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NREM 585

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Reading Activity 9: NEPA and Chapter 15 in Adams 1993

1. Describing specific components of NEPA:
   1. **Categorical Exclusion (CATEX):** Federal actions are sometimes allowed to be excluded from detailed analysis required by NEPA if the action does not “individually or cumulatively have a significant effect on the human environment.”
   2. **Environmental Assessment (EA):** A report prepared by an agency ahead of an action, determining if a federal action could cause significant environmental effects. These consist of a need for the proposal, listing of alternative actions, environmental impacts of the proposed action and alternatives, and a summary of entities that provided input during the assessment. The agency may grant a Finding of No Significant Impact (FONSI) and allow the proposal to be implemented, or if significant environmental impact is likely the agency will order an Environmental Impact Statement to be prepared.
   3. **Environmental Impact Statement (EIS):** A more thorough and detailed report on how a federal action will impact the environment. The four steps are:
      1. Notification of the public through a Notice of Intent, which defines the scope of issues and alternatives that should be investigated in the EIS.
      2. A draft EIS is published and subjected to public comment.
      3. A final EIS will be published, including revisions from the previous step. A 30-day wait period is implemented before the agency will issue a final decision.
      4. The Record of Decision (ROD) explains the agency decision and acknowledges which alternatives were considered, and may also include the agency’s plan for mitigation and monitoring, if necessary.
2. Two Important Things:
   1. It’s a clever move of John Dingell (Democrat from Michigan who served 59 years!) to introduce the second version of his bill in a friendly House Committee.
   2. The vague language of section 102(2)C, while frustrating, also provides a unique mechanism for flexibility of the law and value-based judgements from the courts to evolve the policy over time.
3. The EPA administrator under Reagan resigned in disgrace and 21 employees were fired? Dramatic. Also, is there any time when the EPA and analogues like the CEQ weren’t under attack for “not doing enough”?