

## The National Environmental Policy Act



Aspen grove on the Grand Mesa Uncompahgre Gunnison National Forests - Public input provided for by NEPA requirements protected groves such as this from a plan to clear cut aspen groves in Colorado.

Enacted in 1970 by overwhelming bipartisan majorities, the National Environmental Policy Act (NEPA) established a national policy calling for "productive harmony" between man and nature. The law directs federal agencies to take into account, and publicly disclose, the environmental consequences of their proposed actions. NEPA is one of the most important environmental laws on the books today. It reinforces the democratic system by providing an avenue for citizens to comment upon and influence government decisions that affect their lives. NEPA puts people before politics and values science over short-term thinking by requiring that the public is involved and the environmental impacts of proposed projects are disclosed.

NEPA has three visionary elements: a far-sighted declaration of national environmental policy, an action-forcing mechanisms to ensure that the federal government achieves the Act's goals, and a broad recognition of the importance of public participation in government decision-making that affects the human environment. NEPA has unquestionably improved the quality of federal agency decision-making in terms of its sensitivity to environmental concerns. As the Council on Environmental Quality concluded in a report commemorating NEPA's 25<sup>th</sup> anniversary, "NEPA's most enduring legacy is as a framework for collaboration between federal agencies and those who will bear the environmental, social, and economic impacts of their decisions."

Despite NEPA's proven track record at improving the health and well-being of the public and communities, misguided legislative and administrative proposals aimed at weakening the substance of environmental review and public participation persist. In some cases, including the extensive waivers and exemptions to NEPA contained in the 2005 "Real ID Act" and the Energy Policy Act of 2005, Congress has already acted to weaken NEPA. In addition, the Bush administration has revised departmental



regulations, manuals and directives that dramatically weaken the application of NEPA—including public participation opportunities—to a wide range of actions impacting our public lands. The Forest Service and the Department of the Interior in particular took steps to undermine the integrity of reviews of oil and gas development and forest management planning.

Any proposal that would severely undermine NEPA, whether labeled as broad NEPA reform or as components of specific issue legislation or administrative actions, must be rejected. For example, any attempt to 1) limit opportunities for the public to comment on and challenge agency decisions; 2) restrict analysis under NEPA in particular by allowing federal agencies to ignore environmentally superior alternatives to a proposed action; or 3) exempt large categories of proposed actions from NEPA review, must be abandoned. While some of these proposals are legislative, many come from agency officials who claim that the law constrains their discretion.

However, proposals for improving efficiency would likely be beneficial and should be carefully considered. For example, to maintain the integrity of the NEPA process, agencies should commit to implement mitigation measures as part of the decision to proceed with a project, should fund such mitigation fully and should monitor its effectiveness. Second, agencies should commit greater efforts to monitoring the environmental effects of their actions after they are completed. Third, federal agencies, with the guidance from the Council on Environmental Quality should improve their implementation of NEPA through enhanced management, training and funding.

NEPA is pivotal to environmental protection. Because of NEPA, communities and the public are better informed and decision-making and decision makers are more responsive and aware of actions that could impact the environment. As we celebrate the 40<sup>th</sup> anniversary of NEPA in 2010, we should work for thoughtful improvement in agency practice and a renewed commitment of federal resources to make NEPA more effective. The Wilderness Society, along with our conservation colleagues, is eager to work with the 111<sup>th</sup> Congress to improve and strengthen NEPA, not to undermine and weaken it.

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