



## NEPA National Environmental Policy Act



### **What is NEPA?**

The National Environmental Policy Act, referred to as NEPA, was enacted in 1969. The purposes of the Act are as follows:

- To declare a national policy that will encourage a harmonious relationship between humans and their environment,
- To promote efforts that will prevent, mitigate, or eliminate damage to the environment,
- To promote efforts that will stimulate the health and welfare of humans,
- To enrich the understanding of the ecological systems and natural resources important to the Nation, and
- To establish a Council on Environmental Quality.

### **What Does NEPA Require?**

NEPA requires *Federal agencies* to integrate environmental values into their decision-making processes by considering the environmental impacts (positive and negative) of their major proposed actions and reasonable alternatives to those actions. Major Federal actions include the following:

- New/continuing activities financed, assisted, conducted, or approved by Federal agencies,
- New/revised rules, regulations, plans, policies, or procedures, and
- Legislative proposals.

Major Federal actions that are not included under NEPA include:

- General revenue funding assistance where there is no control over use of the funds, and
- Judicial, administrative, civil, or criminal enforcement activities.

NEPA is a “process-forcing” statute. To comply with NEPA, Federal agencies must prepare a detailed statement on the environmental impacts of any major Federal action significantly affecting the quality of the human environment. This detailed statement is known as an Environmental Impact Statement (EIS). However, an EIS is not always necessary. Under certain circumstances, the Federal agency may prepare a less

comprehensive analysis. The documents prepared by Federal agencies to comply with NEPA's procedural requirement are as follows:

- Categorical Exclusion
- Environmental Assessment
  - May include a Finding of No Significant Impact
- Environmental Impact Statement
  - Must include a Notice of Intent
  - Must include a Record of Decision

If a major Federal action is not categorically excluded, the action must be evaluated by an Environmental Assessment (including a Finding of No Significant Impact) and/or an Environmental Impact Statement (including a Notice of Intent and a Record of Decision).

### **NEPA Documents**

A description of each of the NEPA documents listed above is included in this section.

#### **Categorical Exclusion**

A Categorical Exclusion (CE) is a category of action, established by Federal agencies that do not individually or cumulatively have significant effects on the environment. For example, some Exempted Fishing Permits may qualify for a Categorical Exclusion.

#### **Environmental Assessment**

An Environmental Assessment (EA) provides evidence/analysis for determining whether the action will cause significant impacts (*i.e.*, if yes, an Environmental Impact Statement is required). When it is determined that there will be no significant impacts as a result of the proposed action, an EA fulfills the agency's compliance with NEPA. If it is determined that there will be significant (positive and/or negative) impacts, an EA facilitates preparation of an Environmental Impact Statement. Environmental Assessments do not need to be circulated for public review.

#### **Finding of No Significant Impact**

A Finding of No Significant Impact (FONSI) is a decision document supporting a determination that an action will not result in significant impacts. A FONSI is prepared after the EA is completed and a determination of no significant impacts has been made. A FONSI must be either circulated to the affected public, or made available for review for 30 days prior to making a decision when the action usually requires an Environmental Impact Statement or is without precedent. The FONSI is often included in the Environmental Assessment, but may be a separate document that includes a summary of the EA.

## **Notice of Intent**

A Notice of Intent (NOI) announces an agency's decision to prepare an EIS for a particular action and must be published in the Federal Register. The NOI will:

- Describe the action and possible alternatives,
- Describe the agency's scoping process, including whether, where, and when scoping meetings will be held, and
- Identify a point of contact.

After publication of an NOI, the scoping process is initiated.

## **Environmental Impact Statement**

Environmental Impact Statements (EIS) evaluate the environmental impacts of appropriate Federal actions. A Draft EIS fully evaluates the impacts of the action and reasonable alternatives. Once the Draft is completed, it must be filed with the Environmental Protection Agency (EPA) and be circulated for public comment for 45 days. A Final EIS responds to comments, including any project changes. The Final EIS must be filed with the EPA and be circulated for comment for 30 days.

An EIS will include the following components:

- Purpose and need for proposed action,
- Description of proposed alternatives, including a No Action Alternative,
- Description of the affected environment,
- Description of the environmental consequences of the alternatives, and
- List of preparers.

## **Record of Decision**

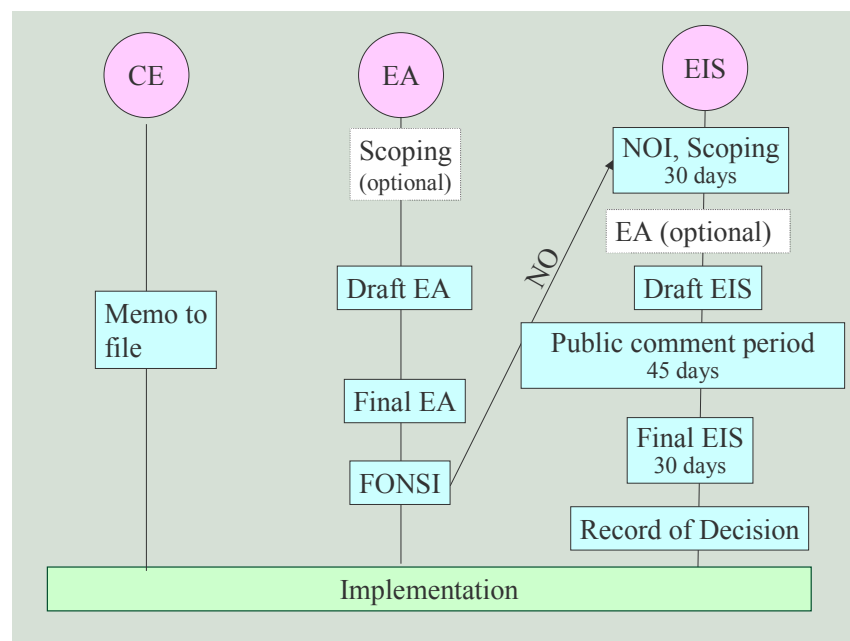
Following the Final EIS, the agency will prepare a Record of Decision (ROD) that will:

- State what the decision is,
- Identify alternatives considered, and specify those that are environmentally preferable,
- State whether all practicable mitigation measures were adopted, and if not, explain why, and
- Commit to a monitoring and enforcement program to insure implementation of mitigation measures.

Although the ROD is a public document, it need not be circulated for review.

## What is the NEPA Process?

To illustrate the NEPA process, a flowchart is presented below. Note that the Notice of Intent (NOI) and the Record of Decision (ROD) are only prepared by the agency as part of the EIS process (*i.e.*, when it has been determined that there will be significant positive and/or negative impacts).



## Where Does the Public Have Input?

The public has input at various stages during the EIS process. The *minimum* lengths of time for these stages are:

- **30-day scoping/comment period** which begins when an agency issues an NOI,
- **45-day comment period** which begins when an agency issues the Draft EIS, and
- **30-day comment period** which begins when an agency issues the Final EIS.

Public comments may be submitted to the agency by written correspondence to the point of contact or at public meetings, or by an oral public statement at public meetings.

## What is “Scoping” for an EIS?

Scoping is required by NEPA regulations. It is to be “*an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.*”

Scoping starts when a Notice of Intent is published in the Federal Register. Scoping sets the boundaries (*i.e.*, the scope) of the analysis and helps to identify information sources.

The scoping process also helps focus alternatives and identifies issues to be addressed within the EIS. Both internal (*i.e.*, the agency) and external (*i.e.*, the public) input is included as part of the process.

### **How YOU Can Make a Difference**

The public can make a difference in the EIS process by making timely comments and by making useful and important comments, such as:

- Comments on inaccuracies or discrepancies,
- Comments on adequacy of the analysis,
- Comments identifying new impacts, alternatives, or mitigation measures, and
- Disagreements with interpretations of impacts.