

IC 13-12-4

Chapter 4. Environmental Impact Statements

IC 13-12-4-1

Purposes of chapter

Sec. 1. The purposes of this chapter are the following:

- (1) To declare a state policy that will encourage productive and enjoyable harmony between humans and the environment.
- (2) To promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans.
- (3) To enrich the understanding of the ecological systems and natural resources important to Indiana.

As added by P.L.1-1996, SEC.2.

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Legislative findings

Sec. 2. The general assembly recognizes the following:

- (1) The profound impact of human activity on the interrelations of all components of the natural environment, particularly the profound influences of the following:
 - (A) Population growth.
 - (B) High-density urbanization.
 - (C) Industrial expansion.
 - (D) Resource exploitation.
 - (E) New and expanding technological advances.
- (2) The critical importance of restoring and maintaining environmental quality to the overall welfare and development of humans.
- (3) That each person should enjoy a healthful environment.
- (4) That each person has a responsibility to contribute to the preservation and enhancement of the environment.

As added by P.L.1-1996, SEC.2.

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Policy statement

Sec. 3. The general assembly declares that it is the continuing policy of the state, in cooperation with the federal and local governments and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to do the following:

- (1) Foster and promote the general welfare.
- (2) Create and maintain conditions under which humans and nature can exist in productive harmony.
- (3) Fulfill the social, economic, and other requirements of present and future generations of Indiana citizens.

As added by P.L.1-1996, SEC.2.

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State responsibilities

Sec. 4. To carry out the policy set forth in this chapter, it is the continuing responsibility of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the state may do the following:

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- (2) Assure for all citizens of Indiana safe, healthful, productive, and esthetically and culturally pleasing surroundings.
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
- (4) Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- (5) Achieve a balance between population and resource use that will permit high standards of living and a wise sharing of life's amenities.
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

As added by P.L.1-1996, SEC.2.

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Directives

Sec. 5. To the fullest extent possible:

- (1) the policies, rules, and statutes of the state shall be interpreted and administered in accordance with the policies set forth in this chapter; and
- (2) all state agencies shall do the following:
 - (A) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making that may have an impact on the environment.
 - (B) Identify and develop methods and procedures that will ensure that unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations.
 - (C) 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 by the responsible official on the following:
 - (i) The environmental impact of the proposed action.
 - (ii) Any adverse environmental effects that cannot be avoided should the proposal be implemented.
 - (iii) Alternatives to the proposed action.
 - (iv) The relationship between local short term uses of the

environment and the maintenance and enhancement of long term productivity.

(v) Any irreversible and irretrievable commitments of resources that would be involved if the proposed action should be implemented.

Before making a detailed statement, the responsible state official shall consult with and obtain the comments of each state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of the statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the governor and to the public and must accompany the proposal through the agency review processes. The board shall by rule define the actions that constitute a major state action significantly affecting the quality of the human environment.

(D) Study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources.

(E) Recognize the long range character of environmental problems and, where consistent with the policy of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize state cooperation in anticipating and preventing a decline in the quality of the environment.

(F) Make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(G) Initiate and use ecological information in the planning and development of resource oriented projects.

As added by P.L.1-1996, SEC.2. Amended by P.L.133-2012, SEC.71.

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Review of authority, rules, policies, and procedure by state agencies

Sec. 6. All state agencies shall review their:

- (1) statutory authority;
- (2) administrative rules; and
- (3) current policies and procedures;

to determine whether there are any deficiencies or inconsistencies that prohibit full compliance with the purposes and provisions of this chapter.

As added by P.L.1-1996, SEC.2.

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Statutory obligations of state agencies unaffected

Sec. 7. Sections 5 and 6 of this chapter do not affect the specific statutory obligations of any state agency to do any of the following:

- (1) Comply with criteria or standards of environmental quality.
- (2) Coordinate or consult with any other federal or state agency.
- (3) Act or refrain from acting contingent upon the recommendations or certification of any other federal or state agency.

As added by P.L.1-1996, SEC.2.

IC 13-12-4-8

Impact statements not required for license

Sec. 8. This chapter may not be construed to require an environmental impact statement for the issuance of a license or permit by any state agency.

As added by P.L.1-1996, SEC.2.

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Supplementary effect of chapter

Sec. 9. Policies and goals set forth in this chapter supplement those policies and goals set forth in other authorizations of state agencies.

As added by P.L.1-1996, SEC.2.

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Federal environmental impact statements

Sec. 10. Any state agency that is required by the federal National Environmental Policy Act (P.L. 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact statement is not required to file a statement with the state government as provided under sections 5 and 6 of this chapter unless the action contemplated requires state legislation or state appropriations.

As added by P.L.1-1996, SEC.2.