NEPA, ESA, and Fundamentals of Environmental Law

1. Introduction – Marna
2. National Environmental Policy Act (NEPA) – Jim
3. Endangered Species Act (ESA) – Brian
4. Questions
Environmental Law Overview

1970 National Environmental Policy Act (NEPA)
1970 Council on Environmental Quality established
1970 Reorganization Plan No. 3 created Environmental Protection Agency
1970 Clean Air Act
1972 Federal Water Pollution Control Amendments (FWPCA)
1972 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
1972 Marine Protection, Research, and Sanctuaries Act
1973 Endangered Species Act
1974 Safe Drinking Water Act
1976 Resource Conservation and Recovery Act (RCRA)
1976 Federal Land Policy and Management Act
1976 Toxic Substances Control Act (TSCA)
1977 Clean Water Act. Amended FWPCA.
1977 Surface Mining Control and Reclamation Act
1980 Comprehensive Environmental Response, Compensation, and Liability Act
1986 Safe Drinking Water Act Amendments of 1986
1986 Emergency Planning and Community Right-to-Know Act
1986 Superfund Amendments and Reauthorization Act (SARA)
1990 Clean Air Act Amendments
1990 Oil Pollution Act
1992 Residential Lead-Based Paint Hazard Reduction Act
1994 Executive Order 12898 on Environmental Justice
1996 Food Quality Protection Act (amended FIFRA)
2000
2002 Small Business Liability Relief and Brownfields Revitalization Act
2007 Energy Independence and Security Act (EISA)
2010
2016 Lautenberg Chemical Safety for the 21st Century Act
2020

1849 Department of Interior established
1872 General Mining Law
1900 Lacey Act
1906 Antiquities Act
1918 Migratory Bird Treaty Act
1940 Fish and Wildlife Service formed
1946 Administrative Procedure Act
1964 Wilderness Act
1965 Land and Water Conservation Fund
1968 Wild and Scenic Rivers Act
“CEQ . . . proposed to clarify that agencies should not consider effects significant if they are remote in time, geographically remote, or the result of a lengthy causal chain. . . . CEQ revises this sentence in the final rule to add “generally” to reflect the fact that there may occasionally be a circumstance where an effect that is remote in time, geographically remote, or the product of a lengthy causal chain is reasonably foreseeable . . .” 85 Fed. Reg. 43343 (2020).

“[T]he 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never.” Pres. Nixon, Statement about NEPA (Jan. 1, 1970).
“Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed.”


“The forever war over the Endangered Species Act opened new fronts today, as the Fish and Wildlife Service and NOAA Fisheries announced plans to unwind some key—but controversial—Trump administration ESA regulations.”

E&E (June 4, 2021).
“There exists ‘resounding evidence’ from experts and from the Corps that the discharges authorized by NWP 12 may affect listed species and critical habitat.”