



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

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## PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 10-8

To: Heads of Bureaus and Offices

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

Subject: Other Environmental Review and Consultation Requirements

This memorandum is issued pursuant to 43 CFR 46.155 and 516 Departmental Manual 1.20, and supplements Section 1502.25 of the Council on Environmental Quality (CEQ) regulations.

Attached is a list of other environmental review and consultation requirements which, to the fullest extent possible, should be integrated with the National Environmental Policy Act (NEPA) process. This list may not be comprehensive and the Office of Environmental Policy and Compliance recommends using it as a general guide to relevant statutes and directives. OEPC also recommends that you refer to other Federal web sites such as: <http://www.nepa.gov/nepa/regs/executiveorders.htm>, <http://www.archives.gov/federal-register/executive-orders/disposition.html>, <http://thomas.loc.gov/>, [http://recreation.usgs.gov/env\\_guide/law.html](http://recreation.usgs.gov/env_guide/law.html), or [http://recreation.usgs.gov/laws\\_regs.html](http://recreation.usgs.gov/laws_regs.html), which has links to other resources. The above mentioned web sites are the domain of other Federal agencies and may change or relocate at their discretion.

This memorandum replaces ESM 04-8.

Attachment

## ATTACHMENT TO ESM 10-8

### List of Other Environmental Review and Consultation Requirements

#### 1. Cultural Resources

Archeological Resources Protection Act of 1979

16 U.S.C. sec. 470aa et seq.

Archeological and Historic Preservation Act of 1974

16 U.S.C. sec. 469a-1

National Historic Preservation Act of 1966 (sec. 106), as amended

16 U.S.C. sec. 470f et seq.

Antiquities Act of 1906

16 U.S.C. sec. 431

American Indian Religious Freedom Act of 1978, as amended (1994)

42 U.S.C. 1996

Historic Sites, Buildings and Antiquities Act of 1935

16 U.S.C. sec 461 et seq.

Executive Order 11593 - Protection and Enhancement of the Cultural Environment (1971)

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994) Amended E.O. 12550 (1980) and E.O. 12948

Executive Order 13007 - Indian Sacred Sites (1996)

Executive Order 13515 - Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs (2009)

#### 2. Water and Related Land Resources

Marine Protection, Research and Sanctuaries Act of 1972 (sec. 102, 103, 301)

16 U.S.C. sec. 1401 et seq.

National Marine Sanctuaries Act of 1972

16 U.S.C. 1431-1445a; *Special Note: The National Marine Sanctuaries Act is part of the Marine Protection, Research and Sanctuaries Act. It is often referred to as Title III of the MPRSA.*

Safe Drinking Water Act of 1974, as amended (1986 & 1996)  
42 U.S.C. sec. 300f et seq.

Flood Disaster Protection Act of 1973, as amended (2007)  
42 U.S.C. sec. 4001 et seq.

Watershed Protection and Flood Prevention Act of 1954, as amended (1956, 1958, 1960, 1961, 1962, 1965, 1968, 1972, 1977, 1981, 1986), 16 U.S.C. 1001 et seq.

Coastal Zone Management Act of 1972, as amended (1975, 1976, 1978, 1980, 1986, 1986, 1990, 1992, 1996, 1998, 2004)  
16 U.S.C. sec. 1451 et seq.

Coastal Barriers Resources Act of 1982, as amended (1986, 1988, 1990, 1992, 1994, 1996, 2000, 2007), 16 U.S.C. 3501 et seq.

Estuary Protection Act of 1968  
16 U.S.C. sec. 1221-1226

Federal Water Project Recreation Act of 1965: (Sec. 6(a)), as amended (1974 & 1976)  
16 U.S.C. sec. 460(L)-460(L)21

Clean Water Act of 1972  
33 U.S.C. sec. 1251 et seq.

Rivers and Harbors Act of 1899 (sec. 9 and 10)  
33 U.S.C. sec. 401 et seq.

Wild and Scenic Rivers Act of 1968 (sec. 7)  
16 U.S.C. sec. 1274 et seq.

Federal Power Act (1920), as amended (1935, 1978, 1980, 1986, 1992)  
16 U.S.C. sec. 797

Water Resources Planning Act of 1965, as amended (1975, 1978, 1983)  
42 U.S.C. sec. 1962 et seq.

Executive Order 11988 - Floodplain Management, as amended by E.O. 12148 (1979), E.O. 12919 (1994), and E.O. 13286 (2003)

Executive Order 11990 - Wetlands Protection, as amended by E.O. 11990 (1977)

Executive Order 13508 - Chesapeake Bay Protection and Restoration (2009)

Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies

### 3. Wildlife

Migratory Bird Treaty Act of 1968, as amended (1936, 1972, 1976, 2006)  
16 U.S.C. 703 et seq.

Bald Eagle Protection Act of 1973  
16 U.S.C. 668

Endangered Species Act of 1973 (sec. 7), as amended (1976, 1977, 1978, 1979, 1982, 1984, 1986, 1988, 1992, 1997, 2004), 16 U.S.C. sec. 1531 et seq.

Fish and Wildlife Coordination Act of 1934, as amended (1936, 1946, 1947, 1948, 1949, 1958, 1965), 16 U.S.C. sec. 661 et seq.

Fish and Wildlife Conservation at Small Watershed Projects Act of 1954, as amended (1956, 1958, 1960, 1961, 1962, 1965, 1968, 1972, 1977, 1981, 1986)

Watershed Protection and Flood Prevention Act  
16 U.S.C. sec. 1001, 1005(4), 1008

Marine Mammal Protection Act of 1972, as amended (1981, 1984, 1988, 1995)  
16 U.S.C. sec. 1361 et seq.

Anadromous Fish Conservation Act of 1965, as amended (1970, 1974, 1978, 1979, 1983, 1984, 1986, 1988, 1991, 1996, 1997, 2002), 16 U.S.C. 757

### 4. Public Lands, Open Space, Recreation

Federal Land Policy and Management Act of 1976, as amended  
43 U.S.C. sec. 1701, 1761-1771

Mineral Leasing Act of 1920, as amended (1973, 1987)  
30 U.S.C. sec. 185

Federal Coal Leasing Amendments Act of 1976  
30 U.S.C. sec. 201(a)

Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (1976)  
16 U.S.C. sec. 1601 et seq.

Land and Water Conservation Fund Act of 1965 (sec. 6(f))  
16 U.S.C. sec. 4601-8(f) et seq.

Urban Park and Recreation Recovery Act of 1978  
16 U.S.C. sec. 2501 et seq.

National Trails System Act of 1968, as amended (2009)  
16 U.S.C. sec. 1241

The Wilderness Act of 1964, as amended (2008)  
16 U.S.C. sec. 1131-1136; 16 U.S.C. sec 1132, as amended (2008)

Federal Surplus Lands for Parks and Recreation Act of 1970, as amended  
40 U.S.C. 484 (k)(2), P.L.91-485

Recreation Demonstration Projects Act  
16 U.S.C. 459r, 56 Stat. 326

Alaska National Interest Lands Conservation Act of 1980, as amended (1982, 1983, 1984, 1987,  
1988) 16 U.S.C. 3101, 94 Stat. 2371

Farmland Protection Policy Act (1981)  
7 U.S.C. 4201 et seq.

Executive Orders 11644 - Off-Road Vehicles (1972), as amended by E.O. 11989 (1977) and E.O.  
12608 (1987)

## 5. Marine Resources

Deepwater Port Act of 1974, as amended (1996, 2002)  
33 U.S.C. sec. 1501, 1503-1505

Ocean Dumping Act of 1974, as amended (1988)  
33 U.S.C. sec. 1401, 1412, 1413, 1414; 33 U.S.C. sec 1412, as amended (2007)

Marine Protection, Research and Sanctuaries Act of 1972, as amended (1975, 1976, 1977, 1980,  
1981, 1983, 1986, 1987, 1988. 1992, 1996)16 U.S.C. sec. 1431-1434

Outer Continental Shelf Lands Act 1953, as amended (1975, 1978, 1984)  
43 U.S.C. sec. 1331-1356, 1801-1866

## 6. Transportation

Department of Transportation Act of 1966 (sec. 4(f)), as amended (1968)  
49 U.S.C. sec. 303

Federal Aid Highway Act of 1944, as amended (1948, 1952, 1956, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1966, 1968, 1970, 1973, 1974, 1976, 1981, 1982, 1987) 23 U.S.C. sec. 128, 138, 155

Urban Mass Transportation Act of 1964, as amended (1970, 1977)  
49 U.S.C. sec 5301 et seq.

Airport and Airway Development Act of 1970, as amended (1976)  
49 U.S.C sec. 47119

Federal Aviation Act of 1958, as amended (1966, 1970, 1978, 1994)  
49 U.S.C. sec. 40101 et seq.

Railroad Revitalization and Regulatory Reform Act of 1976  
45 U.S.C. 801

## 7. Air Quality

Clean Air Act of 1963, as amended (1990, 2004)  
42 U.S.C. sec. 7401 et seq.

Outer Continental Shelf Lands Act of 1953, as amended (1975, 1978, 1984)  
43 U.S.C. sec. 1331-1356

## 8. Miscellaneous

Executive Order 13514 – Federal Leadership in Environmental, Energy, and Economic Performance (2009)

Intergovernmental Coordination Act of 1968  
Pursuant to 87 Stat. 1098-1101 Pursuant to 82 Stat. 1103, 42 U.S.C. sec 4233 Pursuant to Stat. 1104, (including urban impact analysis)

Demonstration Cities and Metropolitan Development Act of 1966  
42 U.S.C. sec. 3334

Surface Mining Control and Reclamation Act of 1977, as amended (1978, 1980, 1981, 1982, 1983, 1984, 1987, 1990, 2007), 30 U.S.C. sec. 1201 et seq., 30 U.S.C. sec 1211 (2007), 30 U.S.C. sec 1232 (2007)

Resources Conservation and Recovery Act of 1976  
42 U.S.C. sec. 6901-6992, Amended by P.L. 95-609, P.L. 96-463, P.L. 96-482, P.L. 98-616, P.L. 99-339, P.L. 99-499, P.L. 100-556, P.L. 100-582, P.L. 104-208

Noise Control Act of 1972, as amended (1995)  
42 U.S.C. sec. 4901 et seq.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (1987) 42 U.S.C. 4601 et seq. Amended by 42 U.S.C. 4601 note

Federal Insecticide, Fungicide and Rodenticide Act of 1972, as amended (2007, 2008)  
7 U.S.C. 136 et seq. Amended: P.L. 93-205 (1973), P.L. 94-140 (1975), P.L. 95-396 (1978), P.L. 98-201 (1983), P.L. 100-202 (1987), 7 U.S.C. 136 note (2007), 7 U.S.C. 136a note (2007), 7 U.S.C. 136a-1 (2007), 7 U.S.C. 136o (2008), 7 U.S.C. 136q (2008), 7 U.S.C. 136w-8 (2007, 2008)

Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (1983, 1986, 2007) 42 U.S.C. 9601 et seq. Amended: 42 U.S.C. 9601-9657 (1983), 42 U.S.C. 9604-9605 (1986), 9607 (1986, 2007), 9611-9612 (1986), 9620, (1986)

Toxic Substances Control Act of 1980, as amended (1981, 1983, 1984, 1988, 2008)  
15 U.S.C. 2601 et seq. Amended: P.L. 97-129 (95 Stat. 1686), P.L. 98-80, P.L. 98-620, P.L. 100-368, and P.L. 100-481, P.L. 99-519, P.L. 100-551, P.L. 110-414

Executive Orders 12372 (1982) - Intergovernmental Review of Federal Programs, amended by E.O. 12416 (1983), Supplemented by E.O. 13132 (1999), Refer to E.O. 12612 (1987)

Executive Order 12416 (1983) - Intergovernmental Review of Federal Programs, amends E.O. 12372 (1982)

Executive Order 12856 – Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirement (1993)

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Notes:

1. This attachment may be updated as necessary without revising the entire ESM.
2. This attachment is dated: March 25, 2010.