
Title 190 – National Instruction

**Part 320 – Requirements for NEPA Document
Development**

Subpart A – Procedure

November 2024

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320.0 Purpose

- A. This national instruction provides policy and guidance for implementation of the newly published National Environmental Policy Act (NEPA) regulations.

320.1 Background

- A. On May 1, 2024, the Council on Environmental Quality (CEQ) updated 40 CFR §§ 1500–1508 including the amendments made to NEPA by the Fiscal Responsibility Act of 2023, Pub. L. No. 118–5, 137 Stat. 10 (2023). This update is effective July 1, 2024.
- B. Among the revisions are:
 - 1. Page limits for environmental assessments (EA) and environmental impact statements (EIS);
 - 2. Timelines for completing EAs and EISs, including annual reporting to Congress for any missed deadlines; and
 - 3. Requirements for unique identification (ID) numbers that allow agencies to track each EA and EIS along with the associated environmental review documents.
- C. All NEPA documents published after July 1, 2024, must comply with the newly published regulations. Agency policy and regulations, including the National Watershed Programs Handbook (390 H Part 600), Environmental Compliance

Handbook (190 H Part 610), and NRCS Implementing NEPA Regulations (7 CFR § 650), will be amended to reflect the new regulations.

320.2 Procedure

A. Page Limits

1. The text of an EA may not exceed 75 pages or 150 pages for an EIS, not including citations or appendices.
2. A “page” is 500 words and does not include citations, explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information (40 CFR 1508.1(bb)). To avoid exceeding the page limits, states may move visual elements in the document to an appendix. However, visual information should be kept in the body of the document as much as possible to ensure the document is understandable and useful to decision makers and the public.
3. If the project is of extraordinary complexity such that adhering to the National Watershed Programs Manual and Handbook templates will likely exceed the page limits, then a state may modify the format to separate the watershed plan from the EA or EIS and either make the plan an appendix to the EA or EIS or make the EA or EIS an appendix to the plan. The National Watershed Management Center can provide examples of documents that comply with the page limits.
4. The regulations allow an EIS for a proposed agency action of extraordinary complexity to be up to 300 pages. However, the justification for exceeding the limit must be reviewed and approved by the NEPA national discipline lead (NEPA-NDL) for non-PL83-566 program projects and by the NEPA-NDL or National Watershed Management Center NEPA lead for PL83-566 program projects (NEPA-NWMC).
5. For projects initiated between June 3, 2023, and June 30, 2024, that exceed the page limits, states may consult with the NEPA-NDL or NEPA-NWMC to assess whether the specific circumstances permit exceeding the page limit. States must provide written justification that should include:
 - a. A description of the effort made to adjust the document length;
 - b. The stage of the environmental review at the time of the new page limit requirement;
 - c. The expectations of any project proponents;
 - d. Additional resources that would be required to implement the provision;
 - e. The extent of any disruption it could cause; and
 - f. Other legal considerations.

B. Timelines

1. States must complete EAs within one year.

- a. The timeline begins when the state determines that the project requires the completion of an EA or the date when the state notifies the public of the proposed action
 - b. The timeline ends the date that the EA or draft EA is published or NRCS determines the need to prepare an EIS.
2. States must complete EISs within two years.
 - a. The timeline begins from the date that the Environmental Protection Agency publishes a notice of intent for the proposed action.
 - b. The deadline is measured to the date that the Environmental Protection Agency publishes a notice of availability of the final EIS or NRCS publishes a notice of withdrawal or cancellation.
 3. Deadlines may be extended in specific circumstances to provide additional time as is necessary to complete the EA or EIS. Modifications to the schedule will occur in consultation and concurrence of any joint lead and cooperating and participating agencies, and in consultation with project sponsors as applicable. The new schedule will be published in writing to all affected parties with a justification for the extension (e.g., necessary to comply with other specific statutory requirements of lead or cooperating agencies; time limits imposed on the agency by law or regulation; dispute resolution).
 4. States must keep good administrative records and project timelines to help the prompt filing of the annual report to Congress, due by June 2nd every year. The NEPA-NDL and the NEPA-NWMC will coordinate to submit the annual report.
 5. For projects initiated between June 3, 2023, and June 30, 2024, with a schedule exceeding the timelines, states may consult with the NEPA-NDL or NEPA-NWMC to assess whether the specific circumstances permit exceeding the timeline. States must provide written justification that includes:
 - a. A description of the effort made to adjust the timeline;
 - b. The stage of the environmental review at the time of the new timeline requirement;
 - c. The expectations of any project proponents;
 - d. Additional resources that would be required to implement the provision;
 - e. The extent of any disruption it could cause; and
 - f. Other legal considerations.
- C. Identification Numbers
1. For tracking purposes, states will assign a unique ID number to each notice of availability and notice of intent to prepare an EA or EIS.
 2. The ID number must be referenced on the EA or EIS and all environmental documents prepared for the proposed action that may be made publicly available or referenced in the EA or EIS. States will add this number to documents received from consultants and contractors as appropriate.

3. States will generate a CEQ unique ID number by using the CEQ Unique Identifier Tool on the [National NEPA SharePoint](#). Tracking numbers must conform to the numbering convention recommended by CEQ. The unique ID includes five segments:
 - a. A four-character Process segment;
 - b. A three-character Department/Agency segment (“005” for USDA);
 - c. A two-character Bureau/Component segment (“53” for NRCS);
 - d. A three-character alphanumeric Additional Agency Organization segment (“000” for NRCS); and
 - e. A ten-character Timestamp segment.
4. An example of a CEQ unique ID number created for NRCS is “EISX–005–53–000–1714567500.”
5. Common Process segment codes for NRCS include EISX, EAXX, PEAX, PEIS, SEAX, SEIS, EEAX, S106, ESAF, and ESAN. See appendix A to determine other Process segment codes that may apply.
6. For Watershed and Flood Prevention Operations, an NRCS ID number will also be issued. Both the NRCS and CEQ unique ID numbers must be referenced on all environmental documents.

D. Publication

7. Farm Production and Conservation Business Center, Economic and Policy Analysis Division (EPAD) requires all NEPA documents for publication in the Federal Register be reviewed by the NEPA-NWMC for PL-83-566 projects, or by the NEPA-NDL for all other programs and projects.
8. When documents are ready for publication in the Federal Register, states will submit the documents to the appropriate reviewer and comments will be returned to the state.
9. After the state has addressed the internal review comments, the state will submit the document to the EPAD Branch Chief with a statement that the NEPA-NWMC or NEPA-NDL, as appropriate, has reviewed the document.
10. The NEPA-NWMC, in cooperation with EPAD, developed templates that, when used, will result in a streamlined review process of 3-5 days. The following templates are available from the NWMC:
 - a. Notice of Intent (NOI)
 - b. Notice of Availability (NOA)
 - c. Finding of No Significant Impact (FONSI)
 - d. Record of Decision (ROD)

320.3 Implementation

A. This instruction applies to the development of all NEPA documents within the agency according to the schedule and requirements in figure 320A-1.

Figure 320A-1: Schedule and Requirements for Implementation

Project Initiated	Implementation
Before June 3, 2023	<ol style="list-style-type: none">1. Page Limits: Required, unless approved by a senior agency official2. Timeline: Required, unless approved by a senior agency official3. Identification Number: Voluntary
June 3, 2023 – June 30, 2024	<ol style="list-style-type: none">1. Page Limits: Required, with limited exceptions - see 320.2(A)(5)2. Timeline: Required, with limited exceptions - see 320.2(B)(5)3. Identification Number: Must be provided and referenced on all related environmental documents
After July 1, 2024	<ol style="list-style-type: none">1. Page Limits: Required2. Timeline: Required3. Identification Number: Must be provided and referenced on all related environmental documents

Appendix A – Process Segment Codes for CEQ Unique IDs

- A. The following table lists the codes that NRCS is likely to use. A full list of document types can be found in the CEQ Unique Identifier Tool on the [National NEPA SharePoint](#).

Common Process and Document Types

Process / Document Type	Segment Code
Bald and Golden Eagle Protection Permit	BGEP
Categorical Exclusion	CEXX
Clean Water Act Section 402 Permit, National Pollutant Discharge Elimination System	NPDE
Commercial Use Permit	CUPX
Construction and Operations Plan	COPX
Easement Administrative Action (USDA NRCS)	EEAX
Endangered Species Act Consultation (DOI-FWS)	ESAF
Endangered Species Act Consultation (NOAA-NMFS)	ESAN
Environmental Assessment (EA)	EAXX
Environmental Impact Statement (EIS)	EISX
Fish and Wildlife Coordination Act Review (DOI FWS)	FWCF
Fish and Wildlife Coordination Act Review (NOAA)	FWCN
Floodplain Assessment	FAXX
Geothermal Lease	GLXX
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	EFHX
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS)	ITAN
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOI-FWS)	ITAF
Migratory Bird Treaty Act Permits	MBTA
National Marine Sanctuaries Act, Section 304(d) Consultation	NMSC
Native American Graves Protection Act Compliance	NAGP
Programmatic Environmental Assessment (EA)	PEAX
Programmatic Environmental Impact Statement (EIS)	PEIS
Section 10 of the Rivers and Harbors Act of 1899	S10X
Section 103 of the Marine Project, Research, and Sanctuaries Act	S103
Section 106 Review	S106
Section 404 Clean Water Act	S404
Section 408 Permit	S408
State, Local, Tribal, or Other Non-Federal Action	SLTO
Supplemental Environmental Assessment (EA)	SEAX
Supplemental Environmental Impact Statement (EIS)	SEIS
Wild Scenic Rivers Act Determination/Coordination	WSRA