



Environmental Justice
Leadership Forum

NEPA ALERT #1

WHAT IS THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)?

- Signed into law in 1970, the National Environmental Policy Act (NEPA) requires federal agencies to analyze the environmental effects of proposed plans prior to making decisions.

WHAT DOES NEPA REQUIRE?

- Title I Section 101 requires the federal government, in cooperation with local and state governments, to use all practical resources to promote the general welfare as well as to create conditions in which “man and nature can exist in productive harmony”
- Title I Section 102 requires all federal agencies to prepare detailed Environmental Impact Statements (EIS) and Environmental Assessments (EA) of the effects that major federal actions could have on the environment
- Title II established the Council on Environmental Quality (CEQ), which is required to monitor all federal agencies and to ensure all NEPA guidelines are being met

HOW DO FEDERAL AGENCIES FOLLOW THE NEPA REQUIREMENTS?

- In 1978 the CEQ issued regulations that are binding for all federal agencies in order to implement NEPA
- Many agencies have developed their own NEPA procedure in line with the CEQ regulations and guidelines
- In some cases, where there is more than one agency involved, a lead agency is designated to supervise the environmental analysis
- Cooperating agencies assist the lead agency in the NEPA process by developing information it has special expertise in
- If there are any inter-agency conflicts, the federal agencies can refer to the CEQ

HOW IS TRUMP ATTEMPTING TO CHANGE THE NEPA PROCESS?

- President Trump’s 2018 infrastructure plan prioritizes streamlining and expediting the NEPA process
- Only the lead agency is required to create the environmental review document to be utilized by all federal agencies involved
- The suggested “one agency, one decision” environmental review structure establishes a firm deadline of 21 months for lead agencies to complete their environmental reviews through the issuance of a Finding of No Significant Impact (FONSI) or Record of Decision (ROD)

Acronyms and Definitions

- NEPA – National Environmental Policy Act
- CEQ – Council on Environmental Quality
- EIS – Environmental Impact Statement
- EA – Environmental Assessment
- FONSI – Finding of No Significant Impact
- ROD – Record of Decision