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REPORT TO THE SUBCOMMITTEE  
ON FISHERIES  
AND WILDLIFE CONSERVATION  
COMMITTEE ON MERCHANT MARINE  
AND FISHERIES  
HOUSE OF REPRESENTATIVES

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Improvements Needed  
In Federal Efforts  
To Implement The National  
Environmental Policy Act Of 1969

B-170186

BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES

~~701120~~

096563

MAY 18, 1972



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-170186

R Dear Mr. Chairman:

This is our report on improvements needed in Federal efforts to implement the National Environmental Policy Act of 1969. Our review was undertaken pursuant to your request of May 18, 1971.

As agreed with your office, our views on the adequacy of selected environmental impact statements which you requested will be forwarded to you later.

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

Comptroller General  
of the United States

The Honorable John D. Dingell  
Chairman, Subcommittee on Fisheries  
and Wildlife Conservation  
Committee on Merchant Marine and Fisheries  
House of Representatives

H-2702

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for administration of activities discussed  
in this report

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ABBREVIATIONS

AEC Atomic Energy Commission

GAO General Accounting Office

OMB Office of Management and Budget

FAA Federal Aviation Administration

FHWA Federal Highway Administration

HUD Department of Housing and Urban Development

SCS Soil Conservation Service

EPA Environmental Protection Agency

COMPTROLLER GENERAL'S REPORT TO  
THE SUBCOMMITTEE ON FISHERIES  
AND WILDLIFE CONSERVATION  
COMMITTEE ON MERCHANT MARINE AND FISHERIES  
HOUSE OF REPRESENTATIVES

IMPROVEMENTS NEEDED IN FEDERAL  
EFFORTS TO IMPLEMENT THE  
NATIONAL ENVIRONMENTAL  
POLICY ACT OF 1969 B-170186

D I G E S T

WHY THE REVIEW WAS MADE

Section 102 of the National Environmental Policy Act (Pub. L. 91-190) requires all agencies of the Federal Government to prepare detailed environmental impact statements on proposals for legislation and other major actions significantly affecting the quality of the human environment.

The Chairman, Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries, requested the General Accounting Office (GAO) to determine whether the section 102 requirement was being implemented uniformly and systematically. GAO was requested to consider such matters as the: (1) uses of environmental impact statements as decision-making tools, (2) agencies' views on actions not requiring the statements, (3) adequacy of agency procedures as means of developing effective public participation, and (4) coordination of State and Federal agencies in reviewing and commenting on the statements.

The agencies selected for review were the:

--Corps of Engineers (Civil Functions), Department of the Army. 305

--Forest and Soil Conservation Services, Department of Agriculture. ~~4176~~

--Department of Housing and Urban Development. 23

--Bureau of Reclamation, Department of the Interior. 76

--Federal Aviation and Federal Highway Administrations, Department of Transportation. 63

In addition, GAO considered the roles of the Council on Environmental Quality, the Environmental Protection Agency, (EPA) and the Office of Management and Budget (OMB), in providing guidance and assistance to the seven agencies. 509 24

FINDINGS AND CONCLUSIONS

Federal agencies are beginning to include in their daily processes careful considerations of the environmental impact of their actions. However, the requirements of section 102 are not being carried out uniformly and systematically. 27

Improvements are needed in the following areas.

Environmental impact statements as  
integral parts of decisionmaking processes

Most of the seven agencies did not

- complete environmental impact statements in time to accompany proposals through all agency levels of review,
- complete the statements in time for them to be used in the early stages of decisionmaking, and
- review effectively the results of plans to ensure that the environment is protected as anticipated. (See pp. 13 to 21.)

Actions requiring environmental  
impact statements and range of  
impacts should be defined

The seven agencies adopted a variety of approaches for preparing environmental impact statements on all major Federal actions significantly affecting the quality of the human environment.

Their approaches did not appear to be useful as guidelines for officials in defining the actions for which the statements were required or in determining the range of environmental impacts to be considered. (See pp. 22 to 32.)

Little guidance was provided to the agencies on the range of impacts to be considered in environmental impact statements. Although the Council's guidelines to the agencies for preparing the statements use "primary" and "secondary" to indicate the range of impacts to consider, its guidelines do not define these terms.

Similarly none of the agencies defined these terms in their procedures for preparing the statements. An understanding of the meaning of these terms is necessary to recognize the full range of impacts and alternatives that should be considered in any environmental impact statement. (See p.28.)

Although some individual agencies have attempted to develop methods and procedures for ensuring that "\*\*\* presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations," little progress had been made.

Team efforts by all Federal agencies under the leadership of the Council are necessary to successfully meet this requirement of the act. (See p. 30.)

Public participation should be given  
greater emphasis

The seven agencies have recognized the need for public participation, but their procedures vary significantly in the use of mailing lists, news media.



and public hearings. Also their efforts to achieve public participation seem less than intended by the act and the Council's guidelines.

Agencies need to take an active role in public meetings, use environmental impact statements as an integral part of the meetings, and, perhaps most important, experiment with innovative concepts for improving communications with the public on environmental impacts. (See pp. 33 to 36.)

Further guidance needed for obtaining views of Federal, State, and local agencies

The seven agencies had established some procedures for obtaining views and comments from other Federal, State, and local agencies on proposed actions, as required. Elements of a systematic approach for identifying and obtaining environmental expertise, however, were lacking in most agency procedures. (See pp. 37 to 40.)

Council on Environmental Quality should do more toward improving agency procedures

In helping agencies to resolve issues, the Council generally has adopted an advisory approach, communicating its views informally on both environmental statements and procedures and relying upon the agencies to resolve any issues raised.

GAO believes that the Council should do more toward reviewing agency procedures and providing the agencies with specific advice and formal guidance so that problems in agency procedures are adequately and timely resolved. (See pp. 41 to 47.)

EPA slow in meeting its responsibilities

EPA had not met its legislative responsibilities on a timely basis

- to make public its comments on agency environmental impact statements and
- to review and comment in writing on proposed Federal agency procedures for preparing the statements.

If EPA made a vigorous effort to meet these responsibilities, the Council would be in a better position to direct its efforts toward the overall procedural and policy matters confronting the agencies.

EPA has raised questions regarding the adequacy of environmental impact statements. Generally, however, it has not issued instructions setting forth the type of information needed to assess environmental impacts adequately. (See pp. 48 to 50.)

OMB should require environmental impact statements for legislative clearance

Section 102 requires Federal agencies to include environmental impact statements in every recommendation or report on proposals for legislation significantly affecting the environment. GAO found that only a limited number of the statements had been so prepared and that OMB was not requiring the Federal agencies to furnish the statements as a prerequisite for its legislative clearance, except for water resources projects. OMB's legislative clearance process is a satisfactory mechanism for ensuring Federal agency compliance with this requirement of the act. Under current OMB procedures, however, agencies have little incentive to prepare the statements in order to receive OMB's legislative clearance. (See pp. 51 to 55.)

RECOMMENDATIONS OR SUGGESTIONS TO AGENCIES

Federal agencies should consider the matters discussed in this report and revise their procedures for preparing and processing environmental impact statements so that:

- the statements are available at all levels of review and at the earliest stages of decisionmaking;
- environmental protection plans are effective and actually materialize;
- actions requiring statements are defined and ranges of environmental impacts are determined;
- public views are properly solicited, considered, and evaluated; and,
- environmental expertise available in other agencies is identified and obtained. (See p. 40.)

The Council on Environmental Quality should provide Federal agencies with more guidance and assistance in developing procedures for preparing environmental impact statements so that an appropriate and careful consideration of environmental aspects of proposed actions will be built into agency decisionmaking processes.

EPA should make a vigorous effort to review and comment on environmental impact statements and the procedures for preparing those statements and should instruct Federal agencies about the type of information required to adequately assess environmental impacts.

OMB should require Federal agencies to furnish environmental impact statements containing, at least, the comments of all appropriate Federal agencies prior to giving its clearance on legislative proposals. (See p. 55.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The agencies generally agreed that improvements were needed in implementing the act and that the findings and conclusions presented in this report should be helpful in refining agency procedures. Three of the seven agencies--the Corps of Engineers, the Forest Service, and the Soil Conservation Service--disagreed that completed environmental impact statements should accompany proposals through all existing levels of review. GAO believes that, if this requirement is met before initial review and approval of a proposal, an agency is more apt to consider environmental information objectively and fully. Specific comments of each agency are attached as appendixes II through IX. (See pp. 56 to 58 and pp. 61 to 81.)

## CHAPTER 1

### INTRODUCTION AND SCOPE

The Chairman of the Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries, in a letter dated May 18, 1971 (see app. I), requested that the General Accounting Office evaluate the implementation of section 102 of the National Environmental Policy Act of 1969 (Pub. L. 91-190), hereinafter referred to as the act, to determine whether such implementation was uniformly and systematically in accordance with applicable legislation. This section requires the preparation of environmental impact statements on legislative proposals and other major Federal actions significantly affecting the quality of the human environment.

The Chairman requested also that GAO compare procedures and practices of several agencies, giving due consideration to such matters as (1) uses of environmental impact statements as decisionmaking tools, (2) agencies' views on actions not requiring the statements, (3) adequacy of agency procedures as means of developing effective public participation, and (4) coordination of State and Federal agencies in reviewing and commenting on the statements.

In addition, the Subcommittee asked that GAO consider the roles of the Council on Environmental Quality and the Office of Management and Budget in providing guidance and assistance to the agencies.

The selection of Federal agencies and their programs for review and the objectives and scope of our audit were determined through consultation with the Subcommittee and the Congressional Research Service and through consideration of the report of the Committee on Merchant Marine and Fisheries on the administration of the act (H. Rept. 92-316, June 29, 1971).

The agencies selected for review were the:

Corps of Engineers (Civil Functions), Department of the Army.

Forest Service and Soil Conservation Service  
(SCS), Department of Agriculture.

The Department of Housing and Urban Development  
(HUD).

Bureau of Reclamation, Department of the Interior.

Federal Aviation Administration (FAA) and Federal  
Highway Administration (FHWA), Department of  
Transportation.

We also examined into the role of the Environmental Protection Agency because, in addition to the Council and OMB, EPA has certain responsibilities for implementing the act.

Our audit generally was limited to reviews and comparisons of prescribed management procedures and did not include application of the procedures. In conducting the review, we

- examined written guidelines and procedures for preparing and processing environmental statements;
- interviewed officials of the Council, EPA, OMB, selected Federal agencies, and State and local agencies that share environmental impact statement preparation responsibilities; and
- inspected some records and reports.

The agencies and programs selected for audit and their locations are shown in appendix X. Fieldwork was concentrated at one location of each agency. Limited fieldwork was done at additional field and headquarters offices on matters we believed to be particularly significant. The information contained in this report may not necessarily be representative of agency programs or offices that we did not select for audit.

## NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The National Environmental Policy Act of 1969 was enacted on January 1, 1970. The purposes of the act are: to declare a national policy which 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 will 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 the Council on Environmental Quality.

In preparing the environmental impact statements required by section 102 of the act, agencies are to consider

- the environmental impact of the proposed action,
- any adverse environmental effects which cannot be avoided should the proposal be implemented,
- alternatives to the proposed action,
- the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- any irreversible and irretrievable commitments of resources involved in the proposed action should it be implemented.

Prior to preparing statements on proposals, Federal agencies are required to consult with, and obtain the comments of, any other Federal agency which has jurisdiction, by law or special expertise, with respect to any environmental impact involved. Copies of the statements and the comments and views of the appropriate Federal, State, and local agencies that are authorized to develop and enforce environmental standards are to be made available to the President, the Council, and the public, as provided by section 552, Title 5, United States Code, and shall accompany the proposals through the existing agency review processes.

## ROLES OF THE COUNCIL, EPA, AND OMB

The Council and OMB--agencies in the Executive Office of the President--have certain direct or implied responsibilities for implementing the act. EPA is an independent Federal agency having responsibility for various pollution control programs and certain responsibilities for implementing the act.

The Council, which was created on January 1, 1970, is responsible for providing policy advice and guidance on Federal activities affecting the environment, assisting in the coordination of these activities, and overseeing the implementation of the act by Federal agencies. Executive Order No. 11514, dated March 5, 1970, outlines the Council's responsibilities and requires it to issue guidelines to Federal agencies for the preparation of environmental impact statements.

EPA is responsible for administering various Federal programs affecting the environment. These programs cover air and water pollution control, solid waste management, pesticide regulation, and radiation standards. EPA is required to prepare environmental impact statements on its own actions which have an effect on the environment and, because of its environmental expertise, to review and comment on statements prepared by other agencies.

Although OMB has no statutory requirements to assume any role concerning implementation of section 102 of the act, it has overall responsibility under Executive Order No. 11541, dated July 1, 1970, for improving the management of Federal programs. In addition, the Council's guidelines state that OMB will issue instructions to the agencies on how the section 102 procedure fits into OMB's legislative clearance process.

The Committee on Merchant Marine and Fisheries' report on the administration of the act contains information on the activities of the Council and OMB prior to the issuance of the Council's April 1971 guidelines to Federal agencies on the preparation of environmental impact statements. The report contains also certain recommendations on actions to be taken by both these agencies in managing the implementation of section 102 of the act.

Our review was directed toward the activities of these agencies after issuance of the Committee's reports.

### ROLES OF FEDERAL AGENCIES

Responsibility for implementing section 102 of the act rests with each Federal agency.

The Council's guidelines require each agency to develop formal procedures for implementing section 102 of the act and to designate officials to prepare environmental impact statements. Each of the agencies included in our review has defined the responsibilities of its organizational levels and issued procedures for preparing and processing the statements in accordance with the Council's guidelines. Agencies delegate varying degrees of responsibility for statement preparation to field levels, and some delegate responsibility to non-Federal sponsors of proposed actions. The agencies' procedures for preparing the statements are continually changing. The following table shows the status of the development of procedures considered in our review.

	<u>Status of procedures</u>	<u>Date issued</u>
Bureau of Reclamation	Draft	Oct. 1971
Corps of Engineers	"	May 1971
FAA	Final	Dec. 1970 <sup>a</sup>
FHWA	"	Aug. 1971
Forest Service	"	July 1971
HUD	Draft	July 1971
SCS	Final	Nov. 1971

<sup>a</sup>The December 1970 procedure issued by FAA's Airports Service Division concerned only airport development actions. FAA is issuing an agencywide procedure which will apply to all of their actions significantly affecting the environment.

All the agency field offices we visited, except HUD's Region VI offices, were following the latest procedures established by the agency for preparing environmental impact statements. At the time of our review, four of the five



area offices in Region VI were following procedures based upon a HUD instruction issued in January 1971.

On March 21, 1972, HUD instructed Region VI and its area offices to conform their procedures to the July 1971 guidelines.

## CHAPTER 2

### IMPROVEMENTS NEEDED IN AGENCY PROCEDURES

#### FOR PREPARING AND PROCESSING

#### ENVIRONMENTAL IMPACT STATEMENTS

Federal agencies are beginning to include in their daily processes careful considerations of the environmental impact of major Federal actions. We believe, however, that the requirements of section 102 of the act are not being implemented in a uniform and systematic manner and that improvements are needed in agency procedures for preparing and processing environmental impact statements in the following areas.

- Using environmental impact statements in the decisionmaking process.
- Defining actions requiring the statements and determining the range of environmental impacts to be considered.
- Developing adequate methods of obtaining public participation.
- Obtaining views of Federal, State, and local agencies on the statements.

#### ENVIRONMENTAL IMPACT STATEMENTS AS AN INTEGRAL PART OF DECISIONMAKING PROCESSES

The act requires that an environmental impact statement on a proposal, with related comments of Federal, State, and local agencies, be made available to the President, the Council, and the public and "accompany the proposal through the existing agency review processes." The Council's guidelines for implementing the act state that the objective of this requirement is to build into the agency's decisionmaking process an appropriate and careful consideration of the environmental impacts of proposed actions. The guidelines state further that the preparation of the statement is to be

completed as early as feasible in agency decisionmaking and that agencies are to establish formal procedures for determining (1) the review level at which statements are to be available and (2) when the procedures will be applied in the decisionmaking process. The guidelines also require an agency to prepare and circulate a draft environmental impact statement to other agencies for comment and to incorporate the comments into a final statement to be filed with the Council and made available to the public.

Our review of the efforts by the seven agencies to incorporate these requirements into their decisionmaking processes showed that most of the agencies did not (1) complete their statements in time to accompany proposals through all agency levels of review, (2) complete the statements in time for them to be used in the early stages of decisionmaking, and (3) effectively review the results of plans to ensure that the environment is protected as anticipated.

Environmental impact statements  
should accompany proposals through  
all levels of review

The environmental impact statements for most of the seven agencies are usually prepared in steps as proposals move up the organizational levels toward the final stages of review and decisionmaking. As a result a lower level does not have the benefit of all environmental aspects of a proposal prior to advancing it to the next organizational level. In some agencies, such as the Bureau of Reclamation and the Corps, even top officials did not have a completed statement when reviewing proposals.

Because of the nature of the various programs and the differences in the organizational structure of the agencies involved, it was difficult to make exact comparisons in determining the degree of compliance with the Council's guidelines. To show the efforts of the seven agencies to use the environmental impact statement in the decisionmaking process for selected programs, we prepared detailed flow charts, as shown in appendix XI. A summary indicating the levels of review where the preparation of the environmental impact statements are started and completed by each agency is shown below.

## Bureau of Reclamation

Bureau regional offices draft environmental impact statements after they have prepared feasibility reports on proposed projects and have made proposals to the Commissioner of the Bureau. Final comments of other agencies are obtained on the draft statements after the Commissioner has reviewed the feasibility reports and has made his recommendations to the Secretary of the Interior. Final environmental impact statements are then prepared and filed with the Council and made public before the Secretary recommends the project to the Congress.

## Corps of Engineers

Corps district offices start drafting environmental impact statements as they prepare their reports on proposed projects and before district and division offices reach agreement on the project proposals. Final comments of other agencies on the draft statements are not obtained until the Chief of Engineers has reviewed the report and decided what actions to propose to the Secretary of the Army. Final statements are then prepared and filed with the Council and made public before the Secretary recommends the project to the Congress.

## Federal Aviation Administration

Sponsors of projects normally are required to submit preliminary environmental impact statements concurrently with proposals to FAA district offices. Final comments of other agencies on the draft statements are not obtained until the district offices have reviewed sponsors' proposals and made proposals to their regional offices and the regional offices have made proposals to headquarters. Final statements are prepared by FAA regional officers and submitted to the Administrator of FAA for review along with the proposals. Final statements are filed with the Council and made public before the proposals receive final approval by the Administrator.

## Federal Highway Administration

State highway departments prepare draft environmental impact statements for proposed highway projects and obtain comments on the statements from Federal, State, and local agencies before proposing locations for the projects to FHWA division offices. The State highway departments also prepare the final statements. The final statements are filed with the Council by the Administrator, FHWA, and made public before division offices approve the projects.

## Forest Service

The Forest Service prepares environmental impact statements only after proposals have passed through all levels of review and have been approved by project approval officers at various organizational levels, depending upon specific delegations of authority, or by the Chief of the Forest Service. Final statements are filed with the Council and made public after proposals are approved.

## Department of Housing and Urban Development

HUD's environmental impact statements are prepared by its regional, area, or insuring offices while they are evaluating proposals. Approval authority for most proposals requiring statements is at these levels. Final statements are filed with the Council and made public before these offices approve proposals.

## Soil Conservation Service

SCS State offices prepare draft environmental impact statements after a sponsor's application for a proposed project is approved but before completing a detailed study of the proposal. Final comments from agencies on draft statements are obtained after proposals have been approved by the Administrator of SCS. Final statements are filed with the Council and made public before the proposals are submitted for congressional approval.

An example of the need for completed environmental impact statements to be available at the earliest levels of review can be illustrated in the case of the Corps.

District and division offices develop proposals on water resource projects and submit them to the Chief of Engineers. Proposals include survey reports which are accompanied by a preliminary environmental impact statement. This survey report is the basic document on which and through which decisions on an action must be made. The Board of Engineers for Rivers and Harbors, an impartial review group for the Chief of Engineers, reviews these proposals and the preliminary statements. The Board is responsible for weighing all facts fully, independently, and impartially and for making recommendations to the Chief of Engineers. Despite the responsibilities at these organizational levels, the Board bases its determinations on statements that do not contain comments from the headquarters levels of other Federal agencies. Statements have been neither filed in final form with the Council nor made available for public comment.

Environmental impact statements  
should be available at  
earliest stages of decisionmaking

The seven Federal agencies usually plan projects in two stages--an early, or survey, stage in which basic decisions are made as to the need for a project and a later, or detailed, stage in which such less basic decisions as selection of alternative locations for a project are made.

Some of these agencies try to cover project decisions in both the survey stage and the detailed stage with a single environmental impact statement, which is completed in the latter stage. As a result, as indicated in the summaries below, decisions are made by some of the agencies in the early stages without the benefit of a completed statement. These decisions may have equal or greater impact on the environment than decisions made in the later stages.

#### Bureau of Reclamation

A reconnaissance stage is completed before an environmental impact statement is prepared. At this stage the need and justification for a development or improvement action is established, and provisions for alternative actions may be made. The statement is prepared during the feasibility stage while the specific engineering and operating plan is

being developed and defined and the financial feasibility and economic justification of the development or improvement action are being determined.<sup>1</sup>

### Corps of Engineers

A preliminary evaluation stage is completed before an environmental impact statement on a proposed project is prepared. During this stage a determination is made as to whether the project is justified and a detailed study is warranted. The statement is prepared during the detailed stage, while Corps officials are deciding on recommendations for development of the proposed project.

### Federal Aviation Administration

A draft environmental impact statement is prepared during an early stage which leads to a recommendation for or against programming a proposed project. During a later stage, when the final statement is completed, a recommendation is made for or against project approval.

### Federal Highway Administration

A State highway department conducts a study to determine the need for a highway project before a draft environmental impact statement is prepared. During a later stage, when the State makes a location study, the final statement is prepared, and then the State selects the specific location for the project.

### Forest Service

The preparation of an environmental impact statement is not started until completion of the phase-one stage--a determination of the compatibility of the proposed project to the land and its related environment--and the phase-two

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<sup>1</sup>In commenting on our draft report, the Department of the Interior stated that Bureau of Reclamation instructions issued in January 1972 now requires an environmental impact statement on significant favorable reconnaissance reports.

stage--a detailed examination of the effects the proposed project will have on the land and its related environment.

#### Department of Housing and Urban Development

Before preparing an environmental impact statement, HUD decides whether an application for a project meets program qualifications. During a review of the technical soundness of the project, a determination is made as to whether a statement is needed and, if needed, it is prepared before the project is approved.

#### Soil Conservation Service

A decision as to whether to provide planning assistance for the development of a project is reached during the application stage. During a work-plan stage, the environmental impact statement is prepared after detailed engineering and economic studies have taken place but before a decision is reached as to whether to recommend the project for congressional approval.

#### Conclusions

The Federal agencies' environmental impact statements would be more useful in the decisionmaking process if the completed statements for a proposal were available at all organizational review levels of a proposal and at the earliest stages of decisionmaking.

The availability of the completed statement to the lower organizational levels would allow officials at these, as well as higher, levels to objectively consider the environmental views of others before making decisions on a proposed action. Also the availability of the statement at survey stages of decisionmaking would allow these basic decisions on the need for a project to be made in the light of environmental aspects.

Because each stage of decisionmaking may result in an action that could have a significant effect upon the environment, it may be necessary at each stage to update the statement.



The Council needs to advise agencies on how to integrate an environmental impact statement into the decision-making process, to ensure that it is available at all levels of review and stages of decisionmaking. Each agency should be required to develop flow charts of its decisionmaking process (similar to the ones we prepared in appendix XI), clearly designating the points at which the statement should be completed and how it should accompany the proposal through the agency review process. An agency's publication of such a flow chart could help other agencies, the Council, and the public to understand how the decisionmaking process works and the extent to which their comments on statements can enter into agency decisionmaking.

Postplanning review of actions  
required to protect environment

An effective implementation of the act through the environmental impact statement preparation process presents many challenges to Federal agencies. Plans to protect the environment are difficult to develop and implement and are subject to error. Experimentation and innovation lead to successes as well as failures. Therefore assurances should be provided that plans will continually improve, that plans will materialize as anticipated, and that learning experiences will apply to improve future actions and will be shared with others.

Little action has been taken by most agencies to establish procedures for ensuring that the environmental protection plans developed and incorporated into environmental impact statements are effective and actually materialize. For obtaining such assurances, most agencies rely mainly upon procedures already established, such as existing day-to-day administrative practices and inspections performed to oversee design, construction, and operation activities.

We found only one instance in which a new procedure had been established to obtain such assurances. The Corps instructions provide that when environmental impact statements have been filed previously and are older than 3 years or significant changes have taken place in the proposal or associated environment, the statements be updated, coordinated, and transmitted to the Council.

We believe that the agencies should establish new procedures to obtain assurances that plans to protect the environment are effective and actually materialize. A post-planning review of the results of plans to protect the environment would provide such assurances. Such a review would compare actual results with planned results and would provide feedback to planners and decisionmakers.

ACTIONS REQUIRING ENVIRONMENTAL IMPACT  
STATEMENTS AND RANGE OF ENVIRONMENTAL  
IMPACTS SHOULD BE DEFINED

The act directs Federal agencies to prepare environmental impact statements on all major Federal actions significantly affecting the quality of the human environment. The seven agencies included in our review had adopted a variety of approaches in attempting to define this directive in their procedures. We found, however, that their approaches did not appear to be useful as guidelines for officials in defining the actions for which an environmental statement was required or in determining the range of environmental impacts to be considered.

Nature, size, and scope of actions  
requiring environmental impact  
statements should be established

The Council's guidelines for implementing the act define those actions, affecting the human environment by listing examples of several projects, policies, procedures, and legislation. The guidelines also state that it will often be necessary to apply statement preparation procedures "in the development of a national program and in the review of proposed projects within the national program."

Our review showed that all seven agencies had attempted to identify actions requiring and actions not requiring environmental impact statements. The approaches adopted by the various agencies in attempting to be definitive varied substantially and ranged from the Corps listing of types of projects and activities requiring statements to the Forest Service's delegating to project approval officers the authority to make the determination on a case-by-case basis. The agencies also had differing views as to whether statements were needed for actions broader than individual projects, and three agencies (the Bureau, FAA, and FHWA) indicated that for such program-type actions statements would not be beneficial.

Following are approaches generally taken by the individual agencies.

### Bureau of Reclamation

The Bureau lists criteria and types of actions to be considered by officials responsible for determining the need for an environmental impact statement on a case-by-case basis. The Bureau has indicated that it is not in favor of preparing the statements on actions broader than projects. The Bureau's definition of "project" encompasses all dams, power plants, and other such features within a drainage area.

### Corps of Engineers

The Corps lists certain types of projects and activities requiring environmental impact statements and certain types not requiring such statements. The Corps prefers to prepare statements on a project-by-project basis but recognizes the value of program statements and has prepared some on river basin programs, in which a series of water resources projects were being considered, and on dredging programs.

### Federal Aviation Administration

FAA lists types of project actions to be included in the definition of major actions requiring environmental impact statements but does not plan to prepare statements on actions broader than individual airports, such as master plans for a region or metropolitan area in its Airport Development Aid Program.

### Federal Highway Administration

FHWA lists some types of highway actions that do not require environmental impact statements and some general categories and examples of highway work that may require such statements. FHWA has not prepared statements on a program basis covering an entire State or metropolitan area and has no plans to do so but has indicated that statements prepared on a program basis would be so broad and contain so many generalities that they would be meaningless and make coordination with other agencies difficult, if not impossible.

### Forest Service

The Forest Service does not exclude any type of activity from consideration and requires an evaluation of need for environmental impact statements by project approval officers on a case-by-case basis. The Forest Service requires an evaluation of the need for statements on programs, plans, and projects and is preparing statements on a national basis with respect to several programs.

### Department of Housing and Urban Development

HUD has established criteria, or thresholds, of project size or scope for actions that may require environmental impact statements. Statements are prepared only on those important actions that exceed the thresholds or are considered exceptional; i.e. controversial, precedent-making, or large-scale.

### Soil Conservation Service

SCS differentiates between project-type programs and non-project-type programs and generally requires environmental impact statements on project-type programs only. SCS provides for describing the general effects of all programs and activities in summary statements prepared for annual appropriation legislation, but these statements are not circulated to other agencies or the public for comment.

Some of the difficulties encountered by the agencies in defining the major actions requiring environmental impact statements are illustrated by the different approaches followed by FHWA and HUD.

FHWA officials consider the lack of an adequate definition of those actions requiring statements to be one of the biggest problems in the environmental impact statement process. FHWA procedures define actions to include highway sections on new locations and major upgrading of existing highway sections which results in functional characteristic changes. Under a conservative approach FHWA's definition can be applied to almost any action taken by State highway agencies. As a result, although FHWA officials estimated that about 50 to 60 draft and final environmental impact

statements would be received during an entire year, actually about 1,400 were received from State highway departments during the 7-month period from April through October 1971.

In contrast to FHWA's approach, HUD, in defining actions that require environmental impact statements, relied upon thresholds or standards. A subjective decision on the need for a statement, however, was required even when an action met or exceeded the thresholds. As a result, one HUD regional office we visited (Region VIII) prepared a statement for only one of 62 project actions that exceeded the thresholds during the period from October 1, 1970, through October 31, 1971. Negative declarations were prepared for the other 61 project actions. Another HUD regional office we visited (Region VI), where the thresholds are used only for certain housing programs, prepared a statement for only one of 770 project actions during the period from March 1971 through January 1972. Negative declarations were prepared for the remaining 769 project actions.

Although such documents are not required by the act or the guidelines, all agencies included in our review, except the Bureau, Corps, and Forest Service, prepare documents resembling environmental impact statements, sometimes called negative declarations, to record agency judgments that statements are not warranted on certain actions.

#### Actions initiated prior to the act approached differently

The Council's guidelines provide that, to the maximum extent practicable, the section 102 procedures developed by Federal agencies also be applied to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to passage of the act on January 1, 1970.

Our review showed that each of the seven agencies approached this requirement in a different manner and that the degree of compliance varied substantially. As a general rule, however, all agencies agreed that environmental impact statements were needed on some of the major actions having a significant environmental impact, regardless of the date initiated. Differences in the way the agencies approached

this question, and their plans to eliminate any potential backlog of statements resulting from the Council's guidelines, are presented below.

#### Bureau of Reclamation

Bureau procedures state that ongoing or uncompleted programs and projects authorized prior to January 1, 1970, will be reconsidered to see if an environmental impact statement should be prepared. For a project not yet funded, a statement is necessary if there is significant environmental impact. All Bureau regions are establishing time phases for preparing statements for projects authorized before January 1, 1970. Bureau officials advised us that they expected to complete the preparation of statements by fiscal year 1974 for projects planned prior to the act.

#### Corps of Engineers

Corps procedures require environmental impact statements for projects under various continuing authorities, for continuing construction and land acquisition, and for operation and maintenance actions initiated before passage of the act. Corps officials in Washington, D.C., estimate the backlog of statements at about 2,400, and they expect to complete preparation of these statements by fiscal year 1974.

#### Federal Aviation Administration

FAA's Airport Development Aid Program, which we selected for review, was established after passage of the act, and therefore FAA has no backlog of environmental impact statements.

#### Federal Highway Administration

FHWA normally requires a final environmental impact statement as a prerequisite to approval of the location of a highway project. Projects for which locations had been approved before January 1, 1970, and designs that had been approved after that date, were to be reassessed by State highway agencies and the FHWA division engineer, and statements were to be prepared when deemed appropriate. FHWA officials said that, of an estimated 5,000 highway projects in process

on January 1, 1970, about 1,250 would require statements. They advised us that, although they had no formal plan for handling the backlog, about half of the required statements had been prepared in draft form as of November 1971.

### Forest Service

The Forest Service management plans, including those initiated before passage of the act, are updated periodically, and environmental impact statements are to be prepared, if required, at the time of the next updating. According to Forest Service officials, projects usually are implemented a short time after being approved and the only significant backlog of actions requiring the preparation of statements are the 11 primitive areas being considered for inclusion in the National Wilderness Preservation System.

### Department of Housing and Urban Development

HUD has no formal procedures requiring the preparation of environmental impact statements for in-process projects. However, regional offices were informed of the Council's requirement. One regional office we visited (Region VIII), had received oral instructions to review the need for statements on in-process projects.

### Soil Conservation Service

SCS requires an environmental impact statement for any watershed projects approved prior to January 1, 1970, if it is determined that the project has a significant adverse environmental impact and/or is controversial. SCS also requires its State offices to review stream channel improvement projects to determine the degree of adverse environmental impact. SCS officials advised us that, as of August 31, 1971, 453 projects that still had channel improvement to be installed had been initially classified in three categories, according to environmental impact. Those with adverse effects are being examined in greater detail to determine ways to eliminate or reduce adverse effects to an acceptable level.



Primary and secondary impacts  
should be considered and disclosed

Section 101(a) of the act recognized the impact of man's activities on the environment and particularly

"\*\*\* the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances."

The reference to these influences by the Council in its guidelines is a provision for analyzing both primary and secondary consequences of proposed actions on the environment. The Council's guidelines indicate by example that secondary includes some of the profound influences recognized by the Congress in the act.

Our review showed that little guidance had been provided to the agencies on the range of impacts to be considered in environmental impact statements. Although the Council's guidelines use "primary" and "secondary" to indicate the range that should be considered, the guidelines do not define these terms. Similarly, we found that none of the agencies had defined these terms in their procedures for preparing environmental impact statements. We believe that an understanding of the meaning of these terms is necessary for recognition of the full range of impacts and alternatives that should be considered in any environmental statement.

For example, construction or operation of a multiple-purpose water resources project would seem to have such primary impacts on the environment as flooding of land, impeding fish migration, destroying wildlife habitat, disturbing streamflow, and affecting water quality. On the other hand, the marketing of project services, such as electrical power and irrigation water, would seem to have such secondary impacts as population growth, urbanization, and industrial expansion.

A distinction apparent from this example is that project inputs generally cause primary impacts and project outputs generally cause secondary impacts. We believe that agency procedures should recognize this distinction because

it is important for ensuring consideration of all alternatives. That is, if only primary impacts are recognized, then only such input-oriented alternatives as changing methods of construction will be considered. If secondary impacts also are recognized, then such output-oriented alternatives as using alternative means for providing the services will be considered also.

Another important distinction between primary and secondary impacts can also be drawn. Primary impacts are usually more susceptible to measurement and analysis by an agency proposing an action because the primary impacts are more immediately related to an agency's area of responsibility and expertise. Secondary impacts, on the other hand, usually require analyses by a number of agencies because they are not within any single agency's area of responsibility or expertise. We believe that agency procedures should recognize secondary as well as primary impacts and provide for designating lead agencies to manage the efforts of several agencies jointly responsible for considering secondary impacts.

EPA addressed itself to this problem area in a letter to the Council, dated December 21, 1971, suggesting improvements in the Council's guidelines on environmental impact statements. EPA indicated that, in setting a range of environmental considerations appropriate for a particular type of project, two forms of shortsightedness have frequently occurred:

"The first is where the initial or primary effects of the project have been taken into consideration, but where the secondary or induced effects of the project have been ignored. For example, statements on highways and sewage treatment plants seldom evaluate the resulting impact on urban growth patterns. These secondary or induced effects may, however, be more damaging than the primary effects. The second form of shortsightedness is the tendency to consider only changes in the physical environment and to ignore changes in the social environment. Yet impacts on population patterns or community behavioral patterns may affect the

quality of the human environment much more than impacts on air and solid waste."

EPA recommended that the Council's guidelines require each Federal agency to prepare conceptual frameworks of analysis for the major types of projects supported by each agency. EPA suggested that, as a start, conceptual frameworks should be prepared for highways, airports, sewage treatment plants, power projects, watershed projects, and mineral extraction on public lands because these six categories of projects reportedly accounted for 80 percent of all Federal actions for which draft or final environmental impact statements had been prepared. EPA also indicated that the framework should answer five basic questions.

- What is the proper project entity for purposes of preparing a statement?
- What is the range of environmental considerations appropriate for this project entity?; i.e., what are the primary and what are the induced or secondary effects that need to be considered?
- What basic data about the project and its surroundings is needed to investigate the environmental effects?
- What analysis of this basic data is necessary? and what is the significance of the conclusions resulting from the analysis?
- What are the promising alternative formulations of the project that need to be considered?

Team efforts needed to  
measure environmental impacts

The act requires that Federal agencies identify and develop methods and procedures, in consultation with the Council, which will

"\*\*\* insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations."

Our review showed that this requirement has been very difficult to implement. Although little has been accomplished in this area, some attempts to develop methods are being made, as indicated below.

#### Bureau of Reclamation

The Bureau has contracted to design a method to evaluate the environmental aspects of water resources projects through a numerical rating system. The method was being tested and the results were to be known early in 1972.

#### Federal Aviation Administration

FAA is attempting to develop procedures for more accurately measuring costs and benefits of airport development and is attempting, through research, to measure the actual air and noise pollution produced as a result of aircraft operations.

#### Forest Service

The Forest Service has developed and used a number of computer programs. One program provides to natural resource managers meaningful socioeconomic data regarding various management alternatives. Another helps compute the optimum timber output for any given set of constraints and cultural practices. The Forest Service also has a technique for mapping land areas into geomorphic units on the basis of geological and hydrological data. The maps show land capability. Another method is the analysis of visual landscape units based on certain criteria.

#### Conclusions

The wide range of agency approaches to identifying those actions requiring environmental impact statements and the problems of determining the range of impacts to be considered in the statements suggest a need for improved agency procedures and improved guidance from the Council. Agency procedures should specify the various kinds of actions requiring statements and the circumstances which will necessitate statements for actions broader than projects. Agency procedures should also include definitions of, and make

distinctions between, primary and secondary impacts and should describe the extent to which secondary impacts, such as those mentioned in the act, will be assessed and disclosed for various types of proposed actions.

We concur in EPA's suggestion for improving the Council's guidelines and Federal agency procedures. The five-step framework of analysis of actions and impacts that EPA suggested for major Federal projects should also be developed for Federal programs, and the agencies should develop standards for determining when a project-type or program-type environmental impact statement is necessary and what range of impacts are appropriate for analysis under each type of statement.

Resolving the problem of quantifying and measuring environmental impacts is difficult but imperative if environmental aspects are to be considered in Federal agency plan formulation and decisionmaking. The nature of the task seems to require more than efforts by individual agencies, as presently occurs. Instead, team efforts on the part of all Federal agencies under the leadership of the Council is necessary.

One way to organize the effort would be to establish task forces for each of the environmental areas of expertise (air, energy, noise, water, etc.) shown in appendix 2 of the Council's guidelines. The task forces could be composed of representatives from the Federal agencies listed under each area in the appendix. Each task force group could be responsible for identifying and developing procedures for measuring environmental values in its own area or areas of jurisdiction or special expertise.

PUBLIC PARTICIPATION SHOULD  
BE GIVEN GREATER EMPHASIS

The act requires that environmental impact statements, together with other agencies' comments thereon, be made available to the public. Public participation in carrying out the purposes of the act was stressed by the Congress in House Report 92-316, in Executive Order No. 11514, and in the Council's second annual report under the act. For example:

- One of the major recommendations of House Report 92-316 was that information used by any agency planning or studying a prospective project that might have environmental implications be made readily available to the public.
- Executive Order No. 11514 directed Federal agencies to establish public participation procedures which include provision for public hearings, whenever appropriate.
- The Council reported that individuals and groups often could contribute data and ideas beyond the expertise of the agency involved, that citizens were seeking and making significant changes in agency policy, and that citizens often could learn of an impending action or the environmental issues raised only by way of an environmental statement.

All seven agencies have recognized the need for public participation, but their procedures vary significantly in the use of mailing lists, news media, and public hearings. Also some of the agencies' efforts to achieve public participation seem less than intended by the act and the Council's guidelines.

Certain common procedures have been adopted for communicating environmental impact statements to the public. All agencies included in our review, except FAA, FHWA, and HUD, have developed mailing lists of interested public groups or individuals to whom statements should be sent. In addition, all the agencies except HUD use the news media, along with other means, to notify the general public of the

availability of draft statements. HUD does not take the initiative to contact public groups for comment on statements. Draft statements are filed in a regional library. If someone wants a copy, he can contact the region.

The extent to which public hearings and meetings are used to invite public participation vary from agency to agency. The Corps and SCS, for example, take a very active role in using public forums. The Corps requires three public meetings during preauthorized project-planning stages.

FAA places primary responsibility on project sponsors for holding hearings or other types of public participation and has had only limited involvement in public hearings or other types of public participation. FAA's reason for its limited involvement is that it desires to retain its independence and objectivity in evaluating public comments.

HUD regions require public hearings for some programs, but regional officials do not attend. If hearings are held, they are held by the project sponsor prior to the approval of the project by the HUD region.

Some of the agencies included in our review use environmental impact statements in connection with public hearings. The procedures these agencies follow are shown below.

#### Federal Aviation Administration

FAA requires the sponsor to inform the public that a preliminary environmental impact statement is available for public review at least 30 days prior to any hearing.

#### Federal Highway Administration

FHWA requires State highway agencies to explain environmental impact statements to persons at public hearings and to allow the public 10 days from the date of hearings to submit written comments. Copies of draft statements, as well as other project data, are made available to the public for review at least 30 days prior to, and at the location of, hearings. Comments from reviewing agencies are made available to the public at the hearings.

### Forest Service

The Forest Service makes draft environmental impact statements available to the public at least 15 days prior to the time of hearings.

### Soil Conservation Service

SCS distributes a preliminary environmental impact statement at a public meeting and invites the public to provide input within 30 days.

We noted that two of the seven agencies were considering certain innovative concepts for improving communication with the public on environmental impacts. The Seattle District of the Corps is developing what is termed its "fishbowl" planning technique. This technique involves workshops, in which the public can meet with Corps officials to discuss issues, and public brochures which present the issues, alternatives, and pros and cons related to a project.

Forest Service personnel described a technique which could be used. The Service could schedule and publicize a meeting place where the public could make individual appointments to speak to Forest Service officials about a specific project or environmental statement. Persons could either bring written statements or present views orally and could have a clerk record the general content of their views. This technique would have the advantage of freeing persons to present their own opinions without being influenced by others.

### Conclusion

Achieving meaningful public participation in Federal agency decisions that have an impact on the environment seems to be one of the most important challenges facing Federal agencies. An environmental impact statement is an ideal instrument to use in meeting this challenge, and agency procedures should provide for its use.

An active Federal role in public hearings or meetings, like that of the Corps and SCS, appears to be needed to gain public participation as encouraged by the Committee's report



and the Executive order. One way of using environmental impact statements to gain public participation would be to make them available to the public in advance of public meetings, discuss them at the meetings, and invite further input after the meetings, as many of the agencies presently do. Stressing public participation, as intended, appears to require more agency innovation or experimentation of the nature described by Corps and Forest Service personnel.

FURTHER GUIDANCE NEEDED FOR OBTAINING VIEWS  
OF FEDERAL, STATE, AND LOCAL AGENCIES

The act requires that Federal agencies, when preparing environmental impact statements, obtain views of other Federal, State, and local agencies having jurisdiction or special expertise on any environmental impacts involved. The Council's guidelines identify those Federal agencies to be consulted on the preparation of statements. Several Federal agencies, such as the Corps and the Bureau of Reclamation, have certain legislative and executive requirements to obtain and coordinate the views of others regarding the development of water resources projects.

For obtaining State and local agency comments, the Council's guidelines provide for the circulation of draft statements to State, regional, or metropolitan clearinghouses, under procedures set forth in OMB Circular No. A-95. The purposes of obtaining comments by, or through, these clearinghouses are to ensure maximum consistency of projects with State, regional, and local comprehensive plans and to accord with applicable Federal laws.

All the agencies included in our review had established some procedures for obtaining views and comments from other Federal, State, and local agencies on proposed actions. We believe, however, that most of the agencies have inadequate procedures for ensuring the full and effective use of the special environmental expertise available in other agencies. Elements of a systematic approach for identifying and obtaining environmental expertise were lacking in most agency procedures, and difficulties were developing in the furnishing of comments on environmental impact statements prepared by others.

We believe that a systematic approach can be used in ensuring that available environmental expertise in other agencies is identified and used to the extent necessary. As a first step, an agency should determine the environmental elements of its activities for which expertise outside the agency must be sought. As the next step, an agency should select the Federal, State, or local agency that could best furnish the expertise and should make arrangements for acquiring it. Finally, an agency should develop procedures to

ensure that agencies having expertise review and comment on environmental impact statements. Although this system of steps has not been established in full by any of the selected agencies, certain steps have been taken by one or more agencies to identify or obtain special expertise available from other agencies, as shown below.

#### Bureau of Reclamation

The Bureau has cooperative programs and memorandums of understanding which, among other purposes, help ensure that environmental information is obtained on a routine basis from other agencies.

#### Corps of Engineers

The Corps has identified specific environmental elements of its activities and has prepared a checklist to ensure that the elements are covered either internally or through coordination with outside agencies or consultants. Social relationships and human well-being, however, are two elements on the Corps' list for which neither in-house nor other agency expertise has been identified.

#### Federal Aviation Administration

FAA selects Federal agencies for comment by reviewing Council and Department of Transportation lists and the "Catalog of Federal Domestic Assistance," which describes functions of many Federal agencies.

#### Forest Service

The Forest Service has identified some environmental areas for which they lack expertise, such as social and behavioral science, and has identified the Federal agencies, as well as the consultants, which can provide it. The Forest Service and its regional offices have keyman listings of agencies, groups, and individuals to whom draft statements are sent.

### Soil Conservation Service

SCS maintains a list of all agencies having jurisdiction, by law or special expertise, in the management of land, water, and other related resources. Comments of such agencies are requested by letter.

### Federal Highway Administration

FHWA has a list similar to SCS's and has furnished it to State highway agencies for their use.

With the exception of the Forest Service, the seven agencies did not have procedures for follow-up action when Federal, State, or local agencies failed to submit comments. The Forest Service requires a follow-up when an agency that has been designated by law as having expertise does not comment.

Difficulties were developing in the review and disposition phases involved in furnishing comments on environmental impact statements of other agencies. Officials in Corps, FHWA, and HUD field offices indicated to us that they had expected, but had not been asked, to comment on statements from certain agencies. Forest Service, HUD, and SCS officials stated that several statements on which they were asked to comment lacked sufficient information to permit adequate reviews. Although each of the agencies established procedures for reviewing and commenting on statements of other agencies, most of the agencies were unaware of the disposition of their comments on such statements.

### Conclusions

Agency procedures are generally too limited to ensure the full and effective use of environmental expertise available in other agencies. Procedures should be established for identifying and obtaining such expertise on a systematic basis.

The difficulties in furnishing comments on other agencies' statements suggest a need to clarify the responsibilities of commenting agencies. We believe that the Council needs to clarify the extent to which commenting Federal

agencies should be held responsible for requesting environmental statements of other agencies which relate to their areas of expertise and for obtaining additional information when the statements received from other agencies are insufficient for adequate review.

#### RECOMMENDATIONS TO FEDERAL AGENCIES

We recommend that the Federal agencies consider the matters discussed in this report and revise their procedures for preparing and processing environmental impact statements to ensure that

- the statements are available at all levels of review and at the earliest stages of decisionmaking;
- environmental protection plans developed and incorporated into environmental statements are effective and actually materialize;
- actions requiring statements are defined and the ranges of environmental impacts to be considered are determined;
- public views are properly solicited, considered, and evaluated; and
- environmental expertise available in other agencies is identified and obtained.

### CHAPTER 3

#### IMPROVEMENTS NEEDED IN EXECUTIVE OFFICE

##### GUIDANCE AND TECHNICAL ASSISTANCE

###### COUNCIL SHOULD DO MORE TOWARD IMPROVING AGENCY PROCEDURES

Our review showed that the Council, in measuring the effectiveness of Federal agency procedures for implementing section 102 of the act, had relied primarily on its review of individual environmental impact statements. In helping agencies to resolve issues, the Council had generally adopted an advisory approach, whereby it communicated its views informally on both environmental statements and procedures and relied upon the agencies to resolve any issues raised. We believe that the Council's approach to assisting Federal agencies is not the most effective way to ensure a uniform and systematic implementation of the act.

The Council has delegated the primary responsibility for reviewing statements to its Federal Impact Evaluation staff, which is divided into six functional categories-- community development and general government, energy, land programs, military and related programs, transportation, and water resources. One staff member has been assigned to each of the six categories with the exception of water resources and transportation which each have two members because of the volume of the statements in these two categories. Officials of the Council advised us that the Federal Impact Evaluation staff spent about 50 percent of its time in reviewing and commenting on the statements. The remainder of its time was spent in reviewing and preparing legislative or policy proposals, participating in special studies, assisting in preparing the President's annual environmental quality report, and assisting the General Counsel in preparing guidelines and reviewing agency procedures for implementing the act.

The General Counsel's office is responsible for the review of legislative and regulatory matters coming before the Council concerning the interpretation and implementation

of the act. It has been given the primary responsibility for issuing guidelines and reviewing agency section 102 procedures. The Office of the General Counsel is currently composed of the General Counsel and three professional staff members.

Activities in issuing guidelines and reviewing agencies' section 102 procedures

On April 23, 1971, the Council issued guidelines to Federal agencies on preparing environmental impact statements and requested that existing agency procedures be revised accordingly and be submitted to the Council prior to July 1, 1971. The agencies, in updating their procedures, were requested to provide for:

"--those types of agency actions requiring environmental statements,

"--the appropriate time prior to decision for the interagency consultations required by section 102(2)(C),

"--the agency review process for which the final environmental statement and comments are to be available."

As discussed in chapter 2, the procedures that the agencies established did not ensure adequate compliance with these provisions of the Council's guidelines.

As the Council received revised procedures from the agencies it transmitted them to EPA and OMB for review and comment. In a memorandum dated June 25, 1971, OMB provided comments which had general applicability to agency procedures and stated that it would provide specific comments as individual agencies furnished procedures to them for review. For the agencies included in our review, OMB officials were unable to provide us with OMB's comments on a specific agency's procedures that had been furnished to the Council. An EPA official advised us that EPA's comments had been furnished to the Council on an informal basis and that documentation concerning the comments on a specific agency's procedures had not been prepared.

Officials of the Council advised us that much of the guidance provided to agencies in revising their procedures was done by telephone. Detailed review sessions, however, were held with representatives of the Corps of Engineers; the Departments of Agriculture, Defense, the Interior, and Transportation; and the Agency for International Development. Letters were sent to eight additional agencies concerning their procedures. We reviewed these letters and found only one instance when the Council had requested an agency to modify its procedures. In general the Council's comments were editorial in nature, suggesting either word changes in agency procedures or the need for the agency to refer to paragraphs already contained in the Council's guidelines. Of the agencies included in our review, only HUD had received written notification of the Council's overall assessment of its procedures.

On July 23, 1971, the United States Court of Appeals for the District of Columbia circuit handed down a far-reaching decision on the Calvert Cliffs Nuclear Project. Although this decision was addressed to the Atomic Energy Commission (AEC), it had implications for all Federal agencies regarding their preparation of environmental impact statements. The points raised in the decision relevant to agency procedures for implementing the act were:

- Balancing economic and environmental costs and benefits is required by section 102.
- Section 102 duties are not inherently flexible. They must be complied with to the fullest extent unless there is a clear conflict of statutory authority.
- If a decision as to a proposed action subject to the act is reached procedurally without individual consideration and balancing of environmental factors--conducted fully and in good faith--the courts are responsible for reversing the decision.
- The environmental impact analysis must be considered in all agency review process.



--The effective date of the act is January 1, 1970,  
and its implementation cannot be unreasonably delayed.

On August 5, 1971, the Council advised the Federal agencies that the deadline for submitting revised procedures had been extended from July 1 to September 15, 1971, to permit consideration of the implications of the Calvert Cliffs decision in their procedures.

Although the Council recognized the significance of the decision and pointed out the major issues to be considered by the agencies, it provided no specific guidance to the agencies (with the exception of AEC) concerning how they should revise their procedures. In general the agencies included in our review have taken the position that their procedures complied with the decision.

On November 17, 1971, the Council notified the agencies of its plan to hold a joint meeting with them and with OMB and EPA in December to discuss the Council's guidelines and the agencies' procedures for implementing the act. This notice was followed by a Council memorandum outlining some general issues which could be addressed in agency procedures. The agencies were requested to compare this outline with their existing procedures to determine the extent to which it was applicable. The Council also furnished the agencies with extracts from important court decisions interpreting the act.

These general instructions were followed by a memorandum to each agency setting forth matters of concern to the Council which were similar to some of the matters considered during our review. The matters were:

"The role environmental analyses play in the decisionmaking and planning process and at what point environmental considerations are raised in these processes.

"Examples of where environmental considerations have led to a modification of a project \*\*\*.

"Consideration of possible 'program' environmental statements for similar types of activity.

"Success in implementing Section 102(a) of [the act] which calls for an interdisciplinary approach to integrate environmental considerations into the decisionmaking and planning process.

"In light of the Calvert Cliffs decision, the extent to which [the agency] has considered possible actions to initially apply the provisions in the court ruling."

Activities in reviewing agencies'  
environmental impact statements

The Council, in addition to its activities in reviewing procedures, requires Federal agencies to file copies of both draft and final environmental impact statements. Between May 1, 1971, and January 1, 1972, approximately 1,400 draft or final statements were filed with the Council. Officials of the Council advised us that they tried to review all the statements forwarded to them and that the depth of this review depended on the significance of the action in terms of environmental impact, presidential or congressional interest, or controversy. They stated that the purposes of this review were to bring to the Council's attention environmental policy issues confronting the agencies, to check the effectiveness of agency procedures for preparing the statements, and to provide a means of identifying the environmental impacts of Federal programs.

Council officials said that they reviewed draft statements because such review allowed them to comment on agencies' proposals at earlier, more meaningful times in the agencies' planning processes. Their reviews of final statements include determinations as to whether the comments of the various agencies and the public have been received and taken into consideration in the statements.

The Council has not issued any written guidelines to its staff outlining criteria to use in selecting the statements for detailed review or the subject areas to consider during this review. Instead the Council advised us that it primarily relied on the judgment of its staff, environmental information from other agencies, correspondence from interested citizens, and published environmental data in making these determinations.

The Council's Federal Impact Evaluation staff, which is responsible for reviewing agency environmental impact statements, is composed of eight members--two with backgrounds in scientific areas and six with backgrounds in political science and economics.

We found that the Council generally commented informally on the statements, either through telephone conversations or through meetings with agency officials. On certain occasions the Council has provided written comments to the agencies on their draft statements, but normally these comments are not made public or included as parts of the final statements. Officials of the Council advised us that their comments reflected neither approval nor disapproval of an environmental statement, nor did silence on their part constitute agreement with agencies' actions.

On October 29, 1971, the Council furnished us with certain correspondence dated after May 1, 1971, to the agencies, regarding implementing section 102 of the act. This correspondence consisted of 71 documents, 51 of which were sent to agencies included in our review. Most of the correspondence related to individual environmental impact statements and discussed failures to adequately consider all environmental effects, need to circulate draft statements for comments before filing the final statements, and recommendations to the agencies concerning unresolved environmental issues. The correspondence in general dealt with issues showing the need for improved agency procedures. In only a few instances were the agencies requested to change their procedures.

### Conclusions

In view of the problems that presently exist in agency procedures for preparing and processing environmental impact statements, the Council should do more toward improving agency procedures. Council officials advised us that they eventually expected to place greater emphasis on review of agency procedures but that this could be done only when the overall quality of the statements improved. Increased emphasis on reviews of procedures would be a more appropriate approach to improving the overall quality of the statements because most of the Council's comments on agency statements reflect inadequacies in agency procedures.

It appears that the Council's practice of assisting Federal agencies on an informal and general basis and relying on the agencies to resolve specific issues will not result in the most uniform and systematic implementation of the act. The Council should adopt a more vigorous role in providing specific advice and formal guidance to ensure that problems noted in agency procedures are adequately and timely resolved.

## EPA SLOW IN MEETING SOME RESPONSIBILITIES

EPA had not met, on a timely basis, its legislative responsibilities to (1) make public its comments on agency environmental impact statements and (2) review and comment in writing on proposed Federal agency procedures for preparing the statements. Although EPA has raised questions regarding the adequacy of the statements, it has not issued instructions to the agencies, except AEC, setting forth the type of information needed to adequately assess environmental impacts.

Section 309 of Public Law 91-604, dated December 31, 1970, requires EPA to review and comment in writing on the environmental impacts of any matter related to its duties and responsibilities contained in (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal action other than a project for construction to which section 102(2) (C) of the National Environmental Policy Act of 1969 applies and (3) proposed regulations published by any Federal department or agency. EPA is required to make such written comments public at the completion of the review. For any legislation, action, or regulation that EPA determines to be unsatisfactory from the standpoint of public health, welfare, or environmental quality, EPA is required to publish its determination and refer the matter to the Council. Council guidelines state that EPA's comments shall be summarized in a notice published in the Federal Register.

EPA officials advised us that they had been actively reviewing and commenting on agency environmental impact statements but had been slow in making their comments public.

On October 18, 1971, the Deputy Administrator of EPA established interim policies and procedures for making EPA's comments on the statements public and required that EPA publish biweekly notices in the Federal Register, listing all the statements on which they developed written comments during the previous 2 weeks. The interim procedures provided for classifying EPA's comments into four categories: (1) general agreement or lack of objection, (2) inadequate information, (3) major changes necessary, and (4) unsatisfactory.

EPA's first listing of comments on statements was published in the Federal Register on January 18, 1972, approximately 1 year after enactment of Public Law 91-604. Thus the public has not been provided with timely EPA comments.

With respect to the section 309 requirement that EPA review and comment on agency regulations, we found that, as of December 11, 1971, 42 agencies had published procedures for preparing the statements in accordance with the Council's April 23, 1971, guidelines. As of January 18, 1972, EPA had reviewed and commented in writing on only one agency's procedures for preparing the statements.

On December 21, 1971, the Administrator of EPA wrote to the Chairman of the Council advising him of some of the problems EPA was having with the agency statements and suggesting revisions to the Council's guidelines. Two problems of particular concern to the Administrator were the general lack of quality of the statements and the need for an overview statement when there were a number of separate projects having cumulative environmental effects.

The Administrator stated that the majority of the statements were still superficial and that EPA's experience indicated that this was due, in large part, to lack of detailed guidance to agency field staff on how to approach environmental analysis on the type of project under consideration. He suggested that the Council's guidelines require Federal agencies to put together conceptual frameworks for analysis of the environmental effects of their major types of projects. (See p. 30.)

We asked EPA to provide us with any instructions that had been issued to other agencies setting forth the type of information needed to carry out EPA's review responsibilities. EPA advised us that the only instruction issued to Federal agencies was a memorandum to AEC outlining the areas EPA would concentrate on in its review of nuclear power plants.

### Conclusions

EPA's delay in meeting its responsibilities under section 309 prevented the public and the Council from obtaining

timely EPA views. If EPA made a vigorous effort to meet its responsibilities for reviewing and commenting on both environmental impact statements and procedures for preparing those statements, the Council would be in a better position to direct its efforts toward the overall procedural and policy matters confronting the agencies in their efforts to implement the act.

As a further aid to improving the quality of the statements, EPA should provide instructions to the agencies advising them of the type of information required to adequately assess environmental impacts, similar to the information that was furnished to AEC on nuclear power plants.

In commenting on our draft report, EPA stated that as a new Agency, it might have been less than timely in implementing portions of section 309 but that its action in the past months indicated positive direction toward a full, complete implementation of this section. EPA stated that, in addition to publishing notices of the availability of its comments on environmental impact statements in the Federal Register, it would publish them in the Council's "102 Monitor."

Concerning its responsibility to review and comment on agency procedures, EPA stated that the Council would be issuing revised guidelines for implementing the act. EPA will then review the revised agency procedures, comment in writing, and publish its comments.

OMB SHOULD REQUIRE ENVIRONMENTAL IMPACT  
STATEMENTS FOR LEGISLATIVE CLEARANCE

Section 102 of the act requires Federal agencies to include environmental impact statements in every recommendation or report on proposals for legislation significantly affecting the environment. Our review showed that only a limited number of the statements had been prepared on proposed legislation and that OMB was not requiring the Federal agencies to furnish the statements as a prerequisite for legislative clearance, except for water resources projects. We believe that OMB's legislative clearance process is a satisfactory mechanism for ensuring Federal agency compliance with this requirement of the act.

The Committee on Merchant Marine and Fisheries' report in June 1971 noted that over 4,000 environment-oriented bills had been introduced in the 91st Congress but that the agencies had prepared a total of only seven environmental impact statements on proposed legislation as of December 31, 1970. Although the Committee report recognized that many of the bills introduced were identical, or companion, bills, it stated that about 800 statements on proposed legislation should be prepared in each session of the Congress. Apparently the record had not substantially improved after the Committee report, because Council officials advised us that only 25 to 30 final statements on proposed legislation were filed as of January 12, 1972. This total did not include statements that were prepared on legislative proposals authorizing water resource projects.

The Council's guidelines to agencies for preparing the statements state that OMB will supplement:

"\*\*\* these general guidelines with specific instructions relating to the way in which the section 102(2)(c) procedure fits into its legislative clearance process."

The Council's guidelines state also that:

"\*\*\* In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency



has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text."

Under OMB's clearance process, agencies are required to submit proposed legislation to OMB for coordination and advice before the legislation is presented to the Congress. The purposes of the clearance process are to (1) assist the President in developing and making known his position on proposed legislation for the guidance of the agencies and the information of the Congress and (2) ensure that appropriate consideration has been given to the views of agencies affected by the proposed legislation.

Prior to submitting the proposed legislation for clearance, OMB instructions state that the sponsoring agency is:

"\*\*\* encouraged to consult with other agencies concerned in order that all relevant interests and points of view may be considered and accommodated, where appropriate, in the formulation of the agency's position."

OMB instructions state also that agencies are to include environmental impact considerations in their analyses of proposed and pending legislation, where appropriate.

On September 14, 1971, OMB issued Bulletin 72-6 on proposed Federal actions affecting the environment, which superseded Bulletin 71-3. Bulletin 72-6 outlines areas of proposed Federal actions which may require application of section 102 procedures relating to environmental impact statements. These areas include proposed legislation, reports on bills, and water resources project reports.

Bulletin 72-6 is unlike Bulletin 71-3 because it does not require agencies to submit environmental impact statements with legislative proposals. Instead Bulletin 72-6 states that, when the statement is required, the responsible agency shall make every effort to have information copies of

such a statement available to accompany the proposal through OMB's legislative clearance process.

Water resources project reports are the only actions listed in Bulletin 72-6 for which agencies are required to submit final statements prior to OMB review.

Officials of OMB's Legislative Reference Division, commenting informally, advised us that OMB does not require the statements to be submitted with legislative proposals as part of the clearance process but does reserve the right to ask for them if it believes them to be necessary. These officials stated that the statements are used for information purposes and for helping to resolve any questions that may arise concerning proposed legislation.

Officials of this Division stated also that legislative proposals and reports on pending legislation which they believe would significantly affect the environment were referred to the Council and to other environmental agencies, to identify and obtain recommendations on the types of substantive issues concerning the legislative clearance process. In addition, OMB will consult with the Council when the responsible agency has submitted, or has indicated need for, an environmental impact statement.

On the basis of our discussions with officials of the Legislative Reference Division, we identified the following reasons for their changing OMB's requirement for agencies to furnish environmental impact statements with legislative proposals.

--Bulletin No. 71-3 established interim procedures to be followed by the agencies and was based on little or no actual experience. For example, the Council had just issued its interim guidelines and the agencies were developing procedures to meet the requirements established by the Council. OMB was not fully aware of all the problems the agencies would have in meeting such a restrictive requirement, and, therefore, the bulletin was issued with the understanding that it would be subject to revision on the basis of the experiences gained.

--In its legislative clearance process, OMB is concerned with substantive issues associated with the proposed legislation. It was felt that the environmental impact statement, although certainly useful, would probably contain more detailed information than OMB needed.

--Timeliness is very important in clearing legislation. The process under section 102 of the act requires that agencies develop and circulate for comment environmental impact statements, which can be very time-consuming and can delay or disrupt congressional schedules and requirements. When disruptions can occur, OMB believes that the agencies can prepare the statements while legislative proposals are being cleared.

These officials stated that OMB changed the requirement to ensure flexibility in its legislative clearance process, not to minimize agency requirements under section 102 of the act.

OMB should maintain flexibility in its legislative clearance process; however, this flexibility should not be encouraged or maintained at the expense of the Federal agencies' meeting their responsibilities under section 102 of the act.

The objective of section 102 is to build into agencies' decisionmaking processes an appropriate and careful consideration of the environmental aspects of proposed actions. The environmental impact statement provides visible evidence of the factors known by the agency and of the way the factors were considered. Therefore both the sponsoring agency and the commenting agencies benefit from the information presented in the statement. Although OMB feels that the statement probably would contain more detailed information than they need, its value to the sponsoring agency should not be disregarded.

OMB has instructed agencies proposing legislation to include environmental considerations in their analyses and to consult with other agencies, so that all points of view may be considered and accommodated. We believe that the

environmental impact statement is a satisfactory instrument not only for expressing environmental considerations but for considering and accommodating the views of other Federal agencies.

### Conclusions

The act requires Federal agencies to prepare environmental impact statements on proposals for legislation. Under current OMB procedures the agencies have little incentive to prepare such statements in order to receive OMB's legislative clearance.

OMB generally should not give final clearance to any legislative proposal before it has received an environmental impact statement with, at least, the comments of all appropriate Federal agencies. This approach will ensure that the sponsoring agencies consider all environmental issues, including the views of appropriate Federal agencies, in formulating the legislation and that this information will be available to the Congress and to the public to support the proposed legislation.

### RECOMMENDATIONS TO COUNCIL, EPA, AND OMB

We recommend that:

- The Council provide Federal agencies with more guidance and assistance in developing procedures for preparing environmental impact statements so that an appropriate and careful consideration of environmental aspects of proposed actions will be built into agencies' decisionmaking processes.
- EPA (1) make a vigorous effort to meet its responsibilities for reviewing and commenting on environmental impact statements and the procedures for preparing those statements and (2) instruct Federal agencies about the information required to adequately assess environmental impacts.
- OMB, prior to giving clearance on legislative proposals, require Federal agencies to furnish environmental impact statements containing, at least, the comments of all appropriate Federal agencies.

## CHAPTER 4

### AGENCY COMMENTS AND OUR EVALUATION

In a draft of this report, we presented our findings and conclusions to the agencies for their review and comment. All the agencies, except OMB, furnished us with written views and comments (see app. II through IX) which were dealt with, where appropriate, in the body of this report.

The agencies generally agreed that improvements were needed in implementing the act and that the findings and conclusions presented in this report should be helpful in refining agency procedures.

Three agencies--the Corps, the SCS, and the Forest Service--disagreed with our view that completed environmental impact statements should be available at all levels of agencies' reviews of proposals.

The Corps described our difficulty with its procedures as a problem of semantics and contended that coordinated environmental impact statements did accompany proposals through the Corps review processes. The difficulty, however, is not in semantics, because the completed statements should contain comments from all appropriate agencies and the public and must be made available to the Council. The Corps' coordinated statements are not made available to the Council or the public (except at the local level), and may not contain the comments of all appropriate Federal agencies. Input based on those additional comments could lead decision-makers, at any level, to select courses of action for protecting the environment which might differ from those selected on the basis of coordinated statements.

The Corps agreed that changes were needed in some of its procedures and advised us of two actions it was taking to make environmental impact statements more complete at earlier levels of review. -(See pp. 62 and 63.)

SCS also indicated that a completed environmental impact statement was not necessary at each level of review. They acknowledged that environmental consequences should be

continuously sought and fully considered at all levels. We believe that this can best be accomplished by completing the statement and making it available at all levels.

The Forest Service commented that, if a proposed action required an environmental impact statement, the entire process required by section 102 of the act must be completed prior to final<sup>1</sup> approval. The Service did not explain why the process could not be completed earlier. Its comment and, to a lesser degree, the comments of the Corps and the SCS suggested that we clarify our view that the statements should be completed and available at all levels of agency review.

We based our view on the requirement of section 102 of the act that the statements "shall accompany proposals through existing agency review processes" and on the following behavioral assumptions. First, we assume that, if this requirement is met before initial review and approval of a proposal, an agency is more apt to consider environmental information objectively. After initial approval a decisionmaker's objectivity is lessened because he has formed a bias in reaching an initial position, has defended that position under review by superiors and others, and has advanced the proposal beyond the logical point of considering new data. Second, we assume that, if this requirement is met at the earliest levels of review, an agency is more apt to consider environmental information fully. At the earliest agency review level, decisionmakers often develop proposals, have more technical and specific knowledge of the merits of the proposals, and therefore possess special capabilities to consider environmental information which may not exist with other decisionmakers at later levels.

Concerning our view that agencies should provide environmental impact statements at an earlier stage of project decisionmaking, FHWA commented that the earlier stage, when

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<sup>1</sup>The word "final" did not appear in the letter we received from the Forest Service. After discussion with a Forest Service official, we added the word to clarify their position.

highway need was being determined, was related essentially to a State's long-range budgeting and planning. FHWA claimed that it would not be possible to estimate environmental impacts associated with highway construction meaningfully at the project-need stage.

We do not believe that the statement provided at a project-need stage has to discuss impacts associated with project construction. (A statement prepared at a later stage could do that.) Instead the statement should discuss the broad impacts associated with the need for the project. For example, the statement on a highway project should discuss the impacts of meeting the specific transportation need for which the highway proposal is being considered, including the impacts of alternative modes of transportation. These impacts would mainly be those which influenced population growth, high-density urbanization, industrial expansion, and other matters mentioned in section 101(a) of the act and discussed as secondary impacts on page 28 of this report. If an agency, such as FHWA, is not involved when States make these project-need decisions, perhaps it should at least ask the States to prepare such statements, on the justification that both levels of Government should reach highway-need decisions after carefully considering all factors, including environmental impacts involved.

## NINETY-SECOND CONGR

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U.S. House of Representatives  
 Committee on  
 Merchant Marine and Fisheries  
 Room 1334, Longworth House Office Building  
 Washington, D.C. 20515

May 18, 1971

RALPH E. CASEY  
CHIEF COUNSELNED P. EVERETT  
COUNSELERNEST J. CORRADO  
COUNSELRICHARD N. SHAROGG  
MINORITY COUNSEL

Honorable Elmer B. Staats  
 Comptroller General of the United States  
 General Accounting Office  
 441 G Street, N. W.  
 Washington, D. C. 20548

Dear Mr. Staats:

Section 102 (2) (C) of the National Environmental Policy Act of 1969 (P.L. 91-190) requires all agencies of the Federal Government to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on:

1. the environmental impact of the proposed action,
2. any adverse environmental effects which cannot be avoided should the proposal be implemented,
3. alternatives to the proposed action,
4. the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
5. any irreversible and irretrievable commitments of resources which would be involved in the proposed action.

We would like your office to undertake an evaluation of the implementation of the Section 102 requirement for submission of environmental impact statements as administered by about four or five departments or agencies. The



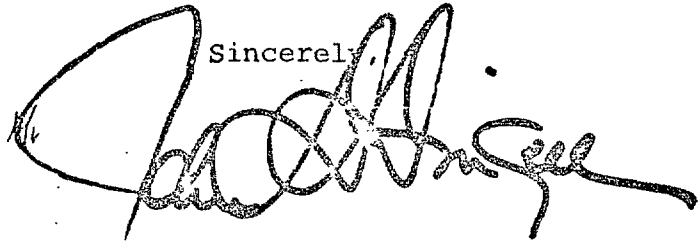
review should compare procedures and practices of the several agencies to ascertain whether Section 102 is being implemented uniformly and systematically, in accordance with applicable legislation.

Consideration should also be given to such matters as (1) the agencies' views on actions not requiring impact statements, (2) the coordination between State and Federal agencies in reviewing and commenting on impact statements, (3) the use made of impact statements as a decision making tool, (4) the adequacy of selected impact statements, (5) the role of the Council on Environmental Quality and the Office of Management and Budget, and (6) the adequacy of the agencies' procedures as a means of developing effective public participation in making agency decisions with environmental implications.

As discussed by my Subcommittee's staff members with your representatives, the Congressional Research Service has agreed to provide the occasional services of staff personnel from a variety of disciplines to assist the GAO in its evaluation of selected environmental impact statements. Also a principal researcher and an assistant of the Environmental Policy Division of CRS will be available to assist GAO by such means as participating in interviews with agency officials and providing information for the development of the report. I understand that the details of this collaboration will be determined at subsequent meetings.

Please do not hesitate to call on my staff if we can be of further assistance.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John D. Dingell". The signature is written in a cursive, flowing style with a large initial "J".

John D. Dingell, Chairman  
Subcommittee on Fisheries  
and Wildlife Conservation



ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

HEALTH AND  
ENVIRONMENT

BEST DOCUMENT AVAILABLE

4 APR 1972

Mr. R. W. Gutmann  
Acting Director  
United States General Accounting Office  
Washington, D. C. 20548

Dear Mr. Gutmann:

Reference your letter of February 23, 1972 which requested review and evaluation by the Department of Defense on your Draft Report to Subcommittee on Fisheries and Wildlife Conservation, dated February 23, 1972, "Federal Efforts to Implement Section 102 of the National Environmental Policy Act of 1969".

The review and evaluation has been completed with comments provided by the Department of the Army. These comments were developed into comments of the Department of Defense and informally given to GAO representative, Mr. Mike Zimmerman, at a meeting held Monday, 13 March 1972. At this time GAO was informed that DoD formal comments were under preparation and would be transmitted in the near future.

The DoD comments on the draft report are attached for your continued action.

Sincerely,

A handwritten signature in black ink, appearing to read "R. S. Wilbur".

Richard S. Wilbur, M. D.

Attachment  
a/s

COMMENTS ON GAO DRAFT REPORT DATED FEBRUARY 23, 1972  
"FEDERAL EFFORTS TO IMPLEMENT SECTION 102 OF THE NATIONAL  
ENVIRONMENTAL POLICY ACT OF 1969" (OSD CASE #3417)

In general, the report recognizes problems that the Corps of Engineers and the other selected agencies have experienced with NEPA, and the findings and conclusions should be helpful in refining agency procedures. We believe, however, that the specific comments outlined below should be considered in preparation of the final GAO report:

1. On page 16, last paragraph, the provisions of Section 309 of PL 91-604 are quoted incorrectly. Suggest that on the fourth line from the bottom, the words "major Federal action" be replaced with "newly authorized Federal projects for construction and any major Federal agency action other than a project for construction". The significance of this is that construction projects authorized prior to passage of the Act are not subject to the provisions of Section 309.

2. Page 27, line 12. Suggest deleting the words "and the Corps" because final statements are available to the Chief of Engineers before proposing actions in all cases where a newly initiated action (such as proposing authorization of a project) is proposed.

3. Page 26, last paragraph, continued on page 27; page 28, first paragraph; page 30, first paragraph. The general matter covered by these paragraphs received considerable discussion with the GAO representatives. The difficulty is primarily concerned with semantics. A coordinated environmental impact statement does accompany proposals through the survey process of the Corps of Engineers and is available at each level of decision making. The name of this coordinated statement, available to the public at each echelon, is not really pertinent where full and adequate coordination as well as sufficient public participation and disclosure have taken place. The Corps of Engineers believes that consideration of the environment must begin at the earliest stages in project formulation and that studies involving the environment must be integrated closely with our entire study process; i. e., neither lead nor lag all of the factors involved in the total study such as project economics from a national viewpoint, enhancing regional economic development, and social effects. With respect to the review made by the Board of Engineers for Rivers and Harbors, the Corps is developing procedures wherein the Board will be informed of comments made by State and Washington-level Federal agencies on the draft EIS, as filed and made public and given an opportunity to revise the Board recommendations to the Chief of Engineers

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The final statement cannot be filed until the final nature of the recommended project is determined. The proposed final statement accompanies the proposed project throughout the final review process; i. e., when the Chief of Engineers transmits the proposed project to the Secretary of the Army, when the Secretary transmits the proposed project to OMB, when OMB returns the project to OSA with its comments, and finally when the Secretary transmits the proposed project to Congress when the final EIS is filed with CEQ.

4. Page 31. Suggest deletion of portion of last paragraph as inaccurate. The last sentence might alternatively be worded ". . . During later stages, when an alternative plan is selected tentatively by the District Engineer for recommendation, a Preliminary Draft Statement (PDS) is prepared and circulated for comment prior to forwarding the survey report to higher Corps echelons." The Corps of Engineers is conferring with CEQ as to the desirability of filing the PDS with CEQ at this point in the procedure.

5. Page 38, first full paragraph. The Corps used, until June 1971, "known unresolved conflicts" for projects already under construction or in an operating status, as a criterion comparable to "controversial." The current policy of the Corps is to cover projects in a continuing construction or operation and maintenance status by environmental impact statements over a three year period. Those projects having the greatest impact on the environment will be considered highest in priority.

6. Page 40, second paragraph. The Corps first received information from the field over a year ago, in connection with the FY 72 budget, consisting of a schedule for submission of environmental statements completion of the backlog by FY 74, in lieu of FY 75 as shown, was anticipated. The estimated backlog of 2400 as stated includes 400 preauthorization studies in progress and 700 projects not funded. The Corps has the backlog information on hand.

7. Page 57, 8th line. The Institute for Water Resources would probably be a better example to use here than the Coastal Engineering Research Center.

8. Page 67. For the reasons covered by subparagraph 4 above, suggest revising this inaccurate flow chart to delete reference to "reconnaissance" or "detailed" stages, which the Corps does not have. This has probably been confused with the Bureau of Reclamation. Also, the wording in the third block under Decision Making Process should be changed from "reconnaissance stage study report completed" to "preliminary evaluation completed".



THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D. C. 20410

MAR 10 1972

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Mr. Baltas E. Birkle  
Assistant Director  
U. S. General Accounting Office  
Washington, D. C. 20548

Dear Mr. Birkle:

Thank you for your letter of February 23 providing us with the opportunity to review the draft General Accounting Office report on "Federal Efforts to Implement Section 102 of the National Environmental Policy Act of 1969." We have reviewed the draft in detail and appreciate the difficulty in evaluating the Federal response to PL 91-190, recognizing the vast array of agency programs and attendant procedures under which they operate.

The manner in which this Department operates is quite different from, for example the Corps of Engineers, and should be recognized. The Department is not a construction agency, and unlike the Corps of Engineers or the Soil Conservation Service, most HUD programs provide assistance through State and local governments. Therefore, public participation and hearings as required are held by these local bodies. It is estimated that 15,000 - 20,000 HUD-assisted project actions are taken annually, excluding individual home mortgages. The use of "thresholds" by the Department is intended to screen out the more important HUD actions for special environmental attention; however, the system provides for environmental clearances for all HUD actions except for mortgages on individual homes, before program decisions are made. Our field offices have been instructed to apply the thresholds to all programs listed in draft Circular 1390.1, issued July 16, 1971. This applies to Region VI as well, and the one environmental statement cited (p. 39) was on a non-housing project. I am enclosing a flow chart which best describes this environmental clearance system.

From the outset, we have focused our environmental reviews on policy documents and program procedures, and have added environmental requirements and criteria as part of normal program operations. A good example is the Handbook for Comprehensive Planning Assistance which now requires an environmental assessment when the assisted planning work program results in such planning policies as those for land use development and arrangements, major community facilities, and utility and transportation systems. The environmental assessment is to accompany the planning document through all deliberations leading to approval, including availability before public hearings on the plan. We have also integrated environmental clearances into other policy documents; for example, the new HUD noise policy requires environmental clearances before site approvals in areas exposed to certain levels of noise.

Our current efforts give emphasis to improving agency procedures by tightening thresholds and clarifying the various roles of the Central, Regional, Area and Insuring Offices. We are also emphasizing the need to prepare environmental assessments and clearances at as broad a scale as possible to account for cumulative impacts of individual actions.

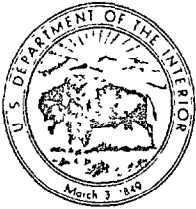
We would generally agree with the recommendations and suggestions contained in the draft report and welcome this opportunity to provide you with a brief discussion of further HUD actions to comply with the National Environmental Policy Act of 1969 and Council on Environmental Quality Guidelines. If we can provide you with further information, please let me know.

Sincerely,



George Romney

Enclosure



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAR 23 1972

Mr. Max Hirschhorn  
Associate Director  
Civil Division  
U.S. General Accounting Office  
Washington, D.C. 20548

Dear Mr. Hirschhorn:

The Department of the Interior reviewed with interest your draft report to the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, entitled "Federal Efforts to Implement Section 102 of the National Environmental Policy Act of 1969."

We are enclosing the revised Department of the Interior Manual, Part 516 DM 2 National Environmental Policy Act of 1969 which reflects the procedures applicable to our constituent bureaus and offices. This Department is vitally concerned with environmental quality and has purposefully pursued application of the law as well as the guidelines of the Council on Environmental Quality. We have reviewed the subject draft and have the following comments regarding the material relevant to the Bureau of Reclamation.

Since this draft was prepared, the Bureau of Reclamation had published in the Federal Register on January 25, 1972, its directives regarding preparation of its environmental statements. Changes made since the draft (October 7, 1971) now require an environmental statement on significant favorable reconnaissance reports; therefore, the environmental statement will enter the decision-making process at the earliest stage of planning. There will also be a proposed draft environmental statement to accompany the Regional Director's proposed feasibility report when it is transmitted for field-level review, and this will bring the environmental statement into the decision-making process at the next stage of planning (See Chapter 5.13 (1) and (2)). Pages 27 and 30 of the draft report reflect their thoughts at the time the draft was prepared and not the current policy.

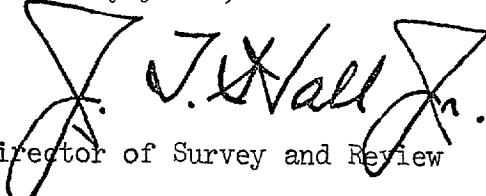
Page 40 of the draft report in the first full paragraph, which is headed Bureau of Reclamation, mentions that it will be 1974 before the Bureau expects to be preparing statements for projects authorized before the Act. What was intended was that it would probably be 1974 before completed environmental statements on past projects that needed them were completed.

Appendix V, page 2 (page 66 of draft), is a diagram of the decision-making process and reflects information contained in the October 7, 1971, draft of instructions; therefore, the process would have to be changed to reflect the finalized directives. A copy of the Bureau of Reclamation Instructions 376.5 is also enclosed which contains the appendix material not included in the January 25, 1972, Federal Register publication.

[See GAO note.]

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Sincerely yours,

  
Director of Survey and Review

Enclosures

GAO note: Deleted comment relates to matters which are not included in the report.





OFFICE OF THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

ASSISTANT SECRETARY  
FOR ADMINISTRATION

March 22, 1972

Mr. Richard W. Kelley  
Assistant Director  
U. S. General Accounting Office  
Washington, D. C. 20548

Dear Mr. Kelley:

This is in response to your letter of February 24, 1972, requesting the Department's views and comments on the GAO draft report to Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries, entitled "Federal Efforts to Implement Section 102 of the National Environmental Policy Act of 1969."

The GAO concluded that the requirements of Section 102 of the Act are not being implemented in a uniform and systematic manner and major improvements are needed in agency procedures for preparing and processing environmental impact statements. It is agreed that there should be some consistency in the implementation of the Act. We also believe that further guidance from the Council on Environmental Quality on developing procedures would be effective in obtaining this consistency.

The report appropriately considers the variations between Federal agencies procedures to implement the Act but, we believe, it does not adequately address the Executive Branch efforts to better coordinate all Federal Assistance programs - including the environmental aspects - under the Federal Assistance Review (FAR) program. This is particularly important because there is a variance much greater between the State and local government than those differences existing between the Federal agencies' procedures. We believe the report would appear deficient if it does not indicate an awareness of these FAR efforts.

We offer the following comments on the GAO findings which relate specifically to the two Administrations of the Department included in the GAO review.

The report (page 25) indicates that in 1970 the Federal Aviation Administration (FAA) issued its procedures for preparing environmental statements. The report is evidently referring to Order 5050.2, Interim Instructions for Processing Airport Development Actions Affecting the Environment, issued by FAA's Airports Service which deals with airport development actions. While the Airports Service has a large portion of the FAA actions, their order does not encompass other areas of agency responsibility in preparing environmental statements. The agency's Office of Environmental Quality is currently in the process of obtaining final clearances on Draft Order 1050., outlining specific agency procedures for considering the environmental impact of, and preparing detailed environmental statements on, major agency actions significantly affecting the environment. In this connection, the report erroneously states (page 36) that FAA does not plan to prepare statements on actions broader than projects in its Airport Development Aid Program.

On page 28 the report states that the Federal Aviation Administrator approves final environmental statements for airport projects. This is not true. At the present time the statements are approved by the Assistant Secretary for Environment and Urban Systems. Further, the report states (page 49) that FAA requires the airport environmental statements to be made available to the public at least 14 days prior to hearings. This requirement has now been changed to 30 days.

The report places no emphasis on the need for environmental consideration in planning and decision making activities of a sponsor. Instead, major emphasis was placed upon the purely mechanical aspects of environmental statement coordination and Federal decision making. It is the consideration that the sponsor gives to environmental, as well as economic, engineering, and other technical factors in his planning decision making activity that importantly responds to national environmental policy.

## APPENDIX V

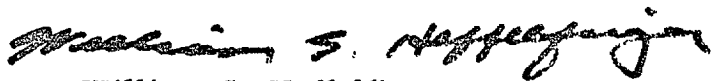
As pertains to completing environmental statements in time to be utilized at an early stage of decision making, the Federal Highway Administration (FHWA) processes this statement at the highway location approval stage. This is the first decision point in the highway planning process where specific decisions are made about a highway section which would have an effect upon the environment. An earlier point identified in the flow chart which "Determines the need for highway project and establishes priority . . ." is related essentially to a State's long-range budgeting and planning. At this stage it would not be possible to estimate environmental impacts in any meaningful way. The assessment of environmental impacts would consist of a decision of anticipated effects referred to in the GAO report on pages 43 and 44. There is not enough information at this stage to discuss the environmental impact associated with the construction of the proposed highway.

FHWA believes it is accomplishing the suggestion made by GAO under Conclusions, page 33. Preparation and circulation of environmental statements for comment are delegated to the State highway departments and the FHWA division office in each State. The FHWA division office also has delegated authority of location approval and most other approval actions in the Federal-aid highway program. The FHWA guidelines for implementing the National Environmental Policy Act include a flow chart to indicate how the environmental statement processing fits into the FHWA decision making process. The guidelines also provide for supplemental or new environmental statements when changed conditions at a latter stage of project processing warrant such action.

FHWA agrees that the Council on Environmental Quality should define major Federal actions which significantly affect the environment. This could be based at this time on an experience factor of actions reviewed by the Council.

We appreciate the opportunity to comment on the draft report.

Sincerely,



William S. Heffelfinger

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
Washington, D. C. 20250

MAR 9 1972

(1920)



Mr. Max Hirschhorn  
Associate Director  
U.S. General Accounting Office  
Civil Division  
Washington, D. C. 20548

Dear Mr. Hirschhorn,

Thank you for the opportunity to review the draft report on Federal Efforts to Implement Section 102 of the National Environmental Policy Act of 1969.

We have only a few comments which are as follows:

Page 25: Forest Service procedures implementing NEPA dated July 13, 1971 were issued as an Emergency Directive, rather than as a regular directive for two reasons: (1) to reduce time in providing field with these procedures, and (2) because the requirement and process are new and dynamic, revisions were expected. However, the Directive has the full force of a regular directive. Thus, we consider the status of the procedures as final rather than draft.

Page 29: Forest Service Policy is that the responsible official does not make a decision on a proposed action until the potential environmental impacts are assessed in detail. If the action requires an environmental statement, the entire process required by the National Environmental Policy Act must be completed prior to approval. However, a few environmental statements involve Forest Service actions that predated the Act. In these cases, we re-evaluated the past decisions and subjected the action to the NEPA process.

APPENDIX VI

BEST DOCUMENT AVAILABLE

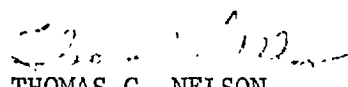
Page 38: An environmental analysis and its documenting report is made for all resource uses and activities and plans concerning or involving National Forest System lands. The analysis report addresses the subjects required in an environmental statement. In fact, the environmental analysis may become the draft environmental statement, if the analysis indicates an environmental statement is required. The analysis is the basis for a decision regarding the proposed action and the need for an environmental statement.

Page 41: In furtherance of the Wilderness Act, the Forest Service must review 11 primitive areas by 1974. An environmental statement will be prepared for each of these proposals. Presently, there are 15 wilderness proposals before Congress. Only one of these backlog proposals lacks an environmental statement. This is being prepared.

Page 56: Since interdisciplinary teams may be comprised of personnel from National Forest System, Research, or State & Private Forestry, we suggest the following change. The teams are composed of personnel from various units ....

The Forest Service appreciates the auditor's efforts and careful consideration of our implementation of NEPA.

Sincerely,

  
THOMAS C. NELSON  
Deputy Chief

## UNITED STATES DEPARTMENT OF AGRICULTURE

## SOIL CONSERVATION SERVICE

Washington, D. C. 20250

MAR 6 1972

Mr. Max Hirschhorn  
Associate Director  
United States General Accounting Office  
Washington, D. C. 20543

Dear Mr. Hirschhorn:

We have reviewed your proposed report to the Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries entitled "Federal efforts to implement Section 102 of the National Environmental Policy Act of 1969," which you enclosed with your letter of February 23, 1972.

The report is comprehensive and factual. We are pleased with the objective analysis of the several federal agencies' implementation of the National Environmental Policy Act of 1969.

We offer the following minor suggestions for your consideration in preparation of the final report:

1. Since this report covers only the Public Law 83-566 watershed program of the Soil Conservation Service, it should be so-indicated in either the "Digest" or in an introductory paragraph.
2. The section beginning on page 26, "Organizational levels of review where environmental statements are available," states that "most agencies do not complete the environmental statements in time to accompany proposals through all existing levels of review." It might be advisable to reflect the need for preliminary studies and evaluations to assess the environmental impact of alternative projects at an early stage of formulation. Such assessments would inform lower organizational levels, indicate the need for formal statements, and contribute to a full analysis, if needed. The Soil Conservation Service does, in fact, begin to assess the environmental impact of proposed projects at the time a local agency submits an application for planning assistance. In the process of planning, evaluation, and assessment of a project, the environmental consequences should be continuously sought and fully considered at all levels of decision-making, but we do not believe a "final" statement is necessary at each level.
3. The last sentence under "Soil Conservation Service" at the top of page 42 should be corrected to read:



APPENDIX VII

Mr. Max E. Hirschhorn

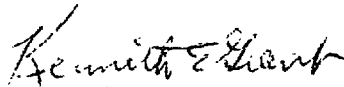
"SCS officials advised us that, as of August 31, 1971, 453 projects that had channel improvement remaining to be installed in the United States had been initially classified into three categories according to environmental impact. Those with adverse effects are being examined in greater detail to determine ways to eliminate or reduce adverse effects to an acceptable level."

4. The section, "MEANS USED IN ACHIEVING AN INTERDISCIPLINARY APPROACH" beginning on page 55, omits SCS. We believe SCS uses the interdisciplinary approach extensively and effectively. We hope you can expand this section to include SCS. As you know, we have a planning staff in each state office that is comprised of at least an engineer, economist, hydrologist, and geologist. In addition, a technical support staff in the State Conservationist's office includes biologists, foresters, soil conservationists, and soil scientists. On an ad-hoc basis, other specialists are retained by contract. In addition, state and federal agencies with special expertise are consulted throughout the planning process.

5. Please note that on page 73, Kenneth E. Grant is referred to as "Chief of Soil Conservation Service." This should be corrected to show "Administrator, Soil Conservation Service."

We trust these suggestions will be helpful in preparation of your final report. Thank you for the opportunity to provide these comments.

Sincerely,



Kenneth E. Grant  
Administrator

BEST DOCUMENT AVAILABLE

**EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006**

MAR 6 1972

Dear Mr. Staats:

Re: Draft GAO Report: "Federal Efforts to Implement  
Section 102 of the National Environmental Policy  
Act of 1969"

We appreciate the opportunity to comment on the above draft report and hope that our suggestions will be useful in preparing the final text.

We have the following comments:

1. We understand that this report is to be followed by a further report concerning individual agency implementation of NEPA. In our judgment, it would be most useful if the two reports could be combined. For meaningful Congressional oversight hearings, the identification of good agency NEPA procedures that should be recommended to other agencies, and a realistic assessment of the problems encountered in implementing NEPA, the material on the individual agency programs you have studied would seem to be an essential part of this report.
2. In terms of the objectives listed under "Why the Review was Made," the organization of the report would seem to be improved if the text findings and conclusions were rearranged so that the discussion of agency performance appears first in both the report and in the summary. Such a rearrangement would also provide an opportunity for a fairer evaluation of the source of most of the problems involved in implementing NEPA. For example, the statement on agency compliance made in the first paragraph on p. 31 merits inclusion in the summary and recommendations.




3. We recommend that the sentence on p. 33 about additional CEQ guidance to the agencies about integrating the environmental statement into their decisionmaking process not suggest that the agencies are relieved from present responsibilities in this respect under the very considerable guidance they already have. We have recently issued two memoranda to the agencies (copies attached) on this point and propose, working with the agencies, to find ways to improve their NEPA procedures further. But there should be no suggestion that the agencies do not now have an obligation and the capacity to take the lead in sharpening the NEPA procedures for their own operations.
4. We are uncertain as to the degree to which agencies can have uniform procedures to implement NEPA (as is suggested in the House Committee letter requesting your report and at p. 15 of the draft report). OMB, from the point of view of its management advisory responsibilities, is giving particular attention to the possibilities in this respect and may have some recommendations to make.
5. We think the suggestion (p.15) that the CEQ emphasizes review of individual impact statements to the neglect of agency NEPA procedures is misleading. As the attached memorandum from CEQ to GAO states, the first and primary purpose of CEQ in looking at individual statements is to check the effectiveness of agency procedures to insure compliance with NEPA and the Council's Guidelines. We believe that any review of agency procedures without knowledge as to how they affect specific projects and proposals and their environmental problems would be unrealistic and ineffective.
6. We think the practice of joint CEQ-OMB-EPA comment on agency NEPA procedures is desirable and that often this guidance is best transmitted in meetings rather than by memoranda (see report, p. 16). We will work with EPA to accommodate these considerations to its responsibilities under Section 309 of the Clean Air Act.

BEST DOCUMENT AVAILABLE

7. We would appreciate a precise identification, by agency and provision, of those portions of agency NEPA procedures believed not to conform with the intent of the Council's Guidelines (see draft report, p. 25).
8. We have not found any significant disagreement between the Council and OMB as to the respective responsibilities of each with respect to NEPA. For this reason it is not clear what problems are to be resolved by the formal agreement suggested in the report (p. 20).
9. We question the accuracy of the cost estimates appearing at p. 5 of the report and would be interested in what tests GAO has made to corroborate them. Certainly they should be checked before they are included in the final report.
10. We would appreciate seeing agency comments on the accuracy of the characterization of their NEPA procedures appearing in the report and the utility of the agency flow charts recommended.

We value the assistance given in your report to the Council's efforts to implement NEPA and look forward to a continuing mutual effort to assure that the important reforms called for in this Act are in fact achieved. In this respect you may be interested in my testimony last week to the joint Senate Interior-Public Works oversight hearings on NEPA.

Sincerely,

  
Russell E. Train  
Chairman

Honorable Elmer B. Staats  
Comptroller General of the United States  
General Accounting Office  
441 G Street, N. W.  
Washington, D. C. 20548

Enclosures

APPENDIX IX

ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

15 MAR 1972

OFFICE OF THE  
ADMINISTRATOR

Mr. Edward A. Densmore, Jr.  
Assistant Director, Civil Division  
U.S. General Accounting Office  
Room 1689, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

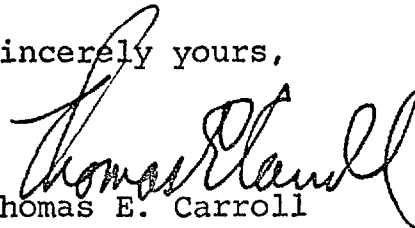
Dear Mr. Densmore:

We have reviewed the General Accounting Office's draft report, "Federal Efforts to Implement Section 102 of the National Environmental Policy Act of 1969." This is in response to your letter of February 23, 1972, which requested our comments.

I have attached an enclosure which addresses each of the points about EPA in your draft report. As a new Agency, we may have been less than timely in implementing portions of section 309 of Public Law 91-604; however, I believe that EPA action in the past months indicates positive direction towards a full, complete implementation of the section.

We appreciate the opportunity to review and comment on the draft report.

Sincerely yours,



Thomas E. Carroll

Assistant Administrator  
for Planning and Management

Enclosure

EPA RESPONSE TO DRAFT REPORT ENTITLED  
"FEDERAL EFFORTS TO IMPLEMENT THE  
NATIONAL ENVIRONMENTAL POLICY ACT OF 1969"

EPA would like to comment on your findings relative to our role in implementing section 309 of the Clean Air Act as well as the resulting conclusions.

Specific EPA comments relative to your findings and conclusions are as follows:

GAO Finding

Our review showed that EPA has not been making public its comments at the time it completes its review. EPA officials advised us that they have been actively reviewing and commenting on agency environmental statements but have been slow in making their comments public (see page 17).

EPA Comment

Since December 1970, when section 309 of the Clean Air Amendments was enacted, we have reviewed and commented on approximately 1400 environmental impact statements and other Federal actions. EPA, because of its broad environmental responsibilities, comments on actions from all Federal agencies. At the conclusion of each review, when we send EPA's official comments back to the Federal agency which initiated the action, EPA's comments have always been available to the public upon request. Additionally, our comments, along with the other Federal, State, and local agencies' comments, are always included in the final environmental impact statement.

GAO Finding

EPA's first listing of comments on environmental statements was published in the Federal Register on January 18, 1972, approximately one year after enactment of Public Law 91-604. As a result, the public has not been provided with EPA's comments in a timely manner (see page 17).

## APPENDIX IX

### EPA Comment

EPA concurs that we have been slow to publish a list of our comments in the Federal Register. As mentioned in the report, the system for publication of notices in the Federal Register of the availability of EPA's comments has now alleviated this problem. In addition, notices published in the Federal Register will be published in CEQ's "102 Monitor" to give wider distribution to the notices. EPA will also provide a news advisory press release to indicate that such notices can be found in the Federal Register and "102 Monitor".

### GAO Finding

With respect to the section 309 requirement for EPA to review and comment on agency regulations, we found that as of December 11, 1971, 42 agencies had published procedures for preparing environmental statements in accordance with the Council's April 23, 1971, guidelines. EPA officials advised us, however, that as of January 18, 1972, they had reviewed and commented on only one agency's procedures for preparing environmental statements (see pages 17 and 18).

An EPA official advised us that their comments were furnished to the Council on an informal basis and documentation concerning their comments on specific agencies' procedures had not been prepared (see page 9).

### EPA Comment

Between December 6 and 20, 1971, EPA representatives, jointly with CEQ and OMB, conducted meetings to review the proposed NEPA guidelines of approximately 40 agencies. As you suggest in the finding, this joint review did not meet the section 309 requirement for written comments and public disclosure of these comments. Thereafter, in our December 21, 1971, memorandum to CEQ, we recommended an approach which we believed would lead to better agency procedures.

CEQ will be issuing revised guidelines on the implementation of NEPA. We anticipate that the revised guidelines will require revision of the Federal agencies NEPA procedures. At that time, we will review the revised NEPA procedures and comment in writing and publish these comments.

#### GAO Conclusions

EPA's delay in meeting its responsibilities under section 309 has prevented the public and the Council from obtaining EPA's views in a timely manner. If EPA would make a vigorous effort with regard to reviewing and commenting on both environmental statements and procedures for preparing those statements, we believe that the Council would be in a better position to direct its efforts toward the overall procedural and policy matters confronting the agencies in their efforts to implement the Act.

As a further aid to improving the quality of environmental statements, we believe that EPA should provide instructions to the agencies advising them of the type of information required to adequately assess environmental impacts similar to what they have furnished AEC on nuclear power plants.

#### EPA Comments

As stated in our previous comments on the findings, we recognized our slowness in implementing portions of section 309 but presented the actions which have been taken to rectify that situation.

We do believe that CEQ has a definite role in reviewing NEPA guidelines of Federal agencies as does EPA. It is in the area of providing technical assistance to the individual agencies in our role as reviewers of environmental impact statements that we have been remiss. To date, we have been providing low-level, low-visibility support to the Federal agencies, attacking environmental impact statements on an individual basis, but not providing instructions on what the agencies should expect from our technical reviews. In our December 21 memorandum to CEQ, we recommended that conceptual frameworks be developed for specific types of projects. EPA will participate in the development of such frameworks.

APPENDIX X

AGENCY, PROGRAM SELECTED FOR AUDIT,  
AND LOCATIONS VISITED

Bureau of Reclamation, Department of the Interior:

Construction and Rehabilitation Program:

Office of the Commissioner of Reclamation,  
Washington, D.C.

Region VII Office, Denver, Colorado

Corps of Engineers, Department of the Army:

Civil Works Program:

Office of the Chief of Engineers, Washington, D.C.

North Pacific Division Office, Portland, Oregon

Portland District Office, Portland, Oregon

Department of Housing and Urban Development:

Regional Loan and Grant Programs:

Office of the Secretary, Washington, D.C.

Region VIII Office, Denver, Colorado

Region VI Office, Fort Worth, Texas

Area Office, Dallas, Texas

Federal Aviation Administration, Department of Transportation:

Airport Development Aid Program:

Airport Services Office, Washington, D.C.

Southern Regional Office, Atlanta, Georgia

Airports District Office, Atlanta, Georgia

Federal Highway Administration, Department of Transportation:

Federal-Aid Highway Program:

Division Office, Columbus, Ohio

Division Office, Atlanta, Georgia

Region III Office, Baltimore, Maryland

Office of Environmental Policy, Washington, D.C.

Department of Transportation, Office of Program

Coordination; Washington, D.C.

Ohio State Highway Department, Columbus, Ohio:

State Division Offices, Chillicothe, Lebanon,  
and Delaware, Ohio

Georgia State Highway Department, Atlanta, Georgia

Soil Conservation Service, Department of Agriculture:  
Watershed projects (Pub. L. 83-566):  
Office, Deputy Administrator for Watershed,  
Washington, D.C.  
State Offices: Athens, Georgia; Auburn, Alabama;  
and Columbia, South Carolina

U.S. Forest Service, Department of Agriculture  
Forest Management  
Office of the Chief Forester, Washington, D.C.  
Headquarters, Region IV, Ogden, Utah  
Office of Forest Supervisor, Caribou National  
Forest, Pocatello, Idaho  
District Rangers Office, Montpelier, Idaho  
Office of Forest Supervisor, Toiyaba National  
Forest, Reno, Nevada  
District Rangers Office, Las Vegas, Nevada  
Office of Forest Supervisor, Wasatch National  
Forest, Salt Lake City, Utah  
Headquarters, Region II, Denver, Colorado






APPENDIX XI

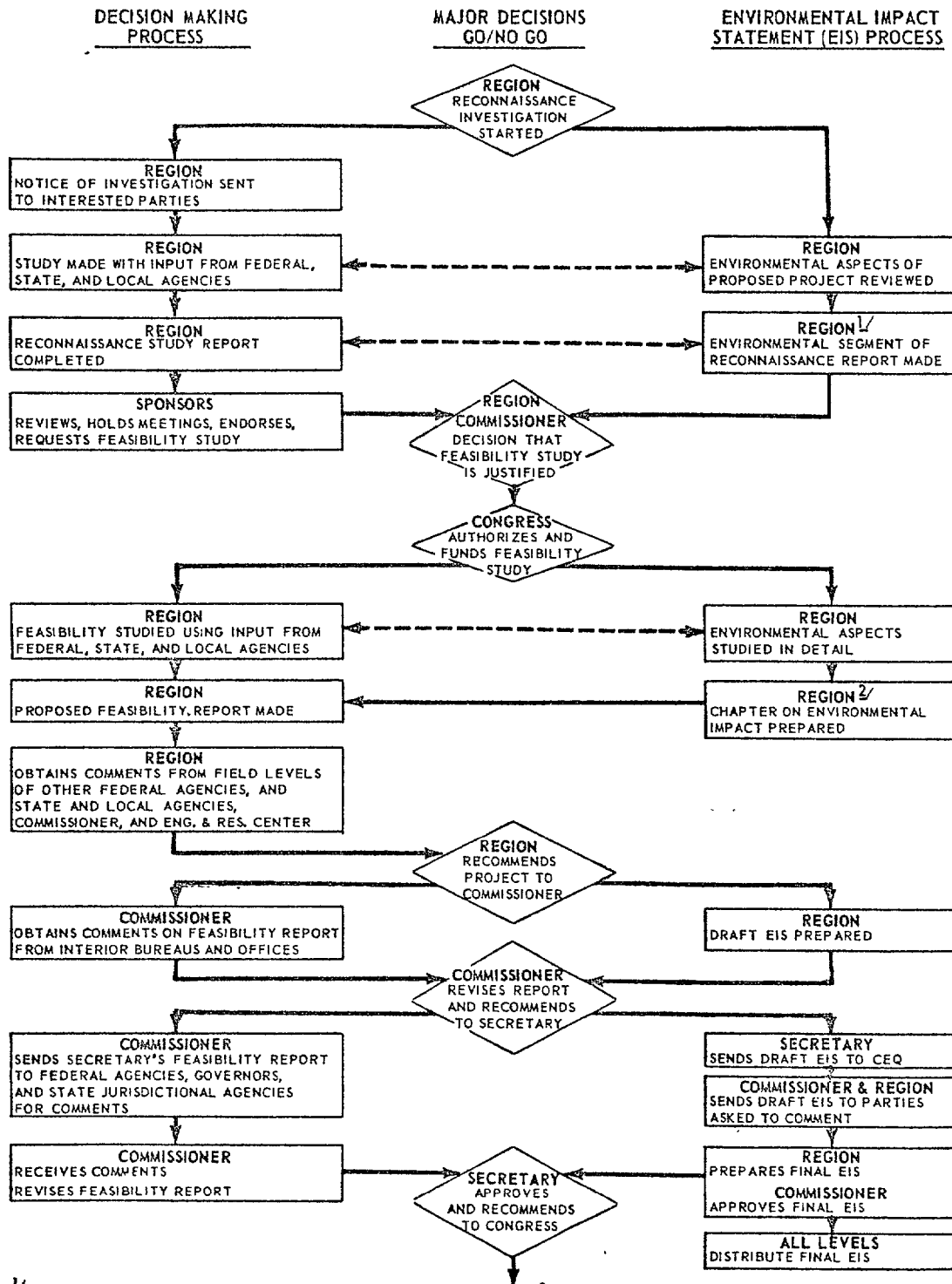
FLOW CHARTS SHOWING EFFORTS OF SELECTED AGENCIES  
TO INCORPORATE SECTION 102 OF  
NATIONAL ENVIRONMENTAL POLICY ACT OF 1969  
INTO THEIR DECISIONMAKING PROCESS

Bureau of Reclamation, Department of the Interior  
Corps of Engineers, Department of the Army  
Department of Housing and Urban Development  
Federal Aviation Administration, Department of Transporta-  
tion  
Federal Highway Administration, Department of Transportation  
Forest Service, Department of Agriculture  
Soil Conservation Service, Department of Agriculture

Legend

-  Decisionmaking point
-  Process
-  Interrelationships
- CEQ Council on Environmental Quality
- EIS Environmental Impact Statement

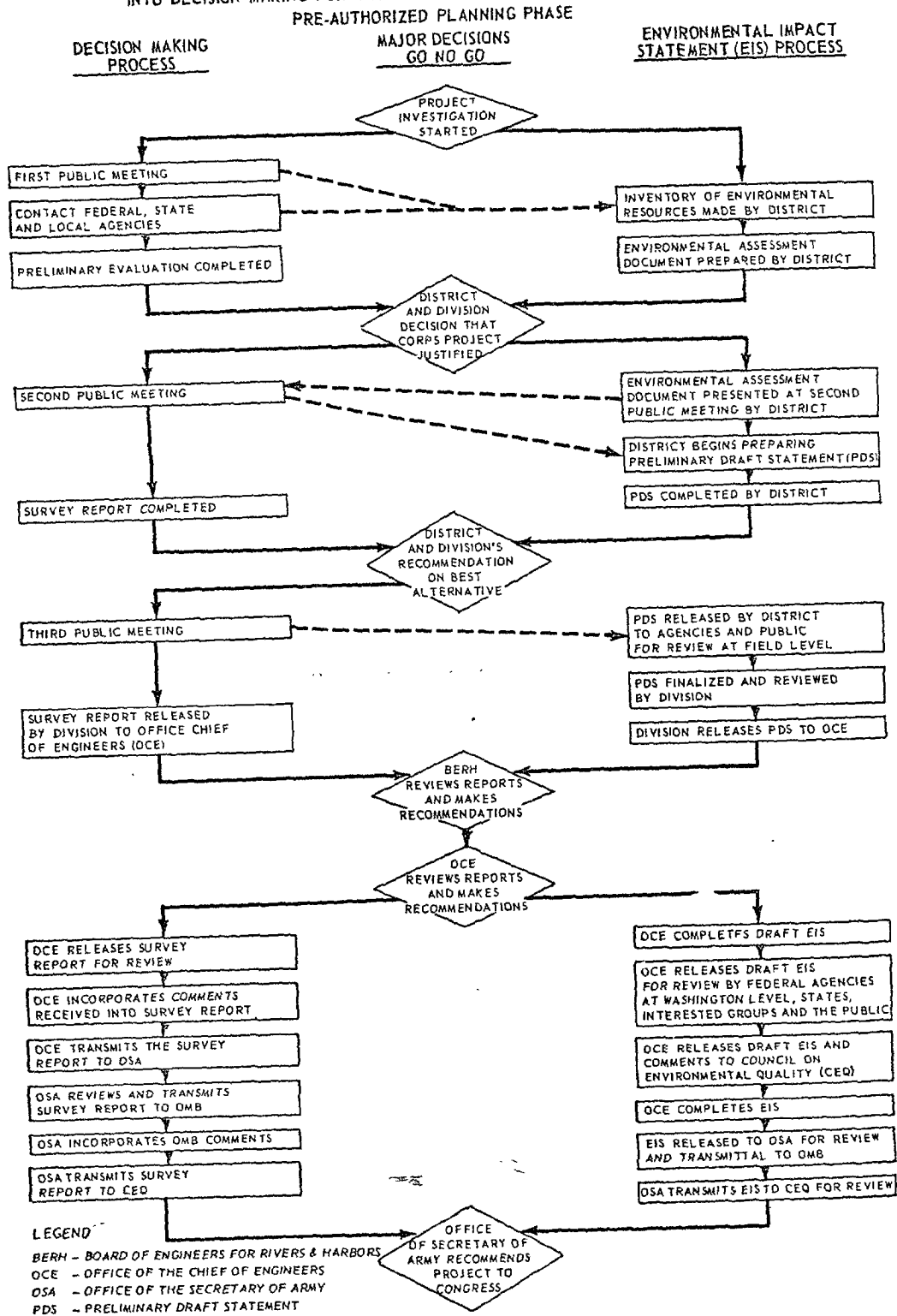
EFFORTS OF THE BUREAU OF RECLAMATION TO INCORPORATE SECTION 102  
OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969  
INTO DECISION MAKING FOR CONSTRUCTION AND REHABILITATION PROGRAMS  
PRECONSTRUCTION PLANNING PHASE



1/ BUREAU INSTRUCTIONS ISSUED IN JANUARY 1972 REQUIRE THAT EISs WILL ACCOMPANY SIGNIFICANT FAVORABLE RECONNAISSANCE REPORTS, AS DETERMINED BY THE REGIONAL DIRECTOR AND OFFICE OF THE COMMISSIONER. WE WERE TOLD BY ASSISTANT TO COMMISSIONER-ECOLOGY REPRESENTATIVE THAT THIS WILL BE A FINAL EIS.

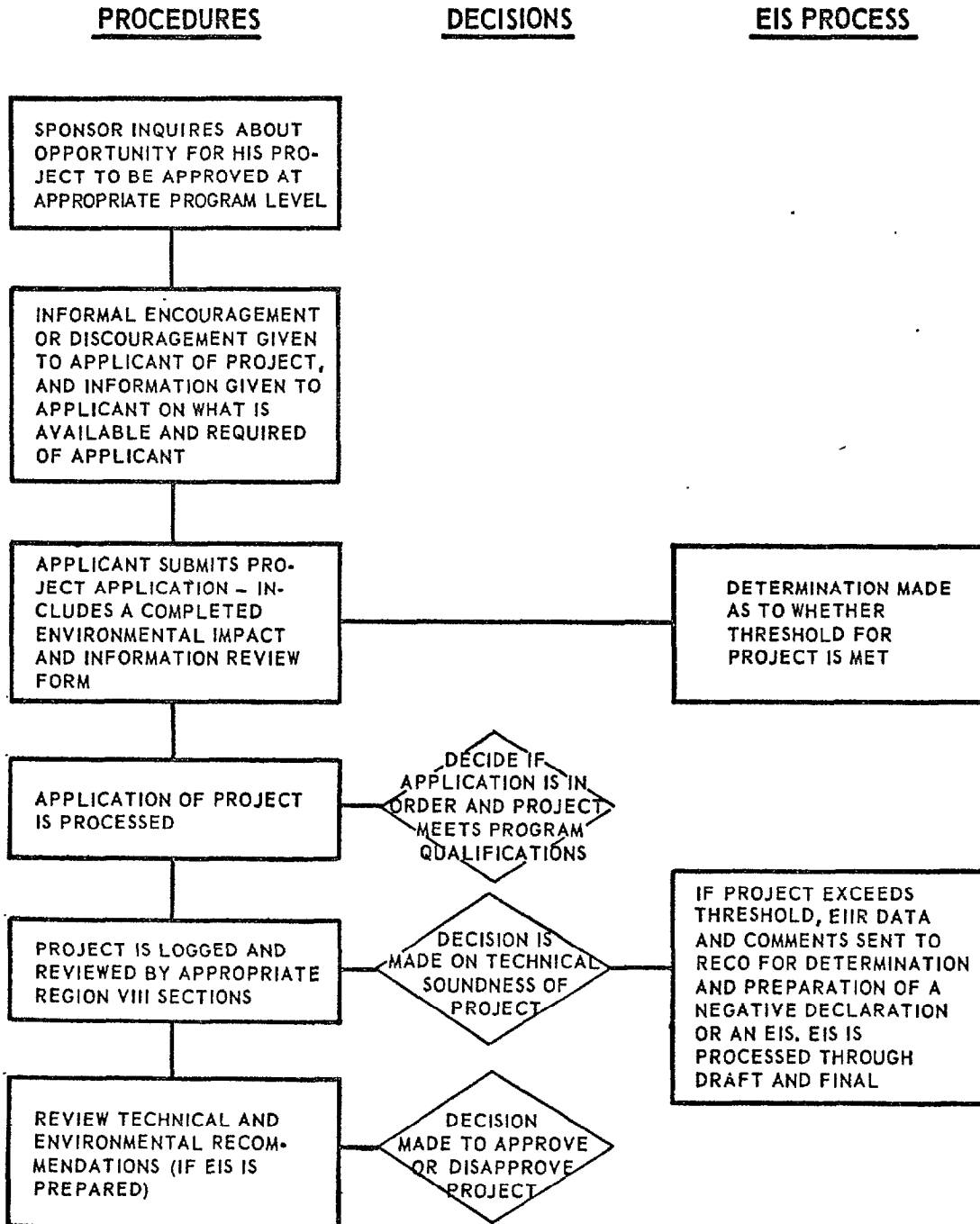
2/ THE NEW REGULATIONS REQUIRE A PROPOSED DRAFT EIS TO ACCOMPANY THE PROPOSED REGIONAL DIRECTOR'S FEASIBILITY STUDY WHEN IT IS TRANSMITTED FOR FIELD LEVEL REVIEW BY OTHER AGENCIES. A DRAFT EIS THEN IS TO ACCOMPANY THE FEASIBILITY STUDY REPORT TO THE COMMISSIONER.

EFFORTS OF THE CORPS OF ENGINEERS TO INCORPORATE SECTION 102 OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 INTO DECISION MAKING FOR THE WATER RESOURCE DEVELOPMENT PROGRAM



**EFFORTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
TO INCORPORATE SECTION 102 OF  
THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969  
INTO DECISION MAKING FOR REGION VIII'S MAJOR PROGRAMS**

**APPLICATION, TECHNICAL SOUNDNESS AND APPROVAL PHASE**

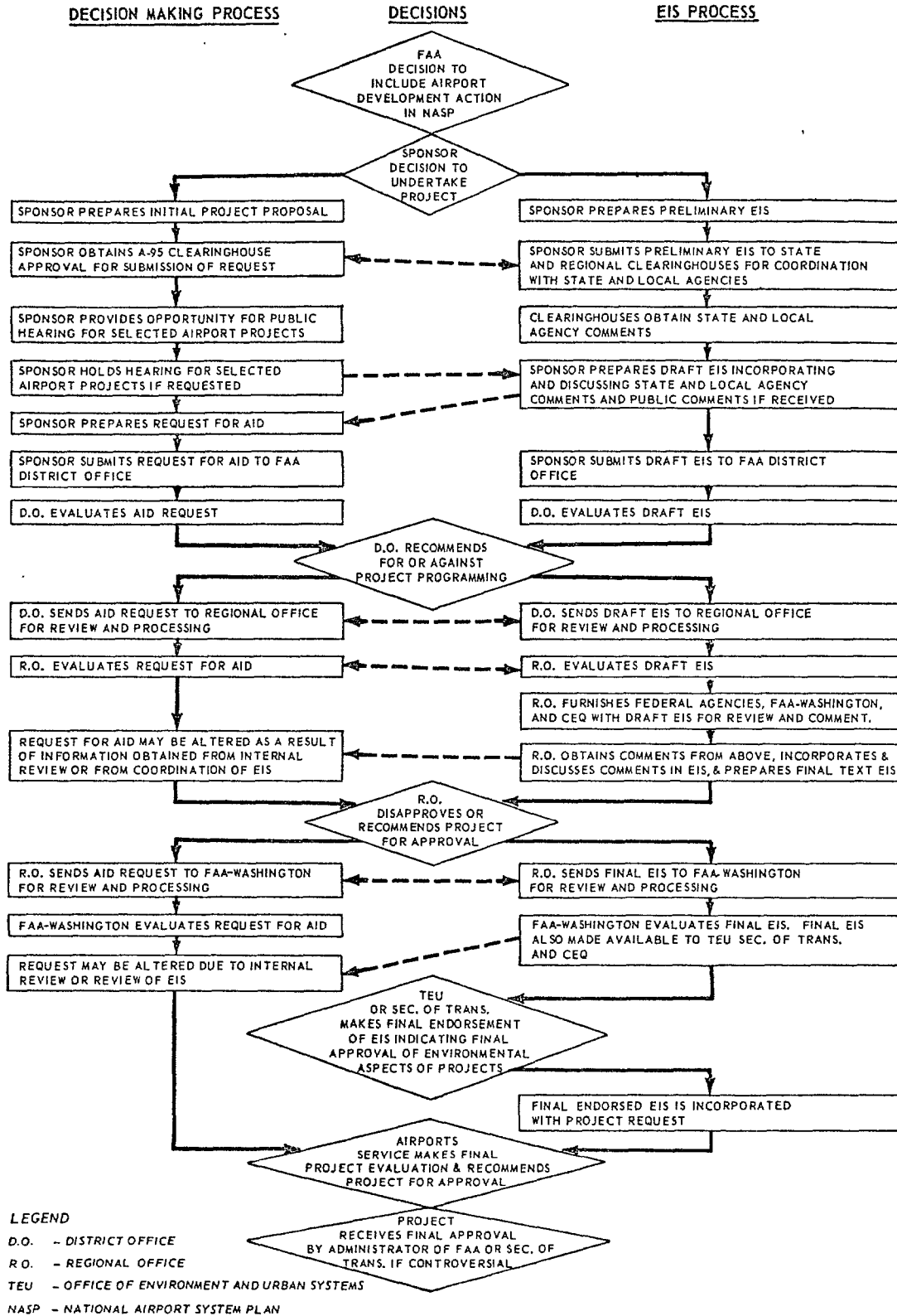


**LEGEND**

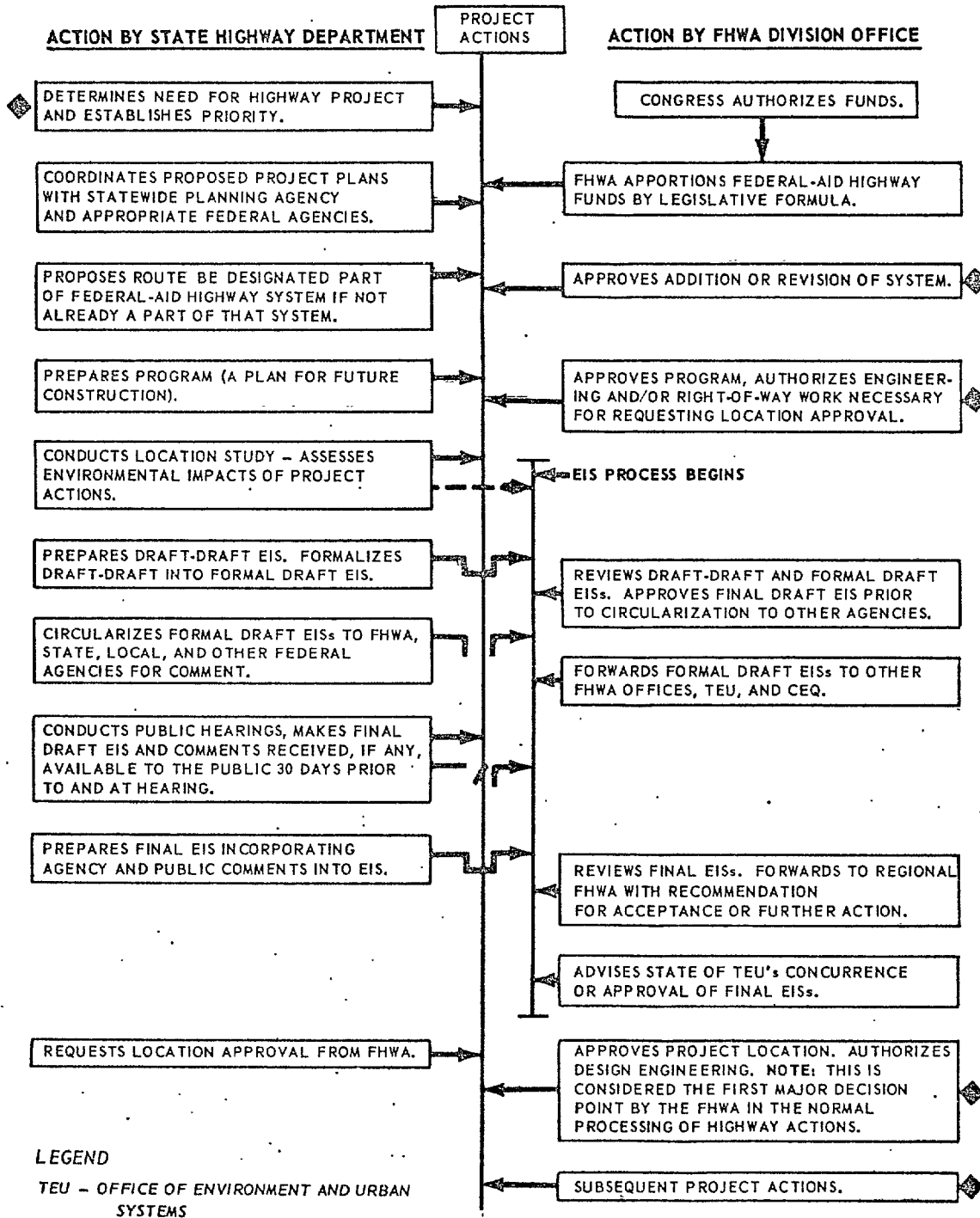
EIR - ENVIRONMENTAL IMPACT AND INFORMATION REVIEW  
RECO - REGIONAL ENVIRONMENTAL CLEARANCE OFFICER

APPENDIX XI

EFFORTS OF THE FEDERAL AVIATION ADMINISTRATION TO INCORPORATE SECTION 102 OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 INTO DECISION MAKING FOR THE AIRPORT DEVELOPMENT AID PROGRAM (ADAP) PRE-FINAL PROCESSING AND APPROVAL PHASE



**EFFORTS OF THE FEDERAL HIGHWAY ADMINISTRATION TO INCORPORATE SECTION 102  
OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969  
INTO DECISION MAKING FOR THE FEDERAL AID HIGHWAY PROGRAM  
PROJECT LOCATION APPROVAL PHASE**



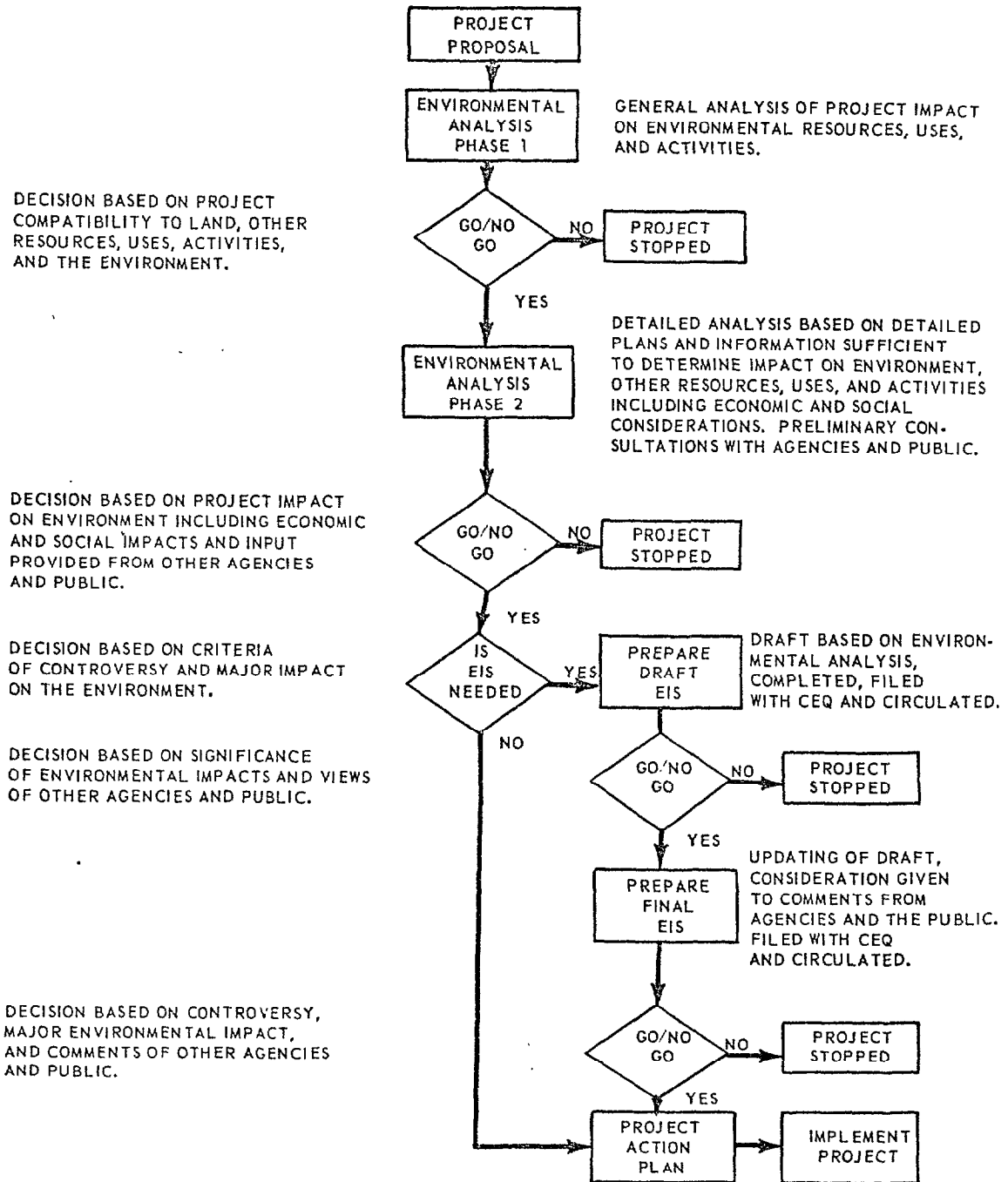
ENVIRONMENTAL ANALYSIS PHASE

**EFFORTS OF THE FOREST SERVICE TO INCORPORATE SECTION 102 OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 INTO DECISION MAKING FOR ALL MAJOR PROGRAMS**

**ENVIRONMENTAL ANALYSIS PHASE**

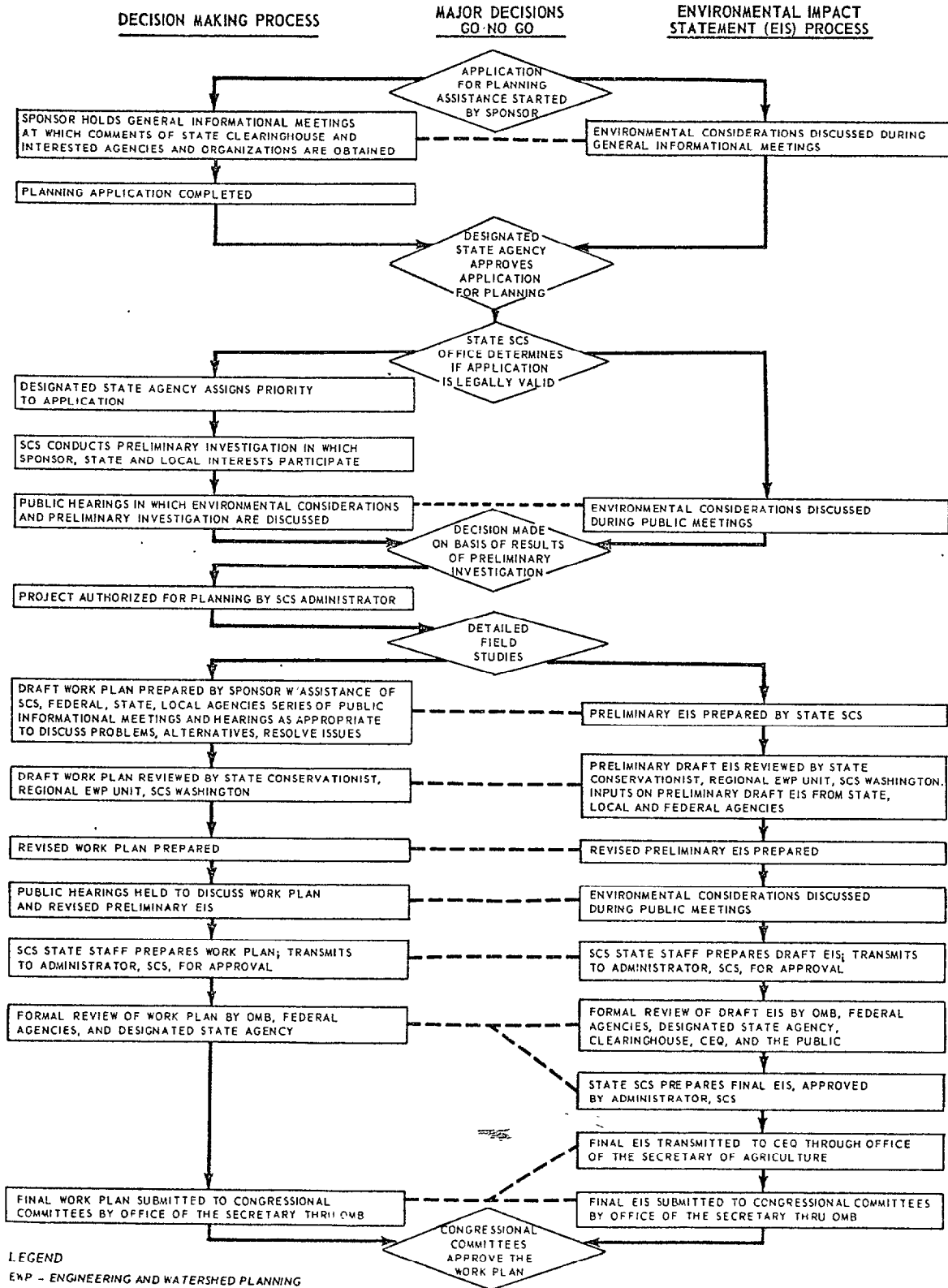
DECISIONS TO PROCEED WITH PROJECT PROPOSAL

ENVIRONMENTAL ASPECTS



EFFORTS OF THE SOIL CONSERVATION SERVICE TO INCORPORATE SECTION 102  
OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969  
INTO DECISION MAKING FOR THE WATERSHED PROGRAM

PRE-AUTHORIZED PLANNING PHASE





APPENDIX XII

PRINCIPAL MANAGEMENT OFFICIALS

RESPONSIBLE FOR

ADMINISTRATION OF ACTIVITIES

DISCUSSED IN THIS REPORT

Tenure of office  
From                      To

COUNCIL ON ENVIRONMENTAL QUALITY

CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY:

Russell E. Train                      Feb. 1970      Present

DEPARTMENT OF AGRICULTURE

SECRETARY OF AGRICULTURE:

Earl L. Butz                      Dec. 1971      Present

Clifford M. Hardin                      Jan. 1969      Nov. 1971

CHIEF, FOREST SERVICE:

Edward P. Cliff                      Mar. 1962      Present

ADMINISTRATOR, SOIL CONSERVATION SERVICE:

Kenneth E. Grant                      Jan. 1969      Present

DEPARTMENT OF DEFENSE

SECRETARY OF DEFENSE:

Melvin R. Laird                      Jan. 1969      Present

DEPARTMENT OF THE ARMY

SECRETARY OF THE ARMY:

Robert F. Froehlke                      July 1971      Present

Stanley R. Resor                      July 1965      June 1971

Tenure of office	
From	To

DEPARTMENT OF THE ARMY (continued)

## CHIEF OF ENGINEERS:

Lt. Gen. Frederick J. Clarke	Aug. 1969	Present
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

George Romney	Jan. 1969	Present
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DEPARTMENT OF THE INTERIOR

## SECRETARY OF THE INTERIOR:

Rogers C. B. Morton	Jan. 1971	Present
Fred J. Russell (acting)	Nov. 1970	Jan. 1971
Walter J. Hickel	Jan. 1969	Nov. 1970

## COMMISSIONER OF RECLAMATION:

Ellis L. Armstrong	Nov. 1969	Present
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DEPARTMENT OF TRANSPORTATION

## SECRETARY, DEPARTMENT OF TRANSPORTATION:

John A. Volpe	Jan. 1969	Present
---------------	-----------	---------

## ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION:

John H. Schaffer	Mar. 1969	Present
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## ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION:

Francis C. Turner	Mar. 1969	Present
-------------------	-----------	---------

Tenure of office	
From	To

ENVIRONMENTAL PROTECTION AGENCYADMINISTRATOR, ENVIRONMENTAL  
PROTECTION AGENCY:

William D. Ruckelshaus	Dec. 1970	Present
------------------------	-----------	---------

OFFICE OF MANAGEMENT AND BUDGETDIRECTOR, OFFICE OF MANAGE-  
MENT AND BUDGET:

George P. Shultz	July 1970	Present
Robert P. Mayo	Jan. 1969	June 1970