

Lesson Overview

This lesson describes the main components of the National Environmental Policy Act (NEPA).

Lesson Objectives

At the end of this lesson, you will be able to:

- Describe the purpose and requirements of NEPA.
 - Identify major Federal actions covered by NEPA.
 - Describe information required for a NEPA review.
 - Determine FEMA and applicant responsibilities under NEPA.
 - Identify NEPA review outcomes.
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National Environmental Policy Act

Let's begin by looking at the act that established a national policy on the environment.

Key Points

- FEMA must comply with an array of environmental laws, regulations, and Executive orders.
 - The keystone of all these regulations is the National Environmental Policy Act, or NEPA.
 - Congress passed NEPA in 1969 in response to public concerns about the Nation's environment.
 - NEPA requires Federal agencies to consider environmental factors in their planning and decisionmaking processes.
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FEMA's Mission and the Environment

While FEMA's mission is to prepare for, prevent, respond to, and recover from disasters, FEMA in its actions must comply with laws designed to protect the environment.

FEMA's Mission Statement

Lead America to prepare for, prevent, respond to, and recover from disasters.

National Environmental Policy Act Overview

NEPA created a comprehensive national policy and set forth clear goals for Federal agencies:

- To foster "productive harmony between man and nature" . . .
- So as to "fulfill the social, economic, and other requirements of present and future generations of Americans."

The next section reviews the major NEPA requirements, beginning with Section 101 of the act.

NEPA Components: Section 101

Under Section 101 of NEPA, the Federal Government:

- Is tasked with the responsible stewardship of the environment.
 - Must use all practicable means to improve and coordinate Federal plans, functions, programs, and resources that may affect the environment.
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NEPA Components: Section 102

Under Section 102, Federal agencies must take the following into account for any action significantly affecting the environment:

- The environmental impact of the proposed action.
 - Any adverse environmental effects.
 - Alternatives to the proposed action.
 - The relationship between local short-term uses and long-term productivity.
 - Any irreversible and irretrievable commitments of resources.
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NEPA Components: Section 202

Section 202 created the President's Council on Environmental Quality (CEQ). The CEQ coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives.

The CEQ established regulations implementing NEPA, which are found in 40 CFR Part 1500. Each Federal agency is required to develop its own individual regulations to implement NEPA. FEMA's regulations on implementing NEPA are found in 44 CFR Part 10. Since FEMA is part of the Department of Homeland Security (DHS), FEMA will be able to utilize NEPA procedures developed by DHS, in addition to their own.

In addition, as part of their policy guidance, the CEQ has published a list of 40 commonly asked questions on NEPA.

NEPA Planning Process

Under Section 102 of NEPA, Federal agencies are required to evaluate the environmental effects of any proposed action. To evaluate their actions, a specific planning process must be followed.

This planning process:

- Requires that agency decisionmakers be fully informed about the environmental consequences of their decision to fund or conduct an action;
 - Mandates that the public be informed of the proposed actions, the consequences of those actions, and the ultimate agency decision; and
 - **Must be completed before any work is initiated.**
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Federal Actions

Any Federal agency action that may affect the environment should be reviewed under NEPA.

Some examples of Federal actions include:

Type of Action	Examples
Federal Funding	FEMA funded actions
Federal Permit	Clean Water Act, Section 404 permit
Federal Lands, Facilities, and Equipment	Construction of new roads or buildings at FEMA's National Emergency Training Center
Agency Rulemaking	National Flood Insurance Program

Defining the Action

The level of NEPA review for a proposed action is directly related to:

- The nature of the action.
- The potential environmental effects.

Before the required review and documentation level can be determined, the scope of the Federal action must be clearly defined.

Connected Actions

Part of defining the action is to identify all connected actions. All activities connected to a proposed action must be evaluated during the NEPA process.

According to the NEPA definitions, "connected actions" means that:

- One action justifies the other.
 - For example, replacing a two-lane bridge with a four-lane bridge justifies widening of the highway leading to the bridge.
- One action federalizes the other.
 - For example, FEMA funding for the construction of a wing of a proposed hospital federalizes the entire hospital project.
- One action requires the other.
 - For example, building a sewage treatment plant requires the construction of settlement ponds.

Segmentation

Agencies must not attempt to circumvent the required level of NEPA review by:

- Dividing a large proposed action into a series of smaller actions, or
- Considering the proposed action separate from other dependent actions.

Ensuring Adequacy of Information

All needed information must be obtained before the environmental review can be completed.

Inadequate description of the proposed action on the Project Worksheet or grant application can slow down the environmental review process.

Before an environmental review of the worksheet or application can be completed, the following questions must be addressed:

- Does the project description clearly define the action, alternatives if required, and area of effect?
 - Are there any studies, plans, maps, drawings, etc., to clarify the proposed action?
 - Have any permits or clearances been applied for and/or received?
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FEMA's NEPA Responsibilities

Under NEPA, FEMA has the responsibility to:

- Obtain and confirm a clear, complete project description.
- Determine the level of NEPA review required.
- Collect necessary information and documents.
- Contact other Federal agencies (OFA) and collect data.

FEMA must conduct NEPA reviews even if State requirements are more stringent. Before FEMA can fund or implement an action, Agency decisionmakers must:

- Evaluate the environmental effects of the proposed action and alternatives when required, and
 - Make that information available to the public, when required.
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Applicant's Responsibilities

In order to receive Federal funding, an applicant has the responsibility to:

- Prepare a clear, complete project description.
 - Supply information as required by FEMA.
 - Notify the grantee/FEMA of any change in the scope of activity.
 - Obtain required State and local permits.
 - Wait to start work until approval is given.
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NEPA Review Outcomes: Exclusions

When considering the need for NEPA compliance, it may be found that the action qualifies for one of the following exclusions:

- **Statutory Exclusion (STATEX):** A STATEX is a FEMA action exempted from NEPA compliance under the Stafford Act Section 316.
- **Categorical Exclusion (CATEX):** A CATEX is a FEMA action requiring minimal NEPA review because it falls within a category of actions based on agency experience to normally not have a significant effect upon the environment.

Detailed information on exclusions is presented in the next lesson.

NEPA Review Outcomes: EA and EIS

If an action does not qualify as STATEX or CATEX, then it is considered a major Federal action requiring the following NEPA review and documentation:

- **Environmental Assessment (EA):** An EA is a concise public document that provides evidence and analysis for determining the extent of environmental effects or consequences of a proposed action and reasonable alternative actions. An EA may help to determine if an environmental impact statement must be prepared.
- **Environmental Impact Statement (EIS):** An EIS is a detailed analysis of the impact and consequences of a proposed action and alternatives on the environment.

Detailed information on the EA and EIS processes is presented in a later lesson.

NEPA Benefits

This lesson has presented a brief overview of NEPA requirements. In summary, the benefits of NEPA include:

- **Safeguarding the Environment:** NEPA helps Federal agencies incorporate environmental values in their planning and decisionmaking processes.
 - **Providing Better Solutions:** Because NEPA enhances the planning process, it can result in more effective solutions for the applicant. The NEPA process can identify problems—environmental or otherwise—with the proposed action or its alternatives.
 - **Addressing Other Laws:** Under the NEPA review process, other environmental laws must be addressed.
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Lesson Summary

You have now completed the first lesson in the Environmental Review section of this course. You should be able to:

- Describe the purpose and requirements of NEPA.
 - Identify major Federal actions covered by NEPA.
 - Describe information required for a NEPA review.
 - Determine FEMA and applicant responsibilities under NEPA.
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