

Proposed and Recently Implemented Agency NEPA Procedures*

Proposed Agency NEPA Procedures (pending final agency action)

- **Federal Highway Administration:** Notice of Proposed Memorandum of Understanding Assigning Environmental Responsibilities to Alaska published October 14, 2008, with comments requested by November 28, 2008 ([73 Federal Register 60750](#)). -----

NOTE: Transportation reauthorization authority at sections 6004 and 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59), allows some states to take the place of FHWA in meeting environmental responsibilities (e.g., coordination and consultation under other federal environmental laws such as the Endangered Species Act, Clean Water Act, and National Historic Preservation Act) and obligations with regard to categorical exclusions (section 6004) and with regard to broader environmental analyses (section 6005). The Memoranda of Understanding (MOU) outlining the states roles are at found at <http://www.fhwa.dot.gov/environment/index.htm>. Currently, California and Utah have section 6004 categorical exclusion authority and California has section 6005 authority.
- **National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce:** this proposed rule would revise and update the procedures for complying with the National Environmental Policy Act in the context of fishery management actions – the rule was developed pursuant to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act – published for comment May 14, 2008 ([73 Federal Register 27997](#))
- **Department of Housing and Urban Development:** Amendments to HUD’s Environmental Regulations – published for comment September 12, 2007 ([72 Federal Register 52264](#))
- **Federal Transit Administration-Federal Highway Administration, Department of Transportation:** Proposed Environmental Impact and Related Procedures – published for comment August 7, 2007 ([72 Federal Register 44038](#))
- **Office of Justice Programs, Department of Justice:** Correction Program Office’s Interim Final Rule for Environmental Impact Review Procedures for the Violent Offender Incarceration/Truth-In-Sentencing Incentive Grants Program – published for comment on August 8, 2000 ([65 Federal Register 48592](#))

***NOTE: To access the Federal Register, go to: <http://www.gpoaccess.gov/fr/index.html>**

Recently Implemented Agency NEPA Procedures (within the last 12 months)

- **Department of the Interior:** Implementation of the National Environmental Policy Act of 1969 –published for comment January 2, 2008 ([73 Federal Register 126](#)) and published as final rule (43 CFR part 46) October 15, 2008 ([73 FR 61291](#)).
- **Natural Resources Conservation Service, Department of Agriculture:** This interim final rule modifies the NRCS NEPA regulations at 7 CFR 650 to allow for decisions on proposed grants in conformity with 60 and 90 day timelines in Farm Bill by eliminating the requirement for 30 day public review periods for all environmental assessments and by explicitly providing for programmatic environmental assessments – published as immediately effective with a 30 day comment period on June 25, 2008 ([73 Federal Register 35883](#)) and affirmed as final rule on September 23, 2008 ([73 FR 54667](#)).
- **U.S. Forest Service, Department of Agriculture:** National Environmental Policy Act (NEPA) Compliance – published for comment August 16, 2007 (72 Federal Register 45998) and published as final rule (36 CFR part 220) July 24, 2008 ([73 FR 43084](#)).