

Reclamation Manual

Directives and Standards

TEMPORARY RELEASE
(Expires 06/18/2020)

Reclamation EIS Approval and Filing Procedures (Updated June 3, 2019)

Use Table 1 (procedures applicable to all milestones in the SM) as companion to the specific table for each milestone.

Table 1: For all Milestones (pre-NOI, NOI, pre-DEIS, DEIS, FEIS, and ROD)		
General— All Milestones	Who? What?	When? Notes.
Obtaining Approvals for All Milestones	<ol style="list-style-type: none"> 1. EIS Project Team Lead, in coordination with REO, public affairs staff, POLICY (ECD and Federal Register Liaison, as appropriate), and Regional Liaison will plan, coordinate schedules, and prepare all briefing papers, slide decks, notices and materials for the subject briefing, according to the requirements in each of the specific milestones. 2. The EIS Project Team and Regional Liaison must coordinate early with Commissioner and Assistant Secretary for Water and Science (ASWS) offices to verify availability and expectations and plan for reviews, notices, and briefings. The Commissioner’s Office or the AS/WS may request a pre-briefing from the EIS Project Team and Regional Director before the Review Team briefings. These additional internal reviews and briefings may take at least 2-4 weeks and must be accounted for in project schedules. The EIS Project Team is encouraged to schedule briefings with the Deputy Secretary (in advance of the pre-brief with the Commissioner) through the Regional Liaison and the AS/WS Chief of Staff to reserve the spot on the calendar to ensure that project milestones are not delayed through scheduling. 3. Upon approval of SES member to proceed with Commissioner and ASWS briefings, the Regional Liaison, in coordination with the REO and the EIS project team coordinator will assemble and verify draft notification or briefing materials and coordinate with Commissioner’s Designee and ASWS Chief of Staff (with a copy to Policy’s ECD Manager) to schedule Reclamation and ASWS notifications or briefings. 4. Upon approval of SES MEMBER, Commissioner, and ASWS to proceed with Review Team notification or briefing, Regional Liaison, in coordination with the REO and the EIS project team coordinator will assemble and verify draft notification or briefing materials for ASWS Chief of Staff to schedule Review Team notifications or briefings. 5. ASWS Chief of Staff will schedule Review Team notifications or briefings. Key staff are expected to participate in this briefing. ASWS Chief of Staff will email the Review Team with appointment dates/times and conference/VTC information. Calendar appointments may be made several weeks in advance of a proposed Review Team Briefing. However, the calendar appointment must be updated with all finalized and verified materials by attachments and/or working links, at least 1 week prior to the briefing date. 	<p>PRIOR to sending any notice to Review Team or scheduling any Review Team briefing.</p> <p>NOTE: ALL briefings and materials must be concise and sharply focused on – Project description, schedule, any problems with sponsors, any State issues, any local group issues, any Congressional issues, description of alternatives, what decisions/actions would result from project implementation. No need to go into project impacts on the environment, modeling, etc.</p>

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Table 1: For all Milestones (pre-NOI, NOI, pre-DEIS, DEIS, FEIS, and ROD)		
General— All Milestones	Who? What?	When? Notes.
All Milestones	The SES member will document and communicate discussion, requests, contingencies, and approvals (with SOL concurrence, as required) to the REO, EIS Project Team, and regional liaisons in any appropriate format, including email, memorandum, and/or DTS. An email will be sufficient in most cases. Documentation of approvals by the SES member and Review Team must be included in the project record.	

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Table 2: Initial Action Notice/Pre-Notice of Intent to Prepare an Environmental Impact Statement

Pre- NOI/Initial Action Notice DSM Ref	Who? What?	When? Notes.
1.a Pre-NOI	<p>ASWS Chief of Staff sends email prepared by Regional Liaison, through SES member and Commissioner, to nepa.depsec@ios.doi.gov, garethrees@ios.doi.gov, and Catherine_gulac@ios.doi.gov. Email should be cc'd to the Regional Liaison, regional REO, and ECD (lvehmas@usbr.gov).</p> <p>The Notice to the Review Team will include 1-2 pages with the following details:</p> <ul style="list-style-type: none"> ● Description of the proposed action ● Preliminary purpose and need ● Challenges to project completion (social, economic, physical) ● Elected and appointed official perspectives ● Tribal perspectives ● Applicability of FAST-41 or One Federal Decision criteria ● Estimated NOI date 	<p>When</p> <ol style="list-style-type: none"> 1. Determination to move forward with EIS is made by Reclamation (proponent-led or Reclamation-led); and 2. Determination that Reclamation will be the lead agency to prepare an EIS; and 3. Before a NOI.
1.b Pre-NOI	<p>Review Team</p> <ul style="list-style-type: none"> ● <u>Do</u> nothing; or ● <u>Inquire</u> further; or ● <u>Request</u> oral briefing for the EIS Project Team to schedule and provide to Review Team 	<p>Within 2 business days of receipt of Notice (from 1.a above).</p>

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Table 3: Notice of Intent to Prepare an Environmental Impact Statement

NOI DSM Ref	Who? What?	When? Notes.
2.a NOI	<p>EIS Project Team, in coordination with REO and Regional Liaison will coordinate well in advance with POLICY Federal Register Liaison (jnagode@usbr.gov) to develop the draft NOI language, based on FR Office guidance and templates. The POLICY FR Liaison is a resource to advise the EIS Project Team on FR format, timing, and approvals.</p> <p>ASWS Chief of Staff sends email notice prepared by Regional Liaison through SES member and Commissioner to nepa.depsec@ios.doi.gov, gareth_rees@ios.doi.gov, and Catherine_gulac@ios.doi.gov. Email should be cc'd to the regional liaison, regional REO, and ECD (lvehmas@usbr.gov).</p> <p>The briefing documents will include the following:</p> <ul style="list-style-type: none"> ● Draft NOI text ● Briefing slides ● Briefing paper ● Maps ● 1-2-page project description ● Draft Communications Plan ● Draft Press Release ● Draft Congressional notification letter 	<p>When</p> <ul style="list-style-type: none"> ● NOI is prepared and ● NOI is ready to be processed ● Send briefing materials. <p>Note: For projects entering this stage as of April 27, 2018, include preceding Notice details, as appropriate.</p>
2.b NOI	<p>Review Team <u>Reviews</u> the NOI Package and:</p> <ul style="list-style-type: none"> ● <u>Provides</u> comments; or ● <u>Objects</u> to NOI publication 	3 business days.
2.c NOI	<p>If Objections or request for briefing SES MEMBER <u>Resolves</u> objection or sets briefing; or SES MEMBER <u>Obtains</u> decision from DEPUTY SECRETARY</p>	Undefined.
2.d NOI	<p>If NO Objections (or no response) SES MEMBER Approves and <u>Signs</u> NOI; and SES MEMBER <u>Sends</u> to Office of the Executive Secretariat for Federal Register publication review</p>	Immediately.

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Table 3: Notice of Intent to Prepare an Environmental Impact Statement		
NOI DSM Ref	Who? What?	When? Notes.
2.d. (cont'd)	<p>Accomplish this by using the following process in any format, including an email thread from/to appropriate team members:</p> <ol style="list-style-type: none"> 1) POLICY FR Liaison uploads to DTS with the following attachments: <ol style="list-style-type: none"> a) Federal Notice b) Review Team approval record, which includes the following: <ol style="list-style-type: none"> i) Deputy Secretary approval and/or date ii) Completion of Review Team Objection period (date, names) and if applicable, summary of objections and resolutions). iii) Assigned SOL concurrence 2) POLICY FR Liaison routes NOI package through DTS to the following: <ol style="list-style-type: none"> a) SES member (Approval and signature (surname in DTS)) b) Office of Executive Secretariat (see also below) <ol style="list-style-type: none"> i) Senior Regulatory Analyst ii) Director, OES 3) (Last) POLICY FR Liaison (coordinate with region to submit NOI to Office of Federal Register for publication, as shown below in OES FR review process) 	<p>Note: SOL Concurrence (already obtained in briefing package) and SES member Approval Signature.</p>
2.e NOI	<p>Office of Executive Secretariat (OES) proceed with FR Publication review process</p> <ol style="list-style-type: none"> 1. OES Review and Approval (Scope of review is intended to ensure compliance with FR requirements. OES is not tasked with reviewing the FRN for proposed project purposes or content.) 2. OES communicates approval or corrections to FR Liaison (through DTS surnaming and telephone/email coordination) 3. FR Liaison makes revisions or directs revisions to regional liaison and REO. This is the FINAL Notice. 4. Regional liaison, in coordination with REO prepares FRN package and submits by FedEx to Office of Federal Register, per OFR requirements. <p>Under no circumstances will a notice be sent directly to the Office of the Federal Register prior to receipt of approval under these procedures.</p>	<p>Undefined by DSM.</p>

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Table 4: Draft Environmental Impact Statement Development

DEIS Development DSM Ref	Who? What?	When? Notes.
3.a DEIS Development	<p>ASWS Chief of Staff sends calendar appointment prepared by Regional Liaison and approved by SES member and Commissioner to nepa.depsec@ios.doi.gov, for an oral briefing) with Review Team. Appointment Email should include all attendees, ensuring the ASWS, Commissioner, SES member, SOL, regional liaison, regional REO, and ECD (lvehmas@usbr.gov) are invited. Briefings may be in person, VTC, or by teleconference.</p> <ul style="list-style-type: none"> Once briefing materials are received, the Commissioner’s Office or the AS/WS may request a pre-briefing from the EIS Project Team and Regional Director before the Review Team briefing. <p>The Oral Briefing Materials will include the following:</p> <ul style="list-style-type: none"> In light of feedback from public scoping and current considerations, what are the opportunities and challenges presented in moving forward with the EIS process? 	<p>After NOI comment period closes.</p> <p>Note: For projects entering this stage as of April 27, 2018, include Pre-NOI, and NOI details, as appropriate.</p>
3.b DEIS Development	<p>Review Team <u>Provide feedback</u> to EIS Project Team</p>	<p>During briefing and within 5 business days after the briefing.</p>
3.c DEIS Development	<p>Review Team members who do not participate in briefing: <u>Raise</u> new or otherwise unforeseen issues that materially impact the development of the DEIS TO Deputy Secretary for resolution with EIS Project Team</p>	<p>“In a timely and expeditious manner”.</p>
3.d DEIS Development	<p>SES MEMBER <u>Direct</u> EIS Project Team to <u>proceed</u> with EIS</p>	<p>After 5 business days defined above.</p>

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Table 5: Availability of Draft Environmental Impact Statement

DEIS DSM Ref	Who? What?	When? Notes.
4.a DEIS	<p>ASWS Chief of Staff sends calendar appointment prepared by Regional Liaison and approved by SES member and Commissioner to nepa.depsec@ios.doi.gov, for an oral briefing with Review Team. Appointment Email should include all attendees, ensuring the ASWS, Commissioner, SES member, SOL, regional liaison, regional REO, and ECD (lvehmas@usbr.gov) are invited. Briefings may be in person, VTC, or by teleconference.</p> <ul style="list-style-type: none"> • Once briefing materials are received, the Commissioner’s Office or the AS/WS may request a pre-briefing from the EIS Project Team and Regional Director before the Review Team briefing. <p>The Oral Briefing Materials will include a working link to an electronic version of the Draft EIS and the following:</p> <ul style="list-style-type: none"> • Overview of <ul style="list-style-type: none"> ○ Proposed action ○ Purpose and need ○ Alternatives ○ Salient environmental impacts and resource conflicts ○ Significant opportunities and hurdles that exist in completing the project ○ Briefing Paper ○ Draft Communications Plan ○ Draft Press Release ○ Draft Congressional Notification Letter • The Briefing should address: <ul style="list-style-type: none"> ○ Secretary’s priorities ○ Resolution of resource conflicts ○ Land-use restrictions ○ Transportation or access limitations ○ Elected official views ○ Interjurisdictional considerations 	<p>Upon</p> <ol style="list-style-type: none"> 1. completion of DEIS, and 2. full review of DEIS and documented concurrence by Project SOL, and 3. full review of DEIS by SES MEMBER 4. Commissioner briefing and clearance to proceed. <p>Note: For projects entering this stage as of April 27, 2018, include Pre-NOI, NOI, DEIS and DEIS Development details, as appropriate in notices and briefings.</p>

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Table 5: Availability of Draft Environmental Impact Statement

DEIS DSM Ref	Who? What?	When? Notes.
	* The cover of Draft and Final EIS and ROD must include a box showing the estimated EIS development costs (contracts, personnel time, studies, etc.) for the lead agency. Additional detail on costs may be provided to describe complexities, such as shared costs with partners, costs incurred by project sponsors/applicants, etc.	
4.b DEIS	Review Team will <u>attend briefing</u> if possible and <u>provide feedback</u> to EIS Project Team Review Team may <u>raise</u> new or otherwise unforeseen issues that materially impact the DEIS TO DEPUTY SECRETARY	During briefing and within 10 business days after date of briefing. In a timely and expeditious manner.
4.c DEIS	EIS Project Team/SES MEMBER , according to NOA approach: <ul style="list-style-type: none"> ● <u>Submit</u> (File) with EPA; and If Separate agency NOA required <ul style="list-style-type: none"> ● <u>Submit</u> NOA to OES FRN process, in coordination with Policy Federal Register Liaison IF a Federal Register notice is needed use the process described for NOI FRN process section (above) Under no circumstances will an EIS be filed with EPA or any notice be sent directly to the Office of the Federal Register prior to receipt of approval under these procedures.	After SES member approves DEIS.
4.d DEIS	Project SOL concurrence occurs prior to Commissioner review. If needed, based on document changes or resolution of objections, Project SOL <u>provide updated concurrence signature</u> ; to SES MEMBER THEN SES MEMBER <u>Sign and approve DEIS for publication (May be by email, memo, or other format from SES MEMBER to REO and EIS Project)</u> . SES MEMBER will <u>resolve objections</u> : or SES MEMBER will <u>obtain decision</u> from DEPUTY SECRETARY prior to signing and approving the document	After 10 business days, If no objection as described above.

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Table 6: Availability of Final Environmental Impact Statement

FEIS DSM Ref	Who? What?	When? Notes.
5.a FEIS	<p>ASWS Chief of Staff sends calendar appointment prepared by Regional Liaison and approved by SES member and Commissioner to nepa.depsec@ios.doi.gov, for an oral briefing (DEIS development, DEIS, and FEIS) with Review Team. Appointment Email should include all attendees, ensuring the ASWS, Commissioner, SES member, SOL, regional liaison, regional REO, and ECD (lvehmas@usbr.gov) are invited. Briefings may be in person, VTC, or by teleconference.</p> <p>The oral briefing will include the following:</p> <ul style="list-style-type: none"> ● Final EIS ● ROD (draft) ● NOA(s), if required or by practice ● Briefing Paper ● Draft Communications Plan ● Draft Press Release ● Draft Congressional Notification Letter <p>* The cover of Draft and Final EIS and ROD must include a box showing the estimated EIS development costs (contracts, personnel time, studies, etc.) for the lead agency.</p>	<p>Upon completion of FEIS comment analysis; AND</p> <ol style="list-style-type: none"> 1. Upon completion of the FEIS; 2. full review of FEIS and documented concurrence by Project SOL, and 3. full review of FEIS by SES member, and 4. Commissioner briefing and clearance to proceed; <p>Note: For projects entering this stage as of April 27, 2018, please consider including Pre-NOI, NOI, DEIS Development, and DEIS details, as appropriate in FEIS Notices and briefings.</p>
5.b FEIS	Review Team <u>provide</u> feedback to EIS Project Team	During briefing and within 5 business days after date of briefing.
5.c FEIS	Review Team <u>raise</u> new or otherwise unforeseen issues that materially impact the FEIS TO DEPUTY SECRETARY	Undefined.
5.d FEIS	<p>Project SOL concurrence occurs prior to Commissioner review. If needed, based on document changes or resolution of objections, Project SOL <u>provide concurrence signature</u>; THEN</p> <p>SES MEMBER <u>Sign and approve FEIS for publication</u> according to "Approval and Publication Protocol" (described in footnote as subject to bureau specific requirements including "Governor's Consistency Reviews and Protest Resolution.") (May be by email, memo, or other format from SES Member to REO and EIS Project.</p>	If no Review Team objections.

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Table 6: Availability of Final Environmental Impact Statement

FEIS DSM Ref	Who? What?	When? Notes.
	<p>EIS Project Team/SES member, according to NOA approach:</p> <ul style="list-style-type: none"> ● <u>Submit</u> (File with) NOA to EPA; and <p>If Separate agency is NOA required</p> <ul style="list-style-type: none"> ● <u>Submit</u> to OES FRN process. Accomplish this by using the process described for NOI FRN process section (above) <p>Under no circumstances will an EIS be filed with EPA or any notice be sent directly to the Office of the Federal Register prior to receipt of approval under these procedures.</p>	

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Table 7: Record of Decision		
ROD DSM Ref	Who? What?	When? Notes.
6.a ROD	<p>ASWS Chief of Staff sends prepared email notice to nepa.depsec@ios.doi.gov, gareth_rees@ios.doi.gov, and Catherine_gulac@ios.doi.gov. Email should be cc'd to the regional liaison, regional REO, and ECD (lvehmas@usbr.gov).</p> <p>The Notice will include the following details:</p> <ul style="list-style-type: none"> ● Brief discussion on substantive issues arising during FEIS notice ● Final ROD text ● Confirmation that <ul style="list-style-type: none"> ○ the ROD text did not change from what was initially reviewed; or ○ advise of outstanding issues that need to be addressed ● Briefing Paper ● Draft Communications Plan ● Draft Press Release ● Draft Congressional Notification Letter <p>* The cover of Draft and Final EIS and ROD must include a box showing the estimated EIS development costs (contracts, personnel time, studies, etc.) for the lead agency. Additional detail on costs may be provided to describe complexities, such as shared costs with partners, costs incurred by project sponsors/applicants, etc.</p>	<p>Upon close of FEIS notice period.</p> <p>Note: For projects entering this stage as of April 27, 2018, please consider including Pre-NOI, NOI, DEIS Development, DEIS, and FEIS details, as appropriate in Notice.</p>
6.b ROD	<p>Review Team <u>inquire</u> further; or Review Team <u>request</u> oral briefing for Review Team</p>	<p>Within 3 business days of receipt of Notice (above) to Review Team.</p>
6.c ROD	<p>SES MEMBER <u>sign and approve</u> the ROD (and NOA if applicable) (May be by email, memo, or another format from SES MEMBER to REO and EIS Project Team).</p>	<p>If no objections; and Upon completion of review period of Review Team.</p>