

What is an Environmental Impact Statement?

An Environmental Impact Statement (EIS) is a document that is designed to aid decision-makers in evaluating both the positive and negative effects of potential projects. It is primarily a *disclosure* document in that it simply conveys information about potential effects of various projects and configurations of projects. It does not contain any recommendations or conclusions as to what decision-makers should do; nor does it provide guidance as to how a project could be made more efficient, profitable, worthwhile, or less environmentally invasive. It simply proffers information in the realm of, “If you did this project, these are the potential impacts which would result.”

There are two versions of EISs that are publicly distributed – Draft and Final documents. The Draft document is prepared and distributed to the public for the express purpose of obtaining public comment and refining the content of the document to strengthen the analysis it contains before completing a Final version. An EIS process is not complete until the Final version of an EIS is prepared, and it is illegal to skip the Draft portion of the process!

Why are EISs written?

The National Environmental Policy Act (NEPA) of 1970 attempted to make federal agency land managers take a “hard look” at the potential effects of projects that agencies were funding or implementing. The avenue by which NEPA forced consideration of effects was through the EIS process. Practically speaking, agencies must write an EIS any time a project involves use of public land (such as with lands under jurisdiction of the Forest Service, National Park Service, Bureau of Land Management, etc.), receives federal monies (such as with most highway improvement projects), involves resources under federal jurisdiction (such as wetlands or Threatened or Endangered Species), or involves interstate commerce in the transaction.

What does an Environmental Impact Statement discuss?

An EIS contains essentially four major sections containing four different types of information about a proposed project. This information is arranged into four distinct chapters:

Chapter 1 – Purpose and Need

The first section of an EIS discusses the purpose of a proposed project (what the project is supposed to do) and the needs behind that purpose (why the project should be done). We can use the example of a highway improvement project to relate purposes and need. For example, the purpose might be to increase roadway efficiency and decrease vehicle congestion. The need might be as a result of increased highway fatalities during peak periods of congestion, or unacceptable length of time it takes the average motorist to get from point A to point B.

Chapter 1 frames a project in terms of its scope, extent, and objectives. It offers the reasoning behind *why* a project is being proposed in the first place.

Chapter 2 – Proposed Action and Alternatives

Chapter 2 discusses the specific components of a project proposal, and any alternatives to that proposal that are being considered. The alternatives are important in that they provide the decision maker a range of actions from which to choose, and it is likely that this *range of alternatives* will have associated with them various levels of environmental effects, expense, and public support, and will contain different configurations of achieving the original purpose and need.

Each alternative provides a discussion on the project components, timing, and “plan of action” that the alternative requires. Two alternatives are required by law in an EIS, the Proposed Action (the original project proposal) and the No Action Alternative. The No Action Alternative describes the conditions that would result from undertaking no action at all or maintaining current management conditions. In this way, a baseline environmental condition is established, and each *action* alternative may be compared with the No Action Alternative to show the relative benefits and impacts from implementing one alternative versus another.

Using the highway improvement project mentioned before, the Proposed Action might be to widen a highway by one additional lane in each direction. Potential alternatives could be to widen the highway by two lanes each way, or create a rail system that would help to relieve congestion by removing motorists from the highway, or perhaps a combination of widening and bus service might be proposed. Meanwhile, the No Action Alternative would document the expected environmental conditions resulting from not improving the highway or transportation system at all.

Chapter 3 – Affected Environment

The affected environment chapter describes the entire range of the “human environment” in its current state. Abiotic, biotic, and socioeconomic environments are all described in detail and provide reference for framing the potential environmental effects that may be anticipated as a result of implementing one of the alternatives described in the previous Chapter 2. The following topic areas are commonly discussed in the Chapter 3 of an EIS:

<u>Physical Environment</u>	<u>Biotic Environment</u>	<u>Socioeconomic Environment</u>
Air Quality	Fisheries and Aquatics	Cultural and Historic Resources
Geology and Soils	Vegetation	Socioeconomics
Land Use	Wetlands	Health and Safety
Noise	Wildlife Resources	Recreation
Visual Resources		Public Utilities and Services
Water Resources		Transportation

In terms of content, this chapter consists of an assessment of current conditions. It should neither discuss the current environmental setting in relation to proposed project alternatives, nor should it discuss potential environmental effects, which are individually discussed in Chapters 2 and 4, respectively.

Often times, Chapter 3 of an EIS is useful for not only the project proponents and administrators, but may be useful as a secondary data source for other projects that may be in the general project area or similar environments since detailed studies are usually required to describe some of the existing conditions. Again, using our transportation EIS example, the assessment of air quality used in the document may end up providing baseline information

for future projects or analyses occurring in the same geographic region.

Chapter 4 – Environmental Effects

Chapter 3 and 4 together are the “meat” of an EIS, and concerned activists often go directly to chapter 4 to obtain the analysis of the potential environmental effects, both beneficial and harmful, of proposed alternatives on the range of human environments (physical, biotic, and socioeconomic).

Chapter 4 really contains the “analysis” portion of the document, where scientists, resource managers, and research specialists use many sources of information to predict what types of effects could be expected as a result of implementing a particular plan of action.

Often, Chapter 4 is the most controversial portion of the document, since it contains the pivotal information that decision-makers are using to make choices between alternatives, and because potential environmental effects may be up to much interpretation from one resource expert to another.

How can I be involved in the Environmental Impact Statement preparation process?

NEPA requires that agencies that are preparing environmental impact statements for particular projects make “diligent efforts” to involve the public. This includes both notifying potentially interested parties that an EIS for a described project will be prepared, and allowing interested parties to comment on the Draft version of the document when it is completed.

The public involvement process in EIS preparation is generally referred to as the “scoping” process, and it should begin as soon as possible after the lead agency – the agency proposing to implement a new project – decides to prepare an EIS. Proactive agencies start this process even *sooner*, but they must provide enough notice so that the public and relevant agencies can participate effectively.

The most inclusive portion of the scoping process begins when the lead agency puts out a request for public comment, beginning when the Draft EIS is completed and distributed. Generally, this comment period lasts a minimum of 45 days from the date of release of the Draft EIS. Any interested person is allowed, and encouraged, to submit comments on an EIS. Comments should be substantive, and should not overly focus on either

opinions about the project or matters of personal feeling about an issue or topic. Specifically, comments should focus on one or more of the following subjects:

- relevance of the purpose and need statement;
- adequacy of range of alternatives and alternative analysis;
- adequacy of impact analysis or documentation;
- cumulative impacts;
- adequacy and feasibility of mitigation measures; and/or,
- comments on procedural matters, such as improper public notice or review period or failure to consult with other agencies.

How can I find out about projects that involve preparation of an EIS in my area?

The *Federal Register* is the clearinghouse for all notices of intent (required when an agency decides to prepare an EIS) and notices of availability (required before release of either a Draft or a Final EIS document to the public). The *Federal Register* is updated daily, and is accessible online at:

http://www.archives.gov/federal_register

Unfortunately, it is not easy to sift through *all* the nationwide projects requiring an environmental impact statement to find projects potentially interesting to *you* in a given location.

So, another option is to keep an eye on the legal notices section of your local or regional newspaper, where agencies are also required to provide public notice. Again, this may not be the best option either, because agencies may publish a notice in a paper to which you do not subscribe!

Perhaps the best option is to keep an eye and ear on local media sources which may more prominently discuss upcoming projects, or contact agencies directly. Regional offices often maintain lists of persons who want to be notified any time they begin an EIS process. Another option is to contact an activist group. They might also maintain continuous notification databases. For example, if you had an interest in endangered species preservation, you might want to contact a local Sierra Club office to find out if there are any EISs that you might be interested in obtaining and providing comment.



Where can I find further information about NEPA and EIS preparation?

The Council on Environmental Quality (CEQ) addresses the most frequently asked questions concerning NEPA and EISs in a comprehensive but short document. Commonly referred to as the *Forty Questions*, it is available on the CEQ website at

<http://ceq.eh.doe.gov/nepa/regs/40/40p3.htm>

The document is arranged generally in question and answer format and explains some of the most common aspects of EIS preparation. It also refers to sections of the implementation regulations for NEPA, also compiled by CEQ. The Act itself, while surprisingly short as far as legislative acts go, may be less helpful than the implementation regulations for general purposes of evaluating or writing EISs. These regulations are available at:

http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm

Often in discussions of NEPA, issues of “spirit” and “intent” of the Act are called into question, so it may also be helpful to take note of the Act itself, which may be found in electronic format at:

<http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>

Additionally, many books have been written on the intricacies and finer points of NEPA compliance, and a comprehensive website exists to address all sorts of common, and not-so-common questions regarding NEPA compliance, writing NEPA documents, and aspects of public involvement under NEPA. “NEPanet,” as it is called, can be found at:

<http://ceq.eh.doe.gov/nepa/nepanet.htm>

For those with specific questions relating to specific projects, it might be best to contact the NEPA Coordinator of the federal agency responsible for making a decision on a project. Most federal agencies staff

persons trained in NEPA compliance and many state agencies may also employ personnel who are trained in writing, reviewing, and utilizing EISs. If you have a specific question that cannot be answered by more general references, these trained personnel may be your best reference.