



CONTROLLING CRITERIA FOR DETERMINING THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

The controlling criteria for determining the need for an Environmental Impact Statement (EIS) is whether or not an action is likely to have a significant effect on the quality of the human environment [Section 102(2)(C), National Environmental Policy Act (NEPA), Public Law 91-190]. In defining the term “significantly” at Section 1508.27 in the regulations, Council on Environmental Quality (CEQ) states that both the context and intensity of an impact must be evaluated. Ten criteria are given which are to be considered in evaluating the intensity of the impact and these are important in the decision to require an EIS. Of particular interest in this instance are the following:

“(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.”

“(2) The degree to which the proposed action affects public health or safety.”

“(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.”

“(4) The degree to which the effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.”

“(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.”

“(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impact on the environment. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance can not be avoided by terming an action temporary or by breaking it down into small component parts.”

“(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.”

“(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.”

Based on the criteria above, the Corps has determined that the proposed action is likely to have a significant effect on the quality of the human environment and that the preparation of an EIS is warranted.