

NEPA Best Practices

An ETCI Special Report

© 2004

Since 1970, numerous organizations have developed lists of “best practices” in environmental impact assessment (EIA). In the US, that means fulfilling the spirit and letter of the National Environmental Policy Act (NEPA). Overseas, that means fulfilling the requirements of many national and international protocols. Everywhere, that means meeting the expectations of citizens that environmental analyses will have scientific integrity and policy transparency.

ETCI, Inc., as part of our ongoing modeling of successful processes in EIA, has compiled the following sets of practices, principles, and guidance for NEPA practitioners to aspire to, and against which to measure their achievements.

Most of what follows is familiar: it consists of common sense, or requirements which have been in place for decades, or both. For US applications, courts have defined and redefined what is expected; Federal agencies have developed handbooks, regulations and other guidance; and advocacy groups have repeatedly expressed their expectations and disappointments.

We have found that it is helpful to provide this information all in one place; in fact several of our workshops incorporate specific activities to review and highlight the “best practice” criteria that are most meaningful to the participants, as a means of generating discussion of current performance and desired future performance. If you don’t know where you are going, you are likely not to arrive.

We also have found that few organizations, whether Federal agencies, consultants, or advocacy groups, commit to a formal lessons learned process by which to review successes (to repeat them) and failures (to prevent them). We believe that these lists of best practices can be useful as benchmarks for such an exercise, and that organizations engaged in EIA can – and should – use them as part of their internal continuous quality improvement process.

Finally, it is important to note what these lists do NOT contain. They do not contain lists of topics that must be covered, or laws that must be complied with, or publics that must be contacted. They presuppose good will, intelligence, and professionalism on the part of EIA practitioners, and they guide them toward those practices that will result in integrity, completeness, and cost-effectiveness of the EIA process.

How well does your organization measure up?

List #1: US Council on Environmental Quality

This list is extracted from the Council on Environmental Quality regulations. It describes and prescribes certain qualitative standards for the NEPA process, and for NEPA documents developed as part of that process. The list that follows has been slightly modified to relate to Environmental Assessments as well as Environmental Impact Statements.

- The document is analytic, not encyclopedic (40 CFR 1502.2)
- The document is prepared using an interdisciplinary approach which insures the integrated use of the natural and social sciences and the environmental design arts (40 CFR 1502.6)
- The document is written in plain language, and uses graphics to make it readily understandable by decisionmakers and the public (40 CFR 1502.8)
- It is concise, and no longer than absolutely necessary to comply with NEPA and the CEQ regulations (40 CFR 1502.2)
- The document encompasses the range of alternatives to be considered by the decisionmaker (40 CFR 1502.2)
- The document focuses on significant environmental issues and alternatives and avoids the accumulation of extraneous background data (40 CFR 1502.1)
- The document is concise, clear, and to the point, and supported by evidence that the agency has made the necessary environmental analyses (40 CFR 1502.1)
- The document serves as the means for assessing environmental impacts of a proposed action, rather than as justification for decisions already made (40 CFR 1502.2)
- Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in NEPA documents (40 CFR 1502.24)
- If incomplete information relevant to reasonably foreseeable significant adverse effects is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information....(40 CFR 1502.22)
- Agencies shall make diligent efforts to involve the public...(40 CFR 1506.6)
- Agencies shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts (40 CFR 1501.2)
- Issues which are not significant or which have been covered by prior environmental review should be identified and eliminated from detailed study (40 CFR 1501.7)

List #2: National Association of Environmental Professionals

This US-based organization developed criteria for high-quality programs and documents under NEPA as part of a national award offered in conjunction with CEQ. The list that follows has been slightly modified to apply to Environmental Assessments as well as Environmental Impact Statements.

1. The NEPA process is integrated into the routine agency planning processes.
2. The agency engages in cooperative consultation with other federal, state, local agencies, and Indian tribes.
3. The public participation process is managed effectively such that all interested parties are heard and responded to appropriately.
4. The agency ensures editorial excellence, including readability and brevity.
5. The agency uses an interdisciplinary approach to environmental impact analysis preparation, such that the disciplines of the preparers are commensurate with the nature and scope of significant issues raised during internal or external scoping.
6. The agency ensures scientific integrity of the environmental analysis.
7. Time elapsed between initial project scoping and the issuance of the NEPA document (EA or EIS) is consistent with the degree of complexity of the project; documents are completed in a timely manner, without undue delays.
8. Innovative approaches are sought and applied in the environmental impact analysis for the action.
9. The action decision reflects the purposes and policies of the National Environmental Policy Act.
10. The agency has monitored the environmental effects of the action, and has an ongoing monitoring and mitigation program for its NEPA program. The agency ensures that mitigation detailed in the environmental impact analysis is honored.
11. The cost of the action's environmental impact analysis was commensurate with the complexity of the proposed action and the significant environmental issues raised during scoping. The action manager controlled the cost of the environmental impact analysis using suitable cost control methods.

List #3: International Association for Impact Assessment

This international organization brings together the over 100 nations that have developed laws, policies and procedures for environmental impact assessment during project planning, many of them based on the US National Environmental Policy Act. An international committee of experts developed following list of best practices as guidance for member nations, and as a reminder that a major objective of EIA is citizen involvement throughout the planning process.

Environmental Impact Assessment (EIA) should be:

Purposive - the process should inform decision making and result in appropriate levels of environmental protection and community well-being.

Rigorous - the process should apply “best practicable” science, employing methodologies and techniques appropriate to address the problems being investigated.

Practical - the process should result in information and outputs which assist with problem solving and are acceptable to and able to be implemented by proponents.

Relevant - the process should provide sufficient, reliable and usable information for development planning and decision making.

Cost-effective - the process should achieve the objectives of EIA within the limits of available information, time, resources and methodology.

Efficient - the process should impose the minimum cost burdens in terms of time and finance on proponents and participants consistent with meeting accepted requirements and objectives of EIA.

Focused - the process should concentrate on significant environmental effects and key issues; i.e., the matters that need to be taken into account in making decisions.

Adaptive - the process should be adjusted to the realities, issues and circumstances of the proposals under review without compromising the integrity of the process, and be iterative, incorporating lessons learned throughout the proposal's life cycle.

Participative - the process should provide appropriate opportunities to inform and involve the interested and affected publics, and their inputs and concerns should be addressed explicitly in the documentation and decision making.

Interdisciplinary - the process should ensure that the appropriate techniques and experts in the relevant bio-physical and socio-economic disciplines are employed, including use of traditional knowledge as relevant.

Credible - the process should be carried out with professionalism, rigor, fairness, objectivity, impartiality and balance, and be subject to independent checks and verification.

Integrated - the process should address the interrelationships of social, economic and biophysical aspects.

Transparent - the process should have clear, easily understood requirements for EIA content; ensure public access to information; identify the factors that are to be taken into account in decision making; and acknowledge limitations and difficulties.

Systematic - the process should result in full consideration of all relevant information on the affected environment, of proposed alternatives and their impacts, and of the measures necessary to monitor and investigate residual effects.

Further Information

<http://ceq.eh.doe.gov>

<http://www.naep.org>

<http://www.iaia.org>