

I. INTRODUCTION

The National Environmental Policy Act of 1969 (NEPA) sets forth a national policy to promote the preservation of the environment. Under NEPA, the FDIC will evaluate its regulatory actions, as necessary, in accordance with the requirements of NEPA. Procedures governing the FDIC's responsibility in complying with NEPA are described in the FDIC Statement of Policy, *National Environmental Policy Act Procedures Relating to Filings Made with the FDIC* (NEPA-SOP).

II. PROCESSING APPLICATIONS THAT INVOLVE CONSIDERATION OF NEPA

Case Managers should review the following four types of filings for compliance with NEPA:

1. Deposit insurance for *de novo* institutions;
2. Establishment of a domestic branch;
3. Relocation of a domestic branch or office; and
4. Other significant filings, involving:
 - Any construction on a real property;
 - Real property with known listed endangered or threatened species;
 - Real property with known wetlands or floodplains; and
 - Any other protected environmental interests, as protected, regulated, or monitored by local, state, or federal authorities.

All other types of filings are considered “categorical exclusions” from NEPA requirements, as discussed in the NEPA-SOP. For any filings under number 4 above, Case Managers should consult with the Washington Office (WO) RMS and Legal in such rare circumstances. Additional information can be found in the NEPA-SOP.

The environmental factors to be considered in evaluating compliance with NEPA requirements and the potential impact of the filing include compliance with local zoning laws, the nature of the building's location, effects on traffic patterns (including, for example, adequacy of roads and parking places, effects on nearby bridges, increase or decrease of traffic hazards, and congestion), and favorable impacts such as a potential decrease in pollution or fuel consumption.

The filing should provide sufficient information to make a determination regarding the environmental impact, and such information should be discussed within the Summary of Investigation (SOI) in the Other Significant Matters section. The review for this determination is known as an “environmental assessment” and, if favorably resolved, the SOI should include a recommendation for a “finding of no significant impact.” Typically, sufficient information is obtained during a Phase I and/or Phase II Environmental Site Assessment or Limited Environmental Due Diligence conducted in accordance with American Society for Testing and Materials (ASTM) Standards.

In rare instances, it will be necessary to prepare an “environmental impact statement” if the proposed action would have a significant effect on the environment, or if based on assessments, a “finding of no significant impact” cannot be issued. Typically, assessments made in accordance with ASTM Limited Environmental Due Diligence Standard may not provide adequate information for a “finding of no significant impact.” Case Managers should consult with the Washington Office WO RMS and Legal if an environmental impact statement is considered necessary. Additional information can be found at the Council on Environmental Quality's central information hub for the NEPA: <https://www.whitehouse.gov/ceq/>.

III. DELEGATIONS OF AUTHORITY CONSIDERATIONS

Compliance with NEPA is necessary for the Regional Office to act under delegated authority on filings for deposit insurance, the establishment of a domestic branch, or the relocation of a domestic branch or office or other significant filings.

IV. REFERENCES

ASTM E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM International, West Conshohocken, PA, 2013, www.astm.org

ASTM E1903-11, Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process, ASTM International, West Conshohocken, PA, 2011, www.astm.org

ASTM E1528-14e1, Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, ASTM International, West Conshohocken, PA, 2014, www.astm.org

National Environmental Policy Act of 1969

Statement of Policy - National Environmental Policy Act Procedures Relating to Filings Made with the FDIC, effective December 14, 1998