

1978 NEPA

The Council on Environmental Quality (CEQ) promulgated regulations implementing NEPA which are binding on all federal agencies. These regulations address the procedural provision of NEPA and administration of the NEPA process including preparation of EISs.

Changes to NEPA

The only change to NEPA occurred on May 27, 1986 when CEQ amended Section 1502.22 to clarify how agencies are to carry out their environmental evaluations in situation where information is incomplete or unavailable.

NEPA Process

The process consists of an evaluation of the environmental effects of a federal undertaking including its alternatives. There are three levels of analysis depending on whether or not an undertaking could significantly affect the environment. The three levels of analysis include: 1) categorical exclusion determination; 2) preparation of an environmental assessment/finding of no significant impact (EA/FONSI); and 3) preparation of and environmental impact statement (EIS).

NEPA Process - Level 1

At the first level, an undertaking may be categorically excluded from a detailed environmental analysis if it meets certain criteria which a federal agency has previously determined as having no significant environmental impact. A number of agencies have developed lists of actions which are normally categorically excluded from environmental evaluation under their NEPA regulations.

NEPA Process - Level 2

At this level a federal agency prepares a written environmental assessment (EA) to determine whether or not a federal undertaking would significantly affect the environment. If the answer is no, the agency issues a finding of not significant impact (FONSI). The FONSI may address measures (mitigate) potentially significant impacts.

NEPA Process - Level 3

If the EA determines that that the environmental consequences of a proposed federal undertaking may be significant, an EIS is prepared. An EIS is a more detailed evaluation of the proposed action and alternatives. The public, other fed agencies, and outside parties may provide input into the preparation of an EIS and then comment on it when it is completed. If a fed agency anticipates that an undertaking may significantly impact the environment, or if a project is environmentally controversial, a fed agency may choose to prepare an EIS without first having to prepare an EA.

Environmental Assessment

Generally an EA, described in Section 1508.9 of the CEQ's NEPA regulations, includes brief discussions of: the need for the proposal; alternatives; the environmental impacts of the proposed action and alternatives; and a listing of agencies and persons consulted.

Environmental Impact Statement

Described in Part 1502 of the regulations should include the purpose of and need for the action, lists of preparers, agencies, organizations and persons to whom the statement is sent, and index, and an appendix (if any).

Federal Agencies and NEPA

The agency carrying out the fed action is responsible for complying with the requirements of NEPA. If multiple agencies a lead agency is designated although there may be joint lead agencies.

NEPA - Cooperating Agencies

Federal, state, tribal or local agencies having special expertise with respect to an environmental issue or jurisdiction by law may be a cooperating agency in the NEPA process. A cooperating agency has the responsibility to assist the lead agency by participating in the process at the earliest possible time; by participating in the scoping process; in developing information and preparing environmental analyses including portions of the EIS concerning which cooperating agency has special expertise; and in making available staff support at the lead agencies request.

EPAs Role in NEPA

EPA, like other fed agencies, prepares and reviews NEPA documents. However, EPA has a unique responsibility in the NEPA review process. Under Section 309 of the Clean Air Act, EPA is required to review and publicly comment on the environmental impacts of major fed actions including actions which are the subject of EISs. If EPA determines that the action is environmentally unsatisfactory, it is required by Section 309 to refer the matter to CEQ.

EPA and CEQ Memorandum of Agreement

In this agreement EPA carries out the operational duties associated with the administrative aspects of the EIS filing process. The Office of Federal Activities in EPA has been designated the official recipient in EPA of all EISs prepared by fed agencies.

Public's Role in the NEPA Process

The public has an important role during the scoping process in providing input on what issues should be addressed in an EIS and in commenting on the findings in an agency's NEPA documents. The public can participate in the NEPA process by attending NEPA-related hearing or public meetings and by submitting comments directly to the lead agency.

EPA's Environmental Indicators Initiative

Launched in November of 2001 this initiative improves the Agency's ability to report on the status of, and trends in, environmental conditions and their impact on human health and the nation's natural resources. Environmental indicators identify where additional research, data quality improvements, and information are needed

Environmental Indicators Initiative - EPA's Long Term Goal

EPA's long term goal is to improve the indicators and data that are used to guide the Agency's strategic plans, priorities, performance reports, and decision-making.

In June 2003 EPA Published ...

The first national "Draft Report on the Environment" using indicators to describe conditions and human health concerns. The report covers five theme areas including: Cleaner Air, Purer Water, Better Protected Land, Human Health and Ecological Condition. The report provides a frank discussion of what we know and don't know about the condition of the nation's environment.

Uses of Environmental Indicators

The environmental indicators can be used to report on environmental conditions at national, regional, state, and local levels.

Key Elements of the Initiative

Regular reports on the state of the environment, focusing on improving indicators to report on conditions using measurable results; data partnerships with other federal, tribal, state, and local governments; and technology solutions to enable efficient exchange and access to indicator data.

