

The National Environmental Policy Act of 1969 (NEPA)

The purposes of NEPA, as stated in the original legislation, **Sec. 2 [42 USC § 4321]**, were, among others: “To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man.....”

To carry out this purpose, the Act went on to authorize the Federal Government “to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources...”

Sec. 102 [42 USC § 4332] of the Act required that Federal agencies “include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented....”

Section 102 further required that “Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved”.

In terms of the Takatz Lake project licensing, NEPA requires the FERC, prior to its preparation of an Environmental Impact Statement (EIS) or Environmental Assessment (EA), to consult with Federal agencies with jurisdiction within the Project area, and with State agencies with expertise in the various potentially-affected resources.

It is these requirements which largely shape the licensing proceedings by placing high priority on inter-agency consultation, incorporation of agency terms and conditions, and preparation of environmental documents which reflect agency jurisdiction, expertise, and resource protection measures.