

## REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT

**WHEN?** The procedural requirements of the National Environmental Policy Act (NEPA) apply whenever a federal agency in the executive branch is preparing to **make a decision on a proposed federal agency** and the agency has the ability to make a choice between alternative ways of accomplishing the goal. It applies to all executive branch departments and agencies, with some exceptions and exemptions.

**WHAT?** Congress passed NEPA to articulate this country's **environmental policies** and provide a mechanism for them to be implemented by federal agencies. **The "NEPA process" is a process that requires federal agencies to analyze the environmental and related social and economic impacts of their proposed actions before a decision is made.** The NEPA process is also intended to ensure that the views of the public and other federal, state, local and tribal agencies are considered.

**WHO?** Only federal agencies must comply with NEPA, but **state, local and tribal government agencies** may be involved in a formal way. The federal agency that oversees the NEPA process is the Council on Environmental Quality (CEQ) in the Executive Office of the President. State, tribal and local government agencies may be involved in the process as a formal participant, such as a cooperating agency.

**Public involvement is an important part of the NEPA process. The public can identify issues that need to be studied, construct and recommend alternatives to the proposed action that meet the same purpose and need, and review and comment on the agency's analysis.**

**WHERE?** Agencies must comply with NEPA for actions taking place in the **United States** and the U.S. sector of the Antarctica. NEPA also requires agencies to consider the effects of actions taking place in the U.S. but affecting other countries (i.e., **transboundary effects**). Executive Order 12114 is the executive branch's mechanism for assessing effects of federal actions abroad.

**WHAT?** Agencies have to go through different levels of analysis and public participation depending on the probable level of environmental impact. Actions that have significant environmental impacts require preparation of an environmental impact statement. Actions with very little or no environmental effects are "categorically excluded" from documentation. The thousands of actions that are "in between" require preparation of an environmental assessment.