



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

CHAIRMAN

May 2, 2005

MEMORANDUM

TO: HEADS OF FEDERAL AGENCIES

FROM: JAMES L. CONNAUGHTON 

SUBJECT: IMPLEMENTING RECOMMENDATIONS TO MODERNIZE NEPA

We have concluded our review of the recommendations of the National Environmental Policy Act (NEPA) Task Force presented in its report to the Council on Environmental Quality, *Modernizing NEPA Implementation*. The CEQ NEPA Task Force consisted of senior career officials who worked closely with your staff to provide the first comprehensive NEPA review in nearly a decade. The principles that guided our work and will guide our future efforts are on page 3. Our objective now is to make concrete progress implementing the recommendations of the Task Force.

On Friday, May 20<sup>th</sup> I will convene the first interagency meeting to launch implementation and I ask you to designate a senior member of your leadership team, Assistant Secretary or equivalent, to attend. The practical recommendations on pages 4 and 5 have received broad support and were selected to begin implementing the task force's work. Your representatives should come to the meeting ready to identify which of those recommendations your agency will undertake.

The National Environmental Policy Act of 1969 was signed into law by President Richard Nixon on January 1, 1970. NEPA calls upon federal agencies to study the environmental effects of their actions through an interdisciplinary environmental planning process intended "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." The NEPA process is designed to inform federal decisionmakers and to involve the interested and affected federal, state, local and tribal governments and the public in federal decisions affecting the quality of the human environment.

Fully recognizing the value that NEPA provides, the CEQ NEPA Task Force examined the concern that the NEPA process is losing its focus to help federal agencies make better informed decisions. The task force looked closely at current, often out-dated, practices to develop recommendations for making the NEPA process more effective, efficient and timely. It developed over fifty practical recommendations designed to improve and reinvigorate agency NEPA practices. Panels of NEPA experts and interested citizens around the country reviewed the recommendations and affirmed the value of taking action. Additional information is available on line (<http://ceq.eh.doe.gov/ntf>).

By May 16<sup>th</sup>, please provide the name and contact information (title, address, phone, facsimile, and electronic mail address) of your senior representative to my office by May 16, 2005, by facsimile (202-456-0753) or electronic mail ([Horst\\_Greczmiel@ceq.eop.gov](mailto:Horst_Greczmiel@ceq.eop.gov)). We will meet in the Truman Room at the White House Conference Center from 1 to 3pm.

I look forward to working with you in modernizing the NEPA process to help us all make better informed and environmentally sound decisions.

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*Editor's Notes:*

*The interagency meeting called for May 20<sup>th</sup> was postponed and held on June 7<sup>th</sup> 2005.*

*Memorandum with identical subject line and content were sent to individual Cabinet members.*

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## Principles for Modernizing NEPA Implementation

- Ensure timely and cost effective environmental reviews while maintaining environmentally sound decision-making that help achieve the Nation's environmental, social and economic objectives.
- Ensure that Federal agencies are supplied with the knowledge and skills to provide more effective, efficient and timely NEPA compliance.
- Ensure that federal agencies responsible for NEPA compliance coordinate their efforts and apply their resources to efficiently align the NEPA analysis with other environmental laws, regulations and decisions.
- Ensure that federal agencies establish appropriate mechanisms to coordinate federal, state, tribal and local environmental review and permitting activity.
- Operate openly and inclusively with all interested and affected parties to ensure that all perspectives are heard, shared and considered.
- Identify, recognize and seek to replicate effective environmental impact assessment processes already in existence.

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## **Recommendations to Modernize NEPA Implementation**

### **Adaptive Management and Environmental Management Systems**

Lead an interagency work group to develop and recommend guidance on integrating the NEPA process with environmental management systems.

Sponsor a demonstration project that uses an environmental management system (EMS) in conjunction with a NEPA process designed to result in a decision that uses the EMS to manage the operational and environmental effects of the decision in an adaptive management process.

Lead an interagency work group to develop a “best practices” handbook on environmental management systems and adaptive management processes with case studies that highlight their successful characteristics.

### **Aligning NEPA and other Laws**

Lead an interagency work group to develop a handbook to address the coordination of NEPA with one or more major environmental consultation and coordination requirements (e.g., Section 404 of the Clean Water Act; Section 7 of the Endangered Species Act; Section 106 of the National Historic Preservation Act).

### **Categorical Exclusions**

Lead an interagency work group to develop and recommend guidance on how to develop and revise categorical exclusions (CEs). The proposed guidance will include methods available to: describe a category of actions, substantiate the determination that the category of actions does not individually or cumulatively have a significant effect on the quality of the human environment, and involve the public in the development of CEs.

Lead an interagency work group to develop and recommend guidance on applying a CE to a specific proposed action. The proposed guidance will address how agencies can substantiate the determination that a CE is appropriately used for a proposed action, and how agencies can better inform the interested and affected parties of this determination.

Lead an interagency work group to develop and recommend guidance to federal agencies on ways to collaboratively monitor proposals that rely upon the use of CEs to satisfy NEPA.

### **Collaboration**

Lead an interagency work group to develop and recommend guidance to federal agencies on the components of successful collaborative agreements, and to develop examples (templates) applicable to various types of NEPA analyses and stages of the NEPA process (from initiation or scoping through publication of NEPA documents).

Lead an interagency work group to develop a “best practices” handbook on collaboration with case studies that showcase the characteristics of successful collaborative efforts.

### **Environmental Assessments**

Lead an interagency work group to develop and recommend guidance to federal agencies on environmental assessments (EAs). The proposed guidance will address: the requirements and contents of EAs; the appropriate range in size of EAs based on the magnitude and complexity of environmental issues, public concerns, and project scope; public involvement; alternatives; and mitigation, particularly when the EA concludes with a mitigated finding of no significant impact.

Lead an interagency work group to develop and recommend guidance to federal agencies on ways to collaboratively monitor the use of EAs.

### **Programmatic Analyses**

Lead an interagency work group to develop and recommend guidance on providing a description in programmatic NEPA documents of when and how issues raised at the programmatic level will be subsequently addressed.

Sponsor a demonstration project that identifies, implements, and documents the use of a programmatic analysis, tiering, and associated documentation.

Lead an interagency work group to develop and recommend guidance on the different uses of programmatic analyses, and the appropriate scope, range of issues, depth of analyses, and the level of description required for documenting programmatic analyses.

### **Training**

Lead an interagency work group to develop and recommend training for senior decisionmakers that describes how a well run NEPA process benefits management. The workgroup will also develop a decision model on how to use a NEPA process that emphasizes early involvement and collaboration.

Lead an interagency work group to develop handbooks that describe how interested and affected parties (e.g. decisionmakers, tribes, NGOs, permit applicants, state and local governments and the public) can be involved in the NEPA process in order to inform and focus a timely process.

Lead an interagency work group to develop and recommend training for interested and affected parties (e.g. decisionmakers, tribes, NGOs, permit applicants, state and local governments and the public) on the principles of NEPA and NEPA requirements, agencies’ missions, scoping, collaboration skills, dispute resolution, and effective public involvement.

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