



U.S. Department of the Interior
Bureau of Land Management

National Environmental Policy Act (NEPA) Basics & New Council on Environmental Quality (CEQ) Guidance



Serena Sweet
Supervisory Planning &
Environmental Coordinator
BLM-Alaska, Resources Division



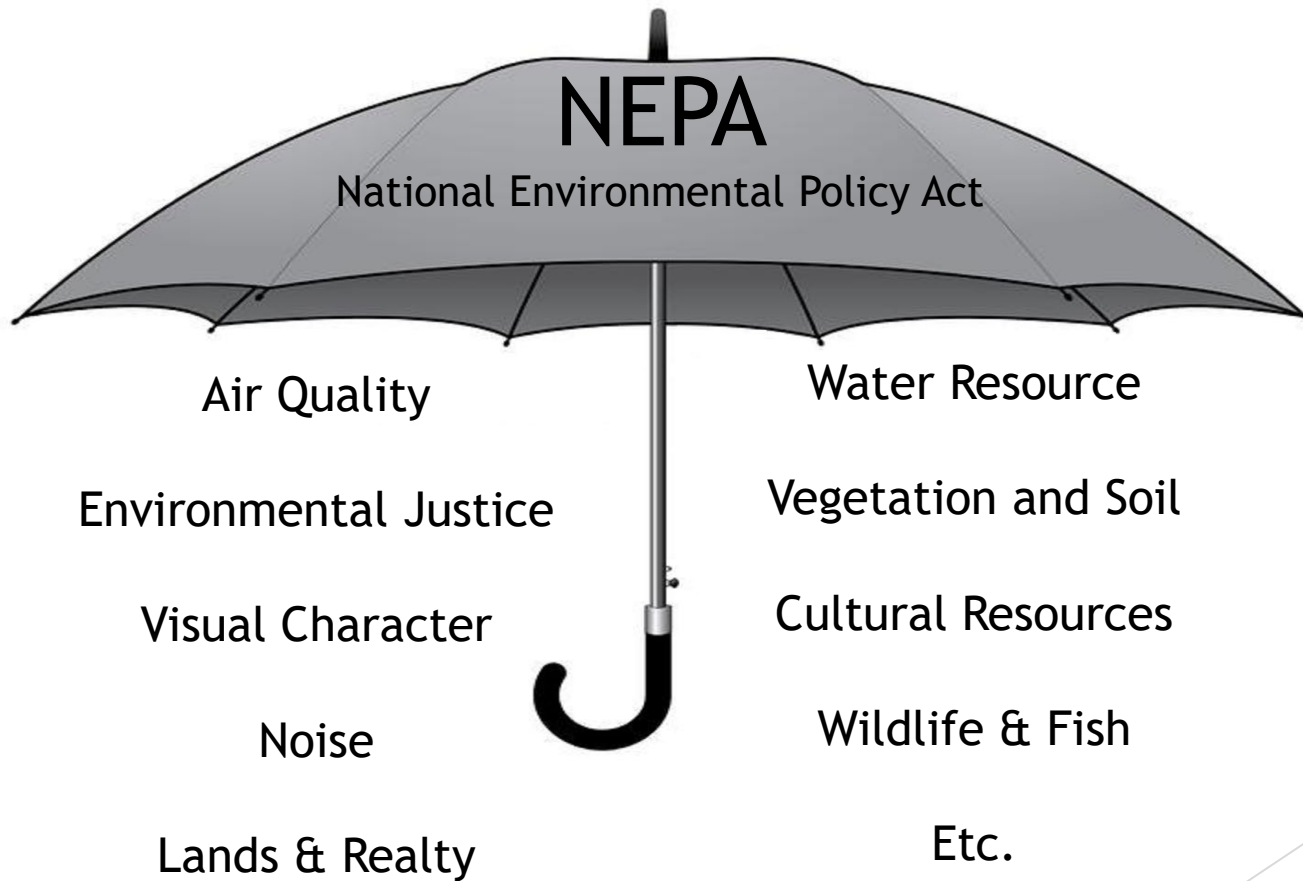
What is NEPA?

- ▶ Became law in 1970
- ▶ applies to all federal agencies
- ▶ NEPA follows the same process each time
 - ▶ Includes environmental considerations
 - ▶ Includes public input
- ▶ CEQs revisions to NEPA went into effect in 2020





The NEPA Umbrella

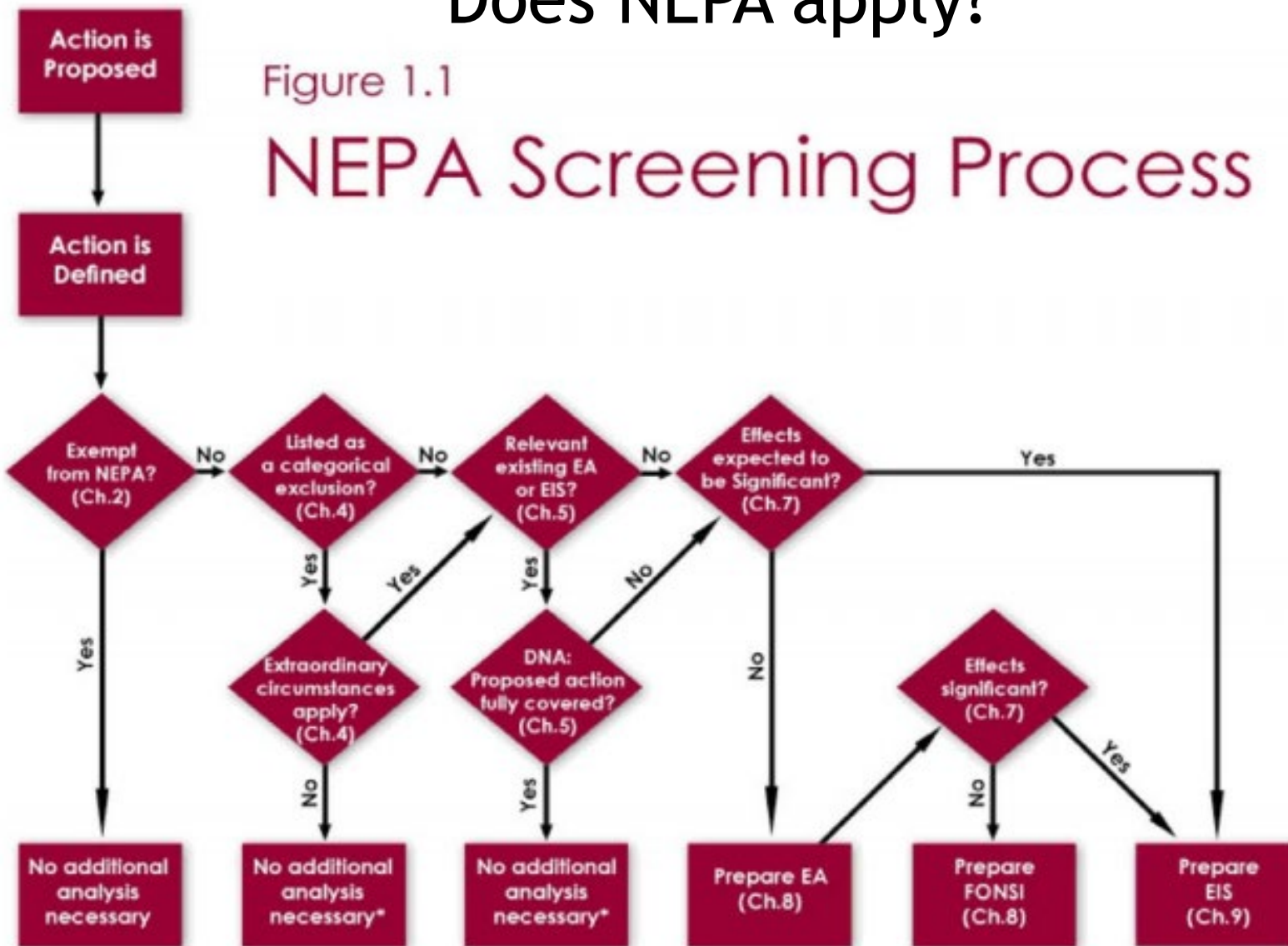




Does NEPA apply?

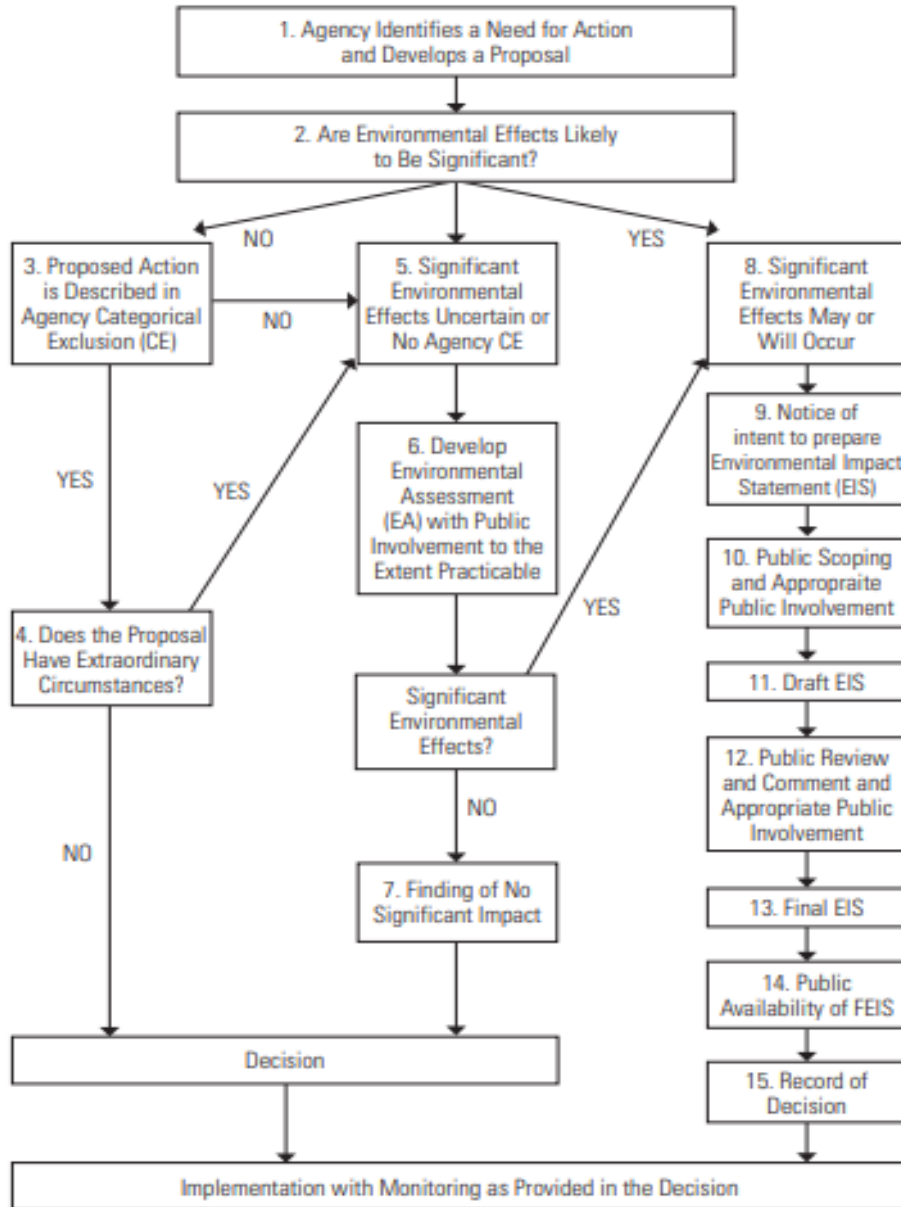
Figure 1.1

NEPA Screening Process





The NEPA Process



How we navigate NEPA

This information is found in A Citizen's Guide to the NEPA, pg. 8

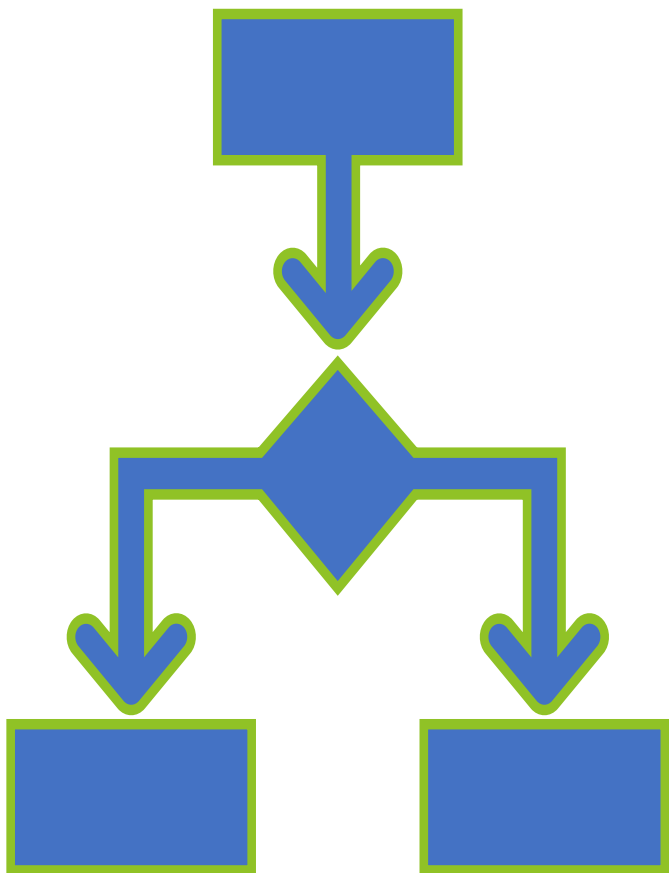


- ▶ Revised regulations went into effect September 2020
- ▶ First major update to NEPA in 40-years
- ▶ Agencies must update step-down NEPA procedures
- ▶ Conflict? New regulations trump old

CEQ updates NEPA Regulations



Updates to Notice of Intent:



Now includes:

- ▶ Purpose and need
- ▶ Preliminary description
- ▶ Summary of expected impacts
- ▶ Permits and authorizations
- ▶ Schedule
- ▶ Scoping meetings
- ▶ Potential alternatives
- ▶ Analyses
- ▶ Other information
- ▶ Agency contact



Updates to Studies and Applicant Preparation



Scientific Studies and Data

Agencies are not required to undertake new scientific and technical research to inform their analyses.

However, nothing in this section is intended to prohibit agencies from compliance with the requirements of other statutes pertaining to scientific and technical research.



Applicant Document Preparation

Allows applicants to prepare EISs under the direction of the agency.
Requires contractors and applicants preparing NEPA documents to submit a disclosure statement identifying financial or other interest in the outcome.



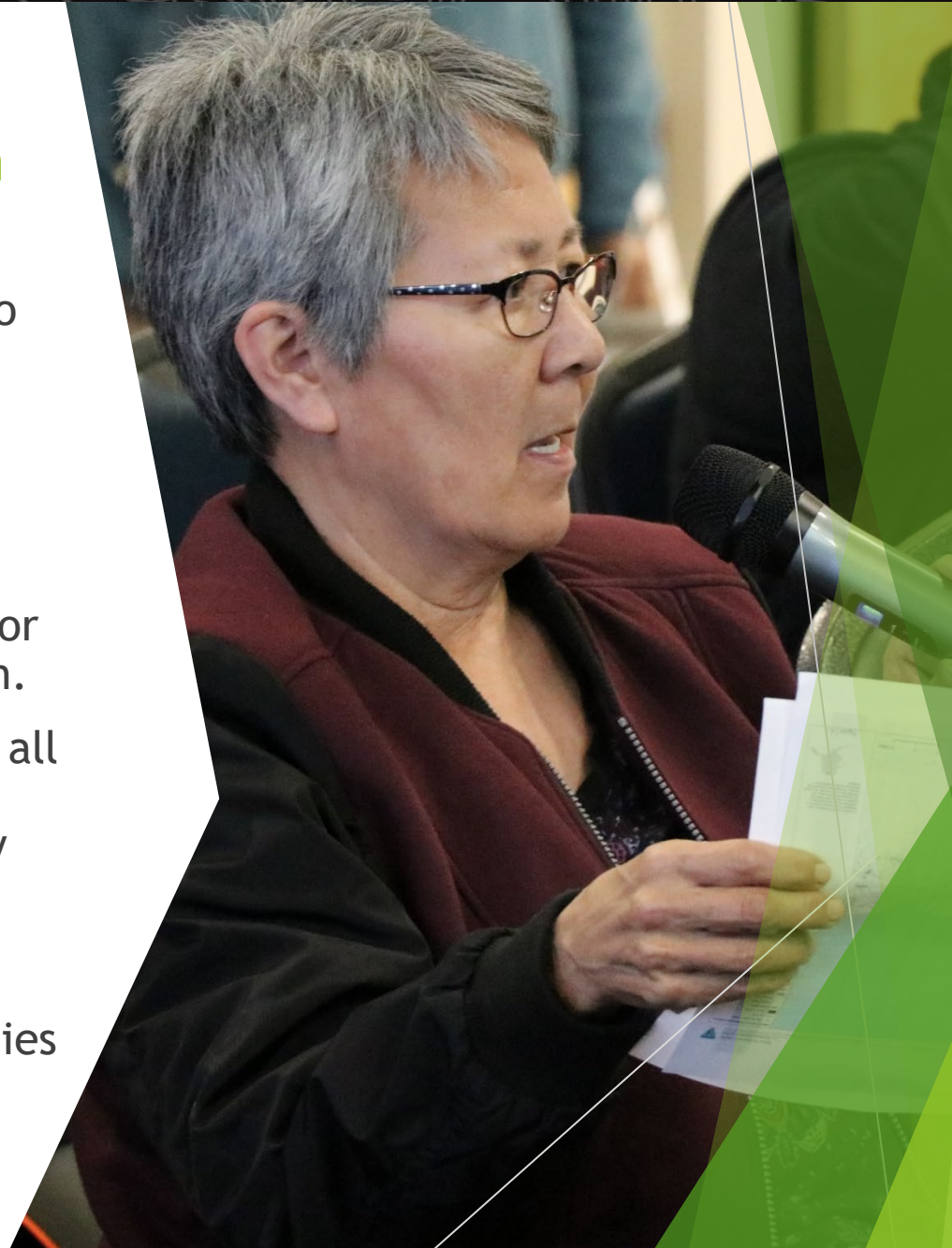
Updates Impact Public Comments

- ▶ **Still Required for EISs**
 - ▶ Must be as specific as possible
 - ▶ Refer to the corresponding section or page number
 - ▶ Specify changes to those parts of the Draft EIS (where possible)
 - ▶ Include or describe the data sources and methodologies supporting the proposed changes.
 - ▶ Comments must be submitted within comment periods or be forfeited.
 - ▶ Can be submitted electronically but considerations for accessibility



Updates to Public Comment Publication and Response

- ▶ The agency will respond to all substantive comments and continue lengthy responses in an appendix
- ▶ Substantive comments identify alternatives, information and analysis for the agency's consideration.
- ▶ The final EIS will describe all alternatives, information, and analyses submitted by State, Tribal, and local governments and other public commenters for consideration by all agencies working on the final EIS.





Updates to Alternatives

In an EIS, agencies shall limit their consideration to a reasonable number of alternatives.



Not required to consider alternatives outside the agency's jurisdiction.



Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.



Updates to Effects Analysis

- ▶ Removes the distinction of types of effects (direct, indirect and cumulative).
- ▶ Focuses on changes to the human environment that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action.
- ▶ A “but for” causal relationship is insufficient to make an agency responsible for a particular effect.
- ▶ Effects should not be considered if they are remote or obscure
- ▶ Effects should not include those that the agency has no ability to prevent





Updates to Significance

- ▶ Regulations now focus on the “affected area and degree of effects”
- ▶ Retain 4 intensity factors outlined in the original regulations:
 - ▶ Both short- and long-term effects.
 - ▶ Both beneficial and adverse effects.
 - ▶ Effects on public health and safety.
 - ▶ Effects that would violate any environmental law.





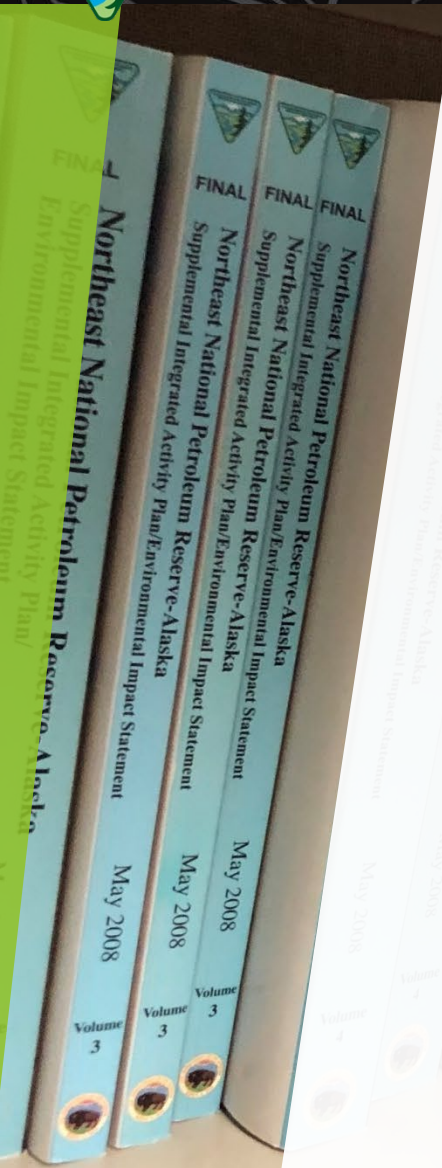
Updates to Page and Time Limits

Environmental Assessments:

- ▶ ≤ 75 pages
- ▶ completed within 1 year

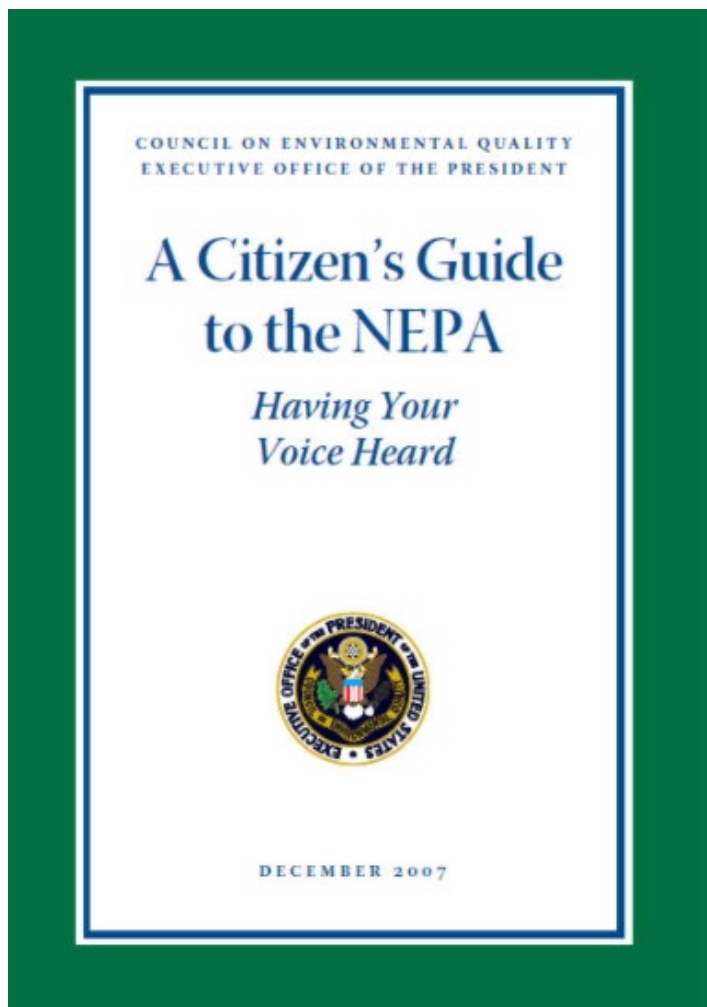
Environmental Impact Statements:

- ▶ ≤ 150 pages
- ▶ ≤ 300 pages for complexity
- ▶ completed within 2 years*
- ▶ Secretarial Order 3355





Additional Information



Council on Environmental Quality

- ▶ <https://www.whitehouse.gov/ceq/>

NEPA Modernization

- ▶ <https://www.whitehouse.gov/ceq/nepa-modernization/>

BLM NEPA Register (AKA ePlanning)

- ▶ <https://eplanning.blm.gov/eplanning-ui/home>

A Citizen's Guide to the NEPA

- ▶ https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf



Questions?

