

NEPA- Overview of Background and Implementation

1. Introduction and Purpose of the Law

-NEPA signed January 1970 in response to overwhelming national sentiment that federal agencies should consider the environmental impacts of their actions.

-NEPA is our country's basic national charter for the protection of the environment.

-It established environmental policy for the nation, provides for an interdisciplinary framework for agencies to prevent environmental damage, and contains action-forcing procedures to ensure agencies and decision-makers consider environmental factors.

-Four purposes of NEPA:

1. Declare a national policy which will encourage productive and enjoyable harmony between people and the environment.

2. Promote efforts which will prevent or eliminate damage to the environment and stimulate health and welfare.

3. Enrich the understanding of the ecological system and natural resources important to the nation.

4. Established the CEQ.

-quote

NEPA is procedural, not substantive; it tells us what to do and not how to do it. It is from the act that a process for compliance has been developed.

-Use a systematic, interdisciplinary approach to ensure integrated use of natural and social sciences in planning and decision making.

-identify and develop methods and procedures that will ensure environmental amenities and values are given appropriate consideration in decision-making.

NEPA is the nation's broadest environmental law and basic environmental charter. NEPA applies to all federal agencies and most of the activities that they fund or manage that affect the environment. It requires federal agencies to consider the natural resource, social, and economic impacts of their actions and disclose them in a public decision-making document. NEPA requires the preparation of environmental documents to ensure that federal agencies accomplish the purpose and intent of the law.

2. Key NEPA Players

-Lead Agency (and state proponent)

-Determined by

-magnitude of involvement

-approval authority

-expertise

-establish duration of involvement

-establish sequence of events

-Oversight Agencies -- Federal and state agencies with direct or indirect jurisdiction

-Others

-Cooperating Agencies

-financing or approval responsibilities

-connected action

-special expertise

- State and local agencies
- Concerned citizens and organizations

3. Overview of Steps in the NEPA Process

-the environmental review process established under NEPA involves three key phases:

- review for categorical exclusions or exemptions, preparation of an EA, and preparation of an EIS.
- prepare an EA when we don't know the significance of an impact
- prepare an EIS when a significant impact exists
 - significance is determined in terms of context and intensity

-Purposes of an EA

- to document NEPA compliance
- to determine if an EIS is required, and, if required, create its foundation

Visioning Stage

-Internal Administrative Activities and Internal Scoping

- organizing resources
- conducting start up meetings
- establishing Scope of Work and activities to be performed

-Agency and Public Scoping

-Scoping

- determine the connected, similar, and cumulative actions
- determines the range of reasonable alternatives to be considered
- determines the direct, indirect, and cumulative impacts to be evaluated

-Activities include

- introductory Interagency meeting
- formation of a PAC
- initial public meeting

Development Stage

-Initial data collection and analysis

-Purpose and Needs

- clear definition of problems

-Identification and development of reasonable range of solutions

Refinement Stage

-Data collection and detailed analysis

-Preliminary alternatives screening and analysis

- only alternatives that are responsive to purpose and needs
- Natural Environment issues
- Social Environment issues

- Refinement of alternatives
- Preliminary Cost Estimate

Final Comparison Stage

- Avoidance and Minimization of impacts

-Draft EA Preparation and Circulation

- Format
 - cover and title sheet
 - purpose and needs
 - alternatives analysis
 - affected environment
 - environmental consequences
 - comments and coordination
 - references
 - technical appendices
- public hearing
- respond to substantive comments

- Public hearing and comment period

- Final EA Preparation

-FONSI

-document prepared by the federal agency briefly presenting why an action does not have a significant impact and an EIS won't be prepared. Must include description of mitigation measures.

4. Adaptations of the NEPA Process to Fulfill FHWA and MDOT Requirements

- Integrate the requirements of STPA

study performed and this EA was prepared using an integrated Sensible Transportation Policy Act (STPA) and the NEPA process.

STPA applies to significant highway projects; significant highway projects are projects that increase capacity by constructing one or more through travel lanes, a highway on new location, or a bridge on new location. It recognizes that there are benefits and costs (financial, energy, and environmental) to transportation, and it provides policies and management strategies for the analysis of these issues. This rule requires MDOT to consider available and future modes of transportation and to minimize the effects of transportation on public health, air quality, water quality, land use, and other natural resources.

Under this broad umbrella of an integrated STPA / NEPA process, the compliance with many other federal and state statues, orders, and policies is required.

- Typically develop design to about a 5% design submission, and more if necessary.
- Interagency Meetings
 - review work performed, work to be performed
 - troubleshoot prior to circulation and submitting permit application
- Public Involvement
 - continuous process and community based
 - combination of meetings, PAC, and hearing