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LEGAL ANALYSIS OF THE CONFLICTS BETWEEN THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE FOREST PRACTICES ACT:
A COMPARISON OF CALIFORNIA, WASHINGTON AND FEDERAL LAW
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INTRODUCTION

In evaluating California's environmental review process for timber harvest practices on private and state-owned land, it is instructive to compare mechanisms employed on the federal level and in other western states. This paper provides a brief overview of requirements under the National Environmental Policy Act ("NEPA"), the National Forestry Management Act ("NFMA"), and other environmental laws governing timber operations on federal lands, as well as under the State Environmental Policy Act ("SEPA") and Forest Practice Act ("FPA") of Washington, a major timber-producing western state. As will be seen, the federal regulatory system mandates compliance with a variety of statutes and preparation of comprehensive, long-term forest management

plans subject to full-scale environmental impact statements ("EISs") and public review. In contrast, Washington's procedure, like California's, is governed almost exclusively by the state's "little NEPA" and forest practice law, and requires the preparation of a full-scale EIS only in particular circumstances.[1] While litigation of timber practices in Washington has been less common than in California, there has been more litigation at the federal level than under California law. In addition to providing a brief overview of the Federal and Washington state requirements, this paper will briefly address concerns that private litigants have raised in the courts under federal and Washington state environmental laws.

COMPARISON NO. 1: THE INTERACTION OF NEPA WITH FEDERAL FORESTRY AND ENVIRONMENTAL LAWS

Timber harvesting on federal lands is principally governed by four statutes, the National Environmental Policy Act of 1970[2] ("NEPA"), the National Forest Management Act of 1976[3] ("NFMA"), the Multiple-Use Sustained-Yield Act of 1960[4] ("MYUSA"), and the Endangered Species Act of 1973[5] ("ESA").[6] The oldest of these laws, MYUSA, provides little in the way of legal standards, but does set forth policy guidelines for use by the Forest Service in its management of the nation's forests.[7] According to the MYUSA, the Forest Service must give "'due consideration . . . to the relative values of the various resources in particular areas,'○ including "outdoor recreation, range, timber, watershed, and wildlife and fish."[8] The NEPA, NFMA, and ESA, enacted in subsequent years, also require the Forest Service to consider effects on the environment, wildlife and ecosystems in regulating forest lands.[9]

Much like California's FPA, NFMA was designed to balance the timber industry's interest in a steady supply of harvestable timber with the interests of the public and environmentalists in protecting forests for recreation and conservation purposes. Under NFMA, the Forest Service must develop specific land use plans (called Land and Resource Management Plans, or "LRMPs") in cooperation with state, local and federal agencies and the public to govern the management of forests within its jurisdiction.[10] The plans, which are binding, divide each forest into "management areas" and dictate how the forest will be managed over a ten to fifteen year period.[11] NFMA prohibits harvesting under LRMPs where it may cause extensive or irreparable harm to resources, biological diversity, or watersheds, restricts the use of clear cutting, and limits the volume of trees that can be removed to the number which can be harvested "annually in perpetuity on a sustained yield basis."[12] LRMPs must also be consistent with MUYSA and be accompanied by an environmental impact statement ("EIS") discussing its effect, cumulative impacts, mitigation measures, and alternatives, pursuant to NEPA.[13]

Draft LRMPs and EISs are subject to public comment prior to review and approval by the Regional Forester with jurisdiction over the covered lands.[14] Although approvals may be appealed to the Chief of the Forest Service, there is no explicit allowance for judicial review under NFMA.[15] Even so, litigation of forest practices on the federal level has been extensive,[16] and a complete discussion of all aspects of judicial review would be beyond the scope of this paper. As a general matter, however, cases have turned upon violations of one or more of the NEPA, NFMA, MYUSA and ESA, and have raised such issues as the right to judicial review of LRMPs,[17] the adequacy of EISs and/or the Forest Service's evaluation of adverse impacts on the environment or wildlife,[18] and in more recent times,

the effect of the Emergency Salvage Timber Sale Program on past and present timber sale contracts.[19]

COMPARISON NO. 2: INTERACTION OF MINI-NEPAs WITH STATE FORESTRY LAWS -- THE WASHINGTON EXAMPLE

As in California, forest practices in Washington are regulated by the state's "little NEPA," the State Environmental Policy Act of 1971 ("SEPA"),[20] and its Forest Practices Act ("FPA" or "the Act").[21] When the Washington legislature enacted its current FPA in 1974, it announced its intent to "[maintain] . . . a viable forest products industry [while] . . . [affording] protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty."[22] Likewise, SEPA requires state and local agencies to consider "presently unquantified environmental amenities and values . . . in decision making."[23]

The Forest Practices Board (the "Board") has authority to issue rules and regulations implementing Washington's FPA, while administrative and enforcement authority -- including the power to review timber harvest applications, conduct inspections, and issue stop orders -- is delegated to the Department of Natural Resources ("DNR").[24] In addition, the Forest Practices Appeals Board is charged with hearing appeals of enforcement procedures, penalties, and other DNR actions and decisions.[25] Under the FPA, whether a timber operator or owner must apply to the DNR for a permit depends upon the nature of the forest practice and its potential effect on the environment.[26] The FPA divides forest practices into four categories, as follows:[27]

Class I: Forest practices falling within this category are "[m]inimal or specific . . . practices that have no direct potential for damaging a public resource," and do not require an owner or operator to obtain a permit or otherwise notify the DNR before proceeding.[28] The FPA defines "public resource" as including "water, fish, wildlife, and capital improvements of the state and local governments."[29] Examples of Class I practices are Christmas tree harvesting, removal of trees for road maintenance or emergency fire control and suppression, slash burning and control, aerial and ground spraying of non-insecticide chemicals, and logging of ○less than 5,000 board feet of timber (including live, dead and down material) for personal use . . . in any 12 month period."[30]

Class II: Forest practices falling within this category "have a less than ordinary potential for damaging a public resource," and require timber operators to notify the DNR in writing five calendar days before proceeding.[31] Class II practices include removal of trees for fire trails, timber harvests covering less than 40 acres and, subject to certain requirements, "[s]alvage of dead, down, or dying timber" or logging residue.[32] Class II practices do not include, *inter alia*, operations on lands in the process of conversion to non-timber use, or practices that the Board has expressly excluded from the Class.[33]

Class III: This is a catch-all category, which includes those practices not covered by Classes I, II or IV.[34] Owners or operators engaging in Class III practices must apply to the DNR for approval thirty calendar days before commencing, to allow time for review and inspection.[35] The application must specify the names and addresses of the owner and operator, describe the proposed practices and the harvesting or silvicultural methods to be used, include maps, and in most cases, set forth a reforestation plan.[36] The

Departments of Ecology, Game, and Fisheries will also review and comment upon the application, although they do not have authority to approve or disapprove it.[37] If the DNR approves the application, it will remain valid for one year.[38]

Class IV: Forest practices falling within this category include those not covered by Classes I and II which, *inter alia*, are performed on lands being converted to non-timber use, or which may "substantial[ly] impact" the environment and require the DNR to determine whether an environmental impact statement ("EIS") must be prepared under SEPA.[39] The Board has further divided Class IV into Class IV-General practices and Class IV-Special practices, only the latter of which are subject to SEPA review.[40] Class IV-Special practices include aerial spraying of pesticides, timber harvesting conducted in "[c]ritical wildlife habitat . . . of threatened or endangered species,"[41] logging and related activities on registered archaeological and historic sites, and "[f]orest practices subject to a watershed analysis . . . in an area of resource sensitivity."[42] Owners or operators engaging in Class IV-General or Special practices must apply to the DNR for approval thirty calendar days before commencing.[43]

Classes I, II, III and IV-General are exempt from the requirement of filing an EIS under SEPA.[44] However, the FPA does require owners and operators to take steps to reforest areas whenever trees are removed, irrespective of the applicable Classification.[45] There are some exceptions to this rule, for instance, when the owner or operator has notified the DNR that the land will be converted to non-timber or urban use within three or ten years, respectively (and the land is in fact so converted within that time), or when a minimum of 300 trees per acre will be left standing on the site.[46] For operations not falling within these exceptions, the landowner must submit a report to the DNR certifying that reforestation has been completed.[47]

Litigation of forest practices under Washington's FPA does not appear to be as common as in California. Some of the most significant cases to have made it through the state's courts have dealt with the interaction of the FPA with SEPA and other applicable laws, such as the Shorelines Management Act of 1971;[48] statutory interpretations of the FPA;[49] and the scope of agency powers under the Act.[50] For instance, in Noel v. Cole, the state supreme court held that the DNR acted outside its authority in making a contract to sell a parcel of land without preparing an EIS as required under SEPA.[51] The court noted that an EIS is required "prior to any major action significantly affecting the environment," and since the sale qualified as a "major action," the DNR's failure to prepare the EIS voided the contract.[52] More significantly, the court observed in dicta that the Forestry Board is only entitled to exempt from SEPA's requirements those activities which will not have a significant adverse impact on the environment.[53]

Plaintiffs relied upon this point in Snohomish County v. Washington,[54] in arguing that the DNR violated SEPA by issuing logging permits without evaluating whether the operation would have a substantial environmental impact or requiring the preparation of an EIS.[55] The appellate court rejected the supreme court dicta in Noel, holding that because the DNR designated the operation as Class III practices, which are statutorily exempt from SEPA, the DNR did not have to independently determine whether the operation would have a substantial environmental impact, or prepare environmental checklists, draft EIS's, or final EIS's.[56] The court noted that following the decision in Noel, the state legislature

enacted amendments to the law allowing the DNR to rely on such categorical exemptions without having to make individual determinations of the effects of proposed projects under SEPA.[57]

CONCLUSION

When viewed in the context of the above statutory frameworks, California's environmental review process appears to fit somewhere in the middle. The federal scheme is the most rigorous, requiring compliance with the NEPA, NFMA, MYUSA, and the ESA. In addition, LRMPs under NFMA call for environmental planning over an extended time period (i.e., ten to fifteen years), and require consideration of the development of entire forest regions, as well as the preparation of a full-scale EIS. Once approved, they are binding on all site-specific developments.

In contrast, environmental review of timber harvest practices in California, although intended to address cumulative impacts and reasonably foreseeable future effects, is often limited to site specific projects and does not require compliance with a long-term, comprehensive forest management plan. In addition, timber operations are exempt from filing full-scale EIRs under CEQA, and instead are required to file a THP.

Washington state's review process is even more limited, insofar as it provides for categorical exemptions to the EIS requirement and does not mandate the evaluation of individual projects for substantial environmental effects. However, non-exempt operations do require preparation of a full-scale EIS; there is no provision for an abbreviated "functional equivalent" as in California.

Finally, with respect to judicial review of agency action, litigation at the federal level has been extensive, even though NFMA makes no express allowance for citizen suits. Litigation in California is less prevalent than at the federal level, while in the Washington it is uncommon, perhaps because of judicial deference to the DNR's categorization of operations in statutorily-exempt Classes.


Footnotes

1. See Appendix A, "States with ‘Mini-NEPAs'" back to text

2. Pub. L. No. 91-190, 83 Stat. 852, codified as amended at 42 U.S.C. § 4321 et seq. back to text

3. Pub. L. No. 94-588, 90 Stat. 2949, codified at 16 U.S.C. § 1600 et seq. back to text

4. Codified at 16 U.S.C. § 528 et seq. back to text

5. Pub. L. No. 93-205, 87 Stat. 884, codified as amended at 16 U.S.C. § 1531 et seq. back to text

6. See generally, Trilby C.E. Dorn, Logging Without Laws: the 1995 Salvage Logging Rider Radically Changes Policy and the Rule of Law in the Forests, 9 Tul. Envtl. L. J. 447 (Summer 1996). A new addition

to the group, the Emergency Salvage Timber Sale Program, was passed in 1995 as part of the Recissions Act, Pub. L. No. 104-19, 109 Stat. 194. Id. at 463. The Program has engendered much controversy and has already spawned litigation by concerned environmental groups. See id. at 465; Fern L. Shepard, Survey of Public Land Law Developments and Proposals in 1995 Relating to Endangered Species Protection, Forest Management, and Wilderness, CA 37 ALI-ABA 643 (1996). Also called the "Salvage Rider" or "Recissions Act Rider," the Program allows the Forest Service to sell timber for salvage purposes without complying with the documentary or procedural requirements of NFMA, NEPA or other environmental laws, until its expiration date on September 30, 1997. Salvage timber sales made pursuant to the Program are presumptively deemed to satisfy the requirements of NEPA, NFMA, the ESA, MUSYA, and "[a]ll other applicable Federal environmental and natural resource laws," thereby significantly limiting the availability of judicial review. Dorn, supra this note, at 465-67. "Salvage timber" is defined under the new law as including "disease or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack, . . . [and] associated trees." Id. at 466. back to text

7. Id. at 452-53. back to text

8. Id.; 16 U.S.C. § 528. back to text

9. Dorn, supra note 6, at 449. NFMA specifically directs that national forests be administered to "provide for diversity of plant and animal communities based on the suitability and capability of the specified land area in order to meet overall multiple use objectives." 16 U.S.C. § 1604(g)(3)(B). back to text

10. Sierra Club v. Marita, 46 F.3d 606, 608-09 (7th Cir. 1995); Dorn, supra note 6, at 456-57. back to text

11. Sierra Club v. Marita, 46 F.3d at 609; Dorn, supra note 6, at 457. "All 'permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected [national forest] lands'" must comport with the Service's plan. Sierra Club v. Marita, 46 F.3d at 611. back to text

12. Dorn, supra note 6, at 457-58. back to text

13. Sierra Club v. Marita, 46 F.3d at 608-09; Dorn, supra note 6, at 457; 40 CFR § 1508.7. NEPA requires that an EIS be prepared for all "major federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(c). back to text

14. Sierra Club v. Marita, 46 F.3d at 609. The Regional Forester must prepare a Record of Decision explaining the basis for her approval of a plan and EIS. Id. back to text

15. Id. at 610; Dorn, supra note 6, at 459. back to text

16. At least one commentator reports that despite the flurry of activity in the courts, environmental plaintiffs have had only a limited effect on timber operations on federal lands. Dorn, supra note 6, at 459 (citing Rep. Elizabeth Furse's (D. Or.) statement before the House Salvage Timber and Forest Health Task Force, 104th Cong., on December 19, 1995, that as of mid-1995 a mere three percent of timber volume had been delayed by private suits). The commentator attributes this to judicial deference to agency discretion, limitations on judicial review, and "lack of citizen suit provisions in either NFMA or NEPA." Id. back to text

17. See, e.g., John P. Hogan, The Legal Status of Land and Resource Management Plans for the National Forests: Paying the Price for Statutory Ambiguity, 25 Envtl. L. 865 (Summer 1995), discussing the following cases: Idaho Conservation League v. Mumma, 956 F.2d 1508 (9th Cir. 1992) (holding that plaintiffs had standing to challenge LRMPs and were not required to wait for site specific developments); Resources Ltd. v. Robertson, 35 F.3d 1300 (9th Cir. 1994) (upholding plaintiff's standing to challenge LRMP and accompanying EIS on grounds that they violated NEPA, NFMA and the ESA). back to text

18. See, e.g., Shepard, supra note 6, discussing the following cases: Plumas Forest Project v. Glickman, No. CIV-S-94-804-DFL-JFM (E.D. Cal. July 14, 1995) (holding that Forest Service was not required to conduct biological diversity planning for individual timber sale contracts under NFMA); Inland Empire Public Lands Council v. U.S. Forest Service, No. CV-94-108M-CCL (D. Mont. July 6, 1995) (holding that Forest Service's examination of species population viability issues in connection with timber sales in the Kootenai National Forest was sufficient for purposes of NFMA and NEPA); Leavenworth Audubon Adopt-A-Forest Alpine Lakes Protection Society v. Ferraro, 881 F. Supp. 1482 (W.D. Wash. 1995) (granting permanent

injunction against timber sales in the Wenatchee National Forest because the Forest Service, *inter alia*, did not adequately consider the impact of the sales on a sensitive species, the bull trout). back to text

19. See, e.g., Shepard, supra note 6, discussing the following cases: Sierra Club v. United States Forest Service,93 F.3d 610 (9th Cir. 1996) (affirming district court decision holding that Emergency Salvage Timber Sale Program applied retroactively to cover a 1993 salvage sale in the Williamette National Forest, and that the court had no jurisdiction over the plaintiff's claims since the Program "[immunizes] salvage logging from compliance with environmental laws."); Northwest Forest Resource Council v. Glickman, Nos. 95-36038, 95-36042, 1996 WL 290592 (9th Cir. 1996) (holding that all timber sale contracts offered or awarded before July 27, 1995 for forests in Washington and Oregon are to be released in 1995 and 1996 pursuant to the Emergency Salvage Timber Sale Program); Oregon Natural Resources Council v. Thomas, 92 F.3d 792 (9th Cir. 1996) (holding that Emergency Salvage Timber Sale Program applies retroactively and prospectively and precludes challenges to salvage sales under NFMA, the APA, and other federal environmental laws); Inland Empire Public Lands Council v. Glickman, 88 F.3d 697 (9th Cir. 1996) (holding that Forest Service's decision to sell timber in the Kootenai National Forest under the Emergency Salvage Timber Sale Program was not arbitrary and capricious, and Program barred challenge to decision under the ESA). back to text

20. Rev. Code Wash. ch. 43.21C. For a list of other states with "little NEPAs," see Appendix A. back to text

21. Rev. Code Wash. ⁂ 76.09-.950. back to text

22. Rev. Code Wash. ⁂ 76.09.010(1) (1995). Prior to 1971, timber harvesting in Washington was governed by the 1945 Forest Practices Act, which sought to ensure the continued supply of timber through reforestation, but did not take into account environmental, recreational, or aesthetic concerns. Comment, Protection of Recreation and Scenic Beauty Under the Washington Forest Practices Act, 53 Wash. L. Rev. 443, 444-45 (May 1978). back to text

23. Rev. Code Wash. ⁂ 43.21C.030(2)(b). back to text

24. Comment, supra note 22, at 447, 451-52; Catherine Phillips Plummer, Comment, The Obligation to Reforest Private Land Under the Washington Forest Practices Act, 56 Wash. L. Rev. 717, 720 (Nov. 1981). back to text

25. Plummer, supra note 24, at 742 n.47. back to text

26. See Comment, supra note 22, at 449; Plummer, supra note 24, at 742 n.33. back to text

27. The Forest Practices Board has authority under the Act to determine which practices will be assigned to each Class. Comment, supra note 22, at 450; Snohomish County v. Washington, 69 Wash. App. 655, 666 (1993), discussed infra; Rev. Code Wash. ⁂ 76.09.050(1). back to text

28. Comment, supra note 22, at 449; Rev. Code Wash. ⁂ 76.09.050(1). back to text

29. Comment, supra note 22, at 449 n.25; Rev. Code Wash. ⁂ 76.09.020(13). back to text

30. Wash. Admin. Code ⁂ 222-16-050(3). back to text

31. Comment, supra note 22, at 449; Plummer, supra note 24, at 742; Rev. Code Wash. ⁂ 76.09.050(1). back to text

32. Wash. Admin. Code ⁂ 222-16-050(4). back to text

33. Comment, supra note 22, at 449 n.27; Rev. Code Wash. ⁂ 76.09.050(1). back to text

34. Comment, supra note 22, at 449; Rev. Code Wash. ⁂ 76.09.050(1). back to text

35. Comment, supra note 22, at 449; Plummer, supra note 24, at 742; Rev. Code Wash. ⁂ 76.09.050(1). back to text

36. Plummer, supra note 24, at 742 n.33. back to text

37. Id. at 722, 742 n.46. back to text

38. Id. at 742 n.33. back to text

39. Comment, supra note 22, at 449-50, 450 n.29; Rev. Code Wash. 76.09.050(1). back to text

40. Comment, supra note 22, at 461-62; Wash. Admin. Code 222-16-050(1), (2) (1996). For those practices which are designated as Class IV-Special, an EIR must be prepared if the practices will have "a probable, significant, adverse environmental impact." Snohomish, supra note 27, at 666; Rev. Code Wash. 43.21C.031. back to text

41. Wash. Admin. Code 222-16-080 (1996) lists additional forest practices affecting "critical wildlife habitat" that fall under the Class IV-Special umbrella. back to text

42. Wash. Admin. Code 222-16-050(1). back to text

43. Plummer, supra note 24, at 742 n.33; Rev. Code Wash. 76.09.050(1). back to text

44. Comment, supra note 22, at 460; Snohomish, supra note 27, at 666; Rev. Code Wash. 76.09.050(1). However, categorical exemptions from SEPA are restricted where the project involves cumulative environmental impacts. Snohomish, supra note 27, at 668. Specifically, exemptions "are limited . . . for any proposal which is a segment of a proposal that includes (i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or (ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. . . ." Id. back to text

45. Comment, supra note 22, at 450, 450 n.32; Plummer, supra note 24, at 717. back to text

46. Plummer, supra note 24, at 722-23, 742 n.21. Owners who remove trees to create or maintain a right-of-way for utility lines and public agencies who own or acquire land for non-timber projects are also exempt from the reforestation requirement. Id. at 742 n.37. back to text

47. Id. at 742 n.29. back to text

48. See, e.g., Weyerhaeuser Co. v. King County, 91 Wash.2d 721 (1979) (holding that county had authority under the Shorelines Management Act to regulate forest practices on lands adjacent to shoreline through issuance of substantial development permits). back to text

49. See, e.g., Department of Natural Resources v. Marr, 54 Wash. App. 589 (1989) (holding that logging on residential lands not being used for purposes incompatible with timber harvesting was subject to the FPA's permit requirements). back to text

50. See, e.g., Boise Cascade Corp. v. Washington Toxics Coalition, 68 Wash. App. 447 (1993) (holding that Forestry Practices Appeals Board had authority to issue suspension orders during an appeal by private party of approval of applications to spray forest lands, and could delegate this authority to an administrative law judge). back to text

51. 98 Wash. 2d 375 (1982). back to text

52. Id. at 371-81. back to text

53. Id. at 381. back to text

54. 69 Wash. App. 655 (1993). back to text

55. Id. at 657, 666-67. back to text

56. Id. at 667, 669-70. back to text

57. Id. at 667-69. back to text

Appendix A

States with "Mini-NEPAs"[1]

California	California Environmental Quality Act, Cal. Pub. Res. Code § 21000 et seq.
Connecticut	Connecticut Environmental Protection Act of 1973, Conn. Gen. Stat. § 22a-1 et seq.
Dist. of Columbia	District of Columbia Environmental Policy Act of 1989, D.C. Code Ann. § 6-981-990 et seq.
Florida	Environmental Protection Act of 1971, Fla. Stat. Ann. § 403.412
Georgia	Georgia Environmental Policy Act, Ga. Code Ann. § 12-16-1 et seq.
Hawaii	Hawaii Environmental Policy Act, Haw. Rev. Stat. § 343 et seq.
Indiana	Indiana Environmental Policy Act, Ind. Code § 13-1-10-1 et seq.
Maryland	Maryland Environmental Policy Act of 1973, Md. Nat. Res. Code Ann. § 1-301 et seq.
Massachusetts	Massachusetts Environmental Policy Act, Mass. Gen. L. ch. 30, § 61 et seq.
Michigan	Thomas J. Anderson, Gordon Rockwell Environmental Protection Act of 1970, Mich. Comp. Laws Ann. § 691.1201 et seq.
Minnesota	Minnesota Environmental Policy Act of 1973, Minn. Stat. Ann. § 116D.01 et seq.
Montana	Montana Environmental Policy Act, Mont. Code Ann. § 75-1-101 et seq.
New York	New York State Environmental Quality Review Act, N.Y. Envtl. Conserv. Law § 8- 0101 et seq.
North Carolina	North Carolina Environmental Policy Act of 1971, N.C. Gen. Stat. § 113A-1 et seq.
Puerto Rico	Public Policy Environmental Act, P.R. Laws Ann. ti. 12, § 1121 et seq.
South Dakota	South Dakota Environmental Policy Act, S.D. Codified Laws Ann. § 34A-9-1 et seq.
Virginia	Virginia Environmental Quality Act, Va. Code Ann. § 10.1-1182 et seq.
Washington	Washington State Environmental Policy Act of 1971, Rev. Code Wash. § 43.21C.010 et seq.
Wisconsin	Wisconsin Environmental Policy Act of 1971, Wis. Stat. Ann. § 1.11.

1. Compiled from John D. Landis, Rolf Pendall, Robert Olshansky, and William Huang, Fixing CEQA: Options and Opportunities for Reforming the California Environmental Quality Act ("CPS Report") (1995), Vol. 2, at 1; David Sive, National Environmental Policy Act, "Little NEPAs," and the Environmental Impact Assessment Process, C127 ALI-ABA 1191 (1995) (reproducing the Appendix to the Council of

Environmental Quality's 1991 Annual Report); and Note, The Indiana Environmental Policy Act: Casting a New Role for a Forgotten Statute, 70 Ind. L. J. 613, 622-623 n.80-83. The CPS Report contains a thorough discussion of the operation of mini-NEPAs in the above-listed states. back to text