

**ACTION: Delegation of Authority
to Approve the Final Environmental Impact Statements
(FEISs) and Related Actions**

Executive Director

HEP-30

Regional Administrators
Federal Lands Highway Program Administrator

In the October 1, 1996, memorandum, former Administrator Slater announced measures to streamline the EIS review and approval process. This included the elimination of routine reviews of draft EISs and routine prior concurrence reviews by Washington Headquarters on FEISs. This memorandum is written to further clarify the intent of the October 1, 1996, memorandum.

Before October 1, 1996, the Regional Administrators were delegated the authority to approve FEISs and related actions only after prior concurrence by the Washington Headquarters. The October 1, 1996, memorandum eliminated the routine review of draft EISs and changed the procedure for determining when prior concurrence by Washington Headquarters will be necessary. The Regional Administrators and Federal Lands Highway Program Administrator are still expected to request prior concurrence by the Washington Headquarters in certain circumstances as mentioned in the October 1, 1996, memorandum. In addition, the Associate Administrator for Program Development may request prior concurrence.

The FHWA Delegations and Organization Manual is currently being updated to delegate to the Regional Administrators and Federal Lands Highway Program Administrator the authority to approve the FEIS and related actions, execute the Record of Decision, and adopt other agency FEISs. This authority may be redelegated within the regional office or to the division offices. The legal sufficiency review will be provided by the Regional Counsel prior to approval of the FEIS. Redelegation to division offices should be based upon your determination that the particular division has the staff expertise to accomplish the required reviews or has established methods of operations to meet FHWA interdisciplinary responsibilities, conform to standards, and ensure quality. In implementing this delegation, we must continue to maintain and enhance the quality of our program and project decisionmaking from an environmental perspective.

The October 1, 1996, memorandum calls for the preparation of an operations plan to address the organizational capacity, staffing, and expertise for the region and/or division office being delegated the authority to approve the FEISs. The operations plan should describe how quality will be ensured and how the division office, region, and the Washington Headquarters, when

appropriate, will be involved. You are requested to submit a copy of your operations plan to the Environmental Operations Division (HEP-30) for information purposes. The Headquarters remains available to assist in the development of your plans. Please feel free to contact Eugene W. Cleckley, Chief, Environmental Operations Division and his staff at 202-366-0106.

Anthony R. Kane

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