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THE EFFECTIVENESS OF THE LOCAL ENVIRONMENTAL IMPACT
ASSESSMENT PROCESS: A CASE STUDY OF THE HANNAH
TECHNOLOGY AND RESEARCH CENTER

by

ROBERT GOLLIN

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I. INTRODUCTION

The national Environmental Policy Act of 1969 ushered in a new era of governmental decision-making. The expenditure of federal funds is now tied to an environmental impact assessment of the activities for which those funds will be spent. The Urban Development Action Grant (UDAG) program is a federally funded grant program, administered by the U.S. Department of Housing and Urban Development (HUD), available to assist distressed cities, revitalize their economic bases, create employment, and strengthen their tax bases. HUD has fulfilled its NEPA mandated environmental review requirement by turning over assessment responsibilities to UDAG recipient communities.

This report explores local government's preparation of environmental impact assessments of UDAG projects. A case study of the Hannah Technology and Research Center, located in Meridian Township, Ingham County, Michigan, will be used to illuminate the environmental issues that were assessed and the process of that assessment.

The most important conclusion drawn from the case study is that the NEPA required impact assessment process is not doing an adequate job of encouraging environmental improvements. Critics regard the present HUD environmental assessment process as merely a form of federal red-tape, or rather, an end in itself not a means to an end.

The particular focus of this report centers around the HUD regulations that shape environmental assessment. That is: Does the EIS required by the regulations actually enhance environmental quality or is the EIS procedural requirement a waste of time, effort, and money because of a lack of substantive information?

I will first begin by examining the National Environmental Policy Act, its policy and requirements. I will then describe the case of the Hannah Technology Research Center and the issues that were raised. A brief examination of the Environmental Impact Statement process and its effectiveness will then be discussed. Finally, I will conclude with some statements on possible solutions and additional research areas.

II. NATIONAL ENVIRONMENTAL POLICY ACT

In any proposal for construction or development, it is the usual practice, both from the standpoint of engineering and economics, to prepare an analysis of the need for the development and the relationship between its monetary costs and monetary benefits. More recently, society has recognized that in addition to these customary economic analyses and discussions of need, there should be a detailed assessment of the effect of a proposed development on the environment. Thus the proposed

development's ecological benefits and costs are separated from its monetary costs and benefits. On January 1, 1970, the President signed the National Environmental Policy Act of 1969. Congress enacted this Act because of a belief that the policies and programs of the federal government, traditionally designed "to enhance the production of goods and to increase the gross national product, "were not designed to avoid environmental degradation and decay."¹

The most important effect of the National Environmental Policy Act of 1969 (NEPA) is that it provides "all agencies and all Federal officials with a legislative mandate and a responsibility to consider the consequences of their actions on the environment."² The purpose of the Act is:

To declare a national policy that will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation; and to establish a Council on Environmental Quality (CEQ).³

Essentially, NEPA requires federal agencies to give full consideration to environmental effects in planning programs. For instance, under this act, the Department of Housing and Urban Development must consider the

environmental impact of its housing programs in addition to their effectiveness in upgrading blighted urban areas. Therefore, grants, loans, loan guarantees and other forms of HUD assistance under Title I programs are subject to environmental review.

Section 102 of NEPA requires that federal agencies prepare a detailed description of the effects of agency actions upon the environment in the form of an environmental impact statement (EIS). The EIS must be prepared prior to an agency's decision to undertake a project, and the project should be altered to mitigate any negative environmental effects disclosed in the impact statement. HUD has placed the requirement for impact assessment on the shoulders of communities that receive HUD funds.

When is an EIS Required?

Section 102(2)(c) of NEPA requires that an environmental impact statement be prepared for all "major federal actions significantly affecting the quality of the human environment." Although subject to interpretation,⁴ three distinct requirements are apparent. First, the proposed action must be federal; second, the federal action must be major; and third, the major federal action must be one having a significant environmental impact.

Many of the court cases arising under NEPA have been concerned with whether or not an action is federal. The ambiguity arises due to the fact that federal action can take on so many different forms. A direct expenditure of dollars by a federal agency is a clear example of federal action. Grants for the construction of infrastructure using urban development action grant (UDAG) monies from HUD are examples of such expenditure. Although partial federal participation in a project is often more problematic, such partial participation has generally been sufficient to "federalize" the proposed action. A major exception arises in the case of revenue-sharing grants made directly to the cities;⁵ because no federal "strings" are attached to these grants, they do not require the issuance of an EIS.

Although the findings that are "major" or have "significance" are often considered to represent two different determinations, neither is subject to precise definition. Major has been defined as "not minor" or "requiring substantial planning, time, resources or expenditures."⁶ The intent is to differentiate administrative activities from decisions themselves. Similar vagueness exists in the definition of significant environmental impact. Cases attempting to interpret this troublesome phrase have raised some of the following

considerations: Will the action arguably have an adverse impact? Is there a potential that the environment will be significantly affected? Does the action have an important or meaningful effect, direct or indirect upon a broad range of aspects of the human environment? The adoption of such imprecise language has caused problems both for agencies and for the courts. There is general agreement that the term "major" and "significant" represent concerns whether the thresholds should be high or low. Additional insight is offered by the Council of Environmental Qualities' guidelines for environmental impact statements.⁷ These guidelines state that if a project is "controversial," then an EIS should be prepared. This implies that the agency should take into account the attitudes of the existing community in making these threshold determinations. By adopting the "controversial" requirement, the CEQ seemed to apply the lower threshold for EIS issuance.

Because the Hannah Technology and Research Center utilizes HUD monies, the project is deemed eligible for an EIS. Furthermore, the proposed development is designed to house firms conducting recombinant DNA research and other hazardous materials, therefore, the project is considered a controversial issue by state and federal agencies as well as residents, which requires an EIS to be done.

The Effectiveness of Local Environmental Assessment

A number of studies examining the environmental reviews prepared by local governments have been written. The agency that has been most critical of local government's performance is HUD. Environmental Review Activities of Grantees Participating in the Community Block Grant Program, prepared by HUD's Inspector General, claims that, "Based on our review, we believe definite improvement is needed in grantee performance in preparing environmental assessments."⁸ The Report of the Comptroller General of the United States, Environmental Reviews Done By Communities: Are they Needed? Are they Adequate?, also expressed a lack of confidence in the local reviews, stating that in many cases communities have not done satisfactory environmental assessments. The particular deficiencies which they found are:

- 1) Communities did not totally describe the work to be done or define the environmental conditions existing in projects;
- 2) Reviews did not evaluate all the environmental impacts of proposed projects;
- 3) Communities did not consider modifications to or alternatives to, proposed projects; and
- 4) Required historic analyses of properties in project areas were not carried out.⁹

The Advisory Commission on Intergovernmental Relations has taken a more neutral position: "The

performance of local governments has ranged from outstanding to inadequate.¹⁰ The Commission also notes that the performance of local governments in areas with existing state environmental protection agencies benefited from their increased familiarity and experience with environmental issues.

EPA and CEQ, the two agencies most directly involved with environmental issues, have been the least critical. It is their conclusion that cities receiving HUD grants can carry out NEPA responsibilities effectively.¹¹

As the previous paragraphs indicate, there is no consensus about the success of the delegating of environmental responsibilities to local government. All the reports make recommendations for improving the regulations. However, these recommendations are limited to minor items such as the timing of different steps in the review process or the exemption of insignificant projects from review. There has been no discussion of the effectiveness of the reviews in carrying out NEPA's mandate of protecting and enhancing the environment.

III. CASE STUDY

Case Study Methodology

When an individual picks up a history book and reads about the history of America, they have the benefit

of reviewing data which has been sifted through and sorted many times. The facts have been studied by many people and the exact details placed in their perspective places. The influences surrounding events that lead to these situations are cast aside in response to the vast amount of space required by facts.

In studying recent events an individual does not have the benefit of handling data which has been reviewed, rewritten, sorted and organized. What is being studied is events that are happening as fast as can be recorded. Therefore, one must resort to a different type of study such as the case study methodology. In a case study an individual is able to report on the externalities involved in the events that are occurring. Rather than saying, "the project didn't go through" there exists the benefit of saying, "the project didn't go through because . . ."

In case study approach we can use newspaper reports, magazine articles, first hand interviews of the people who compose the actors in the individual scenario under study, and response memos. The information is first hand, not that which has been processed.

The benefit derived from a case study approach is direct access information. This gives a comprehensive look at events as they occurred. Through the assembling of the data into one concerted report, the opportunity for

new insights arises. This method of data evaluation should give the writer and readers of the report insights into the details, costs, and benefits to be derived by the topic under study. This is the main purpose of a case study approach and the intended benefit to be derived from it.

Hannah Technology and Research Center

The Hannah Technology and Research Center (HTRC) project site is part of a larger parcel of land known as the Hannah property. The site encompasses a 200 acre parcel of land located in Section 20 of Meridian Township, Michigan (Figures 1 and 2). The Hannah property is located adjacent to Michigan State University, southeast of East Lansing. It is bounded on the north by Grand Trunk Western Railroad tracks, on the east by the Indian Lakes Estates subdivision, on the south by the Herron Acres subdivision and Twyckingham Apartments and on the west by Hagadorn Road.

Because of a depressed economic environment and a declining automotive industry, there exists a need for a diversified economic base in mid-Michigan. In an effort to encourage new industry the City of Lansing's Economic Development Corporation has sought UDAG monies to provide partial funding for the proposed research park.

The HTRC project will involve the construction, acquisition and equipment for a multi-purpose facility

FIGURE 1
LOCATION OF HANNAH PROPERTY
 Hannah Technology and Research Center

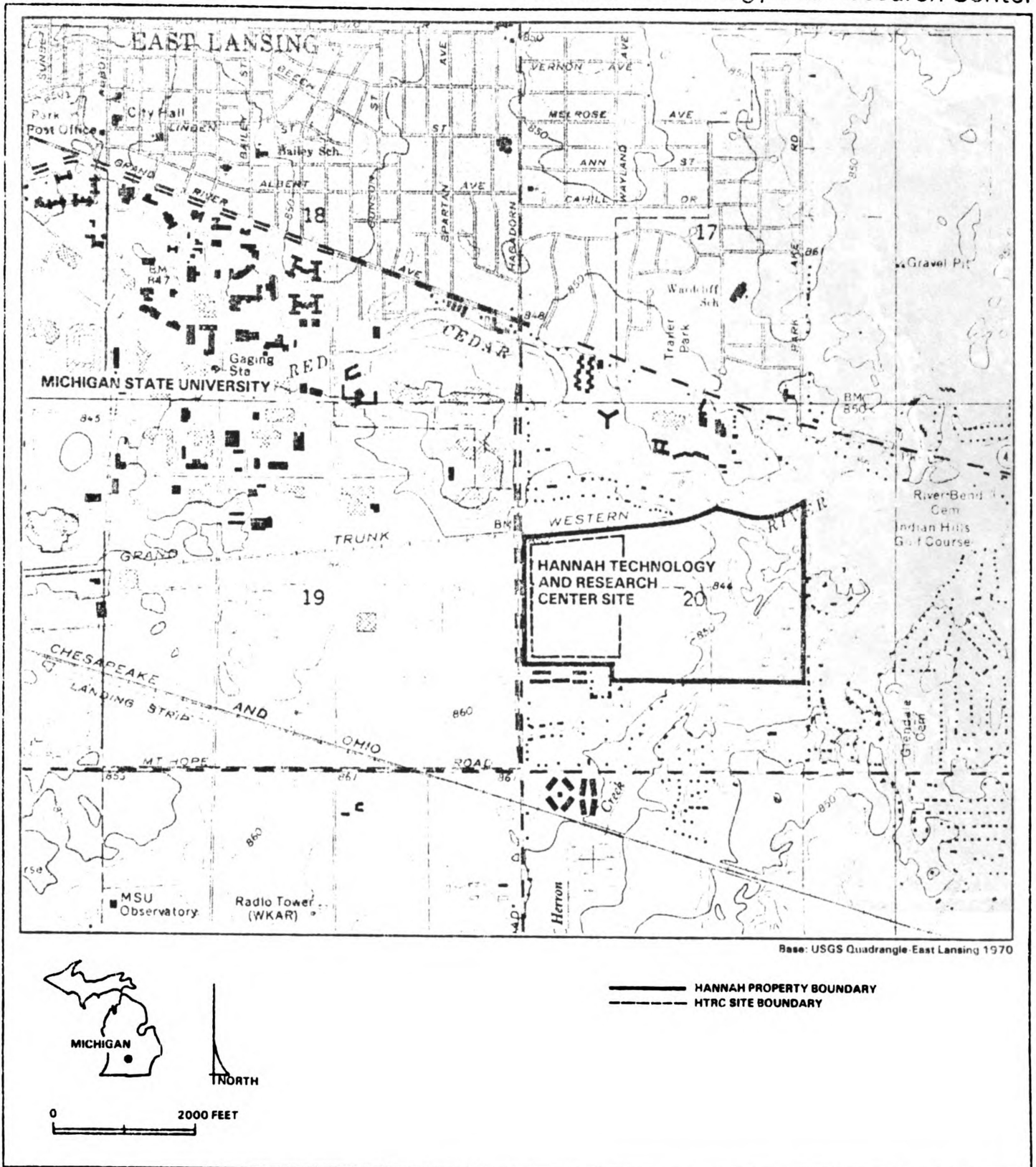


FIGURE 2
PROJECT DEVELOPMENT
Hannah Technology and Research Center



designed to meet the needs of companies and institutions involved in the field of high technology research and development. At this time, the developer has not yet engaged an architectural firm to provide engineering design for the project. Furthermore no firms have, as of yet, committed themselves to locate in the HTRC. As a consequence discussion of the HTRC facility has proceeded on a conceptual manner and the evaluation of potential impact dealt with generically.

Perhaps the most important aspect of this project is the philosophical approach proposed by the developer to meet the needs of small research firms. The proposed buildings will not be designed for the specific needs of any one prospective tenant, but rather will allow each tenant to design and complete space allocations individually. Flexibility will be the primary objective and attraction of the HTRC facility. Once the needs of a prospective tenant are identified, the available laboratory space and building utilities will be modified to accommodate these occupancy requirements. While other research parks usually sell small lots for development by research firms, the HTRC concept is to provide laboratory facilities for lease to small companies, allowing them to conduct their research and development activities on a cost effective basis.

The project is currently estimated to cost a maximum of \$20 million. Project costs will be funded through the combination of the sale of the Charter Township of Meridian Economic Development Corporation bonds or notes, UDAG funds, and other funds provided or obtained by the Eyde Construction Company. UDAG funds will be provided through a \$3.3 million loan to the developer.

As stated earlier, grants, loans, loan guarantees and other forms of HUD assistance are subject to environmental review. HUD has established guidelines (24 CFR Part 58) for determining when an EIS is required for assistance. The two circumstances which were applicable to the HTRC project and determined if an EIS was to be prepared included:

1. The project is determined to have a potentially significant impact on the human environment under the National Environmental Policy Act of 1969.
2. The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units. If the project is intended to serve non residential units, the applicant must determine how many residential units could be served if the capacity were to be used for housing. If the number is 2,500 or more, the threshold has been exceeded.¹²

At the early outset of preparation of the UDAG application, it was determined that due to concerns raised

by local interest groups and state agencies on EIS should be prepared for the HTRC project. Commonwealth Associates Inc. of Jackson, Michigan, was retained to prepare the EIS.

The EIS Process and Requirements

The environmental review procedures for the UDAG program were written by HUD in consultation with CEQ. The regulations were published in the Federal Register on July 16, 1975. HUD's regulation of environmental assessment responsibilities takes the following form:

Applicants must certify that they have met all the environmental review responsibilities established by HUD before funds may be committed.

Approval of the community's certification by the Secretary of HUD discharges HUD's responsibilities under NEPA and the community takes full legal responsibility for its actions.¹³

HUD's relinquishment of environmental assessment duties is stressed:

. . . all applicants for assistance under Title I shall be required to assume responsibility for carrying out all of the provisions of NEPA relating to particular projects for which the release of funds is sought.¹⁴

The regulations establish the procedural steps that a community must follow in order to receive funds.

The diagram on the following page outlines these steps (Figure 3).

In addition to mandated procedural steps that a community must follow in order to receive funds, the regulations indicate in a limited way what the EIS must contain. Section 102(2)(c) of the National Environmental Policy Act identifies five areas that must be discussed in an environmental impact statement. These are:

- i. the environmental impact of the proposed action;
- ii. any adverse environmental effects which cannot be avoided should the proposal be implemented;
- iii. alternatives to the proposed action;
- iv. the interrelationships between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- v. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.¹⁵

At a minimum, an EIS should contain enough information to alert a decision maker to all known possible environmental consequences of an agency action prior to the time the action takes place. The statement should also contain sufficient detail to allow informed decision-making and be free of any "self serving assumptions." The statement should address specific aspects of the agency action and should not be a compilation of vague generalities.

Figure 3. Environmental Review Process: A Simplified View

First Steps: Environmental Review Record includes

1. Determine Existing Conditions
2. Identify Environmental Impacts
An identification of the nature, magnitude and extent of all environmental impacts of the project, whether beneficial or adverse, should be made.
3. Examine Identified Impacts
Suggest possible project modifications.
4. Examine Alternative Projects
5. Level of Clearance Finding

Finding of No Significant Impact
(no EIS required)

↓
Notice of Finding published in local papers and sent to interested parties and relevant government agencies.

(15-day comment period)

(Notice of intent to request release of funds 5 days prior to:)

↓
Submit Request for Release of Funds to HUD

(15-day comment period)

↓
Funds Released to the Community

Finding of Significant Impact
(EIS required)

↓
Notice of Intent to File an EIS published in local papers and sent to interested parties and relevant government agencies. The Notice should solicit comments and specify an estimated date for the completion and distribution of a Draft EIS.

↓
Public Hearings held (either prior to or after publication of the Draft EIS).

↓
Draft EIS Circulated to all appropriate parties.

(90-day review period)

↓
Final EIS Published and Circulated

(minimum 30-day review period)

↓
Request for Release of Funds from HUD

(15-day comment period)

↓
Funds Released to Community

At the very least, NEPA is intended to be an environmental full disclosure law. The EIS must show that the requirements of the act have been followed to the "fullest extent possible."¹⁶

In determining the impact of an action on the environment, the direct effects of the action must be assessed. However, certain types of action stimulate or induce secondary effects in the form of additional growth and development. For instance, residential and commercial land uses often spring up around major thoroughfares. In many cases, the secondary effects may ultimately have a greater impact on the environment than the primary effects themselves. An interpretation of NEPA as an environmental full disclosure law requiring that secondary, as well as primary, effects be considered within the EIS format.¹⁷

A key requirement of the EIS is that consideration be given to alternatives to the proposed action. In many cases, an alternative location or an alternative design may result in a reduction of environmental impact. "A sound construction of NEPA, which takes into account both the legislative history and contemporaneous executive construction . . . requires a presentation of the environmental risks incident to reasonable alternative courses of action."¹⁸ Similarly, the alternative of no action must also be considered as an alternative.¹⁹

Chronological Scenario

A formal scoping meeting was held on March 1, 1983, as a part of the environmental review process for the HTRC project. At this meeting several local residents expressed their concerns regarding various environmental issues. The predominant concerns were the proposed route of the sanitary and storm sewers and the potential for increased damage to residential homes during flood periods. Other meetings were held with the Michigan Department of Natural Resources, the Michigan Environmental Review Board and the State Department of Public Health. The principal concerns expressed by these agencies involved the regulation of recombinant DNA research and the disposal of toxic and hazardous waste materials.

On April 14, 1983, the draft environmental impact statement was submitted and a public hearing was held on May 5. At the public hearing residents were given the opportunity to question representatives from Meridian Township, the City of Lansing, Eyde Construction Company and Commonwealth Associates. Many of the residents were concerned that the development of the HTRC would pose increased traffic congestion on Hagadorn Road, affect the ground water with possible waste spills and cause serious flooding to residents.

Liaison for Interneighborhood Cooperation (LINC), an area organization, provided most of the opposition to

the center. It is the opinion of LINC that air emissions, handling and storage of wastes and economic impacts of the center on the area was not dealt with or quantified. Moreover, the costs associated with police and fire protection and water and sewage services for the HTRC were not addressed.

The Daft EIS was also commented on by several state and federal agencies. A summary of those follows:

Department of Transportation, State of Michigan reported that the turning movements on Hagadorn Road were incorrectly stated and is underestimated by 10-20 trips.

Tri-County Regional Planning Commission reported that an engineering design would have lead to a more meaningful EIS. Furthermore, TCRPC felt that the EIS lacked an adequate assessment of alternative uses, alternative sites, ground water recharge protection and storm water discharge control measures.

Department of Public Health, State of Michigan reported only a concern for a possible lack of commitment by the Science Safety Advisory Committee (a committee to monitor hazardous material activities) to report procurement, shipment, use, storage or disposal of radioactive materials to the Department of Public Health. The MDPH did however feel that the EIS appeared to adequately cover areas of interest to that particular Department.

Environmental Protection Agency has reported to have reservations regarding the potential adverse impacts of the project upon the Red Cedar River, the adjacent floodplain and other significant ecological values associated with the site (e.g. floodplain forest, habitat).

Primarily, EPA was concerned not with the 40 acre HTRC building, but with the remaining 160 acres. Building within this area would block the normal water flow, prevent absorption of water by the land and cause increased flooding problems in an already severely impacted area. A supplemental EIS was called for.

Michigan Environmental Review Board response concerned itself with the proposed ordinance to regulate hazardous materials and its effectiveness. MERB was also concerned with the quantity and types of hazardous materials to be used and how these materials will be disposed of.

On August 15, 1983, a Final Environmental Impact Statement was submitted. The final EIS contained the draft EIS, written comments from local residents and state and federal agencies, a proposed ordinance for the use of RDNA in Meridian Township and a discussion of issues raised in response to the draft EIS. This procedure follows the guidelines set forth by HUD.

A written comment of the final EIS was sent on September 21, 1983, from EPA. The written comment again concerned itself with development of the remaining 150 acres of the Hannah property. EPA argues that the EIS did not properly assess the potential impacts of future development of the remaining property.

The potential impacts of this project would result in long-term and substantial use of an area of great natural beauty involving irreversible and irretrievable commitment of resources.

EPA was also concerned that the Township's floodplain ordinance did not restrict development within the floodplain area. So long as the development complied with the ordinance standards. EPA requested that a supplemental EIS be prepared before UDAG monies were released.

As of this writing no supplemental EIS has been written and no request for release of funds has been submitted. The developer and project coordinators are waiting for commitments by tenants to fill 50 percent of the building before credit can be established.

Analysis of the HTRC EIS Process

The EIS for the Hannah site follows a common format used in assessing environmental impacts.²⁰ The contents include:

1. A summary of proposed project and environmental impacts
2. Purpose and need of the project and funding
3. Description of the proposed action
4. Alternative development options and sites
5. Description of environmental effects of the project on:
 - a. Topography
 - b. Geology
 - c. Soils
 - d. Hydrology/Water Quality
 - e. Vegetation/Wildlife
 - f. Land Use
 - g. Cultural Resources
 - h. Transportation

- i. Economy
- j. Fire and Police Protection
- k. Air Quality/Noise
- l. Public Safety/Emergency
Operations Plant
- m. Sanitary Sewer System
- n. Waste Disposal
- o. Recombinant DNA Research

In reviewing the comments of local residents and federal state and local officials, it appears there are conflicting perspectives on what substantive issues were not being adequately addressed in the EIS.

Citizen response to the EIS has been limited to those who live within the immediate surrounding area. Much of the concern centered around the sanitary sewer system and its impact upon their neighborhood. According to many of the agencies responding to the EIS, this particular point was not of concern. It is likely that these concerns stemmed from an objection to any type of development that is not of the residential classification. Simply stated, these residents wanted to protect the residential character of the area thereby protecting the high value of their homes.

Many of the state agencies responding to the EIS pointed out that their concerns were over the manufacturing, use, storage and disposal of toxic and hazardous materials. Due to the lack of any further response after the final EIS was submitted, it could be concluded that these issues had been adequately addressed.

EPA focused their concerns on the floodplain area of the site and was the most critical of the EIS in appraising future development of the area. Local officials during an interview stated that EPA was not adequately assessing the situation. They felt that EPA was overly critical because they did not take into account the state and local regulations protecting floodplain areas from development. EPA argued however, that these ordinances only set up standards for development within these areas. If a developer adhered to the standards they could build within this area. Local officials disagreed with this conclusion because the area in consideration was not an environmentally sensitive area. Moreover, the local site plan review process will adequately protect sensitive areas. A deed restriction was signed to protect the 100 year flood area to satisfy EPA's request.

Interviews with local public officials indicated a feeling that the usefulness of the environmental review process was negative. These officials regard the assessment as merely a fulfillment of a technical regulation for the project. According to these officials, the environmental review requirements are of no particular value to the Township because the Township already does what they feel to be a good job of protecting the

environment. This judgment has been substantiated by the Federal Emergency Management Agency who has praised Meridian for their floodplain management program.²¹

Findings of the Case Study

The most important conclusion to be drawn from the HTRC case study is that the HUD-required environmental impact statements of UDAG activities contribute in a minor way to protecting and enhancing the environment. Notwithstanding the efforts of local reviewers to carry out their duties responsibly, the present regulations have reduced the EIS requirement to a time-consuming and costly red-tape procedure.

Judicial interpretations have proven this view to be true. NEPA does not preclude an official from making decisions with a negative environmental impact, it merely requires that the full environmental consequences of an action be known to the decision-maker when the decision is made. In other words, NEPA has been interpreted by the courts to be a procedural rather than a substantive act. If an EIS contains a "full disclosure" of the environmental effects of the proposed action, addresses the five points set forth in section 102 and is not written in a biased manner, then courts reviewing subsequent agency decisions are hesitant to substitute their judgment for that of the agency decision-maker.²²

The environmental protection that the process does provide results from the caution it inspires. The knowledge that an environmental assessment process exists probably eliminates the worst projects before they reach the assessment stage. This is an important effect, but one that could likely be provided by a less cumbersome procedure. Therefore, although the process protects the environment from environmentally harmful projects that are discarded early, it is unclear whether the process protects the environment from damaging projects that reach maturity.

IV. CONCLUSION

The elements of the environment are numberless, ever-changing, and intricately interrelated. We should be aware of this, but also of the fact that the implementation or lack of implementation of a single project or the adoption of a policy or set of policies will not effect the whole of the environment, nor could all those effects be controlled if it could. We must develop methodologies which identify critical areas of concern, not methodologies which waste time, money, and talent on the enumeration of every conceivable relationship.

In trying to develop new, improved methodologies, we should not lose sight of our original aim, to preserve

or improve the quality of the environment, not to produce the perfect methodology. Even when all problems within the process are satisfactorily dealt with, the final test remains: Will anyone pay any attention to the conclusions of the study? The law states that environmental impact statements must be produced for any major federal action significantly affecting the quality of the environment. It does not state that they must be heeded by the agency that prepares them.

Clearly, there is little point in producing massive impact statements if they are to be ignored. Beyond an analysis of whether EIS's are done well or poorly; beyond a discussion of new improved ways to produce more objective and more comprehensive methodologies for examining environmental impact; and beyond the investigation in how to adapt these methodologies for specific projects in a specific locality, and how to involve more people and more agencies in the production of a truly optimal plan; we need to know if the EIS process, as currently implemented can indeed improve or prevent further deterioration of the environment. Before we suggest that EIS's be made mandatory for all projects or that their conclusions be made binding, we must find out what effects the Environmental Impact Statement has had on the total environment.

It has been noted that the EIS requirement tends to raise costs and delay projects. Is this effect outweighed by the benefits of an improved environment, and how do we measure "improved" and define "environment?" Are environmental controls having a negative effect on social and economic concerns, and how do we weigh the importance of these issues?

How have development actions and land use patterns changed since the inception of NEPA, and how much of this was due to the EIS requirement? It would be useful to examine several regions as case studies in the use of state or federal environmental impact statements to determine what factors, other than a legal requirement, combine to make environmental legislation effective. Further, environmental litigation should be studied in some detail to see how the courts have handled EIS cases in the past, what the trends are, and what the legal future of NEPA seems to be. These kinds of analysis will give us a better understanding of the environmental impact statement, its purposes, consequences, and potential, and will help us to improve and refine existing and future EIS processes.

FOOTNOTES

¹Senate Reporter, No. 296, 91st Congress, 1st Session 5 (1969).

²Senate Reporter, No. 296, 91st Congress, 1st Session 14 (1969).

³42 United States Code, parts 4332-4346, supplemented 1970.

⁴Frederick R. Anderson, NEPA In The Courts: A Legal Analysis of the National Environmental Policy Act, (Baltimore; Resources for the Future, 1973), pp. 56-141.

⁵Council on Environmental Quality, Guidelines for Preparation of Environmental Impact Statements, 38 Fed. Reg. 20550 (August 1, 1973).

⁶Natural Resources Defense Council v. Grant, 341 F Supp. 356 (E.D.N.D., 1972).

⁷38 Federal Register, part 20550, (August 1, 1973).

⁸Environmental Review/Activities of Grantees Participating in Community Development Block Grant Program: An Assessment and Proposed Policies, NUD, Office of the Inspector General, December 29, 1976, p. 3.

⁹Environmental Reviews Done by Communities: Are They Needed? Are They Adequate?, Comptroller General of the United States, September, 1977.

¹⁰Community Development: The Workings of a Federal-Local Block Grant; The Intergovernmental Grant System: An Assessment and Proposed Policies, Advisory Commission on Intergovernmental Relations, March, 1977, p. 83.

¹¹Community Development Block Grants and NEPA; Delegation of NEPA Responsibilities to CDBG Recipients, Council on Environmental Quality, May, 1977, p. 4.

¹²Environmental Review Procedures; Community Development Block Grant Program, HUD, Office of the Secretary, April, 1982.

¹³Op. cit., 12, part 58.1(2).

¹⁴Op. cit., 12, part 58.5(a).

¹⁵Op. cit., 3, part 4332(2).

¹⁶E.D.F. v. Corps of Engineers (Tennessee-Tombigbee Waterway), 348 F. Supp. 916, 4 ERC 1409 (N.D. Miss., 1972), 1415.

¹⁷Op. cit., 5.

¹⁸Natural Resources Defense Council v. Morton, 458 F. 2d 827, 3 ERC 1558 (D.C. Cir., 1972), 1561.

¹⁹Op. cit., 16.

²⁰Thomas G. Dickert and Jens C. Sorensen, Some Suggestions on the Content and Organization of Environmental Impact Statements; Environmental Impact Assessment: Guidelines and Commentary (U of C, Berkeley, University Extension, 1974), pp. 35-53.

²¹Letter sent to Meridian Township by the Federal Emergency Management Agency, June 30, 1983.

²²Eva Hanks, and John Hanks, An Environmental Bill of Rights: The Citizen Suit and the National Environmental Policy Act of 1969, (Rutgers Law Review, 1970), 24, 230.

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