

ENVIRONMENTAL MANAGEMENT BOARD REGULATION
EMB 2
THE DEFINITION OF ACTIONS OF STATE AGENCIES
WHICH HAVE SIGNIFICANT ENVIRONMENTAL IMPACT

- Section 1. General Intent
- Section 2. Purpose
- Section 3. Applicability
 - 1. Agencies Included
 - 2. Types of Actions Covered
 - 3. Actions Exempted
 - 4. Categorical Exemptions
 - 5. Statutory Exemptions
- Section 4. Identifying Agency Actions Significantly Affecting the Environment
- Section 5. Environmental Assessment Form

SECTION 1. A REGULATION, pursuant to the authority found in IC 1971, 13-1-10-3, to define which actions constitute a major state action significantly affecting the quality of the human environment.

Sec. 1 General Intent

Indiana Code IC 1971, 13-1-10-3, authorizes and directs that, to the fullest extent possible, all agencies of the state shall include in every recommendation or report on proposals for legislation and other major state actions significantly affecting the quality of the human environment, a detailed statement on -

- (a) The environmental impact of the proposed action,
- (b) Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (c) Alternatives to the proposed action,
- (d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (e) Any irreversible and irretrievable commitments of resources which would be involved if the proposed actions should be implemented.

The Environmental Management Board shall by regulation define which actions constitute a major state action significantly affecting the quality of the human environment.

Sec. 2 Purpose

The purpose of this regulation is to designate which actions are within the scope of section 13-1-10-3 and in particular which actions constitute a major state action significantly affecting the

quality of the human environment, and to provide an environmental assessment form to assist in that determination.

Sec. 3 Applicability

1. Agencies included

- (a) This Regulation applies to all state agencies.
- (b) Each agency of the state shall comply with this Regulation unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.
- (c) Section 13-1-10-7 provides that the "(P)olicies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of state agencies." Accordingly, each agency shall interpret the provisions of this chapter as a supplement to its existing authority and as a mandate to view traditional policies in the light of the chapter's environmental objectives.

2. Types of actions covered

- (a) "Actions" include but are not limited to:
 - (i) agency legislative proposals;
 - (ii) new and continuing projects and program activities directly undertaken by the agency or supported in whole or in part through state contracts, grants, subsidies, loans or other forms of funding assistance;
 - (iii) the making, modification, or establishment of rules and regulations.
- (b) This Regulation shall apply to uncompleted and

continuing agency actions initiated prior to the promulgation of these procedures when the remaining action to be performed, if undertaken independently, would require an impact statement, and modifications of or alternatives to the agency action are still available.

3. Actions exempted

- (a) Administrative procurements (e.g. general supplies);
- (b) Contracts for consulting services;
- (c) Personnel actions;
- (d) Repair or maintenance of existing structures or facilities involving no expansion;
- (e) Basic data collection, research and experimental management and resource evaluation activities which do not result in a significant disturbance to the environment.

4. Categorical Exemptions

- (a) Minor actions. Each agency may submit to the Environmental Management Board for approval a list of those actions which it considers to be minor in nature and, therefore, categorically exempted. Only those actions on the lists shall be so exempted.
- (b) Emergency actions. Those actions necessitated by a sudden unexpected occurrence which demands immediate action to mitigate loss or damage to life, health, property or essential public

services shall be exempted.

5. Statutory Exemptions

- (a) The issuance of a license or permit by any agency of the state, as exempted by section 13-1-10-6.
- (b) Section 13-1-10-8 provides "(A)ny state agency that is required by the National Environmental Policy Act (P.L. 91-190) to file a federal environmental impact statement shall not be required to file a statement with the state government as provided under sections 3 and 4 of this chapter, unless the action contemplated requires state legislation or state appropriations."

Sec. 4 Identifying Agency Actions Significantly Affecting the Environment

1. It is not within the scope of this Regulation to identify before the fact which major State Agency actions significantly affect the quality of the human environment. The specific determination must be developed for each agency action by preparation of an environmental assessment as set forth in Section 5.
2. In preparing the assessment both primary and secondary consequences of short term and long term duration should be considered by the agency, since many State actions stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities.
3. The effect of many State decisions about a project or complex of projects may be individually limited but can be cumulatively considerable in affecting the environment.

4. A proposed action which is likely to be highly controversial from an environmental standpoint should be considered significant justification for preparation of an environmental impact statement.

Sec. 5 Environmental Assessment Form

This form is provided to assist in determining whether a proposed action could have significant adverse effect on the quality of the human environment and thus require an environmental impact statement.

AGENCY _____

ADDRESS _____

ACTION IDENTIFICATION _____

PREDICTED DATES: Commencement _____ Completion _____

PROJECTED COST _____

PREPARING BODY (i.e. Agency, Grantee, Contractor) _____

I. Background Information

1. Give a brief description of the proposed action(s) and describe how your agency is involved in the action.

2. Describe the geographical area or areas which will be affected by the action(s), including distinguishing natural and man-made characteristics and a brief description of the present use of the area or areas.

II. Assessment of Environmental Impact

Answer the following questions by placing a check in the appropriate space; consider both short and long term impact. Wherever "Yes" is checked, indicate on the lines below the question the nature of the effect.

	Short Term		Long Term	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
1. Could the actions(s) adversely affect the use of a recreational area or area of important aesthetic value? _____ _____	_____	_____	_____	_____
2. Are any of the natural or man-made features which may be affected in the area(s) unique; that is, not found in other parts of the State or nation? _____ _____	_____	_____	_____	_____
3. Could the action(s) adversely affect an historical or archaeological structure or site? _____ _____	_____	_____	_____	_____
4. Could the action(s) adversely affect fish, wildlife, or plant life? _____ _____	_____	_____	_____	_____

	Short Term		Long Term	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
5. Have any fish, mammals or plant species on the rare or endangered list been sighted in the affected area(s)?	_____	_____	_____	_____

Will those sighted be adversely affected?	_____	_____	_____	_____

6. Could the action(s) change existing features of any of the State's fresh waters or wetlands?	_____	_____	_____	_____

7. Could the action(s) change existing features of any of the State's beaches?	_____	_____	_____	_____

8. Could the action(s) result in the elimination of significant acreage of land presently utilized for agricultural or forestry purposes..	_____	_____	_____	_____

	Short Term		Long Term	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
9. Will the action(s) require certification, authorization or issuance of a permit by any local, state or federal environmental control agency? _____ _____	_____	_____	_____	_____
10. Will the action(s) involve the application, use or disposal of potentially hazardous materials? _____ _____	_____	_____	_____	_____
11. Will the action(s) involve construction of facilities in a flood plain? _____ _____	_____	_____	_____	_____
12. Could the action(s) result in the generation of a significant level of noise? _____ _____	_____	_____	_____	_____
13. Could the action(s) result in the generation of significant amounts of dust? _____ _____	_____	_____	_____	_____

	Short Term		Long Term	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
14. Could the action(s) result in a deleterious effect on the quality of the air? _____ _____	_____	_____	_____	_____
15. Could the action(s) result in a deleterious effect on the quality or quantity of any portion of the State's water resources? (If yes, indicate whether surface, ground water, offshore.) _____ _____	_____	_____	_____	_____
16. Could the action(s) affect an area of important scenic value? _____ _____	_____	_____	_____	_____
17. Could the action(s) result in increased congestion and/or traffic in an already congested area or in an area incapable of absorbing such increase? _____ _____	_____	_____	_____	_____

	Short Term		Long Term	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
18. Could the action(s) require a variance from or result in a violation of any statute, ordinance, by-law, regulation or standard, the major purpose of which is to prevent or minimize damage to the environment?	_____	_____	_____	_____

19. Could the action(s) result in any form of adverse environmental impact not included in the above questions? (If yes, identify the impacted resource or area.)	_____	_____	_____	_____
--	-------	-------	-------	-------

III. Statement of No Significant Environmental Effects

A "Yes" answer in the "Long Term" column in Section II indicates that the action may cause significant environmental impact, and that an EIS will probably be required. If you have answered "Yes" to any of the questions, the effect of which is not clearly beneficial, but still think the action will cause no significant adverse environmental impact indicate your reasons below.

IV. Conclusions

Place a check in the appropriate box.

1. () It has been determined that the action will not cause a significant adverse environmental impact. No EIS will be prepared.
2. () It has been determined that the action may cause a significant adverse environmental impact. An EIS will be prepared by _____ (approximate date).

Signature of Preparing Officer _____

Title _____

Address _____

Telephone _____