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***DRAFT AWAITING REVIEW AND INPUT FROM THE  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT***

**INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO  
THE INDIANA ENVIRONMENTAL POLICY ACT PROCESS**

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [Indiana Environmental Policy Act](#) (IEPA). When a proposed NEPA action also requires compliance with IEPA, it is critical that these practitioners familiarize themselves with IEPA and understand how IEPA compares to and contrasts with NEPA.

Both statutes are designed to facilitate informed decision-making and environmental review. IEPA requires that State agencies study the environmental consequences of their actions, including permitting and financial assistance. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment. This fact sheet compares IEPA and the resulting [Indiana Code Title 13, Section 12, Chapter 4 \(IC\)](#) and [Indiana Administrative Code Title 326 Article 16](#) with CEQ's regulations for implementing the procedural provisions of NEPA, [40 CFR Parts 1500-1508](#).

This fact sheet only provides basic information and is intended to serve as a springboard for discussion with [Indiana Department of Environmental Management](#) (IDEM) staff when proposed projects trigger both Federal and State environmental review requirements. Project proponents are strongly encouraged to contact IDEM in the early stages of project planning so that Federal and state environmental review processes, if applicable, can be appropriately aligned.

### **Introduction**

The IAC requires State agencies to consider the impact of governmental actions on the environment to “encourage productive and enjoyable harmony between humans and the environment.” [IC 13-12-4-1\(1\)](#). Since 1972, IEPA has mandated the completion of environmental impact statements for applicable State actions. Some actions that require the IEPA process include projects or programs that are entirely or partly financed, assisted, implemented, conducted, regulated, or approved by State agencies; adoption of administrative rules; and approval of specific projects, such as construction or management activities located in a defined geographic area. [326 IAC 16-2.1-4](#). Some actions are excluded by the statute, including: administrative procurements, contracts for consulting services, personnel actions, repair or maintenance of existing structures, and basic data collection, research and experimental management, resource evaluation activities that do not result in significant disturbance to the environment, and the issuance of a license or permit by an agency of the State. [326 IAC 16-1-3\(d\)\(1-5\); \(f\)\(1\)](#). Any agency's actions which are not excluded by the statute must undergo the IEPA Environmental Impact Statement (EIS) process.



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### Key Points of Comparison

The table below compares NEPA terms and procedural requirements to IEPA terms and procedural requirements set forth in IAC and IC.

NEPA	IEPA
Categorical Exclusion, <a href="#">40 CFR 1508.4</a> , <a href="#">40 CFR 1507.3</a>	Categorical Exclusion, <a href="#">326 IAC 16-1-3(e)</a> .
Environmental Assessment (EA), <a href="#">40 CFR 1508.9</a> , <a href="#">40 CFR 1501.3</a>	Environmental Assessment (EA), <a href="#">326 IAC 16-2.1-2(a)</a> .
Finding of No Significant Impact (FONSI), <a href="#">40 CFR 1508.13</a>	Finding of No Significant Impact (FONSI), <a href="#">326 IAC 16-2.1-2(a)(1)(B)</a> .
Notice of Intent, <a href="#">40 CFR 1508.22</a>	N/A
Draft Environmental Impact Statement (DEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	N/A
Final Environmental Impact Statement (FEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	Environmental Impact Statement, <a href="#">326 IAC 16-2.1-3</a> .
Record of Decision, <a href="#">40 CFR 1505.2</a>	N/A

The bullets below provide a general comparison of processes:

- IEPA has a process that is similar to categorical exclusions in NEPA. [40 CFR 1508.4](#), [40 CFR 1507.3](#); [326 IAC 16-1-3\(e\)](#). In both IEPA and NEPA, categorical exclusions are actions that an agency considers to be minor and in both statutes the head agency (CEQ for NEPA and IDEM for IEPA) has the opportunity to comment on the list of categorical exclusions.
- NEPA and IEPA both require EAs and EISs to be made available to the public, but IEPA does not require public comment during the creation of these documents like NEPA. [40 CFR 1502.1](#); [326 IAC 16-1-4\(b\)\(1\)](#). IEPA and NEPA both require EISs to be formed in consultation with and with the comments of each agency that has jurisdiction or special expertise. [40 CFR 1502.9\(a\)](#); [326 IAC 16-201-3](#).
- Both NEPA and IEPA require an EIS to include the action's environmental, social, and historic impacts; considered alternatives; and irreversible commitments of resources. [326 IAC 16-2.1-3](#), [326 IAC 16-2.1-6\(4\)](#); [40 CFR 1502.16](#). Unlike NEPA, however, IEPA directly emphasizes the importance of considering the relationship between "local, short-term uses of the environment and the maintenance and enhancement of long-term productivity." [326 IAC 16-2.1-3\(4\)](#).
- State agencies that must comply with NEPA do not need to complete an additional process for IEPA unless the action requires State legislation or State appropriations. If a Federal statement has been prepared and the action does not require State legislation or appropriations, the IDEM does not mandate additional IEPA documentation and will accept a NEPA document. [326 IAC 16-1-3\(f\)\(2\)](#).



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