U.S. Institute for Environmental Conflict Resolution
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TO: Paul H. Lohaus, Federal NEPA Liaison

FROM: Kirk Emerson, Director, U.S. Institute for Environmental Conflict Resolution

CC: Federal NEPA Contacts
Jo Barnier, NEPA Program Coordinator, U.S. Institute for Environmental Conflict Resolution

DATE: August 18, 2003

RE: NEPA Section 101 Review

One of the purposes of the Environmental Policy and Conflict Resolution Act of 1998, which created the U.S. Institute for Environmental Conflict Resolution, was to assist the Federal Government in implementing Section 101 of NEPA. The U.S. Institute for Environmental Conflict Resolution's National Environmental Conflict Resolution Advisory Committee (NECRAC) is interested in learning about the involvement of other federal agencies in implementing Section 101. The advisory committee recognizes that there is little regulatory guidance about this, so this inquiry is to gather information, not to measure performance or compare agencies.

We would find it helpful for the advisory committee's review of what agencies are already doing, if you would be able to review the attached one-page complete text of NEPA Section 101 and provide responses to the five questions below.

1. What aspects, if any, of the NEPA Section 101 concepts are covered in your agency's strategic (GPRA) plan? Please reference or send a copy of pertinent sections.

2. Has NEPA Section 101 been included as a topic in any of your agency's seminars or training sessions that focused on NEPA Section 102 (the procedural requirements for environmental analysis for proposed actions); if so, how was it incorporated?

3. During national and/or regional reviews of Section 102 implementation over the past three decades, do your agency records document any review of

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implementation of the broad environmental policy goals in Section 101? (If so, please describe.)

4. How has your agency implemented the Section 102 requirement for addressing how each alternative in an Environmental Impact Statement addresses the goals of NEPA Section 101?

5. Does your agency have any other policies, mission statements, or regulations that have a direct connection to Section 101 goals? (If so, please reference or send a copy.)

The National ECR Advisory Committee also welcomes your ideas on how we can help agencies better integrate the policy goals of NEPA Section 101 into your agency's work. Please respond to Jo Barnier, U.S. Institute NEPA Program Coordinator by **October 15, 2003** at job@ecr.gov or by calling (218) 387-3242.

If you have any additional questions, please don't hesitate to contact Jo Barnier or me at emerson@ecr.gov or (520) 670-5299). Thank you.

Attachment

National Environmental Policy Act of 1969
Title I
Congressional Declaration of National Environmental Policy
Sec. 101 [42 USC 4331].

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of 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 to the end that the Nation may –

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
(2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
(4) preserve important historic, cultural and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.