

## OVERVIEW OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

### Important points about NEPA

- The primary purpose of NEPA
- The goal of NEPA
- What NEPA does
- What NEPA does not

NEPA is the basic national charter for the protection of the environment. It is the goal of NEPA to help public officials make decisions that are based on understanding environmental consequences. By this process, actions can be taken to protect, restore, or enhance the environment. The NEPA process begins early in the planning stages of a proposed action and includes document preparation and public participation activities.

### What NEPA does:

- Ensures that the environmental information in documents is made available to public officials and citizens before decisions are made and before actions are taken.
- Provides opportunities for public participation.
- Ensures consideration of environmental concerns as an integral part of program planning and decision making.

Often it is helpful to explain what an Act does not do in order to help in understanding what it does do. Compliance with NEPA does not:

- **Take a vote on which alternative to choose.**—Instead, the NEPA process provides for the development of reasonable alternatives, evaluates their potential impacts, and considers public comments, so that the decision maker can make informed decisions.
- **Prevent environmental impacts from occurring.**—Instead, NEPA compliance **(1)** requires full consideration of the environmental consequences of a proposed action, **(2)** encourages mitigation of potential adverse impacts, and **(3)** requires that potential impacts be disclosed before decision-making takes place.
- **Justify a predetermined action.**—The NEPA process is intended to identify and evaluate alternatives in an impartial manner.
- **Substitute for compliance with other Federal or State laws.**—The NEPA process can be used to facilitate compliance with other laws, such as the Endangered Species Act, the Clean Water Act, or the National Historic Preservation Act, but it does not replace the need for compliance with all appropriate laws and regulations before, during, or after a project is implemented.
- **Apply to non-Federal entities.**—NEPA applies only to actions by a Federal agency.

### Importance of Public Participation

Public participation activities within the NEPA process **(1)** ensure that public needs and concerns are identified before making decisions that may affect the quality of the human environment, and **(2)** ensure that those needs and concerns are reflected in the decisions, to the extent possible. This is achieved through a continuous exchange of information and interaction between the lead Federal agency and the public.

Public participation typically occurs at two points in a NEPA process: (a) the Scoping Period and (b) the Public Review and Comment period. During the **Scoping Period** for an Environmental Assessment (**EA**) or an Environmental Impact Statement (**EIS**), input from **State and Federal agencies, organizations, and the interested public** is sought in order to **identify issues** that should be **analyzed** in the document. **Once a draft EA or EIS** is prepared, it is made **available for public review and comment** for a minimum of **30 days** for an **EA**, or **60 days** for an **EIS**. If held, **public hearings** to receive oral and written comments, are **scheduled** to occur **during the public comment period** and not sooner than 15 days after the document is published. **All comments received, whether written or oral, are given full and equal consideration** in preparing the final EA or the EIS.

#### Summary of the NEPA Process and Required Documents

**Once an action is identified and proposed, the NEPA process is implemented by the lead agency.** If a Federal agency's proposed action clearly falls within a class of actions specified in that agency's **NEPA regulations** as having no significant environmental impact, then the action can be considered a **Categorical Exclusion (CE)**. This means that a **Categorical Exclusion Checklist (CEC)** would be prepared, and that the action doesn't necessitate the preparation of an **Environmental Assessment (EA)** or an **Environmental Impact Statement (EIS)**.

If it is not known whether a proposed action will have a significant impact on the quality of the human environment, an **Environmental Assessment** must be prepared. If the analysis in the Environmental Assessment concludes that the proposed action would **not** have a significant impact on the quality of the human environment, then a **Finding of No Significant Impact (FONSI)** would be prepared.

On the other hand, if the analysis in an Environmental Assessment concluded that the proposed action might have significant impacts on the human environment, then an **EIS** would be prepared. If it is clear that the proposed action could have significant impacts, it would **not** be necessary to prepare an Environmental Assessment before preparing the **EIS**.

When a **draft EA** is prepared, it is distributed to the interested public for review and comment. The public comment period lasts for at least 30 days. **Public hearings** to receive oral comments on a draft EA are **sometimes held** during the **public comment period**. **All comments received—whether written or oral—are given full and equal consideration** in preparing the **final EA**.

When a decision to prepare an **EIS** has been made, a **Notice of Intent (NOI)** to prepare the **EIS** is published in the *Federal Register*. This notice informs the public that an **EIS** will be prepared and that the **Scoping Process** will begin. **Scoping** is the early and open process in which public participation is sought to help determine the scope of issues to be addressed in an **EIS**. Once the **Draft EIS (DEIS)** has been prepared, the document is submitted to the **Environmental Protection Agency (EPA)**, whereupon the EPA issues a **Notice of Availability (NOA)** of the **DEIS** in the *Federal Register*, and the DEIS is made available for public review and comment.

Public hearings to receive oral comments on an EIS are conducted during a minimum **60-day public comment period**, but no sooner than 30 days after public notification of such hearings. The agency then considers all written and oral comments received, before preparing a **Final Environmental Impact Statement (FEIS)**. Upon publication of the FEIS, the EPA again publishes a Notice of Availability. Then, no sooner than 30 days after the FEIS is published, the lead agency prepares a **Record of Decision (ROD)**. The **ROD** is published in the *Federal Register* and provides a concise public record of the final decision on a proposed action.

Upon completion of the NEPA compliance process, whether through completion of a Categorical Exclusion Checklist or issuance of a FONSI or ROD, the agency is free to implement the proposed action.

The NEPA process is outlined in the flowchart on the reverse side of this page. The references in the boxes are from the *Central Utah Project Completion Act NEPA Handbook* and the CEQ regulations implementing NEPA.

For further information regarding the NEPA process and its use by the Central Utah Water Conservancy District, please contact Bridget Atkin, NEPA Compliance Coordinator at (801) 226-7166.

