## Index

ACTIONS	ADMINISTRATION OF ACT—Cont'd
See Litigation Under Act (this index)	Decision-making processes—Cont'd
Biden-Harris permitting plan, 2:55	use, abuse, and proposals for reform, categori cal exclusions, 7:17
ADMINISTRATION OF ACT	Decision making responsibilities, <b>2:8</b> , <b>6:1</b>
Adaptive management and environmental	Delegations to
management system, 7:22	consultants, 7:10
Adoption of another agency's impact statement,	contractors, 7:10
7:7	Department of Housing and Community
Agency procedures, required, 7:25	Development, delegations to, 7:13, App. D
Appeals. See <b>Judicial Review</b> (this index)	Draft statements, 7:21
Attorneys' fees	EIS reviews. See <b>Reviews of Statements</b> (this
generally, <b>4:89 et seq.</b>	index)
see also Equal Access to Justice Act (this	Enforcement of EISs, <b>4:88</b>
index)	Environmental
Categorical exclusions from decision-making	management system, 7:22
process, 7:18 et seq.	values and decision making, <b>6:2</b>
Clean Air Act Section 309 reviews, <b>2:20</b>	EPA. See Environmental Protection Agency
Comments on	(this index)
environmental assessments, 7:24	Executive orders. See <b>Executive Orders</b> (this
impact statements, 7:23, 10:65	index)
Congressional intent, administration of, 2:5	Exemptions
Consultants, delegations to, 7:10	generally, 2:23 et seq., 5:6 et seq.
Contractors, delegations to, <b>7:10</b>	see also <b>Exempt Projects</b> (this index)
Costs	Exhaustion of remedies, <b>4:37</b>
generally, <b>4:89 et seq.</b>	Extraterritorial impacts of Agency actions, 5:18
see also Equal Access to Justice Act (this	et seq.
index)	Federal agencies, 1:3
Council. See Council on Environmental Qual-	Final
ity (this index)	agency action, 4:39
Current status of EPA programs, 2:56	statements, 7:21
Decision-making processes generally, 7:14 et seq.	FONSI assessments, 7:19
adaptive management, 7:22	Foreign impacts of Agency actions, <b>5:18 et seq.</b>
categorical exclusions, 7:18 et seq.	Freedom of Information Act, use of, <b>4:56</b>
CEQ guidance on categorical exclusions, 7:18	Government projects, 1:4
comments on environmental assessments, 7:24	Guidelines. See <b>Guidance</b> , <b>CEQ</b> (this index)
comments on statements, 7:23	Hard look doctrine
draft statements, 7:21	generally, 3:8
environmental management system, 7:22	when EIS required, 8:13
final statements, 7:21	Informal decision making
FONSI assessments, 7:19	agency procedures, generally, 7:25 et seq.
· · · · · · · · · · · · · · · · · · ·	notice, <b>7:26</b>
information quality, 7:28	procedures required, 7:25
judicial review under NEPA, 3:3	public participation, 7:26
NOI assessments, 7:19	records, <b>7:27</b>
repetitive agency activities, use of program-	statements of reasons, 7:27
matic reviews, 9:3	Information quality, 7:28
scoping, 7:20	Injunctions
statutory exclusions, 7:16	generally, 4:65 et seq.
supplemental statements, 7:21, 8:71	see also <b>Injunctions</b> (this index)

ADMINISTRATION OF ACT—Cont'd	ADMINISTRATION OF ACT—Cont'd
Injunctions—Cont'd	Review process—Cont'd
appeal, stay or injunction pending, <b>4:84</b>	draft statement assessments, 7:21
Interdisciplinary approach to decision making,	efficiency, 7:2
6:2	environmental management system, 7:22
Laches	federal-state-local cooperation, 7:30
generally, <b>4:42</b>	final statement assessments, 7:21
factors considered, <b>4:43</b>	FONSI assessments, 7:19
NEPA exception, <b>4:44</b>	informal decision making, 7:25 et seq.
Lead and cooperating agency problem, 7:4	information quality, 7:28
Limitation of actions, <b>4:45</b>	infrastructure projects, guidance for review,
Litigation record, 2:18	7:3
Local agencies, delegations to, 7:11 et seq.	lead and cooperating agency problem, 7:4
Mandamus, 4:82	local agencies, delegations to, 7:11 et seq.
Moot claims, <b>4:41</b>	metrics for permitting and review, 7:3
NOI assessments, 7:19	NOI assessments, 7:19
Nonderogation rule, 2:22	other agencies, reliance on, 7:6
Notice, <b>7:26</b>	private applicants, delegation to, 7:9
Planning decisions, ripeness and review, <b>4:39</b>	problems of delegation, 7:8
Preliminary injunctions	programmatic actions, <b>4:39</b>
generally, <b>4:65 et seq.</b>	staff, delegations to, 7:11 et seq.
see also <b>Injunctions</b> (this index)	supplemental statement assessments, 7:21,
Private	8:71
applicants, delegations to, 7:9	Ripeness, generally, <b>4:39</b>
projects, 1:4	Role in protecting environment, 1:2
Problems of delegation, 7:8	Scope of Act. See <b>Scope of Act</b> (this index)
Programs, current status, 2:56	Settlements, <b>4:87</b>
Public participation, 7:26	Staff, delegations to, 7:11 et seq.
Purpose and need statements in environmental	Statements of reasons, 7:27
assessments, 9:30	Statute of limitations, <b>4:45</b>
Records	Statutory exclusions from decision-making
generally, <b>7:27</b>	processes, 7:16
evidence, <b>4:46</b> , <b>4:47</b>	Stay or injunction pending appeal, 4:84
Refusals to implement Act, 8:32	Supplemental statements, <b>7:21</b> , <b>8:71</b> , <b>8:72</b>
Regulations	Systematic approach to decision making, <b>6:2</b>
see also <b>Regulations</b> , <b>CEQ</b> (this index)	Text of statute, <b>App. A</b>
judicial reliance, 2:11	The role and function of NEPA, 2:1 et seq.
Reliance on other agencies, 7:6	Transboundary impacts of Agency actions, <b>5:21</b>
Responses to comments, <b>10:65</b>	Unquantified environmental values, consideration
Review process	of, <b>6:3</b>
generally, 7:1 et seq.	Unreasonable delay, 4:83
adaptive management, 7:22	Use, abuse, and proposals for reform, categorical
adoption of another agency's impact statement,	exclusions from decision-making processes,
7:7	7:17
categorical exclusions from decision-making	When EISs required
process, 7:18 et seq.	generally, 8:1 et seq.
CEQ referrals, 7:29	see also Environmental Impact Statements
comments on impact statements, 7:23	(this index)
consultants, delegations to, 7:10	ADMINICED ATIME DESCEDIBLE A CT
	ADMINISTRATIVE PROCEDURE ACT
contractors, delegations to, 7:10	Generally, 3:5
decision making processes, 7:14 et seq.	Compelling Agency action, <b>4:83</b>
delegating duty to prepare, 7:8 et seq.	ADVISORY OPINIONS
Department of Housing and Community	Generally, 4:6
Development, delegations to, <b>7:13, App. D</b>	Other agencies, 8:60
υ	Other ageneres, 0.00

AESTHETICS EFFECTS OF PROJECTS When EISs required, 8:49	BURDEN OF PROOF Generally, 4:62
AGRICULTURE Improvement Act 2018, 2:38.5	CANADA AMENDS Canadian impact assessment act, 13:42
AGRICULTURE IMPROVEMENT ACT Generally, 2:38.5	CANADIAN ENVIRONMENTAL ASSESSMENT ACT
ALTERNATIVES See Environmental Impact Statements (this index)	Generally, <b>13:15 et seq.</b> Amendments, proposed, <b>13:37</b> Application of Act CEAA 1995, <b>13:16</b>
AMERICAN RECOVERY AND REINVESTMENT ACT Reviews of statements, 2:44	CEAA 2012, <b>13:20</b> Bill C-69, IAA generally, <b>13:29 et seq.</b>
AMERICA'S WATERS INFRASTRUCTURE ACT OF 2018 Reviews of statements, 2:46	amendments, proposed, 13:37 assessment process agency, 13:32
APPEALS See Judicial Review (this index)	application, 13:30 planning, 13:31 standard, 13:32
APPROPRIATIONS REQUESTS Environmental impact statement requirement, 8:34	decision making, project assessment, 13:35 enactment and applicability date, 13:38 panel review process, 13:33
"ARBITRARY AND CAPRICIOUS STANDARD"  Environmental impact statements (EIS), judicial review standards, 8:7	proposed Impact Assessment Act (IAA), 13:29 regional assessments, 13:36 strategic assessments, 13:36 triggers, 13:30
ATTORNEYS' FEES Generally, 4:89 et seq. See also Equal Access to Justice Act (this index)	CEAA 1995 application of Act, 13:16 process options, 13:17 CEAA 2012
AVIATION STREAMLINING APPROVAL PROCESS ACT Generally, 2:39	generally, 13:18 et seq. application of Act, 13:20 case law, 13:28
BALANCE OF HARMS Litigation under NEPA, harm to defendant and balance of harms, 4:73	decision-making, 13:24 environmental assessment process options and features, 13:21 harmonization with provincial EAs, 13:26
BENEFIT OR BENEFICIAL Environmental impact statements (EIS), consideration of environmental effects, 8:43	jurisdictional issues, 13:26 panel reviews, 13:23 public engagement, 13:27 responsibility for federal EAs, 13:19
BIAS Environmental impact statements (EIS), 8:70, 10:63	scope of EAs, 13:25 standard EA process, 13:22 Constitutional challenge, 13:39
BIDEN-HARRIS PERMITTING ACTION PLAN	Decision-making under CEAA 2012, <b>13:24</b> Environmental assessment (EA)
Generally, 2:55	generally, <b>13:15</b> process
BIODIVERSITY Environmental impact statement requirements, 10:21	CEAA 1995, <b>13:17</b> CEAA 2012, <b>13:21</b> Evolution of federal environmental assessment
BRIDGE PROJECTS	(EA), 13:15

Direct environmental effects, consideration of,

10:42

Harmonization with provincial EAs, 13:26

Interjurisdictional issues, 13:26

## CANADIAN ENVIRONMENTAL ASSESSMENT ACT—Cont'd

Panel reviews, 13:23

Provincial EAs, harmonization with federal EAs, 13:26

Public engagement, 13:27

Responsibility for federal EAs under CEAA 2012, 13:19

Scope of EAs under CEAA 2012, 13:25

Standard EA process, CEAA 2012, 13:22

Supreme court, Canada

IAA, unconstitutional in part, 13:40

Supreme Courts 2023 ruling

Canada first response issued, 13:41

#### CANADIAN IMPACT ASSESSMENT ACT

Canada amends, 13:42

## **CASE ANALYSIS**

Worst, Uncertainty and delay, 10:22

## **CAUSES OF ACTION**

See Litigation Under Act (this index); Standing **to Sue** (this index)

#### CHILDREN, PROTECTION OF

Executive orders, 2:50

## **CLASS ACTIONS**

Generally, 4:7

#### CLASS EFFECTS OF PROJECTS

When EISs required, 8:50

## **CLEAN AIR ACT**

NEPA exemptions, App. B NEPA exemptions, 2:23 Section 309 reviews, 2:20

## **CLEAN WATER ACT**

Certifications, **5:9** 

Effluent limitations, 2:34

Exempt projects, 5:9

NEPA exemptions, App. C

NEPA exemptions, 2:25

Review requirements

effluent limitations, 2:34

## **CLIMATE CHANGE**

Environmental impact statements (eis), 8:65, 8:66

Significant effect determinations, 12:15

#### COMMITTED TO AGENCY DISCRETION

Overton Park and calvert Cliffs case, 3:3

## COMPREHENSIVE RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

Review requirements, 2:37

#### CONGRESSIONAL INTENT

Legislative history of Act, 2:5

Practicable means, 2:5

Standing, proposals, 4:31

## "CONNECTED AND CUMULATIVE" ACTIONS

Council on Environmental Quality, programmatic and "connected and cumulative" actions,

Environmental impact statements, 9:6, 10:58

## CONSTRUCTION AND INTERPRETATION

Actions subject to Act, 8:24

Alternatives to proposed projects, 9:21 et seq.

Committed to agency discretion, construction of term, 3:3

Congressional intent, 2:5

Discretion of EPA, 3:3

Equal Access to Justice Act (EAJA), 4:90

Equivalence, 12:10

Federal action requirement, 8:19

Federal agency regulation, 2:19

Inaction subject to Act, 8:27

Major federal actions, 8:35, 8:37

Mandate of Act. 1:1

Muskie-Jackson compromise, 2:4

Nondiscretionary actions subject to Act, 8:25

Practicable means, 2:5, 2:6

Prevailing parties, **4:91** 

Proposals requiring statements, 8:14, 8:17

Purpose of Act. 1:2

Role and function of NEPA, 2:1

Segmentation

generally, 9:14 et seq.

## see also Environmental Impact Statements (this index)

Significant effect on environment, 8:35, 8:38 et

Standing, **4:29** 

State statutory conflicts, 12:10

Supplementation and implied repeal, 5:8

Text of NEPA, App. A

What the statute says, 2:2

When EISs required

generally, 8:1 et seq.

see also Environmental Impact Statements (this index)

#### **CONSULTANTS**

Delegations to, 7:10

## CONTEMPT

Litigation under act, 4:85

## **CONTRACTORS**

Delegations to, 7:10

#### CORRELATION OF SECTIONS

NEPA and United States Code, App. M

#### **COST-BENEFIT ANALYSES**

Generally, 10:26 et seq.

#### **COSTS OF LITIGATION**

Generally, 4:89 et seq.

See also **Equal Access to Justice Act** (this index)

## COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)

Additional reports and studies, 2:14

Cohen NEPA Summit, 2:13

Duties, 2:9

Effectiveness study of NEPA, 2:12

EIS reviews, referral to Council, 7:29

EPA. See Environmental Protection Agency (this index)

Guidance

see also **Guidance**, **CEQ** (this index)

infrastructure projects, permitting and review, 7:3

judicial reliance on, 2:11

NEPA administration generally, 2:10

program impact statements, 9:3

repetitive agency activities, programmatic reviews, **9:3** 

House of Representatives NEPA task force, 2:15 Judicial reliance on Council guidance and regulations, 2:11

Legislation amending NEPA, 2:16

Legislative hearings on NEPA, 2:15

NEPA effectiveness study, 2:12

NEPA task force report, 2:13

**NPRM** 

Comments, App.N

Pilot studies, 2:13

Precedential effect of agency actions, significant effect on quality of environment, **8:40** 

Recommendations, 2:13

Regulations

generally, 2:10

see also **Regulations**, **CEQ** (this index)

Regulations, Implementing the Procedural Provisions

NEPA, App.O

Reviews, referral to Council, 7:29

Significant effect determinations, 8:39, 8:40

Task forces and reports, 2:13, 2:14

Text of statute, App. A

The Mount Vernon Colloquium Report, 2:17

## **DAMAGE**

See **Standing to Sue** (this index)

#### **DAM PROJECTS**

Direct environmental effects, consideration of, 10:43

#### DAUBERT RULE

Expert testimony, 4:60

## **DECISION-MAKING**

Generally, 3:2, 7:14 et seq.

See also **Administration of Act** (this index)

Project assessment, Canadian Environmental Assessment Act, Bill C-69, **13:35** 

#### **DEFENDANTS**

See Litigation Under Act (this index)

#### **DEFINITIONS**

See Construction and Interpretation (this index)

#### **DELAY**

Litigation under NEPA, 4:83

Uncertainty, 10:22

## DEPARTMENT OF TRANSPORTATION v. PUBLIC CITIZEN

Environmental impact statements (EIS), 8:26

## DIRECT ENVIRONMENTAL EFFECTS

See Environmental Impact Statements (EIS) (this index)

## **DISCOVERY**

Generally, 4:55

## DISCRETION OF EPA

Generally, **3:3** 

Actions committed to agency discretion by law, 4:39

#### DISMISSAL

Motions for, 4:57

## DREDGE AND FILL PERMITS

Development in wetlands, 2:35

Review requirements, 2:35

#### EC HABITATS DIRECTIVE

International environmental protection, 13:6, 13:14

#### **ECONOMIC INJURY**

See **Standing to Sue** (this index)

Litigation under Act, zone of interest test, 4:28

## EFFECTIVENESS STUDY

Council on Environmental Quality (CEQ), 2:12

#### **EMERGENCIES**

Exemptions for, 5:17

## **ENDANGERED SPECIES ACT**

Exempt projects, **5:12** 

ENERGY POLICY ACT OF 2005	ENVIRONMENTAL IMPACT STATEMENTS
Reviews of statements, 2:41	(EIS)—Cont'd
ENVIRONMENTAL IMPACT STATEMENTS	CEQ regulations and guidance—Cont'd
(EIS)	segmentation, 9:15
Generally, <b>9:1 et seq.</b>	CEQ regulations and guidance
Actions subject to Act, <b>8:24</b>	alternatives, consideration of, 10:30
Adaptive management, <b>10:9</b>	mitigation and monitoring guidance, 10:61
Adequacy	Checklist methods of preparation, 10:3
generally, 10:1 et seq.	Climate change and greenhouse gases, <b>8:65</b> generally, <b>10:38</b>
CEQ mitigation and monitoring guidance,	NEPA reviews, <b>8:55</b>
10:61	Collaboration by agencies, iterative NEPA pro-
mitigation measures, 10:60	cess (iNEPA), 10:8
post-program statements, 9:13	Comments, <b>7:23, 10:65</b>
Section 309 criteria, App. G	Commitment of resources, 8:18
state statutes, 12:24 et seq.	"Connected," "cumulative" and "similar"
Administration, 2:7	actions, 9:6, 10:58
Alternatives, consideration of	Consultants, delegations to, 7:10
generally, <b>9:21 et seq.</b> , <b>10:29 et seq.</b>	Contractors, delegations to, 7:10
CEQ regulations, 10:30	Cooperation among federal-state and local agen-
elimination of alternative, 10:31	cies in review process, 7:30
mandatory, 9:26	Cost-benefit analysis, 10:27 et seq.
Natural Resources Defense Council case, <b>9:22</b> no-action alternatives, <b>10:32</b>	Cumulative environmental effects, consideration
non-NEPA procedures to determine need for	of
supplemental statement, 10:69	generally, 10:53 et seq.
primary alternatives, <b>10:34</b>	adequacy of discussion, <b>10:56</b>
purpose and need statements, 9:26 to 9:31	"connected," "cumulative" and "similar" actions, 10:58
ranges of alternatives, 10:33	"proposed" actions, when actions must be
scope of alternatives to consider, <b>9:26</b>	discussed, 10:57
secondary alternatives, 10:35	required cumulative impacts to be included in
Section 102(2)(H) alternatives, 9:25	discussion, 10:55
state statutes, 12:22	state statutes, 12:20
Vermont Yankee case, 9:23	Cumulative impact determinations, 8:71, 8:72
"Arbitrary and capricious standard," 8:7	Dam projects, 10:43
Authority and causation, 8:30	Decision making processes, 7:14 et seq.
Beneficial effects, consideration of environmental	Defederalizing federally funded programs, <b>8:23</b>
effects, 8:43	Definition of proposal, 8:17
Bias and pre-judgment, <b>8:70</b> , <b>10:63</b>	Delegating duty to prepare, 7:8 et seq.
Biodiversity, 10:21	Department of Housing and Community
Bridge projects, 10:42	Development, delegations to, <b>7:13</b> , <b>App. D</b> Department of Transportation v. Public Citizen,
Categorical exclusions from decision-making	8:26
process, <b>7:18 et seq.</b> CEQ regulations and guidance	Detail of program impact statements, 9:11
generally, 9:6, 10:19 et seq.	Direct environmental effects, consideration of
biodiversity, <b>10:21</b>	generally, <b>8:43, 10:41 et seq.</b>
climate change, <b>8:56</b>	bridge projects, 10:42
pollution prevention, <b>10:20</b>	climate change and greenhouse gases, 10:38
program impact statement guidance, 9:3	climate change and greenhouse gases, <b>10100</b>
programmatic and "connected and cumula-	and environmental impacts, 10:40
tive" actions, <b>9:6</b>	court decisions on agency responsibilities to
purpose and need statement in environmental	consider climate change, 10:41
assessment, 9:30	dam projects, 10:43
referrals, 7:29	forest projects, 10:45
repetitive agency activities, use of program-	highway projects, 10:42
matic reviews, 9:3	light rail lines, 10:42

ENVIRONMENTAL IMPACT STATEMENTS	ENVIRONMENTAL IMPACT STATEMENTS
(EIS)—Cont'd	(EIS)—Cont'd
Direct environmental effects, consideration of	Marsh v. Oregon Natural Resources and standard
—Cont'd	of judicial review, 10:68
nuclear projects, 10:48	Matrix method of preparation, 10:4
offshore oil leases, 10:46	Methodology, 10:62
park projects, 10:45	Mitigation measures
project impacts on climate change, 10:39	adequacy of discussion, 10:60
publicly-owned lands, 10:45	CEQ mitigation and monitoring guidance,
reservoir projects, 10:43	10:61
river projects, 10:44	guidance on mitigation and monitoring, <b>8:69</b>
Site specific analysis, scientific judgment,	Methow Valley case, 10:59
uncertainty and other requirements of EIS, <b>10:37</b>	significant effect determinations, 8:68, 8:69
	supplemental statements, 10:72
urban projects, 10:47 water projects, 10:44	Modeling, 10:7
wetlands projects, 10:44	Multistage projects
wilderness projects, 10:44 wilderness projects, 10:45	segmentation determinations, 9:20
Documentation, 10:64	state statutes, 12:21
Draft statements, 7:21	National lands, 10:45
Elimination of alternative to proposed project,	National plan requirements, 9:7
10:31	Network method of preparation, 10:5
Enforcement, 4:88	Not accompany 7:10
Federal action requirement, 8:19	NOI assessments, 7:19
Federal-state-local cooperation in review process,	Nondiscretionary actions subject to Act, 8:25
7:30	Non-NEPA documents, tiering to, 9:13
Final statements, 7:21	Norton v. Southern Utah Wilderness Alliance, 8:27
FONSI assessments, <b>7:19</b>	Notice, <b>7:26</b>
Forest projects, 10:45	Nuclear projects, 10:48
Generically related activities, <b>9:10</b>	Offshore oil leases, 10:46
Geographically related activities, 9:10	Oil and gas leases, 8:18
Highway projects	Ongoing federal action, 10:67
direct environmental effects, consideration of,	Overlay method of preparation, <b>10:6</b>
10:42	Overview of requirements, 2:7, 10:2
segmentation determinations, <b>9:16 et seq.</b>	Park projects, 10:45
Inaction subject to Act, 8:27	Past cumulative impacts, duty to discuss, <b>10:54</b>
Incorporation by reference, 10:51	Pollution prevention, 10:20
Indirect environmental effects, consideration of,	
8:43, 10:52	Post-Marsh cases, applying "arbitrary and capricious standard," 8:7
Informal decision making	Post-program impact statements, 9:12
agency procedures, generally, 7:25 et seq.	Preliminary action by Agency, <b>8:17</b>
notice, 7:26	Primary alternatives, <b>10:34</b>
	·
public participation, 7:26	Private applicants, delegation to, 7:9
records, 7:27	Problems of delegation, 7:8
statements of reasons, 7:27	Program impact statement requirements, 9:2
Iterative NEPA process (iNEPA), <b>10:8</b>	Programmatic environmental assessments, 8:58
Judicial review	Programmatic reviews for repetitive agency
generally, 8:2 et seq., 10:10 et seq.	activities, 9:3
see also <b>Judicial Review</b> (this index)	Proposals requiring statements, 8:14, 8:17, 9:4
Kleppe case, 9:5	Publicly-owned lands, 10:45
Light rail lines, direct environmental effects,	Public participation, 7:26
10:42	Purpose and need statements
Local agencies, delegations to, 7:11 et seq.	generally, 9:26
Major federal actions, 8:35, 8:37	alternatives, consideration of, 9:26 to 9:31
Mandatory alternatives, consideration of, <b>9:31</b>	applicant determination, 9:27

ENVIRONMENTAL IMPACT STATEMENTS (EIS)—Cont'd	ENVIRONMENTAL IMPACT STATEMENTS (EIS)—Cont'd
Purpose and need statements—Cont'd	Significant effect on environment—Cont'd
assessments, statements in, 9:30	NOS findings, 8:59
partially meeting purpose and need, 9:28 statutory objectives of agency, 9:29	programmatic environmental assessments, 8:58
Ranges of alternatives, 10:33	repetitive agency activities, use of program-
Ratings and adequacy criteria, App. G	matic reviews, 9:3
Records, 7:27	site-specific effects, 8:58
Regional plan requirements, 9:7	state court determinations, 12:15 et seq.
Reliance on advice of other agencies, 8:60	supplemental environmental assessments, 8:71
Reliance on advice of state agencies, 8:61	to 8:72
Reliance on state, regional and local plans and	temporary effects, 8:63
studies, <b>10:50</b>	urban environments, 8:64
Requirements, overview of, 10:2	Site-specific analysis requirement, 10:37
Reservoir projects, 10:43	Site-specific effects, 8:58
Responses to comments, 10:65	Small handle problem, <b>8:20</b>
Review process	Southern Utah Wilderness Alliance case and ongoing federal action requirement, <b>10:67</b>
generally, 7:1 et seq.	Staff, delegations to, <b>7:11 et seq.</b>
see also <b>Administration of Act</b> (this index)	Standard of judicial review, 8:2 et seq., 10:68
Risk, analyses of	Statements of reasons, 7:27
generally, 10:22	Statutory exclusions from decision-making pro-
Baltimore Gas case & Electric, 10:25	cess, 7:16
River projects, 10:44	Supplemental statements
Scientific judgment requirement, 10:37	generally, <b>10:66 et seq.</b>
Scope of	alternate non-NEPA procedures to determine
alternatives agencies must consider, <b>9:26</b>	need, <b>10:69</b>
statements	assessments, 7:21, 8:71 to 8:72
generally, 9:11	definitions, 10:66
adequacy of statements, 9:13 detail of statements, 9:11	Marsh v. Oregon Natural Resources and stan-
state statutes, 12:20	dard of judicial review, 10:68
Secondary alternatives, 10:35	mitigation measures, 10:72
Section 309 criteria, <b>App. G</b>	ongoing federal action requirement, 10:67
Segmentation	standard of judicial review, 10:68
generally, <b>9:14 et seq.</b>	state, local, and regional plans and studies,
generically related activities, 9:10	reliance, 10:70
highway projects, <b>9:16 et seq.</b>	state statutes, 12:28
multistage projects, 9:20	substantial change, 10:71
regulations, 9:15	when supplemental impact statement must be
state statutes, 12:21	prepared, 10:68, 10:69
tiering, 9:14	Supplementary documentation, <b>10:64</b>
Significant effect on environment	Technology developments, 9:9
generally, 8:35, 8:38 et seq., 8:57 et seq.	Terrorism, 8:54
advice of other agencies, 8:60	Tiering to non-NEPA documents, <b>9:14</b>
advice of state agencies, 8:61	Transparent and incremental approach to
alternatives, consideration of, <b>8:71</b> , <b>8:72</b>	proposed actions, 10:8
bias and pre-judgment, 8:70	Uncertainty, 10:22, 10:37
climate change and greenhouse gases, <b>8:65</b> ,	Urban projects, <b>10:47</b>
8:66	Use, abuse, and proposal for reform, categorical exclusions from decision-making process,
cumulative impact determinations, 8:71, 8:72	7:17
judicial review standards, 8:57 et seq.	Water projects, 10:44
mitigation measures, 8:68, 8:69	Wetlands projects, 10:44
natural environments, 8:65	When required
no change findings, 8:42	generally, 8:1 et seq.

ENVIRONMENTAL IMPACT STATEMENTS	ENVIRONMENTAL IMPACT STATEMENTS
(EIS)—Cont'd	(EIS)—Cont'd
When required—Cont'd	When required—Cont'd
actions subject to Act, 8:24	post-Southern Utah Wilderness Alliance cases,
advice of other agencies, 8:60	8:28
advice of state agencies, 8:61	pre-Marsh cases, 8:5
aesthetic effects, 8:49	program impact statement, 9:4
Andrus case, 8:16	proposal, 8:14, 8:17
appropriations requests, 8:34	psychological effects, 8:51
arbitrary and capricious cases, 8:5	racial effects, 8:50
causation requirement, 8:44	rational basis standard of review, <b>8:11</b>
class effects, 8:50	reasonableness standard of review, 8:8
clear error of judgment standard of review, 8:9	refusals to implement Act, 8:32
Colorado River Water Conservation District	review of agency record, 8:3
case, 8:17	rules and regulations, <b>8:31</b> SCRAP (II) case, <b>8:16</b>
commitment of resources, 8:18	
Congressional appropriations requests, <b>8:34</b> controversial actions, <b>8:53</b>	significant effect on environment, 8:35, 8:38 et seq., 8:57 et seq.
defederalizing federally funded programs, 8:23	SIPI case, 8:15
de novo review, <b>8:12</b>	small handle problem, 8:20
development, <b>8:47</b>	socioeconomic effects, 8:48
district court decisions, reviews of, 8:3	substantial evidence standard of review, 8:10
dual standards, 8:36	timing problem, <b>8:14, 8:18</b>
effects covered, <b>8:43 et seq.</b>	types of effects covered, 8:43 et seq.
federal action requirement, 8:19	uncertain environmental effects, 8:52
financial assistance questions, <b>8:21</b>	urban life quality, <b>8:45</b>
growth, <b>8:47</b>	Wilderness projects, 10:45
hard look doctrine, 8:13	Worst case analysis, 10:23
inaction subject to Act, <b>8:27</b> inner city decline, <b>8:46</b>	ENVIRONMENTAL JUSTICE EXECUTIVE
interrelated proposals, program impact statement, <b>9:4</b>	ORDER Generally, App. L
judicial review standards, 8:2 et seq.	ENVIRONMENTAL JUSTICE EXECUTIVE
Kleppe case, <b>8:16</b> , <b>8:17</b>	ORDER, 2023
law and fact questions, 8:4	Executive orders, 2:49.1
legislative proposals, 8:33	,
low probability risks, 8:52	ENVIRONMENTAL JUSTICE EXECUTIVE
major federal actions, 8:35, 8:37	ORDER OF 1994 AND 2021
major standards, 8:36	Generally, <b>2:49</b>
Marsh case, 8:6	ENVIRONMENTAL PROTECTION AGENCY
Medcalf v. Daley case, 8:18	(EPA)
Metropolitan Edison case, 8:51	See also <b>Federal Agencies</b> (this index)
Monarch Chemical Works case, 8:17	Amendments to NEPA under the Fiscal
National Resources Defense Council case, 8:17	Responsibility Act of 2023, <b>App. P</b> Clean Air Act Section 309 reviews, <b>2:20</b>
nondiscretionary actions subject to Act, 8:25	Committed to agency discretion, construction of
Norton v. Southern Utah Wilderness Alliance,	term, 3:3
8:27	Congressional intent, administration of, <b>2:5</b>
oil and gas leases, 8:18	Council. See Council on Environmental Qual-
Overton Park case, 8:2	ity (this index)
PANE case, 8:51	Council on Environmental Quality,
partnership questions, <b>8:21</b>	National Environmental Policy Act, Regula-
planning programs, 8:22	tions
post-Marsh cases, applying "arbitrary and capricious standard," 8:7	Implementing the Procedural Provisions, App. O

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Cont'd	ENVIRONMENTAL QUALITY REGULATIONS
Council on Environmental Quality NPRM	Council, <b>2:2.50</b>
Comments, App. N	ENVIRONMENTAL REVIEW
Current status of programs, 2:56 Decision making responsibilities, 2:8, 3:2, 6:1	Trade agreements, <b>5:22</b>
Discretion of Agency, 3:3	EQUAL ACCESS TO JUSTICE ACT (EAJA)
Effect of reviews on agency actions, <b>2:21</b>	Generally, 4:89 et seq.
Enforcement of EISs, 4:88	Costs, <b>4:93</b>
Environmental Quality Regulations, 2:2.50	Defenses to fee awards, <b>4:92</b>
Environmental values and decision making, <b>6:2</b>	Expenses, 4:93
Exemptions	Prevailing parties, <b>4:91</b>
generally, 2:23 et seq.	Statutory provisions, <b>4:90</b>
Clean Air Act, <b>2:24, App. B</b>	EUROPEAN UNION DIRECTIVE
Clean Water Act, 2:25, App. C	Generally, 13:2 et seq.
Extraterritorial impacts of Agency actions, <b>5:18</b>	-
et seq.	EVIDENCE
Federal agencies, regulation of, 2:19	See <b>Litigation Under Act</b> (this index)
Foreign impacts of Agency actions, <b>5:18 et seq.</b>	EXECUTIVE ORDERS
Hard look doctrine	Generally, 2:47 et seq.
generally, 3:8	Children, protection of, 2:50
when EIS required, 8:13	Environmental
Implementing Regulations Revisions	justice, App. L
Final Rule, App. Q	promoting seafood competitiveness and eco-
Injunctions	nomic growth, 2:54
generally, <b>4:65 et seq.</b>	streamlining for transportation projects, 2:53
see also <b>Injunctions</b> (this index)	Environmental, 1994 and 2021
Interdisciplinary approach to decision making,	justice, 2:49
6:2	Environmental justice executive order, 2023, <b>2:49.1</b>
Judicial review. See <b>Judicial Review</b> (this index)	Extraterritorial impact, <b>5:20</b>
Judicial review of agency decisions, 3:1 et seq.	Flood plains, <b>2:48</b>
Lead and cooperating agency problem, 7:4	Invasive species, 2:51
Litigation record, 2:18	Migratory birds, protection of, <b>2:52</b>
Nonderogation rule, 2:22	Promoting seafood competitiveness and eco-
Preliminary injunctions	nomic growth, 2:54
generally, 4:65 et seq.	Protection of
see also <b>Injunctions</b> (this index)	children, <b>2:50</b>
Programs, current status of, 2:56 Refusals to implement Act, 8:32	migratory birds, 2:52
Reviews by	Transportation projects, streamlining, 2:53
Clean Air Act Section 309 reviews, <b>2:20</b>	Wetlands, 2:47
effect on agency actions, 2:21	EXEMPTIONS
other responsibilities, 2:20	EPA. See Environmental Protection Agency
Standards of review of acts of, 3:5	(this index)
Standing to sue, actions committed to agency	EXEMPT PROJECTS
discretion by law, 4:39	Generally, <b>5:6 et seq.</b>
Systematic approach to decision making, <b>6:2</b>	See also <b>Scope of Act</b> (this index)
Text of statute, <b>App. A</b>	Appropriation, implied exemptions through, 5:7
The role and function, <b>2:1 et seq.</b>	Clean Water Act certifications, 5:9
The role and function of NEPA, 2:1	Emergencies, 5:17
Transboundary impacts of Agency actions, <b>5:21</b>	Endangered Species Act, 5:12
Unquantified environmental values, consideration	Federally assisted projects, <b>5:14</b>
of, <b>6:3</b>	Flint Ridge case, 5:10
What the statute says, 2:2	Functional equivalence, <b>5:16</b>

## **EXEMPT PROJECTS—Cont'd**

Local projects with federal assistance, 5:14

National security, **5:15** 

Precluded NEPA compliance, 5:11

State projects with federal assistance, **5:14** Statutory

conflicts, **5:10 to 5:12** 

exemptions, 5:6

Supplementation and implied repeal, 5:8

Time constraint exemptions, 5:13

## **EXHAUSTION OF REMEDIES**

Generally, 4:37

## **EXPERT TESTIMONY**

See Litigation Under Act (this index)

#### FACT AND LAW OUESTIONS

See **Judicial Review** (this index)

## FACTUAL DATA REQUIREMENT

Climate change and greenhouse gases, 10:38

#### **FEDERAL AGENCIES**

Application of Act to, 1:3

Approvals and small handle problem, 8:20

Control and small handle problem, 8:20

Cooperation among federal-state and local agencies in review process, **7:30** 

Decision making, effect of Act on

generally, 11:4 et seq.

Ackerman critique, 11:7

studies of NEPA's effect on federal agency decision making, 11:5

Taylor study, 11:6

Defederalizing federally funded programs, 8:23

Delegations of review process to local agencies, 7:11 et seq.

Department of Housing and Community

Development, delegations of review process to, 7:13, App. D

Detractors and defenders, 11:2

EPA. See Environmental Protection Agency (this index)

Evaluating NEPA, 11:1 et seq.

Evaluations of NEPA, and improvement recommendations, 11:3

Financial assistance questions, 8:21

Fixing America's Surface Transportation (FAST) Act, 2:31

Improvement recommendations for NEPA, 11:3

Lead and cooperating agency problem, 7:4, 7:5

Major federal actions, 8:35, 8:37

Partnership questions, 8:21

Party status in litigation, 4:2

Permits and small handle problem, 8:20

Recommendations for change in NEPA, 11:3

Regulation of by Act, 2:19

## FEDERAL AGENCIES—Cont'd

Review process

generally, 7:1 et seq.

see also **Administration of Act** (this index)

Small handle problem, **8:20** 

#### **FILL PERMITS**

See **Dredge and Fill Permits** (this index)

## **FINALITY**

Generally, 4:39

Rule, NEPA

Implementing Regulations Revisions, App. Q

## FIXING AMERICA'S SURFACE TRANSPORTATION (FAST) ACT

Review requirements, 2:31

#### FLOOD PLAINS

Executive order, 2:48

#### FOREST PROJECTS

Direct environmental effects, consideration of, 10:45

## FOREST SERVICE FACILITY REALIGNMENT ACT

Reviews of statements, 2:40

#### FREEDOM OF INFORMATION ACT

Generally, 4:56

## **GOVERNMENT PROJECTS**

Application to, 1:4

Compliance checklist, 1:9

Cost-benefit analysis, when required, **10:26 et seq.** 

Council. See Council on Environmental Quality (this index)

Decision making responsibilities, 2:8

EPA. See Environmental Protection Agency (this index)

Exemptions

generally, 5:6 et seq.

see also **Exempt Projects** (this index)

Infrastructure projects, CEQ guidance for permitting and review, 7:3

Interrelated proposals requiring program impact statement, 9:4

Proposals requiring statements, 8:14, 8:17

Review process

generally, 7:1 et seq.

see also **Administration of Act** (this index)

Scope of Act. See **Scope of Act** (this index)

Segmented projects, statement requirements

generally, 9:14 et seq.

see also **Environmental Impact Statements** (this index)

When EISs required

generally, 8:1 et seq.

## GOVERNMENT PROJECTS—Cont'd

When EISs required—Cont'd

see also **Environmental Impact Statements** (this index)

## **GREENHOUSE GAS (GHG)**

Environmental impact statements (eis), **8:65**, **8:66** 

## **GUIDANCE, CEQ**

Generally, 2:10, App. I

See also **Council on Environmental Quality** (this index)

Biodiversity requirements in EISs, 10:21

Categorical exclusions, 7:18

**Environmental Impact Statements (EIS)** (this index)

Infrastructure projects, metrics for permitting and review, 7:3

Judicial reliance on, 2:11

Pollution prevention requirements in EISs, 10:20

Programmatic reviews for repetitive agency activities, **9:3** 

Repetitive agency activities, use of programmatic reviews, 9:3

#### HARD LOOK DOCTRINE

Generally, 3:8

When EIS required, 8:13

#### **HARM**

See Standing to Sue (this index)

## HARMLESS ERROR

Litigation under act, 4:86

## HEALTHY FORESTS RESTORATION ACT

Generally, 2:38

## **HIGHWAY PROJECTS**

Direct environmental effects, consideration of, 10:42

Review requirements, legislation modifying NEPA, 2:30

Segmentation determinations, 9:16 et seq.

#### HISTORIC SITES

National Historic Preservation Act, **2:33** Review requirements, **2:27** 

## HOUSE OF REPRESENTATIVES TASK FORCE

Legislative hearings on NEPA, 2:15

# IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT BORDER ACTIONS

Reviews of statements, 2:42

## IMPACT ASSESSMENT ACT (IAA)

Bill C-69. Canadian Environmental Assessment Act (this index)

#### **IMPACT STATEMENTS**

See **Environmental Impact Statements** (this index)

## IMPLIED REPEAL AND SUPPLEMENTATION

Generally, 5:8

#### INCORPORATION BY REFERENCE

Environmental impact statements, 10:51

#### INFORMATIONAL INJURY

See **Standing to Sue** (this index)

## INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021

Review requirements, 2:32

## INFRASTRUCTURE PROJECTS

CEQ guidance for permitting and review, 7:3

#### **INJUNCTIONS**

Generally, 4:65 et seq.

Administration of act, stay or injunction pending appeal, **4:84** 

Amoco decision, preliminary injunctions, 4:68

Curing violations, preliminary injunctions, 4:76

Defendants, effect of injunction on, 4:73

Monsanto Co. v. Geertson Seed Farms, 4:79

Permanent injunction, 4:78, 4:79

Preliminary injunctions

generally, 4:65 et seq.

Amoco case, 4:68

bonds, **4:65** curing violations, **4:76** 

defendants, effect of injunction on, 4:73

impact of Winter decision on previous cases, **4:71** 

irreparable harm, 4:72

Natural Resources Defense Council, Winter v., 4:69, 4:71

NEPA exception, 4:67

probability of success, 4:70

public interest considerations, 4:74

remands, **4:75** 

scope of remedy, 4:75

Weinberger v. Romero-Barcelo, 4:68

Winter v. Natural Resources Defense Council, 4:69, 4:71

Public interest considerations, 4:74

Remands

permanent injunction, 4:78

preliminary injunctions, 4:75

Satisfaction of injunction, 4:80

Stay pending appeal, 4:84

Temporary restraining orders, 4:78

Weinberger v. Romero-Barcelo, preliminary injunctions, **4:68** 

INJUNCTIONS—Cont'd Winter v. Natural Resources Defense Council, 4:69, 4:71	INTERPRETATION See Construction and Interpretation (this index)
INJURY See Standing to Sue (this index)	INTERRELATED AGENCY ACTIVITIES CEQ's guidance, use of programmatic review,
INNER CITY DECLINE	9:3
Generally, <b>8:46</b>	INTERVENTION
INTERNATIONAL ENVIRONMENTAL PROTECTION	Generally, <b>4:33 to 4:36</b> Permissive intervention, <b>4:36</b>
Generally, 13:1 et seq.	Right, intervention as of, 4:35
Canada	Standing, requirement, <b>4:34</b>
Canadian Environmental Assessment Act of 1995, <b>13:16</b> , <b>13:17</b>	INVASIVE SPECIES Executive order, 2:51
Canadian Environmental Assessment Act of 2012, <b>13:18 et seq.</b>	ITERATIVE NEPA PROCESS (iNEPA)
evolution of federal environmental assessment	Environmental impact statements (eis), 10:8
(EA), <b>13:15</b>	JUDICIAL REVIEW
EC Habitats Directive, appropriate assessment under, <b>13:6</b>	Generally, <b>3:1</b>
England, 13:12, 13:14	See also Litigation Under Act (this index)
Environmental assessment and climate change	Administrative Procedure Act, 3:5
United Kingdom, 13:13	Advisory opinions, <b>4:6</b> Agency record reviews, <b>8:3</b>
European Union	"Arbitrary and capricious standard,"
generally, 13:2 et seq.	environmental impact statements (EIS), 8:7
Directive	Attorneys' fees
EC Habitats Directive, appropriate assess-	generally, 4:89 et seq.
ment under, <b>13:6</b> implementation and compliance with direc-	see also Equal Access to Justice Act (this
tives, 13:4	index)
judgments and guidance interpreting the	Basis for in NEPA cases, 3:4
directives, 13:5	Class actions, <b>4:7</b> Costs
project assessment, 13:2	generally, <b>4:89 et seq.</b>
strategic assessment, 13:3	see also <b>Equal Access to Justice Act</b> (this
Executive orders, <b>5:20</b>	index)
Extraterritorial impacts of EPA actions, 5:18	Courts of Appeal
Interjurisdictional issues, Canada, 13:26 Jurisdiction of US courts, 5:19	generally, <b>4:5</b>
NEPA abroad, 5:18	primary jurisdiction, <b>4:40</b>
Post-Brexit assessment, 13:7	Decision-making responsibilities under Act, <b>6:1</b>
Scope of Canadian environmental assessments,	De novo review, 8:12
13:25	Discretion of Agency, 3:3 District Courts
Transboundary impacts of Agency actions, 5:21	decisions, reviews of, 8:3
United Kingdom	jurisdiction, <b>4:5</b>
consent without required assessment, 13:11	Environmental impact statements
environmental assessment, post-Brexit, 13:7	generally, <b>10:10 et seq.</b>
environmental assessment process, <b>13:10</b> habitats directive, appropriate assessment,	alternate non-NEPA procedures to determine
13:14	need, <b>10:69</b>
national legislation, outline, 13:8	"arbitrary and capricious standard," 8:7
necessity of assessment, 13:9	Baltimore Gas case, 10:15
strategic environmental assessment, England, 13:12	direct environmental effects, consideration of, <b>10:36</b>
United Kingdom	Kleppe case, 10:13
Environmental assessment and climate change, 13:13	Methow Valley case, <b>10:16</b> procedural standards, <b>10:18</b>

JUDICIAL REVIEW—Cont'd	JUDICIAL REVIEW—Cont'd
Environmental impact statements—Cont'd	Settlements, 4:87
standard of review, 8:2 et seq., 10:68	Significant effect determinations
Strycker's Bay case, 10:14	generally, <b>8:41</b>
substantive review, 10:11 et seq.	applying CEQ regulations, 8:57 et seq.
Vermont Yankee case, 10:13	Standard of review
when required, 8:2	
Evidence. See <b>Litigation Under Act</b> (this index)	generally, 3:5, 8:2 et seq.
Exhaustion of remedies, 4:37	arbitrary and capricious cases, 8:5 clear error of judgment, 8:9
Expert testimony. See <b>Litigation Under Act</b> (this	de novo review, 8:12
index)	
Extraterritorial impact of decisions, <b>5:19</b>	hard look doctrine, 8:13
Fact and law questions	Marsh v. Oregon Natural Resources, generally, 8:6, 10:68
generally, <b>3:6</b>	post-Marsh cases, applying "arbitrary and
when statement required, <b>8:4</b>	capricious standard," 8:7
Failure to participate, <b>4:38</b>	pre-Marsh cases, 8:5
Final agency action, <b>4:39</b>	rational basis, <b>8:11</b>
Guidance, Council, reliance on, 2:11	reasonableness standard of review, 8:8
Hard look doctrine	significance decision, 8:57
	state courts, 12:9
generally, 3:8	substantial evidence, 8:10
when EIS required, 8:13	State courts
Injunctions	2 1111 2 2 3 1 1 1 2
generally, 4:65 et seq.	generally, <b>12:6 et seq.</b>
see also <b>Injunctions</b> (this index)	see also <b>States</b> (this index)
Jurisdiction	Statute of limitations, 4:45
see also <b>Litigation Under Act</b> (this index)	Stay pending appeal, 4:84
primary jurisdiction, <b>4:40</b>	When statements required
Laches	generally, 8:2
generally, <b>4:42</b>	see also Environmental Impact Statements
factors considered, <b>4:43</b>	(this index)
NEPA exception, <b>4:44</b>	Witnesses. See Litigation Under Act (this index)
Law and fact questions	JURISDICTION
generally, <b>3:6</b>	See also Litigation Under Act (this index)
when statement required, 8:4	Canadian Environmental Assessment Act of 2012
Limitation of actions, <b>4:45</b>	Bill C-69, multi-jurisdictional assessments,
Mandamus, 4:82	13:34
Moot claims, 4:41	provincial EA's, harmonization with, 13:26
Nonderogation rule, 2:22	Extraterritorial impacts of Agency actions, <b>5:18</b>
NOS findings, 8:59	et seq.
Overton Park and calvert Cliffs case, 3:3	Foreign impacts of Agency actions, <b>5:18 et seq.</b>
Overton Park case, 3:3, 3:7	Lead and cooperating agency problem, 7:4
Participation in suit, failure as to, <b>4:38</b>	Transboundary impacts of Agency actions, <b>5:21</b>
Parties. See <b>Litigation Under Act</b> (this index)	
Planning decisions, ripeness and review, <b>4:39</b>	JUSTICE
Preliminary injunctions	Environmental Justice Executive Order, App. L
generally, <b>4:65 et seq.</b>	Environmental Justice Executive Order of 1994
see also <b>Injunctions</b> (this index)	and 2021, <b>2:49</b>
Primary jurisdiction, <b>4:40</b>	LACHES AND DELAY
Procedural standards, 10:18	
Programmatic reviews for repetitive agency	Generally, 4:42
activities, 9:3	Factors considered, 4:43
Regulations, Council, reliance on, <b>2:11</b>	Litigation under NEPA, mandamus, <b>4:82</b>
Reliance on advice of other agencies, <b>8:60</b>	NEPA exception, <b>4:44</b>
Reliance on advice of state agencies, <b>8:61</b>	LAW AND FACT QUESTIONS
Ripeness, generally, <b>4:39</b>	See Judicial Review (this index)
Ripeness, generally, 7.37	See Judicial Neview (ulls lildex)

LEAD AND COOPERATING AGENCY PROBLEM	LITIGATION UNDER ACT—Cont'd Courts of Appeal
Generally, <b>7:4, 7:5</b>	jurisdiction, <b>4:5</b>
LEGISLATIVE HISTORY OF ACT	primary jurisdiction, <b>4:40</b> Declaratory judgments, <b>4:81</b>
Intent of Congress, 2:5	Defendants, 4:2, 4:3
Legislation amending NEPA, 2:16	Delay. Laches, below
Muskie-Jackson compromise, <b>2:4</b>	Discovery, <b>4:55</b>
Standing, Congressional proposals, <b>4:31</b>	Discretion of agency, actions committed to by
Summarization, 2:3	law, <b>4:39</b>
The role and function of NEPA, 2:1	Dismissal motions, 4:57
What the statute says, 2:2	District Courts
LIGHT RAIL LINES	jurisdiction, <b>4:5</b>
Direct environmental effects, consideration of,	primary jurisdiction, <b>4:40</b>
10:42	Enforcement of EISs, <b>4:88</b>
LIMITATION OF ACTIONS	Evidence
Generally, 4:45	generally, 4:46 et seq.
•	administrative record, <b>4:46</b>
LITIGATION UNDER ACT	burden of proof, <b>4:62</b> discovery, <b>4:55</b>
Generally, 1:5	Expert witnesses, below
See also <b>Judicial Review</b> (this index) Actions, <b>4:8</b>	extra-record evidence, 4:47
Actions, 4:8  Actions committed to agency discretion by law,	Freedom of Information Act, <b>4:56</b>
4:39	law and fact questions, 3:6, 8:4
Advisory opinions, <b>4:6</b>	standard of review, 8:10
Answers, 4:54	Exemptions, EPA, 2:23 et seq.
Appeals. See <b>Judicial Review</b> (this index)	Exhaustion of remedies, <b>4:37</b>
Attorneys' fees	Expert witnesses
generally, <b>4:89 et seq.</b>	generally, <b>4:58 et seq.</b>
see also Equal Access to Justice Act (this	burden of proof, 4:62
index)	cross examination, 4:61
Balance of harms and harm to defendant, 4:73	Daubert rule, <b>4:60</b>
Bonds, injunction, <b>4:65</b>	direct examination, <b>4:60</b>
Burden of proof, <b>4:62</b>	general principles for examination, <b>4:59</b>
Causality and standing to sue, <b>4:12</b>	Factual background, pleading, 4:52
Causes of action	Federal
generally, 4:8	agencies, 4:2
pleading, 4:53	question jurisdiction, <b>4:4</b>
Class actions, <b>4:7</b> Compelling Agency action, <b>4:83</b>	Finality, <b>4:39</b> Freedom of Information Act, use of, <b>4:56</b>
Complaints	Generally, <b>4:1 et seq.</b>
generally, <b>4:48 et seq.</b>	Hard look doctrine
cause of action, 4:53	generally, 3:8
factual background, 4:52	when EIS required, <b>8:13</b>
introductory statements, 4:49	Harmless error, <b>4:86</b>
judicial relief, 4:53	Injunctions
jurisdiction, <b>4:50</b>	generally, <b>4:65 et seq.</b>
parties, 4:51	see also <b>Injunctions</b> (this index)
right to relief, 4:53	Intervention, <b>4:33 to 4:36</b>
standing, 4:53	Judicial relief, pleading right to, <b>4:53</b>
Contempt proceedings, 4:85	Jurisdiction
Costs	generally, <b>4:4</b>
generally, <b>4:89 et seq.</b>	advisory opinions, <b>4:6</b>
see also Equal Access to Justice Act (this	Courts of Appeal, <b>4:5</b>
index)	District Courts, 4:5

LITIGATION UNDER ACT—Cont'd	LITIGATION UNDER ACT—Cont'd
Jurisdiction—Cont'd	Remedies—Cont'd
federal question, <b>4:4</b>	remand, <b>4:75</b> , <b>4:77</b> , <b>4:78</b>
moot claims, 4:41	stay pending appeal, 4:84
pleading, <b>4:50</b>	vacatur, <b>4:77</b>
primary jurisdiction, <b>4:40</b>	Right to relief, pleading, <b>4:53</b>
Laches	Ripeness, 4:39
generally, <b>4:42</b>	Settlements, 4:87
factors considered, <b>4:43</b>	Stages of litigation, 1:6
NEPA exception, <b>4:44</b>	States
unreasonable delay, <b>4:83</b>	party status, <b>4:3</b>
Limitation of actions, 4:45	standing, <b>4:16</b> , <b>4:30</b>
Local or regional entities	Statute of limitations, <b>4:45</b>
party status, 4:3	Stay pending appeal, 4:84
standing, <b>4:29</b>	Summary judgment motions, <b>4:57</b>
Mandamus, 4:82	Unreasonable delay, <b>4:83</b>
Moot claims, 4:41	Vacatur, <b>4:77</b>
Motion practice	Witnesses. Expert witnesses, above
dismissal, 4:57	Zone of interest test, 4:26 to 4:28
standing disputes, <b>4:10</b>	LOCAL AGENCIES
summary judgment, 4:57	Cooperation among federal-state and local agen-
Nonderogation rule, 2:22	cies in review process, <b>7:30</b>
Organizations, standing, 4:29	Defederalizing federally funded programs, <b>8:23</b>
Parties	Delegations of review process to local agencies,
see also <b>Standing to Sue</b> (this index)	7:11 et seq.
class actions, <b>4:7</b>	Party status. See <b>Litigation Under Act</b> (this
federal defendants, 4:2	index)
intervention, <b>4:33 to 4:36</b>	•
local entities, <b>4:3</b> , <b>4:30</b>	LOCAL PROJECTS
organizations, 4:29	Exemptions
pleading, <b>4:51</b>	generally, <b>5:6 et seq.</b>
prevailing parties, <b>4:91</b>	see also <b>Exempt Projects</b> (this index)
states, <b>4:3</b> , <b>4:16</b> , <b>4:30</b>	Federal assistance, exempt projects, <b>5:14</b>
Preliminary injunctions	Review process
generally, 4:65 et seq.	generally, 7:1 et seq.
see also <b>Injunctions</b> (this index)	see also <b>Administration of Act</b> (this index)
Primary jurisdiction, <b>4:40</b>	Scope of Act. See <b>Scope of Act</b> (this index)
Private causes of action, <b>4:8</b>	MACNICON OPEVENC FIGHEDY
Problem, litigation, <b>4:1</b>	MAGNUSON-STEVENS FISHERY
Record, 2:18	CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006
Redressibility and standing to sue, <b>4:12</b>	
Regional entities. Local or regional entities,	Reviews of statements, 2:43
above	MANDAMUS
Remand, <b>4:77</b>	Litigation under NEPA, 4:82
Remedies	•
generally, <b>4:63 et seq.</b>	MANDATE OF ACT
attorneys' fees, 4:89 et seq.	Generally, 1:1
balance of harms, 4:73	MARSH v. OREGON NATURAL RESOURCES
bonds, injunction, 4:65	Environmental impact statements (EIS), standard
costs, 4:89 et seq.	of judicial review, <b>8:6, 10:68</b>
declaratory judgments, <b>4:81</b>	MASSACHUSETTS v. EPA
enforcement of EISs, 4:88	Supreme Court cases, standing to sue, <b>4:16</b>
injunctions, <b>4:65 et seq.</b>	
mandamus, 4:82	MIGRATORY BIRDS
preliminary injunctions, 4:65 et seq.	Executive order, 2:52

#### MITIGATION MEASURES

Environmental impact statements, **10:59** Significant effect determinations, **8:68** 

#### MODELING

Environmental impact statements, 10:7

## MONSANTO CO. v. GEERTSON SEED FARMS

Permanent injunctions, 4:79

#### MOOT CLAIMS

Generally, 4:41

## **MULTISTAGE PROJECTS**

Segmentation determinations, 9:20

## MUSKIE-JACKSON COMPROMISE

Generally, 2:4

#### NATIONAL HISTORIC PRESERVATION ACT

Review requirements, 2:33

#### NATIONAL LANDS

Environmental impact statements (EIS), 10:45

#### NATIONAL SECURITY

Exempt projects, **5:15** 

#### NATURAL RESOURCE AREAS

Review requirements, 2:27

## NORTON v. SOUTHERN UTAH WILDERNESS ALLIANCE

Environmental impact statements (EIS), **8:27** Post-SUWA cases, **8:28** 

## NO SURFACE OCCUPANCY LEASE

Environmental impact statements (EIS), 8:18

## NUCLEAR POWER

Environmental impact statements (EIS), 10:48

## **OCEANS**

See Outer Continental Shelf Lands Act (this index)

## OFFSHORE OIL LEASES

Direct environmental effects, consideration of, 10:46

#### OIL AND GAS LEASES

Environmental impact statements (EIS), 8:18

## OUTER CONTINENTAL SHELF LANDS ACT

Review requirements, 2:36

#### PANEL REVIEW

Canadian Environmental Assessment Act of 2012, **13:23** generally, **13:23** Bill C-69, **13:33** 

## PARK PROJECTS

Direct environmental effects, consideration of, 10:45

#### **PARKS**

Review requirements, 2:27

#### **PARTIES**

See Litigation Under Act; Standing to Sue (this index)

Special solicitude for governmental plaintiffs, 4·20

#### PERMISSIVE INTERVENTION

Generally, 4:36

Biden-Harris action plan, 2:55

## **PERMITS**

Biden-Harris action plan, 2:55

Dredge and fill permits, 2:35

Infrastructure projects, CEQ guidance for permitting, 7:3

## POLLUTION PREVENTION

Environmental impact statement requirements, 10:20

## PRACTICABLE MEANS

Definition, 2:6

#### **PRECEDENTS**

Council on Environmental Quality (CEQ), significant effect on quality of environment—precedential effect of agency actions, **8:40** 

## PRE-JUDGMENT

Environmental impact statements (EIS), bias and pre-judgment, **8:70, 10:63** 

## PRELIMINARY INJUNCTIONS

See **Injunctions** (this index)

#### PRESIDENTIAL EXECUTIVE ORDERS

The role and function of NEPA, 2:1

What the statute says, 2:2

#### PRIMARY JURISDICTION

Generally, 4:40

#### PRIVATE CAUSES OF ACTION

See Litigation Under Act (this index); Standing to Sue (this index)

## PRIVATE PROJECTS

Application to, **1:4** 

Compliance checklist, 1:9

Cost-benefit analysis

reviewed, 10:28 et seq.

Council. See Council on Environmental Quality (this index)

Decision making responsibilities, 2:8

EPA. See Environmental Protection Agency (this index)

## PRIVATE PROJECTS—Cont'd

Proposals requiring statements, 8:14, 8:17

Review process

generally, 7:1 et seq.

see also **Administration of Act** (this index)

Scope of Act. See **Scope of Act** (this index)

Segmented projects, statement requirements

generally, 9:14 et seq.

see also Environmental Impact Statements

(this index)

When EISs required

generally, 8:1 et seq.

see also Environmental Impact Statements (this index)

## PROCEDURAL INJURY

See **Standing to Sue** (this index)

#### **PROJECTS**

See Government Projects (this index); Private

**Projects** (this index)

Decision making, project assessment, Canadian Environmental Assessment Act, Bill C-69,

13:35

#### PROTECTION OF CHILDREN

Executive orders, 2:50

## PROTECTION OF MIGRATORY BIRDS

Executive order. 2:52

#### PSYCHOLOGICAL EFFECTS OF PROJECTS

When EISs required, 8:51

## PUBLIC ENGAGEMENT

Canadian Environmental Assessment Act, 13:27

#### **PUBLIC INTEREST**

Injunctions, 4:74

#### **PUBLICLY-OWNED LANDS**

Direct environmental effects, consideration of, 10:45

## **PUBLIC PROJECTS**

See also **Government Projects** (this index)

Exemptions

generally, 5:6 et seq.

see also Exempt Projects (this index)

## PURPOSE AND NEED STATEMENTS

Generally, 9:26

Agency/applicant determination, 9:27

Assessments, statements in, 9:30

Partially meeting purpose and need, 9:28

Statutory objectives of agency, 9:29

#### PURPOSE OF ACT

Generally, 1:2

Federal agency actions, 1:3

Government and private projects, 1:4

#### PURPOSE OF ACT—Cont'd

Mandate of Act, 1:1

Practicable means defined, 2:6

Role of Act. 1:2

## RACIAL EFFECTS OF PROJECTS

When EISs required, 8:50

#### RECOMMENDATIONS

Federal agencies' recommendations for change in NEPA. 11:3

House of Representatives NEPA task force. 2:15 Task Force Report and CEQ recommendations,

#### RECORDS

See **Administration of Act** (this index)

#### REDRESSIBILITY OF INJURY

See Standing to Sue (this index)

## REGIONAL ENTITIES

See **Litigation Under Act** (this index)

Assessments, bill C-69, Canadian Environmental Assessment Act, 13:36

## REGULATIONS, CEO

Generally, 2:9, App. E

See also Council on Environmental Quality

(this index)

Alternatives to proposed projects, 10:30

Biodiversity requirements in EISs, 10:21

EIS requirements, 10:19 et seq.

Environmental impact statement requirements,

Frequently asked questions, App. H

Judicial reliance on, 2:11

Pollution prevention requirements in EISs, 10:20

Preamble to final regulations, App. F

Programmatic

"connected and cumulative" actions, 9:6

reviews for repetitive agency activities, 9:3

Segmentation determinations, 9:15

Significant effect determinations, 8:39, 8:40

Updates, Implementing the Procedural Provisions of the National

Environmental Policy Act, App. O

Worst case analysis

generally, 10:23

final amendment, App. K

proposed amendment, App. J

revocation, 10:24

#### REMAND

Decision-making responsibilities, 4:77

## REMEDIES

See Injunctions (this index); Litigation Under

Act (this index)

State courts, 12:7

#### REPETITIVE AGENCY ACTIVITIES

CEQ's guidance on use of programmatic review, 9:3

## REPORTS AND REPORTING

CEQ Task Force Report, 2:13

#### RESERVOIR PROJECTS

Direct environmental effects, consideration of, 10:43

#### RETROACTIVE APPLICATION OF ACT

Generally, 5:2 et seq.

## REVIEWABILITY

Standing to sue, ripeness, finality and reviewability, **4:39** 

#### **REVIEWS OF STATEMENTS**

Generally, 2:26 et seq., 7:1 et seq.

See also **Administration of Act** (this index); **Judicial Review** (this index)

Agriculture Improvement Act of 2018, **2:38.5** 

American Recovery and Reinvestment Act: the stimulus bill, **2:44** 

America's Waters Infrastructure Act of 2018, **2:46** 

Aviation Streamlining Approval Process Act, 2:38

Biden-Harris permitting plan, 2:55

Boarder barrier exemption, 2:42

Clean Water Act, 2:34

CRCLA, 2:37

Development in wetlands, dredge and fill permits, 2:35

Dredge and fill permits, 2:35

Effluent limitations, 2:34

Energy Policy Act of 2005, 2:41

Executive orders. See **Executive Orders** (this index)

Forest Service Facility Realignment Act, 2:40

Healthy Forests Restoration Act, 2:38

Highway and transportation legislation modifying NEPA, 2:30

Historic cites, 2:27

Immigration Reform and Immigrant Responsibility Act and border actions, 2:42

Infrastructure Investment and Jobs Act of 2021,

Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, **2:43** 

National Historic Preservation Act, 2:33

Natural resource areas, 2:27

Outer Continental Shelf Lands Act, 2:36

Parks, 2:27

Section 4(f) determinations in Transportation Act of 2005, legislation affecting, **2:27**, **2:28** 

#### REVIEWS OF STATEMENTS—Cont'd

Selected legislative examples and streamlining, 2:26

Transportation Act, 2:27, 2:29

Water Resources Reform and Development Act of 2014. **2:45** 

## **RIPENESS**

Generally, 4:39

## RISK

Baltimore Gas & Electric case, 10:25

EIS analyses

CEQ worst case regulation, 10:23

Uncertainty and delay, 10:22

#### RIVER PROJECTS

Direct environmental effects, consideration of, 10:44

## SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION ACT

Federal agencies, lead and cooperating agency responsibilities, 7:5

## SCIENTIFIC EVIDENCE

Expert witnesses, Daubert rule, 4:60

## SCIENTIFIC JUDGMENT REQUIREMENT

Climate change and greenhouse gases, **10:38** Environmental impact statements (EIS), **10:37** 

## SCOPE OF ACT

Generally, 5:1 et seq.

Changes to projects commenced before NEPA enacted, **5:5** 

Exemptions

generally, 5:6 et seq.

see also **Exempt Projects** (this index)

Extraterritorial impacts of Agency actions, **5:18 et seq.** 

Foreign impacts of Agency actions, **5:18 et seq.** Ongoing projects, **5:4** 

Projects commenced before NEPA enacted, 5:3

Retroactive application, **5:2 et seq.** Special solicitude for governmental plaintiffs,

**4:20** 

Transboundary impacts of Agency actions, 5:21

## SEGMENTED PROJECTS

See Environmental Impact Statements (this index)

## **SETTLEMENTS**

Generally, 4:87

#### SITE-SPECIFIC ANALYSIS

Environmental impact statements (EIS), 10:37

#### SOCIO-ECONOMIC IMPACTS

Generally, **12:23** 

SOCIOECONOMIC INJURY	STANDING TO SUE—Cont'd
See also <b>Standing to Sue</b> (this index)	Procedural injury
Litigation under Act, zone of interest test, 4:27	generally, <b>4:14</b> , <b>4:15</b>
When EIS required, 8:48	injury in fact, 4:19
SPECIES	Proposed legislation, application of standing requirements, <b>4:31</b>
Invasive species executive order, 2:51	Redressibility of injury
SPECULATIVE INJURY	constitutional standing requirements, 4:24
See Standing to Sue (this index)	SCRAPP I, <b>4:12</b>
STANDARD OF REVIEW	Reviewability, <b>4:39</b>
	Ripeness, 4:39
See <b>Judicial Review</b> (this index)	SCRAP I, <b>4:12</b>
STANDING TO SUE	Sierra Club decision, <b>4:11</b>
Generally, <b>4:9 et seq.</b>	Socioeconomic injury, 4:27
Basis for standing, <b>4:9</b>	Special solicitude for governmental plaintiffs, <b>4:20</b>
Causality of injury	
constitutional standing requirements, 4:23	Speculative injury, <b>4:14</b> Standing requirements
SCRAP I, <b>4:12</b>	legislative proposals, 4:31
Citizen suit provision, <b>4:32</b>	local governments, <b>4:30</b>
Climate change as injury in fact, <b>4:21</b>	organizations, 4:29
Congressional proposal, 4:31	State and local governments, <b>4:30</b>
Constitutional standing requirements	state governments, <b>4:30</b>
causality, 4:23	States
climate change as injury in fact, <b>4:21</b>	courts, standing question in, 12:8
enforcement of settlement agreement, 4:22	standing of, 4:30
informational and procedural injury as injury	Statutory and prudential standing requirements,
in fact, <b>4:19</b>	zone of interest test, <b>4:25</b>
injury in fact, <b>4:18</b> , <b>4:19</b> , <b>4:21</b> redressability, <b>4:24</b>	Summers v. Earth Island Institute, <b>4:17</b>
Decisions on motions, 4:10	Urban environment, injury to, zone of interest
Defenders of Wildlife decision, <b>4:14</b>	test, <b>4:26</b>
Economic injury, 4:27, 4:28	Zone of interest test
Enforcement of settlement agreement, standing	economic injury, 4:28
requirements, 4:22	injury to urban environment, 4:26
Finality, 4:39	socioeconomic injury, 4:27
Informational injury as injury in fact, <b>4:19</b>	statutory and prudential standing requirements
Injury in fact	4:25
climate change as injury in fact, <b>4:21</b>	STATES
constitutional standing requirements, 4:18	Adequacy and effects of statements
informational and procedural injury as injury	generally, 12:24 et seq.
in fact, <b>4:19</b>	California, <b>12:25</b>
Lujan decision, 4:13	New York, 12:26
Sierra Club decision, 4:11	Washington, 12:27
Injury to urban environment, zone of interest test,	California
4:26	adequacy and effects of statements, 12:25
Intervention, <b>4:33 to 4:36</b>	significant effect determinations, 12:17
Irreparable harm, preliminary injunction, <b>4:72</b>	summary table, 12:3
Laidlaw decision, <b>4:15</b>	supplemental impact statements, 12:29
Local entities, <b>4:30</b>	Cooperation among federal-state and local agen-
Lujan decision, <b>4:13</b>	cies in review process, 7:30
Massachusetts v. EPA decision, 4:16	Defederalizing federally funded programs, 8:23
Moot claims, 4:41	Delegations of review process to local agencies,
Motions, decisions on, 4:10	7:11 et seq.
Organizations, 4:29	Environmental policy acts
Pleading, 4:53	generally, 1:7, 12:1 et seq.

STATES—Cont'd	STATES—Cont'd
Environmental policy acts—Cont'd	Washington
adequacy, 12:24 et seq.	adequacy and effects of statements, 12:27
alternatives, 12:22	significant effect determinations, 12:19
California, 12:3	summary table, 12:5
compliance checklist, 1:9	supplemental impact statements, 12:31
cumulative impact, 12:20	STATUTE OF LIMITATIONS
effects, 12:24 et seq.	Generally, <b>4:45</b>
multistage projects, 12:21 New York, 12:4	STAY
program statements, 12:20	
scope of statements, 12:20 et seq.	Administration of act, stay or injunction pending appeal, <b>4:84</b>
segmentation, 12:21	
socio-economic impacts, 12:23	SUMMARY JUDGMENT
summary table, 12:2	Motions for, <b>4:57</b>
supplemental impact statements, 12:28	SUMMERS v. EARTH ISLAND INSTITUTE
tiering, <b>12:20</b>	Supreme Court cases, standing to sue, <b>4:17</b>
Washington, 12:5	•
Judicial review	SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
generally, 12:6 et seq.	See Environmental Impact Statements (EIS)
action determinations, 12:11 et seq.	(this index)
conflicts, statutory, 12:10	
equivalence, 12:10	SUPPLEMENTATION AND IMPLIED
project determinations, 12:11 et seq.	REPEAL
remedies, 12:7	Generally, <b>5:8</b>
standards of review, 12:9	SUPREME COURT OF CANADA
standing to sue, 12:8 New York	IAA, unconstitutional in part, 13:40
adequacy and effects of statements, 12:26	SUPREME COURTS 2023 RULING
significant effect determinations, 12:18	Canada first response issued, 13:41
summary table, <b>12:4</b>	•
supplemental impact statements, <b>12:30</b>	TASK FORCES
Party status. See <b>Litigation Under Act</b> (this	Council on Environmental Quality (CEQ), 2:13
index)	House of Representatives NEPA task force, 2:15
Project review process	TEMPORARY RESTRAINING ORDERS
generally, 7:1 et seq.	Injunctions, 4:78
see also <b>Administration of Act</b> (this index)	TERRORISM
Projects of	Environmental impact statements (EIS), <b>8:54</b>
Exempt Projects (this index)	•
Public Projects (this index) federally assisted projects, 5:14	THE MOUNT VERNON COLLOQUIUM
Scope of Act. See <b>Scope of Act</b> (this index)	REPORT
Significant effect determinations	Council on environmental quality (ceq), 2:17
generally, 12:15 et seq.	TIME CONSTRAINT EXEMPTIONS
California, 12:17	Generally, <b>5:13</b>
climate change, 12:15	TRADE AGREEMENTS
New York, <b>12:18</b>	Environmental review of, 5:22
Washington, <b>12:19</b>	Environmental leview of, 3.22
Socio-economic impacts, 12:23	TRANSPORTATION ACT
Standing to sue, 12:8	Review requirements, 2:27, 2:29
Supplemental impact statements	TRANSPORTATION PROJECTS
generally, 12:28	Executive orders on environmental streamlining,
California, 12:29	2:53
New York, <b>12:30</b>	Review requirements, legislation modifying
Washington, 12:31	NEPA, 2:30

## **UNCERTAINTIES**

Delay, 10:22

EIS analyses, 10:22

## UNITED STATES CODE

National Environmental Policy Act, corresponding sections, **App. M** 

## URBAN ENVIRONMENTAL INJURY

See also **Standing to Sue** (this index)

Aesthetic effects of projects, 8:49

Class effects of projects, 8:50

Direct effects, 10:44, 10:47

Inner city decline, 8:46

Psychological effects of projects, 8:51

Quality of urban life, 8:45

Racial effects of projects, 8:50

Significant effect determinations, 8:64

Socioeconomic effects of projects, 8:48

When EISs required, 8:45

Zone of interest test, 4:26

## **VACATUR**

Decision-making responsibilities, 4:77

## WATER RESOURCES REFORM AND DEVELOPMENT ACT

Reviews of statements, 2:45

## **WATERS**

See Clean Water Act (this index); Outer Continental Shelf Lands Act (this index); Wetlands (this index)

#### WETLANDS

Direct environmental effects of projects, consideration, 10:44

Executive order, 2:47

## WHEN IS EIS REQUIRED

See **Environmental Impact Statements** (this index)

#### WILDERNESS PROJECTS

Direct environmental effects, consideration of, 10:45

## WINTER v. NATURAL RESOURCES DEFENSE COUNCIL

Preliminary injunctions, 4:69, 4:71

## WITNESSES

See Litigation Under Act (this index)

#### WORDS AND PHRASES

See Construction and Interpretation (this index)

#### WORST CASE ANALYSIS REGULATIONS

Generally, 10:23

Final amendment, **App. K** 

Proposed amendment, App. J

Revocation, 10:24

## ZONE OF INTEREST TEST

Economic injury, 4:28

Injury to urban environment, 4:26

Litigation under NEPA, 4:25

Socioeconomic injury, 4:27

Statutory and prudential standing requirements, 4:25