

## Environmental Impact Statements



### **Key 1: Begin early.**

#### **Integrated environmental planning**

The National Environmental Policy Act (NEPA) implementing regulations direct agencies to "integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts" (40 C.F.R. § 1501.2). For proposals that originate at State and local levels, the NEPA implementing regulations require Federal agencies to "cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements" (40 C.F.R. § 1506.2(b))<sup>2</sup>. According to the Council on Environmental Quality (CEQ), "Early environmental planning assures that all reasonable alternatives are explored and that there is ample time to identify and resolve difficult issues so that agency action is not unduly delayed. In an ideal world, NEPA would be effectively employed in the planning process to avoid environmental degradation and thus the felt need to prepare bloated, unavailing [documents]."<sup>3</sup>

**I would argue that, over time, the benefit of avoiding or resolving problems "upstream" will save many millions of dollars now thrown at paperwork exercises and litigation.**

Testimony of Thomas C. Jensen, Before the Task Force on Improving the National Environmental Policy Act of the House Committee on Resources 12 (Spokane, WA, April 23, 2005)

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2. Section 6002(c)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (codified at 23 U.S.C. § 139(c)(3)) expands upon the authorization contained in § 102(2)(D) of NEPA by providing that:  
[a]ny project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency...for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 and may prepare any such environmental document required in support of any action or approval ... if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted.

3. Executive Office of the President, Council on Environmental Quality, "Summary of the Proceedings of a Workshop on NEPA Integration: Effective, Efficient Environmental Compliance in the 1990s," 3 (December 1991).