

# Environmental Laws

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# NEPA Process

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NEPA process differs among agencies and tribes.

## NRCS

[Environmental Compliance](#)

[Cultural Compliance](#)

[Categorical Exclusion](#)

[Environmental Evaluation CPA-52](#)

[Worksheet, Tools and Training](#)

# Three Basic NEPA Documents

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**Environmental Impact Statement (EIS 42 U.S.C. § 4332)** – Actions with significant impacts to the human environment.

A “detailed statement” of an agency’s finding after assessing (1) the environmental impacts of the proposal; (2) unavoidable adverse environmental effects; (3) alternatives to the proposed action; (4) the relationship between the short-term uses of the environment and maintenance of long-term productivity; and (5) any irretrievable resource commitments involved if the proposal is implemented.

**Environmental Assessment** - Actions that may have some impacts—but potentially not significant impacts.

An EA is an initial analysis of an action’s potential to have significant environmental effects.

**Categorical Exclusion** - Actions that do not individually or cumulatively have significant effects on the human environment.

# National Environmental Policy Act, 42 U.S.C. §4321 et seq. (1969)

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NEPA was the first major environmental law in the United States and is often called the "Magna Carta" of Federal environmental laws.

NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.

All federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. These statements are commonly referred to as Environmental Impact Statements (EIS) and Environmental Assessments (EA).

# NEPA Process

| BIA (59 IAM 3-H)   |  |
|--|--|
| <p>Land Resources</p> <ul style="list-style-type: none"> <li>Topography (landforms, drainage, gradients)</li> <li>Soils (Type and Texture)</li> <li>Geography, Mineral and Paleontological Resources</li> </ul>          | <p>Resource Use Patterns</p> <ul style="list-style-type: none"> <li>Hunting, Fishing, Gathering</li> <li>Timber Harvesting</li> <li>Agriculture</li> <li>Mineral Extraction</li> <li>Recreation</li> <li>Transportation Networks</li> <li>Land Use Patterns</li> </ul> |
| <p>Water Resources (surface and ground; quality, quantity, use, rights)</p>  | <p>Other Values (Wilderness, Noise &amp; Light, Visual, Public safety, Climate change, Indian Trust Assets, Hazardous Materials)</p>   |
| <p>Air (quality/achievement, visibility)</p>   |  |
| <p>Living Resources</p> <ul style="list-style-type: none"> <li>Wildlife</li> <li>Ecosystems and Biological Communities</li> <li>Agriculture (Livestock, crops, Prime and Unique Farmlands</li> <li>Vegetation</li> </ul> | <p>Socioeconomic Conditions</p> <ul style="list-style-type: none"> <li>Employment &amp; Income</li> <li>Demographic Trends</li> <li>Lifestyle &amp; Cultural Values</li> <li>Community</li> </ul>  |
| <p>Cultural Resources (Historic and Archeological Resources, Cultural, Sacred and Traditional Cultural Properties )</p>  |  |

# What's the Tribal NEPA Process?

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## Programmatic Environmental Assessment for the Former Bennett Freeze Area Integrated Resource Management Plan

[Public Meeting Dates and Times](#)

[Comment on Draft PEA](#)

[Purpose of the PEA](#)

[Proposed Actions & Alternatives](#)

[The Integrated Resource Management Plan](#)

[History of FBFA](#)

# Special Environmental Resource Concern

|                              |  |
|------------------------------|--|
| Clean Air Act                |  |
| Clean Water Act              |  |
| Coastal Zone Management Area |  |
| Coral Reefs                  |  |
| Cultural Resources           | <p>National Historic Preservation Act, 16 U.S.C. ch. 1A, subch. II § 470 et seq (1966)</p> <p>American Indian Religious Freedom Act P.L. 95-431, (1978)</p> <p>Native American Graves Protection and Repatriation Act, P.L. 101-601, (1990)</p> <p>Archaeological Resources Protection Act, P.L. 96-95, (1979)</p> |

# Special Environmental Resource Concern

|                                   |  |
|-----------------------------------|--|
| Endangered and Threatened Species |  |
| Environmental Justice             |  |
| Essential Fish Habitat            |  |
| Flood Plan Management             |  |
| Invasive Species                  |  |

# Special Environmental Resource Concern

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|----------------------------|--|
| Migratory Birds            |  |
| Prime and Unique Farmlands |  |
| Riparian Areas             |  |
| Wetlands                   |  |
| Wild and Scenic Rivers     |  |

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# THANK YOU

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