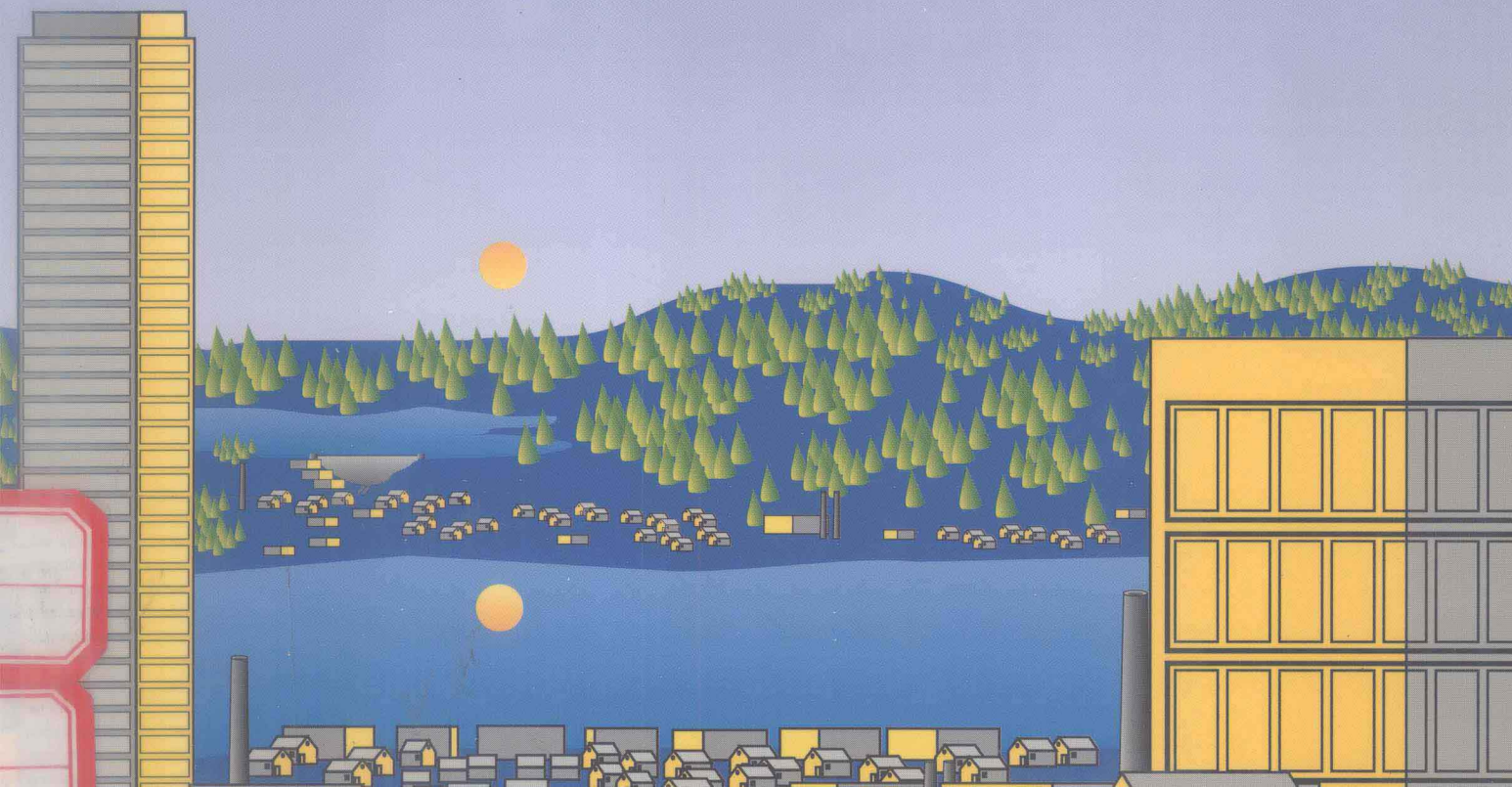


# Mastering NEPA: *A Step-by-Step Approach*

Ronald E. Bass & Albert I. Herson



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Ronald E. Bass  
Albert I. Herson

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## ***CONGRESSIONAL DECLARATION OF NATIONAL ENVIRONMENTAL POLICY (NEPA §101)***

"Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the federal government, in cooperation with state and local governments and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331.



## **PREFACE**

**T**he National Environmental Policy Act (NEPA) is the nation's broadest environmental law. NEPA applies to all federal agencies and most of the activities they manage, regulate, or fund that affect the environment. It requires all agencies to disclose and consider the environmental implications of their proposed actions.

NEPA requires the preparation of environmental impact statements (EISs) to ensure that federal agencies accomplish the law's purposes. The President's Council on Environmental Quality (CEQ) has adopted regulations and other guidance that provide detailed procedures federal agencies must follow to implement NEPA. A fundamental first step to successful NEPA compliance is understanding the environmental review process established by the statute, the regulations, and relevant court decisions. The key to NEPA's success is the ability to integrate NEPA into federal agency decision-making.

NEPA's reach is pervasive throughout the federal government. It applies to virtually any activity undertaken, funded, or permitted by a federal agency that affects the environment. For example, NEPA may apply to diverse federal actions and agencies, such as a new highway in Boston (Federal Highway Administration), the filling of wetlands for housing development in Florida (U.S. Army Corps of Engineers), timber sales on National Forest land in Alaska (U.S. Forest Service), and the sale of water for agricultural purposes in California (U.S. Bureau of Reclamation). In these and thousands of other federal decisions, agency officials and their staffs must have a working knowledge of NEPA's purposes and procedural requirements.

NEPA's success also depends on informed participation by private organizations, public-interest groups, and citizens concerned about the environment. Citizen participation is an integral part of NEPA's procedural requirements; the more the public understands about the environmental review process, the more effectively they can participate. This handbook is designed to help citizens participate effectively in the government decision-making process by educating them on NEPA implementation.

*Mastering NEPA: A Step-by-Step Approach* is designed to provide the users a simplified framework for understanding NEPA and incorporating it into their agency's day-to-day activities, thus helping them obtain maximum benefit from the environmental review process. However, because it is intended as a user's handbook rather than a

comprehensive legal analysis, case law is cited only on a limited basis. The legal citations in this book are not exhaustive, but rather refer primarily to NEPA, CEQ's NEPA regulations, and CEQ's other guidance on NEPA implementation. Although this handbook emphasizes the law and regulations, it also includes the authors' recommendations for successful NEPA compliance. For detailed legal treatment, users should consult additional NEPA publications, listed in Appendix 7.

The authors were inspired to write this handbook after listening to the comments of participants at professional workshops on environmental impact assessment. NEPA has been in effect since 1970, and although numerous publications have focused on the legal aspects of NEPA, none has presented NEPA in a simplified, user-friendly format. *Mastering NEPA: A Step-by-Step Approach* is designed to meet this need.

## ABOUT THE AUTHORS

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