

Regulatory Guidance Letter 87-01

SUBJECT: Streamlining the NEPA Process

DATE: March 2, 1987

EXPIRES: December 31, 1989

1. The Federal Highway Administration's "Flexibility Document" issued last May identified ways of streamlining preparation of environmental impact statements (EISs) and the NEPA process in general. Some of this information is useful to our program.
2. For example, you need not assume that a project for which a draft EIS is prepared necessarily requires preparation of a final EIS. The Council on Environmental Quality's (CEQ) NEPA implementation regulations (40 CFR 1500-1508) do not expressly prohibit a Finding of No Significant Impact (FONSI) during development of an EIS. Indeed, our NEPA implementation regulations (see 33 CFR 230, Appendix B, paragraph 10(g)) provides for determining that an EIS is no longer needed at any time during the process. As a general rule, the draft EIS should be converted to an environmental assessment and FONSI when you conclude, based on information developed during preparation of the draft, that the proposed activity will not have a significant impact on the human environment.
3. Final EISs do not necessarily have to repeat all of the information contained in a draft EIS. CEQ regulations allow the final EIS to be substantially abbreviated where only minor changes are needed to respond to comments on the draft EIS. You may list the necessary changes to the draft EIS and circulate that list, together with the comments and responses to those comments. Of course, the entire EIS (i.e., the errata sheets, comments and responses and the draft EIS) must be filed with EPA. See 40 CFR Sections 1502.19 and 1503.4(c).
4. Where changes to the draft EIS are more substantial, you may still abbreviate the final EIS by referencing those portions of the draft that do not need to be changed. The final EIS would then concentrate on changes (e.g., how the project has been modified to address concerns, new information on impacts, etc.) that have occurred since the draft was circulated. However, the final EIS format should generally parallel that of the draft, and, as a minimum, meet the requirements of 40 CFR 1502.10. The final EIS should also be able to stand alone and, at the same time, provide the reader with a general understanding of the project and its impacts. The draft EIS need not be re-circulated as a final EIS but should be available on request.
5. This guidance expires 31 December 1989 unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS: