

Environmental Impact Statements and Citizen Involvement

What if a Federal agency suddenly decides to build a major highway through your community, or if the Army Corps of Engineers decides to dam up your favorite fishing river? Do you have any recourse? The fact is, Federal agencies responsible for implementing major projects that impact the landscape are required, by law, to provide a forum for public comment. This forum is built into what is known as the Environmental Impact Statement preparation process.

An Environmental Impact Statement (EIS) is a document that is designed to aid decision-makers in evaluating both the positive and negative environmental impacts of potential projects. It is primarily a disclosure document that conveys information about potential effects of various projects. Contrary to popular belief, an EIS does *not* contain 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. So, why then are environmental impact statements 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 they were funding or implementing. The avenue by which NEPA forced consideration of effects was through the EIS process. Practically speaking, agencies must participate in the EIS process and perform an environmental analysis disclosure any time a project involves use of public land, receives federal monies, involves resources under federal jurisdiction, or involves interstate commerce in the transaction.

What does an Environmental Impact Statement discuss?: An EIS generally contains four sections. The first section discusses the purpose of a proposed project and why the project is needed. The second section discusses the specific components of a project proposal and any alternatives to that proposal that are being considered. The alternatives provide the decision maker a range of actions from which to choose. The third section focuses on the affected environment

and describes the entire range of the human environment in its current state. Finally, the fourth section is the analysis, whereby scientists, resource managers, and research specialists use many sources of information to predict what types of environmental effects could be expected as a result of implementing a particular plan of action.

Are Citizens involved in the Environmental Impact Statement Preparation Process?: NEPA requires that a draft of the EIS be prepared and distributed to the public prior to completing the final version of the document. In other words, agencies that are preparing an environmental impact statement for a particular project must make a ‘diligent effort’ 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 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 may 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. 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, etc.

How can I find out about projects that involve an EIS in my area?: The *Federal Register* is the official clearinghouse of information when an agency decides to prepare an EIS and before the agency releases 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 simply keep an eye on the legal notices section of your local or regional newspaper, where agencies are also required to provide public notice. However, keep in mind that agencies may publish a notice in a paper to which you do not subscribe! Perhaps the best way to keep up-to-date on projects requiring environmental impact statements is to keep an eye and ear on local media sources which may discuss upcoming projects.

To conclude, NEPA has opened an important avenue for citizens to provide input on federally sponsored projects via the EIS public comment period. Although public opposition to a particular project does not necessarily stop it from going ahead, most agencies *do* take into account the full range of public input. In some cases, public input has even lead to the modification of a project, or even eventual dismissal of the project. In effect, the EIS may be your best chance to provide input, “yeah or nay”, on federal projects.