

Preparing Focused and Concise EAs

An environmental assessment (EA) is meant to be a "concise public document" that "briefly provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact" (40 CFR 1508.9 (a)). The Department of the Interior (DOI) NEPA regulations state that for an EA, "the level of detail and depth of impact analysis should normally be limited to the minimum needed to determine whether there would be significant environmental effects" (43 CFR 46.310(e)). An EA was originally intended to be no more than 10 to 15 pages in length (CEQ's *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, Q36a). However, in recent years, EAs prepared by the National Park Service (NPS) have routinely been between 150 and 300 pages, and in some cases have taken years to complete. While a longer EA may be appropriate when it involves controversial or complex issues, in many cases there is no need for an EA to be longer than 15 to 50 pages.

Keep in mind that when preparing an EA, the NPS must comply with the requirement to take a "hard look" at the impacts of the proposed action and any alternatives under consideration. In order to demonstrate that the NPS has satisfied the "hard look" requirement, there must be evidence that the NPS considered all foreseeable direct, indirect, and cumulative impacts, used sound science and best available information, and made a logical, rational connection between the facts presented and the conclusions drawn. Therefore, an EA's length should vary with the scope and scale of potential environmental problems as well as the extent to which the determination of no significant impact relies on mitigation, rather than just with the scope and scale of the proposed action (CEQ's *Final Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act*).

Short EAs are most appropriate when there is unlikely to be controversy over the environmental impacts associated with the proposed action or alternatives under consideration, no or only minimal mitigation is necessary to avoid significant adverse impacts, and when any of the following situations apply:

- actions similar to the proposed action have resulted in findings of no significant impact in the past;
- the proposed action does not have the potential for significant adverse impacts but does not fit within any established CEs; or
- the proposed action fits under a CE and there is no potential for significant adverse impacts but an extraordinary circumstance applies.

The remaining portion of this guidance includes the minimum required content for EAs, considerations for preparing focused and concise EAs, and a discussion of information that is not necessary to include in an EA, but may be included as appropriate. In general, you can ensure an EA is as concise and focused as possible by carefully developing the scope to identify pivotal issues; focusing discussions and analysis on those issues and dismissing issues that are not meaningful to the decision; discussing impacts in proportion to their importance; and using tiering and incorporation by reference techniques, when appropriate, to minimize bulk. For additional discussion of the concepts referred to in this guidance, you should consult the *NPS NEPA Handbook*.

Minimum Required Content for EAs

You may format an EA in any way that is useful to facilitate planning, decision-making, and appropriate public involvement (43 CFR 46.315). An EA must include brief discussions of¹:

- the proposal (also referred to as the proposed action);
- the need for the proposal;
- the environmental impacts of the proposed action and the alternatives considered, including the following:
 - the direct, indirect, and cumulative impacts of each alternative
 - objective analyses that support conclusions concerning environmental impacts;
- a list of agencies and persons consulted; and
- either an analysis or specific dismissal of issues related to environmental justice and Indian Trust Resources.

Considerations for Preparing Focused and Concise EAs

Need for Action and the Proposed Action

- A concise, clearly defined need for action is essential when writing a focused, concise EA. If the need is poorly defined or overly broad, it could lead to the inclusion of more alternatives than are necessary or the discussion of irrelevant issues. You should be sure to refine the need in order to ensure it is clear, concise, accurate, and complete.
- Be sure to clearly describe the proposed action in an EA. If the proposed action is poorly defined it could lead to the discussion of issues that are not relevant and therefore should not be included in an EA.

Issues

- Analysis in an EA should focus on significant issues (meaning pivotal issues, or issues of critical importance) and only briefly discuss insignificant issues (40 CFR 1502.2(b)). Therefore, you should carefully consider which issues you really need to analyze in detail.
- You may wish to use an environmental screening form (ESF) as a tool to help identify issues related to the proposed action and alternatives under consideration. Note that while lists of resources such as those included the ESF can be useful to ensure you do not overlook any issues; they do not constitute mandatory topics that must be addressed in every EA. For example, it is not necessary to dismiss “Wetlands” as an impact topic if there are no wetlands in the project area.
- As a general rule, issues should be retained for consideration and discussed in detail if:

¹Required content for EAs can be found at 43 CFR 46.310. The requirements to consider environmental justice and Indian Trust Resources are included in Environmental Compliance Memorandum 95-3: *NEPA Responsibilities Under the Departmental Environmental Justice Policy* and Environmental Compliance Memorandum 97-2: *Departmental Responsibilities for Indian Trust Resources and Indian Sacred Sites on Federal Lands, Part 1*.

- the environmental impacts associated with the issue are central to the proposal or of critical importance;
- a detailed analysis of environmental impacts related to the issue is necessary to make a reasoned choice between alternatives;
- the environmental impacts associated with the issue are a big point of contention among the public or other agencies; or
- there are potentially significant impacts to resources associated with the issue.

If none of the considerations above apply to an issue, you should dismiss it from detailed analysis.

- You should ensure that the issues you carry forward to analyze in detail were actually raised during scoping specific to the proposal at hand and weren't merely carried forward from a previous document or template.
- One technique that may be helpful for focusing on important issues is to start with the CEQ considerations for significance (see *NPS NEPA Handbook*, section 1.6). If any of the considerations apply to issues identified in scoping, be sure to address them in enough detail to support a finding of no significant impact (FONSI).

Alternatives

- When developing alternatives, be sure they are different enough to result in distinctly different environmental effects. In most cases there is no added value in analyzing a large number of alternatives if the differences are so small that they will result in essentially the same impacts.
- There is no minimum number of alternatives that must be developed when preparing an EA. In some cases, the range of alternatives for an EA can be two—the proposal and the no-action alternative.
- Rather than including a stand-alone no-action alternative, you may document consideration of the no-action alternative by contrasting the impacts of the alternatives with the current condition and expected future condition if the proposal was not implemented.
- When there are no unresolved conflicts about the proposed action with respect to alternative uses of available resources, an EA need only consider the proposed action and does not need to consider additional alternatives, including the no-action alternative (43 CFR 46.310 (b)).
- You should briefly discuss the reasons for dismissing alternatives from detailed consideration in an EA, when appropriate. If you do not do so in an EA, you should briefly document the alternatives considered but dismissed and reasons for dismissal in the decision file.

Impact Analysis

- Impacts should be discussed in proportion to their significance. For impacts that are not likely to be significant there should be only enough discussion to show why more study is not warranted.
- If the impacts on a particular resource are the same across all of the alternatives, you only need to include a discussion of those impacts in one place (either in a dismissal or in the impact analysis for one of the alternatives) and refer back to that section as necessary.
- Conclusions regarding environmental impacts should be clear, concise and provide enough information to support a FONSI or a decision to prepare an environmental impact statement (EIS).

- If existing NEPA documents include data and assumptions appropriate for the analysis at hand, incorporate the existing documents and/or their underlying data and assumptions by reference.

Information Not Required in an EA but Which May Be Included as Appropriate

The items below are not required for EAs. However, depending on the specific circumstances, you may choose to include these items as appropriate. When considering whether to include additional information beyond the minimum required for an EA, keep in mind that CEQ encourages agencies to concentrate on relevant environmental analysis and not to produce an encyclopedia of all applicable information.

Purpose statement

Unlike EISs, which are required to include both purpose and need, an EA is only required to include the need for taking action. However, in many cases including a purpose statement in an EA can be helpful.

Table of contents and summary

In many cases a focused and concise EA will be short enough that there is no need for a table of contents or summary. However, if the length of an EA approaches 50 pages, a table of contents and summary can be convenient for readers.

Background

The section of the EA where you discuss the need for action should include all the background information that is needed. When discussing background information, you should keep it to the minimum necessary to explain the context of the need for action (e.g., a proposal to develop a trail may benefit from some discussion of park purpose and significance but doesn't require 15 pages of detailed legislative history on how the park was established).

Relevant laws, policies, etc.

Long lists of federal laws, regulations, policies, executive orders, etc. that are often found in NPS EAs do not help the reader understand the proposal or the need for taking action. Laws that generally apply to all federal agencies or are resource-specific, but not directly related to the proposed action or the important issues, don't need to be included. However, you may choose to briefly discuss a limited number of laws, regulations, or policies that will help the reader understand the proposal or need for taking action, such as those that directly relate to NPS authority to take the proposed action or that directly relate to constraints on the range of alternatives that can be considered (e.g., if the proposal is to lease a historic building, a brief overview of the sections of NPS Management Policies that explain NPS leasing authority and constraints would be useful for the reader).

Related plans

If your proposal is related to previous planning efforts, it may be important to explain this when describing the need for taking action. Other plans that are related to your proposal and affect the same resources as the proposed action or alternatives under consideration can be briefly discussed as part of your cumulative impact analysis, as appropriate.

Scoping/Public Involvement

A description of scoping and the public involvement processes is not required in an EA. Rather, these efforts should be documented in the decision file. However, if you choose to include a description of scoping or other public involvement you should keep the description brief and focused on how the overall process was conducted. For example, it is sufficient to say that public meetings were held during the public review period but it isn't necessary to include details such as the specific meeting dates and locations or the number of attendees.

Affected environment

Information about existing conditions is needed in an EA, but a separate Affected Environment section is not required. You may choose to combine the discussion of the affected environment and environmental consequences so that a description of the existing conditions of each resource immediately precedes the impact analysis.

Appendices/Technical reports

In many cases you will not need to include appendices in an EA. If you do, you should limit appendices to just those things that are essential to understanding the analysis and cannot be easily incorporated into the text of the EA. In general, you should not append copies of resource studies or technical reports to an EA. Instead, you should incorporate them by reference to the extent practicable. When doing so, make sure the materials are reasonably available to the public.