

## NEPA Litigation Surveys: 2001-2013

NEPA Cases - 2001		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	0	0
Navy	2	1
NRC	0	0
DOI - BLM	20	2
- FWS	17	1
- BuRec	1	0
- NPS	7	2
- BIA/NIGC	3	0
- MMS	0	0
- OSM	0	0
USDA - FS	40	15
- APHIS	2	1
DOC - NOAA	8	3
Army - COE	7	2
Army	0	0
DOT - FHWA	3	2
- FTA	13	1
- FAA	7	0
- MARAD	0	0
- SLSC	0	0
DOE	2	0
EPA	4	0
HUD	0	0
Air Force	2	0
TVA	0	0
NSF	0	0
FCC	0	0
GSA	0	0
FDA	0	0
<b>Total</b>	<b>136</b>	<b>30</b>

NEPA Case Dispositions - 2001			
	pre-2001	2001	All
Judgment for defendant	41	20	66
TRO	2	3	5
Preliminary injunction	4	5	6
Permanent injunction	7	0	9
Remand	8	8	18
Dismissal w/ settlement	16	8	24
Dismissal w/o settlement	23	23	41
Other action	9	4	15
Pending			135

Plaintiffs	
Public Interest groups	175
Individual/Citizen assoc.	95
State government	11
Local government	37
Business groups	52
Property owners/residents	15
Indian tribes	11
Combination plaintiffs*	63

\* i.e. local government AND individuals; if a plaintiff type was in a combination with other plaintiff types, it was counted in the combination category

<b>Basis for NEPA Dispositions</b>			
	<b>pre-2001</b>	<b>2001</b>	<b>ALL</b>
Jurisdictional issues	18	17	<b>35</b>
Settlements/other	23	17	<b>40</b>
EA/FONSI Adequacy*	19	13	<b>32</b>
EIS Adequacy*	27	11	<b>38</b>
SEIS*	5	1	<b>6</b>
Federal action req. NEPA*	3	2	<b>5</b>
Categorical Exclusion	4	2	<b>6</b>

\* More details below

<b>EA/FONSI Adequacy</b>	
adequate	17
incomplete, essential info	7
inadequate indirect effects	1
inadequate cumulative effects	3
alternatives not considered	4

<b>EIS Adequacy</b>	
adequate	25
incomplete, essential info	5
inadequate indirect effects	2
inadequate cumulative effects	8
alternatives: no action	2
alt. excluded/range	1
other	5

<b>SEIS</b>	
need to prepare -new effects info	1
need to prepare - change in action	1
no need to prepare	4

<b>Federal action requiring NEPA</b>	
action not federal	5
NEPA required	0

NEPA Cases - 2002		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	0	0
Navy	3	1
NRC	0	0
DOI - BLM	18	1
- FWS	12	2
- BuRec	2	0
- NPS	4	1
- BIA/NIGC	3	1
- MMS	0	0
- OSM	0	0
USDA - FS	40	14
- APHIS	0	0
DOC - NOAA	10	6
Army - COE	13	2
Army	0	0
DOT - FHWA	10	5
- FTA	7	2
- FAA	16	3
- MARAD	0	0
- FMCSA	1	0
DOE	4	1
EPA	1	1
HUD	1	0
Air Force	0	0
TVA	1	0
NSF	0	0
FCC	0	0
GSA	0	0
FDA	0	0
State	1	0
<b>Total</b>	<b>148</b>	<b>40</b>

NEPA Case Dispositions - 2002			
	pre-2002	2002	All
Judgment for defendant	33	16	49
TRO	1	1	2
Preliminary injunction	4	4	8
Permanent injunction	11	8	19
Remand	12	3	15
Dismissal w/ settlement	18	4	22
Dismissal w/o settlement	26	26	52
Other action	36	17	53
Pending	107	61	168

Plaintiffs	
Public Interest groups	229
Individual/Citizen assoc.	142
State government	16
Local government	50
Business groups	64
Property owners/residents	19
Indian tribes	18
Combination plaintiffs*	84

\* i.e. local government AND individuals;  
if a plaintiff type was in a combination with other plaintiff types, it was counted in the combination category

<b>Basis for NEPA Dispositions</b>			
	<b>pre-2002</b>	<b>2002</b>	<b>ALL</b>
Jurisdictional issues	23	20	<b>43</b>
Settlements/other	31	20	<b>51</b>
EA/FONSI Adequacy*	22	17	<b>39</b>
EIS Adequacy*	34	13	<b>47</b>
SEIS*	6	1	<b>7</b>
Federal action req. NEPA*	3	2	<b>5</b>
Categorical Exclusion	5	3	<b>8</b>

\* More details below

<b>EA/FONSI Adequacy</b>	
adequate	20
incomplete, essential info	9
inadequate indirect effects	1
inadequate cumulative effects	4
alternatives not considered	4

<b>EIS Adequacy</b>	
adequate	27
incomplete, essential info	8
inadequate indirect effects	2
inadequate cumulative effects	9
alternatives: no action	2
alt. excluded/range	2
other	5

<b>SEIS</b>	
need to prepare -new effects info	2
need to prepare - change in action	1
no need to prepare	4

<b>Federal action requiring NEPA</b>	
action not federal	5
NEPA required	0

NEPA Cases - 2003		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	0	0
Navy	0	0
NRC	1	0
DOI - BLM	15	1
- FWS	2	3
- BuRec	11	0
- NPS	1	1
- BIA/NIGC	2	1
- MMS	0	0
- OSM	1	0
USDA - FS	66	14
- APHIS	3	0
DOC - NOAA	6	3
Army - COE	12	4
Army	2	0
DOT - FHWA	6	2
- FTA	2	0
- FAA	3	1
- MARAD	1	0
- FMCSA	1	0
DOE	1	2
EPA	0	0
HUD	1	0
Air Force	0	0
TVA	0	0
NSF	0	0
FCC	2	0
GSA	1	0
FDA	0	0
<b>Total</b>	<b>140</b>	<b>32</b>

NEPA Case Dispositions - 2003			
	pre-2003	2003	All
Judgment for defendant	46	3	49
TRO	2	2	4
Preliminary injunction	7	4	11
Permanent injunction	5	2	7
Remand	14	2	16
Dismissal w/ settlement	19	3	22
Dismissal w/o settlement	24	5	29
Other action	23	10	33
Pending	107	96	205

Plaintiffs	
Public Interest groups	191
Individual/Citizen assoc.	82
State government	8
Local government	16
Business groups	28
Property owners/residents	5
Indian tribes	9
Combination plaintiffs*	42

\* i.e. local government AND individuals;  
if a plaintiff type was in a combination with  
other plaintiff types, it was counted in the  
combination category

<b>Basis for NEPA Dispositions</b>			
	<b>pre-2003</b>	<b>2003</b>	<b>ALL</b>
Jurisdictional issues	18	3	<b>21</b>
Settlements/other	19	3	<b>22</b>
EA/FONSI Adequacy*	20	3	<b>23</b>
EIS Adequacy*	28	2	<b>30</b>
SEIS*	3	1	<b>4</b>
Federal action req. NEPA*	3	0	<b>3</b>
Categorical Exclusion	1	3	<b>4</b>

\* More details below

<b>EA/FONSI Adequacy</b>	
adequate	13
incomplete, essential info	9
inadequate indirect effects	2
inadequate cumulative effects	0
alternatives not considered	0

<b>EIS Adequacy</b>	
adequate	21
incomplete, essential info	8
inadequate indirect effects	1
inadequate cumulative effects	0
alternatives: no action	0
alt. excluded/range	1
other	0

<b>SEIS</b>	
need to prepare -new effects info	1
need to prepare - change in action	0
no need to prepare	3

<b>Federal action requiring NEPA</b>	
action not federal	1
NEPA required	2

NEPA Cases - 2004		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	2	0
Navy	2	2
NRC	2	0
DOI - BLM	19	5
- FWS	5	0
- BuRec	1	0
- NPS	4	2
- BIA/NIGC	0	2
- MMS	0	0
- OSM	0	0
USDA - FS	76	12
- APHIS	3	0
DOC - NOAA	15	1
Army - COE	13	1
Army	1	0
DOT - FHWA	11	2
- FTA	0	0
- FAA	2	1
- MARAD	0	0
- SLSC	0	0
DOE	4	2
EPA	6	0
HUD	0	0
Air Force	0	2
TVA	0	0
NSF	0	0
FCC	0	0
GSA	0	0
FDA	0	0
<b>Total</b>	<b>167</b>	<b>32</b>

NEPA Case Dispositions - 2004			
	pre-2004	2004	All
Judgment for defendant	42	8	50
TRO	2	2	4
Preliminary injunction	9	6	15
Permanent injunction	6	1	7
Remand	17	0	17
Dismissal w/ settlement	23	5	28
Dismissal w/o settlement	26	15	41
Other action	0	0	0
Pending	126	125	251

Plaintiffs	
Public Interest groups	232
Individual/Citizen assoc.	83
State government	11
Local government	21
Business groups	27
Property owners/residents	11
Indian tribes	13
Combination plaintiffs*	9

\* i.e. local government AND individuals;  
if a plaintiff type was in a combination with other plaintiff types, it was counted in the combination category

<b>Basis for NEPA Dispositions</b>			
	<b>pre-2004</b>	<b>2004</b>	<b>ALL</b>
Jurisdictional issues	21	2	<b>23</b>
Settlements/other	21	5	<b>25</b>
EA/FONSI Adequacy*	24	2	<b>26</b>
EIS Adequacy*	19	6	<b>25</b>
SEIS*	4	0	<b>4</b>
Federal action req. NEPA*	6	0	<b>6</b>
Categorical Exclusion	1	1	<b>2</b>

\* More details below

<b>EA/FONSI Adequacy</b>	
adequate	21
incomplete, essential info	6
inadequate indirect effects	1
inadequate cumulative effects	1
alternatives not considered	0

<b>EIS Adequacy</b>	
adequate	15
incomplete, essential info	10
inadequate indirect effects	0
inadequate cumulative effects	2
alternatives: no action	0
alt. excluded/range	3
other	0

<b>SEIS</b>	
need to prepare -new effects info	2
need to prepare - change in action	1
no need to prepare	1

<b>Federal action requiring NEPA</b>	
action not federal	4
NEPA required	2

NEPA Cases filed in 2005		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	4	0
Navy	1	1
NRC	0	0
DOI - BLM	12	4
- FWS	3	1
- BuRec	3	0
- NPS	4	0
- BIA/NIGC	2	0
- MMS	1	1
- OSM	1	0
USDA - FS	50	26
- APHIS	3	1
DOC - NOAA	3	2
Army - COE	8	4
Army	1	0
DOT - FHWA	5	1
- FTA	2	0
- FAA	3	0
- MARAD	2	0
- SLSC	0	0
DOE	3	0
EPA	2	0
HUD	4	0
Air Force	0	1
TVA	1	0
NSF	1	0
FCC	1	0
GSA	0	0
FDA	0	0
<b>Total</b>	<b>118</b>	<b>43</b>

2005 NEPA Case Dispositions	
	Gov't Agency
Judgment for defendant	<b>94</b>
Adverse dispositions:	<b>101</b>
TRO	<b>1</b>
Preliminary Injunction	<b>18</b>
Permanent Injunction	<b>7</b>
Remand	<b>23</b>
Dismissal w/ settlement	<b>24</b>
Dismissal w/o settlement	<b>24</b>
Case pending, NEPA	<b>204</b>

Basis for NEPA Dispositions	
	Gov't Agency
Jurisdictional - P prevailed	2
Jurisdictional - D prevailed	25
NEPA - Not required	9
NEPA - Is required	4
CE - Adequate	10
CE - Not Adequate	2
EA - Adequate*	24
EA - Not Adequate*	20
EIS - Adequate*	25
EIS - Not Adequate*	13
SEIS - Needed*	4
SEIS -Not Needed*	3
* More detailed info in tables below	

<b>EA/FONSI Adequacy</b>	
adequate	23
incomplete, essential info	16
inadequate indirect effects	1
inadequate cumulative effects	2
alternatives not considered	1

<b>EIS Adequacy</b>	
adequate	24
incomplete, essential info	10
inadequate indirect effects	2
inadequate cumulative effects	7
alternatives: no action	1
alt. excluded/range	2
other	1

<b>SEIS</b>	
need to prepare -new effects info	4
need to prepare - change in action	0
no need to prepare	3

<b>Plaintiffs</b>	
Public Interest groups	236
Individual/Citizen assoc.	46
State government	10
Local government	12
Business groups	15
Property owners/residents	8
Indian tribes	18
Muliple plaintiffs	43

NEPA Cases in 2006		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	2	0
Navy	1	0
NRC	3	1
DOI - BLM	21	14
- FWS	6	3
- BuRec	0	1
- NPS	0	3
- BIA/NIGC	1	0
- MMS	0	0
- OSM	0	0
USDA - FS	30	33
- APHIS	2	1
DOC - NOAA	4	4
Army - COE	25	7
Army	0	2
DOT - FHWA	7	1
- FTA	1	0
- FAA	3	0
- MARAD	0	0
- SLSC	0	0
DOE	0	1
EPA	2	0
HUD	0	0
Air Force	0	1
TVA	0	0
NSF	0	0
FCC	0	0
GSA	0	0
FDA	0	0
<b>Total</b>	<b>108</b>	<b>72</b>

2006 NEPA Case Dispositions	
	Gov't Agency
Judgment for defendant	84
Adverse dispositions:	120
TRO	1
Preliminary Injunction	8
Permanent Injunction	16
Remand	48
Dismissal w/ settlement	13
Dismissal w/o settlement	34
Case pending, NEPA	195

Basis for NEPA Dispositions	
	Gov't Agency
Jurisdictional - P prevailed	13
Jurisdictional - D prevailed	14
NEPA - Not required	4
NEPA - Is required	0
CE - Adequate	9
CE - Not Adequate	4
EA - Adequate*	27
EA - Not Adequate*	23
EIS - Adequate*	29
EIS - Not Adequate*	26
SEIS - Needed*	14
SEIS -Not Needed*	4
* More detailed info in tables below	

EA/FONSI Adequacy	
adequate	27
incomplete, essential info	14
inadequate indirect effects	3
inadequate cumulative effects	4
alternatives not considered	2

Plaintiffs	
Public Interest groups	62
Individual/Citizen assoc.	22
State government	5
Local government	2
Business groups	3
Property owners/residents	2

EIS Adequacy	
adequate	29
incomplete, essential info	13
inadequate indirect effects	6
inadequate cumulative effects	2
alternatives: no action	0
alt. excluded/range	4
other	1

SEIS	
adequate	2
need to prepare -new effects info	8
need to prepare - change in action	6
no need to prepare	4

Indian tribes	2
Multiple plaintiffs	10
<b>Total</b>	<b>108</b>

|

NEPA Cases in 2007		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	2	0
Navy	1	0
NRC	0	1
DOI - BLM	7	8
- FWS	3	1
- BuRec	3	0
- NPS	2	1
- BIA/NIGC	2	0
- MMS	2	0
- OSM	1	0
USDA - FS	40	23
- APHIS	1	4
DOC - NOAA	2	2
Army - COE	1	3
Army	0	2
DOT - FHWA	4	0
- FTA	2	0
- FAA	5	1
DOE	1	0
EPA	2	1
HUD	0	0
Air Force	0	1
TVA	1	1
FCC	0	0
GSA	0	0
Ex-Im Bank (OPEC)	0	0
USPS	1	0
HHS-FDA	1	0
-NIH	0	0
VA	0	0
DHS - CBP	1	0
- CG	1	0
<b>Total</b>	<b>86</b>	<b>49</b>

2007 NEPA Case Dispositions	
	Gov't Agency
Judgment for defendant	87
Adverse dispositions:	95
TRO	2
Preliminary Injunction	10
Permanent Injunction	18
Remand	23
Dismissal w/ settlement	15
Dismissal w/o settlement	27
Case pending, NEPA	168

Basis for NEPA Dispositions	
	Gov't Agency
Jurisdictional - P prevailed	3
Jurisdictional - D prevailed	12
NEPA - Not required	10
NEPA - Is required	4
CE - Adequate	7
CE - Not Adequate	6
EA - Adequate*	14
EA - Not Adequate*	15
EIS - Adequate*	29
EIS - Not Adequate*	35
SEIS - Needed*	9
SEIS -Not Needed*	6
* More detailed info in tables below	

EA/FONSI Adequacy	
adequate	23
incomplete, essential info	3
inadequate in/direct effects	7
inadequate cumulative effects	3
other	2

EIS Adequacy	
adequate	29
incomplete, essential info	17
inadequate indirect effects	8
inadequate cumulative effects	4
alternatives: no action	0
alt. excluded/range	6
other	0

SEIS	
adequate	3
need to prepare -new effects info	6
need to prepare - change in action	3
no need to prepare	3

Plaintiffs	
Public Interest groups	222
Individual/Citizen assoc.	58
State government	9
Local government	13
Business groups	16
Property owners/residents	10
Indian tribes	18
Multiple plaintiffs	9
<b>Total</b>	<b>355</b>

NEPA Cases in 2008		
Lead Defendant	Cases Filed	Injunctions - Remands
FERC	3	0
Navy	1	3
NRC	3	0
DOI - BLM	14	3
- FWS	6	0
- BuRec	1	0
- NPS	6	1
- BIA/NIGC	3	0
- MMS	0	2
- OSM	1	0
USDA - FS	46	13
- APHIS	3	5
DOC - NOAA	8	0
Army - COE	15	5
Army	2	0
DOT - FHWA	9	1
- FTA	1	0
- FAA	0	0
DOE	6	0
EPA	1	0
HUD	1	0
Air Force	0	0
TVA	1	1
FCC	0	1
GSA	1	0
Ex-Im Bank (OPEC)	0	0
USPS	0	0
HHS-FDA	0	0
-NIH	0	0
VA	Pending	Pending
DHS - CBP	Pending	Pending
- CG	Pending	Pending
<b>Total</b>	<b>132</b>	<b>35</b>

2008 NEPA Case Dispositions	
	Gov't Agency
Judgment for defendant	77
Adverse dispositions:	73
TRO	0
Preliminary Injunction	6
Permanent Injunction	10
Remand	19
Dismissal w/ settlement	26
Dismissal w/o settlement	12
Case pending, NEPA	233

Basis for NEPA Dispositions	
	Gov't Agency
Jurisdictional - P prevailed	1
Jurisdictional - D prevailed	27
NEPA - Not required	3
NEPA - Is required	0
CE - Adequate	5
CE - Not Adequate	3
EA - Adequate*	14
EA - Not Adequate*	9
EIS - Adequate*	21
EIS - Not Adequate*	15
SEIS - Needed*	1
SEIS -Not Needed*	8
* More detailed info in tables below	

EA/FONSI Adequacy	
adequate	16
incomplete, essential info	5
inadequate in/direct effects	3
inadequate cumulative effects	1
other	5

EIS Adequacy	
adequate	21
incomplete, essential info	4
inadequate indirect effects	4
inadequate cumulative effects	2
alternatives: no action	0
alt. excluded/range	5
other	2

SEIS	
adequate	3
need to prepare -new effects info	1
need to prepare - change in action	0
no need to prepare	5

Plaintiffs	
Public Interest groups	210
Individual/Citizen assoc.	56
State government	13
Local government	9
Business groups	15
Property owners/residents	10
Indian tribes	10
Multiple plaintiffs	50
Other	1
<b>Total</b>	<b>374</b>

NEPA Cases in 2009		
Lead Defendant	Cases Filed	Injunctions - Remands
ARMY-ELD	0	0
ARMY-USACE	5	4
DHS	3	0
DOC	12	0
DOE	4	1
DOI-BIA	0	0
DOI-BLM	2	2
DOI-BOR	3	1
DOI-FWS	0	0
DOI-MMS	0	0
DOI-NPS	0	0
DOI-OSM	0	0
DOI-SOL	0	0
DOS-L/OES	0	0
DOT-FAA	1	0
DOT-FHWA	12	2
DOT-FTA	1	0
DOT-MA	0	0
EPA	1	0
FCC	0	0
FERC	2	0
GSA	0	0
HHS/NIH	0	0
HUD	0	0
NAVY	1	0
NRC	4	0
TVA	0	1
USAF	1	0
USDA	43	12
VA	2	0
<b>Total</b>	<b>97</b>	<b>23</b>

2009 NEPA Case Dispositions	
Judgment for defendant	76
Dismissal w/o settlement	24
Settlement	22
Adverse dispositions:	23
TRO	0
Preliminary Injunction	2
Permanent Injunction	15
Remand	6
Case pending, NEPA	271

Basis for NEPA Dispositions	
Jurisdictional - P prevailed	0
Jurisdictional - D prevailed	20
NEPA - Not required	2
NEPA - Is required	2
CE - Adequate	5
CE - Not Adequate	0
EA - Adequate*	23
EA - Not Adequate*	5
EIS - Adequate*	21
EIS - Not Adequate*	20
SEIS - Needed*	3
SEIS -Not Needed*	3
* More detailed info in tables below	

EA/FONSI Adequacy	
adequate	23
incomplete, essential info	2
inadequate in/direct effects	3
inadequate cumulative effects	0
other	0

EIS Adequacy	
adequate	21
incomplete, essential info	5
inadequate indirect effects	3
inadequate cumulative effects	4
alternatives: no action	0
alt. excluded/range	8
other	0

SEIS	
adequate	2
need to prepare - new info	3
need to prepare - other	0
no need to prepare	3

Plaintiffs	
Public Interest groups	255
Individual/Citizen assoc.	51
State government	18
Local government	15
Business groups	16
Property owners/residents	6
Indian tribes	15
Multiple plaintiff types	50
Other	4

NEPA Cases Filed in 2010		
Lead Defendant	Cases Filed	Injunctions - Remands
ARMY-USACE	6	3
DHS-USCG	0	0
DOD	1	0
DOE-Energy	0	0
DOE-FERC	0	0
DOE-NNSA	1	0
DOI-BIA	1	0
DOI-BLM	17	5
DOI-BOEM	5	0
DOI-BOR	0	0
DOI-FWS	6	1
DOI-OSM	0	1
DOI-NPS	2	2
DOJ	0	0
DOS	0	0
DOT-FAA	3	0
DOT-FHWA	10	1
DOT-FTA	2	0
EPA	1	0
FHFA	2	1
FRB	0	0
HHS	1	0
Navy	2	0
DOC-NOAA	5	2
USDA-APHIS	4	1
USDA-FS	18	0
USDA-NRCS	0	0
USDA-RUS	0	0
<b>TOTAL</b>	<b>87</b>	<b>16</b>

2010 NEPA Case Dispositions	
Judgment for defendant	46
Dismissal w/o settlement	11
Settlement	8
<i>Adverse dispositions:</i>	17
TRO	0
Preliminary Injunction	5
Permanent Injunction	4
Remand	8

Basis for 2010 NEPA Dispositions	
Jurisdictional - P prevailed	0
Jurisdictional - D prevailed	12
NEPA - Not required	1
NEPA - Is required	2
CE - Adequate	4
CE - Not Adequate	1
EA - Adequate*	11
EA - Not Adequate*	5
EIS - Adequate*	17
EIS - Not Adequate*	5
SEIS - Adequate*	1
SEIS- Needed*	0
SEIS -Not Needed*	1
* More detailed info in tables below	

2010 Rulings Re: EA/FONSI Adequacy	
adequate	11
incomplete, essential info	1
inadequate in/direct/cumaltive effects	3
other	1

2010 Rulings Re: EIS Adequacy	
adequate	17
incomplete, essential info	0
inadequate indirect effects	0
inadequate cumulative effects	2
alternatives: no action	0
alt. excluded/range	2
other	2

2010 Rulings Re: SEIS Adequacy	
adequate	1
needed, total	0
need to prepare - new info	0
need to prepare - other	0
no need to prepare	0
no need to prepare	1

Plaintiffs in NEPA Cases Filed in 2010	
Public Interest groups	53
Individual/Citizen assoc.	6
State government	1
Local government	2
Business groups	4
Property owners/residents	5
Indian tribes	3
Multiple plaintiff types	12
Other	1

NEPA Cases Filed in 2011		
Lead Defendant	Cases Filed	Injunctions - Remands
ARMY-USACE	3	2
DHS-USCG	1	1
DOD	0	0
DOE-Energy	2	0
DOE-FERC	0	0
DOE-NNSA	0	0
DOI-BIA	0	0
DOI-BLM	22	8
DOI-BOEM	0	0
DOI-BOR	1	2
DOI-FWS	4	2
DOI-NPS	4	0
DOJ	0	0
DOS	0	0
DOT-FMCSA	1	0
DOT-FAA	3	1
DOT-FHWA	14	2
DOT-FTA	2	0
DOT-STB	0	1
EPA	1	0
FHFA	0	0
FRB	0	0
Navy	0	0
DOC-NOAA	8	1
NRC	1	0
USDA-APHIS	2	1
USDA-FS	25	2
USDA-NRCS	0	0
USDA-RUS	0	0
<b>TOTAL</b>	<b>94</b>	<b>21</b>

2011 NEPA Case Dispositions	
Judgment for defendant	79
Dismissal w/o settlement	20
Settlement	18
<i>Adverse dispositions:</i>	29
TRO	0
Preliminary Injunction	5
Permanent Injunction	3
Remand	21

Basis for 2011 NEPA Dispositions	
Jurisdictional - P prevailed	2
Jurisdictional - D prevailed	20
NEPA - Not required	4
NEPA - Is required	4
CE - Adequate	5
CE - Not Adequate	5
EA - Adequate*	24
EA - Not Adequate*	5
EIS - Adequate*	32
EIS - Not Adequate*	15
SEIS - Adequate*	1
SEIS- Needed*	1
SEIS -Not Needed*	5
* More detailed info in tables below	

2011 Rulings Re: EA/FONSI Adequacy	
adequate	24
incomplete, essential info	2
inadequate in/direct effects	2
inadequate cumulative effects	0
other	1

2011 Rulings Re: EIS Adequacy	
adequate	32
incomplete, essential info	3
inadequate indirect effects	2
inadequate cumulative effects	4
no action alternative	0
alternative(s) excluded/range	4
other	3

2011 Rulings Re: SEIS Adequacy	
adequate	1
needed, total	1
need to prepare - new info	1
need to prepare - other	0
no need to prepare	5

Plaintiffs in NEPA Cases Filed in 2011	
Public Interest groups	52
Individual/Citizen assoc.	8
State government	2
Local government	4
Business groups	5
Property owners/residents	2
Indian tribes	0
Multiple plaintiff types	21
Other	0

<b>NEPA Cases Filed in 2012</b>		
<b>Defendant</b>	<b>Cases Filed</b>	<b>Injunctions-Remands</b>
ARMY-USACE	10	2
DHS-USCG	0	0
DOD	0	0
DOE-ENERGY	0	0
DOE-FERC	0	0
DOE-NNSA	0	0
DOI-BIA	1	0
DOI-BLM	20	1
DOI-BOEM	1	0
DOI-BSEE	1	0
DOI-BOR	3	0
DOI-FWS	5	0
DOI-NPS	4	1
DOJ	0	0
DOS	0	0
DOT-FMCSA	0	0
DOT-FAA	0	0
DOT-FHWA	4	0
DOT-FTA	3	0
DOT-STB	0	0
EPA	0	0
FHFA	0	0
FRB	0	0
Navy	1	0
DOC-NOAA-NMFS	8	1
NRC	0	0
USDA-APHIS	1	0
USDA-FS	25	5
USDA-NRCS	0	0
USDA-RUS	0	0
TVA	1	0
<b>Total</b>	<b>88</b>	<b>10</b>

<b>Basis for 2012 NEPA Dispositions</b>	
Jurisdictional - P prevailed	0
Jurisdictional - D prevailed	13
NEPA - Not required	0
NEPA - Is required	0
CE - Adequate	0
CE - Not Adequate	0
EA - Adequate	2
EA - Not Adequate	3
EIS - Adequate	0
EIS - Not Adequate	0
SEIS - Adequate	0
SEIS - Needed	0
SEIS - Not Needed	0
	<b>18</b>

2012 Rulings Re: EA/FONSI Adequacy	
Adequate	16
Incomplete, essential info	2
Inadequate indirect/direct effects	0
Inadequate cumulative effect	0
Other	0
	18

2012 Rulings Re: EIS Adequacy	
Adequate	24
Incomplete, essential info	1
Inadequate indirect effects	0
Inadequate cumulative effects	0
No action alternative	0
Alternative(s) excluded/range	1
No need to prepare	1
Other reasons	1
	28

2012 Rulings Re: SEIS Adequacy	
Adequate	1
Incomplete	0
Needed, total	1
Need to prepare - new info	1
Need to prepare - other	0
No need to prepare	1
	4

Plaintiffs in NEPA Cases Filed in 2012	
Public interest group	45
Individual/Citizen assoc.	15
State government	2
Local government	4
Business group	3
Property owners/residents	1
Indian tribe	2
Multiple plaintiff types	16
Other	0
	88

NEPA Cases Filed in 2013		
Defendant	Cases Filed	Injunctions- Remands
ARMY-USACE	8	2
DHS-USCG	1	0
DOD	0	0
DOE-ENERGY	0	0
DOE-FERC	1	0
DOE-NNSA	0	0
DOI-BIA	1	0
DOI-BLM	18	3
DOI-BOEM	0	0
DOI-BSEE	1	0
DOI-BOR	0	0
DOI-FWS	16	0
DOI-NPS	3	1
DOI-OSM	1	0
DOJ	0	0
DOS	0	0
DOT	1	0
DOT-FMCSA	0	0
DOT-FAA	0	0
DOT-FHWA	1	0
DOT-FTA	3	0
DOT-STB	0	0
EPA	0	0
FHFA	0	0
FRB	0	0
Navy	0	0
DOC-NOAA	1	0
DOC-NOAA-NMFS	6	0
NRC	0	0
USDA-APHIS	2	0
USDA-FS	28	6
USDA-NRCS	0	0
USDA-RUS	0	0
USDA-SBA	1	1
USPS	1	1
TVA	2	0
<b>Total</b>	<b>96</b>	<b>14</b>

Basis for 2013 NEPA Dispositions	
Jurisdictional - P prevailed	0
Jurisdictional - D prevailed	7
NEPA - Not required	4
NEPA - Is required	0
CE - Adequate	0
CE - Not Adequate	0
EA - Adequate*	5
EA - Not Adequate*	2
EIS - Adequate	8
EIS - Not Adequate	1
SEIS - Adequate	3
SEIS - Needed	0
SEIS - Not Needed	0

30

\*EA adequacy/inadequacy includes both EA and FONSI adequacy/inadequacy.

2013 Rulings Re: EA/FONSI Adequacy	
adequate	5
incomplete	1
inadequate direct effect	1
inadequate cumulative effect	0
alt. no action	0
alt. excluded	1
other	0
	8

2013 Rulings Re: SEIS Adequacy	
adequate	3
incomplete	0
new info needed	0
Alt. excluded	0
other reasons	0
no need to prepare	0
	3

2013 Rulings Re: EIS Adequacy	
adequate	8
incomplete	0
new info needed	0
Alt. excluded	0
other reasons	1
no need to prepare	3
	12

Plaintiffs in NEPA Cases Filed in 2013	
Public interest group	65
Individual/Citizen assoc.	10
State government	0
Local government	2
Business group	6
Property owners/residents	0
Indian tribe	1
Multiple plaintiff types	12
Other	0
	96