



United States Department of the Interior

NATIONAL PARK SERVICE

Environmental Quality Division

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October 9, 2014

Memorandum

To: Council on Environmental Quality, ATTN: Horst Greczmiel, Associate Director for NEPA Oversight

From: David Jacob, NEPA Technical Specialist, National Park Service, Environmental Quality Division

Subject: National Park Service comments on the Draft Guidance for Effective Use of Programmatic NEPA Reviews

Thank you for the opportunity to review the draft guidance. The National Park Service submits the following comments:

- The draft guidance repeatedly states that promulgation of regulations is appropriate for programmatic review. However, once a regulation is promulgated there is not typically any additional NEPA review. Assuming no additional NEPA review would be conducted after a regulation is promulgated, if a programmatic review is completed for a regulation, there would be no site-specific analysis in relation to the effects of a particular regulation. It would be helpful to include additional discussion regarding the application of a programmatic review for a regulation and what, if anything is required regarding site-specific impacts of a regulation.
- Section IV (B)(3) refers to coordination with other environmental reviews. The section specifically refers to programmatic agreements with regard to Section 106 of the National Historic Preservation Act. It also mentions the Endangered Species Act. Additional discussion regarding the appropriateness of entering into programmatic agreements with the US Fish and Wildlife Service (FWS) would be helpful. Based on experience, some FWS offices are amenable to entering into programmatic agreements, but other offices have been hesitant to do so.
- Section IV (C)(1) states that a site-specific EIS can tier from a programmatic EA. Section V(B) states that this can be done “so long as a sufficient explanation for such an approach is proffered.” It seems counterintuitive that a programmatic EA supported by a FONSI could approve a suite of actions, and when one of those actions is implemented it could result in significant impacts, requiring a site-specific EIS. Additional explanation

regarding tiering a site-specific EIS from a programmatic EA would be helpful, as would additional discussion regarding what a “sufficient explanation of such an approach” would include.

- Section IV (F) states that a decision document following a programmatic EA should provide the information required in a ROD. Since this would be a new requirement for information included in a FONSI, it would be good to have some explanation as to the rationale for this requirement.

If you have questions regarding these comments, please contact David Jacob, National Park Service, Environmental Quality Division, at 303-987-6970 or by email at david_jacob@nps.gov.