



December 28, 2023

National Environmental Policy Act: An Overview

Introduction and Background

Since 1970, the National Environmental Policy Act (NEPA, 42 U.S.C. §§ 4321 et seq.) has set forth a national policy with respect to environmental quality. For decades, NEPA has required agencies to integrate environmental considerations into planning and decisionmaking. Further, NEPA's "continuing policy" has been that the federal government use "all practicable means and measures" to support humans and nature coexisting and to fulfill the "social, economic, and other requirements" of present and future generations. NEPA envisions a continuing responsibility for the federal government to, *inter alia*, treat each generation as a "trustee of the environment," preserve historical and cultural heritage, and allow for pleasing surroundings and high standards of living.

NEPA is often described as a procedural law that mandates environmental review of many agency actions, including by requiring that agencies consider the environmental impacts of certain federal actions. NEPA also established the Council on Environmental Quality (CEQ), which issues regulations and guidance on NEPA implementation.

To implement NEPA, CEQ issues broadly applicable rules that complement agency-specific statutes and regulations. CEQ regulations require that an agency assess how the NEPA process applies to an action early in its decisionmaking process. In most cases, the NEPA analysis becomes part of the administrative record for the agency's decision or action. Agencies are also encouraged to integrate NEPA reviews with other federal reviews and permitting decisions authorized under separate authorities.

While NEPA prescribes the process for environmental reviews, it does not mandate that federal agencies alter their proposals based on those reviews. Rather, NEPA focuses on ensuring that the agency has the information and analyses it needs to make better informed decisions. In the words of the Supreme Court, NEPA "merely prohibits uninformed—rather than unwise—agency action."

Scope of Agency Review

NEPA requires agencies, prior to finalizing certain decisions, to identify and evaluate the impacts of "major Federal actions significantly affecting the quality of the human environment." For this requirement to apply, the major federal actions must occur within the United States, and the decisions underlying the actions must be subject to agency discretion and a degree of control over the outcome. The range of federal agencies and actions subject to NEPA is broad and commonly includes activities such as issuing permits and funding infrastructure.

Major federal actions do not include nonfederal actions with "no or minimal federal funding," federally funded actions where the agency lacks oversight or control over the subsequent use of the funds, or other circumstances where the federal agency "does not exercise sufficient control" over a project's outcome. An agency also does not need to document relevant impacts until a decision is final. While only domestic actions are subject to the environmental review process, NEPA also requires agencies to recognize the global nature of environmental problems and "maximize international cooperation" to prevent environmental decline.

For some decisions under other laws, agencies have developed review and disclosure processes that are functionally equivalent to the NEPA process. Courts have held that if a statute provides for such a functional equivalence, both procedurally and substantively, then an agency is exempt from producing a separate NEPA statement.

Consideration of Impacts

One step in the NEPA process is to determine whether the proposed action is likely to have "significant" effects that require an environmental impact statement (EIS). The effects an agency must consider and analyze include social, ecological, and health impacts as well as environmental justice concerns. The depth of analysis and type of documentation required by NEPA depends in large part on the extent to which anticipated impacts are expected to be significant.

Categorical Exclusion

Many agency activities may be subject to a categorical exclusion, which refers to a type of activity undertaken by an agency that "normally does not significantly affect the quality of the human environment." If the agency determines that a categorical exclusion applies, NEPA does not require an environmental assessment or EIS.

Agencies maintain their own categorical exclusions and in some cases may adopt another agency's exclusion. When an agency considers applying one of these categorical exclusions to a proposal, it also decides whether site-specific extraordinary circumstances exist that could result in more significant impacts than would typically be anticipated and thus warrant further analysis and documentation. Congress can also mandate a categorical exclusion by statute and specify whether the agency should consider any extraordinary circumstances. Categorical exclusions apply to the vast majority of agency actions that require NEPA compliance.

National Environmental Policy Act Readings From The Environmental Professional

Siddappa N.Byrareddy



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National Environmental Policy Act John Lemons,1995-01-01 The National Environmental Policy Act Lynton Keith Caldwell,1999-02-22 The National Environmental Policy Act has grown more not less important in the decades since its enactment No one knows more about NEPA than Lynton Caldwell And no one has a clearer vision of its relevance to our future Highly recommended David W Orr Oberlin College What has been achieved since the National Environmental Policy Act was passed in 1969 This book points out where and how NEPA has affected national environmental policy and where and why its intent has been frustrated The roles of Congress the President and the courts in the implementation of NEPA are analyzed Professor Caldwell also looks at the conflicted state of public opinion regarding the environment and conjectures as to what must be done in order to develop a coherent and sustained policy The National Environmental Policy Act ,1997

National Environmental Policy Act United States. Congress. Senate. Committee on Public Works,1972 **National Environmental Policy Act Oversight** United States. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Fisheries and Wildlife Conservation and the Environment,1975 Administration of the National Environmental Policy Act United States. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Fisheries and Wildlife Conservation,1971 **Sustainability Assessment** Alan James Bond,2013 Currently the writing on the subject is limited and comprises for the most part guidance documents and completed assessments *National Environmental Policy Act, Joint Hearings Before ..., and the Committee on Interior Affairs, 92-2, March 1, 7, 8, 9, 1972* United States. Congress. Senate. Committee on Public Works,1972 Environmental Policy and NEPA E. Ray Clark,Larry W. Canter,2024-11-01 Environmental Policy and NEPA is a concise study of environmental policy where we have come from what we are facing and where we can go in the future An outgrowth of initiatives taken by the Council of Environmental Quality CEQ and edited by the current Associate Director this publication studies the effectiveness and efficiency of the implementation of the National Environmental Policy Act NEPA Divided into three main sections part one covers the historical background and trends of NEPA Part two addresses current substantive and conceptual issues associated with the environmental impact assessment EIA process Part three discusses future opportunities including impact on humans effective public participation in the EIA process and the need for sustainability This excellent reference brings together 28 contributing authors who combine their expertise to address a multitude of topics Environmental Policy and NEPA is mandatory reading for the professional researcher government policymaker activist student or anyone looking for a complete presentation of the EIA process *Safety Professional's Reference and Study Guide, Third Edition* W. David Yates,2020-03-19 This new edition serves both as a reference guide for the experienced professional and as a preparation source for those desiring certifications It s an invaluable resource and a must have addition to every safety professional s library Safety Professional s Reference and Study Guide Third Edition is written to serve as a useful reference tool for the

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