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*Scientific Uncertainty Under the National Environmental Policy Act*

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Abstract by Erika Miller

Decisions under the National Environmental Policy Act (NEPA) encounter difficulty because of the scientific uncertainty inherent in the analysis. The difficulties were highlighted by the *National Parks & Conservation Ass'n*, where there was no Environmental Impact Statement (EIS) even though there was uncertainty about the impact on marine life in the Environmental Assessment (EA). This case shows that an agency cannot forego the preparation of an EIS based on the findings of no significant impact when that finding may be based on an incomplete investigation. Courts need to be aware of the existence of scientific uncertainty, especially in NEPA cases, and ensure that they do not usurp the role of agency experts and scientists.