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Environmental Impact Statements



**Cooperative Extension Service
South Dakota State University
U. S. Department of Agriculture**

Environmental Impact Statements

By Roger Steinberg, Extension area environmental agent

South Dakotans, either individually or in groups, now have a new tool to use in either opposition or support to proposed federal programs affecting the environment. The federal government has provided for this through the Environmental Impact Statement procedure outlined below.

On January 1, 1970, President Nixon signed into law the National Environmental Policy Act. This act has been called by many a legislative landmark. It will have long reaching effects which are now just beginning to be felt.

The National Environmental Policy Act did three major things: (1) It established a national policy to maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans. (2) It also created a three-man Council on Environmental Quality. The Council is advisor for and answers directly to the President, overseeing all matters of environmental concern. (3) The third major section and the one to be discussed in more detail here deals with Environmental Impact Statements.

WHAT IS AN EIS?

The Environmental Impact Statement is a detailed analysis by federal agencies of the environmental aspects of their proposed actions. Its purpose is to alert the agency, the public, Congress, and the President to the environmental risks involved. All federal agencies are now required to include an impact statement in their review process before they take any major action which may significantly affect the quality of the environment.

Such actions may include new highway construction, river and harbor projects, new power plant construction, bridge building, large scale pesticide spraying and many more. An impact statement is also required on any proposed federal legislation which may affect environmental quality.

At the beginning of each statement is a summary which gives a description of the action and a summary of technical data adequate to permit careful

evaluation of environmental effects. The main body of the statement contains five parts:

- (1) The environmental impact of the proposed action, including the impact on ecological systems and any direct or indirect consequences resulting from the action.
- (2) Any unavoidable adverse effects.
- (3) Alternatives to the proposed actions which might avoid or eliminate some or all of the adverse effects.
- (4) The relationship between local short-term use of the environment and the maintenance and enhancement of the environment's long-term productivity.
- (5) Any irreversible or irretrievable commitment of natural resources that might result from the process.

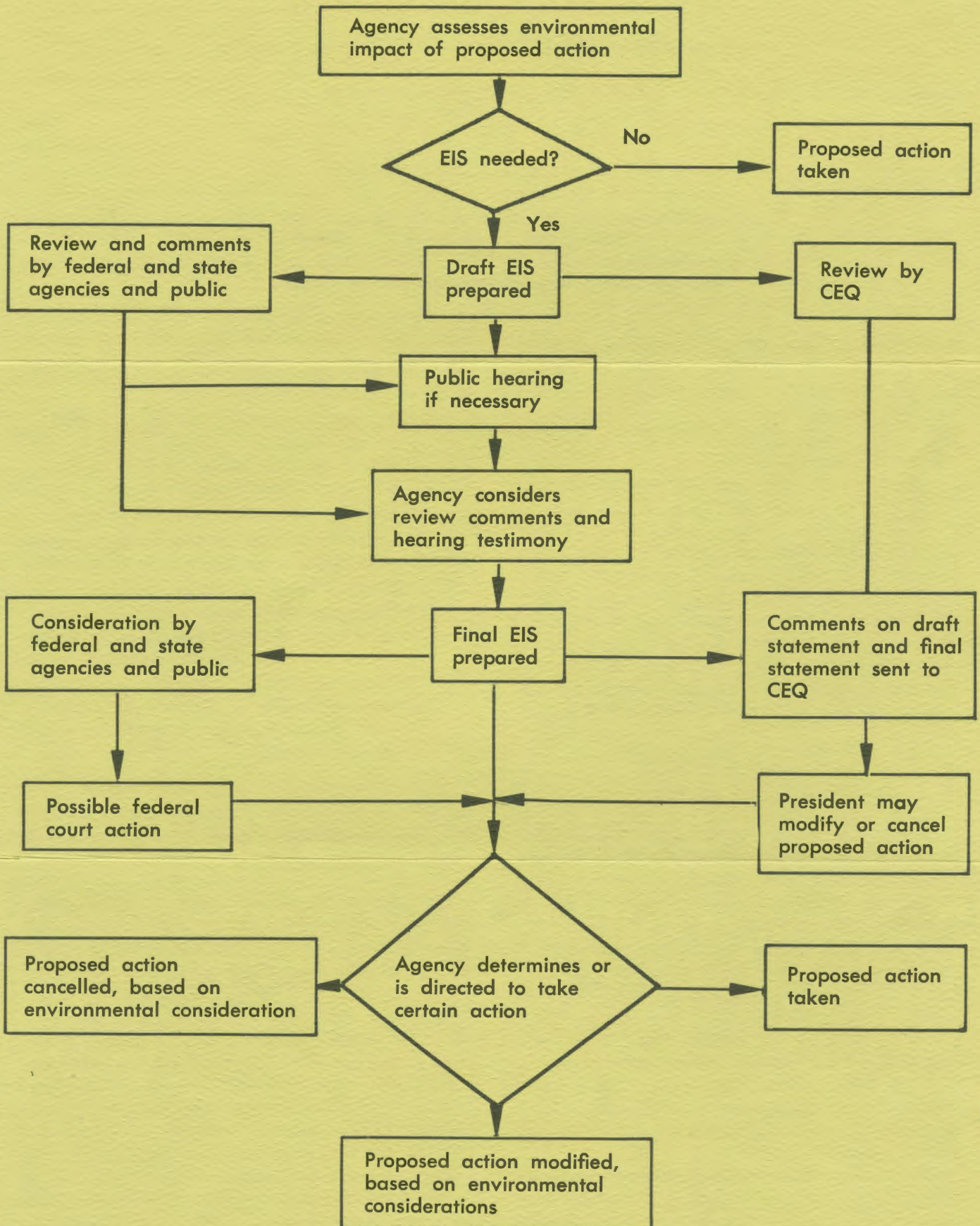
A final section of the statement contains comments. Comments on the project are requested from other federal agencies with expertise in particular areas of the project.

The Environmental Protection Agency is required to comment on almost all impact statements. **State and local government, private organizations, and individuals may also comment.** Statements may vary from a few pages to as many as 500 depending upon the type of action.

Since the implementation of the law over 2,000 actions, including federal legislative proposals and reports, have been subject to environmental analysis. Many impact statements have been filled out by the Department of Transportation when considering new highways. Other agencies using this procedure include the Corps of Engineers, the Forest Service, the Coast Guard, and the Bureau of Reclamation.

Many agencies will send out, upon request, the particular guidelines they use in writing statements.

Environmental Statement Process



The general guidelines all agencies must follow were issued by the Council on Environmental Quality in the Federal Register (April 23, 1971).

An environmental impact statement is prepared in two stages—a draft statement and a final statement. The draft statement is prepared by the sponsoring agency, using its own information and expertise. This draft is then reviewed and commented on by other agencies and concerned citizens. Finally, the sponsoring agency uses these comments to modify the project plans, if needed, and to prepare a final statement.

If, for example, the Corps of Engineers was considering building a new dam, comments might be requested from the Soil Conservation Service on erosion problems, from the Bureau of Sport Fisheries and Wildlife on the effects of the project on fish populations, and from the Bureau of Outdoor Recreation on parks and public accesses affected by the project.

WHAT CAN YOU DO? THE CITIZEN'S ROLE

The agency preparing the draft environmental statement is responsible for making it available to the public by news releases. A list of new statements can also be found periodically in the Federal Register, available in many libraries. At the same time the agency is requesting comments from other federal agencies, any individual or organization has a chance to comment on the draft.

These reviewers, both individuals and agencies, may express opposition, suggest alternatives, and point out project effects which may not have been noticed by the sponsoring agency. These comments may be in the form of a letter, a more complete critique or even, as done by some groups, a counter statement setting forth their views and analyses in as great a depth as the draft statement itself. The agencies are required to allow 30 days for these comments, and 90 days must elapse between the time the draft statement is completed and the time the project is started.

Copies of the draft statement are also sent to the President's Council on Environmental Quality. The Council is the "traffic regulator" of the statement. It makes sure the proper agencies are reviewing the statement and that correct evaluation procedure is being followed.

The citizen also has a chance to become involved in public hearings on the proposed project. Some agencies, the Department of Transportation for example, are required to hold these. Others are encouraged by Executive order to hold hearings as a point of contact with public opinion.

The citizen can also play a role in impact statement procedures through the courts. As of September, 1972, over 200 cases had been filed against federal agencies for alleged violations of the National Environmental Policy Act's impact statement procedure. Some dealt with whether impact statements were needed on projects started before the act was implemented. Many more recent cases have challenged the suggested insufficiency of statements themselves.

CONCLUSION

After all comments have been received and the public hearing has been held, the results are added and considered in the final environmental impact statement. It then goes back to the Council on Environmental Quality. The Council may then comment on particularly important or controversial projects and suggest to the President what course of action might be followed. Some citizen groups have also challenged these final decisions in federal courts.

The Environmental Impact Statement, thus, does not bind the project to proceed or halt. It is simply a review process, but a very important one because it makes available much information about the project which the public, prior to this time, has not had.

The results of this review are very visible. Environmental considerations are now a part of federal planning. Many federal agencies have modified or dropped actions on the basis of the environmental analysis. For example, the Corps of Engineers has refused to grant some dredge and fill permits in order to protect the ecological and aesthetic values of certain areas. The Coast Guard has denied several bridge construction permits to avoid adverse environmental consequences. The Forest Service switched from clear cutting to selective cutting in one national forest, and the Department of Transportation reconsidered several proposed interstate highway routes.

Several states, including Montana, Wisconsin, and Washington, have already adopted the impact statement procedure for their own state agency actions. The impact procedure is in its infancy, however; much still needs to be done to make it a more effective tool in sound environmental planning.

The alert, environmentally conscious citizen and citizen organizations have a voice in federal policies affecting our environment. Your views will be considered if you react to the impact statements .

You and other South Dakotans have a tool of your own now to use in determining just what our South Dakota environment shall be. Be alert! Use this opportunity.

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