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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.

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Ian Pickup



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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 **Government's Greatest Achievements** Paul C. Light,2010-12-01 In an era of promises to create smaller more limited government Americans often forget that the federal government has amassed an extraordinary record of successes over the past half century Despite seemingly insurmountable odds it helped rebuild Europe after World War II conquered polio and other life threatening diseases faced down communism attacked racial discrimination reduced poverty among the elderly and put men on the moon In *Government's Greatest Achievements* Paul C Light explores the federal government's most successful accomplishments over the previous five decades and anticipates the most significant challenges of the next half century While some successes have come through major legislation such as the 1965 Medicare Act or large scale efforts like the Apollo space program most have been achieved through collections of smaller often unheralded statutes Drawing on survey responses from 230 historians and 220 political scientists at colleges and universities nationwide Light ranks and summarizes the fifty greatest government achievements from 1944 to 1999 The achievements were ranked based on difficulty importance and degree of success Through a series of twenty vignettes he paints a vivid picture of the most intense government efforts to improve the quality of life both at home and abroad from enhancing health care and workplace safety to expanding home ownership to improving education to protecting endangered species to strengthening the national defense The book also examines how Americans perceive government's greatest achievements and reveals what they consider to be its most significant failures America is now calling on the government to resolve another complex difficult problem the defeat of terrorism Light concludes by discussing this enormous task as well as government's other greatest priorities for the next fifty years

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 **The National Environmental Policy Act** Matthew J. Ph. D.

Lindstrom, Matthew J. Lindstrom, Zachary A. Smith, 2008-04-11 Environmental degradation and the compromised integrity of the earth's ecological system were growing public concerns in the mid to late 1960s. These issues spurred Congress to pass the National Environmental Policy Act of 1969 (NEPA), the first law to focus such environmental concerns into a comprehensive national policy. The new legislation encompassed an array of environmental values and ethics as well as administrative tools to achieve the ecological goals of the nation while taking into account other important societal needs. Though NEPA has had a positive effect on U.S. environmental policy and the national quality of life, this challenging new book shows how federal courts and agencies have failed to implement many of the values and goals fundamental to the success of NEPA. To explain this divergence, authors Matthew J. Lindstrom and Zachary A. Smith examine NEPA's origins, address how NEPA has been implemented and enforced, and highlight the shortcomings of its practice. Lindstrom and Smith strongly argue that if NEPA were fully and properly implemented, it would prove to be a valuable and realistic tool for balancing the needs of the world population and the protection of the earth's environment. They offer a new, hopeful look at how the law's structure can be properly utilized in order to give future generations hope of living on a sustainable planet. This book is well suited for audiences interested in public policy formation and implementation, especially environmental policy administrators, environmental historians, and those involved in environmental law, its policy, and its politics.

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

Administration of the National Environmental Policy Act United States. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Fisheries and Wildlife Conservation, 1971

Safety Professional's Reference and Study Guide W. David Yates, 2017-12-12 While there are numerous technical resources available, often you have to search through a plethora of them to find the information you use on a daily basis. And maintaining a library suitable for a comprehensive practice can become quite costly. The new edition of a bestseller, *Safety Professional's Reference and Study Guide*, Second Edition, provides a single source reference that contains all the information required to handle the day-to-day tasks of a practicing industrial hygienist. New Chapters in the Second Edition cover Behavior-based safety programs, Safety auditing procedures and techniques, Environmental management, Measuring health and safety performance, OSHA's laboratory safety standard, Process safety management standard, BCSP's Code of Ethics. The book provides a quick desk reference as well as a resource for preparations for the Associate Safety Professional (ASP), Certified Safety Professional (CSP), Occupational Health and Safety Technologist (OHST), and the Construction Health and Safety Technologist (CHST) examinations. A collection of information drawn from textbooks, journals, and the author's more than 25 years of experience, the reference provides, as the title implies, not just a study guide but a reference that has staying power on your library shelf.

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Environmental Policy and Politics Michael E. Kraft,2021-07-22 For more than twenty years Environmental Policy and Politics has kept instructors and students abreast of the challenges presented by contemporary environmental energy and natural resource problems in the United States Now in its eighth edition Michael E Kraft has updated his definitive text to capture the changing nature of environmental problems as well as policy proposals made through 2020 Drawing from work within environmental science policy analysis and political science this text continues to help readers think critically about how best to address problems through a variety of public policy tools and strategies at all levels of government Important updates to this new edition include The latest information about environmental challenges and governmental responses to them with extensive citation of key sources and websites Key political and policy decisions through late 2020 including presidential appointments budgetary decisions major legislative initiatives and congressional actions New learning objectives to facilitate student understanding of key concepts and their applications arguments advanced over environmental challenges and policies and the goals and methods of environmental policy analysis Coverage of new topics that have emerged during the Trump presidency including the Clean Power Plan repeal and reduction of environmental regulation climate change land conservation changes in natural resources policies and a comparison of the Republican and Democratic positions on climate change in 2020 Updated summaries of scientific studies government reports and policy analyses Revised discussion questions and new suggested readings Environmental Policy and Politics is an essential resource for upper level undergraduate and graduate students in political science and environmental studies looking for an accessible well researched and up to date text written with style and flair

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Legal Compilation; Statutes and Legislative History, Executive Orders, Regulations, Guidelines and Reports ,1973 **Dimensions** ,1977 **Conservation and Environmentalism** Robert C.

Paehlke,2013-04-03 Focusing on both problems and solutions this authoritative reference work maintains a healthy balance between science and the social sciences in its coverage of all aspects of the environment The book is arranged alphabetically and is divided into three major sections Ecology Pollution and Sustainability The list of 240 contributors reads like a who's who of the world's leading conservation and environmental professionals Best Reference Source Outstanding Reference Source

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