

What in the World is Going on with NEPA?

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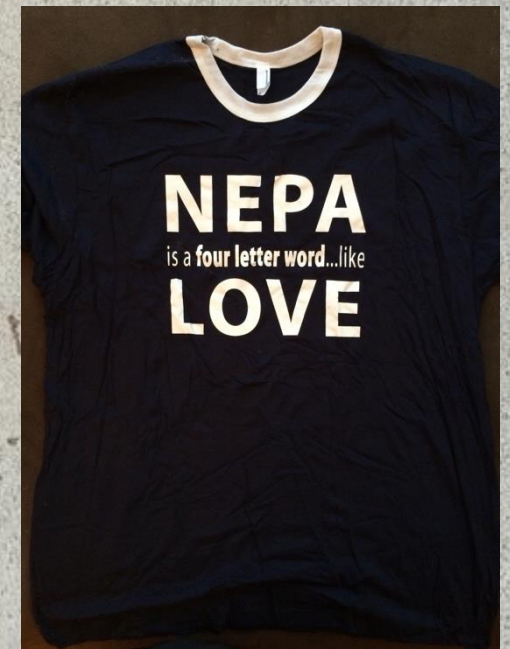
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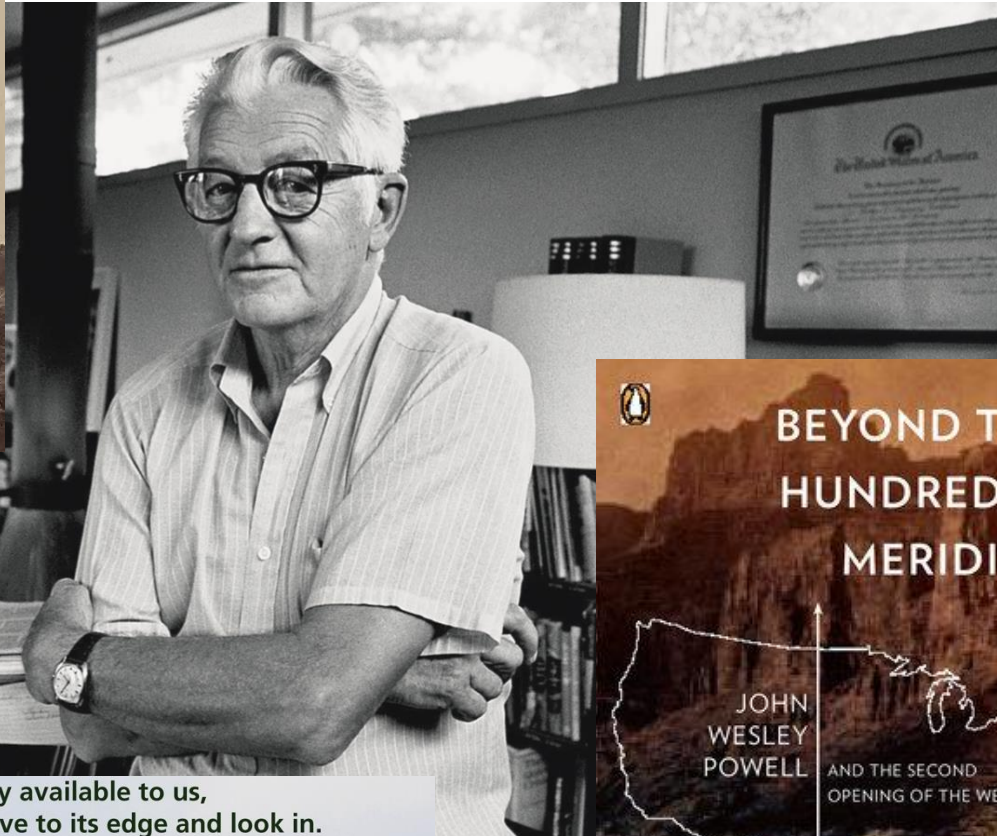
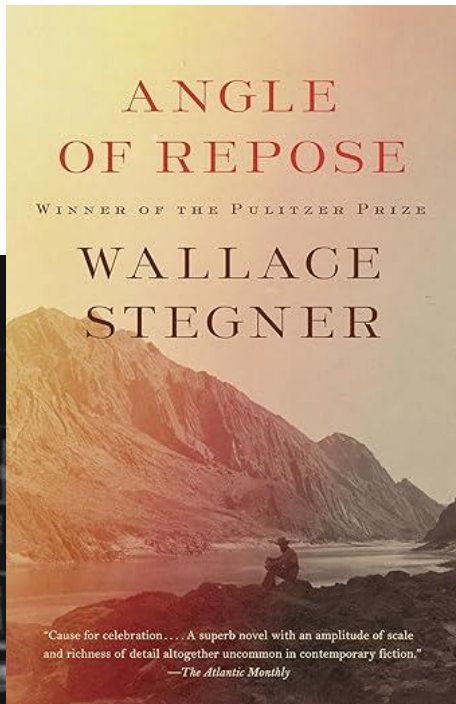
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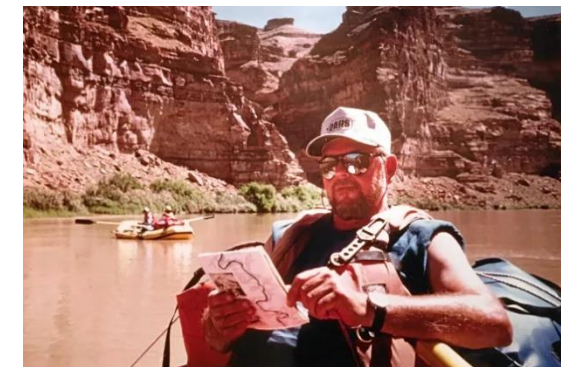
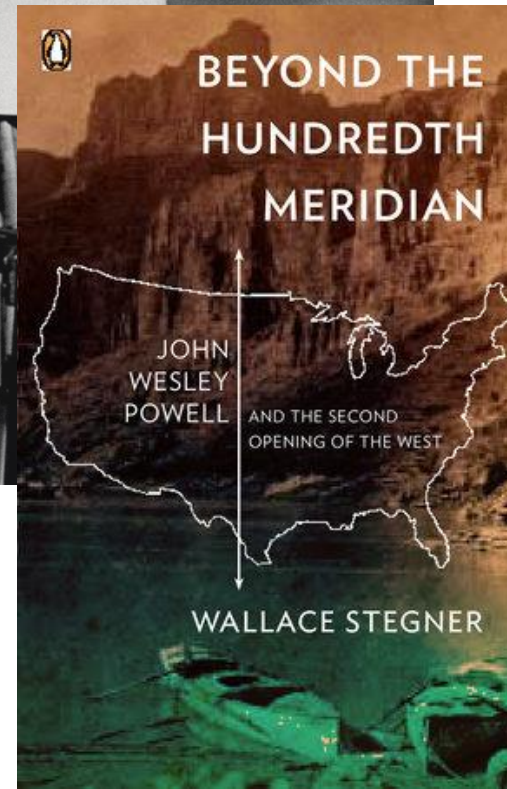


"National parks are the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst."



We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope.

—Wallace Stegner



The National Environmental Policy Act of 1969



THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, as amended 83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982)

An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

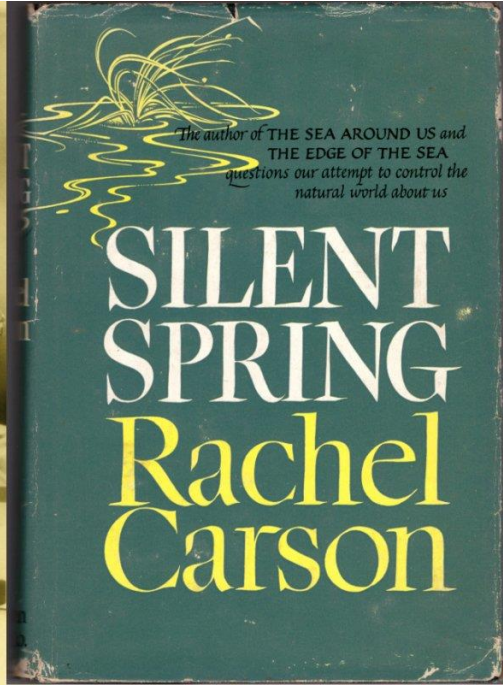
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969."

PURPOSE

Sec. 2 [42 USC § 4321].

The purposes of this Act are: To declare a national policy which will encourage produc-

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality



NEPA Section 101: Congressional Declaration of National Environmental Policy

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and,
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

NEPA Section 102:

Requirement to prepare an “EIS”

- All agencies of the federal government shall Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on:
 - (i) the environmental impact of the proposed action,
 - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
 - (iii) alternatives to the proposed action,
 - (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
 - (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Sierra Club v. Morton (U.S. Supreme Court, 1972)



Should Trees Have Standing?

TOWARD LEGAL RIGHTS FOR NATURAL OBJECTS

Christopher D. Stone

A brilliant essay proposing that natural objects such as trees, mountains, rivers and lakes should—like corporations—have legal rights. The U.S. Supreme Court's opinions in the controversial Mineral King-Disney-Sierra Club suit are included in full.

Foreword by Garrett Hardin

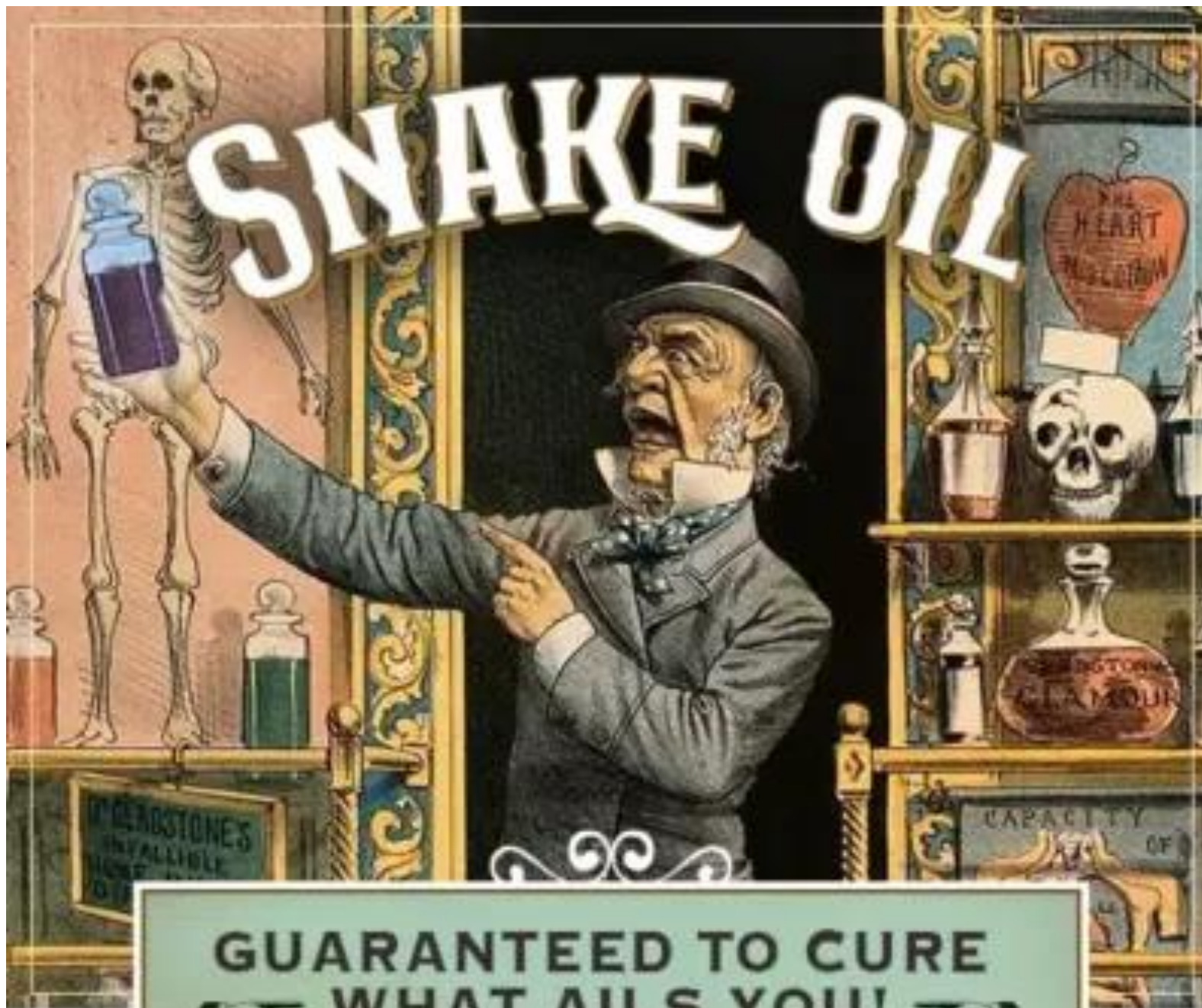


"...would destroy or otherwise adversely affect the scenery, natural and historic objects and wildlife of the park, and would impair the enjoyment of the park for future generations."

Changes to NEPA -- Static to Dizzying

- 1970 to 2020 – 50 years of little change
- Then, 5 substantive changes over past 5 years:
 - 2018-2020 – First comprehensive CEQ update that got swept up and into Trump era policy changes
 - 2022/2024 – Phase 1 and Phase 2 CEQ rule changes to reverse elements of 2020 changes
 - 2023: Fiscal Responsibility Act: Unprecedented NEPA statute amendments as part of federal fiscal policy and debt ceiling extension
 - 2025 CEQ Rescinded NEPA Implementing Regulations
 - 2025 Reformulation of CEQ Guidance and Agency-Specific NEPA Implementation Procedures





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WHAT AILS YOU!**

