Lecture 23 overview

1. Overview
2. Types of EISs
3. Connected & cumulative actions
4. Examples

Environmental Impact Statements

More formal & comprehensive than EAs:

- Adverse effects than cannot be avoided
- Relationships between short- and long-term uses of the environment
- Irretrievable and irreversible commitments of resources

CEQ: < 150 pp with maximum of 300 for complex projects

Types of EISs

EIS: Project EIS
LEIS: Legislative EIS
SEIS: Supplemental EIS
PEIS: Programmatic EIS

Legislative EISs

Prepared for a bill or legislative proposal to congress that would result in environmental effects

Shorter process:

- No scoping
- Only DEIS required

Lead agency solicits comments on DEIS, forwards comments to congressional committee

Project EISs

Most common type

Evaluates a proposed action with known characteristics in a specific location

- Frequently construction projects
- Project may be large but specific features are known

Supplemental EISs

Prepared if substantial changes relevant to environmental concerns are made to a proposed action

Or, new information or circumstances become known

Can supplement DEIS or FEIS

Supplemental EISs

Varying opinion about when to supplement:

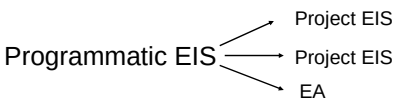
A. EIS should not be supplemented after a decision -
   - NEPA to help decision process; process over
   - Would require endless reviews

B. EIS should be supplemented if -
   - Part of action stills remains and,
   - New information would affect quality of the human environment

Programmatic EISs

Preparing of environmental analyses from a broad program, plan or policy level

Involves the process of *Tiering*:



Programmatic EISs

<u>Example</u>: Geothermal Leasing Facility

Project conducted in *stages*:

Exploration → development → production

<u>Exploration phase</u>:

- Activities: Geophysical surveys, shallow drilling
- Level of future activities depend on outcome of exploration

Programmatic EISs

Exploration → Development → Production

PEIS:	EIS:	EA:
Overall plan	Site drilling & facility development	Power line changes

Programmatic EISs

Tiering helps agency focus on current issues, exclude issues not currently relevant or already decided

Subsequent actions are likely to be narrower in scope and required an EA or EIS

- Can refer to PEIS to avoid repeating information

Programmatic EISs

Useful for evaluating a program's *cumulative effects*:

- Look at entire program across full scale of projects
- Avoid "piecemealing" of projects

Programmatic EISs

PEIS: when are they required?

1. Usually involve an action over a broad but similar geographic area
2. Project activities have similarities such as timing, alternatives and method of implementation

Example

Connected Actions

Closely-related actions that automatically trigger other actions

Do not proceed without prior or simultaneous actions

Interdependent part of a large project

Connected Actions

Examples:

1. Mining in one area; extension to another area
2. Road construction to access timber; sale of timber

Degree of connection turns on utility of phases of project to function independently

Connected Actions

Example:

3. Building of dam and reservoir; adding additional reservoir capacity

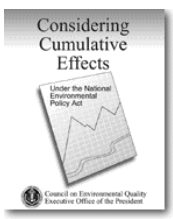
Ruled unconnected (Trout Unlimited v. Morton, 1974) as first phase had function independent of later expansion

Cumulative Actions

The impact on the environment which results from the incremental impact of the action when *added* to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (CEQ §1508.7)

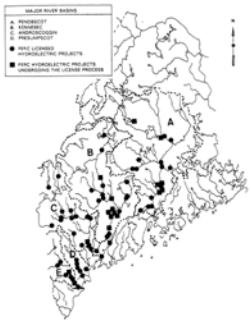
Cumulative Actions

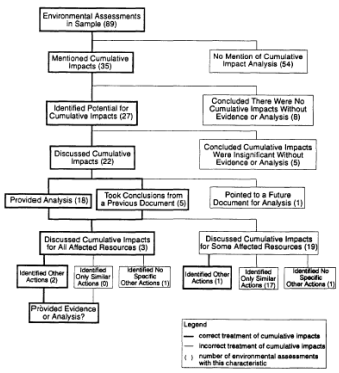
Considering Cumulative Effects Under the NEPA
CEQ, 1997



Cumulative Actions

Federal hydroelectric projects in Maine

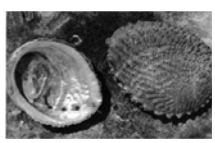




Review of 89 EAs published in 1992

Resulted in 12 principles of cumulative effect analysis

Example EIS



Draft EIA: State EIS

Abalone fishery closure in California

Key features:

- Alternatives
- Alternatives not considered

Example EIS

Draft EA: National Marine Fisheries Service

Canary rockfish rebuilding plan

Key features:

- Multiple strategies with alternatives

Example EIS

Final EIS: Bureau of Land Management

Grand Staircase-Escalante National Monument

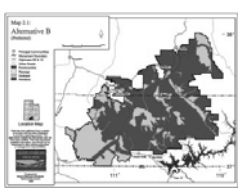
Key features:

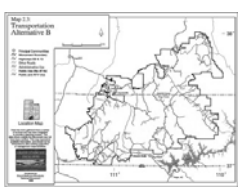
- Alternatives to balance user needs

Grand Staircase-Escalante National Monument

Integrated research/human use approach:

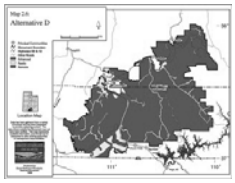
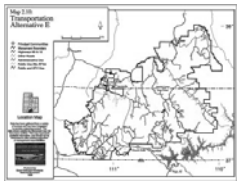
- concentrating recreational uses along the highway corridors, restricting uses and access in the interior
- conducting aggressive research and applied science programs





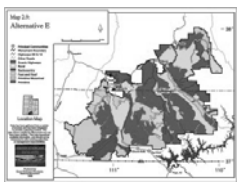
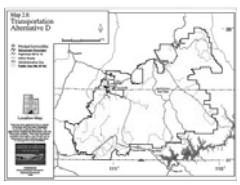
Grand Staircase-Escalante National Monument

Resource protection by concentrating recreational uses along the highway corridors peripheral to the Monument, while restricting uses in and access to the Monument interior.

Grand Staircase-Escalante National Monument

Emphasizes resource protection by *controlling uses*, while separating some recreational uses to avoid conflicts between them

Record of Decision

Explains agency decision and why decision was made:

1. Identify alternatives considered
2. Identify environmentally preferred alternatives
3. Discuss why alternative was selected

Record of Decision

4. What factors were balanced to make the decision
5. Must state whether the agency has taken all practical means to avoid or minimize harm from the selected alternatives

Record of Decision

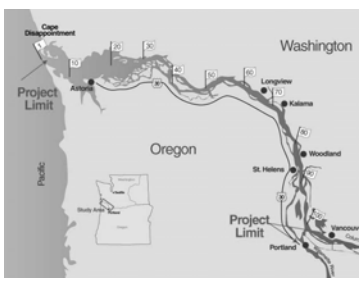
Must be made available to the public

No CEQ formal requirements on how

Common approaches:

- *Federal Register*
- Publication of separate document
- Incorporation into management plans

Columbia River Deepening Project



Columbia River Deepening Project

History:

1970s: Columbia River dredged to 40 ft. between Portland and Astoria

1975: EIS completed on maintenance dredging of 40 ft channel

1983: EIS on ocean disposal sites for dredged material

Columbia River Deepening Project

1989: Study authorized by U.S. House committee on public works & transportation in 1989

Mandate to review House reports to determine advisability of modifying deep draft navigation projects on lower Columbia

Columbia River Deepening Project

1992: EPA and ACOE determined current disposal sites have inadequate capacity for long-term channel maintenance

1994: Funds provided for feasibility study limiting scope to no more than 43 feet

Columbia River Deepening Project

- 1997: Scoping meetings initiated
- 1998: Dredged Material Management Study completed; served as baseline conditions
- 1998: Draft EIS released

Columbia River Deepening Project

- Aug. 1999: Final EIS released
- Dec. 1999: NMFS releases *'no jeopardy'* biological opinion
- Feb. 2000: Lawsuit by coalition of groups
- Aug. 2000: NMFS withdraws biological opinion

Columbia River Deepening Project

- Mar. 2002: The *Oregonian* publishes 3-part series on project, criticizing the economic analysis
- May 2002: NMFS re-releases *'no jeopardy'* biological opinion
- Feb. 2003: Final SEIS released

Next Time. . .

- International NEPA
- SEPA