



MEMORANDUM

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

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

Both statutes are designed to facilitate informed decision-making and environmental review. This fact sheet compares MEPA, [Md. Code Ann., Nat. Res. §§ 1-301– 1- 305](#), with CEQ’s Regulations for Implementing the Procedural Provisions of NEPA, [40 CFR Parts 1500-1508](#). While NEPA applies to actions that are partly or entirely financed, assisted, conducted, regulated, or approved by Federal agencies ([40 CFR section 1508.18, see also 40 CFR sections 1502.3 and 1502.4](#)), MEPA only applies to Maryland State agencies’ requests for legislative appropriations and other legislative actions.

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

Introduction and Key Points of Comparison

MEPA requires State agencies to prepare an “environmental effects report” on “each proposed State action significantly affecting the quality of the environment.” NR § 1-304(a). However, the law narrowly defines “proposed state action” to include only “requests for legislative appropriations and other legislative actions.” NR § 1-301(d); *see also Mayor of Baltimore v. State*, 281 Md. 217, 378 A.2d 1326 (1977) (requirement for environmental effects reports limited to requests to the General Assembly for appropriations or other legislative actions). DNR’s Guidelines for Implementation of the Maryland Environmental Policy Act, which are applicable to all State agencies, define “Other Legislative Actions” as “requests by the unit of the Department [or other State agency] for proposed legislative acts and/or a change in existing acts or agency authority.” Guidelines, IV.A.3 (June 28, 1974).

DNR’s Guidelines specifically exclude the issuance of “individual licenses or permits or promulgation of regulations” from the environmental effects report requirement. *Id.* Therefore, MEPA – unlike NEPA – does not apply to the administrative actions of State agencies. As a result, Federal NEPA practitioners are unlikely to encounter an action that triggers environmental review under MEPA.

While MEPA review may not be applicable, Federal NEPA practitioners should make themselves aware of other environmental review requirements in the State of Maryland. These alternative review processes include the Maryland Clearinghouse¹, which reviews development and grants projects throughout the State, and Maryland’s Coastal Zone Management Program², which reviews various Federal actions for consistency with the State’s Coastal Policies under the Coastal Zone Management Act (CZMA). Environmental review requirements of other Maryland State and Local government agencies should also be followed.

¹ <http://planning.maryland.gov/OurWork/IntergovernmentalReview.shtml>

² <http://www.dnr.state.md.us/irc/docs/00009099.pdf>



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