

National Environmental Policy Act (NEPA)



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- Signed by President Nixon Jan 1, 1970
 - Introduced in Senate as S. 1075 by Feb 18, 1969
- Passed for possible number of reasons
 - Santa Barbara Oil Spill of 1969
 - Publication of *Silent Spring* by Rachel Carson
 - Federal Interstates and Dams
- Three important elements
 - National Environmental Policy and Goals
 - Action forcing provisions for Federal Agencies to implement policies and goals
 - Establishes the Council on Environmental Quality (CEQ)

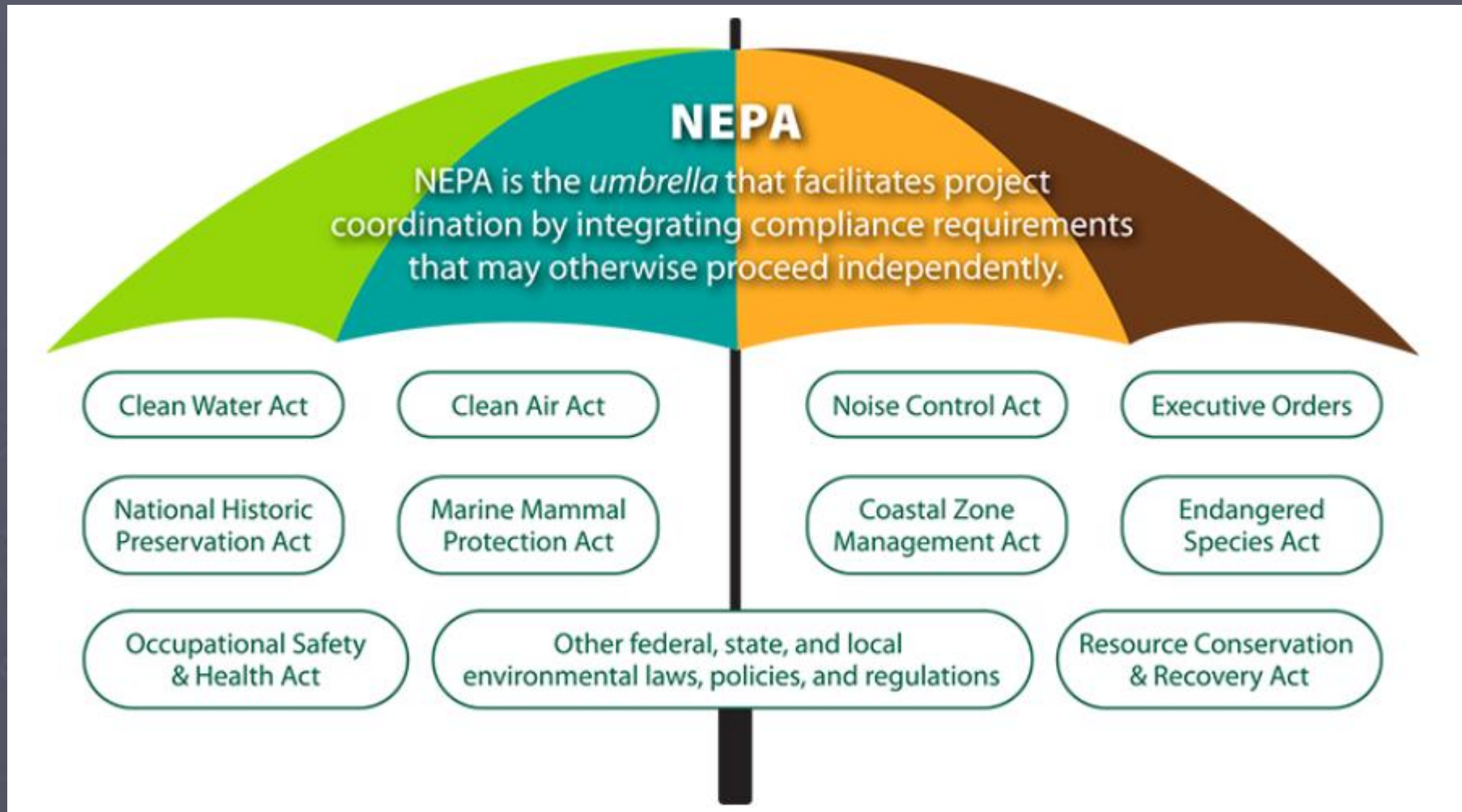


NEPA Requirements

- Document to be an Agency prepared evaluation
 - Categorical Exclusion (CATEX)
 - Environmental Assessment (EA)
 - Environmental Impact Statement (EIS)
- Not binding, a tool in decision making
 - But meant to be taken into consideration
- Opens process to the Public
 - Assessments meant to aid in politician's decisions



The NEPA Umbrella



Council on Environmental Quality (CEQ)

- Located in the Executive Office of the President
 - Act as Presidential Advisors
 - 3 appointees, approved by senate
- Publishes Regulations on preparation of EIS
 - Very expensive process
 - Prepared by lead agency
 - Must take all factors into account
 - Applies to federal agencies or project where federal money is used



Contents of an EIS

- Description of Proposed Action
- Description of current environment including natural history
- Describe all reasonable alternatives
 - Usually one to four besides proposed action
- Effect on Environment should be examined individually
 - Air, Water, Soil, Groundwater, Wildlife, Noise, Geology, Generation of Wastes, Electro-magnetic fields, etc
- Analysis methods should be included
- Impacts on wetlands, threatened or endangered species, or critical habitat must be carefully explained
- **The analysis does not have to (and may not) support the desired alternative**

Additional Considerations

- Must address Socio-economic issues
- Must address Social Justice Issue
 - The act of allowing the poor areas of society to bear the brunt of the least desirable development
- Public Involvement
 - Initial Scoping Phase
 - During review of Draft EIS
 - Upon completion of the EIS but prior to Record of Decision (ROD) approval

Examining Possible Effects

- Direct effect
 - Happens at the time of the action such as land taken out of production/flooded for a dam
- Indirect effect
 - Foreseeable but future effect such as economic development of area once lake is formed
- Cumulative Effects
 - Seeks to keep a number of small actions from equaling a large damaging one

Impacts of NEPA

- Cornerstone of Environmental Regulations
- Far reaching effects in the Federal Sector
- Overseen by a small group of appointed officials on a relatively small budget with a small staff
- Applies only to actions with Federal involvement
- Relies on public involvement for effectiveness (no teeth in regulations)
- Still, many large public works projects may not have been accomplished if NEPA existed