

Identifying a Preferred Alternative

A preferred alternative is the alternative that the National Park Service (NPS) determines “would best accomplish the purpose and need of the proposed action while fulfilling its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors” (43 CFR 46.420(d)). A draft environmental impact statement (EIS) should identify a preferred alternative, if one exists, unless some law prohibits the expression of a preference (43 CFR 46.425(a)). A final EIS must identify a preferred alternative unless some law prohibits the expression of a preference (43 CFR 46.425(b)). It is NPS practice to identify a preferred alternative, if one exists, in an environmental assessment (EA).

Identification of a preferred alternative is within the sole discretion of the NPS decision maker. Within the NPS, decision-making authority for EAs and EISs is generally delegated to regional directors (Director’s Order-12, 5.3). Superintendents are encouraged to recommend a preferred alternative to the regional director. Prior to making a recommendation, superintendents should consider input from the project team (also referred to in many cases as the interdisciplinary team or project review team) with respect to the potential impacts of the alternatives under consideration on park resources and values. In many cases, it may be appropriate for the project team to recommend a preferred alternative to the superintendent. However, it is up to the superintendent to decide whether to adopt the project team’s recommendation or to recommend a different alternative to the regional director, taking into account the elements discussed below.

The purpose of identifying a preferred alternative is to let the public know which alternative the agency is leaning toward selecting at the time an EA or draft or final EIS is released. It is important to note that when identifying a preferred alternative, no final agency action is being taken. The preferred alternative may change between a draft and final NEPA document based on input received from the public and governmental agencies, and the NPS is not obligated to select the preferred alternative for implementation. There is no requirement to provide a rationale as to why a particular alternative is identified as the preferred alternative in an EA or draft or final EIS. However, a rationale for selecting an alternative does need to be provided in a Finding of No Significant Impact or Record of Decision. Because the authority to identify a preferred alternative rest with the regional director and does not constitute a final agency action, structured decision-making processes such as “choosing by advantages” and other value analysis processes should not be relied upon to identify a preferred alternative.

There are a number of ways to identify a preferred alternative. One recommended approach is to discuss the alternatives in a manner that addresses the elements included in the Department of the Interior (DOI) NEPA regulations (43 CFR 46.420(d)). These elements include:

- Which alternative best meets the purpose and need for taking action
- Which alternative best meets the NPS statutory mission and responsibility
- The degree of environmental impacts of each alternative
- Technical factors such as the ability to implement each alternative, cost, etc.

This guidance is meant to supplement the NPS NEPA Handbook, and is issued under the authority of the Associate Director, Natural Resource Stewardship and Science. It is intended only to improve the internal management of the National Park Service and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person(s).

- Consideration of other factors, such as the positions of members of the public, other agencies and members of Congress, and the feasibility of implementing a sustainable decision.

In order to ensure the discussion considers all relevant information, a preliminary impact analysis for each alternative should be completed so that the nature and extent of likely impacts can be understood. Furthermore, where appropriate, the superintendent or regional director should consult with the NPS Directorate and DOI officials to ensure any overarching policy concerns are adequately considered.