

NEPA TIPS

“The Do’s and Don’ts”

GENERAL:

- The purpose of NEPA is to produce better environmental decisions, not EIS’s.
- Key operable words of NEPA:
 - Environmental Impact
 - The Proposed Action
 - Use systematic interdisciplinary approach
 - Major Federal action significantly affecting the quality of the human environment
- Planning is an input into the EIS.
- The EIS is an input into the decision, not an output.
- The planner does not make political choices.
- The EIS is about actions
- The EIS is about effects
- Do not assume final decisions before the planning decisions.
- This is not about process. It’s about content.
- Many EIS’s are:
 - Too promotional
 - Analytically shallow
 - Fail to reveal the impact differences between alternatives
 - Too defensive
 - Started before planning
 - Fail to adequately describe the action elements of the proposal
- If all you care about is protecting the project from a court suit, you have missed the point of NEPA.
- EIS is an analytical job, not a writing job.

THE PROPOSED ACTION:

- EIS is an action-forcing document. It must accompany proposal through decision process.
- Specific action elements, not strategies, objectives, or concepts must be identified.
- You must take a hard look at the proposed action.
- Understanding **planning** vs. the **proposal** vs. the **EIS**.

SCOPING:

- Scoping is an analytical step.
- Scoping isn't:
 - A Public involvement process
 - Public meetings
 - Hearings
- Scoping does:
 - Identify significant issues (impact topics) to be addressed in depth
 - Identify other alternatives
- What do you do?
 - List
 - Screen
 - Evaluate
 - Re-List
 - Assemble (with reasons)
- Scoping comes after actions determined for proposed action, not before.

ENVIRONMENTAL IMPACT:

- Environmental impact is an effect, not a cause.
- Focus analysis on actions, not concepts.

- Analysis tips:
 - You can't determine the impact without knowing the cause
 - Aggregate the causes to determine a common effect
 - Sharply reveal the net differences between alternatives (between the with and without plan)
 - It is the environmental change, not the change in the action

- Environmental impact is the end-point of analysis – the conclusion
- Common faults to avoid in analysis:
 - Can't evaluate non-specific topics
 - Don't re-describe environment
 - Conclusions without analytical support
 - Wandering off the point (stay on the impact)
 - Avoidance of a conclusion
 - Use of vague terms (minimal, significant, adverse)

- You undertake shallow analysis at your own peril. Court enforceable.

- Analysis comes first; writing comes last.

- Analysis is objectivity, not justification.

FINAL THOUGHTS:

- Today, many EIS's are pretty documents, made worthless by shallow analysis, and are unreliable because of unsupported conclusions.

- You are not a decision maker.

- If you prepare a good EIS, you can influence the final decision.

NOTE: Source taken from “**Integrating NEPA into FWS Activities**” course notebook, Appendix E dated September, 1996 by NCTC. Authors: Ronald Singer and Don Peterson