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Review of *Environmental Policy and NEPA: Past, Present, and Future* Edited by Ray Clark and Larry Canter

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Environmental Policy and NEPA: Past, Present, and Future. Edited by Ray Clark and Larry Canter. Boca Raton, FL: St. Lucie Press, 1997. xiv+345 pp. Tables, notes, references, index. \$69.95 cloth (ISBN 1-57444-072-1).

This book offers a great deal of information and insight regarding the way the National Environmental Policy Act (NEPA) works, or fails to work, or does not work as well as it should. Comprised of twenty-two chapters written by twenty-eight authors and co-authors, it presents a variety of viewpoints from people who bring different kinds of experience to their analyses, including six academicians and eight federal government agency workers. Some see NEPA as a law that brought fundamental change to the way federal agencies make decisions on proposed actions that may affect the environment; some see it as a law that has not lived up to its potential because federal officials regard it as a compliance requirement rather than a decision-making tool. Most of the authors appear to agree with both observations, some more explicitly than others, and present different kinds of recommendations for making NEPA work better.

The editors, each of whom contributes a chapter, are Ray Clark of the President's Council on Environmental Quality (CEQ) and Larry Canter of the University of Oklahoma. CEQ was created by NEPA, which was signed into law on 1 January 1970. Since 1978, the practices of federal agencies in complying with NEPA have been governed by regulations issued by CEQ. This volume is an outgrowth of initiatives to review and assess the

legislation's effectiveness taken by CEQ to coincide with the twenty-fifth anniversary of NEPA's enactment.

Chapters are grouped into three parts under the headings "Historical Trends," "Current Trends," and "Future Opportunities," although the editors acknowledge that some could have been placed under more than one heading. In the first part, Clark's chapter explains the basic requirement of NEPA: a federal agency must prepare an environmental impact statement (EIS) before going ahead with a federal action that may significantly affect the quality of the human environment. The chapter also reviews the history of NEPA's implementation in its early years, before the CEQ regulations. Kenneth S. Weiner's chapter explains the CEQ regulations and offers several comments on ways in which the actual practices of federal agencies have not carried out the intent of these regulations. It notes, for example, that for many agencies the process of preparing environmental assessments (EAs) has become a substitute for the EIS process rather than serving the screening function the CEQ intended. The chapter by Holly Welles reports on the study the CEQ carried out in 1994-95 assessing the effectiveness of NEPA and the CEQ regulations and includes citations to the various documents published as part of the study.

William M. Cohen and Margo D. Miller, US Department of Justice attorneys, in their chapter present a concise summary of a number of the most important court decisions in cases that have arisen under NEPA. The final chapter is a forum in which three noted NEPA experts—Dinah Bear, who has served as General Counsel of CEQ in three administrations, law professor Daniel Mandelker of Washington University, author of the leading legal treatise on NEPA, and political science professor Lynton Caldwell of Indiana University, a consultant to Senator Henry Jackson during the drafting of NEPA—respond to questions posed by Ray Clark.

These chapters alone would make the book useful as a text or to supplement readings in upper-division or graduate level courses in environmental policy, one of the possibilities the editors suggest. Many of the other chapters would also be suitable readings for such a course, particularly those on social impact assessment, public involvement, and alternative dispute resolution. The chapter reporting on a study commissioned by CEQ on the NEPA experiences of Indian tribal governments also contains much valuable information; its placement under "Future Opportunities" is in itself a telling commentary.

While not intended as a law school text, law professors who emphasize an interdisciplinary approach in environmental law may want to consider

Environmental Policy and NEPA for supplemental readings. Those who teach NEPA or deal with it in their writings should be sure to become familiar with the volume. **Dean B. Suagee**, *First Nations Environmental Law Program, Vermont Law School*.