

Section 102 forces environmental reports

Section 102 of the Environmental Policy Act, signed into law by President Nixon on January 1, requires that government agencies consider the environmental impact of any new project undertaken.

Before any agency project begins, other agencies with expertise in the environmental matter involved must be consulted. Statements on the project by the consulting agencies must be made available to the public before any action is taken.

The Council on Environmental Quality has issued "interim guidelines" for statements on proposed federal actions affecting the environment. All federal agencies are required to file such statements, which should cover the following points:

- "The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life."
- "Any probable adverse environmental effects which cannot be avoided, such as "water or air pollution, damage to life systems, urban congestion, threats to health," etc.
- "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."
- "Any "irreversible and irretrievable commitments of resources which

would be involved in the proposed action...."

Some agencies were reluctant to comply. The Department of the Interior and the Department of Housing and Urban Development (HUD) were the last to file reports on what methods and procedures they will use for complying with the act. Both agencies used the argument that they are huge departments and everything they do affects the environment in some way.

HUD and many other agencies do much work through their regional offices. These offices prepare many of the reports on proposed projects. HUD claims that they do not want to be a watchdog over these regional offices.

Another problem is in making the reports readily available to the public. Under the law, it is the responsibility of individual agencies to make reports available or even publish a list of reports that have been filed. It is up to the individual, therefore, to call the particular agency involved and ask for a copy of the report. (The CEQ will tell, on request, if a particular report has been filed and who to call at that agency.)

This is an awkward, unsatisfactory system. It relies too heavily on interest groups or individuals who are alert to the possibility that an agency is considering a particular action. Public hearings are held on many of these matters, but they are

announced in fine print in the newspapers and held during working hours.

There are no specific guidelines on how the agencies must make information public. The Federal Power Commission is the only agency that has said it will automatically put copies of all their Section 102 statements in their public file.

What will the CEQ do if an agency chooses to ignore Section 102? In very important cases the chairman, Russel Train, can approach the President directly. Usually the forces are more subtle. Public watchdog groups will be vitally important in looking for evasive or incomplete reports and in stimulating interest in them.

A promising development is the recent deluge of court actions based on 102. These are a few samples:

Wilderness Society et al v. Hickel.

Injunction sought against permits being granted for the trans-Alaska pipeline and road. Preliminary injunction granted.

Native Village of Allakaket et al v. Hickel.

Indians say trans-Alaskan pipeline and road would interfere with hunting and fishing. Preliminary injunction granted.

Texas Committee on Natural Resources v. United States of America.

To restrain FHA from completing a loan to finance turning a marsh into a golf course. Stay order pending appeal granted.

Uhlman et al v. Laird et al.

To keep defendants from shipping nerve gas across Washington state. Class action suit. Court dismissed plaintiff's case May 20. Ruled that there is no effect to the environment unless there is an accident.

There are still other signs that Section 102 is having an impact. In March, Secretary of Transportation John Volpe said he wouldn't approve construction of an interstate highway through a scenic part of the White Mountain Forest in New Hampshire. Volpe also said he wouldn't approve the use of federal funds for more runways at JFK International Airport until the results of a study by the National Academy of Sciences were in.

Senator Mike Gravel, Alaska, plans to charge the AEC with violating Section 102 by conducting underground bomb tests that have leaked radiation into the atmosphere.

The number of suits and encouraging decisions are hopeful signs. But further court decisions are necessary to determine Section 102's effect.

Socially Subsidized Tinkertoy news

The Coalition Against the SST, lobbying in the Senate against appropriations for what they have called the "Socially Subsidized Tinkertoy," recently issued the following comments.

New SST evils have begun to come to light. In addition to the environmental costs of the SST, there are likely to be direct financial losses associated with the program.

The \$1.5 billion prototype phase of the project will cost most states much more in subcontracts with local industry. Only a few states benefit. Among them, not unpredictably, is Washington, the home of Boeing.

The government contract with Boeing and General Electric forces taxpayers to foot 90 per cent of the bill for the prototype phase and puts them in last place to receive returns when the plane begins to sell (if it does). GE cashes in with the first plane sold. The government has to wait till the 300th. All this for dirtier air, noisy airport communities, sonic boom and possible climatic change.

Lobbying by SST backers has been heavy and well-funded by the Boeing Company and General Electric, prime contractors on the SST project. Backers have termed environmentalists "misguided alarmists" for their concern about the SST. SST supporters are relying heavily on economic arguments, even though the economic arguments against the SST are as strong as the environmental ones. Pro-SST lobbyists repeatedly make an argument that the SST is good for our balance of payments. Economists say the balance of payments argument is a red herring.

Letters to senators are especially important now as the Transportation Subcommittee of the Senate Appropriation Committee moves toward consideration of this year's proposed \$290 million SST appropriation. Senators who should receive mail are Sens. John Stennis, Chairman of the Transportation Subcommittee; Richard Russell, Chairman of the Appropriations Committee; Mike Mansfield, Majority Leader; Hugh Scott, Minority Leader; and your own two Senators. The address for all senators is: U.S. Senate, Washington, D.C. 20510.