



**U.S. Department
Of Transportation**

Office of the Secretary
of Transportation

Under Secretary for Policy

1200 New Jersey Ave., SE
Washington, DC 20590

MEMORANDUM FOR SECRETARIAL OFFICERS AND HEADS OF OPERATING ADMINISTRATIONS

From: Loren Smith 
Deputy Assistant Secretary for Transportation Policy

Subject: Interim Policy on Page Limits for NEPA Documents and Focused Analyses
(RIN 2105-ZA10)

The purpose of this memorandum is to improve the quality and reduce the length of documents prepared for compliance with the National Environmental Policy Act (NEPA). Improving the quality of NEPA documentation has long been a priority for the U.S. Department of Transportation (Department) and its Operating Administrations (OAs). With this memorandum, the Department reaffirms this priority to develop shorter NEPA documents that meet applicable Federal requirements and an accountability process for those instances where a document exceeds page limit goals.

The Council on Environmental Quality (CEQ) regulations for implementing NEPA state that “NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). In addition, CEQ’s regulations require Federal agencies to the fullest extent possible to implement procedures “to reduce paperwork and the accumulation of extraneous background data” (40 CFR 1500.2(b)).¹ While Federal agencies must ensure their NEPA documents contain sufficient information to meet all applicable requirements and address the potential impacts of a proposed action, there is a tendency to produce long environmental impact statements (EISs) and environmental assessments (EAs) that may contain extraneous detail and needless data. Producing such documents is time consuming and costly, and overly long documents can make it difficult for agency decision-makers and the public to find the information they need. EISs and EAs should instead be clear, concise, and focused.

This memorandum is consistent with the Department’s existing NEPA implementing procedures, DOT Order 5610.1C, “Procedures for Considering Environmental Impacts.” It also aligns with the goals stated in Executive Order (E.O.) 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” to achieve more efficient and effective Federal infrastructure decisions, including the goal of completing all

¹ Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. 40 CFR parts 1500–1508.

Federal environmental reviews and authorization decisions for major infrastructure projects within 2 years.²

1. Definitions

The terms used in this memorandum are consistent with those used and defined in 40 CFR parts 1500-1508 and E.O. 13807.

2. Applicability and Effective Dates

This memorandum is effective immediately. This memorandum applies to the Department's OAs. OAs should use this memorandum for EISs with a Notice of Intent published after the effective date of this memorandum, and generally for EAs initiated after the effective date of this memorandum. OAs are encouraged to apply the policies in this memorandum to NEPA documents already in preparation when the memorandum is issued. However, OAs need not follow the memorandum in these cases if doing so would require substantial revisions to ongoing NEPA documents or revisions to contracts, agreed-upon scopes of work, or grant awards. The OA may determine on a case-by-case basis whether to apply the policies in this memorandum to these ongoing NEPA documents. In all cases, OAs should apply the appropriate best practice techniques outlined in this memorandum when developing NEPA documents.

This memorandum is not legally binding on regulated entities and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Nonconformity with this memorandum will not affect rights and obligations of regulated entities under existing statutes and regulations.

3. Department Policy on Page Limitations

The CEQ NEPA implementing regulations require agencies to reduce excessive paperwork by reducing the length of EISs through means such as setting appropriate page limits (40 CFR 1500.4(a)). CEQ has stated:

- *“The text of final environmental impact statements (e.g., paragraphs (d) through (g) of § 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.”* (40 CFR 1502.7)
- *“While the regulations do not contain page limits for EAs, the Council has generally advised agencies to keep the length of EAs to not more than approximately 10-15 pages.”* (CEQ's “Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations” (1981), question 36A).

In addition, the purpose of NEPA is to facilitate the adoption of sound decisions based on an informed understanding of the environmental consequences of proposed actions, rather than on the generation of paperwork. To that end, the Department will seek to achieve the following page limit goals for NEPA documents, subject to exceptions as provided for below.

3.1 Page Limit for EISs

Consistent with 40 CFR 1502.7, to the extent practicable, OAs should limit the text of the draft and final EIS to no more than 150 pages each. For proposed actions of an unusual scope or

² This memorandum does not establish requirements for timeliness of environmental reviews and authorization decisions beyond those set forth in E.O. 13807.

complexity, OAs should limit the text of the draft and final EIS to no more than 300 pages each. The OA Administrator is responsible for determining whether a proposed action is of unusual scope or complexity. The OA Administrator may delegate this responsibility; however, the Department's Assistant Secretary for Policy must approve the delegation.

These page limits pertain to the sections of an EIS described in 40 CFR 1502.10(d) through (g), i.e., those sections that contain the purpose and need for action; alternatives, including proposed action; affected environment; and, environmental consequences.³ When an OA issues a combined Final EIS and record of decision (ROD),⁴ the ROD is not considered part of the document for page limits purposes. Likewise, these page limits do not include the executive summary, appendices, or materials incorporated by reference, if any.

3.2 Page Limit for EAs

Although CEQ recommended in its 1981 guidance that EAs should be no more than 10-15 pages, the intervening years have led to expanded use and increased complexity of EAs. Given this reality, to the extent practicable, the text of an EA should generally be no more than 75 pages. Similar to EISs, this page limit pertains to those sections of an EA containing the purpose and need for the action; alternatives, including the proposed action and no action; affected environment; and environmental consequences. In calculating the length of the document, the OA should not include the executive summary, appendices, or materials incorporated by reference, if any.

When an OA anticipates a Mitigated Finding of No Significant Impact (FONSI),⁵ in which the OA commits to mitigation measures to address potentially significant environmental impacts in lieu of preparing an EIS, the EA may be longer so that reasons for and commitment to the mitigation measures are fully described. In these cases, the text of an EA should generally be no more than 150 pages.

4. Other Considerations that May Impact the Length of NEPA Documents

4.1 One Federal Decision Policy

E.O. 13807 established the One Federal Decision (OFD) framework. Under this E.O., Federal agencies with a role in the environmental review and permitting process for a major infrastructure project must prepare a single EIS, sign a single ROD, and issue all necessary authorization decisions within 90 days of issuance of the ROD. EISs that comply with the OFD policy may need to exceed the page limits recommended in this memorandum to inform other Federal agency decisions pursuant to their specific statutory authority and requirements. In cases where an OFD EIS exceeds the page limits, the OA should follow the accountability process outlined in Section 5.

³ While the page limits do not include materials outside of the main body of an EIS, OAs should ensure that material is focused and limited to necessary and appropriate information.

⁴ 49 U.S.C. 304a(b) and 23 U.S.C. 139(n)(2)

⁵ For more information on the appropriate use of mitigation measures in lieu of preparing an EIS, see the CEQ Memorandum for Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impacts available at <https://www.federalregister.gov/documents/2011/01/21/2011-1188/final-guidance-for-federal-departments-and-agencies-on-the-appropriate-use-of-mitigation-and>.

4.2 Ensuring Legal Sufficiency

OAs must ensure that NEPA documents are legally sufficient. When an OA is unable to produce a legally sufficient NEPA document within the page limits, it should follow the accountability process described in Section 5.

5. Accountability Process

When an OA determines an EIS or EA should exceed the page limits outlined in this memorandum,⁶ the OA must obtain concurrence from the applicable OA Administrator. In addition, OA requests to exceed the EIS page limit must also be concurred upon by the Department's Assistant Secretary for Policy. To ensure that obtaining a necessary concurrence does not meaningfully delay the NEPA process, requests to exceed the page limits outlined in this memorandum will be deemed concurred upon if no determination has been made following 10 business days after the request is made.

As part of the quarterly OA Performance Management Review, OAs must report the total number of EIS and EA documents completed during the preceding quarter and the number of those documents that exceeded the page limits set forth in this memorandum, as well as an indication of the reasons these documents exceeded the page limits.

6. Best Practices to Comply with Page Limits

There are a variety of best practices – many of which are already in use by the Department—to develop succinct NEPA documents while meeting all applicable regulatory requirements. The utility of the following best practices will depend on factors such as the action's scope and complexity. It is unlikely that a single action would use all of these best practices. The following is not an exhaustive list of best practices used across the Department. Additional information on these and other best practices used by the OAs is provided in Section 7.

6.1 Use of Pre-scoping and Scoping

Both pre-scoping and scoping processes can help focus a NEPA document by identifying the significant issues to be analyzed in depth in an EIS as well as insignificant issues that will be minimally addressed. Through the scoping process, the OA can identify impacts that are inconsequential and need no further evaluation or only require limited evaluation, thereby focusing the NEPA document on impacts of consequence (40 CFR 1501.7). Documentation of the issues that were considered and found insignificant can be included in the administrative record or discussed briefly in the EIS.

While EAs do not require scoping, a similar process, especially for complicated actions or projects, can be useful to ensure that the document focuses on the significant issues.

6.2 Annotated Outlines

⁶ For example, in States with State environmental laws, a State transportation agency may use one environmental document to satisfy NEPA and comparable State and local requirements (40 CFR 1506.2). Sometimes, the State or local requirements are very specific regarding the content of the environmental document, which may affect the length of the document.

An annotated outline is a document developed from public and other agencies' input provided during scoping for an EIS or informal scoping for an EA. An annotated outline can provide the foundation for preparing a concise and focused NEPA document. In developing an annotated outline, the OA can establish clear expectations regarding topics to be covered in detail in the document, issues to be excluded, and the document's overall structure. Where appropriate, the annotated outline for a NEPA document should include the following information for each chapter:

- A description of the content, including the issues to be addressed;
- Page limits;
- Maps or other graphics that will be used; and
- Information that can be included in appendices or incorporated by reference (40 CFR 1502.21).

6.3 Tiering

The CEQ NEPA implementing regulations support the use of tiered EISs to eliminate repetitive review of the same issues and focus on relevant issues for decision at each level of environmental review. With tiering, when a broad EIS has been prepared (such as for a program or policy statement) and a subsequent EIS or EA is then prepared on an action included within that program or policy (such as a site-specific action), the subsequent document only needs to summarize the issues discussed in the broader statement. It can incorporate discussions from the broader statement by reference and instead concentrate on the issues specific to the subsequent action (40 CFR 1502.20).

6.4 Use of Contractors and the Environmental Review Process

When contractors prepare NEPA documents, contracts should require contractors to meet page limits for the document. The contract can also include stipulations that the contractor will pursue some of the best practices described in this memorandum to achieve more concise and shorter documents.

As noted above, an annotated outline can also be a helpful tool when working with contractors to establish clear expectations on the scope of the work or performance work statement and minimize the risk of "scope creep" or focusing too much attention on insignificant environmental issues.

6.5 Concise Writing Style

Writing in a concise, clear style can help minimize the length of NEPA documents and make them easier for the public to understand. The Plain Writing Act of 2010 requires Federal agencies to write clear government communication that the public can understand and use. Some best practice techniques for writing clear and concise NEPA documents include⁷:

- Using plain language and clear, succinct sentences;
- Avoiding jargon;
- Using bullets to summarize key points;

⁷ More detailed information about developing quality NEPA documents is available in https://www.environment.transportation.org/pdf/IQED-1_for_CEE.pdf and https://www.environment.transportation.org/pdf/examples_quality_enviro_docs/examples_quality_enviro_docs_all.pdf.

- Defining key terms and concepts when they are first introduced (for example, in a callout box); and
- Using visual elements such as charts and figures to summarize key data.

Sometimes it is necessary to present and analyze a large amount of data to consider adequately a proposed action and alternatives. In those situations, NEPA documents should include only enough data and technical detail necessary to allow for a reasoned decision to be made, while referencing supplemental materials or placing other technical information in the appendices or administrative record, as appropriate.

6.6 Appropriate Use of Appendices and Incorporation by Reference

The CEQ has long supported the appropriate use of appendices and incorporation by reference to control the size of NEPA documents. CEQ's "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (1981), Question 25, states that, "[l]engthy technical discussions of modeling methodology, baseline studies, or other work are best reserved for the appendix.⁸ In other words, if only technically trained individuals are likely to understand a particular discussion, then it should go in the appendix, and a plain language summary of the analysis and conclusions of that technical discussion should go in the text of the EIS."

OAs can use technical reports, such as hazardous materials studies, traffic studies, noise and vibration studies, biological assessments, and historic property determinations, rather than including the detailed technical information in the text of the NEPA document itself. These technical reports should be briefly described in the NEPA document and included as appendices or standalone documents that are incorporated by reference. When incorporating by reference, these materials must be available, at a minimum, for the length of the public comment period, and should be maintained in the administrative record.

6.7 Use of an EIS Summary

The CEQ regulations support the use of a summary as part of the standard format for EISs. The regulations emphasize that the summary, which normally should not exceed 15 pages, should adequately and accurately summarize the EIS and highlight the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives) (40 CFR 1502.12).

The summary should highlight major findings and concisely describe the proposal, the project's purpose and need, environmental impacts, alternatives, mitigation measures, and significant adverse impacts that cannot be mitigated. Charts, tables, and graphics are an effective and efficient way to summarize alternatives, impacts, and explain mitigation measures. To be accurate, the information in the summary needs to be verifiable and should not present conclusions, ideas, or information that are not included in the full EIS.⁹

The brief length of the summary can make an EIS more accessible to the public, as well as other Federal agencies, and enable them to review and understand the essential information about the project.

6.8 Use of Errata Sheets

⁸ CEQ's "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" is available at <https://www.energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>.

⁹ More detailed information about developing a quality EIS summary is available from FHWA at <https://www.environment.fhwa.dot.gov/nepa/EDC2.aspx>

The environmental analysis presented in a Final EIS frequently includes updates to the analysis presented in the Draft EIS. Some common examples include updates that result from the availability of new data; changes in background conditions; revisions to traffic or air quality models; changes in the design or location of alternatives themselves; or subsequent coordination, actions, or commitments. When the updates are minimal, an OA can publish a Final EIS that consists of “errata pages” and the responses to comments on the Draft EIS (49 U.S.C. 304a(a), 23 U.S.C. 139(n)(1), and 40 CFR 1503.4(c)). Attaching errata sheets to the Draft EIS in-lieu of preparing a traditional Final EIS that incorporates these limited changes can help to minimize the length of the Final EIS.

7. Resources

OA NEPA regulations and guidance

Federal Aviation Administration

- [FAA Order 1050.1F, Environmental Impacts: Policies and Procedures](#) (2015)
- [Order 5050.4B](#) - National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects
- [FAA Order JO 7400.2M](#), Procedures for Handling Airspace Matters, Chapter 32, Environmental Matters
- [Best Practices for Environmental Impact Statement \(EIS\) Management](#)

Federal Highway Administration

- NEPA Procedures: 23 CFR part 771
- [Improving the Quality of Environmental Documents](#) and [examples](#) (2006)
- [Memorandum: Improving the Quality of Environmental Documents](#) (2006)
- [AASHTO Practitioners Handbook: Preparing High-Quality NEPA Documents for Transportation Projects](#) (2014)
- [Guidance on Making a Quality EIS Summary](#)

Federal Motor Carrier Safety Administration

- NEPA Procedures: [FMCSA Order 5610.1](#), National Environmental Policy Act Implementing Procedures, 69 FR 9680, Mar. 1, 2004

Federal Railroad Administration

- NEPA Procedures: 23 CFR part 771
- Procedures for Considering Environmental Impacts, [64 FR 28545](#), May 26, 1999, and [78 FR 2713](#), Jan.14, 2013

Federal Transit Administration

- NEPA Procedures: 23 CFR part 771
- [Environmental SOPs](#) (2016)
- [Keys to Efficient Development of Useful Environmental Documents](#) (2007)

Maritime Administration

- NEPA Procedures: [Maritime Administrative Order 600-1—Procedures for Considering Environmental Impacts](#), 50 FR 30900, July 30, 1985

National Highway Traffic Safety Administration

- NEPA Procedures: 49 CFR part 520

Pipeline and Hazardous Materials Safety Administration

- NEPA Procedures: [DOT Order 5610.1C](#), 44 FR 56420, Oct. 1, 1979

Saint Lawrence Seaway Development Corporation

- NEPA Procedures: [SLSDC Order 10-5610.1C, Procedures for Considering Environmental Impacts](#), 46 FR 28795, May 28, 1981