



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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PEP - ENVIRONMENTAL REVIEW MEMORANDUM NO. ERM 10-9

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director 
Office of Environmental Policy and Compliance

Subject: Energy Impact Review of Draft Departmental Comment Letters under the Environmental Review Process

Background and Purpose

The Department reviews and comments on proposals of other Federal agencies under the environmental review (ER) system. From time to time there is a recognized need to circulate the Department's draft comment letter to appropriate bureaus to identify possible implications of those comments on energy production, transportation, or direct use. The purpose of the energy impact review is to ensure consistency with current energy policy; not to prolong the general analysis of the lead agency's proposal. This ERM provides guidance for conducting this energy impact review.

Applicability

The energy impact review will be applied to only those review comments developed under the ER process as described in 516 DM 4.

Scope

As a general guide, the categories of projects and proposals to be subject to this process are located in an attachment to this memorandum.

Procedures

1. Upon receipt of an ER document, the Office of Environmental Policy and Compliance (OEPC) will identify those documents requiring an energy impact review. The Regional Environmental Officer (REO) may be consulted by OEPC in making an initial determination to conduct this review, or the REO may consult later with OEPC on the applicability of this review to a particular ER.

2. The ER distribution memorandum will note the potential need for such review, and will allow no less than ten working days between when the draft Departmental letter is due to the REO (or bureau comments are due to OEPC) and the Federal agency's due date for comments. Five working days are normally allowed for this time period.
3. When an energy impact review is anticipated, the ten working days will include the normal five working days plus up to five more days deducted from the bureau review time. While bureaus may have to comment in a shorter time, OEPC will seek a time extension to accommodate the additional review time whenever possible.
4. Upon receipt or preparation of the draft Departmental comments, the REO or OEPC will send the draft Departmental letter to those bureaus with jurisdiction and/or special expertise on energy-related issues.
5. The draft letter will be transmitted via e-mail and/or fax to the designated bureau headquarters (HQ) or field office NEPA contact, with a copy to OEPC (for field-level responses) or appropriate REO (for OEPC responses).
6. The transmittal will state that any objections or additional comments must be received within three working days. The three working days will normally be included in the ten working days noted above.
7. If no objections or comments are received, the Departmental letter will be signed and transmitted to the lead Federal agency.
8. The three working days will start upon transmittal of the draft Departmental letter to the appropriate bureaus. If persons having knowledge of the issues are unavailable for the three day period, the bureaus are expected to notify OEPC and negotiate another schedule and make other arrangements for completion of the review. This will require same day communication among OEPC, bureau NEPA contacts, and the appropriate reviewers.
9. If a bureau responds within the three working days with a request for specific, additional time to provide a complete response, OEPC will tentatively grant the request pending a check with the lead Federal agency to determine its ability to wait for comments or allow an extension of the comment period. OEPC may have to provide a letter at this time seeking an extension. If the lead Federal agency cannot wait for comments or provide an extension, OEPC will inform the bureau and indicate that the bureau will have to respond immediately or withdraw from the process allowing the draft letter to be completed and sent to the lead Federal agency.
10. Any comments prepared by bureaus pursuant to this review must be consolidated into one set per bureau and provided to OEPC electronically with a signed paper confirmation due within five working days.

11. In the event of objections to or conflicting comments on proposed field-level responses, the REO will notify OEPC, and seek field-level resolution of the issue. If such resolution is achieved, the revised letter will be re-circulated to appropriate bureau field offices for a two working day, “objections only” final review. If the issue is not resolved at the field level, the REO will refer the matter to OEPC. OEPC will seek resolution at the bureau HQ level and, if necessary, refer the matter to senior Departmental managers.

12. In the event of objections to or conflicting comments on proposed HQ responses, OEPC will seek resolution of the issue. If such resolution is achieved, the revised letter will be re-circulated to appropriate bureau HQ offices for a two working day, “objections only” final review. If the issue remains unresolved, OEPC will seek resolution from senior Departmental managers.

13. Environmental reviews resulting in no comments shall not be circulated for an energy review.

This memorandum replaces ERM 04-8.

ATTACHMENT TO ERM 10-9

Categories of Projects for Possible Application of the Energy Impact Review Process:

- oil/gas, coal, and geothermal leasing and/or permitting actions
 - oil/gas, coal, geothermal, nuclear, and wind-powered generating facilities
 - oil/gas pipelines
 - electric power transmission lines
 - rail lines and other surface transportation projects whose sole or primary purpose is transportation of energy resources
 - renewable energy (wind, solar, hydropower, biomass, and geothermal)
 - regulations proposed by other Federal agencies which may affect the timing, location, or extent of energy production, transportation, and/or direct use
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Notes:

1. This attachment may be revised as necessary without revising the entire ERM.
2. This attachment is dated: April 16, 2010.