



MEMORANDUM

INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO THE GEORGIA ENVIRONMENTAL POLICY ACT

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [Georgia Environmental Policy Act](#) (GEPA). GEPA requires that state agencies assign an official to determine whether a proposed governmental action could adversely affect the quality of the environment. Both statutes are designed to facilitate informed decision-making and environmental review. This fact sheet compares GEPA, [Official Code of Georgia Annotated \(OCGA\) 12-16-1 to 12-16-8](#), with CEQ's Regulations for Implementing the Procedural Provisions of NEPA, [40 CFR Parts 1500-1508](#).

Where a proposed action is subject to NEPA, a government agency will be deemed to have complied with GEPA if a NEPA document is prepared and Federally approved. [OCGA 12-16-7](#). As a result, the GEPA processes does not apply to a proposed action that requires NEPA compliance.

This fact sheet provides basic information to help Federal NEPA practitioners understand the GEPA and to facilitate discussion with Georgia Environmental Protection Division (EPD) staff. This information will be useful where governmental actions have been subject to GEPA and can inform NEPA reviews (e.g., cumulative impacts analysis).

Introduction

The OCGA requires State agencies to consider the impact of governmental actions on the environment, with the understanding that state agencies are “stewards of the air, land, plants, animals, and environmental, historical, and cultural resources.” [OCGA 12-16-2 \(2\)](#). Since 1991, GEPA has mandated the completion of an Environmental Effects Report (EER) for state actions as deemed appropriate for review. GEPA applies to proposed government actions including, actions funded by a grant from the government, actions that are land disturbing, or actions that may “significantly adversely affect the quality of the environment.” [OCGA 12-16-3 \(1\)](#). Some actions are excluded by the statute, including specified agricultural practices, forestry land management practices that include harvesting less than 5 acres of trees, or any actions by a non-governmental entity. [OCGA 12-16-7](#). Any agency’s actions which are not excluded by the statute must undergo the GEPA EER process.

Key Points of Comparison

The table below compares NEPA terms and procedural requirements to GEPA terms and procedural requirements set forth in the OCGA.



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| NEPA | GEPA |
|---|---|
| Categorical Exclusion, 40 CFR 1508.4 , 40 CFR 1507.3 | N/A |
| Environmental Assessment (EA), 40 CFR 1508.9 , 40 CFR 1501.3 | N/A |
| Finding of No Significant Impact (FONSI), 40 CFR 1508.13 | N/A |
| Notice of Intent, 40 CFR 1508.22 | N/A |
| Draft Environmental Impact Statement (DEIS), 40 CFR 1502 , 40 CFR 1508.11 | N/A |
| Final Environmental Impact Statement (FEIS), 40 CFR 1502 , 40 CFR 1508.11 | Environmental Effects Report (EER), OCGA 12-1-4 (a) . |
| Record of Decision, 40 CFR 1505.2 | Notice of Decision (NOD), OCGA 12-16-5 (b) . |

The bullets below provide a general comparison of processes:

- GEPA includes a list of actions excluded from the GEPA process. [OCGA 12-16-3 \(7\)](#). This list can be amended by the related agency if the assigned official decides that an action does not require an EER. [OCGA 12-16-4\(a\)](#).
- Both NEPA and GEPA require the environmental review (EIS and EER) to include the action's description; environmental, social, and historic impacts; considered alternatives; potential mitigation measures; and irreversible commitments of resources. [OCGA 12-16-2](#); [40 CFR 1502.16](#).
- Both NEPA and GEPA include provisions for a 45-day comment period and a public hearing if there is significant public interest. [OCGA 12-16-4 \(c\) and 5\(a\)](#); [40 CFR 1506.6\(c\) and 1506.10\(c\)](#).
- Under GEPA, if an EER is required for a proposed governmental action, the responsible official of the agency must issue a public notice 45 days prior to making a decision whether or not to proceed. The responsible official must provide a copy of the EER and all other comments to the EPD Director and must make the EER available to the public. If 100 or more Georgia residents request a hearing, the responsible official must hold a hearing. [OGCA 12-16-4\(c\) and 12-6-5\(a\)](#).
- State agencies that must comply with NEPA do not need to complete an additional process for GEPA. If a Federal statement has been prepared, the EPD does not mandate additional GEPA documentation and will accept a NEPA document. [OCGA 12-16-7](#).

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