

National Environmental Policy Act Process

Decision-Making and Environmental Impact Statement Process

- The National Environmental Policy Act (NEPA) is a process that provides an opportunity for the public and agencies to help clearly identify and define environmental issues and alternatives to be examined for a Proposed Action.
- The NEPA process is intended to help public officials make decisions based on an understanding of the environmental consequences.
- The environmental impact statement (EIS) process begins with the publication of the Notice of Intent, which describes the proposed project and the public comment period.

How Is the Public Involved?

The public is involved at three stages of the EIS process.

- First, the public is invited to make comments and suggest alternatives to the project during project scoping (see Public and Agency Scoping below).
- Second, the public is asked to comment on the results of the environmental analyses described in the Draft EIS.
- Third, the public is allowed to comment on the Final EIS, in particular on the manner in which comments on the Draft EIS were addressed.

Public and Agency Scoping

- The purpose of scoping is to identify significant environmental issues deserving further study in the EIS.
- The public and agencies are invited to review the proposed project and provide comments on issues identified.
- The public comments collected during scoping will be used to identify issues, develop alternatives, and assess impacts in the Draft EIS.
- The Uranium Exploratory Drilling scoping period began on October 10, 2008, with publication of the Notice of Intent. The scoping period will extend through September 2, 2009.

Draft EIS

- The Draft EIS will include a complete description of the proposed project and identify reasonable project alternatives, environmental and cultural resource impacts of all alternatives, and any mitigation measures to protect resources.
- The general public and federal and state agencies are invited to provide comments on the Draft EIS. The comment period is 45 days.

Final EIS

- The Final EIS considers and is shaped by comments collected on the Draft EIS and identifies a preferred alternative.
- The general public and federal and state agencies are invited to provide comments on the Final EIS.

Record of Decision

- The Record of Decision presents the agency's decision on the proposed project.

Applicable Laws and Regulations

The NEPA process requires compliance with the following laws and regulations. All decisions and documentation will comply with existing regulations. The following includes a list of pertinent federal regulations and State of Arizona regulations and required permits.

Federal Laws and Regulations

National Environmental Policy Act (NEPA)
Endangered Species Act
Mining and Mineral Policy Act of 1970
Mining Law of 1872
Clean Air Act
Clean Water Act
Safe Drinking Water Act
American Indian Religious Freedom Act
Religious Freedom Restoration Act
Archaeological Resources Protection Act
Multiple-Use Sustained-Yield Act of 1960
Native American Graves Protection and Repatriation Act
National Forest Management Act of 1976
National Historic Preservation Act
Organic Administration Act of 1897
Resource Conservation and Recovery Act of 1986
Executive Order 11593 – Protection and Enhancement of the Cultural Environment
Executive Order 11988 – Floodplain Management
Executive Order 11990 – Protection of Wetlands
Executive Order 12898 – Environmental Justice
Executive Order 13007 – Indian Sacred Sites
Other federal and state statutes that apply
Executive Order on Invasive Species 1999

BLM Regulations

State of Arizona Laws and Required Permits

Arizona Mining Law

Arizona Aquifer Protection Permit – Arizona Revised Statutes §§ 49-241 through 49-252, and Arizona Administrative Code R18-9-101 through R18-9-403 for statutes and rules related to aquifer protection permit.

The Mining Law of 1872 and Forest Service Regulation

- The Mining Law of 1872 confers a statutory right to the public to enter open National Forest System lands to search for and develop locatable minerals.
- The Forest Service has adopted regulations (36 Code of Federal Regulations Part 228A) that set rules and procedures governing the use of National Forest System lands in conjunction with operations authorized by general mining laws. It requires that all locatable mineral operations be conducted to minimize, prevent, or mitigate adverse environmental impacts to surface resources, including impacts to surrounding lands, under the jurisdiction of other federal agencies.
- Under the existing regulatory framework, the U.S. Forest Service is required to consider a “no-action” alternative, which serves as a baseline against which to assess impacts of all other alternatives. The agency cannot legally choose the no-action alternative if an action alternative meets all state and federal requirements.