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***DRAFT AWAITING REVIEW AND INPUT FROM NJ DEP***

**INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO  
THE NEW JERSEY EXECUTIVE ORDER 215 PROCESS**

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [New Jersey Executive Order 215](#) (EO 215). When a proposed NEPA action also requires compliance with EO 215, it is critical that these practitioners familiarize themselves with EO 215 and understand how EO 215 compares to and contrasts with NEPA.

Both are designed to facilitate informed decision-making and environmental review. This fact sheet compares EO 215 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 [New Jersey Department of Environmental Protection](#) (DEP) staff when proposed projects trigger both Federal and State environmental review requirements. Project proponents are strongly encouraged to contact DEP in the early stages of project planning so that Federal and State environmental review processes, if applicable, can be appropriately aligned.

**Introduction**

EO 215 requires State agencies to consider the impact of governmental actions on the environment, because “government must not only regulate but also must provide an example in the effort to protect the human environment and the natural resources of the State.” [NJ EO 215](#). Since 1989, EO 215 has mandated the completion of environmental impact statements (EISs) for most State actions.

**Key Points of Comparison**

The table below compares NEPA terms and procedural requirements to EO 215 terms and procedural requirements set forth in the Executive Order.

<b>NEPA</b>	<b>EO 215</b>
Categorical Exclusion, <a href="#">40 CFR 1508.4</a> , <a href="#">40 CFR 1507.3</a>	N/A
Environmental Assessment (EA), <a href="#">40 CFR 1508.9</a> , <a href="#">40 CFR 1501.3</a>	Environmental Assessment (EA), <a href="#">NJ EO 215.1(a)</a>
Finding of No Significant Impact (FONSI), <a href="#">40 CFR 1508.13</a>	N/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



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Final Environmental Impact Statement (FEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	Final Environmental Impact Statement (FEIS), <a href="#">NJ EO 215.3</a>
Record of Decision, <a href="#">40 CFR 1505.2</a>	N/A

The bullets below provide a general comparison of processes:

- EO 215 does not have processes similar to categorical exclusions ([40 CFR 1508.4](#), [40 CFR 1507.3](#)). Instead, actions are only exempt if they fit the criteria detailed within the executive order ([NJ EO 215.7](#)).
- The use of EAs in EO 215 is based on financial and land use thresholds ([NJ EO 215.1\(a\)](#)) whereas NEPA requires an EA to be completed when the lead agency is uncertain about whether significant environment effects will result from a proposed project ([40 CFR 1508.9](#), [40 CFR 1501.3](#)).
- Both NEPA and EO 215 require a DEIS to include the action’s description; environmental, social, and historic impacts; considered alternatives; potential mitigation measures; and irreversible commitments of resources. ([NJ EO 215 Attached Guidelines I](#); [40 CFR 1502.16](#)).
- The New Jersey Department of Environmental Protection’s review of an EO 215 EA or EIS must occur within 20 days of receipt ([NJ EO 215.3](#)). NEPA, however, allows a more flexible time frame for lead agencies to complete their review.
- EO 215 applies to all projects initiated, funded, or permitted by State agencies. Some actions are excluded by the statute, including maintenance or repair projects, facilities or equipment replaced in kind at the same location, renovations or rehabilitation of existing buildings, or projects classified as categorical exclusions in accordance with the NEPA [NJ EO 215.7](#). Any agency’s actions which are not excluded by the statute must undergo the EO 215 Environmental Review process.
- State agencies that must comply with NEPA do not need to complete an additional process for EO 215. If a Federal EIS has been prepared, the DEP does not mandate additional EO 215 documentation and will accept a NEPA document ([NJ EO 215.7\(f\)](#)).

### Contact Information and Resources

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