

MODERNIZING THE NATIONAL ENVIRONMENTAL POLICY ACT

THE ORIGINAL INTENT OF NEPA

The National Environmental Policy Act (NEPA) was signed into law in 1970. The law requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. The range of actions covered by NEPA is broad and includes: Permit applications, federal land management actions, and construction of public infrastructure.

HOW NEPA IS ABUSED

Today, NEPA is used against federal agencies to illicit fear, bog down routine processes, and challenge science-based decision making by extreme environmental groups. These groups have mastered the use of litigation to force their way into the process as a stakeholder – often with a much more influential voice than that of ranchers or others with an actual interest or impact to resources. As a result, processes are postponed or extended years beyond their original schedule, or in some cases derailed all together. NEPA reviews are important, but there must be boundaries that ensure responsible land management decision-making can still occur in a timely manner.

HOW RANCHERS ARE IMPACTED

Ranchers are unable to plan years in advance due to the uncertainty of the NEPA process, making long-term planning challenging. This can range from grazing permit renewals to new fences. According to a 2018 report from the White House Council on Environmental Quality, it takes an average of 4.5 years for the Bureau of Land Management or the Forest Service to complete an Environmental Impact Statement.



PLC RECOMMENDATIONS

- Expand the number and kind of grazing permit renewals that qualify for categorical exclusion
- Enhance and clearly define the role of impacted parties
- Enhance the role of state and local governments in the NEPA process
- Clarify the amount and type of data and information needed in an Environmental Impact Statements, including only that which is essential
- Revise the NEPA Handbook and regulations to direct using a narrow “purpose and need” for a project
- Ensure that socioeconomic impact is weighed in a manner that is equal to other evaluated impacts

Bottom line: The National Environmental Policy Act (NEPA) needs modernized to ensure it does not stray far from its intended purpose of assessing environmental impacts.

