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# Introduction

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Congress established the Council on Environmental Quality (CEQ) in 1969 through passage of the National Environmental Policy Act of 1969 (NEPA).<sup>1</sup> The Chair of CEQ, who is appointed by the President with the advice and consent of the Senate, serves as the President's principal environmental policy advisor. CEQ oversees Federal agencies' implementation of NEPA through regulations implementing the procedural provisions of the act<sup>2</sup> and through interpretation of statutory requirements.

In 1997, CEQ published a report entitled, "The National Environmental Policy Act: A Study of its Effectiveness After Twenty-five Years."<sup>3</sup> This report examined NEPA's effectiveness and the prospects for improving the environmental analysis and documentation process outlined in NEPA. Collaboration, strategic planning, public information and input, interagency coordination, place-based decision-making, and adaptive management were identified as areas that could improve the NEPA process. The report highlighted 12 case examples that demonstrated agency efforts to improve the NEPA process.

From 1997 to 2002, CEQ issued several guidance documents such as the recent memorandum regarding cooperating agency status (Appendix A) and the environmental justice guidance.<sup>4</sup> Simultaneously, Federal agencies were developing initiatives to improve their NEPA procedures and the NEPA process.<sup>5</sup>

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<sup>1</sup> 42 U.S.C. § 4321 et seq. (2000).

<sup>2</sup> Council on Environmental Quality, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," 40 C.F.R. Pts. 1500-1508 (2003), *available at* [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm).

<sup>3</sup> Council on Environmental Quality, "The National Environmental Policy Act: A Study of its Effectiveness After Twenty-five Years" (Jan. 1997), *available at* <http://ceq.eh.doe.gov/nepa/nepa25fn.pdf>.

<sup>4</sup> Council on Environmental Quality, "Environmental Justice—Guidance Under the National Environmental Policy Act" (Dec. 1997), *available at* <http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>.

<sup>5</sup> Examples of agencies revising and improving their NEPA procedures include the Department of the Army revision of their NEPA procedures (Department of the Army, "Environmental Analysis of Army Actions," 67 Fed Reg. 15,289 (Mar. 28, 2002), to be codified at 32 C.F.R. pt. 651.), the Advisory Council on Historic Preservation revision of their regulations to coordinate consultations with the NEPA process (Advisory Council on Historic Preservation, "Coordination with the National Environmental Policy Act," 36 C.F.R. § 800.8 (2003)), and the Department of the Interior focusing on increasing public participation and training (Environmental Statement Memoranda, "Procedures for Implementing Public Participation and Community-Based Training (July 2, 2003) *available at* <http://www.doi.gov/oepe/esms.html>).

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On April 10, 2002, James L. Connaughton, Chairman, Council on Environmental Quality, established the CEQ NEPA task force (Appendix B). With this task force, CEQ began evaluating the collective Federal family's progress in achieving the desired outcomes envisioned in the 1997 report, and exploring opportunities to further improve the NEPA process. On May 20, 2002, this task force, composed of Federal agency employees with diverse skills, expertise, and perspectives (Appendix C), began its review of current NEPA implementation practices and procedures to determine opportunities to improve and modernize the NEPA process. We examined the "nuts and bolts" of NEPA implementation by focusing on:

- ❖ Technology and information management and security;
- ❖ Federal and intergovernmental collaboration;
- ❖ Programmatic analyses and tiering;
- ❖ Adaptive management and monitoring;
- ❖ Categorical exclusions; and
- ❖ Environmental assessments.

The task force interviewed Federal agencies; reviewed public comments, literature, reports, and case studies; and spoke with individuals and representatives from Federal, State, and local governments, Tribes, and interest groups. A 45-day initial public comment period was provided (Appendix D). The comment period was extended an additional 30 days in response to requests from agencies and the public (Appendix E). We received comments from more than 650 respondents representing Federal, State, and local governments, Tribes, organizations, and individuals.<sup>6</sup>

The task force considered substantive comments, developed recommendations, and compiled case studies that presented practices intended to improve the timeliness and efficiency of the NEPA process. Synopses of the recommendations are provided at the end of each chapter for quick reference. Many respondents and interviewees expressed areas of concern that were beyond the resources, time, and expertise of the task force. We summarized the additional areas of concern in a separate chapter and provided recommendations and potential issues for further analysis.

The task force prepared two documents, this report, recommending actions that CEQ should take to improve and modernize the NEPA process, and a document of case studies highlighting useful practices, which will be published separately. This report, although reviewed by professionals within CEQ, reflects the task force's views and positions. CEQ expects that our efforts will help Federal agencies integrate NEPA practices with management concepts, such as environmental management systems and information management technologies, and foster improved Federal agency planning and decisionmaking processes.

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<sup>6</sup> Content Analysis Team, Forest Service, "Summary of Public Comment – NEPA Task Force" (Dec. 20, 2002), available at <http://ceq.eh.doe.gov/ntf/comments/comments.html>.

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This task force report will be published in hardcopy and electronic form. The report will be distributed using established distribution lists as well as by posting on the task force web page. After publishing and considering the report, CEQ will inform the public and other agencies how it will address these recommendations.

This report represents the professional expertise of the task force members, and our collective thinking and thoughtful deliberation of all information sources. We hope that our efforts provide the groundwork for a renewed and dynamic process to improve and modernize NEPA implementation.