

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE GUIDE

Volume I General NEPA References

TABLE OF CONTENTS

PART I. The Law and Council on Environmental Quality (CEQ) Regulations

Council on Environmental Quality, Executive Office of the President, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. Reprint (as of July 1, 1986) including:

- ! 40 CFR Parts 1500B1508
- ! The National Environmental Policy Act of 1969, as amended
- ! The Environmental Quality Improvement Act of 1970
- ! The Clean Air Act, Section 309
- ! Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970), as amended by Executive Order 11991(May 24, 1977)

PART II. Executive Orders Concerning Environmental Matters (Selection)

- II-1. Executive Order 11988, Floodplain Management (May 24, 1977)
- II-2. Executive Order 11990, Protection of Wetlands (May 24, 1977)
- II-3. Executive Order 12088, Federal Compliance with Pollution Control Standards (October 13, 1978)
- II-4. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (January 4, 1979)
Note: This issue is under review by an interagency task force.

- II-5. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994, with Presidential Memorandum)

PART III. CEQ Guidance Documents (Selection)

- III-1. Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (46 Fed. Reg. 18026, March 23, 1981; as amended, 51 Fed. Reg. 15618, April 25, 1986)
- III-2. Environmental Effects Abroad of Major Federal Actions, Executive Order 12114; Implementing and Explanatory Documents (44 Fed. Reg. 18722, March 29, 1979)
- III-3. Publishing of Three Memoranda for Heads of Agencies (45 Fed. Reg. 59189, September 8, 1980)
 - ! Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act (August 11, 1980)
 - ! Prime and Unique Agricultural Lands and the National Environmental Policy Act (August 11, 1980)
 - ! Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory (August 10, 1980)
- III-4. Guidance on Applying Section 404(r) of the Clean Water Act to Federal Projects Which Involve the Discharge of Dredged or Fill Materials into Waters of the U.S., Including Wetlands (November 17, 1980)
- III-5. Scoping Guidance (46 Fed. Reg. 25461, May 7, 1981, Notice of Availability of Memorandum to Agencies Containing Scoping Guidance, and April 30, 1981, Memorandum)
- III-6. Guidance Regarding NEPA Regulations (includes Scoping, Categorical Exclusions, Adoption Procedures, Contracting Provisions, Selection of Alternatives in Licensing and Permitting Situations, and Tiering Regulations) (48 Fed. Reg. 34263, July 28, 1983)

- III-7. National Environmental Policy Act Implementation Procedures; Appendices I, II, and III (49 Fed. Reg. 49750, December 21, 1984)
Note: Particular contacts may in some instances be outdated. Refer to the **A**Directory of Potential Stakeholders for Department of Energy Actions under the National Environmental Policy Act**@**(updated biannually), which is also known as the **A**Yellow Book**@**and is available separately as a bound document.
- ! Appendix I **B** Federal and Federal-State Agency National Environmental Policy Act Contacts
 - ! Appendix II **B** Federal and Federal-State Agencies with Jurisdiction by Law or Special Expertise on Environmental Quality Issues
 - ! Appendix III **B** Federal and Federal-State Agency Offices for Receiving and Commenting on Other Agencies' Environmental Documents
- III-8. National Environmental Policy Act Regulations; Incomplete or Unavailable Information (preamble to 40 CFR 1502.22 amendment) (51 Fed. Reg. 15618, April 25, 1986)
- III-9. NEPA at 19: A Primer on an **A**Old**@**Law with Solutions to New Problems (Dinah Bear, 19 *Env'tl. L. Rep.* 10060, February 1989)
Note: While this article is not official CEQ guidance, it was written while the author was CEQ General Counsel and is a useful basic reference.
- III-10. Incorporating Biodiversity Considerations into Environmental Impact Analysis under the National Environmental Policy Act (January 1993)
- III-11. Memorandum to Heads of Federal Departments and Agencies: Pollution Prevention and the National Environmental Policy Act (January 12, 1993) (58 Fed. Reg. 6478, January 29, 1993)
- III-12. Considering Cumulative Effects under the National Environmental Policy Act (January 1997)
- III-13. Environmental Justice**C**Guidance under the National Environmental Policy Act (December 10, 1997)

PART IV. Policies from Other Federal Agencies (Selection)

- IV-1. Department of State. Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114 (44 Fed. Reg. 65560, November 13, 1979)
- IV-2. Environmental Protection Agency. Policy and Procedures for the Review of Federal Actions Impacting the Environment (Office of External Affairs and Office of Federal Activities, October 3, 1984)
- IV-3. Environmental Protection Agency. Filing System Guidance for Implementing 1506.9 and 1506.10 of the CEQ Regulations (54 Fed. Reg. 9592, March 7, 1989) (with Office of Federal Activities Memorandum, February 15, 1994)
- IV-4. Environmental Protection Agency. Guidance on Incorporating EPA's Pollution Prevention Strategy into the Environmental Review Process (Office of Federal Activities, February 24, 1993)
- IV-5. Environmental Protection Agency. Habitat Evaluation: Guidance for the Review of Environmental Impact Assessment Documents (Office of Federal Activities, March 8, 1993)
- IV-6. Environmental Protection Agency. Determining Conformity of General Federal Actions to State or Federal Implementation Plans (amending 40 CFR Parts 6, 51, and 93) (58 Fed. Reg. 63214, November 30, 1993) (with Department of Energy Office of Environmental Guidance Memorandum, January 27, 1994)
- IV-7. Environmental Protection Agency. Office of the Federal Environmental Executive; Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds (60 Fed. Reg. 40837, August 10, 1995) (with Department of Energy Office of NEPA Policy and Assistance Memorandum, November 3, 1997, and Presidential Memorandum, April 26, 1994)