

Navigating the “EIS” Process

What is an EIS?

The National Environmental Policy Act (NEPA) is a law that requires federal agencies to examine the environmental impacts of their proposed activities. Under NEPA, if a federal action is likely to “significantly affect” the environment, the agency must prepare a detailed **Environmental Impact Statement (EIS)** before taking any action.

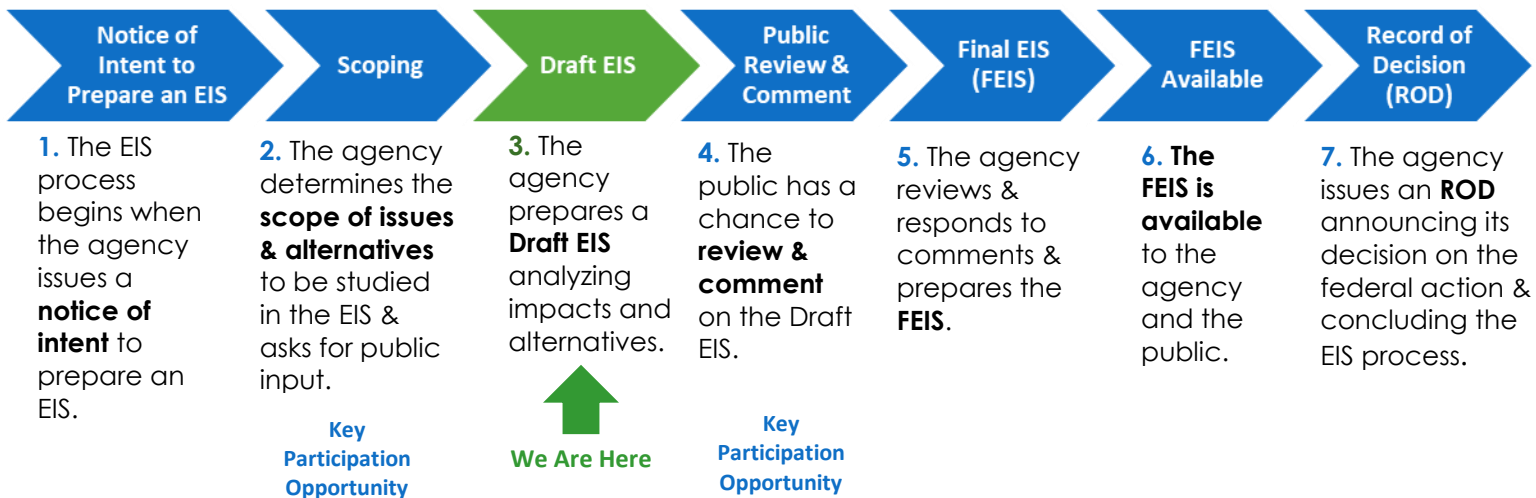
This fact sheet provides information about the EIS process in general; it also includes some specific information about the ongoing EIS process for the proposed Mid-Barataria Sediment Diversion (MBSD), highlighted in green.

Why is an EIS needed?

When the U.S. Army Corps of Engineers (USACE) decides whether to issue the federal permits and permissions required for the MBSD project to move forward, that decision will be a “federal action” that triggers NEPA review and requires an EIS. The USACE is the lead federal agency preparing an EIS for the MBSD (though other federal agencies are involved).¹

What are the steps in developing an EIS?

The EIS process involves the following steps (see next page for more about participation):



Where are we now?


The scoping period for the MBSD EIS ended in Sept. 2017, after the public had a chance to provide input on what issues USACE should study and which alternatives it should consider. USACE reviewed comments and issued a [scoping report](#) in Jan. 2018 summarizing the comments.

Now, USACE is developing the Draft EIS. This document will **explain the project’s anticipated impacts on the environment**, analyze **alternatives to the proposed action** and the impacts of those alternatives, and identify ways in which impacts may be avoided or reduced (“**mitigation measures**”). USACE has hired a third-party contractor to assist in preparing the Draft EIS. Many other federal and state agencies are cooperating and consulting with USACE in the development of the DEIS.²

The Draft EIS is scheduled to be ready for public review & comment in March 2021.

How can I participate in the EIS process?

There are three main ways for the public to become involved in the EIS process:

- **Scoping Comments:** The scoping process helps the federal agency proposing an action figure out what issues it will study in depth in the EIS, and what issues it can leave out. Scoping occurs early in the EIS process, and is a chance for the public to provide meaningful input about what issues the EIS should study and which alternatives it should evaluate. (For more information on scoping and tips for comments, see ELI's *FAQs on the NEPA Scoping Process* fact sheet.) 
- **Provide Comments on the Draft EIS:** After the agency finishes preparing the detailed draft of the study, known as the Draft EIS, the document is available for public review and comment for **at least 45 days**. The public can submit written comments to the federal agency online or by mail; often, the agency will hold a public hearing about the Draft EIS, and the public may have a chance to provide verbal comments. (For tips on providing written and verbal comments, review ELI's [Tips for Public Commenting](#) fact sheet.)
- **Review the Final EIS (before the ROD):** After the comment period ends, the agency reviews and analyzes the comments it received, decides what if any changes to make to the EIS, and prepares a final version of the document, known as the FEIS. The agency must make the FEIS available for public review **at least 30 days** before it issues a Record of Decision (ROD) announcing its decision on the proposed action and concluding the EIS process. In the time between release of the FEIS and the ROD, the public can provide feedback about the FEIS (though the federal agency is not required to respond).

What can I do while waiting for the Draft EIS?

While USACE, its contractor, and cooperating agencies are working to gather information and conduct analyses for the Draft EIS, there are no official opportunities for public involvement. However, any person or organization can provide USACE's New Orleans District with information that may be relevant to the study at any time during the process (though USACE is not required to consider the information or respond).

Will I get a response to my comment?

If you submit a comment **during the public comment period** following the release of the Draft EIS, the agency preparing an EIS is required to respond in one of the following forms: "changes in the final EIS, factual corrections, modifications to the analyses or the alternatives, new alternatives considered, or an explanation of why a comment does not require the agency's response."⁴

Outside of the official comment period, the agency may accept information, but is not required to respond.

¹ Per an agreement among state and federal agencies, it is likely the same EIS document will be used to demonstrate NEPA compliance for another federal action: approval to fund the MBSB project with Natural Resource Damage Assessment (NRDA) money from the oil spill settlement.

² [FAST-41 Coordinated Project Plan for Mid-Barataria Sediment Diversion](#).

³ CEQ, A Citizen's Guide to the NEPA, available at: https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf.