

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
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In Reply Refer To:  
1790 (931) P

July 11, 2003

EMS  
Instruction Memorandum No. ID-2003-075  
Expires: 09/30/2004

To: ICT/IMF

From: State Director

Subject: Updated List of Critical Elements of the Human Environment

**Program Area:** National Environmental Policy Act (NEPA)

**Purpose:** This Instruction Memorandum (IM) provides an updated list of Critical Elements of the Human Environment (see Appendix 5 of H-1790-1 (NEPA Handbook)).

**Policy/Action:** The list of the Critical Elements of the Human Environment – those elements that, at a minimum, must be considered in all Environmental Assessments (EAs) and Environmental Impact Statements (EISs) – is found in Appendix 5 of H-1790-1, the NEPA Handbook. Although this appendix has not been updated and reissued since 1988, there have been additions and refinements to the list, authorized by legislation and Executive Orders.

The attached list includes those elements that have been added since the list was released in the NEPA Handbook in 1988. Environmental Justice; Invasive, Nonnative Species; and Migratory Birds have been added to the list. Water Quality (Surface and Ground) has been updated to make it clear that both surface and groundwater must be considered.

A checklist is also attached. This checklist must be completed for every EA, leaving a clear record that you have complied with the minimum requirement. Remember that we must consider **all** environmental elements that may be affected by the proposed action or alternatives, not just those on the list.

**Timeframe:** This IM is effective upon receipt.

**Background:** The NEPA Handbook (H-1790-1) was issued in 1988. Subsequent legislation and Executive Orders have authorized several additions and refinements to Appendix 5 that

includes the list of the Critical Elements of the Human Environment. This IM serves to highlight those refinements until such time as the Handbook is reissued.

**Manual/Handbook Sections Affected:** NEPA Handbook H-1790-1

**Coordination:** This IM was coordinated through Gary Wyke, State Office Planning Coordinator and Sharon Paris, State Office Planning and Environment Analyst.

**Contact:** Questions may be addressed to Gary Wyke at (208) 373-3803.

**Lower Snake River District with Union:** No Union notification or negotiation is required.

Signed  
K Lynn Bennett

Authenticated  
Caureen Miller  
Staff Assistant, 930

Attachments

- 1 – Critical Elements of the Human Environment List (2 pp)
- 2 – Checklist (1 p)

## Critical Elements of the Human Environment

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EAs and EISs. If the resource or value is not present or is not affected by the proposed action or alternatives, this may be documented in the EA or EIS as a negative declaration. Consult program-specific guidance to determine if a negative declaration is required for certain actions.

Element	Relevant Authority	BLM Manual
Air Quality	The Clean Air Act as amended (42 USC 7401 et seq.)	MS 7300
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)	MS 1617
Cultural Resources	National Historic Preservation Act as amended (16 USC 470)	MS 8100
Environmental Justice	E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 2/11/94	
Farm Lands (prime or unique)	Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.)	
Floodplains	E.O. 11988, as amended, Floodplain Management, 5/24/77	MS 7260
Invasive, Nonnative Species	Lacey Act, as amended Federal Noxious Weed Act of 1974, as amended Endangered Species Act of 1973, as amended E.O. 13112, Invasive Species, 2/3/99	MS 1745 MS 6840 MS 9011 MS 9014 MS9015

Migratory Birds	Executive Order 13186 of January 10, 2001	
Native American Religious Concerns	American Indian Religious Freedom Act of 1978 (42 USC 1996)	MS 8100
Threatened or Endangered Species	Endangered Species Act of 1973 as amended (16 USC 1531)	MS 6840
Wastes, Hazardous or Solid	Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 USC 9615)	MS 9180 MS 9183
Water Quality Drinking/Ground	Clean Water Act of 1987 Safe Drinking Water Act Amendments of 1996 E.O. 12088, Federal Compliance with Pollution Control Standards (Amended by E.O. 12580, Superfund Implementation), 10/13/78, 2/23/87 E.O. 12372, Intergovernmental Review of Federal Programs, 7/14/82	MS 7240 MS 9184
Wetlands/Riparian Zones	E.O. 11990, Protection of Wetlands, 5/24/77	MS 6740
Wild and Scenic Rivers	Wild and Scenic Rivers Act as amended (16 USC 1271)	MS 8014
Wilderness	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.) Wilderness Act of 1964 (16 USC 1131 et seq.)	MS 8500

**UNITED STATES DEPARTMENT OF THE INTERIOR  
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\_\_\_\_\_ Office**

**Environmental Assessment No. \_\_\_\_\_ Critical Elements Review**

**Consideration of Critical Elements**

	<u>N/A or Not Present</u>	<u>Applicable or Present, No Impact</u>	<u>Discussed In EA</u>
Air Quality .....	_____	_____	_____
Areas of Critical Environmental Concern.....	_____	_____	_____
Cultural Resources .....	_____	_____	_____
Environmental Justice (E.O. 12898).....	_____	_____	_____
Farm Lands (prime or unique) .....	_____	_____	_____
Floodplains.....	_____	_____	_____
Invasive, Nonnative Species.....	_____	_____	_____
Migratory Birds.....	_____	_____	_____
Native American Religious Concerns.....	_____	_____	_____
Threatened or Endangered Species .....	_____	_____	_____
Wastes, Hazardous Substances or Solid Wastes..	_____	_____	_____
Water Quality.....	_____	_____	_____
Wetlands/Riparian Zones.....	_____	_____	_____
Wild and Scenic Rivers (Eligible) .....	_____	_____	_____
Wilderness.....	_____	_____	_____