

# National Environmental Policy Act of 1969 (NEPA)



The first law to establish a national framework for environmental protection.

# National Environmental Policy Act (NEPA)

- What are requirements of NEPA
- What does NEPA do
- What does NEPA not do
- Levels of NEPA compliance
- What to include in NEPA documents

# National Environmental Policy Act (NEPA)

- *Requires agency and public participation in planning process*



# National Environmental Policy Act (NEPA)

- ✓ Requires agency and public participation in planning process
- ✓ *Requires disclosure about the action, alternatives, and environmental effects*

# National Environmental Policy Act (NEPA)

- ✓ Requires agency and public participation in planning process
- ✓ Requires disclosure about the action, alternatives, environmental effects, and mitigation

*Brings out environmental concerns of the affected publics*

# NEPA

- ✓ Requires agency and public participation in planning process
- ✓ Requires disclosure about the action, alternatives, environmental effects, and mitigation
- ✓ Brings out environmental concerns of the affected publics
- ✓ *Requires environmental impacts to be considered during planning and decision making*



# NEPA

- ✓ Requires agency and public participation in planning process
- ✓ Requires disclosure about the action, alternatives, environmental effects, and mitigation
- ✓ Brings out environmental concerns of the affected publics
- ✓ Requires environmental impacts to be considered during planning and decision making
  
- ✓ *Results in informed and better decisions*

# NEPA

What it does not do

- ✓ Decide which alternative to chose



# NEPA

## What NEPA does not do

- Decide which alternative to choose
- Prevent environmental impacts from happening
- *Guarantee decisions you like (decision makers base decisions on multiple factors rather than individual interests)*

# NEPA

## What NEPA does not do

- Decide which alternative to chose
- Prevent environmental impacts from happening
- Guarantee decisions you like (decision makers base decisions on multiple factors rather than individual interests)
- ***Prohibit any actions***

# NEPA

3 levels of documentation depending on project complexity and impacts

**Categorical Exclusion**

**Environmental Assessment**

**Environmental Impact Statement**



# NEPA

## Categorical Exclusion (CEC/CE)

*A categorical exclusion applies to actions that do not individually or cumulatively have an environmental impact.*

### 2 Basic Questions

1. Significant effect on the quality of the human environment?
2. Unresolved conflicts concerning alternative uses of available resources?

# NEPA Environmental Assessment (EA)

PURPOSE - to address actions that are more complex, possibly "major", than those addressed in CE's and decide whether to prepare a *Finding Of No Significant Impact* (FONSI) or *EIS*

# NEPA Environmental Assessment (EA)

## *Steps to Preparing and finalizing an EA*

- *Scoping - identify significant issues to be addressed in the EA*
- *Consultation and coordination with agencies*
- *News releases*
- *draft EA and FONSI to public for comment*
- *Public meeting or open house on draft EA*
- *Finalizing EA/FONSI or determination to prepare and EIS*



# NEPA - EA

Pueblo Dam Safety of Dams work on Stilling Basin



# NEPA

## Environmental Assessment (EA)

### Must Include

- ✓ Purpose and Need (for action)
- ✓ Alternatives (including No Action and the Proposed Action)
- ✓ Affected Environment
- ✓ Environmental Consequences
- ✓ Consultation and Coordination

# NEPA Environmental Assessment (EA)

## Summary

### EA should

1. focus on issues identified in scoping and the potentially significant effects of the proposed action
2. explain the environmental effects of the proposed action
3. identify mitigation necessary to avoid significant impact, prepare EIS, or revise proposal to minimize impact
4. provide information usable by decision maker  
(quantitative if possible based on available information)



# NEPA Environmental Impact Statement (EIS)

Required for “major Federal actions significantly affecting the quality of the human environment,” (NEPA Sec 102(c)) to inform decision makers and the public of the proposed action, reasonable alternatives, and their environmental impacts.

# NEPA Environmental Impact Statement (EIS)

## Steps in preparation

1. Scoping
2. Consultation and coordination with other agencies
3. News releases
4. News letters
5. Sending draft EIS to public for comments
6. Public meeting on draft EIS
7. Sending final EIS to public

# NEPA Environmental Impact Statement

## Must include

- ✓ Purpose and Need (for action)
- ✓ Alternatives (No Action/Proposed Action and reasonable alternatives that meet the purpose and need)
- ✓ Affected Environment
- ✓ Environmental Consequences
- ✓ Consultation and Coordination



# NEPA Environmental Impact Statement

## Summary

- Addresses effects of actions with “significant effects” on the human environment
- Goal is to provide decision maker with information on which to base a decision
- Concludes with a “Record of Decision”