

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

CHAIRMAN

May 12, 2003

The Honorable Norman Y. Mineta
Secretary, Department of Transportation
400 Seventh St., S.W., Room 10200
Washington, D.C. 20590

Dear Secretary Mineta:

I write in response to your letter of May 6, 2003, asking for the Council on Environmental Quality's (CEQ) guidance on the issue of "purpose and need" in the context of compliance with CEQ's regulations implementing the procedural provisions of NEPA. Your letter refers to the fact that the Interagency Transportation Infrastructure Streamlining Task Force has identified "purpose and need" as a priority issue in need of clarification. Specifically, you ask for guidance on the appropriate exercise of authority by lead and cooperating agencies in determining the purpose and need.

The requirement for a discussion of "purpose and need" in an environmental impact statement under the CEQ regulations is to "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. §1502.13. This discussion, typically one or two paragraphs long, is important for general context and understanding as well as to provide the framework in which "reasonable alternatives" to the proposed action will be identified.

The lead agency -- the federal agency proposing to take an action -- has the authority for and responsibility to define the "purpose and need" for purposes of NEPA analysis. This is consistent with the lead agency's responsibilities throughout the NEPA process

substantive expertise and program responsibility. If a cooperating or joint lead agency identifies substantive or procedural problems with the purpose and need statement, including an omission of factors, important to that agency's independent legal responsibilities, the agency should raise those issues immediately and, if necessary, elevate those issues to higher level decisionmakers in the region and at headquarters for resolution. Thoughtful resolution of the purpose and need statement at the beginning of the process will contribute to a rational environmental review process and save considerable delay and frustration later in the decisionmaking process.

Please let me know if you have any further questions regarding this issue. Thank you for your leadership and I commend your department officials for the work they are undertaking in fulfilling the President's direction.

Sincerely,

[Original signed by]

James L. Connaughton