

How Does NEPA Work?

Early in its planning process for a proposed action, DOE considers how to comply with the National Environmental Policy Act (NEPA). The appropriate level of review depends on the significance, that is, consideration of the context and intensity of the potential environmental impacts associated with the proposed action. There are three levels of NEPA review:

- **Environmental Impact Statement (EIS)** – For major Federal actions that may significantly affect the quality of the human environment, NEPA requires preparation of an EIS. An EIS is a detailed analysis of the potential environmental impacts of a proposed action and the range of reasonable alternatives. Public participation is an important part of the EIS process.
- **Environmental Assessment (EA)** – When the need for an EIS is unclear, an agency may prepare an EA to determine whether to prepare an EIS or to issue a Finding of No Significant Impact. An EA is a brief analysis. DOE's procedures provide notification and comment opportunities for host states and tribes. DOE also may provide notification and comment opportunities for other interested people. DOE then considers any comments received, makes revisions as appropriate, and issues the EA.
- **Categorical Exclusion** – DOE's NEPA regulations list classes of actions that normally do not require an EIS or an EA because, individually or cumulatively, they do not have the potential for significant environmental impacts. Examples are information gathering activities and property transfers when the use is unchanged.

How Can I Learn More?

We encourage you to learn more about NEPA, the EIS process, and DOE's current NEPA activities by visiting or contacting the following:

- **DOE's NEPA website** at nepa.energy.gov – to learn about upcoming opportunities to participate in DOE's NEPA process, download DOE NEPA documents, and find requirements and guidance that DOE follows for NEPA implementation.
- **DOE's Office of NEPA Policy and Compliance** at askNEPA@hq.doe.gov or at 1-800-472-2756 (toll-free) – to leave a message regarding EIS-specific or general NEPA information.
- **The Council on Environmental Quality's NEPA website** at www.nepa.gov – for government-wide NEPA information.



Office of NEPA
Policy and Compliance
2010



Printed on recycled paper

DOE, NEPA, and You

A Guide to Public Participation



National Environmental Policy Act

The U.S. Department of Energy (DOE) prepared this brochure to encourage and help you to participate in the National Environmental Policy Act (NEPA) process. All Federal agencies must comply with NEPA, but their procedures vary. This brochure describes DOE's NEPA process, focusing on your role in DOE's preparation of Environmental Impact Statements (EISs).

What is NEPA?

NEPA is a Federal law that serves as the Nation's basic charter for environmental protection. It requires that all Federal agencies consider the potential environmental impacts of their proposed actions. NEPA promotes better agency decisionmaking by ensuring that high quality environmental information is available to agency officials and the public before the agency decides whether and how to undertake a major Federal action. Through the NEPA process, you have an opportunity to learn about DOE's proposed actions and to provide timely information and comments to DOE.

To implement NEPA, all Federal agencies follow procedures issued by the President's Council on Environmental Quality in the Code of Federal Regulations (40 CFR Parts 1500-1508). DOE also follows its own supplementary procedures, found in 10 CFR Part 1021.

How Does DOE Prepare an EIS?

The EIS process consists of several steps, each with opportunities for you to be involved.

- **Notice of Intent.** First, DOE publishes a Notice of Intent to prepare an EIS in the *Federal Register* and makes local announcements. This notice states the need for action and provides preliminary information on the EIS scope, including the alternative actions to

be evaluated, the kinds of potential environmental impacts to be analyzed, and related issues. The Notice of Intent also serves as the beginning of the next step, the "scoping process."

TIP: The Notice of Intent explains how you can participate in the scoping process and provides information about dates and locations of public meetings.

- **Scoping Process.** DOE requests your comments on the scope of the EIS. What alternatives should be evaluated? What potential environmental impacts should be analyzed? DOE's scoping process will last at least 30 days, with at least one public meeting.

TIP: During the scoping process, tell DOE what EIS information you would like to receive (e.g., a summary of the EIS or the full document on CD or on paper, or notification of Web posting).

- **Draft EIS.** DOE considers scoping comments in preparing a Draft EIS. An EIS (Draft or Final) analyzes and compares the potential environmental impacts of the various alternatives, one of which is always a "no action" alternative. The EIS also discusses ways to avoid or reduce adverse impacts. A Draft EIS will identify DOE's preferred alternative(s) if known at the time.

TIP: DOE EIS schedules and related NEPA information are available at nepa.energy.gov. DOE often has EIS-specific websites as well.

- **Public Comment on the Draft EIS.** After DOE issues a Draft EIS, the U.S. Environmental Protection Agency (EPA) publishes a Notice of Availability in the *Federal Register* to begin the public comment period, which will last at least 45 days. DOE also will announce details regarding how you may comment on the Draft EIS, either orally at a public hearing (at least one must be held) or in writing.

TIP: Check your local paper, the DOE NEPA website (nepa.energy.gov, under "NEPA News" or click on "Public Participation Calendar"), or other DOE notices for information about public hearings and ways to submit comments.

- **Final EIS.** DOE considers all timely public comments on the Draft EIS in preparing the Final EIS, which must respond to such comments. The Final EIS identifies DOE's preferred alternative(s). After DOE issues the Final EIS, EPA publishes a Notice of Availability in the *Federal Register*.
- **Record of Decision.** DOE must wait at least 30 days after the EPA Notice of Availability of the Final EIS before issuing a Record of Decision. A Record of Decision announces and explains DOE's decision and describes any commitments for mitigating potential environmental impacts.

TIP: DOE publishes Records of Decision in the *Federal Register* and makes them available on the DOE NEPA website. You may also ask DOE to send you a copy.

