

FAQs on the NEPA Scoping Process

What is NEPA?

The National Environmental Policy Act (NEPA) is a law that requires federal agencies to examine the environmental impacts of their proposed activities. Under NEPA, if a federal action is likely to “significantly affect” the environment, the agency must prepare a detailed **Environmental Impact Statement (EIS)** before taking any action.

An EIS must explain the action’s anticipated environmental impacts, look at alternatives to the proposed action and the impacts of those alternatives, identify ways in which impacts can be reduced (these are called “mitigation measures”), and give the public a chance to comment.

How does scoping fit into the NEPA process?



Steps in Developing an EIS

Scoping happens early in the NEPA process. Its purpose is to “determin[e] the scope of issues to be addressed” in an EIS.¹ Put another way, it is meant to help a federal agency figure out what issues it will study in depth and what issues it can leave out of the EIS.

When an agency starts scoping, it will provide a notice that explains the proposed action and will ask for input from the public and others about **what issues it should study** and **which alternatives it should evaluate**. Often, the scoping process will include one or more public meetings.

Why should I participate during scoping?

There are many reasons to participate in scoping. Some of these include:



- Scoping is often the first and best chance the public has to give meaningful input on a proposed action.
- Raising a relevant issue during scoping means the agency must either study that issue or provide a reason if it doesn't.
- The “agency is more likely to give serious consideration to an issue that is brought to its attention sooner, during the scoping process, rather than later, in comments on a draft EIS.”²

What issues can I raise in my comments?



Identify each of the impacts you want the agency to study in the EIS.

You can list the issues you would like the agency to study. Be as specific as possible. You can ask them to study both environmental and certain non-environmental impacts, such as cultural, economic, social and health effects, as well as the action's impact on minority and low-income communities. These impacts could be good or bad. For example, "How will this action affect my oyster harvest over the next three years?" or, "Will this action reduce the risk of storm surge flooding in my neighborhood?"

What impacts can I ask the agency to study?

The impacts you want the agency to study will depend on the proposed action. Some examples of environmental impacts that you may want an agency to study include the proposed action's impact on water quality, water quantity, fish, oysters, wildlife, shorelines, wetlands, air quality, and noise.

Some examples of non-environmental impacts that you may want an agency to study include economic impacts on local businesses, changes in property values or insurance costs, health impacts of construction activities, and how the proposed action would affect employment opportunities for local residents.³



Offer ideas for alternatives to the proposed action.

Under NEPA, the agency is required to examine "all reasonable alternatives" to the proposed action.⁴ Scoping is the only real chance for members of the public to identify alternatives for the agency to consider.

What are alternatives?

"Alternatives" are different actions or combinations of actions that might be taken to address the same purpose and need as the proposed action. An alternative does not need to be a whole new concept – you can offer ideas about how the proposed action could be changed (e.g., a different way to operate the project) or suggest combinations of existing alternatives. You can request study of mitigation measures in the alternatives analysis.⁵

In your comment, it is important to make clear that you are asking the agency to study a proposed alternative.

What happens next?

After scoping, the agency will prepare a draft EIS.
The public will have the chance to comment on this draft.

¹ 40 CFR 1501.7. This fact sheet focuses on EISs, but agencies may use scoping for environmental assessments, as well.

² Joseph Feller, "Public Participation under NEPA" in *The NEPA Litigation Guide* at 192.

³ List of impacts based in part on Restore the MS River Delta Coalition report, *Building Land in Coastal Louisiana*.

⁴ 40 CFR 1502.14. ⁵ 40 CFR 1508.25.