

## **NEPA Process Summary, by Asante Riverwind**

The following is a brief tutorial on the National Environmental Policy Act (NEPA) of 1969 as it applies to Central Oregon and the federal land management agencies.

NEPA requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies prepare a detailed statement known as an Environmental Impact Statement (EIS). EPA reviews and comments on EISs prepared by other federal agencies, maintains a national filing system for all EISs, and assures that its own actions comply with NEPA.

I. Scoping period/initial public review and comment period - generally less than 30 days, averaging anywhere from 8 to 20 days during the Bush era USFS (Scoping is done for all timber sale and most other type of USFS public lands management projects);

I. A. (for some limited projects only deemed by the USFS to have non-significant impact) Categorical Exclusion from Environmental Analysis (CE) and preliminary decision comment period followed by a Decision Memo and appeal period (this is misused by the USFS for small timber sales and other projects such as Black Crater, Monument Fire, Sugarbowl Fire, Otter Fire, GW Fire, etc.);

II. Otherwise for larger scale projects with significant environmental impacts and concerns: Environmental Analysis (EA) or Draft Environmental Impact Statement (DEIS), public review and comment period (30 days for an EA, 45 days for a DEIS);

III. EA Decision/ Final EIS (FEIS) Record of Decision, and public appeal periods (30 days for an EA, 45 days for a FEIS);

IV. USFS appeal review and decision generally 15 days, can extend to approx. 30 to 45 days, with appeal resolution negotiations during this period (such as the successful ones with Thorn, Spears, Sunflower Bacon, and others);

V. Then if needed to protect conservation concerns, filing litigation in federal district court, with motions for a temporary restraining order (TRO)/preliminary injunction (PI),

VI. Possible appeal of these to the Federal 9th Circuit Court of Appeals if TRO/PI motions are denied;

VII. Motion for Summary Judgment in District Court, court hearings, and District Court ruling (and of course, district court sponsored negotiations such as Black Crater where the case reaches agreeable/victorious conservation settlement and is withdrawn);

VIII. Possible appeal to the 9th Appeal Court if case denied;

IX. Final appeals court judicial ruling settling the particular case.