



United States Department of the Interior

FISH AND WILDLIFE SERVICE

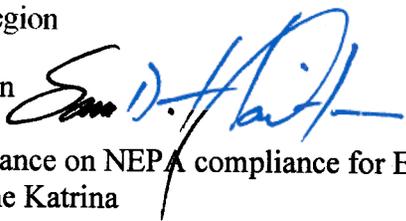
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In Reply Refer To:
FWS/R4/ES

SEP 23 2005

Memorandum

To: All Project Leaders, Southeast Region

From: Regional Director, Southeast Region 

Subject: Clarification on Departmental Guidance on NEPA compliance for Emergency Activities Associated with Hurricane Katrina

Attached is guidance provided by the Office of Environmental Policy and Compliance concerning the application of National Environmental Policy Act (NEPA) to emergency activities from the effects and responses to Hurricane Katrina. Full NEPA compliance is not exempted but is deferred for the immediate aftermath.

First and foremost, attend to the Hurricane Katrina emergency in the most expedited manner when it is an eminent danger to human life, human safety, human health and property. Stabilize the emergency situation as best as possible. Once the emergency is stabilized, only then should NEPA compliance be considered. Proceed with conducting the NEPA process in an efficient and expedited manner.

Providing Technical Assistance for Federal Actions

For the majority of the cases, the Service will be providing technical assistance for actions of other Federal agencies. In these cases, provide the most immediate response to assist the agency in their NEPA analysis to determine the effects to fish and wildlife resources of their action, as appropriate. Consideration should be given to whether the proposed project footprint is the same as the former project, i.e., highway construction, levee restoration, etc. If the project footprint is different, and project effects are undetermined, inform the lead agency of these potential effects. Provide your technical assistance over the phone when asked and follow up in writing, if possible.

Service as Lead Agency

If the Service is the lead agency, i.e., a National Wildlife Refuge, follow the attached Departmental guidance (ESM05-3). In summary, there are two types of emergency scenarios: 1) emergency activities that may not have significant environmental impacts, and 2) emergency actions that have significant impacts.



- 1) When the environmental impacts of the proposed action are not considered to be significant:

If a categorical exclusion (CatEx) applies or an environmental assessment (EA) is necessary to address unresolved environmental issues, fill-out the “Template for Use in Preparing a Decision Memorandum and Record to Support Emergency Activities Resulting from Hurricane Katrina Having No Significant Environmental Impact” (attachment in ESM05-3). Also, if a CatEx applies, provide the standard Service Documentation, i.e., CATEX determination checklist etc. Insert the contact person information on the template as the information for the Service initiating office. Email this information to the Regional Office to susan_cielinski@fws.gov . If an EA is necessary, the preparation of the document will be deferred to a later date.

- 2) When the environmental impacts are expected to be significant and not covered by existing NEPA analysis, i.e., unsorted disposal of debris at a specific site, permanent replacement of major facilities, notify the Office of Environmental Policy Compliance (OEPC) in Washington DC. Contact either Vijai Rai at 202/208-6661, or Loretta Sutton at 202/208-7565. Also inform Sue Cielinski at 404/679-7135 or email the Regional Office.

Additional guidance may be issued by OEPC in the near future but apply this guidance until further notice. Use your best judgment concerning the emergency circumstances of the individual action.