

I. Introduction

The National Environmental Policy Act (NEPA)¹ is the grand matriarch of environmental law. NEPA has been a continuous topic of scholarly debate since its inception in early 1970, as NEPA is both heavily revered and criticized. This article is an effort to concisely discuss NEPA's creation, evaluate the role of public involvement with regards to NEPA, and advocate for public involvement reform, most notably the creation of a new CEQ's Sub-Council on Public Involvement.

II. History of NEPA

Since the time humans first inhabited the earth they have interacted with their surrounding environment.² Scientific limitations and the diminutive amount of historical recordations make the earliest human/environment interactions extremely difficult to analyze. In North America, evidence suggests that Native Americans across the continent approached life in a

¹ National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321–4370(f) (2000).

² Defining the term 'environment' has been an arduous task for lawyers, legislators, environmentalists, scholars, etc. For example, the state of New York broadly defines environment as: "the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character." N.Y. Env'tl. Conserv. § 8-0105(6) (2004). Cf. S.C. Code Ann. § 48-1-10 (2004) (defining environment as "the waters, ambient air, soil and/or land"). See Black's Law Dictionary 439 (7th ed. 2000)(defining terms such as "environmental effect" and "environmental law" but refraining from defining "environment" alone).

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manner as to affect the environment with minimal impact. "The most common trait of all primitive peoples is a reverence for this elemental ethic: the land was alive to his loving touch, and he, its son, was brother to all creatures."³ Native Americans left the land relatively unscathed and had very different viewpoints on land ownership compared to European settlers to come.⁴

Early influential American writers posited several viewpoints on the environment. In the 1800s, famous transcendentalists such as Ralph Waldo Emerson and Henry David Thoreau wrote of nature's splendor and utility.⁵ Such writings are credited with spawning the preservationist movement.⁶ In 1864, George Marsh wrote *Man & Nature*, which stood for the proposition that man is destroying his environment.⁷ Marsh showed an awareness that man and his environment must coexist and that man is not but a mere peon in the natural order.⁸

³ Stewart L. Udall, *The Quiet Crisis* 4 (Holt, Rinehart, & Winston 1963).

⁴ *Id.* at 4-5.

⁵ See Ralph Waldo Emerson, *The Portable Emerson* 7-50 (Carl Bode ed., 1981) (an exquisite medley of Emerson's essays and poems including the famous essay *Nature* (1836)). See also Henry David Thoreau, *The Portable Thoreau* 31-56, 57-108, 242 (Carl Bode ed., 1982) (a collection of several Thoreau's literary works including *Natural History of Massachusetts* (1842), *A Winter Walk* (1843) and *The Maine Woods* (1848)).

⁶ Paul S. Weiland, *Amending the National Environmental Policy Act: Federal Environmental Protection in the Twenty-first Century*, 12 FLA. St. U.J. Land Use & Envtl. Law 275, 278 (1997).

⁷ George Perkins Marsh, *Man & Nature*, (David Lowenthal ed., 1965) (1864).

⁸ *Id.*

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Preservationists admired and respected the intrinsic value of the environment and admonished those who would not protect its aesthetic worth.⁹

Conservationist attitudes strongly emerged in the late 1800s to early 1900s. Known as an advocate for conservationism, Stewart Udall served his country in several respects, from a member of the United States House of Representatives to Secretary of the Interior. Udall wrote several books and articles promoting the conservation of environmental resources.¹⁰ Conservationists fought for the wise, rather than wasteful, use of natural resources.¹¹ Another public servant writing to advance conservationism was a famous New England forester, Gifford Pinchot.¹² Pinchot strenuously argued for a change in society's stance on environmental conservation.¹³

There is much scholarly commentary on the battle of conservationist versus preservationist ideals during the twentieth century, but it appears undeniable that the efforts of

⁹ Joseph M. Petulla, *American Environmental History: The Exploitation and Conservation of Natural Resources* 217-35 (Boyd & Fraser Pub. Co. 1977).

¹⁰ See Udall, *supra* note 3. See also Stewart L. Udall, *Plea for ... A Green Legacy*, *The Christian Sci. Monitor*, Sept. 11, 1961, available at <http://dizzy.library.arizona.edu/branches/spc/sludall/articleretrievals/pleaforx.html> (last visited Apr. 1, 2005). See also Stewart L. Udall, *America's Natural Treasures: National Nature Monuments and Seashores* (Country Beautiful Corp. 1971).

¹¹ Weiland, *supra* note 6, at 277.

¹² See Gifford Pinchot, *The Fight for Conservation* (Kessinger Publ'g 2004) (1910).

¹³ *Id.*

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both schools of thought served to better the environment, in that they both argued for a change in the status quo.¹⁴ The conservationists gained considerable political power in the early 1900s, but the preservationists were by no means silent.¹⁵ John Muir, founder of the Sierra Club in 1892,¹⁶ led the preservationist attack against conservationism.¹⁷ The battle was subsumed in the 1960s to what is often called the "environmental movement."¹⁸ In the 60s, humankind's duty to protect the environment was a common topic of discussion.¹⁹

Both conservationism and preservationism made their way through the avenues of society and soon the United States Congress was responding.²⁰ In 1959, Montana Senator James Murray introduced the Resources and Conservation Act (a predecessor

¹⁴ Weiland, *supra* note 6, at 278.

¹⁵ *Id.*

¹⁶ In a little over one hundred years after its founding, the Sierra Club now has over 750,000 members working to protect communities and the planet. During its century of protecting the environment the club has: worked to get environmental protection bills passed in the federal and state legislatures, established various environmental foundations, sponsored environmental conferences, published books, pamphlets, magazines and essays, aided in environmental litigation, protested, created environmental education programs, etc. For up to date information on the Sierra Club see the organizations official website at <http://www.sierraclub.org/> (last visited Apr. 24, 2005).

¹⁷ Weiland, *supra* note 6, at 278.

¹⁸ *Id.*

¹⁹ See Marsh, *supra* note 7 (originally written in 1864, the work was published by the Harvard University Press in 1965). See also *Man's Role In Changing the Face of the Earth* (William L. Thomas, ed., Univ. of Chicago Press 1956) (a compilation of several articles discussing human/environment interactions). See also Rachel Carson, *Silent Spring* (40th Anniversary ed. Mariner Books 2002) (1962) (a controversial attempt in the early 60's to warn the public of the dangers associated with chemical pesticides).

²⁰ Melanie E. Kleiss, *NEPA and Scientific Uncertainty: Using the Precautionary Principle to Bridge the Gap*, 97 Minn. L. Rev. 1215, 1218 (2003).

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version of NEPA).²¹ While the act was never signed into law, several elements of Sen. Murray's proposal were incorporated into NEPA.²² The Ecological Research and Surveys Act was introduced in 1965 by Senator Gaylord Nelson.²³ "Of the 695 bills signed into law during the 91st Congress (1969-70), 121 [just over 17%] were...environment oriented."²⁴ In 1969, Senator Henry Jackson introduced the pinnacle environmental bill that would become NEPA.²⁵ President Richard Nixon signed NEPA into law on January 1, 1970.²⁶

III. NEPA's Structure

There are many instances where the purpose of a legislative act is illusive.²⁷ Such is not the case with NEPA, as the plain text of the act spells out its purpose plain and clear:

²¹ S. 2549, 86th Cong. (1959).

²² Matthew J. Lindstrom, *Procedures Without Purpose: The Withering Away of the National Environmental Policy Act's Substantive Law*, 20 J. Land Resources & Env'tl. L. 245, 248 (2000). See Weiland, *supra* note 6, at 280.

²³ S. 2282, 89th Cong. (1959).

²⁴ Weiland, *supra* note 6, at 280.

²⁵ S. 1075, 91st Cong. (1969). For a further detailed explication of NEPA's creation, including analysis of proposals, revisions and discussions see Lindstrom, *supra* note 22, at 248-54.

²⁶ Lindstrom, *supra* note 22, at 254.

²⁷ See 18 U.S.C. §§ 2510-20 (2003) (Congress makes it illegal to conduct electronic wiretapping of persons without their consent; however, the purpose of the act is unclear, is it aimed to combat illegal activity, spying on your spouse or to protect privacy?). For cases struggling with the purpose of §§ 2510-20 see *Anonymous v. Anonymous*, 558 F.2d 677 (2d Cir. 1977), *Simpson v. Simpson*, 490 F.2d 803 (5th Cir. 1974), *Pollock v. Pollock*, 154 F.3d 601 (6th Cir. 1998).

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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 enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality (CEQ).²⁸

With an opening like that, it is no wonder that today NEPA boasts nicknames such as the grandfather of environmental law, the paramount environmental legislation, or the pillar of environmental law. The subsequent section of NEPA states that Congress: (1) recognizes mankind's impact on the environment; (2) recognizes the importance of restoring/maintaining the quality of the environment; and (3) declares a federal policy to use all reasonable measures to ensure mankind and nature can coexist in "productive harmony."²⁹ The section goes another step further and requires the federal government to work "in

²⁸ 42 U.S.C. § 4321 (2000).

²⁹ *Id.* § 4331(a). This section is often quoted in scholarly articles, lectures, presentations, and classroom discussions regarding NEPA. For the reader's convenience, the language of § 4331(a) is provided below:

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.

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cooperation with State and local governments, and other concerned public and private organizations.³⁰ This is the first indication that the public has a role in the NEPA process.

NEPA is overflowing with an abundance of powerful language, which is another reason why the act has the reputation as the preeminent environmental law. Section 4331(b) lays out goals for the Nation including *inter alia*: to act as trustee of the environment for future generations, promote esthetically pleasing surroundings, balance population and resource consumption and maximize recycling.³¹ NEPA boldly asserts that each person has an obligation to contribute to the preservation and enhancement of the environment.³² Many excited environmentalists viewed this language as just what the environment needed: a sharp-toothed congressional edict to cut into humankind's damaging environmental character. It is the federal government's responsibility to use all practicable means so that the above goals may be achieved.³³

Under NEPA, before an agency of the federal government may propose legislation or a major federal action, the agency must

³⁰ *Id.* (emphasis added).

³¹ 42 U.S.C. § 4331(b) (2000).

³² *Id.* § 4331(c).

³³ *Id.*

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create a precise environmental impact statement (EIS).³⁴ The EIS must include the environmental impact of the proposed action, the unavoidable adverse environmental effects of the proposed action, alternatives to the proposed action, a statement regarding the relationship between short-term use versus long-term productivity of the environment, and a listing of any unsalvageable commitments of resources should the proposed action be implemented.³⁵ Prior to completing the detailed statement, the appropriate federal official must confer with and procure comments from any federal agency which has jurisdiction by law or specialized expertise.³⁶ The statement and the comments must be made available to the President, the CEQ, and the *public*.³⁷ This presents another indication that the public has a role in the NEPA process.³⁸

One of the explicit purposes of NEPA, to establish the Council on Environmental Quality (CEQ), was accomplished by 42 U.S.C. § 4342. The CEQ serves several legislatively mandated functions. The CEQ must assist the President in preparing the

³⁴ *Id.* § 4332(C).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* (emphasis added).

³⁸ NEPA also requires federal agencies to provide States, counties, municipalities, institutions, and individuals with useful guidance and information to aid in restoring, maintaining, and enhancing the quality of the environment. 42 U.S.C. § 4332(G) (2000).

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Environmental Quality Report³⁹ in accordance with § 4341.⁴⁰ The CEQ must gather and analyze data regarding the current conditions of the environment, trends with prospective environmental effects and federal agency activities and programs to ensure the policy, as laid out in NEPA, is achieved.⁴¹ The CEQ has promulgated several procedural rules⁴² to supplement the requirements of NEPA.⁴³ Those rules, and their effect on public participation, are discussed in the section below.

For a variety of different reasons, Presidents Jimmy Carter, Ronald Reagan, and Bill Clinton all unsuccessfully attempted to eliminate the Council on Environmental Quality.⁴⁴ To eliminate the CEQ, however, would take an act of Congress because the CEQ's creation was an act of Congress.⁴⁵ Despite budget reductions and staff terminations, the CEQ has managed to survive, and arguably thrive as a significant factor in shaping

³⁹ 42 U.S.C. § 4344(1) (2000).

⁴⁰ The Environmental Quality Report is annual report presented to Congress by the President. The report touches on several environmental areas, most remarkably the report is to set forth the condition of the major environmental classes of the nation. 42 U.S.C. § 4341 (2000).

⁴¹ 42 U.S.C. § 4344 (2000).

⁴² By authority conferred by Exec. Order No. 11,991, 42 Fed. Reg. 26,967 (May 24, 1977).

⁴³ 40 C.F.R. §§ 1500-1508.28 (2003). The CEQ Regulations for Implementing NEPA, along with a vast array of NEPA materials, can be accessed by "NEPAnet" *available at* <http://ceq.eh.doe.gov/nepa/nepanet.htm> (last visited Apr. 1, 2005). Materials available include the text of NEPA, CEQ Guidance Documents, relevant Executive Orders, agency procedures, the CEQ NEPA Task Force Report, etc.

⁴⁴ Weiland, *supra* note 6, at 284-85.

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the Nation's approach to environmental issues.⁴⁶ NEPA not only survived executive interference, but also faced tough challenges in the courts, where NEPA's substantive law has been severely diminished.⁴⁷ The case law suggests that an agency must merely abide by the procedural aspects of the NEPA guidelines, which does not guarantee the most environmentally friendly outcome.

NEPA's creation set the environmental law trend throughout the world. Several of the states have implemented their own "state-version" of NEPA.⁴⁸ The world took notice of NEPA as well, and countries began passing similar environmental statutes and regulations.⁴⁹

⁴⁵ *Id.*

⁴⁶ *Id.* at 286.

⁴⁷ See *Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council*, 435 U.S. 519 (1978) (holding that NEPA sets forth only procedural goals for the nation and that its purpose is to ensure decisions are based on complete information). See also *Strycker's Bay Neighborhood Council, Inc. v. Karlen*, 444 U.S. 332 (1989) (stating so long as the agency has made a decision in compliance with NEPA's procedural requirements and has evinced consideration of environmental consequences, the court may not inject its own opinion of the decision's sagaciousness). See also *Marsh v. Oregon Natural Res. Council*, 490 U.S. 360 (1989) (concluding that NEPA does not work by mandating that agencies achieve particular substantive environmental results). For an interesting assemblage of NEPA's case law history, see *Major Cases Interpreting the National Environmental Policy Act* (prepared by Lucinda Low Swartz, Esq.) at <http://www.naep.org/NEPAWG/content.html> (last visited on Apr. 1, 2005). For an intriguing study of NEPA litigation see Jay E. Austin, John M. Carter, II., Bradley D. Klein, Scott E. Schang, *Judging NEPA: A "Hard Look" at Judicial Decision Making Under the National Environmental Policy Act*, A Report by the ELI's Endangered Environmental Laws Program (2004).

⁴⁸ James L. Connaughton, *Modernizing the National Environmental Policy Act: Back to the Future*, 12 N.Y.U. Envtl. L.J. 1, 4 (2003).

⁴⁹ William A. Tilleman, *Public Participation in the Environmental Impact Assessment Process: A Comparative Study of Impact Assessment in Canada, the United States and the European Community*, 33 Colum. J. Transnat'l L. 337 (1995) (comparing NEPA with the Federal Environmental Assessment and Review Process from Canada, the Ontario Environmental Act, and the Environmental Impact Assessment Directive from Europe).

IV. Public Participation and NEPA

Public participation in government affairs is essential to our American democracy. Our system of government hinges on "the voice of the people." There are several ways the public participates in government, the electoral process being the most obvious. Every year, and often several times a year, the public is asked to approve or disapprove of a government action, policy, or official at the election polls. Whether it's electing the President of the United States or electing the head of the local PTA, Americans have, throughout history, been heavily involved with the government.

As stated above, NEPA proclaims that each person has an obligation to contribute to the sustenance and enhancement of the environment.⁵⁰ The text of NEPA implicates an expectation of public involvement. The CEQ has promulgated several rules regarding public participation that the federal agencies must follow. Environmental impact statements must be written in clear edited prose in plain language "so that decisionmakers [sic] and the public can readily understand them."⁵¹ The entire draft and final EIS (or appropriate summary thereof) must be circulated to any person, organization, or agency that requests

⁵⁰ 42 U.S.C. § 4331(c) (2000).

⁵¹ 40 C.F.R. § 1502.8 (2003).

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a copy.⁵² In the interim time between finishing the draft EIS and beginning the final EIS, the agency must "[r]equest comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected."⁵³

The public is also afforded the opportunity to make comments on the final EIS.⁵⁴ Citizens are certainly given the option to comment during the NEPA process; however, federal agencies with jurisdiction by law or special expertise in the area in question have an affirmative duty to make comments.⁵⁵ The agency preparing a final EIS must consider and evaluate the merit of every comment it receives and then must respond accordingly.⁵⁶ Once an agency has completed the procedural requirements of a NEPA analysis and arrived at a decision, it must prepare a record of decision and make said record available to the public.⁵⁷ Through all of these agency deliberations, the participating agencies must provide public notice of all NEPA related events, hearings, public meetings, and the availability

⁵² *Id.* § 1502.19(c).

⁵³ *Id.* § 1503.1(a)(4).

⁵⁴ *Id.* § 1503.1(b).

⁵⁵ *Id.* § 1503.2.

⁵⁶ *Id.* § 1503.4(a).

⁵⁷ *Id.* § 1505.2.

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of environmental documents.⁵⁸ Sometimes it is appropriate for the federal agency to host and sponsor public hearings and/or public meetings.⁵⁹ It is undeniable that the public has an important role in the NEPA process.

Public Participation can serve a large quantity of significant goals and is important for several reasons. Public participation secures that decision-makers are exposed to public needs.⁶⁰ "[G]overnment agencies need to be accountable to changing public needs."⁶¹ It demands optimal access to information, more efficient decisions, and less litigation.⁶² Involving the public in the NEPA process helps establish credibility of the environmental impact assessment process.⁶³ The local public is often the most well equipped group to provide unique facts and particulars about a proposed project location.⁶⁴ By partaking in the assessment process the public is assured of improved agency decisions that will better serve the

⁵⁸ *Id.* § 1506.6(b).

⁵⁹ *Id.* § 1506.6(c).

⁶⁰ Tilleman, *supra* note 49, at 343.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

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whole of society.⁶⁵ Giving the public a voice in the NEPA process gives them a sense of connection, purpose, and a conviction that the government is acting fair.⁶⁶ Affording the public an opportunity to air grievances and concerns early, allows for executive agencies to confront them early, rather than later on in the process, when such confrontations are more costly.

Public involvement has received harsh criticism because it carries with it inalienable costs and burdens. Public participation can cost the government by delaying decision making and requiring excessive monetary support to prepare reports, hold hearings, respond to comments, etc.⁶⁷ Furthermore, "[s]everal agencies...believe that public involvement in the NEPA process is used to delay decisionmaking [sic] often times unnecessarily and for excessively lengthy time periods."⁶⁸ Another criticism is that there is relatively little similitude in agency protocol regarding the release of information during the NEPA process.⁶⁹ Several agencies are apprehensive about

⁶⁵ *Id.* at 344.

⁶⁶ *Id.* at 348 n.34.

⁶⁷ *Id.*

⁶⁸ The NEPA Task Force Report to the Council on Environmental Quality: Modernizing NEPA Implementation, 71 (2003) at <http://ceq.eh.doe.gov/ntf/> (last visited Apr. 1, 2005).

⁶⁹ *Id.* at 14-15.

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disseminating information, especially when the analysis is still in progress because the information could be misleading, inaccurate, or incomplete and releasing information could cause confidentiality, privacy or proprietary issues to arise.⁷⁰ Concern also arises in the public that the agency has already reached their decision and public participation is but a mere procedural rubberstamping. Often times the nature of an agency project deals with issues of such complexity as to make participation by the general public inconsequential.⁷¹ Many public comments are solely adversarial and fail to fulfill any legitimate purpose.⁷²

V. A Proposal: CEQ's Sub-Council on Public Involvement (SCPI)

The need for revamping public participation in the NEPA context was recently posed in the NEPA Task Force Report to Council on Environmental Quality.⁷³ The public has shown an increasing desire in obtaining more "NEPA-process information

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² For example, on a proposed bridge project, the lead agency receives a public comment stating, "You better not build that bridge, or else!" The comment's only value is to show one citizen (well informed or not) is against some aspect of the bridge proposal. The comment does not seek to explain the citizen's perspective or offer any insight whatsoever. The agency still must expend resources to receive the comment, read the comment and respond to the comment (though an individual response is not always required, and would most likely not be required for the example comment above). Imagine the burden if 50,000 similar comments are made, or 100,000, or 1,000,000. The potential for exorbitant costs is unlimited.

⁷³ The NEPA Task Force Report, *supra* note 68.

and analyses."⁷⁴ Many contend that the public calls for access to more types of NEPA information including charts, exemplars, supporting data, scientific, technical and methodical information.⁷⁵ The report suggests posting more information in electronic form on the Internet.⁷⁶

The proposed Sub-Council on Public Involvement (SCPI) would be a multi-tasking organization managed by the CEQ. The SCPI would have a four-part mission statement:

- (1) To research, analyze and evaluate the current methodologies of all federal agencies in incorporating public participation in the agency decision-making process.
- (2) To make well informed suggestions to the Council on Environmental Quality on reforming public participation in the NEPA process.
- (3) To create, organize and maintain the SCPI Central Electronic Document Database.
- (4) To prepare educational programs for schools, associations and organizations that aim to teach citizens about the NEPA process and what avenues the public may use to get involved in agency decision-making

The SCPI would appraise the effectiveness of current agency practices, pinpoint trouble spots in agency procedure and recommend changes, both for that particular agency and changes to be suggested to the CEQ to be promulgated and bind all

⁷⁴ *Id.* at 14.

⁷⁵ *Id.*

⁷⁶ *Id.* at 72.

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executive agencies. Agencies will also have the opportunity to propose changes to the SCPI and seek guidance and advice as to the suitability of the changes.

Perhaps the SCPI's premiere function would be to operate the SCPI Central Electronic Document Database. The electronic database would be accessible via the World Wide Web as link off of the current "NEPANet."⁷⁷ Agencies would be responsible for transferring a copy of every Environmental Assessment, Draft Environmental Impact Statement, Final Environmental Impact Statement and Record of Decision in electronic .pdf file (portable document format) to the SCPI for posting in the database. Agencies would also have the opportunity to submit additional documents such as test results, studies, scientific information, etc. The database would be organized in a user-friendly manner with all documents being sortable by project name, project type, project location (by municipality, county, state and region), by lead agency, ancillary agencies, document type, and date. By logging on the public can look at every ROD to affect San Diego and every EA to affect Daytona Beach, all at a fingers touch.

Of critical importance to successful public participation in the NEPA process is education. The SCPI would be charged with the duty to annually prepare educational programs and

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materials for schools, churches, civic groups, environmental organizations, etc. "The quality of public participation could be enhanced through better environmental education."⁷⁸ The SCPI's educational material would be free to download from the electronic database website. The materials should aim to teach citizens about the NEPA process including the public involvement component.

With the implementation of any new program or system, there are certain costs that must be considered. Certainly the creation of the SCPI would require the expenditure of government resources; however, if created and effectively managed the SCPI should be well worth the costs. Furthermore, the SCPI's educational materials can help ensure more efficient public participation which could help reduce costs in the future.

As society becomes more and more technologically savvy, it is still important to remember that not everyone can access the World Wide Web with ease, especially low-income citizens. With that in mind, the SCPI should in no way change the currently available methods a citizen can obtain agency documents. But it is also important that technology be used to its fullest potential and that new technologies be used upon its introduction. We are moving towards an era when more people

⁷⁷ "NEPANet" available at <http://ceq.eh.doe.gov/nepa/nepanet.htm> (last visited Apr. 1, 2005).

⁷⁸ Tilleman, *supra* note 49, at 357

than not can access information electronically, it is important that executive agencies are prepared for that time.

VI. Conclusion

The regulations imposed on federal agencies by the CEQ that insist on public participation in the NEPA process have a unique and powerful potential. The public has a pristine opportunity to significantly effect agency action. But with such an opportunity comes hard work, that not every citizen cares to do or has the means to do.

It is important that public participation in the NEPA context is streamlined and efficient, a goal which the SCPI would work towards. First, by analyzing current agency procedures, the SCPI will act as a primary regulator of public involvement. Second, the SCPI Central Electronic Document Database will combine cutting-edge technology with a user-friendly design to ensure the public has access to important information. And finally, the SCPI will create educational programs for citizens, giving the NEPA process more meaning and more efficiency.