



The National Environmental Policy Act

Protecting our land, wildlife and public health for 50 years.

The National Environmental Policy Act (NEPA) was enacted on January 1, 1970, creating, for the first time, a national policy for environmental protection. For a half century, NEPA has helped protect our health and environment and safeguard our natural treasures for posterity – in the process providing a critical voice for citizens and the environment in government decision-making.

How NEPA Works

NEPA ensures that no important project – whether a new highway, mining project, or the clearing of a forest – happens without consideration of its impact on the environment. NEPA requires all major federal actions to undergo a review process that includes:

- Completion of an environmental assessment, which determines whether a project is likely to have a significant impact on the environment.
- For those projects likely to have a significant impact, the completion of a detailed environmental impact statement (EIS) that is made available to the public for review.
- A public comment period that enables citizens to voice any concerns about the project and to identify problems or omissions in the EIS.



During the 1990s, there was a plan to expand U.S. Route 23 through undeveloped country, threatening wildlife, forests, and wetlands, including the Au Sable River in northern Michigan. NEPA review led to the rejection of the plan, and eventually existing roads were upgraded instead of spending \$1.5 billion on an environmentally destructive highway.^[1]

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Some types of projects are subject to categorical exclusions, and require no formal environmental review.

While NEPA does not require agencies to reduce the environmental impact of projects, it does ensure that those impacts are brought to light and understood by the public – providing a powerful tool for government transparency and accountability.

In addition to creating a national environmental policy and a formal process for environmental review, NEPA also created the Council on Environmental Quality within the Executive Office of the President, which helps develop environmental initiatives and coordinates environmental efforts throughout federal agencies.^[2]

Environment America

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Why NEPA Matters

NEPA has improved our environment in many ways over the past five decades.

- **Reducing the impact of projects on the environment:** The environmental assessments and environmental impact statements required by NEPA force agencies to consider the impact of projects to the environment – providing an incentive for agencies to reduce those impacts. The feedback that comes from public disclosure and public comments also ensures that projects serve the best interests of the people and are sensitive to the health and welfare of the public, wildlife and ecosystems.
- **Engaging the public and local stakeholders:** NEPA gives the public and local communities a voice in critical federal decisions that affect the environment. The required public comment period provides citizens, local leaders and small businesses a forum to participate in important decisions and raise concerns that might otherwise not be heard.
- **Promoting government transparency:** By requiring government agencies to disclose how their proposed projects would affect the environment, regulators and the public alike can make sure that due diligence has been done before those projects are undertaken.

NEPA Protects Our Environment

NEPA has influenced thousands of projects over the decades, and has helped reduce the environmental impact of major projects. Here are a few of the many times that NEPA has helped to protect our nation's environment, public health and quality of life.

- **Rocky Mountain Front, Montana:** In 2004, the Bureau of Land Management (BLM) began reviewing proposals to open up public lands in the Rocky Mountains for new drilling permits. During the public comment period mandated by NEPA, a bipartisan coalition of sportsmen, ranchers, conservationists, and public officials spoke out against the plan. ^[3]

The more than 49,000 comments that poured in led the BLM to halt the permitting process and seek consensus around a new plan. Eventually, in 2014, these efforts culminated in President Obama signing into law the Rocky Mountain Front Heritage Act, which would permanently protect the area from drilling and safeguard the area's wildlife and natural splendor. ^[4]

- **The Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado:** In 1989, the U.S. Forest Service hatched a plan to clear cut aspen groves located on the western slope of the Colorado Rockies, which threatened not only to diminish one of the beautiful natural spaces in the nation, but also to harm wildlife habitat and increase the risk of wildfires. NEPA's mandated public comment period allowed thousands of citizens, businesses, and local officials to voice their concern and get the Forest Service to substantially scale back its initial plans. ^[5]
- **The Hoover Dam Bypass, Arizona and Nevada:** To provide an alternative route through the Hoover Dam area, federal officials proposed a 3.5-mile bypass road that includes an arched bridge that rises 900 feet above the Colorado River. Initial plans for the project had the road running through pristine areas. Because of NEPA's mandated environmental impact assessment, local stakeholders reviewed the plan and eventually convinced the Federal Highway Administration to redirect the bypass away from sensitive corridors and also improve pedestrian access. ^[6]



Chimney Rock in Uncompahgre National Forest
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- **El Yunque Rainforest Preserve:** The only tropical rainforest in the National Forest system, Puerto Rico's El Yunque Rainforest Reserve is not only a precious natural wonder but also a cultural jewel for the indigenous Taino people. The Federal Highway Administration (FHWA) had proposed a road in 2007 that would have cut the preserve in half, endangering species, drinking water and cultural relics. [7] The FHWA tried to avoid completion of an environmental impact statement for the project, but when a court found that this violated NEPA, the FHWA abandoned the project rather than study and disclose the impacts that it would have caused. [8]
- **Plum Island, Connecticut:** The Department of Homeland Security (DHS) had a plan to expand a scientific lab on Plum Island to start handling deadly pathogens that included those with no cures or vaccines. The environmental impact statement that the DHS filed failed to address the public health risk it would pose to the 20 million people living within 50 miles of the planned facility. Citing NEPA, the Connecticut attorney general challenged the proposed plan and the facility was eventually relocated to the Midwest, away from population centers. [9]
- **The Everglades Parkway, Florida:** Because of NEPA, engineers designing the Everglades Parkway looked at how the new roadway would affect the nearby environment and wildlife. Through the environmental review process, the Florida Department of Transportation ended up including innovative and sustainable features to protect South Florida's unique watersheds and minimize the ecological impact of the construction process. [10]

Notes

[1] Elly Pepper, NRDC, Never Eliminate Public Advice: NEPA Success Stories, 1 February 2015, available at <https://www.nrdc.org/resources/never-eliminate-public-advice-nepa-success-stories>.

[2] Linda Luther, Congressional Research Service, The National Environmental Policy Act: Background and Implementation, 29 February 2008, available at <https://fas.org/sgp/crs/misc/RL33152.pdf>, 10-12.

[3] Ibid.

[4] Date of law's passage: Montana Wilderness Association, "History Made with Passage of the Rocky Mountain Front Heritage Act," accessed on 21 January 2020, available at

<https://wildmontana.org/our-work/protecting-wild-places/rocky-mountain-front-campaign>; details of legislation: Roby Chaney, "Coalition of apparent contradictions works to protect Front," Missoulian, 30 May 2010, available at https://missoulian.com/news/local/coalition-of-apparent-contradictions-works-to-protect-front/article_cb963a46-6c70-11df-b898-001cc4c03286.html.

[5] Protect NEPA, NEPA protects the Grand Mesa, Uncompahgre, and Gunnison National Forests from clear-cutting, 27 November 2017, available at <https://protectnepa.org/clear-cutting-grand-mesa-uncompahgre-gunnison-national-forests-nepa-says-no-thanks/>.

[6] Protect NEPA, Never Eliminate Public Advice: the story of the Hoover Dam Bypass, 22 November 2017, available at <https://protectnepa.org/public-input-and-the-hoover-dam-bypass/>.

[7] Interagency Transportation Assistance Group, Recommendations to the U.S. Forest Service: Alternative Transportation at El Yunque National Forest, October 2007, downloadable at https://rosap.ntl.bts.gov/view/dot/9588/dot_9588_DS1.pdf.

[8] See note 2.

[9] Ibid.

[10] Kevin DeGood, Center for American Progress, The Benefits of NEPA: How Environmental Review Empowers Communities and Produces Better Projects, 16 January 2018, available at <https://www.americanprogress.org/issues/green/reports/2018/01/16/444899/benefits-nepa-environmental-review-empowers-communities-produces-better-projects/>.



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