

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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January 27, 2012

Ms. Nancy H. Sutley
Chair
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Subject: Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act

Dear Ms. Sutley,

The State of Alaska reviewed the Council on Environmental Quality's (CEQ) Draft National Environmental Policy Act (NEPA) guidelines for preparing efficient and timely environmental reviews. The State supports efforts to make the NEPA process and documentation more concise, meaningful, and timely. Unfortunately, the guidelines offer nothing new in terms of how federal agencies are to comply with the existing regulations to achieve the desired results, nor does the document take into account agency-specific policy and court decisions that have occurred since the CEQ regulations were first implemented in 1981.

NEPA documents, especially environmental impact statements (EIS), have evolved over the years and now typically involve excessively long processes and voluminous documentation. Given their sheer length and repetitive nature, these NEPA documents are becoming exceedingly difficult for readers to navigate and meaningfully review, which essentially thwarts the purpose behind the public review process. For example, the recent Point Thomson DEIS is 1,456 pages, including 21 appendices, which makes the total document approximately 6,000 pages. This document, along with several other ongoing NEPA reviews (i.e. Outer Continental Shelf Oil and Gas Leasing Program: 2012-2017, Shell's Outer Continental Shelf Lease Exploration Plan, and Arctic National Wildlife Refuge Comprehensive Conservation Plan and DEIS) clearly illustrate that the size recommendation of less than 300 pages for proposals of unusual scope and complexity is unrealistic. As a result, it is becoming increasingly difficult for State agencies to assign adequate resources to conduct thorough and meaningful NEPA reviews when documents of this size are the norm rather than the exception.

The State offers the following recommendations for the guidance document to help reduce unnecessary length and complexity currently associated with NEPA reviews:

- Provide clear direction to avoid including unrealistic alternatives in NEPA documents. It appears that alternatives are being developed solely for the sake of having four or five alternatives, regardless of feasibility or practicality. Evaluating fewer realistic alternatives would provide for a more meaningful analysis.
- Include guidelines for how to incorporate outside or existing material by reference so that the documents are readable, defensible, and concise.

"To responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest."

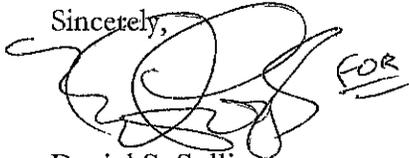
- Direct agencies to focus on existing data and studies, minimizing acquisition of new data whenever possible, particularly for alternatives that are not likely to be pursued.

In addition, the State recommends creating guidelines clarifying specific standards for assigning a lead agency and addressing how each agency can find consistency in their assessment of projects within the NEPA process. It is confusing when similar projects are assigned to different lead agencies that address the NEPA process differently. Each federal agency has different "filters" and missions, making it difficult for all entities to develop a consistent approach to evaluating NEPA documents. Additionally, as third party contactors are often responsible for developing a bulk of the review documents, developing contract requirements that meet the intent of this guidance may help eliminate the incentive for contactors to produce large NEPA documents.

Lastly, early and frequent communication with the State of Alaska is a key component to moving projects forward and is encouraged at all phases of the NEPA process. The State looks forward to its continued involvement with NEPA-guided projects by offering our expertise, knowledge, and available information. We understand CEQ is undertaking other measures to improve the NEPA process, and we hope that this document, in conjunction with these other efforts, will serve to find new and innovative ways to improve the NEPA process within the State of Alaska.

Thank you for this opportunity to comment on CEQ draft guidelines for the NEPA process.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Sullivan", with the word "FOR" written in smaller letters to the right of the signature.

Daniel S. Sullivan
Commissioner