



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

January 15, 2025

MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

FROM: Brenda Mallory
Chair

SUBJECT: Notifications for Actions with Potential Transboundary Effects in Canada

This guidance¹ addresses notification of environmental reviews conducted under the National Environmental Policy Act, 42 U.S.C. §§ 4321–4347 (NEPA) for proposed major Federal actions that have the potential for transboundary environmental effects on Canada.² Federal departments and agencies (agencies) should distribute this guidance as part of their general guidance on NEPA to agency offices.

NEPA requires agencies to consider the reasonably foreseeable effects of their proposed major Federal actions,³ which may include transboundary effects.⁴ Transboundary effects are effects that extend across the border of the United States, affecting another country’s environment.⁵ In general, agencies must consider what methods of outreach and notification are necessary and appropriate for their proposed actions, including those with transboundary effects.⁶ CEQ encourages agencies to provide notice to foreign governments of actions with transboundary effects. Such notification is appropriate when the agency anticipates the effects would be significant.

Agencies should provide notification to the federal government of Canada of actions with the potential for significant transboundary effects as early as practicable during the NEPA process. Agencies may provide notification to the Impact Assessment Agency of Canada (IAAC) by email to yordanka.stoimenova@iaac-aeic.gc.ca and tara.frezza@iaac-aeic.gc.ca. The IAAC, in turn, may provide notice to potentially affected Indigenous and local communities. CEQ encourages agencies to consider any relevant substantive comments received from the IAAC or affected Canadian parties.

¹ The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This guidance does not establish new requirements. This memorandum is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

² CEQ notes that NEPA excludes from the definition of “major Federal action,” an agency’s extraterritorial activities or decisions with effects located entirely outside of the jurisdiction of the United States. 42 U.S.C. 4336e(10)(B)(vi).

³ 42 U.S.C. § 4332(2)(C).

⁴ See CEQ, Council on Environmental Quality Guidance on NEPA Analyses for Transboundary Impacts (1997), <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/memorandum-transboundary-impacts-070197.pdf>.

⁵ *Id.*

⁶ See 40 C.F.R. § 1501.9(c)(3).