

# **THE BOMBPLEX: The National Environmental Policy Act**

## **Overview**

The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et. seq.*, is our basic national charter for protection of the environment. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. NEPA establishes policy, sets goals, and provides means for carrying out the policy.

The purposes of NEPA are:

to declare a national policy which will encourage productive and enjoyable harmony between humans and their environment,  
to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity,  
to enrich the understanding of the ecological systems and natural resources important to the United States, and  
to establish a Council on Environmental Quality (CEQ) to ensure that federal agencies meet their obligations under the Act.

However, NEPA imposes only procedural requirements on federal agencies, with a particular focus on requiring agencies to undertake analyses of the environmental impacts of their proposals and actions.

## **The NEPA process**

NEPA requires federal agencies to prepare an Environmental Impact Statement (EIS) as part of any proposals for legislation and other *major Federal actions significantly affecting the quality of the human environment*. Each EIS must include a detailed statement by the responsible agency on:

the environmental impact of the proposed action,  
any adverse environmental effects which cannot be avoided should the proposal be implemented,  
alternatives to the proposed action,  
the relationship between local short-term uses of our environment and the maintenance and enhancement of long-term productivity, and  
any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

In this case, the Department of Energy is required to prepare a Programmatic Environmental Impact Statement (PEIS) because the Bombplex (the "Complex Transformation" plan) involves a group of concerted actions to implement a specific policy or plan.

## **The importance of public participation**

Public involvement is one of NEPA's fundamental principles. CEQ regulations under NEPA require federal agencies to insure that environmental information is available to government officials and the public before decisions are made and before actions are taken. After preparing a draft EIS and before preparing a final EIS, federal agencies are required to request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected. Comments on an EIS should be as specific as possible and may address either the adequacy of the EIS or the merits of the alternatives discussed, or both. Comments may also highlight reasonable alternatives that the agency neglected to consider. An agency preparing a final EIS is required to assess and consider comments both individually and collectively. Comments become a part of the administrative record, which forms the basis for judicial review of agency compliance with NEPA. Accordingly, comments are extremely important in laying the groundwork for future judicial challenges.

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