The National Environmental Policy Act (NEPA) directly dictates a significant portion of Idaho Rivers United’s work and provides a framework for public involvement in federal policy making. The National Environmental Policy Act is a powerful tool that gives people a stake in federal actions large and small, from the building of a new hydropower dam to a U.S. Forest Service pit toilet.

NEPA is an invaluable piece of legislation that affects our work, giving IRU and the public standing in federal decisions. To understand how we use this important law it’s important to know a little about the law’s history and structure. NEPA was signed into law on January 1, 1970, a time when Americans sought progressive environmental policy reform. During the late 1960s and early 1970s, after decades of unchecked industrial growth, environmental awareness was on the rise and began to inform national policy.

NEPA is one of the cornerstone environmental laws that resulted from this period that also spawned the Clean Water Act, Clean Air Act, Endangered Species Act, Wilderness Act, Wild and Scenic Rivers Act and other important environmental legislation.

NEPA has a strict operational framework consisting of three primary tiers of environmental analysis: Environmental Impact Statement (EIS), Environmental Analysis (EA) and Categorical Exclusion (CatEx). An EIS is more thorough than an EA, and a CatEx constitutes that a decision does not warrant environmental analysis.

Importantly, an Environmental Impact Statement is drafted with direct consideration of public input. It requires public notice for each stage of its development and multiple stages of public input, whether comments support or object to the plans in question. An EIS outlines realistic alternatives to management proposals, and provides detailed potential impacts of each of the options. When Idaho Rivers United provides comments during the environmental impact statement commenting period, we examine a proposal to ensure it includes the basics from Section 102(2) C of the National Environmental Policy Act:

1. The environmental impacts of the proposed action.
2. Any adverse environmental impacts that cannot be avoided should the proposal be implemented.
3. Any reasonable alternatives to the proposed action.
4. The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.
5. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

Engaging in a National Environmental Policy Act process can require a great deal of patience and work. An EIS can, and often does, take years to draft and result in a document that’s thousands of pages long. An EIS can be thousands of pages long. Following is a basic outline of what an environmental impact statement process looks like:

1. The agency managing the process identifies the level of environmental study needed and determines if it’s an in-depth EIS, a somewhat lighter EA or a Categorical Exclusion.
2. Initial, open public comments on the proposal begin. This period is called scoping when the public is encouraged to look over the proposal and voice their support or lack thereof, and why.

3. Scoping period closes.

4. Agency takes all comments and considers them while drafting a detailed EIS with viable alternatives and procedures.

5. Months, sometimes years, will go by while the document is compiled.

6. A draft EIS (DEIS) is released that includes a range of alternatives and the agency’s preferred alternative indicating the agency’s decision preference. Another public comment period commences.

7. After several months or years, a final EIS statement is published.

8. After a period during which people or agencies can object to the decision, a final Record of Decision (ROD) is filed.

The EIS process can be very long and requires patience. It is, however, an important process. Idaho Rivers United often encourages members and the public at large to provide comments during creation of an EIS or EA. IRU also files detailed comments on behalf of its membership. IRU grounds comments in in-depth research, expert advice and attention to details.

Ultimately, NEPA is about maintaining the public voice in public processes. The White House’s 2016 Council on Environmental Quality put it well.

“NEPA’s most enduring legacy is as a framework for collaboration between federal agencies and those who will bear the environmental, social, and economic impacts of their decisions,” CEQ said at its website.