Involving Dredged or Fill Materials [CEQ][1980]*. This CEQ memorandum establishes procedures for coordinating agency views and formulating Administration policy prior to requesting Congressional action on projects that may be subject to Section 404(r) of the Clean Water Act (Federal Water Pollution Control Act, as



amended). This memorandum is also in furtherance of Executive Order 12088, Federal Compliance with Pollution Control Standards.

10. *Designation of Non-Federal Agencies as Cooperating Agencies [CEQ][1999]*. The purpose of this 1999 CEQ memorandum is to urge agencies to more actively solicit in the future the participation of state, tribal and local governments as “cooperating agencies” in implementing the EIS process up NEPA.
11. *Effective Use of Programmatic NEPA Reviews [CEQ][2014]*. This guidance was prepared to assist Federal agencies to improve and modernize their use of programmatic NEPA reviews. Programmatic NEPA reviews assess the environmental impacts of proposed policies, plans, programs, or projects for which subsequent actions will be implemented either based on the PEA or PEIS, or based on subsequent NEPA reviews tiered to the programmatic review (e.g., a site- or project- specific document).
12. *Emergency Actions and NEPA [CEQ][2005]*. This CEQ memorandum provides general information on the response to Hurricane Katrina, information regarding reporting oil and chemical spills, information regarding the projected long term recovery efforts, and explains how agencies can respond to emergencies and comply with NEPA. The memorandum includes the following attachments: 1) Emergency Alternative Arrangements under NEPA, and 2) Preparing Focused, Concise and Timely Environmental Assessments.
13. *Environmental Collaboration and Conflict Resolution [CEQ-OMB][2012]*. This memorandum directs departments and agencies to increase the appropriate and effective use of third-party assisted environmental collaboration as well as environmental conflict resolution to resolve problems and conflicts that arise in the context of environmental, public lands, or natural resources issues, including matters related to energy, transportation, and water and land management. With the magnitude of environmental challenges facing the nation, coupled with the need for careful stewardship of tax dollars and budgets, federal departments and agencies should leverage all environmental collaboration and conflict management techniques to improve environmental governance. This memorandum expands and builds on the November 28, 2005, Environmental Conflict Resolution memorandum.
14. *Environmental Justice - Guidance under NEPA [CEQ][1997]*. CEQ, in consultation with EPA and other affected agencies, has developed this guidance to further assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed.
15. *Establishing, Applying, and Revising Categorical Exclusions [CEQ][2010]*. This CEQ guidance provides methods for substantiating categorical exclusions, clarifies the process for establishing categorical exclusions, outlines how agencies should engage the public when establishing and using categorical exclusions, describes how agencies can document the use of categorical exclusions, and recommends periodic agency review of existing categorical exclusions.
16. *Forty Most Asked Questions Concerning CEQ’s NEPA Regulations [CEQ][1981]*. In June and July 1980, the Council on Environmental Quality, as part of its oversight of implementation of NEPA, held meetings in the ten EPA regional offices with federal, state, and local officials to discuss administration of the implementing regulations. The forty most asked questions were compiled in this memorandum to agencies for the information of relevant officials.
17. *Guidance Regarding NEPA Regulations [CEQ][1983]*. This CEQ guidance memorandum addresses questions that were identified during a 1981-1982 process to provide

information on the manner in which federal agencies were implementing the CEQ NEPA regulations. The memorandum notes that there are many ways in which agencies can meet their responsibilities under NEPA and the regulations. The purpose of the memorandum is to provide CEQ's guidance on various ways to carry out activities under the regulations.

18. *Incorporating Biodiversity Considerations into EIA under NEPA [CEQ][1993]*. This report, issued by CEQ, provides material on the components of biodiversity, the major causes of the loss of biodiversity, general principles for its protection, and the appropriate scale for considering biodiversity. It also summarizes biodiversity concepts and practices and how they may be applied to NEPA analyses.
19. *Integrating NEPA and NHPA Section 106 [CEQ-ACHP][2013]*. The concepts of "coordination" and "integration" are found in both the CEQ regulations and Section 106 of the National Historic Preservation Act regulations, because they provide efficiencies, improve public understanding, and lead to more informed decisions. This handbook provides advice on implementing provisions added to the Section 106 regulations in 1999 that address both "coordination" of the Section 106 and NEPA reviews and the "substitution" of the NEPA reviews for the Section 106 process.
20. *Major Cases Interpreting NEPA [CEQ][1998]*. This document is a collection of major legal case summaries that shape how federal agencies should comply with specific aspects of NEPA.
21. *NEPA - A Study of Effectiveness After 25 Years [CEQ][1997]*. On the occasion of the 25th anniversary of NEPA, the Council on Environmental Quality (CEQ) set out to examine NEPA's effectiveness, and to identify the factors critical to ensuring success in the NEPA process. As the federal office responsible for overseeing NEPA implementation, CEQ also wanted to see how agency implementation of NEPA could be streamlined to make it more efficient; promote the integration of social, environmental and economic factors; and ensure openness in government — as called for under the Act. This report presents the findings of CEQ's study.
22. *NEPA Task Force - Modernizing NEPA Implementation [CEQ][2003]*. This report presents the results of research and consultations by the NEPA Task Force concerning the implementation of the environmental impact analysis requirement of NEPA. The task force prepared this report, recommending actions to improve and modernize the NEPA process, and a document of case studies highlighting useful practices.
23. *Preparing Efficient and Timely Environmental Reviews under NEPA [CEQ][2012]*. The Council on Environmental Quality (CEQ) Regulations implementing NEPA contain a number of opportunities for achieving the goal of high quality, efficient, and timely environmental reviews under NEPA. CEQ issued this guidance for Federal departments and agencies to emphasize and clarify those opportunities, fully consistent with a thorough and meaningful environmental review.
24. *Safe Drinking Water Act of 1974 and its Relationship to the NEPA [CEQ][1976]*. This memorandum provides guidance to federal agencies on how to carry out an evaluation of the impact of federally assisted projects on groundwater supplies.
25. *Scoping Guidance - Memorandum for GCs, NEPA Liaisons, and Participants in Scoping [CEQ][1981]*. As part of its continuing oversight of the implementation of the NEPA regulations, CEQ investigated agency experience with scoping. Based on that effort, CEQ prepared this document, which provides a series of recommendations for successfully conducting scoping. It provides advice on what works and what does not, based on the experience of many agencies and other participants in scoping. It contains no new legal

requirements beyond those in the NEPA regulations. This document is intended to encourage the use of better techniques for ensuring public participation and efficiency in the scoping process.

### **Other Guidance and Related Materials**

1. *2015 Red Book Synchronized Transportation - Infrastructure Project Env Reviews*[FHWA][2015]. The purpose of the Red Book is to function as a “how to” for synchronizing NEPA and other regulatory reviews. This handbook will be useful to federal agencies that review permit applications, and federal, state, and local agencies that fund or develop major transportation and other infrastructure projects.
2. *Amended Environmental Impact Statement Filing System Guidance* [EPA][2012]. The purpose of the EPA Filing System Guidelines is to provide guidance to federal agencies on filing draft, final, and supplemental EISs.
3. *Consideration of EJ in CAA Sec 309 Reviews* [EPA][1999]. This document is intended for use by Environmental Protection Agency (EPA) reviewers. It provides guidance on reviewing and commenting on other federal agencies’ NEPA documents to help ensure that environmental effects on minority communities and low-income communities have been fully analyzed. EPA states that this document should be read in conjunction with EPA’s *Policy and Procedures for the Review of Federal Actions Impacting the Environment* and CEQ’s *Guidance for Considering Environmental Justice under the National Environmental Policy Act*.
4. *Cumulative Impacts in EPA Review of NEPA Documents* [EPA][1999]. The purpose of this guidance is to assist EPA reviewers of NEPA documents in providing accurate, realistic, and consistent comments on the assessment of cumulative impacts. This guidance focuses on specific issues that are critical in EPA’s review of NEPA documents under Section 309 of the Clean Air Act. This guidance offers information on what issues to look for in the analysis, what practical considerations should be kept in mind when reviewing the analysis, and what should be said in EPA comments concerning the adequacy of the analysis.
5. *Reflecting the Revised PM 2.5 NAAQ Standard in NEPA Evaluations* [EPA][2007]. On October 17, 2006, EPA issued a final rule lowering the National Ambient Air Quality Standard (NAAQS) for PM<sub>2.5</sub>, which became effective on December 18, 2006 (71 FR 61144). Specifically, the 24-hour standard for PM<sub>2.5</sub> was lowered to 35 -tg/m<sup>3</sup> from the previous standard of 65 -tg/m<sup>3</sup>. Since that time, we have received some inquiries (both internal and from other federal agencies) asking about how this revised NAAQS should be reflected in NEPA evaluations for proposed actions. EPA’s Office of Federal Activities circulated this memorandum outlining its position on this matter.
6. *Draft PM 2.5 Precursor Demonstration Guidance* [EPA][2016]. This guidance is designed to assist air agencies who may wish to submit PM<sub>2.5</sub> precursor demonstrations as permitted by the PM<sub>2.5</sub> SIP Requirements Rule. Until such time as the release of the revised PM<sub>2.5</sub> Precursor Demonstration Guidance, anyone seeking to use this draft guidance for regulatory purposes is encouraged to engage with their respective EPA Regional Office as early as possible.
7. *EA Process Improvement Team Report* [DOE][1994]. A team composed of DOE Headquarters and Operations Office personnel used a seven-step Process Quality Management Improvement Technique to analyze the DOE EA process and recommend

improvements. This report describes the team's analysis, findings, and recommendations that follow the seven-step management improvement process.

8. *Electronic Submittal of Environmental Impact Statements to EPA [EPA] [2012]*. Instructions for using e-NEPA, the Environmental Protection Agency's tool for submitting EIS documents electronically.
9. *Energy Efficiency Reference for Environmental Reviewers [EPA][2010]*. This reference document provides background information on federal energy efficiency legislation, policies, guidance and programs, as well as current energy efficiency technologies, standards, and products. The goal of the reference is to provide information to assist EPA reviewers to: 1) Prepare scoping comments on EISs that address energy efficiency; 2) Consider energy efficiency issues most appropriate to a specific type of federal action presented in an EIS; 3) Support the development of EPA's comments under Section 309 of the Clean Air Act.
10. *Environmental Review Guide for Special Appropriation Grants [EPA][2008]*. This EPA guidance document provides recommended procedures and approaches to assist grant applicants in preparing environmental information related to proposed construction projects that are subject to NEPA. EPA-funded construction projects subject to NEPA are generally those projects that are authorized by Congress and for which the grant authority is EPA's annual appropriations acts; however, the procedures and approaches recommended herein may also be useful to grant applicants whose projects are funded under the authority of other EPA statutes.
11. *Essential Fish Habitat Consultation Guidance [NMFS] [2004]*. This document was developed to provide additional guidance on the procedures that have been developed to assist the National Marine Fisheries Service and other Federal agencies in addressing the essential fish habitat (EFH) coordination and consultation requirements established by the Magnuson-Stevens Fishery Conservation and Management Act and the EFH consultation guidelines. Specifically, this guidance is meant to facilitate the use of existing environmental review procedures as the primary mechanism for EFH consultations, streamline the consultative requirements for activities minimally affecting EFH, and establish a consistent, efficient approach to conducting programmatic and individual consultations.
12. *Floodplain Management Guidelines for Implementing EO 11988 [WRC][1978]*. These guidelines have been prepared to provide broad guidance in the implementation of the Order and to offer a common point of reference for each agency to prepare implementing procedures for compliance with the Order. The interpretations in the guidelines are built upon a strong Executive Order and directed at development of demonstrable federal leadership in floodplain management in the immediate future.
13. *Habitat Evaluation - Guidance for Environmental Assessment Documents [EPA][1993]*. This document is designed to assist NEPA reviewers in evaluating the ecological risks associated with the impacts of federal activities. The information provided will assist NEPA reviewers in developing informed comments for project scoping, EIS review, and section 309 analyses related to the issues of habitat loss and degradation. In particular, this document is designed to help reviewers recommend mitigations to prevent the loss of habitats. This document should also be useful to other EPA programs and other federal agencies.
14. *Incorporating Pollution Prevention into the ER Process [EPA][1994]*. This document sets forth a framework to guide the development of pollution prevention strategies by each

agency in the federal government. It explains the context of legislation, policy, and federal activity in the pollution prevention area, outlines goals and objectives, and summarizes programs, tools, requirements, and resources that comprise the building blocks for federal action in pollution prevention.

15. *Manual 8431 - Visual Resource Contrast Rating [BLM][1986]*. This manual describes an assessment process for determining visual impacts and for identifying measures to mitigate these impacts. The contrast rating system is a systematic process used by the Bureau of Land Management (BLM) to analyze potential visual impact of proposed projects and activities. It is primarily intended to assist BLM personnel who are not formally trained in the design arts to apply the basic principles of design in the resolution of visual impacts.
16. *Promising Practices for EJ Methodologies in NEPA Reviews [EJ IWG] [2016]*. This report, prepared by the Interagency Working Group on Environmental Justice and NEPA Committee, is a compilation of approaches and methodologies gleaned from an almost 4-year review of agency practices. The report provides guiding principles and specific steps to consider during the NEPA process for the following topics: meaningful engagement, scoping process, defining the affected environment, developing and selecting alternatives, identifying minority populations, identifying low-income populations, impacts, disproportionately high and adverse impacts, and mitigation and monitoring.
17. *NEPA and Children's Health [EPA][2012]*. The EPA Office of Federal Activities identified several opportunities to complement existing work to ensure the Executive Order (EO 13045) is carried out in EPA's reviews of other agencies' environmental impact statements and other NEPA documents.
18. *New Nuclear Power Plant Environmental Impact Statements [EPA][2008]*. This guidance provides background information to staff within the U.S. Environmental Protection Agency (EPA) who review and comment on NEPA documents prepared by the Nuclear Regulatory Commission, in accordance with EPA's responsibilities for environmental review under Section 309 of the Clean Air Act.
19. *Pollution Prevention and Environmental Impact Reduction for NEPA [EPA][1995]*. The environmental review process under NEPA provides a valuable opportunity for federal agency NEPA/309 reviewers to incorporate pollution prevention and environmental impact reduction into actions (or projects). This guidance was prepared to assist NEPA/309 reviewers in incorporating pollution prevention into each step of the environmental review process, including scoping, mitigation, monitoring, and enforcement.
20. *Report Regarding the Application of NEPA to CERCLA Cleanups [DOJ][1995]*. This memorandum describes the outcome of a meeting among DOE, EPA, CEQ and DOJ officials to discuss issue of the relationship of NEPA to the cleanup of federal facilities under the CERCLA Superfund Program. This memorandum describes the rationale for DOJ defending DOE's decision at a given site not to apply NEPA as part of the CERCLA cleanup process.
21. *Review of Federal Actions Impacting the Environment [EPA][1984]*. This manual establishes policies and procedures for carrying out the Environmental Protection Agency's (EPA's) responsibilities to review and comment on federal actions affecting the

quality of the environment. EPA has general statutory authority under NEPA and the Council on Environmental Quality's implementing regulations, and has specific authority and responsibility under Section 309 of the Clean Air Act to conduct such reviews, comment in writing, and make those comments available to the public.

22. *Section 7 Consultation Handbook [USFWS, NOAA][1998]*. This Handbook provides internal guidance and establishes national policy for conducting consultation and conferences pursuant to section 7 of the Endangered Species Act of 1973, as amended. The purpose of the Handbook is to promote efficiency and nationwide consistency within and between the U.S. Fish and Wildlife Service and National Marine Fisheries Service. The Handbook addresses the major consultation processes, including informal, formal, emergency, and special consultations, and conferences.
23. *The Environmental Style - Writing EAs and EISs [Detwiler][2005]*. This guide provides various guidelines for writing numerous aspects of an EA or EIS.
24. *Health Impact Assessment in Reviews under NEPA and the CAA [EPA][2015]*. This memorandum supports the use of health impact assessment which has been seen as a way to not only enhance human health considerations in the NEPA process, but also ensure considerations of environmental justice and children's health (as called for in Executive Orders 12898 and 13045, respectively).
25. *Purpose and Need - Letter from Secretary of DOT to CEQ Chairman [DOT][2003]*. Letter from Secretary of Transportation asking for CEQ's guidance on two questions relating to "purpose and need."