



Forest  
Service

Washington  
Office

1400 Independence Avenue, SW  
Washington, DC 20250

**File Code:** 1950  
**Route To:** (2820)

**Date:** June 9, 2010

**Subject:** Energy Policy Act of 2005, Use of Section 390 Categorical Exclusions for Oil and Gas

**To:** Regional Foresters

My March 13, 2006 and November 22, 2005 guidance letters for using categorical exclusions under Section 390 of the Energy Policy Act of 2005 are superseded by the attached guidance.

Section 390 (42 U.S.C. 15492) established categorical exclusions under NEPA that apply to five specific categories of oil and gas exploration and development activities. The categories are listed in FSH 1909.15, Section 31.3 as categories established by statute.

The five Energy Policy Act categories are to be used in accordance with agency NEPA procedures for categorical exclusions set out in 36 CFR 220, including “scoping” (36 CFR 220.4(e)) and consideration of “extraordinary circumstances” (36 CFR 220.5(c)).

This guidance is effective immediately, but does not require reexamination or adjustment of any prior authorizations.

For further information contact Tony Ferguson at (703) 605-4785.

*/s/ Thomas A. Peterson for*  
JOEL D. HOLTROP  
Deputy Chief, National Forest System

Attachment

