

National Environmental Policy Act (NEPA)

Why Was NEPA Necessary?

- ◆ Environmental factors rarely considered
- ◆ Little public notification about projects
- ◆ Public comments fell on deaf ears
- ◆ No interagency coordination
- ◆ Decisions made "behind closed doors" with no explanations
- ◆ Limited opportunity for judicial enforcement



Purpose of NEPA

The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

What is NEPA?

- ◆ Basic national charter for environmental responsibility
- ◆ Interdisciplinary framework for federal planning
- ◆ Introduced EIS into public policy
- ◆ Establishes *action-forcing* procedures to require federal agencies to consider environmental factors

NEPA's Statutory Purposes

- ◆ Declare national policy encouraging productive, enjoyable harmony between people and environment
- ◆ Promote prevention and elimination of damage to the environment
- ◆ Enrich understanding of ecological systems and natural resources
- ◆ Establish Council on Environmental Quality

NEPA's Environmental Policies (Goals) for Federal Agencies

- Act as trustee of environment to succeeding generations
- Assure safe, healthy, productive, aesthetically and culturally pleasing surrounding
- Attain beneficial use of environment without undesirable or unintended consequences
- Preserve important historic, cultural, natural aspects of national heritage

NEPA's Environmental Policies (Goals) for Federal Agencies (Cont.)

- Maintain diverse environment
- Achieve balance between population and resource use to permit high standard of living
- Enhance quality of renewable resources
- Maximum recycling

NEPA's Objectives

- ◆ Provide agencies with supplemental legal authority to address environmental issues
- ◆ Introduces procedural reforms
- ◆ Requires disclosure of environmental information
- ◆ Leads to resolution of environmental problems
- ◆ Fosters intergovernmental coordination and cooperation
- ◆ Enhances public participation in government planning and decision making

Title I – Procedures

- ◆ Congress directs Federal policies, regulations and laws be interpreted and administered according to NEPA
- ◆ Directs all Federal agencies to follow:
 - Systematic/interdisciplinary approach to integrate use of social, natural and environmental sciences in decision making
 - Consult with CEQ
 - Prepare Environmental Statements

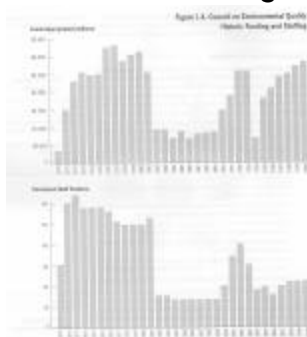
Title 2 - Council on Environmental Quality (CEQ) -- Functions

- ◆ Assist President in preparing annual Environmental Quality Report
- ◆ Monitor progress toward NEPA goals
- ◆ Gather data and conduct studies
- ◆ Develop/recommend national policies and legislation to President

CEQ's NEPA Responsibilities

- ◆ Issue regulations and guidance regarding NEPA compliance
- ◆ Resolve lead agency disputes
- ◆ Mediate interagency disputes over environmental policy
- ◆ Provide training and advice to federal agencies

CEQ Funding



NEPA Guidelines

- ◆ EIS Should Include:
 - Description of Proposed Action
 - Purpose
 - Description of Affected Environment
 - Related Federal Activities
 - Cumulative Impacts
 - Secondary Impacts
- ◆ Address Land-Use Policies/Plans
- ◆ Probable Impacts
- ◆ Alternatives
- ◆ Unavoidable Adverse Impacts
- ◆ Off Sets or Mitigation of Impacts

NEPA Regulations

- ◆ Apply NEPA early in process
- ◆ Types of Environmental Documentation
- ◆ Lead Agency
- ◆ Scoping
- ◆ EIS
- ◆ Commenting
- ◆ Decision Making
- ◆ Public Involvement
- ◆ Timing

Essence of NEPA Regulations

- ◆ Use systematic/interdisciplinary approach to evaluate consequences
- ◆ Include this analysis in environmental documents
- ◆ Give appropriate consideration to environmental issues
- ◆ Incorporate results in decision making process

Participants



Role of Federal Agencies

- ◆ Applies to all administrative and regulatory federal agencies
- ◆ Expand the role of agencies from narrow view of traditional policies and missions to include NEPA's environmental objectives
- ◆ Must include environmental impacts in decision making
- ◆ Maintain staff to comply with NEPA compliance
- ◆ Prepare agency procedures to comply with NEPA
- ◆ Acts as Lead/Cooperating Agency

Lead Agency

- ◆ The agency primarily responsible for complying with NEPA on a given proposed action
- ◆ Agency with mission of proposed action
- ◆ Agency with regulatory authority

Cooperating Agency

- ◆ Federal agency with discretionary authority
- ◆ Federal agency with jurisdiction by law
- ◆ Federal agency with special expertise
- ◆ State, local, tribal agencies

Role of U.S. Environmental Protection Agency

- ◆ Receives and provide Notice of Availability (NOA) of all Draft EISs
- ◆ Review all Draft EISs for adequacy and acceptability of impacts
- ◆ Acts as Cooperating Agency

Role of Public

- ◆ NEPA's success depends of public disclosure and review
- ◆ NEPA requires invitation of public review and comment
 - Scoping
 - Draft EIS/EA
 - Public hearings
- ◆ Public Enforce NEPA
 - Involvement
 - Administrative Appeals
 - Litigation

Role of State/Local Agencies

- ◆ NEPA requires invitation of State/Local review and comment
 - Scoping
 - Draft EIS/EA
 - Public hearings
- ◆ Review for areas of expertise
- ◆ Review for conflicts with state/local regulations

How is NEPA Different from Other Environmental Laws?

- ◆ Multidisciplinary
- ◆ Emphasizes disclosure of information
- ◆ Requires coordination with other laws
- ◆ Emphasizes role of public

Relevant Web Site Addresses

- ◆ EPA Office
 - <http://cfpub.epa.gov/compliance/nepa/current/>
 - <http://www.epa.gov/compliance/nepa/index.html>
- ◆ CEQ
 - <http://ceq.eh.doe.gov/nepa/nepanet.htm>
