



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

APR 23 2010

PEP – ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 10-17

To: Heads of Bureaus and Offices

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

Subject: Procedures for Implementing Tiered and Transference of Analyses

The requirements in this Environmental Statement Memorandum (ESM) are being issued under the authority provided to the Office of Environmental Policy and Compliance (OEPC) by 381 Departmental Manual (DM) 4.5B, to convey instructions and guidance through its Environmental Memoranda Series, and by 516 DM 3.2, which authorizes OEPC to provide advice and assistance to the Department on matters pertaining to environmental quality and for overseeing and coordinating the Department's compliance with the National Environmental Policy (NEPA), the Council on Environmental Quality (CEQ) regulations, and 516 DM 1.21, which authorizes OEPC to provide further guidance concerning NEPA.

1. Purpose and Scope

The purpose and scope of this memorandum is to provide guidance to bureaus and offices on implementing the tiering and transferring of analyses under NEPA.

2. Tiered and Transferred Analyses (see 43 CFR 46.140 and 516 DM 1.18)

A NEPA document that tiers to another broader NEPA document in accordance with 40 CFR 1508.28 must include a finding that the conditions and environmental effects described in the broader NEPA document are still valid or address any exceptions.

(a) Where the impacts of the narrower action are identified and analyzed in the broader NEPA document, no further analysis is necessary, and the previously prepared document can be used for purposes of the pending action.

(b) To the extent that any relevant analysis in the broader NEPA document is not sufficiently comprehensive or adequate to support further decisions, the tiered NEPA document must explain this and provide any necessary analysis.

(c) An environmental assessment prepared in support of an individual proposed action can be tiered to a programmatic or other broader-scope environmental impact statement. An environmental assessment may be prepared, and a finding of no significant impact reached, for a proposed action with significant effects, whether direct, indirect, or cumulative, if the environmental assessment is tiered to a broader environmental impact statement which fully analyzed those significant effects. Tiering to the programmatic or broader-scope environmental impact statement would allow the preparation of an environmental assessment and a finding of no significant impact for the individual proposed action, so long as any previously unanalyzed effects are not significant. A finding of no significant impact other than those already disclosed and analyzed in the environmental impact statement to which the environmental assessment is tiered may also be called a "finding of no *new* significant impact."

Transferred analysis is where environmental impact information learned in one circumstance can be used in the analysis of a similar project or circumstance, thus avoiding duplication of effort. Transferred analysis can be assisted by the exchange of existing information that is often stored in agency libraries and databases.

3. Procedures

- a. Bureaus and offices should establish a network of communication with Interior and other agencies to share environmental information particularly in the same geographic area.
- b. Bureaus and offices should establish, when possible, common databases of environmental information so that bodies of similar information can be re-used in future environmental impact work.
- c. The types of information bureaus and offices should store and share with other bureaus and offices and agencies are: examples of good and bad documents, sources with contact information, procedures for tiered and transferred analyses, and limits on use of certain information.
- d. Bureaus and offices should seek training for tiered and transferred analyses or provide it to their personnel.
- e. Bureaus and offices should work toward establishing interdisciplinary teams which can provide quick assistance to offices needing help in identifying where tiered and transferred analyses would be appropriate.

f. When appropriate, bureaus and offices should determine the sufficiency of existing environmental analyses. If an existing analyses is found to be sufficient, that document may be cited in the record of decision without doing additional and duplicate analysis.

This memorandum replaces ESM 03-3.