It should be noted that some federal agencies, particularly DOI, have NOI publication protocols that have in the past contributed many months of delay to the NEPA process.⁴ CEQ should encourage federal agencies to publish NOI announcements in a timely fashion in order to start the NEPA process as soon as possible.

b. <u>Categorical Exclusions Documentation</u>

The last sentence of the definition of categorical exclusion at 40 CFR § 1508.4 is confusing and needs to be clarified.

c. Environmental Assessments

Most EAs are not concise and brief documents as defined by at 40 CFR § 1508.9, rather they have become encyclopedic just like EIS documents. Agencies should be encouraged to comply with the description of an EA at 40 CFR § 1508.9. Implementing the recommendations described herein for Major Federal Action (see Section 7a), Significantly (see Section 7d), and Scope (see Section 7e) would likely lead to the preparation of more EAs and fewer EIS documents (see Section 7e).

WMC recommends federal agencies issue departmental guidance on EAs similar to the DOI Deputy Secretary's August 6, 2018 memorandum entitled "Additional Direction for Implementing Secretary's Order 3355 Regarding Environmental Assessments". This memorandum establishes a 75-page limit and a 180-day timeframe for EAs.

d. Findings of No Significant Impact;

The FONSI should be aligned with the scope of the Major Federal Action, the range of federal actions, and the responsible officials' decision space. Aspects of a project over which a state agency has regulatory jurisdiction pursuant to a federal-state primacy agreement should automatically trigger preparation of a Categorical Exclusion, a DNA, or an EA/FONSI. By definition, issuance of a permit means that project component meets all relevant regulatory requirements. Projects that qualify for permits should be categorically characterized as having no significant impact for the resource(s) that are the subject of the permit(s).

e. Environmental Impact Statements

<u>Response:</u> The EIS definition at 40 CFR § 1508.11 is too abbreviated. It should be expanded to incorporate or cross reference the time limits and page limits in other sections of the regulations. The scope of EIS documents should focus on potentially significant environmental impacts and Major Federal Actions congruent with the agency's regulatory authority and decision space. Given these limitations, agencies should prepare fewer EIS documents and more EAs/FONSIs, DNAs and Categorical Exclusions. An EIS should no longer be considered the "gold standard" of NEPA analyses – especially for projects authorized by federal and state permits and that have no significant environmental impacts. For many projects, an EA should be the appropriate NEPA document.

f. <u>Records of Decision</u>

⁴ DOI has recently revised its NOI review protocols with the objective of streamlining the NOI publication process.

The term "Records of Decision" is not included in CEQ's NEPA implementation regulations. It should be defined and added to the list of Environmental Documents in 40 CFR § 1508.10.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

<u>Response</u>: The CEQ regulations already include several provisions that direct federal agencies to set time limits on the NEPA process. Regrettably, agencies largely ignore these directives. Although in 40 CFR § 1508 the CEQ determined that setting specific, one-size-fits-all, rigid time limits was inappropriate, the regulations should be revised to establish timeframe objectives for completing the NEPA process for various types of projects (e.g., third-party projects, land use management decisions, etc.). Agencies that do not meet these objectives should be required to explain the reasons for the delay. WMC supports the one-year timeframe objective in the DOI Secretarial Order 3355 and the two-year timeframe in the One Federal Decision MOU for complex infrastructure projects.

As mentioned above, WMC requests that CEQ evaluate ways to enforce the existing provisions in the CEQ regulations pertaining to time limits. A rulemaking should not be required to achieve compliance with the existing regulations.

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

<u>Response:</u> The CEQ regulations should be revised to explicitly authorize project applicants to prepare draft environmental analyses for an agency's review that the agency can use as the technical basis for <u>both</u> EAs and EISs. The existing regulations at 40 CFR § 1506.5(b) already specifically authorize an applicant to prepare an EA:

(b) Environmental assessments. If an agency permits an applicant to prepare an environmental assessment, the agency, besides fulfilling the requirements of paragraph (a) of this section, shall make its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment.

This provision should be revised to be clearly applicable to both EAs and EISs. There is no rationale for allowing applicant-prepared EAs and not allowing applicant-prepared EISs.

Some federal agencies encourage or even require applicant participation in the NEPA process whereas others do not allow project applicants to participate directly in the NEPA process. Agencies that prohibit the project applicant from directly participating in the NEPA document preparation are violating 40 CFR § 1506.5(c) which clearly authorizes *any person* to provide information during preparation of an EIS:

"Nothing in this section is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency." Because the project applicant has valuable expertise and is the most knowledgeable entity regarding its proposed project, the applicant must be allowed to contribute its expertise at all phases of preparing the NEPA document. Excluding project applicants from the process is unlawful pursuant to 40 CFR § 1506.5(c).

Encouraging project applicants to prepare a preliminary environmental analysis will be an important step in streamlining the NEPA process and a more effective use of federal agencies' time and resources. For most projects the project applicant is already responsible for developing the baseline studies that are the underpinnings of the NEPA analysis. The applicant should be allowed and encouraged to use the baseline study findings to prepare the Affected Environment, Environmental Consequences, and Cumulative Impacts chapters of the NEPA document. Federal agencies should work with project applicants to provide any necessary guidance to ensure that the baseline studies and impact analyses follow agency protocols and meet agency requirements.

Section 1506.5(c) directs that if the NEPA document is prepared by a third-party contractor, federal agencies must "...furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents." If the project applicant chooses to pay for a third-party contractor to prepare the NEPA document for the federal agency, the applicant must be allowed to communicate directly and frequently with the agency and the third-party NEPA contractor while the NEPA document is being prepared and those communications should be included in the administrative record. Some federal agencies forbid direct interaction between the project applicant and the third-party NEPA contractor. This is impractical and inappropriate because the project applicant is the principal expert on the proposed project. Excluding the proponent from the dialogue diminishes the technical accuracy of the NEPA document and wastes private-sector and public-sector time and money. It may also result in technically faulty or incomplete NEPA analyses.

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?

<u>Response</u>: The existing regulations on tiering are appropriate but need to be enforced more uniformly. As directed in 40 CFR § 1500.4(i), federal agencies are supposed to use tiering to eliminate repetitive discussions. They are also directed at 40 CFR § 1502.4(d) to use tiering to "…relate broad and narrow actions and to avoid duplication and delay." The encyclopedic NEPA documents that are the norm rather than the exception are another example of an aspect of the CEQ regulations that requires better implementation and enforcement.

The CEQ regulations should clearly authorize and require the use of programmatic NEPA documents for similar actions that have known and well understood impacts. For example, it would be appropriate for BLM and the USFS to develop regional programmatic NEPA documents for locatable mineral exploration projects that evaluate the types of impacts typically associated with these projects, the required mitigation (e.g., reclamation), and the use of best management practices. Proposed projects that commit to reclamation and best management practices should then be evaluated with a Categorical Exclusion or a DNA.

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

<u>Response:</u> Please see 8a. The CEQ regulations should clarify that for some projects there may not be any alternatives other than the No Action Alternative and the Proposed Action that merit detailed analysis and only a few that even warrant initial consideration and elimination from detailed analysis. Analyzing alternatives in detail adds considerably to the length and complexity of a NEPA document. Consequently, the analysis should include only those alternatives that would result in fewer adverse impacts or more beneficial impacts. This must be a project- and site-specific evaluation. Consequently, there should not be a one-size-fits all approach to the number or types of alternatives.

General

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.

<u>Response</u>: Yes, the requirement to publish the NOI in the Federal Register is obsolete. Please see Section 9a. above.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

<u>Response</u>: The use of the Federal Register to publish NOIs and Notices of Availability should be modernized to capitalize upon the widespread use of electronic communications (e.g., email, agency websites, social media, etc.) Please see Section 9a. above.

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?

<u>Response</u>: Yes. The CEQ regulations should be revised to include the concept of "functional equivalency" that recognizes state permit decisions that may also satisfy NEPA requirements. The CEQ regulations should specify that state permit decisions, including but not limited to primacy permits, can stand as the "functional equivalent" of a NEPA analysis. Therefore, these decisions would be outside the scope of the Major Federal Action and the range of actions to be analyzed in the NEPA document and would only require a brief discussion in the NEPA document. (Please see Sections 7a and 7e). In many circumstances, recognizing the functional equivalency of other permits would eliminate the need to prepare an EIS, and would make an EA/FONSI, DNA, or Categorical Exclusion the appropriate NEPA document.

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

<u>Response</u>: It is not uncommon for staff-level agency resource specialists to contribute substantially to NEPA delays and uncertainties by conducting protracted reviews of NEPA chapters and sections and failing to meet project deadlines. Some resource specialists continually demand additional baseline data or other studies that become pet research projects and are the source of "paralysis by analysis," which substantially delays the NEPA process. Such delays violate 40 CFR § 1502.2(b), which stipulates: "...there should be only

enough discussion to show why more study is not warranted," and are not consistent with the time limit objectives in CEQ's NEPA regulations or in Executive Order 13807. The revised NEPA implementation regulations should emphasize the need for timely review of all NEPA materials at all stages of the NEPA process to comply with the timing objectives in the regulations and to meet the permit streamlining objectives in Executive Order 13807.

Additionally, the level of required baseline information should be commensurate with the potential risks associated with a proposed project. Projects that pose little risk to the environment should not require exhaustive acquisition of environmental data. The level of required information should be evaluated from a business perspective – how much data is needed to make a sound decision? The private sector approaches business decisions in this manner, requiring more information for costlier, riskier, or bigger projects. The NEPA process should approach data gathering and decision making in a similar way.

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

<u>Response:</u> Based on WMC's experience, BLM and USFS already go to significant lengths to consult with tribal governments, which WMC feels is appropriate. However, it is not uncommon for tribal governments to not respond to the federal land management agencies' consultation efforts. In the proposed rulemaking, it would be appropriate to add some timelines and sideboards to the consultation procedures in order to encourage timely responses and to establish an end date for the consultation process.

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?

<u>Response</u>: The delays and uncertainties associated with the NEPA process could be alleviated if the agencies would give project applicants more responsibilities for developing the technical aspects of a NEPA document. Applicant-prepared environmental baseline studies and preliminary environmental reviews create incentives for private-sector applicants to develop technically sound documents that can withstand agency review and legal scrutiny with the ultimate objective of expediting the NEPA process and minimizing litigation vulnerabilities by providing high-quality, technically unassailable information and analyses.

This approach is consistent with the agency responsibility directives in 40 CFR § 1506.5, which allow for the applicant to provide information, prepare the EA, and require the agency to verify the information. The scope of the information that can be provided by the applicant should include but not be limited to the proposed action, project alternatives, the affected environment, environmental consequences, and cumulative effects. As noted in Section 11 above, the 40 CFR § 1506(b) should be expanded to clearly authorize applicant-prepared EAs and EISs.

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

<u>Response:</u> The definition of mitigation at 40 CFR § 1508.20 should be revised to acknowledge that compensatory mitigation must be consistent with the policies, regulations, and statutes governing the proposed action. It must also be consistent with the Administration's compensatory mitigation policy. For example, projects developed pursuant to the General Mining Law and the Federal Land Policy and Management Act cannot require compensatory mitigation. The standard applied to these projects is that they must prevent unnecessary or undue degradation (43 U.S.C. § 1732(b)). Compensatory mitigation cannot apply to necessary or due degradation (e.g., impacts that are unavoidable in order for a mine to be developed such as excavating an open pit to extract ore).

It may also be appropriate to clarify the mitigation definition in light of the U.S. Fish and Wildlife Service's recent decision to withdraw the previous administration's Mitigation Policy (See 83 Fed. Reg. Vol 83, 36469, July 31, 2018 and 83 Fed. Reg., 36472, July 30, 2018.). Both of these withdrawal decisions explain that compensatory mitigation interferes with private property rights pursuant to the Takings Clause of the Fifth Amendment of the United States Constitution, which "limits the ability of government to require monetary exactions as a condition of permitting private activities, particularly on private property." (83 Fed. Reg, at 36469 and 83 Fed. Reg. at: 36472). This finding is especially relevant to activities conducted on unpatented mining claims pursuant to the U.S. Mining Law and FLPMA in light of claimants' property rights to the minerals on their unpatented mining claims.

Conclusions

WMC strongly supports CEQ's proposed rulemaking to update its regulations for implementing the procedural provisions of the NEPA. We also stress the expediency of enforcing the existing requirements on NEPA document page limits and timelines. A rulemaking is not the right mechanism to compel federal agencies to comply with the sections on reducing paperwork (40 CFR § 1500.4), reducing delay (40 CFR § 1500.5), time limits (40 CFR § 1501.8), and page limits (40 CFR § 1502.7).

Improving and streamlining the NEPA process is an important element of the Trump administration's regulatory reform agenda as mandated in EO 13807. It is also an essential component of responding to the permit streamlining directive in President Trump's Critical Minerals EO 13817. As currently implemented, the NEPA process chills investment in the U.S. mineral sector and creates a serious barrier to exploration and development of the Nation's domestic mineral resources. This Administration's efforts to eliminate the permitting delays that stand in the way of responsible and timely development of domestic mineral deposits is essential to America's economy, technology, infrastructure, and defense.

We very much appreciate CEQ's outreach efforts to obtain public comments in this ANPR and look forward to working with CEQ throughout the rulemaking process. Please do not hesitate to contact us if you have any questions about these comments.

Respectfully submitted:

Ce logo

Barbara Coppola WMC President Barbara.Coppola@duke-energy.com

Ebra W. Struhsacher

Debra W. Struhsacker WMC Co-Founder and Director <u>debra@struhsacker.com</u>

Attachment: Exhibit I – 1995 and 2016 USGS Net Mineral Import Reliance Charts

EXHIBIT 1 1995 and 2016 U.S. Net Import Reliance Charts Sources: 1996 and 2017 USGS Mineral Commodity Surveys

00018

1995 U.S. NET IMPORT RELIANCE FOR SELECTED NONFUEL MINERAL MATERIALS

ARSENIC COLUMBIUM (niobium) GRAPHITE MANGANESE MICA, sheet (natural)	100 100 100	China, Chile, Mexico Brazil, Canada, Germany
GRAPHITE MANGANESE		
MANGANESE	100	Mexico, Canada, China, Madagascar
	100	South Africa, gabon, France, Brazil
WICA, SHEEL (Hattilal)	100	India, Brazil, Finland, China
STRONTIUM (celestite)	100	
		Mexico, Germany
YTTRIUM	100	Belgium, Canada, United Kingdom
	100	China, United Kingdom, Hong Kong, Japan, France
BAUXITE & ALUMINA	99	Australia, Jamaica, Guinea, Brazil
GEMSTONES	98	Israel, India, Belgium, United Kingdom
FLUORSPAR	92	China, South Africa, Mexico
TUNGSTEN	87	China, Germany, Bolivia, Peru
TIN	84	Brazil, Bolivia, Indonesia, China
COBALT	82	Zambia, Norway, Canada, Zaire, Finland
TANTALUM	80	Australia, Germany, Canada, Thailand
CHROMIUM	78	South Africa, Turkey, Zimbabwe, Russia, Finland
POTASH	74	Canada, Belarus, Germany, Israel, Russia
BARITE	65	China, India, Mexico
IODINE	62	Japan, Chile
NICKEL	61	Canada, Norway, Australia, Dominican Republic
ANTIMONY	60	China, Mexico, South Africa, Hong Kong
STONE (dimension)	57	Italy, Spain, India, Canada
PEAT	55	Canada
MAGNESIUM COMPOUNDS	50	China, Canada, Mexico, Greece, Austria
ASBESTOS	46	Canada
ZINC	41	Canada, Mexico, Peru, Spain
DIAMOND (dust, grit & powder)	36	Ireland, China, Russia
SELENIUM	33	Canada, Philippines, Japan, Belgium, United Kingdom
SILICON	33	Norway, Brazil, Canada, Russia
GYPSUM	30	Canada, Mexico, Spain
PUMICE	29	
ALUMINUM		Greece, Zaire, Turkey, Ecuador
	25	Canada, Russia, Venezuela, Brazil
CADMIUM	21	Canada, Mexico, Belgium, Germany
IRON & STEEL	21	European Union, Canada, Japan, Brazil, South Korea
NITROGEN (fixed), AMMONIA	20	Trinidad & Tobago, Canada, Former Soviet Union, Mexico
IRON ORE	18	Canada, Brazil, Venezuela, Australia, Mauritania
SULFUR	18	Canada, Mexico
CEMENT	17	Canada, Spain, Greece, Venezuela, Mexico
LEAD	15	Canada, Mexico, Peru, Australia
SALT	15	Canada, Mexico, Bahamas, Chile
SODIUM SULFATE	15	Canada, Mexico
VERMICULITE	15	South Africa
MICA, scrap & flake (natural)	10	Canada, India
PERLITE	8	Greece
COPPER	6	Canada, Chile, Mexico
RARE EARTHS	2	Australia
LIME	1	Canada, Mexico

Additional commodities for which there is some import dependency include:

Bismuth Gallium Ilmenite Indium Iron & steel slag Kyanite Mercury	Mexico, Belgium, China, Peru France, Germany, Russia, United Kingdom, Hungary South Africa, Australia, Canada Canada, France, Italy, Belgium, Russia Canada, Japan South Africa, France Canada, Russia, Germany	Platinum Rhenium Rutile Silver Thorium Titanium (sponge) Vanadium Zirconium	South Africa, United Kingdom, Belgium, Germany Chile, Germany, United Kingdom, Russia, Kazakstan Australia, Sierra Leone, South Africa Mexico, Canada, Peru, Chile Australia Russia, Japan, China Russia, South Africa, Canada, Mexico Australia, South Africa
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Data from U.S. Geological Survey, 1996, Mineral commodity summaries 1995; https://minerals.usgs.gov/minerals/pubs/mcs/1996/nir.gif

2017 U.S. NET IMPORT RELIANCE¹

Commodity	Percent	Major import sources (2013-16) ²
ARSENIC	100	Morocco, China, Belgium
ASBESTOS	100	Brazil, Russia
CESIUM	100	Canada
FLUORSPAR	100	Mexico, China, South Africa, Vietnam
GALLIUM	100	China, Germany, United Kingdom, Ukraine
GRAPHITE (natural)	100	China, Mexico, Canada, Brazil
INDIUM	100	Canada, China, France, Republic of Korea
MANGANESE	100	South Africa, Gabon, Australia, Georgia
MICA sheet (natural)	100	China, Brazil, Belgium, Australia, Ocorgia
NEPHELINE SYENITE	100	Canada
NIOBIUM (columbium)	100	Brazil, Canada, Russia
QUARTZ CRYSTAL (industrial)	100	China, Japan, Romania, United Kingdom
RARE EARTHS	100	China, Estonia, France, Japan
RUBIDIUM	100	Canada
SCANDIUM	100	China
STRONTIUM	100	
TANTALUM	100	Mexico, Germany, China Brazil, Buranda, Australia, Canada
THALLIUM	100	Brazil, Rwanda, Australia, Canada
		Russia, Germany
THORIUM	100	India, United Kingdom
	100 100	Czechia, Austria, Canada, Republic of Korea
YTTRIUM	100	China, Estonia, Japan, Germany
GEMSTONES	99	Israel, India, Belgium, South Africa
BISMUTH	96	China, Belgium, Peru
POTASH	92	Canada, Russia, Israel, Chile
TITANIUM MINERAL CONCENTRATES	91	South Africa, Australia, Canada, Mozambique
ANTIMONY (oxide)	85	China, Belgium, Bolivia
ZINC	85	Canada, Mexico, Peru, Australia
STONE dimension	83	China, Brazil, Italy, Turkey
RHENIUM	80	Chile, Belgium, Germany, Poland
ABRASIVES, fused aluminum oxide (crude		China, Canada, France
ABRASIVES, silicon carbide (crude)	>75	China, Netherlands, South Africa, Romania
BARITE	>75	China, India, Mexico, Morocco
BAUXITE	>75	Jamaica, Brazil, Guinea, Guyana
TELLURIUM	>75	Canada, China, Belgium, Philippines
TIN	75	Peru, Indonesia, Malaysia, Bolivia
COBALT	72	Norway, China, Japan, Finland
PEAT	71	Canada
DIAMOND (dusts, grit & powder)	70	China, Ireland, Russia, Romania
CHROMIUM	69	South Africa, Kazakhstan, Russia
PLATINUM	68	South Africa, Germany, United Kingdom, Russi
SILVER	62	Mexico, Canada, Peru, Poland
ALUMINUM	61	Canada, Russia, United Arab Emirates, China
NICKEL	59	Canada, Norway, Australia, Russia
TITANIUM (sponge)	53	Japan, China, Kazakhstan, Ukraine
GERMANIUM	>50	China, Belgium, Russia, Germany
IODINE	>50	Chile, Japan
IRON OXIDE PIGMENTS (natural)	>50	Cyprus, Spain, France, Austria
IRON OXIDE PIGMENTS (synthetic)	>50	China, Germany, Canada, Brazil
LITHIUM	>50	Chile, Argentina, China
TUNGSTEN	>50	China, Canada, Bolivia, Germany
BROMINE	<50	Israel, China, Jordan
ZIRCONIUM MINERAL CONCENTRATES	<50	South Africa, Australia, Senegal
ZIRCONIUM	<50	China, Germany, Japan
MAGNESIUM COMPOUNDS	47	China, Canada, Australia, Brazil
GARNET (industrial)	46	Australia, India, South Africa, China
PALLADIUM	45	South Africa, Russia, Italy, United Kingdom
MICA, scrap & flake (natural)	42	Canada, China, India, Finland
LEAD	40	Canada, Republic of Korea, Mexico, India
ALUMINA	37	Australia, Suriname, Brazil, Jamaica
SILICON	35	Russia, Brazil, Canada, China
COPPER	33	Chile, Canada, Mexico
VERMICULITE	30	Brazil, South Africa, China, Zimbabwe
PUMICE	27	Greece, Iceland, Mexico
		Greece, Iceland, Mexico
FELDSPAR	26	Turkey, Mexico, Spain

¹Not all mineral commodities covered in this publication are listed here. Those not shown include mineral commodities for which the United States is a net exporter (abrasives, metallic; boron; clays; diatomite; gold; helium; iron and steel scrap; iron ore; kyanite; molybdenum; sand and gravel, industrial; selenium; soda ash; titanium dioxide pigment, wollastonite; and zeolites) or less than 25% import reliant (beryllium; cadmium; cement; diamond, industrial stones; gemstones; gypsum; iron and steel; iron and steel slag; lime; magnesium metal; nitrogen (fixed)-ammonia; perlite; phosphate rock; sand and gravel, construction; salt; stone, crushed; sulfur, and talc). For some mineral commodities (hafnium, and mercury), not enough information is available to calculate the exact percentage of import reliance.

²In descending order of import share,

Data from U.S. Geological Survey, 2017, Mineral commodity summaries 2016; U.S. Geologial Survey, 202 p., https://doi.org/10.3133/70180197, Page 6.

00020

RE: [EXTERNAL] Comments on ANPRM

From: "Weiland, Paul S." <pweiland@nossaman.com>

To: "Boling, Ted A. EOP/CEQ" <(b) (6)

Date: Thu, 23 Aug 2018 13:30:52 -0400

Your staff was insistent that we use the fax, and, fortunately, we still own one. Thanks Ted.

Paul

Paul S. Weiland Attorney at Law NOSSAMAN LLP 18101 Von Karman Avenue, Suite 1800 Irvine, CA 92612 pweiland@nossaman.com T 949.477.7644 F 949.833.7878



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From: Boling, Ted A. EOP/CEQ [mailto(b) (6) Sent: Thursday, August 23, 2018 10:01 AM To: Weiland, Paul S. Subject: Re: [EXTERNAL] Comments on ANPRM

Paul, you're use of our fax machine successfully drew my attention. Thus, notwithstanding the deadline, I can tell you that CEQ is considering your comments. I appreciate the work that went into them.

Best, Ted

Sent from my iPhone

On Aug 23, 2018, at 12:50 PM, Weiland, Paul S. pweiland@nossaman.com> wrote:

Ted,

I hope you are well. I wanted to draw your attention to comments we recently submitted on the ANPRM with respect to the CEQ NEPA regulations. Unfortunately, these comments were submitted

the day after the deadline established by CEQ. This lapse is ultimately my responsibility. That said, I wanted to let you know that these modest comments were the result of direction from the client to put forth recommendations that would improve implementation of NEPA and are based on thought and deliberation among a group of practitioners with collectively over 100 years of experience working with the Act. I hope that the Council will consider and draw on them if it is your collective view that the concepts have merit, as we believe is the case. If you have any questions, please do not hesitate to contact me.

Paul Weiland

Paul S. Weiland Attorney at Law NOSSAMAN LLP 18101 Von Karman Avenue, Suite 1800 Irvine, CA 92612 pweiland@nossaman.com T 949.477.7644 F 949.833.7878

<image001.png>

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<2018-08-21 Comments re the Council on Environmental Quality's June 20, 2018 NEPA Update.pdf>

Re: [EXTERNAL] Comments on ANPRM

From:	"Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">
То:	"Weiland, Paul S." <pweiland@nossaman.com></pweiland@nossaman.com>
Date:	Thu, 23 Aug 2018 13:01:03 -0400
Attachments :	image001.png (2.74 kB)

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Paul S. Weiland Attorney at Law NOSSAMAN LLP 18101 Von Karman Avenue, Suite 1800 Jrvine, CA 92612 pweiland@nossaman.com T 949.477.7644 F 949.833.7878

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<2018-08-21 Comments re the Council on Environmental Quality's June 20, 2018 NEPA Update.pdf>

[EXTERNAL] Comments on ANPRM

From:	"Weiland, Paul S." <pweiland@nossaman.com></pweiland@nossaman.com>
То:	"Boling, Ted A. EOP/CEQ" <(b) (6)
Date:	Thu, 23 Aug 2018 12:49:46 -0400
Attachments	2018-08-21 Comments re the Council on Environmental Quality's June 20, 2018 NEPA Update.pdf (574.47 kB)

Ted,

I hope you are well. I wanted to draw your attention to comments we recently submitted on the ANPRM with respect to the CEQ NEPA regulations. Unfortunately, these comments were submitted the day after the deadline established by CEQ. This lapse is ultimately my responsibility. That said, I wanted to let you know that these modest comments were the result of direction from the client to put forth recommendations that would improve implementation of NEPA and are based on thought and deliberation among a group of practitioners with collectively over 100 years of experience working with the Act. I hope that the Council will consider and draw on them if it is your collective view that the concepts have merit, as we believe is the case. If you have any questions, please do not hesitate to contact me.

Paul Weiland

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August 21, 2018

Via Fax (202) 456-6546 and U.S. Mail

Edward A. Boling Associate Director for the National Environmental Policy Act Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503

Re: Comments regarding the Council on Environmental Quality's June 20, 2018 Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

Submitted by: The Coalition for a Sustainable Delta

Dear Mr. Boling:

The Coalition for a Sustainable Delta ("Coalition") provides the following comments in response to the Council on Environmental Quality's ("CEQ") advance notice of proposed rulemaking concerning updates to CEQ's National Environmental Policy Act ("NEPA") regulations, which was published in the Federal Register on June 20, 2018 (the "Update"). The Coalition appreciates the chance to comment on this important regulatory proposal, which has the potential to substantially impact all federal agencies and innumerable projects across the nation. We believe that CEQ has a unique opportunity to revise its regulations in a manner that would strengthen the NEPA process while reducing both inefficiencies and the potential for litigation. The Coalition supports CEQ in this attempt to modernize a framework "calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." See 42 U.S.C. § 4331(a).

I. BACKGROUND

The Coalition is a California nonprofit corporation composed of agricultural, municipal, and industrial water users, as well as individuals in the San Joaquin Valley. The Coalition and its members depend on water from the Sacramento-San Joaquin Delta ("Delta") for their continued livelihoods. Individual Coalition members use the Delta for environmental, aesthetic, and recreational purposes – making their economic and non-economic interests, and the interests of the Coalition, dependent on a healthy and sustainable Delta ecosystem. Because

changes to the environmental review process under NEPA have the potential to affect those interests, the Coalition offers the following comments regarding the Update.

II. COMMENTS

Pursuant to CEQ's request that commenters reference specific question numbers from the Update when providing responses, the Coalition has reproduced the relevant text from the Update verbatim in bold before its comments. In addition, where the Coalition is proposing specific modifications to the text of CEQ's NEPA regulations, the Coalition has used *italicized* text to indicate additions and strikethrough text to indicate deletions.

8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

- a. Alternatives;
- b. Purpose and Need;
- c. Reasonably Foreseeable;
- d. Trivial Violation; and
- e. Other NEPA terms.

The Coalition believes that CEQ should strongly consider adding definitions of the terms "Purpose" and "Need" to its NEPA regulations. These terms influence the scope of NEPA analysis and the content of NEPA documents that are both informative to the public and useful to the relevant agencies. The current lack of clarity surrounding the exact definitions of these terms contributes to NEPA analyses that are ambiguous, unfocused, and unnecessarily complex or lengthy. Introducing new definitions for these terms that clearly identify the requirements of each will help agencies and project proponents craft clear and effective NEPA documents.

A good Purpose and Need statement helps set the scope of the subsequent NEPA analysis. It also helps introduce the public to the subject under consideration – identifying *why* the agency is acting and laying out *how* the agency proposes to act. A thoughtful Purpose and Need statement can also set the stage for compliance with other laws besides NEPA, like the Clean Water Act ("CWA") and Endangered Species Act ("ESA"). Effective NEPA documents will refer back to the Purpose and Need statement throughout their analysis, linking the needs and objectives with the action alternatives, the alternatives not carried forward for further analysis, and the final agency decision.

The Coalition recommends that CEQ develop separate definitions for "purpose" and "need", as each refers to a different component of a related whole. The definition of "need" should reflect that the "need" for an action is the problem or opportunity to which the agency is responding. That may be a set of resource conditions that are undesirable and need fixing, or it could be an external request, like an application for a permit or a petition for a right-of-way. At times there may be parallel needs, including a legal responsibility on the part of the lead agency

to act, as in the case of a permit request. Highlighting the nature of *why* the government is acting helps guide an agency's decision while also making it clear to the public the reasoning for the action.

Similarly, CEQ should explain that "purpose" refers to the proposed solution to the opportunity or problem that has spurred the government to act. When stated briefly and unambiguously, without being unreasonably narrow, the "purpose" of the action should identify the fundamental reasons why the action is proposed, expressed as a desired outcome. Achieving the "purpose" – e.g., improving the problematic resource condition or providing a response to the external request – will address the need.

With these thoughts in mind, the Coalition suggests CEQ add the following language to the existing section describing the purpose and need statement:

§ 1502.13 Purpose and need.

The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

"Need" means the problem or opportunity to which the agency is responding. This may be a societal need or resource condition the agency believes requires attention, or a request made to the agency for which it is legally required to respond, such as an opplication for a permit or a request for a right-of-way.

"Purpose" means the objective of the agency's action – the solution to the identified problem or opportunity. This objective should show how the agency proposes to address the stated problem, condition, or request.

This statement should be clear, objective, and easily understandable to the general public.

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA review and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

The Coalition believes that agencies and the general public would benefit from more guidance from CEQ that delineates the proper range of alternatives agencies should consider when developing their NEPA analyses. For one, CEQ should clarify that, in this context, "alternatives" refers only to those options available to the agency conducting the NEPA analysis, not alternatives available to different agencies or to a project proponent. The Coalition has seen

too many NEPA processes get bogged down by the process of selecting alternatives. The appropriate range of alternatives that an agency reviews in the course of its NEPA analysis should logically only include those alternatives that it has the authority to implement.

Inherent in this guidance would also be a recognition that the range of alternatives will likely differ for different types of actions. For example, if the need for an action is an agency's legal responsibility to respond to a permit application, the range of alternatives likely will be small – the agency can either deny the permit or grant the permit. Contrast that situation with an agency action to remedy an undesirable resource condition. For example, suppose a bridge across a river near a popular U.S. Forest Service campground is washed out during a flood. As the relevant agencies consider how to respond to the need to restore access to the campground, there could be a suite of potential courses of action to consider, from replacing the bridge, to moving the campground, to changing the main entry point to the campground by building a new access road. Each of these general courses of action could be accomplished in multiple ways, yielding a much larger number of alternatives.

Through its Update, CEQ should also take the opportunity to reinforce how the appropriate range of alternatives for NEPA review is tethered to the purpose and need for an action. The broader an agency's purpose and need, the broader the range of alternatives that will need to be analyzed. In addition, an alternative that does not respond to the identified purpose and need for an action should not be considered to be reasonable, and therefore, does not need to be evaluated. *See* 40 C.F.R. § 1502.14.

Therefore, the Coalition suggests that CEQ make the following edits to its regulations:

§ 1500.2 Policy.

...

(e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment *while addressing the identified purpose and need for the action*.

...

§ 1502.1 Purpose.

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure ensure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which address the identified purpose and need for an

action and would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

§ 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the *Purpose and Need (§1502.13),* Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all an appropriate range of reasonable alternatives available to the agency—taking into account the size, time frame, cost, and anticipated effects of alternatives—and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(c)(d) Include the alternative of no action.

(d)(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(e)(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

The Coalition suggests that CEQ consider two additional topics in order to improve the efficiency and effectiveness of NEPA implementation: (1) the scope and use of modeling when assessing potential impacts, and (2) the adoption of environmental analyses prepared by other federal agencies.

Scope and Use of Modeling

The Coalition encourages CEQ to consider adding guidance to its NEPA regulations concerning the scope and use of the modeling of impacts. In particular, (1) how far out in time to model, and (2) when modeling is inappropriate due to the size of the associated rates of error. As CEQ has already noted in its regulations, high quality information and accurate scientific analysis are intrinsic to the NEPA process. See 40 CFR § 1500.1. EISs that include models of impacts going out decades with increasingly larger error rates do not help agencies act according to the letter and spirit of NEPA. Studies consistently show the rate of error associated with forecasting increases over time. When agencies model impacts, they should identify the type of model being used and provide the public with information to assess the relative rigor of that model. To encourage this behavior, the Coalition suggests CEQ add the following language to § 1502.24:

§ 1502.24 Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

When either the lead agency or an agency providing comments on a NEPA document uses models upon which it bases its conclusions or comments, the agency shall identify the model being used and the predicted rate of error both for when the project or action is planned to become operational and in reasonable increments over the projected life of the proposed action.

The Coalition encourages CEQ to consider whether there are regulatory revisions it can make or guidance documents it can issue that would address this issue.

Adopting Other Federal Agencies' Environmental Analyses

Another way to improve the efficiency and effectiveness of NEPA implementation would be to remove some of the procedural roadblocks erected in front of agencies that want to adopt the environmental analyses of other federal agencies. For example, requiring an agency to recirculate another agency's published EIS as a final statement before issuing a ROD, when that EIS covers the same material as would an EIS for the proposed action, unnecessarily prolongs the NEPA process. Where another federal agency has invested the time and energy into developing a pertinent EIS that has been reviewed by the public, and where the agency wanting to adopt that analysis has done a thorough review to ensure the EIS is both applicable and upto-date, the adopting agency should be able to simply issue a ROD for public review and comment.

In light of these ideas, the Coalition suggests that CEQ make the following edits to § 1506:

§ 1506.3 Adoption.

...

(b) In the case of final environmental impact statements, If if the actions covered by the original environmental impact statement and the proposed action are substantially the same, and the adopting agency has determined that the analysis in the original environmental impact statement is still current, the agency adopting another agency's statement is not required to recirculate it except as a final statement may issue its own Record of Decision based on the original environmental impact statement, making sure to allow the public an opportunity to comment on that Record of Decision. Otherwise the adopting agency shall treat the statement as a draft and recirculate it (except as provided in paragraph (c) of this section).

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

The Coalition supports the provisions in CEQ's NEPA regulations at §§ 1501.8 and 1502.7 that encourage Federal agencies to set time limits appropriate to individual actions and suggest that the text of EISs normally be less than 150 pages. The Coalition worries that an attempt to set government-wide hard limitations on either the time to complete the entire NEPA process or the length of EISs and EAs, without exceptions, could hamstring agencies and project proponents in certain situations. However, the Coalition would support efforts by individual agencies to set time and length limits for NEPA analyses of certain types of projects. The individual agencies are likely best-situated to craft guidance at the level of detail that would make this workable.

In addition, the Coalition would support specific efforts to curtail how long it can take to move from one iteration of an EIS to the next. Timelines that encourage agencies to promptly review and address public comments and keep the NEPA process moving forward should be encouraged. Long delays frustrate everyone involved in a project and risk both the site conditions and the analysis of environmental effects turning stale.

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

Given the Coalition's previously stated preference for guidance and regulations that keep the NEPA process moving forward, we support agency use of contractors to complete EISs <u>where</u> <u>such use positively affects the cost or length of the review process</u>. The Coalition would support efforts by CEQ to allow for greater flexibility in this arena. For example, the Coalition believes that a lead agency should be free to use any contractor it believes will do the best and most efficient job, regardless of whether that contractor has an interest in the outcome of a project, so long as the lead agency exercises proper oversight and retains responsibility for the objectivity of the analysis.

Certain statutes, like those pertaining federal highway construction, have modified this requirement in the past. CEQ should consider revising § 1506.5 as follows to remove restrictions on an agency's use of contractors and provide greater flexibility for the NEPA process:

§ 1506.5 Agency responsibility.

(c) Environmental impact statements. Except as provided in §§1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under §1501.6(b), a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents. Nothing in this section is intended to prohibit any agency from requesting any person to

submit information to it or to prohibit any person from submitting information to any agency.

Here again, the issuance of additional guidance from CEQ, or from individual agencies themselves, on the efficient use of contractors in crafting documents to support an agency's NEPA analysis might also be effective in fostering greater NEPA efficiency.

III. CONCLUSION

Thank you again for the opportunity to comment on the Update. The Coalition appreciates the change to share its views as CEQ considers how to make the NEPA process more meaningful, more reliable, and more efficient. Should you have any questions about our comments, please feel free to contact Paul Weiland at (949)-477-7644 or pweiland@nossaman.com.

Sincerely,

apon

Jason Peltier Executive Director

56584826

RE: [EXTERNAL] Re: Ted Boling's email

From: "Tomiak, Robert" <tomiak.robert@epa.gov>

To: "Boling, Ted A. EOP/CEQ" <(b) (6)

Date: Mon, 27 Aug 2018 10:58:42 -0400

This is being coordinated by Jane's office.

Rob

From: Boling, Ted A. EOP/CEQ [mailto(b) (6) Sent: Monday, August 27, 2018 10:57 AM To: Tomiak, Robert <tomiak.robert@epa.gov> Subject: Fwd: [EXTERNAL] Re: Ted Boling's email

Rob - do you still have an international portfolio, or is this meeting request best handled by Jane Nishida's office?

Sent from my iPhone

Begin forwarded message:

From: Elliot Sucari <<u>elliot@sucari.com</u>>
Date: August 27, 2018 at 10:52:11 AM EDT
To: "Boling, Ted A. EOP/CEQ" <
Cc: "Sucari, Elliot" <<u>ESucari@oas.org</u>>, Manuel Frávega <<u>fravega.manuel@gmail.com</u>>, "Hill-Macon,
Cam" <<u>Hill-Macon.Cam@epa.gov</u>>, <u>CDeWindt@oas.org</u>
Subject: [EXTERNAL] Re: Ted Boling's email

Mr. Boling,

Thanks for your e-mail, and again sorry for the last minute requests.

He is meeting with officials at the Environmental Appeals Board and the EPA, on Tuesday afternoon and Wednesday at noon.

Ms. Cam Hill-Macon is managing that agenda. We would be happy to include an additional meeting with your colleagues at the EPA

All best, Elliot

On Aug 27, 2018, at 10:19 AM, Boling, Ted A. EOP/CEQ < wrote:

Mr. Sucari – I'm afraid that Mr. Fravega's availability this week does not match mine. Is he meeting with officials at the Environmental Protection Agency? I might suggest that he include a meeting with my colleagues there.

Regards,

Edward A. Boling Associate Director for the National Environmental Policy Act Council on Environmental Quality 730 Jackson Place Washington, DC 20503

From: Sucari, Elliot <<u>ESucari@oas.org</u>> Sent: Monday, August 27, 2018 9:35 AM To: Boling, Ted A. EOP/CEQ < Cc: '<u>elliot@sucari.com</u>' <<u>elliot@sucari.com</u>>; 'Manuel Frávega' <<u>fravega.manuel@gmail.com</u>>; 'Hill-Macon, Cam' <<u>Hill-Macon.Cam@epa.gov</u>> Subject: [EXTERNAL] FW: Ted Boling's email

Dear Mr. Boling,

My name is Elliot Sucari and I work at the Department of Sustainable Development at the Organization American States and I am contacting you through Ms. Cam Hill-Macon Senior Advisor at the EPA. This week **Manuel Fravega**, the undersecretary of Environmental Control and Compliance Assessment of the Province of Buenos Aires (Argentina) will be on an official visit here in Washington DC.

We think it would be a great opportunity (if possible) to schedule a meeting with you or your team, in order to explore possible synergies regarding Environmental Assessment and compliance.

He would be free to meet Tuesday after 5 pm or Wednesday as from 2 pm onwards. My apologies in advance for the last minute request.

Best regards, Elliot Sucari

From: Hill-Macon, Cam [mailto:Hill-Macon.Cam@epa.gov] Sent: Friday, August 24, 2018 6:21 PM To: Sucari, Elliot Subject: [EXT] FW: Ted Boling's email

Hi Elliot,

Here is the email address for Ted Boling, the person at the Council on Environmental Quality (CEQ) who has been working across the U.S. Government to streamline the environmental impact assessment process: CEQ's website on their infrastructure permitting initiatives (<u>https://www.whitehouse.gov/ceq/initiatives/</u>). It should provide Mr. Fravega with addition information related to his interest in the U.S. environmental impact assessment process.

Thanks,

Cam

(Ms.) Cam Hill-Macon • Senior Advisor Middle East, Latin America, Africa, and Caribbean Programs EPA • Office of International and Tribal Affairs + (202) 564-6408 | <u>hill-macon.cam@epa.gov</u> | >>>www.epa.gov/international<<;<

Council on Environmental Quality

Initiatives

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- Initiatives
- FOIA
- Resources
- <u>Contact</u> <u><image003.png></u> <u>Council on Environmental Quality</u>

Infrastructure & Executive Order 13807

On September 14, 2017. CEQ <u>published a notice</u> in the Federal Register announcing an initial list of actions it will take to enhance and modernize the Federal environmental review and authorization process for infrastructure projects.

To comply with Section 5(d) of Executive Order 13807, CEQ will refer various requests for designation of State projects pursuant to Executive Order 13766 to the Federal Permitting Improvement Steering Council, Department of Transportation and U.S. Army Corps of Engineers as appropriate. CEQ will, as appropriate in response to any additional requests from States, refer projects that qualify for designation as high priority projects in accordance with Section 5(d) of Executive Order 13807. The Federal Infrastructure Permitting

<u>Dashboard</u> tracks the Federal government's environmental review and authorization processes for covered major infrastructure projects.

To comply with Section 5(b) of Executive Order 13807, on March 20, 2018, the Office of Management and Budget (OMB) and CEQ signed a Memorandum titled "One Federal Decision Framework for the Environmental Review and Authorization Process for Major Infrastructure Projects under Executive Order 13807." Pursuant to that Memorandum, federal agencies signed a One Federal Decision Memorandum of Understanding (MOU) which was announced on April 9, 2018. Signatories to the MOU include the Departments of the Interior, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, and Homeland Security, Environmental Protection Agency, U.S. Army Corps of Engineers, Federal Energy Regulatory Commission, Advisory Council on Historic Preservation, and Federal Permitting Improvement Steering Council. Links to the executive order and related materials are provided below:

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From "Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group : (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

To: Rob Tomiak <tomiak.robert@epa.gov>

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Council on Environmental Quality

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All best, Elliot	
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Is he me	ari – I'm afraid that Mr. Fravega's availability this week does not match mine. eeting with officials at the Environmental Protection Agency? I might suggest that he include a g with my colleagues there.
Regards	
Associa Nation Council 730 Jac	A. Boling te Director for the al Environmental Policy Act on Environmental Quality kson Place gton, DC 20503
Sent: M To: Boli	ucari, Elliot < <u>ESucari@oas.org</u> > londay, August 27, 2018 9:35 AM ng, Ted A. EOP/CEQ < <u></u>

Macon, Cam' <<u>Hill-Macon.Cam@epa.gov</u>> Subject: [EXTERNAL] FW: Ted Boling's email

Dear Mr. Boling,

My name is Elliot Sucari and I work at the Department of Sustainable Development at the Organization American States and I am contacting you through Ms. Cam Hill-Macon Senior Advisor at the EPA. This week **Manuel Fravega**, the undersecretary of Environmental Control and Compliance Assessment of the Province of Buenos Aires (Argentina) will be on an official visit here in Washington DC.

We think it would be a great opportunity (if possible) to schedule a meeting with you or your team, in order to explore possible synergies regarding Environmental Assessment and compliance.

He would be free to meet Tuesday after 5 pm or Wednesday as from 2 pm onwards. My apologies in advance for the last minute request.

Best regards, Elliot Sucari

From: Hill-Macon, Cam [mailto:Hill-Macon.Cam@epa.gov] Sent: Friday, August 24, 2018 6:21 PM To: Sucari, Elliot Subject: [EXT] FW: Ted Boling's email

Hi Elliot,

Here is the email address for Ted Boling, the person at the Council on Environmental Quality (CEQ) who has been working across the U.S. Government to streamline the environmental impact assessment process: **CEQ**'s website on their infrastructure permitting initiatives (https://www.whitehouse.gov/ceq/initiatives/). It should provide Mr. Fravega with addition

information related to his interest in the U.S. environmental impact assessment process.

Thanks,

Cam

(Ms.) Cam Hill-Macon • Senior Advisor Middle East, Latin America, Africa, and Caribbean Programs EPA • Office of International and Tribal Affairs + (202) 564-6408 | <u>hill-macon.cam@epa.gov</u> | >>www.epa.gov/international<<

Council on Environmental Quality

Initiatives

• SHARE:

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<image001.png>In this section <image002.png>

- Initiatives
- FOIA
- Resources
- Contact

<image003.png>
Council on Environmental Quality

Infrastructure & Executive Order 13807

On September 14, 2017, CEQ <u>published a notice</u> in the Federal Register announcing an initial list of actions it will take to enhance and modernize the Federal environmental review and authorization process for infrastructure projects.

To comply with Section 5(d) of Executive Order 13807, CEQ will refer various requests for designation of State projects pursuant to Executive Order 13766 to the Federal Permitting Improvement Steering Council, Department of Transportation and U.S. Army Corps of Engineers as appropriate. CEQ will, as appropriate in response to any additional requests from States, refer projects that qualify for designation as high priority projects in accordance with Section 5(d) of Executive Order 13807. The Federal Infrastructure Permitting Dashboard tracks the Federal government's environmental review and authorization processes for covered major infrastructure projects.

To comply with Section 5(b) of Executive Order 13807, on March 20, 2018, the Office of Management and Budget (OMB) and CEQ signed a Memorandum titled "One Federal Decision Framework for the Environmental Review and Authorization Process for Major Infrastructure Projects under Executive Order 13807." Pursuant to that Memorandum, federal agencies signed a One Federal Decision Memorandum of Understanding (MOU) which was announced on April 9, 2018. Signatories to the MOU include the Departments of the Interior, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, and Homeland Security, Environmental Protection Agency, U.S. Army Corps of Engineers, Federal Energy Regulatory Commission, Advisory Council on Historic Preservation, and Federal Permitting Improvement Steering Council. Links to the executive order and related materials are provided below:

• Executive Order 13807 (August 15, 2017)

- CEQ Initial List of Actions & Fact Sheet (September 14, 2017)
- Executive Order 13766 Requests & CEQ Responses (Updated March 27, 2018):
 - o California: Request Interim Response Response
 - o Florida: Request Interim Response Response
 - o Louisiana: Request Interim Response Response
 - o Nebraska: Request Interim Response Response
 - Texas: Request Response
 - o Utah: Request Interim Response Response
 - o U.S. Virgin Islands: Request Response
- Executive Order 13807 and Implementation of One Federal Decision:
 - o Framework Memorandum (March 20, 2018)
 - o Memorandum of Understanding, Press Release and Fact Sheet (April 9, 2018)
 - <u>Press Release</u> titled "What They Are Saying: Support For President Donald J.
 - Trump's Action To Improve Federal Infrastructure Permitting" (April 10, 2018)
- <u>Advance Notice of Proposed Rulemaking: Update to the Regulations for Implementing</u> <u>the Procedural Provisions of the National Environmental Policy Act & Fact Sheet</u> (June 20, 2018)
 - Advance notice of proposed rulemaking; extension of comment period (July 11, 2018)

[EXTERNAL] FW: Ted Boling's email

From :	"Sucari, Elliot" <esucari@oas.org></esucari@oas.org>
То:	"Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark>
Cc:	elliot@sucari.com, "Manuel Frávega" <fravega.manuel@gmail.com>, "Hill-Macon, Cam" <hill-macon.cam@epa.gov></hill-macon.cam@epa.gov></fravega.manuel@gmail.com>
Date:	Mon, 27 Aug 2018 09:35:02 -0400
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Munama	is Ellist Guard and Luceth at the Department of Guateinship Development at the Organizati

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Thanks,
Cam

(Ms.) Cam Hill-Macon • Senior Advisor Middle East, Latin America, Africa, and Caribbean Programs EPA • Office of International and Tribal Affairs + (202) 564-6408 | hill-macon.cam@epa.gov | >www.epa.gov/international<

Council on Environmental Quality

Initiatives



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In this section

- Initiatives
- FOIA
- Resources
- Contact



Council on Environmental Quality

Infrastructure & Executive Order 13807

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 - o Nebraska: <u>Request</u> <u>Interim Response</u> <u>Response</u>
 - Texas: <u>Request</u> <u>Response</u>
 - o Utah: Request Interim Response Response
 - U.S. Virgin Islands: <u>Request Response</u>
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 - Press Release titled "What They Are Saying: Support For President Donald J. Trump's Action To Improve Federal Infrastructure Permitting" (April 10, 2018)
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 - Advance notice of proposed rulemaking; extension of comment period (July 11, 2018)

FW: Following up on our call last week

From:	"Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">
То:	"Drummond, Michael R. EOP/CEQ" <mark>(b) (6)</mark> "Mansoor, Yardena M. EOP/CEQ" ⊲(b) (6)
Date:	Tue, 28 Aug 2018 10:02:01 -0400
Attachments :	CEAA comments to ANPR CEQ's NEPA regulations.docx (23.31 kB)

From: Stoimenova, Yordanka (CEAA/ACEE) <yordanka.stoimenova@canada.ca> Sent: Tuesday, August 28, 2018 9:47 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Cc: Hynes, Aaron (CEAA/ACEE) <aaron.hynes@canada.ca>; Rooney, Audrey (CEAA/ACEE) <audrey.rooney@canada.ca> Subject: [EXTERNAL] RE: Following up on our call last week

Good morning Ted,

Apologies for the delay in getting back to you, I was away yesterday.

Please find attached Canadian Environmental Assessment Agency's comments on the Council of Environmental Quality's (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act. We appreciate your flexibility in accepting our submission.

With regard to BBNJ, the Agency supports Global Affairs Canada on EIA-related topics. I participated in the discussions at the Preparatory Committee and will be representing the Agency during the upcoming BBNJ IGC negotiations. Are you going to be directly involved in this work?

Best regards, Yordanka

Yordanka Stoimenova

Policy Analyst, Policy Analysis Division Canadian Environmental Assessment Agency / Government of Canada yordanka.stoimenova@canada.ca / Tel: 613-793-7086

Analyste des politiques, Direction de l'analyse des politiques Agence canadienne d'évaluation environnementale / Gouvernement du Canada yordanka.stoimenova@canada.ca / Tél. : 613-793-7086 From: Boling, Ted A. EOP/CEQ [mailto(b) (6) Sent: August 27, 2018 1:52 PM To: Stoimenova, Yordanka (CEAA/ACEE) Subject: *****SPAM***** Following up on our call last week

Yordanka,

I haven't seen any comments from CEAA yet, so I'm hoping that you can send them to me directly. Also, is anyone from CEAA working on the Biodiversity Beyond National Jurisdiction negotiations that will start next week at the U.N.?

Regards, Ted

Edward A. Boling Associate Director for the National Environmental Policy Act Council on Environmental Quality 730 Jackson Place Washington, DC 20503

Canadian Environmental Assessment Agency comments on the potential revisions to the Council of Environmental Quality's (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA)

The Canadian Environmental Assessment Agency (the Agency) appreciates the opportunity to provide comments on the potential revisions to update and clarify the Council of Environmental Quality's (CEQ) regulations for implementing the procedural provisions of the *National Environmental Policy Act* (NEPA).

The Agency's general comment is related to the inclusion of specific provisions in the CEQ's NEPA regulations for consideration of potential transboundary impacts as part of the NEPA review of proposed federal actions. Such provisions would clarify that NEPA applies to transboundary impacts that may occur as the result of a proposed federal action in the U.S. and would ensure greater consistency among the federal agencies in applying these requirements.

In response to some of the specific questions set out in the Advance Notice of Proposed Rulemaking, the following are our specific comments on considering transboundary impacts:

Question 5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decision-makers and the public, and if sa, haw?

The Agency recommends that a specific requirement to consider and analyze transboundary impacts of actions in the U.S. be incorporated in the CEQ's NEPA regulations (e.g. in §1501.7).

In particular, if a proposed federal action has a potential to significantly impact resources, environmental components or human health across international borders, the lead federal agency should be required to consider these impacts in the NEPA review, notify potentially affected foreign governments and provide them with opportunities to review and comment on related environmental impact statement (EIS) documents.

The CEQ 1997 Guidance on Transboundary Environmental Impacts directs federal agencies to include analysis of reasonably foreseeable transboundary effects of proposed actions in their analysis of proposed actions in the U.S. However, the Agency has noted a gap in the application of these directions by the federal agencies in considering potential impacts to Canada of activities in the U.S. including such provisions in the CEQ NEPA regulations could help address this gap by setting firm requirements for federal agencies to consider transboundary impacts in their NEPA reviews and possibly develop steps in their respective environmental review procedures that reflect this requirement.

For example, under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), as well as its proposed replacement, the Impact Assessment Act, the authority responsible for assessing a designated project is required to consider, among other effects, changes to the environment that would occur outside of Canada.

In addition, the Agency has established a consistent approach for engaging with U.S. officials on environmental assessments of designated projects with potential transboundary effects. Since the coming into force of CEAA 2012, there have been several projects, mainly in British Columbia and Ontario, for which the Canadian government had to take into account the potential for transboundary effects in the U.S. For those projects, the federal government:

- notifies the U.S. federal and state agencies about a proposed project that may have transboundary environmental impacts;
- provides them with relevant information about the federal environmental assessment process; and
- provides them with the opportunity to participate in the assessment process and provide comments.

Question 6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

Similar to the comments to Question 5, the Agency recommends revisions to the CEQ's NEPA regulations (e.g. in §1503.1) to require the lead agency to invite comments on a draft EIS from the public of a foreign country that may be affected by transboundary impacts of a proposed federal action.

Such a requirement would facilitate Canadian stakeholders' participation in the review of federal actions in the U.S. that may have transboundary impacts in Canada. Procedures or guidance on how to operationalize such a requirement could be developed subsequently as needed.

Transboundary coordination and cooperation in environmental impact assessment is an area of mutual interest for our two countries. We acknowledge that the above comments are high level and we look forward to further engaging with the CEQ and EPA in exploring options for information-sharing and consultation on projects with potential transboundary impacts.

Indian Health Service

From: "Mansoor, Yardena M. EOP/CEQ" <(b) (6)

"Mansoor, Yardena M. EOP/CEQ" <(b) (6)

Date: Thu, 30 Aug 2018 09:49:32 -0400

Attachments: 20180830092134713.pdf (553.84 kB); HHS Indian Health Service.pdf (518.92 kB)

---Original Message----

To:

From: Sent: Thursday, August 30, 2018 9:22 AM To: Mansoor, Yardena M. EOP/CEQ < (b) (6) Subject: Message from "RNP00267332FCE5"

This E-mail was sent from "RNP00267332FCE5" (C9155).

Scan Date: 08.30.2018 09:21:34 (-0400) Queries to:



Indian Health Service Rockville MD 20857

⁷JUL 2 5 2018

Edward A. Boling Associate Director for the National Environmental Policy Act Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503

Dear Mr. Boling:

The Indian Health Service (IHS) understands the Council on Environmental Quality (CEQ) is considering updating the procedural provisions of the regulations implementing the National Environmental Policy Act (NEPA). IHS is aware these regulations have only been significantly amended once since promulgation and appreciates this opportunity to provide input to the CEQ.

IHS supports CEQ making the following changes that may further the goals of NEPA, while simplifying compliance. We understand that these comments are being submitted after the deadline in the Advance Notice of Proposed Rulemaking published at 83 FR 28591, but we hope they are still helpful. Please note the question numbers below correspond to questions in the Advance Notice of Proposed Rulemaking published at 83 FR 28591.

- 1. Requirements for public notices related to Findings of No Significant Impact should be more specific in §1506.6 (Question 6).
- 2. IHS supports using a more precise definition of the term "significantly" (§1508.27). This could be accomplished in part by clarifying the concept of context in §1508.27(a). In addition, the concept of controversy (§1508.27(b)(4)) is considered in evaluating the intensity of significance and this may be confusing and should be clarified or eliminated (Question 7).
- 3. A definition should be added for the concept of a "Mitigated Finding of No Significant Impact" (§1508) that clarifies with proper mitigation a proposed action that would otherwise require an Environmental Impact Statement (EIS) would not require one (Questions 8 and 20).
- 4. IHS supports the addition of regulatory language expanding on existing language that states that Environmental Assessments (EA) should be "concise" documents (§1508.9) by addition of a page limit to the definition of an EA (Question 9).
- 5. IHS supports the CEQ establishing common procedures for EAs to make it easier for Federal agencies to improve coordination during NEPA related reviews. A separate section of the regulation should be added for EAs that would include procedures, format, and public notice requirements (Question 9).
- 6. Provisions on the timing of agency action should be revised to specifically clarify that a Federal agency setting aside funding for a proposed action is not an action in itself, so that completion of a NEPA related review could be completed prior to initiating the action itself (e.g. construction) (Question 10).

- 7. IHS supports measures that would establish time limits for injunctive relief after a Finding of No Significant Impact or Record of Decision has been signed (Question 17).
- 8. With regard to question #18 about the role of tribal governments, IHS recommends the following:
 - a. A definition of "Indian Tribe" matching that in the Indian Self-Determination and Education Assistance Act at 25 U.S.C. §5304 should be added to §1508.
 - b. IHS suggests that Federal agencies must ensure Indian Tribes are able to provide input into Federal actions that affect them beyond the language in §1506.6(b)(3)(ii). IHS suggests language be added as a new section 1506.6(b)(4) to address interactions between tribes and the Federal government when completing NEPA reviews.
 - c. As a reminder, under Section 509 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 5389(a)), Self-Governance Tribes are required to assume responsibility for NEPA compliance. It should be noted that when such Tribes accept responsibility for NEPA they have the option of developing their own environmental review process, adopting the procedures of the IHS, or adopting the procedures of another Federal agency in accordance with 42 CFR 137.295. It would be important with regard to any potential changes to the CEQ NEPA regulations affecting Tribes that this right and responsibility of Self-Governance Tribes is preserved.

If there are any questions, please contact Ben Shuman at <u>benjamin.shuman@ihs.gov</u> or 301-443-4169.

Sincerely,

Jam Gary J. Hartz, P.E.

RADM, USPHS (ret.) Director, Office of Environmental Health & Engineering Indian Health Service



Public Health Service

Indian Health Service Rockville MD 20857

JUI Z 5 2018

Edward A. Boling Associate Director for the National Environmental Policy Act Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503

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Sincerely,

Jam Gary J. Hartz, P.E.

RADM, USPHS (ret.) Director, Office of Environmental Health & Engineering Indian Health Service

RE: DO OUTS for August 28, 2018 NEPA Implementing

Regulations Working Group Meeting

From:	"Mansoor, Yardena M. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Szabo, Aaron L. EOP/CEQ" <(0) (6)
Cc:	"Boling, Ted A. EOP/CEQ" (b) (6) R. EOP/CEQ" (b) (6)
Date:	Thu, 30 Aug 2018 12:56:17 -0400
Attachments :	American Public Works Association.pdf (502.12 kB); Coalition for a Sustainable Delta CA.pdf (2.31 MB); Credo Action Petitions.pdf (586.29 kB); King County WA.pdf (495.64 kB); Lindon Schultz.pdf (211.04 kB); Postcards (12) from individuals.pdf (917.24 kB); South Dakota Dept Game, Fish and Parks.pdf (1.1 MB); Truckee-Carson Irrigation District NV.pdf (2.86 MB); Blueprint 2025.pdf (1.41 MB)

The 3 Federal agency comment submittals received to date have been moved into the designated folder. (HHS sent a cover email and an attachment in Word and pdf, so it shows as 3 files. Let me know if you prefer the two pdfs consolidated in a single file and not posting the duplicate Word attachment.) I'll continue to post the agency comments as they come in.

Attached for posting are the public comments received at CEQ and that are not duplicates of regulations.gov submittals. I'll send any additional ones as they arrive. The 12 postcards are grouped together because they are all postmarked San Francisco 8/13/2018, and signatures are not uniformly provided, complete, or legible.

Two items from the task are done for now:

NEPA Team

- Add agency comments to the SharePoint site in the ANPRM Comments/Agency folder (due COB 8/31)
 Done 8/30
- Provide Aaron with PDF versions of public comments that were not provided via regulations.gov for upload (due ASAP) Done 8/30
- Provide Aaron with terms for custom categorization/searches in FDMS, if necessary (due ASAP)

FW: Suggested Reading

From:	"Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">
То:	"Loyola, Mario A. EOP/CEQ" < <mark>(b) (6)</mark>
Cc:	"Drummond, Michael R. EOP/CEQ" (b) (6)
Date:	Fri, 31 Aug 2018 14:03:24 -0400
Attachments :	10400 Nicholas Yost.pdf (137.08 kB); 11898 Nicholson (NAEP).pdf (196.87 kB); 11812 Multistate AG comments (76 pages).pdf (3.62 MB); 12056 Dinah Bear.pdf (161.77 kB); 12161 Ray Clark.pdf (113.82 kB); 12381 Horst Greczmiel.pdf (431.04 kB); E-0014 King County WA.pdf (129.6 kB); CEQ-2018-0001-10973-A1.pdf (141.07 kB); 11660-A1.pdf (320.04 kB); 11597-A1.pdf (354.71 kB); 11574-A2.pdf (446.94 kB); 11561-A1.pdf (2.07 MB); 11542-A1.pdf (2.75 MB); 11539-A1.pdf (195.09 kB)

Michael's suggestions, with a substantial degree of overlap and Pacific NW bias.

From: Drummond, Michael R. EOP/CEQ Sent: Friday, August 31, 2018 11:09 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Subject: Suggested Reading

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality

FW: Suggested Reading

From:	"Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">
То:	"Mansoor, Yardena M. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Fri, 31 Aug 2018 13:42:17 -0400
Attachments :	10400 Nicholas Yost.pdf (137.08 kB); 11898 Nicholson (NAEP).pdf (196.87 kB); 11812 Multistate AG comments (76 pages).pdf (3.62 MB); 12056 Dinah Bear.pdf (161.77 kB); 12161 Ray Clark.pdf (113.82 kB); 12381 Horst Greczmiel.pdf (431.04 kB); E-0014 King County WA.pdf (129.6 kB); CEQ-2018-0001-10973-A1.pdf (141.07 kB); 11660-A1.pdf (320.04 kB); 11597-A1.pdf (354.71 kB); 11574-A2.pdf (446.94 kB); 11561-A1.pdf (2.07 MB); 11542-A1.pdf (2.75 MB); 11539-A1.pdf (195.09 kB)

From: Drummond, Michael R. EOP/CEQ Sent: Friday, August 31, 2018 11:09 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Subject: Suggested Reading

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality

RE: NEPA Team Meeting

 From
 "Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group</td>

 :
 (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

 To:
 "Drummond, Michael R. EOP/CEQ" <(b) (6)</td>

 Date:
 Wed, 05 Sep 2018 11:24:44 -0400

Well done. Let's put me at the first CEQ (ANPRM), you on the second (Timelines), and Alex or Mario on the third (EO 13807). Please share it with Alex and Mario and discuss it with Mary.

Can we talk at noon?

From: Drummond, Michael R. EOP/CEQ Sent: Wednesday, September 5, 2018 11:21 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Subject: RE: NEPA Team Meeting

Okay, here's the agenda as it currently stands. Any edits?

3:00	Welcome
3:05	Update on Advance Notice of Proposed Rulemaking CEQ
3;20	• Michelle Lennox, NOAA
3:30	NEPA Timelines and One Federal Decision CEQ
3:45	 EPA Update Rob Tomiak or Kelly Knight, EPA
4;00	13807 Implementation Update • CEQ
4:10	Looking Ahead: NEPA 50 th Anniversary • Ted Boling
4:20	Questions / Discussion

From: Boling, Ted A. EOP/CEQ Sent: Wednesday, September 5, 2018 11:06 AM To: Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RE: NEPA Team Meeting

Yes - we won't get out of making some assessment of the ANPRM and likely next steps.

From: Drummond, Michael R. EOP/CEQ Sent: Wednesday, September 5, 2018 10:54 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Subject: RE: NEPA Team Meeting

Hello Jessie!

I'm planning to send out the NEPA Contacts Meeting invite. Do you want us to reference the ANPRM and potential agency comments? Yardena seems to think agencies may be waiting for your request prior to submitting.

From: Boling, Ted A. EOP/CEQ Sent: Wednesday, September 5, 2018 10:43 AM To: Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RE: NEPA Team Meeting

Jessica McGrath sends her regards

From: Drummond, Michael R. EOP/CEQ Sent: Wednesday, September 5, 2018 10:31 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Subject: NEPA Team Meeting

Concluded in 29 minutes.

Let me know if you have time today to chat.

Best,

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality

RE: 9/26 Talking Points

From:	"Smith, Kalherine R. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=e45de0bbb5ca4e87a4c4528ec12a7b03-sm">
То:	"Schneider, Daniel J. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Thu, 06 Sep 2018 13:01:04 -0400
Attachments :	20180926 DRAFT Mary DOI NEPA Conference Remarks_KRS.docx (25.72 kB)
See attached.	
Thanks	
From: Schneider, Daniel J. EOP/CEQ Sent: Thursday, September 6, 2018 11:15 AM To: Smith, Katherine R. EOP/CEQ <(b) (6) Subject: 9/26 Talking Points	
Katherine,	

Per our phone call, please see the attached draft for your review/additions.

Thank you!

Dan

Dan Schneider Associate Director for Communications Council on Environmental Quality Executive Office of the President (b) (6) (b) (6)

www.whitehouse.gov/ceq



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b) (5)

b) (5)

00004

RE: CEQ's NEPA Implementing Regulations - Working Group

Meeting

From:	"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark>
То:	 "Boling, Ted A. EOP/CEQ" <(b) (6) "Loyola, Mario A. EOP/CEQ" <(b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6) "Mansoor, Yardena M. EOP/CEQ" (b) (6) "Smith, Katherine R. EOP/CEQ" (b) (6) "Barnett, Steven W. EOP/CEQ" (b) (6) "Seale, Viktoria Z. EOP/CEQ" (b) (6)
Cc:	"Pettigrew, Theresa L. EOP/CEQ" (b) (6) Daniel J. EOP/CEQ" (b) (6)
Date:	Thu, 06 Sep 2018 11:31:12 -0400
Attachments :	Draft Agenda_09062018.docx (15.72 kB)
All,	

Please find the Agenda for the meeting attached.

-----Original Appointment-----From: Szabo, Aaron L. EOP/CEQ Sent: Tuesday, August 7, 2018 5:24 PM To: Szabo, Aaron L. EOP/CEQ; Boling, Ted A. EOP/CEQ; Loyola, Mario A. EOP/CEQ; Drummond, Michael R. EOP/CEQ; Mansoor, Yardena M. EOP/CEQ; Thomas L. EOP/CEQ Sharp ((b) (6) Barnett, Steven W. EOP/CEQ; Viktoria Z. EOP/CEQ Seale ((b) (6) Cc: Theresa L. EOP/CEQ Pettigrew ((b) (6) Daniel J. EOP/CEQ Schneider ((b) (6)

Subject: CEQ's NEPA Implementing Regulations - Working Group Meeting When: Thursday, September 6, 2018 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada). Where: 734 JP 2nd FL

ADDED call-in information:

Participant Dial-In: (b) (6)

Participant Code: (b) (6)

Moved due to conflicts with people's schedules

CEQ's NEPA Implementing Regulations Working Group AGENDA

September 6, 2018, 1:00 – 2:00PM

- 1. NEPA Background-History Discussion—Ted Boling, Mario Loyola (presenting), Working Group (discussion)—30 minutes
- Initial Review of Priority List of Issues—Working Group—15 minutes

 Determine Issues to Address in Next Week's Discussion
- 3. Brief Update on ANPRM Comments—Aaron Szabo—5 minutes
- 4. Discuss Highlights from Representative ANPRM Comments—Working Group—10 minutes

9/26 Talking Points

From:	"Schneider, Daniel J. EOP/CEQ" <(b) (6)
То:	"Smith, Katherine R. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Thu, 06 Sep 2018 11:15:17 -0400
Attachments:	20180926 DRAFT Mary DOI NEPA Conference Remarks.docx (21.39 kB)
Katherine,	
Per our phone ca	all, please see the attached draft for your review/additions.
Thank you!	
Dan	
Dan Schneider	
Associate Direct	or for Communications
Council on Envir	onmental Quality
Executive Office of the President	

(b) (6) (desk)

(b) (6) www.whitehouse.gov/ceq

(b) (5)

b) (5)

00002

b) (5)

Transboundary notification

From :	"Teel, Pam" <teel.pam@epa.gov></teel.pam@epa.gov>
То:	"Katchinoff, Julien M" <katchinoffjm@state.gov></katchinoffjm@state.gov>
Cc:	"Boling, Ted A. EOP/CEQ" <(b) (6) "Boling, Ted A. EOP/CEQ" <(b) (6) wingrd@state.gov
Date:	Fri, 20 Jul 2018 14:39:07 -0400

Hi Julien,

I've spoken with Ted and left a long (rambling) message with Rob W. on the possibility of having an initial conference call with GAC sometime during the month of August (might be good to schedule well before Aug. 20, the deadline for CEQ's Advance Notice of Proposed Rulemaking for NEPA). Ted is fine with participating on a conference call.

For Tuesday, you might indicate to GAC that we should set up a date/time in August for having this call, between State-CEQ-EPA/OITA on the US side and GAC-CEAA on the Canadian side. This initial call would not need to involve the Regions (yet). (b) (5)

In addition to setting up a date/time for discussing, we would probably want to have a jointlydeveloped agenda before the call so all can come prepared to have a fruitful discussion and set out next steps.

Pam

Pam Teel, Canada Program Manager North America Programs Office of International and Tribal Affairs U.S. EPA Tel. 202-564-6424 >http://www.epa.gov/< >http://www2.epa.gov/international-cooperation/epa-efforts-north-america<

RE: CEQ NEPA Regulations ANPRM

From:	"McCarthy, Annette" <annette.mccarthy@fda.hhs.gov></annette.mccarthy@fda.hhs.gov>
То:	FN-CEQ-NEPA <
Cc:	"Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6) "Mansoor, Yardena M. EOP/CEQ" <(b) (6) "Kux, Leslie" <leslie.kux@fda.hhs.gov>, "Flamm, Eric" <eric.flamm@fda.hhs.gov></eric.flamm@fda.hhs.gov></leslie.kux@fda.hhs.gov>
Date:	Mon, 20 Aug 2018 11:18:22 -0400
Attachments :	FDA on CEQ ANPRM_ Final.pdf (192.66 kB)
	find the comments of the Food and Drug Administration in response to the ANPRM on Regulations. If you have any questions, please let us know. Thank you.
Annette McCart	
Center for Food Sa Office of Food Add U.S. Food and Drug Tel: 240 402-1057 annette.mccarthy@t	g Administration
FDA U.S. FOOD & DRUG	
f ⊻ 🚥 🚥	
To: FN-CEQ-NEP/	ıly 10, 2018 11:03 AM
(b) (6) Subject: CEQ NEI	PA Regulations ANPRM Extension of Comment Period

Federal NEPA Contacts,

The Council on Environmental Quality (CEQ) is extending the public comment period on the Advance Notice of Proposed Rulemaking (ANPRM), which was originally scheduled to close on July 20, 2018, through August 20, 2018. CEQ is making this change in response to public requests for an extension of the comment period. The notice of the extension of the ANPRM is

scheduled to be published in the Federal Register tomorrow, July 11, 2018. The pre-publication version of the notice is attached to this email and available <u>here</u>.

Sincerely,

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality



Mr. Edward Boling Associate Director for National Environmental Policy Act Council on Environmental Quality Act 730 Jackson Place, NW Washington, D.C. 20506

Dear Mr. Boling:

b) (5)


Page 6 - Mr. Boling

[Page 2 of text]

Page 7 - Mr. Boling

Document History:

NRC staff's comments on CEQ's Advance Notice of Proposed Rulemaking, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act."

From:	"Erwin, Kenneth" <kenneth.erwin@nrc.gov></kenneth.erwin@nrc.gov>
То:	"Boling, Ted A. EOP/CEQ" <(b) (6)
Cc:	"Diaz Toro, Diana" <diana.diaz-toro@nrc.gov>, "Roman-Cuevas, Cinthya" <cinthya.roman-cuevas@nrc.gov>, "Kugler, Andrew" <andrew.kugler@nrc.gov>, "Kratchman, Jessica" <jessica.kratchman@nrc.gov>, "Taylor, Robert" <robert.taylor@nrc.gov>, "Kim, Grace" <grace.kim@nrc.gov>, "Adler, James" <james.adler@nrc.gov>, "Martin, Jody" <jody.martin@nrc.gov>, "Campbell, Andy" <andy.campbell@nrc.gov>, "Bradford, Anna" <anna.bradford@nrc.gov>, "Beasley, Benjamin" <benjamin.beasley@nrc.gov>, "Rikhoff, Jeffrey" <jeffrey.rikhoff@nrc.gov></jeffrey.rikhoff@nrc.gov></benjamin.beasley@nrc.gov></anna.bradford@nrc.gov></andy.campbell@nrc.gov></jody.martin@nrc.gov></james.adler@nrc.gov></grace.kim@nrc.gov></robert.taylor@nrc.gov></jessica.kratchman@nrc.gov></andrew.kugler@nrc.gov></cinthya.roman-cuevas@nrc.gov></diana.diaz-toro@nrc.gov>
Date:	Mon, 20 Aug 2018 13:38:39 -0400
Attachments	Consolidated Comments on CEQ Questions in its ANPR-Rev 2-Clean.docx (39.91
:	kB)
Ted,	

Please see our attached copy of NRC staff's comments on CEQ's Advance Notice of Proposed Rulemaking, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act."



If you have any questions on these comments; please contact myself or Diana Diaz-Toro.

Thank you for the opportunity to provide input!

Ken T. Erwin, Branch Chief Environmental Technical Review Branch (RENV) U.S. Nuclear Regulatory Commission Office of New Reactors Division of Site Safety and Environmental Analysis M.S. 07H4 Washington, D.C. 20555 Telephone: (301) 415-7559

00002

Re: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)

From	"Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group
:	(fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">
То:	"Whiteman, Chad S. EOP/OMB" <(b) (6)
Cc:	"Drummond, Michael R. EOP/CEQ" <(b) (6)
Date:	Mon, 06 Aug 2018 11:41:46 -0400
Thanks -	a) (5)
Sent from	my iPhone
> On Aug >	6, 2018, at 11:31 AM, Whiteman, Chad S. EOP/OMB < (b) (6) wrote:
> FYI	
> From: > Sent: Me > To: Whi	ainal Message (6) CIV (US) < (b) (6) @usace.army.mil> onday, August 6, 2018 11:05 AM teman, Chad S. EOP/OMB < (b) (6) RE: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)
> 105.	
> <mark>(b) (5)</mark> >	
	forward to the interagency discussions when planned.
>Orig > From: W > Sent: Ma > To: (b) (ginal Message /hiteman, Chad S. EOP/OMB [mailto:(b) (6) onday, August 6, 2018 10:51 AM CIV (US) <(b) (6) @usace.army.mil> RE: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)
> >(b) (6) >(b) (5)	
> Chad	
	hiteman Chief, Natural Resources and Environment Branch Office of Information and Regulatory Affairs Office of ent and Budget Executive Office of the President

>
>
>Original Message
> From: Dorjets, Vlad EOP/OMB
> Sent: Monday, August 6, 2018 10:13 AM
> To: (b) (6) E CIV (US) <(b) (6) (<i>d</i>)usace.army.mil>
> Cc: Whiteman, Chad S. EOP/OMB < (b) (6)
> Subject: RE: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)
>
> Chad Whiteman is leading. I've copied him.
>
>Original Message
> From: (b) (6) E CIV (US) <(b) (6) @usacc.army.mil>
> Sent: Monday, August 6, 2018 8:11 AM
> To: Dorjets, Vlad EOP/OMB <
> Subject: FW: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)
> Hi Vlad do you know who at OMB is leading the NEPA comments? Is it Matt?
> <mark>(b) (5)</mark>
> Thanks,
>

FW: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)

From:	"Whiteman, Chad S. EOP/OMB" < <mark>(b) (6)</mark>
То:	"Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Mon, 06 Aug 2018 11:31:32 -0400
FYI	
To: Whiteman	
Yes.	
(b) (5)	
We look forw	ard to the interagency discussions when planned.
Sent: Monday To: (b) (6)	nan, Chad S. EOP/OMB [mailto: (b) (6)
(b) (6) (b) (5)	
	an , Natural Resources and Environment Branch Office of Iuformation and Regulatory Affairs Office of and Budget Executive Office of the President
Sent: Monday To: (b) (6) Cc: Whiteman	s, Vlad EOP/OMB r, August 6, 2018 10:13 AM
Chad Whitem	an is leading. I've copied him.
Original I From: (b) (6)	Message E CIV (US) < (b) (6) @usace.army.mil>

Scnt: Monday, August 6, 2018 8:11 AM To: Dorjets, Vlad EOP/OMB < (b) (6) Subject: FW: CEQ NEPA Regulation - USACE Review (UNCLASSIFIED)

Hi Vlad do you know who at OMB is leading the NEPA comments? Is it Matt?

(b) (5)

Thanks,

CEQ NEPA ANPRM - Update to the Regulations and for

Implementing the Procedural Provisions of NEPA

From:	"(b) (6) CIV USARMY HQDA ASA CW (US)" <(b) (6) @mail.mil>
То:	"Drummond, Michael R. EOP/CEQ" (b) (6)
Cc:	"Boling, Ted A. EOP/CEQ" <(b) (6)
Date:	Thu, 09 Aug 2018 15:49:26 -0400
Attachments:	smime.p7m (10.5 kB)

Mike

Before Army Corps submits comments to CEQ related to the update of the regulations I wanted to run a couple of things by you all.



(b)

(b) (6)

Water Resources Policy & Legislation Office of the Assistant Secretary of the Army for Civil Works Pentagon Washington DC



RE: CEQ NEPA ANPRM - Update to the Regulations and for Implementing the Procedural Provisions of NEPA

	From:	"Drummond, Michael R. EOP/CEQ" (b) (6)
	То:	(b) (6) CIV USARMY HQDA ASA CW (US)" (b) (6) @mail.mil>
	Cc:	"Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark>
	Date:	Mon, 13 Aug 2018 16:20:52 -0400
Ì	(b)	
(D)	(5)	
	Thanks,	
	Michael	
		ond e Director for NEPA ronmental Quality
ľ	To: Drummond, Cc: Boling, Ted,	CIV USARMY HQDA ASA CW (US) < <mark>(b) (6)</mark> @mail.mil> August 9, 2018 3:49 PM Michael R. EOP/CEQ < <mark>(b) (6)</mark> A. EOP/CEQ (b) (6) EPA ANPRM - Update to the Regulations and for Implementing the Procedural
		rps submits comments to CEQ related to the update of the regulations I wanted to hings by you all.
b) (5)	

(b) (5)		

(b)

(b) (6) Water Resources Policy & Legislation Office of the Assistant Secretary of the Army for Civil Works Pentagon Washington DC (b) (6) (c)

(b) (6)	- Office
2 . F. 1 . F.	- Cell
><(((((°>`	<u>``</u> ><((((°>```><((((°>

[No Subject]

From:

sara.upchurch@fema.dhs.gov

Sara Upchurch

To: Date:

Tue, 22 May 2018 13:49:36 -0400

b) (6)

WHITE HOUSE

Industry wants 'more oomph' in planned NEPA overhaul

Nick Sobczyk, E&E News reporter Published. Monday, May 21, 2018



Heavy equipment operators clearing land at the start of a construction project. MemoryCatcher/Pixabay

The Trump administration has sought a slate of quick regulatory reforms over the past year, tweaking environmental permitting requirements everywhere from EPA to the Federal Communications Commission.

But potentially the most consequential change will be a slower burn. The White House Council on Environmental Quality is seeking to update its National Environmental Policy Act regulations, a process experts expect could take over a year.

The CEQ standards serve as the framework for NEPA permitting across the federal government. They got a minor amendment in 1986 under President Reagan, but otherwise, they've been untouched since they were first finalized in 1978.

"Anytime regulations are changed for the first time in more than 40 years — significantly changed — it's a big deal," said Fred Wagner, a partner with Venable LLP's Environmental Group who served as chief counsel for the Federal Highway Administration in the Obama administration.

"The regulations have served the community pretty well for a long time," he said, "but I think there's a general sense that updating them in light of recent statutory changes, in light of recent administrative initiatives, makes sense."

Advertisement

CEQ declined to comment for this story. But Ted Boling, associate director for NEPA at CEQ, said at a conference this month that changes to the regulations are just one in a range of tools CEQ is looking at to clean up what the Trump administration sees as inefficiencies in the NEPA process.

For an infrastructure project, the average time between the beginning of scoping and producing a draft environmental impact statement is two years and 10 months, Boling said at the conference, sponsored by the Environmental Law Institute.

"So what you're saying as part of the scoping process is, 'Thank you for your input on this project. We'll get back to you in maybe 2 ½ years with a draft environmental impact statement," Boling said. "We can do better than that."

Most projects don't require an environmental impact statement. And some of those inefficiencies come as the result of individual agency policy or staffing, rather than CEQ's regulations.

Still, delays on major projects that do require an EIS cost money year after year, Wagner said. And the two most recent major transportation bills — the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act in 2015 — provide models of what CEQ might seek to change.

CEQ might require, for example, that agencies combine the final EIS and record of decision (ROD) into a single document, a change that is already in place for certain transportation projects under MAP-21.

Currently, the law requires a 30-day cooling-off period between the two documents, but it sometimes gets extended as agencies deal with more public comments on the final EIS, Wagner said.

Another possibility would be to have one ROD document for the whole federal government, rather than one for each agency. That's a tweak President Trump has already floated with his Aug. 15, 2017, executive order and a subsequent interagency agreement signed last month (*Greenwire*, April 9).

Other changes based on the FAST Act and MAP-21 might be in order, but generally speaking, the regulations are sound, said Larry Liebesman, a senior adviser with Washingtou water resources firm Dawsou & Associates who worked on the 1978 standards during his time at the Justice Department.

"I think a lot of the real objections can be addressed through fine-tuning of the existing regs," he said. "Don't throw the baby out with the bathwater, so to speak."

'A little bit more oomph'

Industry groups and environmentalists alike will get a chance to weigh in as public comments get underway in coming months, but the process will be complicated.

CEQ earlier this month submitted a draft advauce notice of proposed rulemaking to the Office of Information and Regulatory Affairs (<u>*E&E News PM*</u></u>, May 7). It was included in the spring Unified Agenda, though it hasn't yet been published in the *Federal Register* for comment.

But for those seeking to streamline the regulations, it may be difficult to find common ground with the environmental groups that will inevitably comment and possibly sue if there are any legal blips in the process.

They're looking to go in the opposite direction with reforms to CEQ's NEPA regulations, said Raul Garcia, legislative counsel with Earthjustice.

"There is very little in there, and I think there needs to be more, on how to engage communities on the ground," Garcia said.

Garcia and other environmentalists argue that it's a lack of staffing and funding — rather than statutes or regulations — that holds up the process.

"The problem is not NEPA; the problem is that you're not funding the agencies that carry out NEPA, CEQ being front and center on this," Garcia said.

Other observers point out that one of the higgest holdups in the NEPA process — litigation — would have to be addressed through statute, rather than regulations.

For CEQ, it may also be difficult to pinpoint how, exactly, it can change its regulations to fix what the administration sees as a laborions NEPA process.

The current regulations state that EIS documents "shall normally" be fewer than 150 pages, and fewer than 300 for unusually complex projects.

The wording of that guidance is nearly identical to a memo Interior Deputy Secretary David Bernhardt issued to his agency last year (*Greenwire*, Sept. 6, 2017).

"It's already here, hut it's just never really been enforced," Wagner said. "So the question becomes, why not? And if it's already in the regulations, what else do you have to say?"

CEQ also issued a <u>document</u> in 1981 titled "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations."

The memo advises that even large complex energy projects "would require only about 12 months for the completion of the entire EIS process."

Those are just two of many examples of where critics of NEPA — namely, the transportation and energy industries — might be able to work with agencies to cut down permitting time within existing regulatory frameworks, Wagner said.

"But I think what people want to see is a little bit more oomph, for lack of a better word, in the regulations," he said.

Road ahead

Environmentalists fear that even apparently reasonable changes to the NEPA regulations could be co-opted by bad-faith political forces in the Trump administration.

But for now, CEQ is without appointed political leadership, since Kathleen Hartnett White withdrew her name from consideration as its chair when it became clear that her nomination would not pass the Senate.

"Without a leader there that understands the NEPA process, that's a problem," Liebesman said.

Boling, for his part, is a well-respected career official with more than a decade of experience working under Democratic and Republican presidents. He could help fend against those in the administration that see NEPA as an "albatross," Liebesman said.

Still, the agency may have time to get a leader confirmed before the process wraps up. Each step is likely to draw a wealth of public comments.

"I think it's going to be several years before you see any revised NEPA regulations," Liebesman said.

Sara Upchurch Deputy Associate Director for NEPA Executive Office of the President Council on Environmental Quality Sent from my iPhone

Re: FW: Edits to proposed rule on NEPA review



From: Miriam Vincent <<u>miriam.vincent@nara.gov</u>> Sent: Friday, June 15, 2018 2:29 PM To: Seale, Viktoria Z. EOP/CEQ <(b) (6) Cc: fedreg.legal@nara.gov; ofr-legal@gpo.gov Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,

(b) (5)			

We allow quotations where the agency has added value to the quotation - addressing the specific language used, contrasting with other relevant language, showing how the specific language directed or led to specific agency action.

(b) (5)		
		1

I have a flexible schedule on Monday, so can be available (with a little notice) anytime between 9:30 and 3:30. I'm finishing up for the day shortly, but I'll be starting early enough on Monday that I can be ready for a 9:30 meeting if you send a meeting request after I log off this afternoon.

Miriam

Miriam Vincent

Staff Attorney, Legal Affairs and Policy Division

Office of the Federal Register

National Archives and Records Administration

(0)202.741.6024 (c) (b) (6) (c) (b) (6)

On Fri, Jun 15, 2018 at 1:16 PM, Scale, Viktoria Z. EOP/CEQ <(b) (6)

wrote:

Dear Sir or Madam,

I am writing with regards to an Advance Notice of Proposed Rulemaking that the Council on Environmental Quality (CEQ) has submitted to the Federal Register for publication. (b) (5)
I am available to discuss this matter at your earliest convenience and can be reached at (b) (6) (direct) or (b) (6) (cell).
Sincerely,
Viktoria
Viktoria Z. Seale
General Counsel
Executive Office of the President
Council on Environmental Quality
(b) (6) (direct)
(b) (6) (cell)
From: Sun, Howard C. EOP/CEQ Sent: Friday, June 15, 2018 12:24 PM To: Schneider, Daniel J. EOP/CEQ <(b) (6) >: Szabo. Aaron L. EOP/CEQ <(b) (6) Seale,

Viktoria Z. EOP/CEQ <(b) (6) Subject: FW: Edits to proposed rule on NEPA review From: Reid, Chipp (OFR) <<u>creid@gpo.gov</u>> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <<u>(b) (6)</u> Subject: Edits to proposed rule on NEPA review

b) (5)

Please see the Document Drafting Handbook, page 2-15, which states:

2.6 When can I use direct quotes? The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the Federal Register. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (<u>fedreg.legal@nara.gov</u>) before you submit your document for publication.



Please let me know if you have any questions.

Chipp Reid

Writer/Editor

Office of the Federal Register

creid@gpo.gov

chipp.reid@nara.gov

202-741-6007

--

Legal Affairs and Policy Staff Office of the Federal Register National Archives and Records Administration

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For more options, visit https://groups.google.com/a/nara.gov/d/optout.

FR 2018-13246_1644312 redline edit

From:	"Seale, Viktoria Z. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">			
To:	"Neumayr, Mary B. EOP/CEQ" < <mark>(b) (6)</mark> EOP/CEQ" < <mark>(b) (6)</mark>	'Szabo, Aaron L.		
Cc:	"Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark>			
Date:	Fri, 15 Jun 2018 13:33:57 -0400			
Attachments :	FR 2018-13246_1644312 redline edit.docx (47.66 kB)			

Mary and Aaron,

I have emailed the OFR's Legal Affairs and Policy Division to ask that we be permitted to use the quoted text from the E.O.'s. In the meantime, Ted reviewed and made some further edits to the potential revisions that we made to paraphrase the quotes so that we can be ready to go if need be. I've attached the redline edit for your review.

Thank you,

Viktoria

CEQ075FY18150_000009532

CEQ075FY18150_000009532

CEQ075FY18150_000009532

FW: Edits to proposed rule on NEPA review

From:	"Seale, Viktoria Z. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">
То:	fedreg.legal@nara.gov, ofr-legal@gpo.gov
Date:	Fri, 15 Jun 2018 13:16:50 -0400
Attachments :	FR 2018-13246_1644312.docx (49.86 kB)

Dear Sir or Madam,

I am writing with regards to an Advance Notice of Proposed Rulemaking that the Council on Environmental Quality (CEQ) has submitted to the Federal Register for publication. (6) (5)

am available to discuss this m	atter at your earliest convenience and can be reached at (b) (6)
(direct) or (b) (6)).
Sincerely,	
Sincereiy,	
Viktoria	
Viktoria Z. Seale	
General Counsel	
Executive Office of the Preside	int
Council on Environmental Qua	lity
(direct)	
(cell) (6)	
From: Sun, Howard C. EOP/CEC	1
Sent: Friday, June 15, 2018 12:	
To: Schneider, Daniel J. EOP/CE	Q < (b) (6) Neumayr, Mary B. EOP/CEQ
<(b) (6)	Szabo, Aaron L. EOP/CEQ < (b) (6) Seale,
Viktoria Z. EOP/CEQ <(b) (6)	
California Child, California and announced	mula an NCDA musicave
From: Reid, Chipp (OFR) <creid@gpo.gov> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <(b) (6) Subject: Edits to proposed rule on NEPA review

(b) (5)

. Please see the Document Drafting Handbook, page 2-15, which

states:

2.6 When can I use direct quotes? The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the Federal Register. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.

(b) (5)

Please let me know if you have any questions.

Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

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FW: FR 2018-13246_1644312 (2).docx

From:	"Sun, Howard C. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">	
То:	"Seale, Viktoria Z. EOP/CEQ" < <mark>(b) (6)</mark>	
Cc:	"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark>	
Date:	Fri, 15 Jun 2018 15:40:07 -0400	
Attachment s:	FR 2018-13246_1644312 (2).docx (47.96 kB)	
Viktoria,		
Can you confirm?		
Very Respectfully, Howard Sun Attorney Advisor Council on Environmental Quality Executive Office of the President Office: (b) (6)		

From: Reid, Chipp (OFR) <creid@gpo.gov> Sent: Friday, June 15, 2018 3:39 PM To: Sun, Howard C. EOP/CEQ <(b) (6) Subject: FR 2018-13246_1644312 (2).docx

Howard

Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

FW: Edits to proposed rule on NEPA review

From:	"Sun, Howard C. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">
То:	"Schneider, Daniel J. EOP/CEQ" <(b) (6) "Neumayr, Mary B. EOP/CEQ" <(b) (6) "Szabo, Aaron L. EOP/CEQ" <(b) (6) "Seale, Viktoria Z. EOP/CEQ" <(b) (6)
Date:	Fri, 15 Jun 2018 12:23:34 -0400
Attachment s:	FR 2018-13246_1644312.docx (49.86 kB)

From: Reid, Chipp (OFR) <creid@gpo.gov> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <(b) (6) Subject: Edits to proposed rule on NEPA review

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Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

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FW: FR 2018-13246_1644312 (2).docx

From:	"Sun, Howard C. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">
То:	"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Mon, 18 Jun 2018 09:53:29 -0400
Attachment s:	FR 2018-13246_1644312 (2).docx (47.96 kB)
Aaron,	
TI	

This is the last version out there, sent from OFR to CEQ. | told Chipp that we confirm, and Chipp said thanks.

Very Respectfully, Howard Sun Attorney Advisor Council on Environmental Quality Executive Office of the President Office: (b) (6)

From: Reid, Chipp (OFR) <creid@gpo.gov> Sent: Friday, June 15, 2018 3:39 PM To: Sun, Howard C. EOP/CEQ <(b) (6) Subject: FR 2018-13246_1644312 (2).docx

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Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

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Fwd: FR 2018-13246_1644312 (2).docx

Attachment s:	FR 2018-13246_1644312 (2).docx (47.96 kB)
Date:	Mon, 18 Jun 2018 11:03:44 -0400
To:	"Schneider, Daniel J. EOP/CEQ" < (b) (6)
From:	"Szabo, Aaron L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdit)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

This should be the final one.

Sent from my iPhone

Begin forwarded message:

From: "Sun, Howard C. EOP/CEQ" <(b) (6)	
Date: June 18, 2018 at 9:53:33 AM EDT	
To: "Szabo, Aaron L. EOP/CEQ" <(b) (6)	
Subject: FW: FR 2018-13246_1644312 (2).docx	

Aaron,

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Very Respectfully, Howard Sun Attorney Advisor Council on Environmental Quality Executive Office of the President Office: (b) (6)

From: Reid, Chipp (OFR) <<u>creid@gpo.gov</u>> Sent: Friday, June 15, 2018 3:39 PM To: Sun, Howard C. EOP/CEQ <<mark>(b) (6)</mark> Subject: FR 2018-13246_1644312 (2).docx

Howard

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Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007
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То:	"Szabo, Aaron L. EOP/CEQ" <(b) (6)
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Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

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Herrgott- 6/27 Roundtable

From:	"Smith, Katherine R. EOP/CEQ" < <mark>(b) (6)</mark>
To:	°Neumayr, Mary B. EOP/CEQ° ⊲ <mark>(b) (6)</mark>
Date:	Tue, 19 Jun 2018 12:10:01 -0400
Attachment s:	Alexander HerrgottBio.docx (14.06 kB); Herrgott Testimony 6.27 Roundtable Senate FINAL.DOCX (28.67 kB)

Mary,

Drafts of Alex's bio and testimony for the June 27th Roundtable are attached for your review.

Thanks, Katherine

Katherine Smith Special Assistant Council on Environmental Quality

(b) (6)

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LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

From:	"Bronack, Candice M. EOP/OMB" (b) (6)		
То:	AGRICULTURE <usdaleg@obpa.usda.gov>, DL-CEQ-LRM (b) (6) DEFENSE (b) (6) >, ENERGY <usdaleg@obpa.usda.gov>, DL-CEQ-LRM (b) (6) >, EFANSE (b) (6) >, EPA <epairm@epamail.epa.gov>, INTERIOR <ocl@ios.doi.gov>, JUSTICE <justice.lrm@usdoj.gov>, TRANSPORTATION <dot.legislation@dot.gov>, DHS <dhsogclegislation@hq.dhs.gov>, ARMY CORPS ENG <cecc-leg@hq02.usace.army.mil>, COMMERCE <clrm@doc.gov>, HUD <hudlrm@hud.gov>, LABOR <dol-sol-leg@dol.gov>, VA <ogcvalrm@va.gov>, lio@nrc.gov, GSA <ca.legislation@gsa.gov></ca.legislation@gsa.gov></ogcvalrm@va.gov></dol-sol-leg@dol.gov></hudlrm@hud.gov></clrm@doc.gov></cecc-leg@hq02.usace.army.mil></dhsogclegislation@hq.dhs.gov></dot.legislation@dot.gov></justice.lrm@usdoj.gov></ocl@ios.doi.gov></epairm@epamail.epa.gov></usdaleg@obpa.usda.gov></usdaleg@obpa.usda.gov>		
Cc:	"Kraninger, Kathleen L. EOP/OMB" <(b) (6) "Abrams, Andrew D. EOP/OMB" <(b) (6) "Connolly, David C. EOP/OMB" (i) (6) "Skidmore, Ben J. EOP/OMB" (i) (6) "Donatelli, Angela M. EOP/OMB" (i) (6) "Nelson, Kimberly P. EOP/OMB" (i) (6) "Korovesis, Andrea G. EOP/OMB" (i) (6) "Colyar, Kelly T. EOP/OMB" (i) (6) "Dorjets, Vlad EOP/OMB" (i) (6) "Lucas, Adrienne E. EOP/OMB" (i) (6) "Hazelgren, Mark H. EOP/OMB" (i) (6) "Dankert, Charles M. EOP/OMB" (i) (6) "Burnett, Ben D. EOP/OMB" (i) (6) "Roach, Emma K. EOP/OMB" (i) (6) "Hagan, Michael B. EOP/OMB"		
	<(b) (6) "Whitman, Katie B. EOP/OMB" <(b) (6) "Krauss, Lori A. EOP/OMB"		

 (b) (c) "Miller, Kimberly A. EOP/OMB" (c) (c) "Reed, Meagan E. EOP/OMB" (d) (c) "Crutchfield, Craig C. EOP/OMB" (d) (c) "Crutchfield, Craig C. EOP/OMB" (d) (c) "Roach, Emma K. EOP/OMB" (d) (c) "Roach, Emma K. EOP/OMB" (d) (c) "Roach, Emma K. EOP/OMB" (d) (c) "Brown, Dustin S. EOP/OMB" (d) (c) "Brown, Dustin S. EOP/OMB" (d) (c) "Falk Curtin, Edna T. EOP/OMB" (e) (c) "Falk Curtin, Edna T. EOP/OMB" (f) (c) "Falk Curtin, Edna T. EOP/OMB" (g) (c) "Falk Curtin, Edna T. EOP/OMB" (g) (c) "Nafziger, Jeptha E. EOP/OMB" (g) (c) "Nafziger, Jeptha E. EOP/OMB" (g) (c) "Nafziger, Jeptha E. EOP/OMB" (g) (c) "Semache, Christopher D. EOP/OMB" (g) (c) "Berger, Joseph J. EOP/OMB" (g) (c) "Lallemand, Chad A. EOP/OMB" (g) (c) "Curtis, Tyler T. EOP/OMB" (g) (c) "Seehra, Jasmeet K. EOP/OMB" (g) (c) "Seehra, Jasmeet K. EOP/OMB" (g) (c) "Field, Lesley A. EOP/OMB" (g) (c) "Field, Lesley A. EOP/OMB" (g) (c) "Field, Lesley A. EOP/OMB" (g) (c) "Curtis, Karen A. EOP/OMB" (g) (c) "Field, Lesley A. EOP/OMB" (g) (c) "Field, Lesley A. EOP/OMB" (g) (c) "DL-OPD-NEC-LRM (g) (c) "DL-OPD-NEC-LRM (g) (c) "DL-OPD-NEC-LRM (g) (c) "Piael, Neal A. EOP/OMB" (g) (c) "DL-OPD-NEC-LRM (g) (c) "Piael, Neal A. EOP/OMB" (g) (c) "Stermod, Jonathan A. EOP/OMB" (g) (c) "Ste	<(b) (6)	"Buenvenida, Pearl A. EOP/OMB"
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(i) (i) "Brown, Dustin S. EOP/OMB" (i) (i) "Yi, David Y. EOP/OMB" (i) (i) "Bussow, Mark A. EOP/OMB" (i) (i) "Falk Curtin, Edna T. EOP/OMB" (i) (i) "McDonald, Christine A. EOP/OMB" (i) (i) "McDonald, Christine A. EOP/OMB" (i) (i) "McDonald, Christine A. EOP/OMB" (i) (i) "Nafziger, Jeptha E. EOP/OMB" (i) (i) "Nafziger, Jeptha E. EOP/OMB" (ii) (i) "Samache, Christopher D. EOP/OMB" (ii) (i) "Gamache, Christopher D. EOP/OMB" (ii) (i) "Gamache, Christopher D. EOP/OMB" (ii) (ii) "Gamache, Christopher D. EOP/OMB" (iii) (ii) "Berger, Joseph J. EOP/OMB" (iii) (ii) "Burger, Joseph J. EOP/OMB" (iii) (iii) "Nusraty, Tim H. EOP/OMB" (iii) (iii) "Nusraty, Tim H. EOP/OMB" (iii) (iii) "Valsh, Heather V. EOP/OMB" (iii) (iii) "Seehra, Jasmeet K. EOP/OMB" (iii) (iii) "Seehra, Jasmeet K. EOP/OMB" (iii) (iii) "Blum, Mathew C. EOP/OMB" (iii) (iii) "Field, Lesley A. EOP/OMB" (iii) (iii) Thunt, Alex T. EOP/OMB" <tr< td=""><td></td><td></td></tr<>		
(i) "Yi, David Y. EOP/OMB" (i) "Bussow, Mark A. EOP/OMB" (i) "Falk Curtin, Edna T. EOP/OMB" (i) "McDonald, Christine A. EOP/OMB" (i) "Dick, John H. EOP/OMB" (i) "Nafziger, Jeptha E. EOP/OMB" (i) "Nafziger, Jeptha E. EOP/OMB" (i) "Nafziger, Jeptha E. EOP/OMB" (i) "Samache, Christopher D. EOP/OMB" (i) "Go (i) "Go (ii) "Gamache, Christopher D. EOP/OMB" (ii) "Go (ii) "Gamache, Christopher D. EOP/OMB" (ii) "Go (ii) "Berger, Joseph J. EOP/OMB" (ii) "Burger, Joseph J. EOP/OMB" (ii) "U (ii) "Lallemand, Chad A. EOP/OMB" (ii) "Nusraty, Tim H. EOP/OMB" (ii) "Curtis, Tyler T. EOP/OMB" (ii) "U (ii) "Walsh, Heather V. EOP/OMB" (ii) "Jain, Varun M. EOP/OMB" (ii) "Burg, Mathew C. EOP/OMB" (ii) "Burg, Karen A. EOP/OMB" (iii) DL-OPD-N		
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DEADLINE: 2:00 PM Friday, June 22, 2018

Attached are (2) statements of the Federal Permitting Improvement Steering Council (FPISC) and CEQ for a roundtable on infrastructure permitting on June 27 before the Senate Homeland Security and Government Affairs Committee. This is not a formal hearing, but it will be open to the press and written statements will be posted online. Please review these statements and send any comments by the deadline above. Thanks.

LRM ID: CMB-115-184 EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM Thursday, June 21, 2018

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference SUBJECT: LRM [CMB-11S-184] DUE 06/22 @ 2:00 PM GSA and CEQ Statements on Infrastructure Permitting

OMB CONTACT: **Candice Bronack** E-Mail: (b) (6) PHONE: (b) (6) FAX: (202) 395-3109

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Payas-You-Go Act of 2010.

Thank you.

Re: Federal NEPA Contacts Webinar

From: "Upchurch, Sara" <sara.upchurch@fema.dhs.gov>

To: "Drummond, Michael R. EOP/CEQ" <(b) (6)

Date: Thu, 21 Jun 2018 17:20:10 -0400

Hi - Did we get the EJ slide deck?

Sara Upchurch, AICP Office of Environmental Planning and Historic Preservation (OEHP) Unified Federal Review (UFR) Liaison to Council on Environmental Quality (CEQ) FIMA/FEMA/DHS 400 C Street SW Washington, DC 20472-3020 (b) (6) (c) sara.upchurch@fema.dhs.gov

From: "FN-CEQ-NEPA" < (b) (6) Date: Wednesday, June 20, 2018 at 12:57:00 PM To: "FN-CEQ-NEPA" < (b) (6) Cc: "Boling, Ted A. EOP/CEQ" < (b) (6) (b) (6) "Mansoor, Yardena M. EOP/CEQ" < (b) (6) Subject: Federal NEPA Contacts Webinar

Federal NEPA Contacts,

Apologies for an additional email, but there were some indications that yesterday's calendar invite update was not received by all, so its contents are being resent in this email. See you all online at 3:00pm (EDT).

In advance of today's webinar, we have updated the tele-conference participant code (correct code is (b) (6) Pleased find attached 1) a meeting agenda for tomorrow's webinar, 2) a slide deck for those unable to join the webinar, 3) instructions for joining the webinar, 4) the pre-publication version of the Advance Notice of Proposed Rulemaking for the CEQ NEPA Regulations, and 5) a Report from the Federal Forum on Environmental Collaboration and Conflict Resolution.

Lastly, please take a moment to review your agency's NEPA Contact listed here: <u>>https://ceq.doe.gov/docs/nepa-practice/2018-Federal-NEPA-contacts-and-websites-2018-06-15.pdf</u> and provide any necessary updates via email to (b) (6)

Sincerely,

The CEQ NEPA Team

CEQ will host the Summer Meeting of the Federal NEPA Contacts via webinar on Wednesday, June 20 from 3:00 pm - 4:30 pm EDT.

Conference number and webinar URL are provided below. An agenda will be provided in advance of the meeting along with a PDF of the webinar slides for those unable to join the webinar.

Audio Conference Details: Conference Number (Toll Free): (b) (6) Participant Code: (b) (6)

To join the meeting:

If you have never attended an Adobe Connect meeting before:

Test your connection: >https://meet.gsa.gov/common/help/en/support/meeting_test.htm<

Get a quick overview: <a>http://www.adobe.com/products/adobeconnect.html

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[EXTERNAL] 6/27 meeting request - CEO of EDF Renewables

From:	"Moeller, Elizabeth V." <elizabeth.moeller@pillsburylaw.com></elizabeth.moeller@pillsburylaw.com>	
То:	"Green, Mary A. EOP/CEQ" < (b) (6)	
Date:	Thu, 21 Jun 2018 16:32:37 -0400	
Attachments	Palen Profile 11-2017 v5.pdf (356.04 kB); 10102017_Final Report.pdf (137.58 kB)	

Dear Ms. Green,

Thank you for your time yesterday – just before we saw the release of the Advance Notice of Proposed Rulemaking on NEPA!

I am following up on behalf of EDF Renewables which is a market leading independent power producer and service provider in the U.S. with projects throughout the United States and headquarters in San Diego.

EDF Renewables' President and CEO, <u>Tristan Grimbert</u>, will be in DC on Wednesday, June 26th and is hoping that leaders at CEQ will have time for a short visit to discuss NEPA and national energy and environmental policy. Would a short visit on Wednesday, June 27th at, perbaps at 11:30 be convenient for schedules?

EDF Renewables delivers grid-scale power: wind (onshore and offshore), solar photovoltaic, and storage projects; distributed solutions: solar, solar+storage, EV charging and energy management; and asset optimization: technical, operational, and commercial skills to maximize performance of generating projects. EDF Renewables' North American portfolio consists of 10 GW of developed projects and 10 GW under service contracts.

Please let me know if you need any additional information. Many thanks in advance.

Kind regards, Elizabeth

Elizabeth Vella Moeller | Partner | Public Policy Group Leader Pillsbury Winthrop Shaw Pittman LLP 1200 Seventeenth Street NW | Washington, DC 20036-3006 t 202.663.9159 | f 202.663.8007 | m (b) (6) elizabeth.moeller@pillsburylaw.com | website bio

ABU DHABI AUSTIN BEUING DUBAI HONG KONG HOUSTON LONDON LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA PAUM BEACH SACRAMENTO SAN DIEGO SAN DIEGO NORTH COUNTY SAN FRANCISCO SHANGHAI SILICON VALLEY TOKYO WASHINGTON, DC



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RE: Draft Congressional Statements for Review by COB Thursday 6/21

From:	"Pauley, Melissa" <melissa.pauley@hq.doe.gov></melissa.pauley@hq.doe.gov>	
To:	Angela Colamaria - Y-D <angela.colamaria@fpisc.gov></angela.colamaria@fpisc.gov>	
Cc:	Karen Hanley - Y <karen.hanley@fpisc.gov>, "Osterhues, Marlys A. EOP/CEQ" <(b) (6) <(b) (6)</karen.hanley@fpisc.gov>	
Date:	Thu, 21 Jun 2018 15:16:07 -0400	
Attachment s:	ment Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_6.20_DOE comments_6_21_18.docx (29.83 kB)	
Thank you Angle Landogize but I received some additional comments that I wasn't expecting Please		

Thank you, Angie. I apologize, but I received some additional comments that I wasn't expecting. Please also see attached. I will not resubmit any of these comments!

Best, Melissa

From: Angela Colamaria - Y-D [mailto:angela.colamaria@fpisc.gov] Sent: Thursday, June 21, 2018 3:12 PM To: Pauley, Melissa <Melissa.Pauley@hq.doe.gov> Cc: Karen Hanley - Y <karen.hanley@fpisc.gov>; Marlys A. EOP/CEQ <(b) (6) Steven W. EOP/CEQ <(b) (6)

Subject: Fwd: Draft Congressional Statements for Review by COB Thursday 6/21

Thanks, Melissa. We will let you know if we have questions.

Also, FYI, this is also going through an LRM process to each agency's Leg Affairs office today. If by chance it comes back to you, you don't need to resubmit your comments through that process.

Angela F. Colamaria Acting Executive Director Office of the Executive Director (FPISC-OED) Federal Permitting Improvement Steering Council angela.colamaria@fpisc.gov 202.705.1639 1800 F St. NW Washington, DC 20405

------ Forwarded message ------From: Pauley, Melissa <<u>Melissa.Pauley@hq.doe.gov</u>> Date: Thu, Jun 21, 2018 at 1:37 PM Subject: RE: Draft Congressional Statements for Review by COB Thursday 6/21

To: Angela Colamaria - Y-D < angela.colamaria@fpisc.gov>

Dear Angie,

Please find a couple of minor comments for your consideration. Thank you for the heads up on the roundtable and opportunity to provide input.

Best, Melissa

From: Angela Colamaria - Y-D [mailto:angela.colamaria@fpisc.gov] Sent: Wednesday, June 20, 2018 6:29 PM To: Blythe Semmer

bsemmer@achp.gov>; robyn.s.colosimo.civ@mail.mil; Stacey.E.Brown@usace.army.mil; Lauren.B.Diaz@usace.army.mil; Myrna.I.Lopez-Ortiz@usace.army.mil; Jennifer.A.Moyer@usace.army.mil; Amy.S.Klein@usace.army.mil; Tammy.Conforti@usace.army.mil; robert.w.mcrae@usace.army.mil; Richard.L.Darden@usace.army.mil; Gaffneysmith, Margaret E CIV (US) <Meg.e.gaffney-smith@usace.army.mil>; Shelly.H.Sugarman@uscg.mil; matthew.s.robertson2@uscg.mil; brian.dunn@uscg.mil; matthew.fountain@wdc.usda.gov; lauren.cusick@wdc.usda.gov; Rebeckah.Adcock@osec.usda.gov; Brooke.Appleton@osec.usda.gov; rwoodruff@fs.fed.us; gsmith08@fs.fed.us; sarah.koeppel@hq.dhs.gov; jennifer.hass@hq.dhs.gov; ronald.e.tickle4.civ@mail.mil; steven.j.sample4.civ@mail.mil; terry.l.bowers14.civ@mail.mil; Pauley, Melissa <Melissa.Pauley@hq.doe.gov>; Erika Vaughan <erika vaughan@ios.doi.gov>; joshua.kaplowitz@sol.doi.gov; frankie_green@fws.gov; craig_aubrey@fws.gov; lvehmas@usbr.gov; cperry@usbr.gov; ccunningham@usbr.gov; acoykendall@usbr.gov; Edwards, Michael <michael b edwards@nps.gov>; sfusilie@blm.gov; charles.norfleet@boem.gov; fmarcell@blm.gov; Thatcher, Ben <ben thatcher@fws.gov>; olivia ferriter@ios.doi.gov; Gerald.Solomon@dot.gov; colleen.vaughn@dot.gov; tomiak.robert@epa.gov; tyler.tom@epa.gov; Herbert.Rachel@epa.gov; kohler.amanda@epa.gov; kornylak.vera@epa.gov; knight.kelly@epa.gov; Gentile, Laura <gentile.laura@epa.gov>; Rose.Bob@epa.gov; john.katz@ferc.gov; magdalene.suter@ferc.gov; heather.e.campbell@ferc.gov; Brandon.Cherry@ferc.gov; Ryan.Hansen@ferc.gov; Rachel.McNamara@ferc.gov; Andrew.Bernick@ferc.gov; joanne.wachholder@ferc.gov; nelson.a.rivera@hud.gov; danielle.l.schopp@hud.gov; Burkhart, Lawrence <Lawrence.Burkhart@nrc.gov>; Donna.Williams@nrc.gov; Erwin, Kenneth <Kenneth.Erwin@nrc.gov>; Kugler, Andrew <Andrew.Kugler@nrc.gov; Maureen.Wylie@nrc.gov; Ben.Ficks@nrc.gov; russell.allwein@nrc.gov; Kratchman, Jessica <Jessica.kratchman@nrc.gov>; Kim, Grace <<u>Grace.Kim@nrc.gov</u>>; Eric MacMillan <<u>eric.macmillan@noaa.gov</u>>; Michelle Lennox - NOAA Federal <michelle.lennox@noaa.gov>; katherine.renshaw@noaa.gov; Helen Chabot - NOAA Federal <helen.chabot@noaa.gov>; Peter.McVeigh@usdoj.gov Cc: (b) (6) (b) (6) (b) (6) (b) (6) Buenvenida, Pearl (b) (6) (b)(6)<(b) (6) (b)(6)b)(6) (b) (6) Brown, Dustin S. EOP/OMB <(b) (6 Colamaria, Angela F. EOP/OMB Bussow, Mark A. EOP/OMB < (b) (6) Craig Crutchfield Michael Hagan Andrea Korovesis Mark Hazelgren Katherine

Nora Stein Joseph Montoni Benjamin Burnett Emma Roach Michael Hagan Katherine Whitman Lori Krauss Kimberly Nelson Andrea Korovesis Andrea Grossman Kimberly Miller David Hester Meagan Reed 00002

Kyle Hathway

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<kavita.vaidyanathan@< td=""><td><pre>Pgsa.gov>; Ross Pilotte <ross.pilotte@gsa.gov>; Rob</ross.pilotte@gsa.gov></pre></td><td>ertlane - AY-C CLincher</td></kavita.vaidyanathan@<>	<pre>Pgsa.gov>; Ross Pilotte <ross.pilotte@gsa.gov>; Rob</ross.pilotte@gsa.gov></pre>	ertlane - AY-C CLincher	
< <u>robert.lane@gsa.gov</u> :	; Robert Hillkirk - AY-C < <u>scott.hillkirk@gsa.gov</u> >; Nil	khil Bhandari - AY-C Mary Fischietto	
<nikhil.bhandari@gsa.j< td=""><td>gov>; Nusrat Khan - AY-C <<u>emma.khan@gsa.gov</u>>; K</td><td>elsey Owens - YD-D Joseph Berger</td></nikhil.bhandari@gsa.j<>	gov>; Nusrat Khan - AY-C < <u>emma.khan@gsa.gov</u> >; K	elsey Owens - YD-D Joseph Berger	
<kelsey.owens@gsa.gc< td=""><td>ov>; (b) (6)</td><td>Chad Lallemand</td></kelsey.owens@gsa.gc<>	ov>; (b) (6)	Chad Lallemand	
(b) (6)	(b) (6)	Edna Curtin	
(b) (6) Subject: Draft Congressional Statements for Review by COB Thursday 6/21		Michael Harkins	
		Christine McDonald	
		Jeptha Nafziger	
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Hi all,

FPISC and CEQ have been asked to participate in a Senate roundtable on infrastructure permitting on June 27 (invite from HSGAC Committee is attached). This is not a formal hearing, but it will be open to the press and written statements will be posted online.

I've attached the draft written statements for FPISC and CEQ. We need to submit the written statements ahead of time so please provide any edits to both documents by COB Thursday 6/21/18 (tomorrow).

We don't have an official list of participants, but it is our understanding that HSGAC staff have also asked representatives from the RC Byrd and Mid-Barataria projects, the Chamber of Commerce, and Center for American Progress.

Angie

Angela F. Colamaria

Acting Executive Director Office of the Executive Director (FPISC-OED) Federal Permitting Improvement Steering Council angela.colamaria@fpisc.gov 202.705.1639 1800 F St. NW Washington, DC 20405
Fwd: Draft Congressional Statements for Review by COB Thursday 6/21

From:	Angela Colamaria - Y-D <angela.colamaria@fpisc.gov></angela.colamaria@fpisc.gov>
To:	"Pauley, Melissa" <melissa.pauley@hq.doe.gov></melissa.pauley@hq.doe.gov>
Cc:	Karen Hanley - Y <karen.hanley@fpisc.gov>, "Osterhues, Marlys A. EOP/CEQ" <(b) (6) (b) (6) <(b) (6)</karen.hanley@fpisc.gov>
Date:	Thu, 21 Jun 2018 15:11:33 -0400
Attachment s:	Colamaria Statement 6.27 Roundtable Senate FINAL DRAFT_6.20.rev.DOCX (28.6 kB); Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_6.20.rev.DOCX (30.12 kB)

Thanks, Melissa. We will let you know if we have questions.

Also, FYI, this is also going through an LRM process to each agency's Leg Affairs office today. If by chance it eomes back to you, you don't need to resubmit your comments through that process.

Angela F. Colamaria

Acting Executive Director Office of the Executive Director (FPISC-OED) Federal Permitting Improvement Steering Council angela.colamaria@fpise.gov 202.705.1639 1800 F St. NW Washington, DC 20405

------ Forwarded message ------From: Pauley, Melissa <<u>Melissa.Pauley@hq.doe.gov</u>> Date: Thu, Jun 21, 2018 at 1:37 PM Subject: RE: Draft Congressional Statements for Review by COB Thursday 6/21 To: Angela Colamaria - Y-D <<u>angela.colamaria@fpisc.gov</u>>

Dear Angie,

Please find a couple of minor comments for your consideration. Thank you for the heads up on the roundtable and opportunity to provide input.

Best,

Melissa

From: Angela Colamaria - Y-D [mailto:angela.colamaria@fpisc.gov]

Sent: Wednesday, June 20, 2018 6:29 PM

To: Blythe Semmer <bsemmer@achp.gov>; robyn.s.colosimo.civ@mail.mil; Stacey.E.Brown@usace.army.mil; Lauren.B.Diaz@usace.army.mil; Myrna.I.Lopez-Ortiz@usace.army.mil; Jennifer.A. Moyer@usace.army.mil; Amy.S.Klein@usace.army.mil; Tammy.Conforti@usace.army.mil; robert.w.mcrae@usace.army.mil; Richard.L.Darden@usace.army.mil; Gaffneysmith, Margaret E CIV (US) <Meg.e.gaffney-smith@usace.army.mil>; Shelly.H.Sugarman@uscg.mil; matthew.s.robertson2@uscg.mil; brian.dunn@uscg.mil; matthew.fountain@wdc.usda.gov; lauren.cusick@wdc.usda.gov; Rebeckah.Adcock@osec.usda.gov; Brooke.Appleton@osec.usda.gov; rwoodruff@fs.fed.us; gsmith08@fs.fed.us; sarah.koeppel@hq.dhs.gov; jennifer.hass@hq.dhs.gov; ronald.e.tickle4.civ@mail.mil; steven.j.sample4.civ@mail.mil; terry.l.bowers14.civ@mail.mil; Pauley, Melissa <<u>Melissa.Pauley@hq.doe.gov</u>>; Erika Vaughan <<u>erika vaughan@ios.doi.gov</u>>; joshua.kaplowitz@sol.doi.gov; frankie_green@fws.gov; craig_aubrey@fws.gov; lvehmas@usbr.gov; cperry@usbr.gov; ccunningham@usbr.gov; acoykendall@usbr.gov; Edwards, Michael <michael b edwards@nps.gov>; sfusilie@blm.gov; charles.norfleet@boem.gov; fmarcell@blm.gov; Thatcher, Ben <ben thatcher@fws.gov>; olivia ferriter@ios.doi.gov; Gerald.Solomon@dot.gov; colleen.vaughn@dot.gov; tomiak.robert@epa.gov; tyler.tom@epa.gov; Herbert.Rachel@epa.gov; kohler.amanda@epa.gov; kornylak.vera@epa.gov; knight.kelly@epa.gov; Gentile, Laura <gentile.laura@epa.gov>; Rose.Bob@epa.gov; john.katz@ferc.gov; magdalene.suter@ferc.gov; heather.e.campbell@ferc.gov; Brandon.Cherry@ferc.gov; Ryan.Hansen@ferc.gov; Rachel.McNamara@ferc.gov; Andrew.Bernick@ferc.gov; joanne.wachholder@ferc.gov; nelson.a.rivera@hud.gov; danielle.l.schopp@hud.gov; Burkhart, Lawrence <Lawrence.Burkhart@nrc.gov>; Donna.Williams@nrc.gov; Erwin, Kenneth <Kenneth.Erwin@nrc.gov>; Kugler, Andrew <Andrew.Kugler@nrc.gov>; Maureen.Wylie@nrc.gov; Ben.Ficks@nrc.gov; russell.allwein@nrc.gov; Kratchman, Jessica <Jessica.kratchman@nrc.gov>; Kim, Grace <Grace.Kim@nrc.gov>; Eric MacMillan <eric.macmillan@noaa.gov>; Michelle Lennox - NOAA Federal <michelle.lennox@noaa.gov>; katherine.renshaw@noaa.gov; Helen Chabot - NOAA Federal <helen.chabot@noaa.gov>; Peter.McVeigh@usdoj.gov

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(b) (6)	Bro	own, Dustin S. EOP/OMB <	b) (6)	
Bussow, M	ark A. EOP/OMB < (b) (6)	Co	amaria, Angela F. EOP/O	MB
<(b) (6)		(b) (6)	Nusraty, Tim	H. EOP/OMB
<(b) (6)		Boling, Ted A. EOP/CEQ <	b) (6)	
Drummond	l, Michael R. EOP/CEQ 🜗) (6)	Herrgott, Alex	H. EOP/CEQ
<(b) (6)		(b) (6)	Kelly Alexander - A	AY-Detailee
<kelly.alexa< td=""><td>ander@gsa.gov>; (b) (6)</td><td>De</td><td>orjets, Vlad EOP/OMB</td><td></td></kelly.alexa<>	ander@gsa.gov>; (b) (6)	De	orjets, Vlad EOP/OMB	
<(b) (6)	Kar	en Hanley - Y < <u>karen.hanle</u>	y@gsa.gov>; Janet Pfleeg	ger - Y
<janet.pfle< td=""><td>eger@gsa.gov>; Amber Le</td><td>vofsky - Y <<u>amber.levofsky</u></td><td>@gsa.gov>; David Yi</td><td></td></janet.pfle<>	eger@gsa.gov>; Amber Le	vofsky - Y < <u>amber.levofsky</u>	@gsa.gov>; David Yi	
<(b) (6)	Blake F	ox - AY-C < <u>blake.fox@gsa.g</u>	ov>; Robert Noecker - AY	-C
<robert.no< td=""><td>ecker@gsa.gov>; Meghan</td><td>Edwards - AY-C < meghan.e</td><td>dwards@gsa.gov>; Kend</td><td>ra Wilson - AY-C</td></robert.no<>	ecker@gsa.gov>; Meghan	Edwards - AY-C < meghan.e	dwards@gsa.gov>; Kend	ra Wilson - AY-C
< <u>kendra.wi</u>	lson@gsa.gov>; (b) (6)	(b) (6)	
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Jerri Marr -	AY-D <jerri.marr@gsa.go< td=""><td>y>; Kavita Vaidyanathan - A</td><td>Y-DETAILEE</td><td></td></jerri.marr@gsa.go<>	y>; Kavita Vaidyanathan - A	Y-DETAILEE	
1	Michael Hagan	Andrea Grossman	Kyle Hathaway	Mary Fischiet

Mark Hazelgren Nora Stein Joseph Montoni Ben Burnett Emma Roach Michael Hagan Katherine Whitman Lori Krauss Kimberly Nelson Andrea Korovesis Andrea Grossman Kimberly Miller David Hester Meagan Reed Craig Crutchield 00002

Kelly Colyar

Vladik Dorjets

David Connolly

Christopher Gamache

Mary Fischietto Joseph Berger Chad Lallemand

<kavita.vaidyanathan@gsa.gc< th=""><th>ov>; Ross Pilotte <<u>ross.pilotte@gsa.gov</u>>;</th><th>Robert Lane - AY-C</th></kavita.vaidyanathan@gsa.gc<>	ov>; Ross Pilotte < <u>ross.pilotte@gsa.gov</u> >;	Robert Lane - AY-C
< <u>robert.lane@gsa.gov</u> >; Robe	ert Hillkirk - AY-C < <u>scott.hillkirk@gsa.gov</u> >	; Nikhil Bhandari - AY-C
< <u>nikhil.bhandari@gsa.gov</u> >; N	Nusrat Khan - AY-C < <u>emma.khan@gsa.gov</u>	y>; Kelsey Owens - YD-D
<kelsey.owens@gsa.gov>; (b)</kelsey.owens@gsa.gov>) (6) (b) (6)	;
(b) (6)	(b) (6)	Edna Curtin
(b) (6)		Michael Harkins
Subject: Draft Congressional S	Statements for Review by COB Thursday	6/21 Christine McDonald Jeptha Nafziger
Hi all,		Andrew Howe

FPISC and CEQ have been asked to participate in a Senate roundtable on infrastructure permitting on June 27 (invite from HSGAC Committee is attached). This is not a formal hearing, but it will be open to the press and written statements will be posted online.

I've attached the draft written statements for FPISC and CEQ. We need to submit the written statements ahead of time so *please provide any edits to both documents by COB Thursday 6/21/18 (tomorrow)*.

We don't have an official list of participants, but it is our understanding that HSGAC staff have also asked representatives from the RC Byrd and Mid-Barataria projects, the Chamber of Commerce, and Center for American Progress.

Angie

Angela F. Colamaria Acting Executive Director Office of the Executive Director (FPISC-OED) Federal Permitting Improvement Steering Council angela.colamaria@fpisc.gov 202.705.1639 1800 F St. NW Washington, DC 20405

RE: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ

Oversight Testimonies on Infrastructure Permitting

From:	"Osterhues, Marlys A. EOP/CEQ" <(b) (6)
То:	"Bronack, Candice M. EOP/OMB" (6)
	"Pettigrew, Theresa L. EOP/CEQ" (b) (6). "Seale, Viktoria Z. EOP/CEQ" (b) (6) "Schneider, Daniel J. EOP/CEQ" (b) (6) "Herrgott, Alex H. EOP/CEQ"
Cc:	 (b) (6) "Barnett, Steven W. EOP/CEQ" (b) (6) "Vandegrift, Scott F. EOP/CEQ" (b) (6)
Date:	Fri, 22 Jun 2018 16:30:01 -0400
Attachments	Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_LRM Comment Responses.docx (30.62 kB)
Good afternoo	n Candice –
Please see the	attached file for CEQ's response to the LRM comments and final text edits.
Thanks – Marlys Osterhu	ies, (b) (6)
Sent: Friday, Ju To: Osterhues, Cc: DL-CEQ-LRM	M [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on
I also received	these comments from DOT. Please let me know how CEQ responds.

From: Bronack, Candice M. EOP/OMB Sent: Friday, June 22, 2018 1:55 PM To: Osterhues, Marlys A. EOP/CEQ <(b) (6) Cc: DL-CEQ-LRM <(b) (6) Subject: FW: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

Hi Marlys – I received your voicemail earlier today. So far, I have only received minor comments from Commerce (attached). I will continue to send you anything I get in response to my LRM. Please let me know if CEQ accepts these edits. Thanks.

From: Bronack, Candice M. EOP/OMB

Sent: Thursday, June 21, 2018 1:51 PM

To: 'AGRICULTURE' <usdaleg@obpa.usda.gov>; DL-CEQ-LRM <
(b) (6) 'DEFENSE'

(c) 'DEFENSE' >; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'EPA'
<epairm@epamail.epa.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <justice.lrm@usdoj.gov>;
'TRANSPORTATION' <dot.legislation@dot.gov>; 'DHS' <DHSOGCLegislation@HQ.DHS.GOV>; 'ARMY
CORPS ENG' <cecc-leg@hq02.usace.army.mil>; 'COMMERCE' <cirm@doc.gov>; 'HUD'
<HUDLRM@hud.gov>; 'LABOR' <dol-sol-leg@dol.gov>; 'VA' <ogcvalrm@va.gov>; 'Ilo@nrc.gov'
<lio@nrc.gov>; 'GSA' <ca.legislation@gsa.gov>

Cc: Kraninger, Kathleer	n L. EOP/OMB < (b) Marten, Lexi N. EOP/OM
(b) (6)	Abrams, Andrew D. EOP/OMB
(b) (6)	Connolly, David C. EOP/OMB (b) (6)
Skidmore, Ben J. EOP/G	OMB < (b) (6) Donatelli, Angela M. EOP/OMB
(b) (6)	Nelson, Kimberly P. EOP/OMB
(b) (6)	Korovesis, Andrea G. EOP/OMB
(b) (6)	Grossman, Andrea L. EOP/OMB
(b) (6)	Pasquantino, John C. EOP/OMB
(b) (6)	Colyar, Kelly T. EOP/OMB (b) (c)
Krauss, Lori A. EOP/ON	1B <(b) (6) Dorjets, Vlad EOP/OMB
(6) (6)	Lucas, Adrienne E. EOP/OMB < (0) (6)
Stein, Nora H. EOP/ON	1B < (b) (6) Hazelgren, Mark H. EOP/OMB
(b) (6)	Dankert, Charles M. EOP/OM8
(b) (6)	Montoni, Joe E. EOP/OMB <(b) (6)
Burnett, Ben D. EOP/O	MB < (6) Roach, Emma K. EOP/OMB
<(b) (6)	Hagan, Michael B. EOP/OMB < (b) (6)
Whitman, Katie B. EOP	/OMB < (b) (6): Krauss, Lori A. EOP/OMB
<(b) (6)	Buenvenida, Pearl A. EOP/OMB
(b) (6)	Miller, Kimberly A. EOP/OMB
(b) (6)	Reed, Meagan E. EOP/OMB <(b) (6)
Hester, David G. EOP/C	DMB < (b) (6) Crutchfield, Craig C. EOP/OMB
(b) (6)	Roach, Emma K. EOP/OMB < b) (6)
Brown, Dustin S. EOP/0	OMB <(b) (6) Yi, David Y. EOP/OMB
(b) (6)	Bussow, Mark A. EOP/OMB <(b) (6) Falk Curtin
Edna T. EOP/OMB <	(6) McDonald, Christine A. EOP/OMB
(b) (6)	Dick, John H. EOP/OMB < (D) (6)
Nafziger, Jeptha E. EOF	P/OMB < (D) (G) Howe, Andrew P. EOP/OMB
(b) (6)	Gamache, Christopher D. EOP/OMB
<(b) (6)	Fischietto, Mary S. EOP/OMB
(b) (6)	Berger, Joseph J. EOP/OMB (6)

<(b) (6)	Curtis, Tyler T. EOP/O	DMB <(b) (6)
Hathaway, Kyle W. EOP,	/OMB <(b) (6)	Walsh, Heather V. EOP/OMB
<(b) (6)	Jain, Varun M. EOP/O	OMB <(b) (6) Seehra
Jasmeet K. EOP/OMB	b) (6)	Hunt, Alex T. EOP/OMB
<(b) (6)	Blum, Mathew C. EO	P/OMB <(b) (6)
Field, Lesley A. EOP/OM	B <(b) (6)	Pica, Karen A. EOP/OMB
<(b) (6)	DL-WHO-WHGC-LRM <	(6) 'DL-OPD-NEC-
LRM' <(b) (6)	'DL-OSTP-LRM' <(b) (6)	DL-CEA-LRM <(b) (6)
Rusnak	k, Allison B. EOP/CEA <(b) (6)	Warren, Peter N.
EOP/OMB <(b) (6)	Carr, Kerrie L.	. EOP/OMB <(b) (6)
Patel, Neal A. EOP/OMB	<(b) (6) Sle	mrod, Jonathan A. EOP/OMB
<(b) (6)	Ventura, Alexandra	EOP/OMB
<(b) (6)	Vaeth, Matt J. EOP/C	DMB <(b) (6)
Subject: LRM [CMB-115	-184] DUE 06/22 @ 2:00 PM GSA ar	nd CEQ Oversight Testimonies on
Infractructure Dermittin	0	

Infrastructure Permitting

DEADLINE: 2:00 PM Friday, June 22, 2018

Attached are (2) statements of the Federal Permitting Improvement Steering Council (FPISC) and CEQ for a roundtable on infrastructure permitting on June 27 before the Senate Homeland Security and Government Affairs Committee. This is not a formal hearing, but it will be open to the press and written statements will be posted online. Please review these statements and send any comments by the deadline above. Thanks.

LRM ID: CMB-115-184 EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM Thursday, June 21, 2018

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference SUBJECT: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Statements on Infrastructure Permitting

OMB CONTACT: Candice Bronack E-Mail: (b) (6) PHONE: (b) (6) FAX: (202) 395-3109

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Payas-You-Go Act of 2010.

Thank you.

Reminder: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

From:	"Bronack, Candice M. EOP/OMB" < (b) (6)
	AGRICULTURE <usdaleg@obpa.usda.gov>, DL-CEQ-LRM <(b) (6)</usdaleg@obpa.usda.gov>
	DEFENSE <(b) (6)
	<energy.gc33@hq.doe.gov>, EPA <epairm@epamail.epa.gov>, INTERIOR</epairm@epamail.epa.gov></energy.gc33@hq.doe.gov>
To	<ocl@ios.doi.gov>, JUSTICE <justice.lrm@usdoj.gov>, TRANSPORTATION</justice.lrm@usdoj.gov></ocl@ios.doi.gov>
То:	<dot.legislation@dot.gov>, DHS <dhsogclegislation@hq.dhs.gov>, ARMY CORPS</dhsogclegislation@hq.dhs.gov></dot.legislation@dot.gov>
	ENG <cecc-leg@hq02.usace.army.mil>, COMMERCE <clrm@doc.gov>, HUD</clrm@doc.gov></cecc-leg@hq02.usace.army.mil>
	<hudirm@hud.gov>, LABOR <doi-soi-leg@doi.gov>, VA <ogcvairm@va.gov>,</ogcvairm@va.gov></doi-soi-leg@doi.gov></hudirm@hud.gov>
	llo@nrc.gov, GSA <ca.legislation@gsa.gov></ca.legislation@gsa.gov>
	"Kraninger, Kathleen L. EOP/OMB" < <mark>(b) (6)</mark> "Marten,
	Lexi N. EOP/OMB" <(b) (6) Abrams, Andrew D.
	EOP/OMB" <(b) (6) Connolly, David C. EOP/OMB"
	(b) (6) "Skidmore, Ben J. EOP/OMB"
	(b) (6) "Donatelli, Angela M. EOP/OMB"
	(b) (6) "Nelson, Kimberly P. EOP/OMB"
	(b) (6) "Korovesis, Andrea G. EOP/OMB"
	<(b) (6) "Grossman, Andrea L. EOP/OMB"
	(b) (6) Pasquantino, John C. EOP/OMB"
	 (b) (6) "Colyar, Kelly T. EOP/OMB"
Cc:	(b) (6) "Krauss, Lori A. EOP/OMB"
	(b) (6) "Dorjets, Vlad EOP/OMB"
	(b) (6) "Lucas, Adrienne E. EOP/OMB"
	<(b) (6) "Stein, Nora H. EOP/OMB"
	(b) (6) "Hazelgren, Mark H. EOP/OMB"
	(b) (6) "Dankert, Charles M. EOP/OMB"
	(b) (6) "Montoni, Joe E. EOP/OMB"
	 (b) (6) "Burnett, Ben D. EOP/OMB"
	<(b) (6) "Roach, Emma K. EOP/OMB"
	<(b) (6) "Hagan, Michael B. EOP/OMB"
	<(b) (6) Whitman, Katie B. EOP/OMB"
	 (b) (6) "Krauss, Lori A. EOP/OMB"

Image: Signal Stress	<(b) (6)	"Buenvenida, Pearl A. EOP/OMB"	
<i>(5) (6) "Reed, Meagan E. EOP/OMB" <i>(5) (6) "Hester, David G. EOP/OMB" <i>(5) (6) "Crutchfield, Craig C. EOP/OMB" <i>(b) (6) "Roach, Emma K. EOP/OMB" <i>(b) (6) "Brown, Dustin S. EOP/OMB" <i>(b) (6) "Brown, Dustin S. EOP/OMB" <i>(b) (6) "Plow, Dustin S. EOP/OMB" <i>(b) (6) "Falk Curtin, Edna T. EOP/OMB" <i>(b) (6) "Falk Curtin, Edna T. EOP/OMB" <i>(b) (6) "McDonald, Christine A. EOP/OMB" <i>(b) (6) "Matziger, Jeptha E. EOP/OMB" <i>(c) (6) "Gamache, Christopher D. EOP/OMB" <i>(b) (6) "Gamache, Christopher D. EOP/OMB" <i>(b) (6) "Berger, Joseph J. EOP/OMB" <i>(b) (6) "Curtis, Tyler T. EOP/OMB" <i>(b) (6) "Curtis, Tyler T. EOP/OMB" <i>(b) (6) "Valsh, Heather V. EOP/OMB" <i>(b) (6) "Jain, Varun M. EOP/OMB" <i>(b) (6) "Burn, Mathew C. EOP/OMB" <i>(b) (6) "Burn, Mathew C. EOP/OMB"<</i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i></i>	<(b) (6)		
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Date:	Fri, 22 Jun 2018 12:37:07 -0400
Attachments	Colamaria Statement 6.27 Roundtable Senate FINAL DRAFT_6.20.docx (31.47 kB);
:	Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_6.20.docx (33.25 kB)
	der that comments on these statements are due at 2 p.m. today. Please send your hat time. Thanks.
	, Candice M. EOP/OMB
	, June 21, 2018 1:51 PM
To: 'AGRICULTI	URE' <usdaleg@obpa.usda.gov>; DL-CEQ-LRM <(b) (6) 'DEFENSE'</usdaleg@obpa.usda.gov>
	>; 'ENERGY' <energy.gc33@hq.doe.gov>; 'EPA'</energy.gc33@hq.doe.gov>
	nail.epa.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <justice.lrm@usdoj.gov>; 'ION' <dot.legislation@dot.gov>; 'DHS' <dhsogclegislation@hq.dhs.gov>; 'ARMY</dhsogclegislation@hq.dhs.gov></dot.legislation@dot.gov></justice.lrm@usdoj.gov></ocl@ios.doi.gov>
	ecc-leg@hq02.usace.army.mil>; 'COMMERCE' <clrm@doc.gov>; 'HUD'</clrm@doc.gov>
	d.gov>; 'LABOR' <dol-sol-leg@dol.gov>; 'VA' <ogcvalrm@va.gov>; 'llo@nrc.gov'</ogcvalrm@va.gov></dol-sol-leg@dol.gov>
	GSA' <ca.legislation@gsa.gov></ca.legislation@gsa.gov>
	Kathleen L. EOP/OMB <(b). (6)
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<(b) (6)	Connolly, David C. EOP/OMB (b) (6)
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Stein, Nora H. I	EOP/OMB < (b) (6) EXAMPLE AND A Hazelgren, Mark H. EOP/OMB
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Jasmeet K. EOP/OMB <(b) (6)		Hunt, Alex T. EOP/OMB	
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EOP/OMB < (b) (6)	Carr, Kerrie L	. EOP/OMB < (b) (6)	
Patel, Neal A. EOP/OMB < (b) (6)	Sle	mrod, Jonathan A. EOP/OMB	
<(b) (6)	Ventura, Alexandra	EOP/OMB	
<(b) (6)	Vaeth, Matt J. EOP/0	OMB <(b) (6)	
Subject: LRM [CMB-115-184] DU	JE 06/22 @ 2:00 PM GSA at	nd CEQ Oversight Testimonies o	n

Infrastructure Permitting

DEADLINE: 2:00 PM Friday, June 22, 2018

Attached are (2) statements of the Federal Permitting Improvement Steering Council (FPISC) and CEQ for a roundtable on infrastructure permitting on June 27 before the Senate Homeland Security and Government Affairs Committee. This is not a formal hearing, but it will be open to the press and written statements will be posted online. Please review these statements and send any comments by the deadline above. Thanks.

LRM ID: CMB-115-184 EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM Thursday, June 21, 2018

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference SUBJECT: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Statements on Infrastructure Permitting

OMB CONTACT: Candice Bronack E-Mail: (0) (6) PHONE: (b) (6) FAX: (202) 395-3109 In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Payas-You-Go Act of 2010.

Thank you.

Final version of Alex's Roundtable Statement

From:	"Osterhues, Marlys A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=b7e9898c6a8e463cb2a7da10b55ed6af-os">
To:	"Neumayr, Mary B. EOP/CEQ" < <mark>(b) (6)</mark>
Cc:	"Herrgott, Alex H. EOP/CEQ" <(b) (6) "Pettigrew, Theresa L. EOP/CEQ" <(b) (6) "Barnett, Steven W. EOP/CEQ" <(b) (6) "Sharp, Thomas L. EOP/CEQ" <(b) (6) "Smith, Katherine R. EOP/CEQ" "Vandegrift, Scott F. EOP/CEQ" "Seale, Viktoria Z. EOP/CEQ"
Date:	Fri, 22 Jun 2018 16:36:12 -0400
Attachment s:	Herrgott Statement 6.27 Roundtable Senate FINAL_CLEAN.docx (27.19 kB)

Good evening Mary -

Attached is a clean version of Alex's statement for the Roundtable.

Thank you - Marlys

00001

FW: CEQ Remarks for Portman/McCaskill Roundtable on Federal Permitting Process for Major Infrastructure Projects (June 27, 2018)

From:	"Neumayr, Mary B. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdit)/cn=recipients/cn=4e618ec0a8d749c29c9f64889897f4bb-ne">
То:	°Moran, John S. EOP/WHO ((b) (6) <(b) (6)
Date:	Mon, 25 Jun 2018 12:49:03 -0400
Attachment s:	2018-06-27 Portman and McCaskill Roundtable Invitation to Herrgott.pdf (1.75 MB); Herrgott Statement 6.27 Roundtable Senate FINAL_CLEAN.DOCX (27.19 kB)

Fyi, attached are written remarks prepared for Alex Herrgott for a roundtable to be hosted by Senators Portman and McCaskill on Wednesday. (The invitation is also attached.) In addition to Alex, the Acting Executive Director of the Permitting Council will also be participating, and her remarks and Alex's remarks have been cleared through the LRM process.

Mary B. Neumayr Chief of Staff, Council on Environmental Quality (b) (6) (office), (b) (6) (cell) (b) (6)

From: Neumayr, Mary B. EOP/CEQ Sent: Friday, June 22, 2018 4:47 PM

To: Staff Secretary <(b) (6)

Cc: Pettigrew, Theresa L. EOP/CEQ ((b) (6)

<(b) (6)

Subject: CEQ Remarks for Portman/McCaskill Roundtable on Federal Permitting Process for Major Infrastructure Projects (June 27, 2018)

Staff Sec:

Fyi, CEQ's Associate Director for Infrastructure, Alex Herrgott, has been invited to speak at an upcoming roundtable scheduled for **Wednesday**, June 27 at 2:30 pm. Written statements are requested by Monday, June 25 at 2:30 pm, and Alex's written statement, which has been reviewed and cleared through the LRM process, is attached. The invitation is also attached and details for the events are below:

<u>Event:</u> Roundtable with Members of the Senate Committee on Homeland Security and Governmental Affairs <u>Sponsors:</u> Senators Portman and McCaskill <u>Topic:</u> Federal Permitting Process for Major Infrastructure Projects <u>Date/Location:</u> Wednesday, June 27, 2018; SD-106, Dirksen Senate Office 8uilding, Washington DC Press: Yes I am copying CEQ's Associate Director for Legislative Affairs, Theresea Pettigrew, who has been in contact with OLA regarding this event. If any questions, please let us know. Thanks,

Mary

Mary B. Neumayr Chief of Staff, Council on Environmental Quality (b) (6) (office), (b) (6) (cell)

STATEMENT OF

ALEXANDER HERRGOTT

ASSOCIATE DIRECTOR FOR INFRASTRUCTURE COUNCIL ON ENVIRONMENTAL QUALITY

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

UNITED STATES SENATE

June 27, 2018

Senator Portman, Ranking Member McCaskill, and Members of the Committee, thank you for the invitation to this roundtable discussion on the federal permitting process for major infrastructure projects. We appreciate this Committee's willingness to have a meaningful dialogue on this topic as we work toward a shared goal of reducing permitting delays and providing the American people the modernized infrastructure they undoubtedly need.

As many of you know, a major cause of delay has been too many decision makers without effective cross agency communication and coordination. Multiple federal agencies oversee potentially dozens of federal statutes that project sponsors must navigate before beginning construction on a major infrastructure project. Over time, this has created a redundant and often inconsistent federal permitting process. Too often, these processes do not share a single framework or time frame. For example, a highway project could have as many as 10 different federal agencies involved in 16 different permitting decisions, in addition to the state, local, and tribal agencies with separate permitting and approval processes.

The result is a federal permitting process that often takes too long, increases costs, and creates uncertainty. We are actively working to address these challenges while ensuring environmental protection. With process enhancements and a common-sense, harmonized approach among federal agencies, infrastructure projects will move through the environmental review permitting process more efficiently. Federal agency coordination is imperative to long-term process reforms throughout these agencies.

Executive Order 13807

On August 15, 2017, President Trump signed Executive Order 13807 implementing a policy of "One Federal Decision." Under One Federal Decision, federal agencies will administer the National Environmental Policy Act (NEPA) so that a single Environmental Impact Statement (EIS) and a single Record of Decision (ROD) are prepared for all reviewing agencies, and all applicable permitting decision processes will be conducted concurrently with the NEPA process to ensure that the necessary permitting decisions can be made within 90 days of the ROD. One Federal Decision also provides that federal agencies will seek to complete the environmental

[APG]
review process within an average of 2 years of the publication of a Notice of Intent to prepare an EIS. As a result of One Federal Decision, the federal environmental review and permitting process will be streamlined, more transparent, and predictable.

One Federal Decision builds on the statutory authorities provided in the Fixing America's Surface Transportation Act (FAST Act) to streamline permitting and provides a framework to further improve efficient coordination between federal agencies. The FAST-41 process, established in Title 41 of the FAST Act, provides a range of tools for large and complex infrastructure projects to navigate the federal environmental review and authorization process. In brief, FAST-41 established project-specific procedures that may be applicable or available to agencies and project sponsors in meeting permitting and review obligations. One Federal Decision broadly impacts how agencies conduct and coordinate environmental reviews while preserving each agency's statutory authority, independence, and ability to comply with NEPA and related statutes, like FAST-41.

Memorandum of Understanding

On April 9, 2018, President Trump announced that the following 12 federal agencies signed a One Federal Decision Memorandum of Understanding (MOU): Department of the Interior (Interior), Department of Agriculture (USDA), Department of Housing and Urban Development, Department of Commerce, Department of Transportation, Department of Energy (DOE), United States Army Corps of Engineers, Department of Homeland Security, Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC), Advisory Council on Historic Preservation, and the Federal Permitting Improvement Steering Council (FPISC). Under the MOU, these agencies committed to following the President's One Federal Decision framework. In doing so, the agencies agreed to implement an unprecedented level of coordination and collaboration in conducting their environmental reviews of major infrastructure projects.

The Council on Environmental Quality (CEQ), in coordination with other components of the White House, has convened a federal interagency working group to develop the framework under which agencies will implement One Federal Decision. This framework establishes the standard operating procedures for how agencies process environmental reviews from beginning to end. The agencies will work together to identify the appropriate level of analysis needed to conduct the necessary environmental reviews, synchronize the public engagement, and complete other procedural steps to ensure that all necessary decisions can be made within the timelines established by Executive Order 13807.

Agency Action

To date, agencies have been taking steps to advance One Federal Decision principles, starting first with normalizing regular interagency working group meetings and collaboration between agencies and CEQ to improve interagency coordination and the quality of environmental analysis. Since the agencies signed the MOU, CEQ and agency leadership have engaged in numerous meetings on agency streamlining efforts to identify and implement policy, process, and regulatory changes that include:

- The Federal Highway Administration signed an agreement with the United States Fish and Wildlife Service, the Army Corps of Engineers, EPA, United States Coast Guard, and National Oceanic and Atmospheric Administration (NOAA), committing to working together to achieve the goals of Executive Order 13807. These agencies collaboratively developed a chart coordinating each agency's processes;
- Interior issued Secretarial Order 3355 and additional guidance that advance the department's NEPA-streamlining efforts within Executive Order 13807;
- The Army Corps of Engineers issued Section 408 policy changes adopting other agencies' NEPA documents and issued a policy memorandum operationalizing "risk-informed decision making" to improve coordination and risk management across disciplines;
- USDA, FERC, DOE, and EPA are improving internal clearance processes along with increasing agency capacity for projects with dedicated staff assignments;
- USDA, the Army Corps of Engineers, NOAA Fisheries and the United States Fish and Wildlife Service are expanding the use of time-saving programmatic consultation processes; and
- Agencies will be issuing directives and conducting training at all levels of their organizations, from headquarters to field offices, on timetables and plans to implement the One Federal Decision policy nationwide.

Agency Accountability

The Office of Management and Budget is developing a performance accountability system and appropriate performance metrics to ensure that agencies are implementing One Federal Decision, including the adherence to lead federal agency permitting timetables. The Administration plans to consider agency performance during budget formulation, and agency delays from the permitting timetable may be quantified. Key agency personnel also will have accountability and performance criteria added to their performance plans to measure their effectiveness in processing project permits.

Regulatory Reforms

Following the direction laid out in Executive Order 13807, CEQ published an initial list of actions in the *Federal Register* on September 14, 2017, outlining its plans to enhance and modernize the federal environmental review and authorization process. Last fall, CEQ announced its intent to review its 1978 regulations implementing the procedural requirements of NEPA to identify potential updates and clarifications to those regulations. Just last week, CEQ published in the *Federal Register* for public comment an Advance Notice of Proposed Rulemaking titled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act."

Through improved agency coordination, increased transparency and accountability and timely decision making, we can improve our infrastructure permitting process and get projects completed and to the market faster for the benefit of the American people.

While CEQ is focused on the development of a better process for all infrastructure project permitting, the Federal Permitting Improvement Steering Council is focused on overcoming obstacles on a project-by-project basis. My colleague, Angela Colamaria, the acting Executive Director of the Permitting Council, will expand further on the implementation of FAST-41 and FPISC's role in streamlining the federal permitting process.

Thank you again for the opportunity to participate in today's discussion.

RE: Draft Oral Testimony for Angie

From:	"Vandegrift, Scott F. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=fb70343d12224f4fb115dd54c90129ac-va">
То:	Karen Hanley - Y <karen.hanley@gsa.gov></karen.hanley@gsa.gov>
Date:	Mon, 25 Jun 2018 13:48:22 -0400
Attachment s:	Herrgott Oral Statement 6.27 Roundtable Senate - CLEAN.docx (25.14 kB)

Still draft

From: Karen Hanley - Y <karen.hanley@gsa.gov> Sent: Monday, June 25, 2018 1:28 PM To: Vandegrift, Scott F. EOP/CEQ <**(b) (6)** Subject: Fwd: Draft Oral Testimony for Angie

FYSA

------ Forwarded message ------From: Sharp, Thomas L. EOP/CEQ <(b) (6) Date: Mon, Jun 25, 2018 at 11:52 AM Subject: RE: Draft Oral Testimony for Angie To: Angela Colamaria - Y-D <<u>angela.colamaria@fpisc.gov</u>>, Karen Hanley - Y <<u>karen.hanley@gsa.gov</u>> Cc: Janet Pfleeger - Y <<u>janet.pfleeger@gsa.gov</u>>, "Osterhues, Marlys A. EOP/CEQ" <<u>b)(6)</u> Amber Levofsky - Y <<u>amber.levofsky@gsa.gov</u>>, Robert Hillkirk - AY-C <<u>scott.hillkirk@gsa.gov</u>>, Robert Noecker <<u>robert.noecker@gsa.gov</u>>

A few suggestions on the background section, but generally looks great!

From: Angela Colamaria - Y-D <<u>angela.colamaria@fpisc.gov</u>> Sent: Sunday, June 24, 2018 7:34 PM To: Karen Hanley - Y <<u>karen.hanley@gsa.gov</u>> Cc: Janet Pfleeger - Y <<u>janet.pfleeger@gsa.gov</u>>; Sharp, Thomas L. EOP/CEQ <(b) (6) Osterhues, Marlys A. EOP/CEQ <(b) (6) Amber Levofsky - Y <<u>amber.levofsky@gsa.gov</u>>; Robert Hillkirk - AY-C <<u>scott.hillkirk@gsa.gov</u>>; Robert Noecker <<u>robert.noecker@gsa.gov</u>> Subject: Re: Draft Oral Testimony for Angie

I added my edits/responses to Karen's document.

Angela F. Colamaria

Acting Executive Director Office of the Executive Director (FPISC-OED) Federal Permitting Improvement Steering Council angela.colamaria@fpisc.gov 202.705.1639 1800 F St. NW Washington, DC 20405

On Sun, Jun 24, 2018 at 1:41 PM, Karen Hanley - Y <karen.hanley@gsa.gov> wrote:

Good afternoon all,

Please find attached some suggested comments and edits.

Thanks! Karen

On Fri, Jun 22, 2018 at 8:37 PM, Janet Pfleeger - Y <janet.pfleeger@gsa.gov> wrote:

All,

Attached is a first draft. A few points:

1) It is exactly five minutes at a clearly enunciated pace, that isn't rushed Any changes must either be to shorten it or if anything is added, something will have to be eliminated.

2) It is drafted in large font so Angie can easily read it. Certain words are in **bold** for Angie to emphasize

3) I'm not sure who else should be in the "to" line of this email, so please forward to those who should have received it.

Thanks,

Janet Pfleeger Deputy Director Federal Permitting Improvement Steering Council Office of the Executive Director (FPISC-OED) janet.pfleeger@fpisc.gov (202) 714-7288 1800 F St, NW Washington, DC 20405

On Fri, Jun 22, 2018 at 5:08 PM, Sharp, Thomas L. EOP/CEQ <(b) (6) wrote:

Got it

On Jun 22, 2018, at 5:07 PM, Karen Hanley - Y <<u>karen.hanley@gsa.gov</u>> wrote:

plus Tom.

On Fri, Jun 22, 2018 at 5:06 PM, Janet Pfleeger - Y <janet.pfleeger@gsa.gov> wrote:

Marlys,

Is I understand correctly, I'm sending this to you for incorporation into the Q&A doc. Pls let me know if you need anything else.





Janet Pfleeger Deputy Director Federal Permitting Improvement Steering Council Office of the Executive Director (FPISC-OED) janet.pfleeger@fpisc.gov (202) 714-7288 1800 F St, NW Washington, DC 20405

Karen A. Hanley Senior Environmental Policy Advisor, Federal Permitting Improvement Steering Council (FPISC), GSA Deputy Associate Director for NEPA, Council on Environmental Quality (CEQ) Phone: (b) (6)

Karen A. Hanley Senior Environmental Policy Advisor, Federal Permitting Improvement Steering Council (FPISC), GSA Deputy Associate Director for NEPA, Council on Environmental Quality (CEQ) Phone: (b) (6)

Karen A. Hanley

Senior Environmental Policy Advisor, Federal Permitting Improvement Steering Council (FPISC), GSA Deputy Associate Director for NEPA, Council on Environmental Quality (CEQ) Phone: (b) (6)

00003

FW: Final version of Alex's Roundtable Statement

From:	"Vandegrift, Scott F. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdit)/cn=recipients/cn=fb70343d12224f4fb115dd54c90129ac-va">
То:	Karen Hanley - Y <karen.hanley@gsa.gov></karen.hanley@gsa.gov>
Date:	Mon, 25 Jun 2018 09:00:49 -0400
Attachment s:	Herrgott Statement 6.27 Roundtable Senate FINAL_CLEAN.docx (27.19 kB)

From: Osterhues, Marlys A. EOP/CE	Q	
Sent: Friday, June 22, 2018 4:36 PM		
To: Neumayr, Mary B. EOP/CEQ <) (6)	
Cc: Herrgott, Alex H. EOP/CEQ (b)	(6)	Schneider, Daniel J. EOP/CEQ
<(b) (6)	Pettigrew, Theresa L. EOP/CEQ	_
<(b) (6)	📕 Barnett, Steven W. EOP/CEQ <	(b) (6)
Sharp, Thomas L. EOP/CEQ <(b) (6)	Smith, I	Katherine R. EOP/CEQ
<(b) (6)	Vandegrift, Scott F. EOP/CEQ <)(6)
Seale, Viktoria Z. EOP/CEQ <(b) (6)		

Subject: Final version of Alex's Roundtable Statement

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Thank you - Marlys

STATEMENT OF

ALEXANDER HERRGOTT

ASSOCIATE DIRECTOR FOR INFRASTRUCTURE COUNCIL ON ENVIRONMENTAL QUALITY

BEFORE THE

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Thank you again for the opportunity to participate in today's discussion.

[EXTERNAL] RE: 6/27 meeting request - CEO of EDF

Renewables

From: "Moeller, Elizabeth V." <elizabeth.moeller@pillsburylaw.com>

To: "Drummond, Michael R. EOP/CEQ" <(b) (6)

Date: Tue, 26 Jun 2018 14:38:05 -0400

Hi Michael, Wonderful – many thanks! We look forward to seeing you tomorrow. Best, Elizabeth

From: Drummond, Michael R. EOP/CEQ <(b) (6) Sent: Tuesday, June 26, 2018 2:37 PM To: Moeller, Elizabeth V. <elizabeth.moeller@pillsburylaw.com> Subject: RE: 6/27 meeting request - CEO of EDF Renewables

Elizabeth,

We're looking forward to your visit as well. Please extend our invitation to Virinder as well.

See you tomorrow. Best, Michael

From: Moeller, Elizabeth V. <<u>elizabeth.moeller@pillsburylaw.com</u>> Sent: Tuesday, June 26, 2018 11:20 AM To: Drummond, Michael R. EOP/CEQ <<mark>(b) (6)</mark> Subject: [EXTERNAL] RE: 6/27 meeting request - CEO of EDF Renewables

Dear Michael,

Wonderful! We look forward to our visit with you and Aaron tomorrow at 11:30. If it works for your team, Tristan and I will be joined by Virinder Singh, EDF Renewables Director of Regulatory and Legislative Affairs who will be in DC from Portland. Many thanks. We look forward to our visit tomorrow! Best, Elizabeth

From: Drummond, Michael R. EOP/CEQ <(b) (6) Sent: Monday, June 25, 2018 6:15 PM To: Moeller, Elizabeth V. <<u>elizabeth.moeller@pillsburylaw.com</u>> Subject: RE: 6/27 meeting request - CEO of EDF Renewables

Elizabeth,

Your meeting request was forwarded to me by Mary Green. I'd be happy to meet with you and Tristan on Wednesday at 11:30am. I'll be joined by my colleague Aaron Szabo, our Senior Counsel. Aaron and I are interested to hear EDF Renewables' experience with the NEPA process. I'll send a calendar invite momentarily.

I will put this meeting on our Chief of Staff Mary Neumayr's calendar as well, though she has a very busy day on Wednesday.

I look forward to meeting you in person on Wednesday.

Best,

Michael Drummond Deputy Associate Director for NEPA (b) (6)

From: Moeller, Elizabeth V. <<u>elizabeth.moeller@pillsburylaw.com</u>> Sent: Thursday, June 21, 2018 4:33 PM To: Green, Mary A. EOP/CEQ <<u>(b) (6)</u> Subject: [EXTERNAL] 6/27 meeting request - CEO of EDF Renewables

Dear Ms. Green,

Thank you for your time yesterday – just before we saw the release of the Advance Notice of Proposed Rulemaking on NEPA!

I am following up on behalf of EDF Renewables which is a market leading independent power producer and service provider in the U.S. with projects throughout the United States and headquarters in San Diego.

EDF Renewables' President and CEO, <u>Tristan Grimbert</u>, will be in DC on Wednesday, June 26th and is hoping that leaders at CEQ will have time for a short visit to discuss NEPA and national energy and environmental policy. Would a short visit on Wednesday, June 27th at, perhaps at 11:30 be convenient for schedules?

EDF Renewables delivers grid-scale power: wind (onshore and offshore), solar photovoltaic, and storage projects; distributed solutions: solar, solar+storage, EV charging and energy management; and asset optimization: technical, operational, and commercial skills to maximize performance of generating projects. EDF Renewables' North American portfolio consists of 10 GW of developed projects and 10 GW under service contracts.

Please let me know if you need any additional information. Many thanks in advance.

Kind regards, Elizabeth Elizabeth Vella Moeller | Partner | Public Policy Group Leader Pillsbury Winthrop Shaw Pittman LLP 1200 Seventeenth Street NW | Washington, DC 20036-3006 t 202.663.9159 | f 202.663.8007 | m(b) (6) elizabeth.moeller@pillsburylaw.com | website bio

ABU DHABI AUSTIN BEUING DUBAI HONG KONG HOUSTON LONDON LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH SACRAMENTO SAN DIEGO SAN DIEGO MORTH COUNTY SAN FRANCISCO SHANGHAI SILICON VALLEY TOKYO WASHINGTON, DC

pillsbury

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RE: 6/27 meeting request - CEO of EDF Renewables

From :	"Drummond, Michael R. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=a0bc62c0a5454e6fb7a1be504b7d284a-dr">
То:	"Moeller, Elizabeth V." <elizabeth.moeiler@pillsburylaw.com></elizabeth.moeiler@pillsburylaw.com>
Date:	Tue, 26 Jun 2018 14:37:25 -0400
Elizabeth	
We're loo	oking forward to your visit as well. Please extend our invitation to Virinder as well.
See you t Best, Michael	omorrow.
Sent: Tue To: Drum	oeller, Elizabeth V. <elizabeth.moeller@pillsburylaw.com> esday, June 26, 2018 11:20 AM mond, Michael R. EOP/CEQ <<mark>(b) (6)</mark> [EXTERNAL] RE: 6/27 meeting request - CEO of EDF Renewables</elizabeth.moeller@pillsburylaw.com>
If it work Regulato	hael, ul! We look forward to our visit with you and Aaron tomorrow at 11:30. s for your team, Tristan and I will be joined by Virinder Singh, EDF Renewables Director of ry and Legislative Affairs who will be in DC from Portland. unks. We look forward to our visit tomorrow!
	ummond, Michael R. EOP/CEQ < <mark>(b) (6)</mark> nday, June 25, 2018 6:15 PM

Sent: Monday, June 25, 2018 6:15 PM To: Moeller, Elizabeth V. <elizabeth.moeller@pillsburylaw.com> Subject: RE: 6/27 meeting request - CEO of EDF Renewables

Elizabeth,

Your meeting request was forwarded to me by Mary Green. I'd be happy to meet with you and Tristan on Wednesday at 11:30am. I'll be joined by my colleague Aaron Szabo, our Senior Counsel. Aaron and I are interested to hear EDF Renewables' experience with the NEPA process. I'll send a calendar invite momentarily.

I will put this meeting on our Chief of Staff Mary Neumayr's calendar as well, though she has a very busy day on Wednesday.

I look forward to meeting you in person on Wednesday.

Best,

Michael Drummond Deputy Associate Director for NEPA (b) (6)

From: Moeller, Elizabeth V. <<u>elizabeth.moeller@pillsburylaw.com</u>> Sent: Thursday, June 21, 2018 4:33 PM To: Green, Mary A. EOP/CEQ <(b) (6) Subject: [EXTERNAL] 6/27 meeting request - CEO of EDF Renewables

Dear Ms. Green,

Thank you for your time yesterday – just before we saw the release of the Advance Notice of Proposed Rulemaking on NEPA!

l am following up on behalf of EDF Renewables which is a market leading independent power producer and service provider in the U.S. with projects throughout the United States and headquarters in San Diego.

EDF Renewables' President and CEO, <u>Tristan Grimbert</u>, will be in DC on Wednesday, June 26th and is hoping that leaders at CEQ will have time for a short visit to discuss NEPA and national energy and environmental policy. Would a sbort visit on Wednesday, June 27th at, perhaps at 11:30 be convenient for schedules?

EDF Renewables delivers grid-scale power: wind (onshore and offshore), solar photovoltaic, and storage projects; distributed solutions: solar, solar+storage, EV charging and energy management; and asset optimization: technical, operational, and commercial skills to maximize performance of generating projects. EDF Renewables' North American portfolio consists of 10 GW of developed projects and 10 GW under service contracts.

Please let me know if you need any additional information. Many thanks in advance.

Kind regards, Elizabeth

Elizabeth Vella Moeller | Partner | Public Policy Group Leader Pillsbury Winthrop Shaw Pittman LLP

1200 Seventeenth Street NW | Washington, DC 20036-3006

t 202.663.9159 | f 202.663.8007 | m (b) (6)

elizabeth.moeller@pillsburylaw.com | website bio

ABU DHABI AUSTIN BELING DUBAI HONG KONG HOUSTON LONDON LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH SACRAMENTO SAN DIEGO SAN DIEGO MORTH COUNTY SAN FRANCISCO SHANGHAI SILICON VALLEY TOKYO WASHINGTON, DC

pillsbury

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Re: FW: Edits to proposed rule on NEPA review

From: Miriam Vincent <miriam.vincent@nara.gov>

To: "Seale, Viktoria Z. EOP/CEQ" <(b) (6)

Date: Fri, 29 Jun 2018 15:43:20 -0400

I should be around the week of July 23, so shoot me some options and I'm sure we can come up with a day/time.

And, please feel free to send a draft comment extension. You can email it to me or to <u>fedreg.liaison@nara.gov</u>.

Miriam

Miriam Vincent Staff Attorney, Legal Affairs and Policy Division Office of the Federal Register National Archives and Records Administration (0)202.741.6024 (c) (b) (6) (c) (b) (6)

On Fri, Jun 29, 2018 at 2:27 PM, Seale, Viktoria Z. EOP/CEQ (b) (6)

Miriam,

My apologies for not following up on scheduling a time to meet. I am interested in scheduling a time to meet but my schedule has been hectic lately. Do you have any availability the week of July 23rd?

In the interim, CEQ is considering extending the comment period for the advance notice of proposed rulemaking. Would it be possible to send the draft extension notice to you or one of your colleagues in advance to ensure that it complies with FR requirements?

Thank you,

Viktoria

Viktoria Z. Seale General Counsel wrote:

Executive Office of the President

Council on Environmental Quality



From: Miriam Vincent <<u>miriam.vincent@nara.gov</u>> Sent: Monday, June 18, 2018 7:51 AM

To: Seale, Viktoria Z. EOP/CEQ **(b) (6)** Cc: <u>fedreg.legal@nara.gov</u> Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,

At the moment, I don't have a lot of meeting scheduled for the next 2 weeks. I can't do this Thursday, next Monday, or next Friday, but I still have time this morning between 9:30 and noon. Or, I'm available to set something up during one the following times:

6/19 90:30-12:00

6/20 09:30-12:00

6/22 09:30-15:00

6/26 09:30-15:00

6/27 09:30-15:00

6/28 09:30-15:00

Let me know what works best for you.

Miriam

Miriam Vincent Staff Attorney, Legal Affairs and Policy Division Office of the Federal Register National Archives and Records Administration (0)202.741.6024 (c) (b) (6) (c) (b) (6) On Fri, Jun 15, 2018 at 3:22 PM, Seale, Viktoria Z. EOP/CEQ <(b) (6) wrote: Miriam,

I would like to take you up on your offer to talk generally.

Please let me know if you are available for a call in the next two weeks.

Thank you,

(b) (5)

Viktoria

From: Miriam Vincent <<u>miriam.vincent@nara.gov</u>> Sent: Friday, June 15, 2018 2:42 PM To: Seale, Viktoria Z. EOP/CEQ <(b) (6) Cc: fedreg.legal@nara.gov

Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,

(b) (5)

(b) (5) work best for you.	. Just let us know what will
Miriam	
Miriam Vincent	
Staff Attorney, Legal Affairs and Policy Division	
Office of the Federal Register	
National Archives and Records Administration	
(0)202.741.6024 (c) (b) (6) (c) (b) (6)	
On Fri, Jun 15, 2018 at 2:38 PM, Seale, Viktoria Z. EOP/CEQ Miriam, (b) (5)) (6) wrote: Will that address your concerns?
Viktoria	
Viktoria Z. Seale	
General Counsel	
Executive Office of the President	
Council on Environmental Quality	
(b) (6) (direct)	
(b) (6) (cell)	
-	

From: Miriam Vincent <<u>miriam.vincent@nara.gov</u>> Sent: Friday, June 15, 2018 2:29 PM To: Seale, Viktoria Z. EOP/CEQ <<u>(b) (6)</u> Cc: <u>fedreg.legal@nara.gov</u>; <u>ofr-legal@gpo.gov</u> Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,



We allow quotations where the agency has added value to the quotation - addressing the specific language used, contrasting with other relevant language, showing how the specific language directed or led to specific agency action.

(b) (5)		

I have a flexible schedule on Monday, so can be available (with a little notice) anytime between 9:30 and 3:30. I'm finishing up for the day shortly, but I'll be starting early enough on Monday that I can be ready for a 9:30 meeting if you send a meeting request after I log off this afternoon.

Miriam

Miriam Vincent

Staff Attorney, Legal Affairs and Policy Division

Office of the Federal Register

National Archives and Records Administration

(o)202.741.6024 (c) (b) (6) (c) (b) (6)

Ou Fri, Jun 15, 2018 at 1:16 PM, Seale, Viktoria Z. EOP/CEQ < (b) (6)

Dear Sir or Madam,

I am writing with regards to an Advance Notice of Proposed Rulemaking that the Council on Environmental Quality (CEQ) has submitted to the Federal Register for publication. (b) (5)

wrote:

		Í
am available to discuss this matter at your earl firect) or (b) (6)	est convenience and can be reached at) (6)
incerely,		
ïktoria		
iktoria Z. Seale		
eneral Counsel		
xecutive Office of the President		
ouncil on Environmental Quality		
(direct)		
(cell) (6)		
rom: Sun, Howard C. EOP/CEQ ent: Friday, June 15, 2018 12:24 PM		
o: Schneider, Daniel J. EOP/CEQ <(b) (6)	Neumayr, Mary	B. EOP/CEQ

From: Reid, Chipp (OFR) <<u>creid@gpo.gov</u>> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <(b) (6) Subject: Edits to proposed rule on NEPA review

Please see the Document Drafting Handbook, page 2-15, which

states:

2.6 When can I use direct quotes? The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the Federal Register. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.



Please let me know if you have any questions.

Chipp Reid

Writer/Editor

Office of the Federal Register

creid@gpo.gov

chipp.reid@nara.gov

202-741-6007

Legal Affairs and Policy Staff Office of the Federal Register National Archives and Records Administration

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RE: FW: Edits to proposed rule on NEPA review

From "Seale, Viktoria Z. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative : group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">

To: Miriam Vincent <miriam.vincent@nara.gov>

Date: Fri, 29 Jun 2018 14:27:15 -0400

Miriam,

My apologies for not following up on scheduling a time to meet. I am interested in scheduling a time to meet but my schedule has been hectic lately. Do you have any availability the week of July 23rd?

In the interim, CEQ is considering extending the comment period for the advance notice of proposed rulemaking. Would it be possible to send the draft extension notice to you or one of your colleagues in advance to ensure that it complies with FR requirements?

Thank you,

Viktoria

Viktoria Z. Seale General Counsel Executive Office of the President Council on Environmental Quality (b) (6) (direct) (b) (6) (cell)

From: Miriam Vincent <miriam.vincent@nara.gov> Sent: Monday, June 18, 2018 7:51 AM To: Seale, Viktoria Z. EOP/CEQ <(b) (6) Cc: fedreg.legal@nara.gov Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,

At the moment, I don't have a lot of meeting scheduled for the next 2 weeks. I can't do this Thursday, next Monday, or next Friday, but I still have time this morning between 9:30 and noon. Or, I'm available to set something up during one the following times:

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Let me know what works best for you.

Miriam

Miriam Vincent Staff Attorney, Legal Affairs and Policy Division Office of the Federal Register National Archives and Records Administration (0)202.741.6024 (c) (b) (6)

On Fri, Jun 15, 2018 at 3:22 PM, Seale, Viktoria Z. EOP/CEQ (b) (6) wrote:

Miriam,

(b) (5)

I would like to take you up on your offer to talk generally.

Please let me know if you are available for a call in the next two weeks.

Thank you,

Viktoria

From: Miriam Vincent <<u>miriam.vincent@nara.gov</u>> Sent: Friday, June 15, 2018 2:42 PM To: Seale, Viktoria Z. EOP/CEQ <(b) (6) Cc: <u>fedreg.legal@nara.gov</u> Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,


Miriam

Miriam Vincent Staff Attorney, Legal Affairs and Policy Division Office of the Federal Register National Archives and Records Administration (0)202.741.6024 (c) (b) (6) (c) (b) (6)

On Fri, Jun 15, 2018 at 2:38 PM, Seale, Viktoria Z. EOP/CEQ

<(b) (6) wrote:

Miriam,

(b) (5)	. Will that address your concerns?
Viktoria	
Viktoria Z. Seale	
General Counsel	
Executive Office of the President	
Council on Environmental Quality	
(b) (6) (direct)	
(b) (6) (cell)	
From: Miriam Vincent < <u>miriam.vincent@nara.gov</u> >	
Sent: Friday, June 15, 2018 2:29 PM	
To: Seale, Viktoria Z. EOP/CEQ < (b) (6)	
Cc: fedreg.legal@nara.gov; ofr-legal@gpo.gov	

Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,

(b) (5)			

We allow quotations where the agency has added value to the quotation addressing the specific language used, contrasting with other relevant language, showing how the specific language directed or led to specific agency action. (b) (5) ...

I have a flexible schedule on Monday, so can be available (with a little notice) anytime between 9:30 and 3:30. I'm finishing up for the day shortly, but I'll be starting early enough on Monday that I can be ready for a 9:30 meeting if you send a meeting request after I log off this afternoon.

Miriam

Miriam Vincent Staff Attorney, Legal Affairs and Policy Division Office of the Federal Register National Archives and Records Administration (0)202.741.6024 (c) (b) (6) (c) (b) (6)

On Fri, Jun 15, 2018 at 1:16 PM, Seale, Viktoria Z. EOP/CEQ

Dear Sir or Madam,

I am writing with regards to an Advance Notice of Proposed Rulemaking that the Council on Environmental Quality (CEQ) has submitted to the Federal Register for publication.

(0) (0)	
	-
	۰.

I am available to discuss this matter at your earliest convenience and can be reached at (b) (6) (direct) or (b) (6) (cell).

Sincerely,

Viktoria

Viktoria Z. Seale General Counsel Executive Office of the President Council on Environmental Quality (b) (6) (direct) (b) (6) (cell)

From: Sun, Howard C. EOP/CE	Q	
Sent: Friday, June 15, 2018 12:2	24 PM	
To: Schneider, Daniel J. EOP/Cl	EQ < <mark>(b) (6)</mark>	Neumayr, Mary
B. EOP/CEQ <(b) (6)	Szabo, Aaron L.	EOP/CEQ
<(b) (6)	Seale, Viktoria Z. EOP/CEQ	
<(b) (6)		

Subject: FW: Edits to proposed rule on NEPA review

From: Reid, Chipp (OFR) <<u>creid@gpo.gov</u>> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <(b)(6) Subject: Edits to proposed rule on NEPA review

(b) (5) Please see the Document Drafting

Handbook, page 2-15, which states:

2.6 When can I use direct quotes? The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the Federal Register. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.

(b) (5)			

Please let me know if you have any questions.

Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

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RE: Materials from Federal NEPA Contacts Webinar

From: "Martin, Andrea (FRA)" <andrea.martin@dot.gov>

To: "Osterhues, Marlys A. EOP/CEQ" <(b) (6)

Cc: "Osterhues, Marlys (FRA)" <marlys.osterhues@dot.gov>

Date: Mon, 02 Jul 2018 06:51:41 -0400

Thank you so much. This is exactly what I needed.

Have a good day, Andrea

ANDRÉA E. MARTIN Senior Environmental Protection Specialist Federal Railroad Administration U.S. Department of Transportation

(d) 202.493.6201

From: Osterhues, Marlys A. EOP/CEQ [mailto(b) (6) Sent: Friday, June 29, 2018 12:49 PM To: Martin, Andrea (FRA) <andrea.martin@dot.gov> Subject: Materials from Federal NEPA Contacts Webinar

Andrea -

Was this what you were looking for?

From: FN-CEQ-NEPA	
Sent: Wednesday, June 20, 2018 12:56 PM	
To: FN-CEQ-NEPA <(b) (6)	
Cc: Boling, Ted A. EOP/CEQ <(b) (6)	Drummond, Michael R. EOP/CEQ
<(b) (6) Man	soor, Yardena M. EOP/CEQ
<(b) (6)	

Subject: Federal NEPA Contacts Webinar

Federal NEPA Contacts,

Apologics for an additional email, but there were some indications that yesterday's calendar invite update was not received by all, so its contents are being resent in this email. See you all online at 3:00pm (EDT).

In advance of today's webinar, we have updated the tele-conference participant code (correct code is (b) (6) Plcased find attached 1) a meeting agenda for tomorrow's webinar, 2) a slide deck for those unable to join the webinar, 3) instructions for joining the webinar, 4) the pre-publication version of the Advance Notice of Proposed Rulemaking for the CEQ NEPA Regulations, and 5) a Report from the Federal Forum on Environmental Collaboration and Conflict Resolution.

Lastly, please take a moment to review your agency's NEPA Contact listed here: <u>>https://ceq.doe.gov/docs/nepa-practice/2018-Federal-NEPA-contacts-and-websites-2018-06-15.pdf</u> and provide any necessary updates via email to (b) (6)

Sincerely,

The CEQ NEPA Team

CEQ will host the Summer Meeting of the Federal NEPA Contacts via webinar on Wednesday, June 20 from 3:00pm - 4:30pm EDT.

Conference number and webinar URL are provided below. An agenda will be provided in advance of the meeting along with a PDF of the webinar slides for those unable to join the webinar.

Audio Conference Details: Conference Number (Toll Free): (b) (6) Participant Code: (b) (6)

To join the meeting:

If you have never attended an Adobe Connect meeting before:

Test your connection: >https://meet.gsa.gov/common/help/en/support/meeting_test.htm<

Get a quick overview: <a>http://www.adobe.com/products/adobeconnect.html

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Re: Comment - CEQ-2018-001

From:	"Schneider, Daniel J. EOP/CEQ" < <mark>(b) (6</mark>	
To:	"Neumayr, Mary B. EOP/CEQ" ⊲(b) (6)	
Cc:	"Pettigrew, Theresa L. EOP/CEQ" <	6)
Date:	Tue, 03 Jul 2018 18:32:10 -0400	
Thanks for	· Nagging!	
Sent from	my iPhone	
On Jul 3, 2	2018, at 6:16 PM, Neumayr, Mary B. EOP/CEQ	<(b) (6) > wrote:
Fyi		
Sent: T	Drummond, Michael R. EOP/CEQ uesday, July 3, 2018 3:11 PM bo, Aaron L. EOP/CEQ < <mark>(b) (6)</mark>	Seale, Viktoria Z. EOP/CEQ
		B. EOP/CEQ <(b) (6)
EOP/CE	nsoor, Yardena M. EOP/CEQ < <mark>(b) (6)</mark>	Smith, Katherine R.

FYI -- We received the attached this afternoon from the AGs offices of WA, MD, MA, NJ, NY, and OR requesting a 60-day extension of the comment period.

From: Kealy, Tricia (ATG) <<u>TriciaK@ATG.WA.GOV</u>> Sent: Tuesday, July 3, 2018 2:44 PM To: FN-CEQ-NEPA <(b) (6) ksmith@ceq.eop.gov Cc: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Subject: Comment - CEQ-2018-001

Greetings,

Attached please find a letter Re: Advance Notice of Proposed Rulemaking – Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 83 Fed. Reg. 28591 (June 20, 2018) Docket ID No. CEQ-2018-001 from Attorneys General of Washington, Maryland, Massachusetts, New Jersey, New York, and Oregon. This was submitted today on regulations.gov.

Thank you, **Tricia Kealy** Legal Assistant 3/Lead Counsel for Environmental Protection Office of the Attorney General 800 5th Ave, Suite 2000 Seattle, WA 98104 Phone 206-326-5494 <u>TriciaK@atg.wa.gov</u>

<Final State AG Letter Requesting Extension of Time to Comment on Advance.._.pdf>

RE: Comment - CEQ-2018-001

"Drummond, Michael R. EOP/CEQ" <"/o=exchange organization/ou=exchange

administrative group : (fydibohf23spdlt)/cn=recipients/cn=a0bc62c0a5454e6fb7a1be504b7d284a-dr'>

To: "Janke, Aurora (ATG)" <auroraj@atg.wa.gov>

Date: Thu, 05 Jul 2018 12:05:01 -0400

Aurora,

Small world indeed! How about coffee around 10am on Friday the 20th somewhere near your office. Let me know if you have a favorite coffee shop in the area.

Looking forward to catching up.

Michael

From: Janke, Aurora (ATG) <AuroraJ@ATG.WA.GOV> Sent: Thursday, July 5, 2018 11:39 AM To: Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RE: Comment - CEQ-2018-001

Michael,

You are correct, and it's great to hear from you. I'd love to meet for coffee on Friday the 20th. My schedule is fairly flexible that day, so I could meet whenever works best for you.

It will be great to catch up. It really is a small world!

Best,

Aurora

From: Drummond, Michael R. EOP/CEQ <(b) (6) Sent: Thursday, July 5, 2018 8:31 AM To: Janke, Aurora (ATG) <AuroraJ@ATG.WA.GOV> Subject: RE: Comment - CEQ-2018-001

Hey Aurora,

If I'm not mistaken, we were classmates at UW Law back in the day. I did a double take when I saw your name on the cc line of Tricia's email. I hope you are doing well. I'll actually be out in Western Washington later this month. If you're free for coffee on Friday the 20th, I am mostly free that day and will be in Seattle.

Best,

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality (b) (6)

From: Janke, Aurora (ATG) < <u>AuroraJ@ATG.WA.GOV</u> >	
Sent: Thursday, July 5, 2018 11:16 AM	
To: Green, Mary A. EOP/CEQ < (b) (6)	
Cc: Drummond, Michael R. EOP/CEQ <(b) (6)	
Subject: RE: Comment - CEQ-2018-001	

Thank you very much for your help.

Best regards,

Aurora Janke

From: Green, Mary A. EOP/CEQ < (b) (6) Sent: Thursday, July 5, 2018 6:53 AM To: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Cc: Drummond, Michael R. EOP/CEQ < (b) (6) Subject: RE: Comment - CEQ-2018-001

Got It! Will route it out to COS Neumayr and Associate Director, Ted Boling. Ms. Green

From: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Sent: Tuesday, July 3, 2018 3:38 PM To: Green, Mary A. EOP/CEQ <(b) (6) Subject: FW: Comment - CEQ-2018-001

Ms. Green,

I just spoke with you on the phone concerning filing a request for an extension of time to comment on CEQ's Advance Notice of Proposed Rulemaking – Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

We would like to ensure that Chief of Staff Neumayr receives the attached letter from several State Attorneys General requesting an extension of time to comment on the Advance Notice. However, the email to <u>ksmith@ceq.eop.gov</u>, whom I understand to be Chief of Staff Neumayr's

special assistant, bounced back. Could you please ensure that Chief of Staff Neumayr receives the attached letter?

Thank you for your assistance.

Best regards,

Aurora R. Janke

Special Assistant Attorney General Counsel for Environmental Protection Washington State Attorney General's Office 800 5th Ave Suite 2000, TB-14 Seattle, WA 98104-3188 Office: (206) 233-3391 Email: <u>auroraj@atg.wa.gov</u>

From: Kealy, Tricia (ATG) Sent: Tuesday, July 3, 2018 11:44 AM To: (b) (6) ksmith@ccq.eop.gov Cc: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Subject: Comment - CEQ-2018-001

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Thank you, **Tricia Kealy** Legal Assistant 3/Lead Counsel for Environmental Protection Office of the Attorney General 800 5th Ave, Suite 2000 Seattle, WA 98104 Phone 206-326-5494 <u>TriciaK@atg.wa.gov</u>

RESCHEDULED: Website update expected on Monday, July 9

From :	"Mansoor, Yardena M. EOP/CEQ" <(b) (6)
То:	"Adams, John (AU) (CONTR)" <john.adams@hq.doe.gov>, "Carter, Marian (CONTR)" <marian.carter@hq.doe.gov>, "Alexander, Lillian" <lillian.alexander@hq.doe.gov></lillian.alexander@hq.doe.gov></marian.carter@hq.doe.gov></john.adams@hq.doe.gov>
CC:	"Drummond, Michael R. EOP/CEQ" <(b) (6)
Date:	Mon, 09 Jul 2018 08:49:03 -0400
This will h	appen later in the week. Stay tuned for instructions from Michael Drummond or me.

From: Mansoor, Yardena M. EOP/CEQ Sent: Tuesday, July 3, 2018 12:20 PM To: 'Adams, John (AU) (CONTR)' <John.Adams@Hq.Doe.Gov>; 'Carter, Marian (CONTR)' <Marian.Carter@hq.doe.gov>; 'Alexander, Lillian' <Lillian.Alexander@hq.doe.gov> Cc: Drummond, Michael R. EOP/CEQ <(b) (6) Subject: Website update expected on Monday, July 9

On Monday morning, July 9, I'll confirm these instructions, provide the Federal Register file to post, and give the OK for the update go live. Michael Drummond or I will let you know if anything changes before then.

At https://ceq.doe.gov/laws-regulations/regulations.html:

Proposed Rulemaking:

CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, <u>https://www.regulations.gov</u>. Comments should be submitted on or before July August 20, 2018.

June 20, 2018: Advance Notice of Proposed Rulemaking

July 9, 2018: Extension of Comment Period

Thanks, as always, for your help.

Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality (b) (6) / (b) (6)

RESCHEDULED: Website update tomorrow

From :	"Mansoor, Yardena M. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Adams, John (AU) (CONTR)" <john.adams@hq.doe.gov>, "Carter, Marian (CONTR)" <marian.carter@hq.doe.gov>, "Alexander, Lillian" <lillian.alexander@hq.doe.gov></lillian.alexander@hq.doe.gov></marian.carter@hq.doe.gov></john.adams@hq.doe.gov>
Cc:	"Drummond, Michael R. EOP/CEQ" < (b) (6)
Date:	Tue, 10 Jul 2018 10:34:18 -0400
Michael	Drummond will send the update and file tomorrow, which I am out on leave.
From: M	Aansoor, Yardena M. EOP/CEQ

Sent: Monday, July 9, 2018 8:49 AM To: 'Adams, John (AU) (CONTR)' <John.Adams@Hq.Doe.Gov>; 'Carter, Marian (CONTR)' <Marian.Carter@hq.doe.gov>; 'Alexander, Lillian' <Lillian.Alexander@hq.doe.gov> Cc: Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RESCHEDULED: Website update expected on Monday, July 9

This will happen later in the week. Stay tuned for instructions from Michael Drummond or me.

From: Mansoor, Yardena M. EOP/CEQ Sent: Tuesday, July 3, 2018 12:20 PM To: 'Adams, John (AU) (CONTR)' <John.Adams@Hq.Doe.Gov>; 'Carter, Marian (CONTR)' <Marian.Carter@hq.doe.gov>; 'Alexander, Lillian' <Lillian.Alexander@hq.doe.gov> Cc: Drummond, Michael R. EOP/CEQ <ID) (6) Subject: Website update expected on Monday, July 9

On Monday morning, July 9, I'll confirm these instructions, provide the Federal Register file to post, and give the OK for the update go live. Michael Drummond or I will let you know if anything changes before then.

At https://ceq.doe.gov/laws-regulations/regulations.html:

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CEQ-2018-0001, through the Federal eRulemaking portal, <u>https://www.regulations.gov</u>. Comments should be submitted on or before **July August** 20, 2018.

June 20, 2018: Advance Notice of Proposed Rulemaking

July 9, 2018: Extension of Comment Period

Thanks, as always, for your help.

Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality

(b) (6) / (b) (6)

CEQ Website update request

From:	"Mansoor, Yardena M. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Drummond, Michael R. EOP/CEQ" <(b) (6)
Date:	Tue, 10 Jul 2018 10:32:53 -0400

At <u>https://ceq.doe.gov/laws-regulations/regulations.html</u>, please make the indicated change and post the attached document:

Proposed Rulemaking:

CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, <u>https://www.regulations.gov</u>. Comments should be submitted on or before July-August 20, 2018.

June 20, 2018: Advance Notice of Proposed Rulemaking

July 11, 2018: Extension of Comment Period

Thanks, as always, for your help.

Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality (b) (6) / (b) (6)

CEQ075FY18150 000009548

For review

FromFN-CEQ-NEPA <"/o=exchange organization/ou=exchange administrative group</th>:(fydibohf23spdlt)/cn=recipients/cn=3dfc5ad8035346949f6ddfdfa1953a47-fn">

To: "Mansoor, Yardena M. EOP/CEQ" <(b) (6)

Date: Tue, 10 Jul 2018 09:49:21 -0400

Could you give a quick read before this is sent to 500 people? Thanks!

Dear Colleagues,

The Council on Environmental Quality (CEQ) is extending the comment period on the Advance Notice of Proposed Rulemaking, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. CEQ is making this change in response to public requests for an extension of the comment period. RE: Milestones report -- agency review and input needed by July

13

From :	"Seale, Viktoria Z. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">
То:	"Drummond, Michael R. EOP/CEQ" (b) (6) "Schneider, Daniel J. EOP/CEQ" <(b) (6) "Neumayr, Mary B. EOP/CEQ" <(b) (6) "Herrgott, Alex H. EOP/CEQ" <(b) (6)
Cc:	"Pettigrew, Theresa L. EOP/CEQ" <(b) (6) "Boling, Ted A. EOP/CEQ" <(b) (6)
Date:	Fri, 13 Jul 2018 16:35:31 -0400
Michael, on pg. 47	quick question. Do we also need to make changes to the section on CEQ in Appendix C located ??
	ummond, Michael R. EOP/CEQ day, July 13, 2018 4:12 PM

Jenn muay, July 15, 2010	4.12 F 141	
To: Schneider, Daniel J. EO	P/CEQ < <mark>(b) (6)</mark>	Seale, Viktoria Z. EOP/CEQ
<(b) (6)	Neumayr, Mary B. EOF	P/CEQ < <mark>(b) (6)</mark>
Herrgott, Alex H. EOP/CEQ	<(b) (6)	
Cc: Pettigrew, Theresa L. E	0P/CEQ < <mark>(b) (6)</mark>	Boling, Ted A. EOP/CEQ
<(b) (6)		
Subject: RE: Milestones rep	port agency review and inpu	ut needed by July 13
Attached is the version I pl	an to submit to OSTP shortly i	incorporating Viktoria and Dan's edits.
From: Schneider, Daniel I.	FOP/CFQ	

rivin, Schneider, Damers, EVI/CEQ	
Sent: Thursday, July 12, 2018 10:38 AM	
To: Seale, Viktoria Z. EOP/CEQ <(b) (6)	Drummond, Michael R. EOP/CEQ
<(b) (6)	Neumayr, Mary B. EOP/CEQ <(b) (6)
Herrgott, Alex H. EOP/CEQ <(b) (6)	
Cc: Pettigrew, Theresa L. EOP/CEQ <	(6) Boling, Ted A. EOP/CEQ
<(b) (6)	
e Lt. e pro Letter .	

Subject: RE: Milestones report – agency review and input needed by July 13

Minor suggestions from me as well.

From: Seale, Viktoria Z. EOP/CEQ Sent: Thursday, July 12, 2018 10:33 AM

To: Drummond, Michael R. EOP/CEQ <0	(6) Neumayr, Mary B.
EOP/CEQ <(b) (6)	Schneider, Daniel J. EOP/CEQ
<(b) (6) Herr	rgott, Alex H. EOP/CEQ <(b) (6)
Cc: Pettigrew, Theresa L. EOP/CEQ <	Boling, Ted A. EOP/CEQ
<(b) (6)	
Subject: RE: Milestones report agency	review and input needed by July 13
Michael,	
Below are a few minor suggested edits ir	n red.
Thanks	
Viktoria	
From: Drummond, Michael R. EOP/CEQ	
Sent: Thursday, July 12, 2018 9:58 AM	and a second second second second second
To: Neumayr, Mary B. EOP/CEQ <(b) (6)	Schneider, Daniel J. EOP/CEQ
	e, Viktoria Z. EOP/CEQ < <mark>(b) (6)</mark>
Herrgott, Alex H. EOP/CEQ < (6)	
Cc: Pettigrew, Theresa L. EOP/CEQ <	Boling, Ted A. EOP/CEQ
Subject: FW: Milestones report agency	review and input needed by July 13
Good morning,	

The Broadband Interagency Working Group has circulated their draft report with a comments requested by COB Friday. CEQ's update is located on page 16 of the attached and pasted into this email below. Please let me know if you have any edits.

Best,

Michael

Council on Environmental Quality (CEQ)

In Progress

CEQ, working with the Office of Management and Budget (OMB), and in consultation with the Federal Permitting Improvement Steering Council (Permitting Council) and other Federal agencies, is implementing a One Federal Decision process to coordinate the environmental review of major infrastructure projects. CEQ's past and planned actions to improve the environmental review process include:

Completed (September	CEQ published a notice in the Federal Register announcing an
2017)	initial list of actions it will take to enhance and modernize the

	Federal environmental review and authorization process for infrastructure projects.
Completed (March 2018)	CEQ and OMB the Office of Management and Budget, in consultation with the Federal Permitting Improvement Steering Council, issued a <u>One Federal Decision Framework document</u> to provide Federal agencies with guidance on implementing Executive Order (E.O.) 13807. Section 5 of E.O. 13807 directs all Federal agencies with environmental review, authorization, or consultation responsibilities for major infrastructure projects to develop a single Environmental Impact Statement (EIS) for such projects, sign a single Record of Decision (ROD) and issue all necessary authorizations within 90 days thereafter, subject to limited exceptions.
June – August 2018	CEQ published an Advance Notice of Proposed Rulemaking requesting comment on potential revisions to update and clarify CEQ's National Environmental Policy Act (NEPA) regulations. Through a series of 20 questions, CEQ requested comments on provisions of the regulations related to the NEPA process and the scope of NEPA review.
Ongoing	Work with Federal A-agencies to review regulations and policies to identify impediments to the efficient and effective processing of environmental reviews and permitting decisions.

From: Guyselman, Kelsey J. EOP/OSTP

Sent: Monday, July 9, 2018 5:50 PM

To: rnelson@achp.gov; mdefalco@arc.gov; timthomas@arc.gov; Drummond, Michael R. EOP/CEQ bhenson@dra.gov; jperry@fs.fed.us; edenson@fs.fed.us; <(b) (6) mmazel@fs.fed.us; chad.parker@wdc.usda.gov; Kubena, Kellie - RD, Washington, DC <Kellie.Kubena@wdc.usda.gov>; laurel.leverrier@wdc.usda.gov; Duane, Jennifer A. <JDuane@ntia.doc.gov>; Spurgeon, Andrew <ASpurgeon@ntia.doc.gov>; Moyer, Timothy <TMoyer@ntia.doc.gov>; brian.s.teeple2.civ@mail.mil; peter.j.potochney.civ@mail.mil; fredrick.d.moorefield.civ@mail.mil; james.p.campion2.civ@mail.mil; robert.a.coffman10.civ@mail.mil; Jason.Botel@ed.gov; Sara.Trettin@ed.gov; David.Cantrell@ed.gov; herbert.mcconnell@hq.doe.gov; pam.peckham@hq.doe.gov; max.everett@hq.doe.gov; Ronald.Hewitt@hq.dhs.gov; Darrell.Smith@hq.dhs.gov; Brandon.wales@hq.dhs.gov; Marcus.Ward@hq.dhs.gov; Sonja.Rodriguez@hq.dhs.gov; Melanie.Bakaysa@associates.hq.dhs.gov; Ralph.H.Gaines@hud.gov; John.Gibbs@hud.gov; Dina.Lehmann-Kim@hud.gov; Lisa.S.Abell@hud.gov; Stanley.Gimont@hud.gov; katharine_macgregor@ios.doi.gov; sfusilie@blm.gov; k15montg@blm.gov; jjirby@usbr.gov; ralcorn@usbr.gov; lee_dickinson@nps.gov; truda_stella@nps.gov; ken_fowler@fws.gov; noah_matson@fws.gov; sharlene.roundface@bia.gov; beth.wenstrom@bia.gov; thompson.kevin@dol.gov; ahlstrand.amanda@dol.gov; Zelden.Mark.A@DOL.gov; julie.johnston@dot.gov; finch.fulton@dot.gov; kipp.kranbuhl@treasury.gov; adonovan@cdfi.treas.gov; jodie.harris@treasury.gov; barry.wides@occ.treas.gov; karen.bellesi@occ.treas.gov; thomas.klobucar@va.gov; Deborah.Scher@va.gov; Blake-Coleman.Wendy@epa.gov; Mixon.edward@epa.gov; Erica.Rosenberg@fcc.gov; Kirk.burgee@fcc.gov; Michael.Janson@fcc.gov; Michele.Berlove@fcc.gov; Ryan.Palmer@fcc.gov; Deborah.Salons@fcc.gov; jessica.salmoiraghi@gsa.gov; aluanda.drain@gsa.gov; maryann.hillier@gsa.gov; wengland@hrsa.gov; nmanzanero@hrsa.gov; tmorris@hrsa.gov; MQuinn@hrsa.gov; GSigounas@hrsa.gov; hesseb@mail.nih.gov; jneal@imls.gov; nweiss@imls.gov; rdale@imls.gov; egiancha@nsf.gov; tnandago@nsf.gov; kcalvert@nsf.gov; mehought@nsf.gov Cc: Redl, David <dredl@ntia.doc.gov>; Hanson, Karen <KHanson@ntia.doc.gov>; Kinkoph, Douglas <DKinkoph@ntia.doc.gov>; kenl.johnson@wdc.usda.gov; Jannine.Miller@wdc.usda.gov; Page, Ben J. EOP/OMB <(b) (6) Premaza, Victoria S. EOP/OMB Stein, Nora H. EOP/OMB < (b) (6) <(b) (6) Slater, Abigail A. EOP/WHO <(b) (6) Lira, Mathew L. EOP/WHO <(b) (6) Subject: Milestones report -- agency review and input needed by July 13

Dear Colleagues,

I have attached the current working draft of the Broadband Milestones report. Please review this document and send me your edits using track changes, copying Karen Hanson (<u>khanson@ntia.doc.gov</u>). **Please submit your edits by close of business this Friday (July 13).**

In particular, we are looking for the following information: 1) responses to White House / OMB questions noted in yellow highlight or red text; 2) Any corrections or clarifications to agency actions located in the body of the report and in Appendix C; 3) Suggestions for additional content, such as examples of impact or agency success stories.

We need clear, concrete deliverables that meaningfully improve broadband deployment by streamlining processes and fostering additional private sector investment.

We will host a call on July 12 at 2:00pm (b) (6) code (b) (6) to review the process, answer any questions you may have, and discuss top-line goals for agency deliverables.

Thank you for your continued hard work on this effort and we look forward to your feedback.

Sincerely, Kelsey

Kelsey Guyselman Executive Office of the President Office of Science and Technology Policy (b) (6)

[No Subject]

From:"Schneider, Daniel J. EOP/CEQ" <(b) (6)</td>To:"Szabo, Aaron L. EOP/CEQ" <(b) (6)</td>Date:Thu, 02 Aug 2018 14:22:57 -0400Attachment
s:20180502 Talking Points for CEQ ANPRM For OMB EO 12866 Submittal.docx
(27.08 kB)

https://www.whitehouse.gov/wp-content/uploads/2017/11/Final-ANPRM-Fact-Sheet-20180711-1.pdf

Dan Schneider Associate Director for Communications Council on Environmental Quality Executive Office of the President (b) (6) (desk)

www.whitehouse.gov/ceq

(b) (5)

CEQ075FY18150_000010065

FOR REVIEW: CEQ Regulatory Agenda

From:	"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Neumayr, Mary B. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Mon, 06 Aug 2018 17:50:52 -0400
Attachments :	DRAFT - Council on Environmental Quality Agenda Entries Fall 2018.docx (21.37 kB)

Aaron L. Szabo

Senior Counsel Council on Environmental Quality (b) (6) (Desk) (b) (6) (Cell) (b) (6)



[APG]

(IA) 17A	
(b) (5)	



(b) (5)	



[APG]

Fwd: NEPA Task Force Summaries

From:	"Upchurch, Sara H. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=8a8e3ac0db1c421ab5590a18982eb737-up">
То:	sara.upchurch@fema.dhs.gov
Date:	Thu, 09 Aug 2018 12:52:01 -0400
Attachment s:	Summary - NEPA Task Forces.docx (17.16 kB)

Sara Upchurch **Deputy Associate Director for NEPA Executive Office of the President Council on Environmental Quality**

Sent from my iPhone

Begin forwarded message:



Subject: NEPA Task Force Summaries

All - I took a little time to flesh out the summary Yardena produced of the CEQ NEPA Task Force recommendations, as well as to summarize the recommendations produced by the House Resources Committee a few years later (see attached). Thought this could serve as a quick reference on these two major NEPA review efforts from the not-so-distant past as the way-forward on ANPRM comments are discussed. Looks like some common themes between the two include:

- Guidance on programmatic analyses, cumulative impacts, and mitigation and monitoring ٠
- Interagency collaboration and public participation

Otherwise, looks like the two studies had different perspectives on NEPA update needs.

I didn't cross-reference these recommendations with the 20 questions in the ANPRM, but could dig into that if that would be helpful or do some additional historical research. Please let me know if there is another need I could address for this effort.

~ Sara

Sara Upchurch Deputy Associate Director for NEPA Executive Office of the President Council on Environmental Quality (b) (6) [CEQ cell]





[EXTERNAL] National Hydropower Association Comments on NEPA ANOPR

From:	"Sensiba, Charles R." <charles.sensiba@troutmansanders.com></charles.sensiba@troutmansanders.com>
To:	"Herrgott, Alex H. EOP/CEQ" <(b) (6)
Cc:	"Jeff Leahey (jeff@hydro.org)" <jeff@hydro.org></jeff@hydro.org>
Date:	Tue, 21 Aug 2018 23:32:42 -0400
Attachments:	NHA comments on 2018 CEQ ANOPR.PDF (265.17 kB)

Alex,

Jeff Leahey asked that I forward you the attached comment letter, which the National Hydropower Association filed with CEQ yesterday in response to the NEPA Advance Notice of Proposed Rulemaking.

NHA appreciates the opportunity to comment on the ANOPR. Please let us know if you have any questions or wish to discuss.

Best regards, Chuck

Charles R. Sensiba

Direct: 202.274.2850 | Mobile: (b) (6) charles.sensiba@troutman.com

troutman sanders

401 9th Street, NW, Suite 1000 Washington, DC 20004 troutman.com

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National Hydropower Association

601 New Jersey Ave. NW, Suite 660, Washington, DC 20001 • Tel 202.682.1700 • Fax 202.682.9478 • www.hydro.org

August 20, 2018

Mr. Edward A. Boling Associate Director for the National Environmental Policy Act Council on Environmental Quality 730 Jackson Place, NW Washington, DC 20503

Re: Advanced Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act; RIN: 0331-AA03; Docket No. CEQ-2018-0001

Dear Mr. Boling:

The National Hydropower Association (NHA)¹ appreciates this opportunity to comment on the Council on Environmental Quality's (CEQ) Advanced Notice of Proposed Rulemaking (ANOPR) on updates to the implementing regulations of the National Environmental Policy Act (NEPA). NHA is fully supportive of a robust and comprehensive environmental review process. However, we believe that significant changes are needed to modernize CEQ's NEPA regulations in a manner that will inform "major Federal actions significantly affecting the quality of the human environment" through "a detailed statement" that evaluates environmental impacts, environmental effects, and alternatives,² but will do so in a manner that is more cost-effective, reduces redundancy, and is time-sensitive. NHA believes strongly that the requirement for agencies to "take a 'hard look' at environmental consequences"³ can be maintained while reducing costs and time associated with their environmental reviews.

NHA offers the following perspective from the U.S. hydropower industry.

Background

¹ NHA is a non-profit national association dedicated to securing hydropower's place as a clean, renewable and reliable energy source that serves our Nation's environmental and energy policy objectives. Its membership consists of more than 240 organizations, including public and investor-owned utilities, independent power producers, equipment manufacturers, and professional organizations that provide legal, environmental and engineering services to the hydropower industry.

^{2 42} U.S.C. § 4332(C).

³ Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350 (1989) (quoting Kleppe v. Sierra Club, 427 U.S. 390, 410 n. 21 (1976); see also Nat. Res. Defense Council v. Morton, 458 F. 2d 827, 838 (D.C. Cir. 1972).

Hydropower is a clean, renewable, domestic source of electricity that provides flexibility and reliability to our grid system, has the potential to substantially expand the nation's renewable energy supply, and can provide all attributes necessary for a reliable and resilient grid. It provides baseload and peaking power, is one of the most flexible resources and provides a host of ancillary grid services, making it critical to our "all of the above" energy strategy. Although capital intensive to develop, hydropower projects have long, useful lives stretching decades and their fuel is renewable and free. As our nation's single largest source of renewable electricity, with over 100 GWs of capacity (including pumped storage), hydropower will play a critical role in providing grid stability and energy security as our electricity supply relies more and more on variable generation sources and we work toward a 21st Century grid system. Moreover, pumped storage is the premier utility-scale energy storage technology in use today, providing approximately 95 percent of all energy storage in the United States.

Despite all these critical attributes, preserving the existing hydropower system and promoting new projects has proven challenging over the last several decades due, in large part, to the complicated, fragmented, and lengthy federal regulatory processes that ultimately result in tremendous uncertainty for project proponents. This uncertainty makes it nearly impossible to obtain long-term, low-cost financing and negatively impacts reinvestment strategies.

As a full quarter our nation's existing non-federal hydropower fleet enters into relicensing, and with nearly 50 GWs of new hydropower potential on the line,⁴ there has never been a more urgent time to address the challenges of outdated federal regulatory procedures that place hydropower at risk, create costly delays and postpone reinvestment in both the environment and our energy infrastructure.

Inaction may have negative consequences to our economy, climate, and environment. Our hydropower fleet faces tremendous economic challenges with market rules that undervalue hydropower's operational flexibility; renewable portfolio standards that fail to recognize much of our hydropower resources; and federal environmental and approval processes that cause delay, increase project costs, reduce renewable generation, and add tremendous uncertainty.⁵ Although unheard of less than a decade ago, project owners today face a tough reality that an existing hydropower facility may be a stranded asset, and therefore may well elect to decommission these renewable resources rather than face a broken relicensing process that adds costs and uncertainty and reduces economic value.

And the potential for new development is stunted by the inability to attract investment. When a combined cycle gas project can be built in downtown Manhattan in less than one fourth the time and the cost it takes to relicense an existing hydropower plant in rural New York, the

⁴ <u>See U.S. Department of Energy, Hydropower Vision: A New Chapter for America's 1st Renewable Electricity Source (2016).</u>

⁵ See <u>Testimony of Steve Wright, General Manager, Chelan County Public Utility No. 1, on behalf of NHA, before the House Energy and Commerce Committee Subcommittee on Energy (2017).</u>
challenges for hydropower become glaring.⁶ When a developer must spend millions of dollars in process costs before even putting a shovel to the ground, we create a business environment where alternatives to hydropower are more favorable.⁷ These conditions put our energy diversity at risk.

These licensing and regulatory challenges, including and especially those that stem from the implementation and coordination of NEPA review, must be addressed if we are to preserve and grow our hydropower fleet, reinvest in aging infrastructure, and create thousands of new, good-paying, hydropower sector jobs across America.

The Challenges with Hydropower Licensing

Hydropower has the longest, most complex development timeline of any of the renewable energy technologies, with some projects taking **10** years or longer from the start of the licensing process through construction to being placed-in-service.⁸ This is true for both project relicensing and new project approvals, and it requires a considerable up-front financial commitment from the developer or asset owner to undertake the engineering and environmental studies and other process requirements needed for the various federal and state approvals associated with hydropower licensing.

Hydropower projects operate in accordance with a suite of energy and environmental laws and regulations, including the Federal Power Act (FPA), NEPA, the Endangered Species Act (ESA), the Rivers and Harbors Act of 1899 (RHA), and the Clean Water Act (CWA), among many others. Project owners and operators work closely with federal agencies in the licensing process to achieve final agreements and license terms and conditions that protect, mitigate and enhance the environmental resources potentially affected by hydropower operations. Federal agencies conduct NEPA analyses on many activities associated with hydropower projects as do many states that have adopted corollary state review processes.⁹

NEPA review is a central feature of the federal licensing process for hydropower projects. The Federal Energy Regulatory Commission (FERC) prepares a NEPA document when issuing original licenses for proposed new hydropower projects or new licenses when relicensing existing hydropower projects. Licenses issued by FERC contain, among other requirements, protection, mitigation, and enhancement measures, and FERC's NEPA document informs its decisions in establishing these measures.

⁶ See <u>Testimony of John Suloway on Behalf of NHA</u>, before the House Energy and Commerce Committee Power and <u>Energy Subcommittee (2015)</u>.

⁷ See <u>Testimony of Ramya Swaminathan, CEO, Rye Development, before the House Energy and Commerce</u> <u>Committee Subcommittee on Energy (2017).</u>

⁸ See https://www.hydro.org/wp-content/uploads/2018/08/15-0197 NHA Infographic-3 PP06.pdf.

⁹ In particular, state water quality certification processes under CWA Section 401 contribute to some of the longest delays in relicensing.

The relationships established among stakeholders—including project owners, federal and state agencies, non-governmental organizations, tribes, local citizens and governments—through the NEPA process often result in collaborative licensing agreements with meaningful environmental benefits, particularly in terms of habitat restoration, species protection, and land management activities. These efforts occur at the same time our members continue their long-standing commitment to generating clean, reliable, affordable hydropower.

However, as discussed above, getting to the final issuance of a FERC hydropower license is a complex and lengthy process, as the action triggers authorities held by other federal and state resource agencies.

These agencies' statutory responsibilities are important for the project review process and for resource protection. However, there is currently no mechanism to coordinate all agencies' programs to reduce duplication of effort, encourage concurrent review and collaboration, and ensure timely action—including the individual additional NEPA reviews under which they are conducted. Rather, each of these individual authorizations under federal law largely occurs in a disjointed, separate, and often sequential manner. The current regulatory landscape causes significant delays, increases costs, leads to inconsistent agency directives, and stifles new project development.

The Need for Concurrent Congressional Action on Hydropower Licensing Reform

NHA applauds CEQ for embarking on this review of the NEPA process and its impacts on the permitting of needed infrastructure projects, including hydropower projects. NHA believes NEPA process improvements that increase timeliness, transparency, and accountability are possible, while also preserving the authorities and responsibilities of the agencies with a role in the hydropower licensing process.

NHA also notes, however, that while administrative improvements to the implementation of NEPA are important, and needed, the issues that create delays and add costs to the hydropower licensing process are broader than those addressed in this ANOPR. NHA believes action by Congress on statutory changes to the licensing process is critical to resolve the underlying issues. As such, NHA continues to support, and calls for the immediate passage, of comprehensive licensing reform as outlined in bipartisan bills in both the House of Representatives and the Senate—H.R. 3043 and S. 1460.

We look forward to working further with CEQ on this initiative and on the congressional legislative proposals. Below are NHA's responses to specific questions outlined in the ANOPR. Please feel free to contact NHA if there are additional questions.

NEPA Process

Question 1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and outhorization decisions involving multiple ogencies are conducted in a manner that is

concurrent, synchronized, timely, ond efficient, and if so, how?

Yes. Too often, the review and decision-making process associated with hydropower licensing is duplicative and poorly coordinated. There is a need for better coordination with and integration of NEPA, FPA Sections 4(e) and 18, CWA Section 401 certification, CWA Section 404, ESA Section 7 consultation, National Historic Preservation Act (NHPA) Section 106, the Coastal Zone Management Act (CZMA), RHA Section 408, and other requirements. NHA and others have noted that under current regulations the applicant is often left to address any process inefficiencies or resolve any federal/state coordination conflicts on its own.

An important step to rectify this would be to authorize a single lead agency (for example, FERC in the hydropower licensing context) for the purposes of coordinating a single NEPA review that satisfies NEPA requirements for all federal actions needed for a particular project. The lead agency also would establish a schedule for all federal authorizations, with enforceable deadlines. This would help eliminate inefficiencies, particularly on projects for which separate NEPA analyses performed by different agencies result in conflicting requirements.

Another critical measure to promote cooperation and synchronization among agencies would be to eliminate FERC's current prohibition on interventions by agencies that cooperate in the NEPA review. NHA recognizes that the integrity of the agency approval process must be preserved, but this can be accomplished easily—by requiring cooperating agencies to designate staff that cooperate in the NEPA process and are not involved in the agency's decisional process. With this elegant, simple modification, agencies can be required to cooperate through a single NEPA document while still allowing agencies to intervene in the FERC proceeding.

Question 2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better focilitoting agency use of environmental studies, onalysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?

Yes. The cost of licensing hydropower projects is driven largely by regulations requiring the applicant to develop new, extensive information on the proposed project, the existing environment, and potential impacts. Protecting the environment and natural resources is important, and is a commitment the hydropower industry takes seriously, but the amount of information that agencies request during environmental scoping can be excessive and not directly related to the project or its potential impacts.

NHA members have reported that extensive information requests are sometimes used as a negotiating tactic, which can significantly increase costs and prolong negotiations. Particularly for proposed new development, where the license applicant does not have the benefit of the proposed project's income stream, study requests can be an effective means of increasing project costs to a point where the project is no longer cost-competitive.

5

NHA believes that NEPA requirements can be largely met through reliance on existing information, and strongly favors revised regulations that would require agencies to mandate new studies only if information gaps can be demonstrated, and only where the required new study is scoped in a cost-effective manner.

Moreover, agencies' study needs should be determined early in the process, with agencies and stakeholders involved from the outset. This early involvement, along with an effective dispute resolution process, will improve efficiency in determining the appropriate studies and study methodologies. Initial and continued engagement in the development of study needs and requests is critical and late-filed study requests should be discouraged and rejected.

Question 3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coardination of environmental reviews and authorization decisions, and if so, how?

Yes. In addition to the suggestions mentioned above in response to question 1, NHA notes that there are frequent redundancies when more than one agency is required to carry out a NEPA review for the same project. For example, the duplicative application of NEPA by FERC at the project licensing phase and the subsequent NEPA review by the U.S. Army Corps of Engineers under its authority to issue a Section 404 permit under the CWA leads to two environmental documents that are often substantially similar and require a significant amount of time and agency resources to prepare. As explained above, NHA supports the development of a single, coordinating agency for all NEPA requirements required for a particular project.

Scope of NEPA Review

Question 4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents ond time limits for completion be revised, and if so, how?

Yes. Too often, NEPA documents are exceedingly lengthy-over 1000 pages in some cases—which makes them impenetrable for practical application and too specialized for subsequent application. While some types of projects may be highly complex, warranting a longer length and detailed analysis, too many times the NEPA document is repetitive and rote.

This is particularly true in hydropower relicensing. Even where the proposed action consists primarily of continuing the status quo, with little or no ground disturbance or new construction, NEPA documents can be hundreds of pages in length.

As a result, NHA advocates for a reevaluation of the required scope and contents of NEPA documents to reduce unnecessary complexities and eliminate redundancy.

Question S. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?

Yes. Greater clarity is especially needed to ensure the proper scope of environmental review for existing infrastructure that requires reauthorization through federal action. In the hydropower context, relicensing stakeholders often struggle with delineating between effects that occurred decades ago when the project was originally constructed, and new effects associated with the proposed action of relicensing the facility. These can be complex issues, but NHA strongly endorses FERC's long-standing policy that establishes current environmental conditions as the proper environmental baseline for purposes of NEPA review. Under the policy enunciated in Order Nos. 513 and 513-A, the Commission does not require a project applicant "to collect information about, and study the condition of, resources as they existed in the project area prior to construction of the existing project."¹⁰ As confirmed further in the Interagency Task Force (ITF) Report on "NEPA Procedures in FERC Hydroelectric Licensing" at p.4 (issued May 22, 2000),¹¹ the Commission does not require relicensing applicants to gather information or conduct studies regarding the condition of resources in the project area that existed prior to the initial licensing and construction of the project. The existing project and its current surroundings, consistent with longstanding Commission policy, must be the baseline for the process.

Reaffirming that current conditions should establish the proper environmental baseline for NEPA review is particularly critical in light of the D.C. Circuit Court of Appeals' July 2018 decision in *American Rivers v. FERC*, which concerns FERC's relicensing of an existing hydropower project in the Southeast.¹² In *American Rivers*, the court imposed an obligation for FERC's cumulative impacts review to include an assessment of past impacts—a conclusion that not only seems to have no probative value in assessing current effects, but also fails to account for long-standing precedent in both the 9th and D.C. Circuits sustaining FERC's conclusion that current conditions should constitute the proper environmental baseline.¹³ To cure the confusion that has arisen since *American Rivers*, CEQ in its revised NEPA regulations should clarify that current conditions is the proper environmental baseline—and that an assessment of past effects, which can be highly subjective and unreliable, is not a required element of NEPA review.

Question 6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

Yes. NHA recognizes that public involvement is a critical aspect of the NEPA process. To that end, CEQ's regulations should encourage agencies to solicit and respond to public comments on proposed federal actions. One potential improvement to encourage public participation while simultaneously reducing delays would be to increase the degree to which studies used in preparation of the NEPA document are readily available on the relevant agency's website. This

¹⁰ Hydroelectric Relicensing Regulations Under the Federal Power Act, Order No. 513 (1989), 54 Fed. Reg. 23756 (June 2, 1989); Order on Rehearing, Order No. 513-A, 55 Fed. Reg. at 4 (Jan. 2, 1990).

¹¹ See Interagency Task Force Report on NEPA Procedures in FERC Hydroelectric Licensing.

¹² American Rivers v. FERC, No. 16-1195 (D.C. Cir. July 6, 2018).

¹³ See American Rivers v. FERC, 201 F.3d 1186, 1195-96 (9th Cir. 2000); Conservation Low Foundation v. FERC, 216 F.3d 41, 46-47 (D.C. Cir. 2000).

would assist members of the public in expeditiously reviewing environmental documents without spending unnecessary time searching for studies or documents relied on by the preparing agency.

Another improvement would be for CEQ to clarify which agencies should be invited (or, as NHA advocates, required) to cooperate with the lead action agency in developing the NEPA document. While all resource agencies, Indian tribes, and other stakeholders should be invited to participate in the NEPA process, only those agencies with a NEPA obligation (or state equivalent) should be a cooperating agency. Allowing other participants to be a cooperating agency would extend an unfair advantage to a party that has no corresponding NEPA obligation.

Question 7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?

a. Major Federal Action

Yes. Section 1508.18(a) should be modified to clarify that "continuing activities" are only "major federal actions" for purposes of NEPA when they involve significant changes to the current environment. This would allow existing infrastructure to be reauthorized in an efficient, cost-effective manner when the federal action involves no new ground-disturbing activities or changes to existing operations, and otherwise maintains the existing status quo.

b. Effects

Yes. As explained above, the definition of "effects" can be clarified to ensure that effects (both direct and indirect) occur only in relation to the current, existing environmental baseline.

c. Cumulative Impact

Yes. NHA fully supports cumulative impacts analyses under NEPA. However, as currently written, the definition of "cumulative impact" results in a broad mandate to engage in speculative assessment of past and future actions—regardless of the agency or individual responsible for that action. While NHA understands that a NEPA review should include a "high level" review of other activities, the current definition of "cumulative impact" imposes an unreasonable burden that yields little benefit in contextualizing the undertaking at hand.

Question 8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

a. Alternatives

Yes. NHA believes that the term "alternatives" should be defined to ensure that alternatives considered under NEPA are reasonable, and consistent with the purpose and needs of a proposed project. Frequently, in hydropower licensing, project opponents advance a range of ideas that are well beyond the scope of the proposed action and the supporting science—for example,

advocating for significant changes in operations that would economically ruin a project, or requesting recreational enhancements where there is no demonstrated need. Requiring agencies to comment on alternatives that are unreasonable is an unnecessarily wasteful commitment of time and resources that CEQ should endeavor to eliminate.

c. Reasonably Foreseeable

Yes. NHA encourages CEQ to define "reasonably foreseeable" in a more specific way that will avoid forcing federal agencies to speculate far into the future about hypothetical actions. One suggestion is to define it the way the D.C. Circuit has, which is "sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision."¹⁴ By more clearly defining "reasonably foreseeable," CEQ should encourage those filing comments on proposed actions to keep the NEPA analysis more narrowly focused. As FERC has explained, NEPA "does not require a detailed analysis of the possibility that speculative, unknown and unplanned... operations might be needed to address a risk that is not significant."¹⁵

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?

NHA believes that revisions to the existing regulations addressing programmatic NEPA documents and tiering are not necessarily needed. Efforts should be aimed at encouraging agencies to take greater advantage of these opportunities under existing regulations and to increase use of these approaches to reduce the time and expense associated with subsequent environmental review requirements.

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

Yes. The EA or EIS should be a cooperative document, to the extent possible, sponsored by all affected agencies, and produced by the lead agency (FERC, in the context of hydropower licensing). As described above, the goal should be to have one environmental document cover all related aspects of authorizations required under federal law for the project. Such efficiencies are also a benefit to the non-agency stakeholders because they could focus their time and attention on one environmental document, rather than multiple documents. To facilitate that process, the EA should be an analytical document—not a decisional document. To the extent that preferred alternatives are discussed in the EA, such discussions can be segregated from the environmental analysis so that other cooperating agencies can clearly identify the portions of the EA they adopt and can clearly provide their separate record of decision.

¹⁴ See, e.g., EarthReports, Inc. v. FERC, 828 F.3d 949, 955 (D.C. Cir. 2016).

¹⁵ See, e.g., Public Utility Dist. No. 1 of Snohomish Cty, 149 FERC ¶61,206, at P 46 (2014).

As discussed above, NHA believes that alternatives considered under NEPA should be reasonable and consistent with the purpose and needs of a proposed project and that the project proponent's stated purpose and need should be used as the basis for evaluating alternatives. In addition, NHA encourages CEQ to provide guidance on when an agency is capable of "rejecting an alternative" as unreasonable.

General

Question 15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

NHA suggests eliminating the requirement of section 1502.19 that an agency circulate the environmental document. Rather, CEQ should require agencies to post the environmental document to the agency's website—many agencies do this already—to cut down on paper, time, and staff resources.

Additionally, NHA would encourage CEQ to eliminate the "notice by mail" requirements of 1506.6(b)(1) and (2), and (b)(3)(viii) and make more efficient use of agency websites and online tools for providing notice to interested parties.

Question 16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisians, such as combining NEPA analysis and other decision documents, and if so, how?

Yes. CEQ should clarify the role of cooperating agencies participating in development of the record before FERC and in issuing any jurisdictional permits. CEQ could facilitate coordinating agency action by encouraging agencies to engage in one record of review before FERC and by better defining the "independent review" that agencies must conduct in adopting a final NEPA document.¹⁶

Currently, the cooperating agency's role is to participate in the deliberative process and the agency "may adopt *without recirculating* the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied."¹⁷ Agencies are also empowered to partially adopt a NEPA document and conduct its own environmental review of the impacts related to the agency's jurisdiction.¹⁸

The regulations are presently silent on how cooperating agencies conduct this "independent review" and lack guidance on the requisite level of involvement by an agency to establish that "comments and suggestions have been satisfied."

^{16 40} C.F.R. §§ 1501.5, 1506.3.

 ¹⁷ 40 C.F.R. § 1506.3(c). Sierra Club v. United States Dep't of Energy, 867 F.3d 189, 193 (D.C. Cir. 2017) (citing Sierra Club v. Fed. Energy Regulatory Comm'n, 827 F.3d 36, 41–42 (D.C. Cir. 2016)).
 ¹⁸ Id.

In the context of hydropower licensing, there are many potential cooperating agencies with jurisdictional authority to study aspects of the environmental impacts, and CEQ should encourage agencies to vigorously participate in developing one fulsome record with FERC to avoid multiple and often duplicative NEPA documents. To do so, agencies should file comments according to the set FERC timeline to establish their involvement and independent analysis of the issues within their jurisdiction. CEQ should also affirm that cooperating agencies may conduct their "independent review" during the FERC-led NEPA process through evidence in the record, and that study of discrete issues after-the-fact is not CEQ's desired policy.

This coordinated effort would front-load requirements, mitigate delays at later points in the project, alleviate the timing uncertainties inherent with multiple reviews for applicants, and protect the cooperating agency's NEPA analysis from the risks of an infirm record upon judicial review.

Question 17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

Yes. As discussed above in response to question 2, the FERC licensing process is currently a comprehensive, study-driven process that can lead to significant delays and costs. Although substantial existing information related to a project or watershed is often readily available, the FERC licensing process almost universally requires the preparation of new studies that duplicate existing information.

All of these factors make it exceedingly difficult for a single agency to effectively carry out environmental decision-making processes on its own. The efficiency of the NEPA process could be dramatically improved by requiring interagency collaboration that supports the exchange of information and studies. Establishing and maintaining good interagency relationships is critical to environmental decision-making efficiency.

Additionally, to reduce study and data needs, NEPA reviews should focus on resources or resource issues that have changed since the last NEPA review of the project.

Question 20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

The hydropower industry takes seriously its responsibility to be good stewards of the environment. Each year, we invest hundreds of millions of dollars in fish mitigation technologies and practices, as well as fish and wildlife protection and management measures, at projects across the U.S. Through these efforts, species are protected, populations are revived, and recreational opportunities are expanded.

Currently, section 1505.2 requires that EIS records of decision state "whether all practical means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not." Additionally, agencies are required to "condition funding of actions on mitigation."

NHA believes that CEQ should allow for flexibility in mitigation measures and establish criteria for cooperatively making decisions. The criteria should be designed to demonstrate the positive, rather than the negative, and should promote resolution and avoidance of disputes.

Conclusion

NHA once again commends CEQ for initiating this rulemaking proceeding on much-needed updates to the NEPA process and appreciates this opportunity to offer input. NHA firmly believes that these updates are critical to improving the timeliness, transparency, and efficiency of hydropower licensing and other infrastructure improvements, and that it is possible for agencies to "take a 'hard look'" at a project's environmental impacts in a timely and cost-efficient manner.

We look forward to working further with CEQ on this initiative. Please do not hesitate to contact us with comments or questions.

Sincerely,

La Church Cisci

Linda Church Ciocci Executive Director

Re: Due Outs

From "Szabo, Aaron L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group : (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

To: "Barnett, Steven W. EOP/CEQ" <(b) (6)

Date: Wed, 29 Aug 2018 14:33:56 -0400

Thanks. Do the Dew.

Sent from my iPhone

On Aug 29, 2018, at 2:32 PM, Barnett, Steven W. EOP/CEQ <(b) (6)

This is what I remember—also is it "Do" or "Due"...? Never heard of it before and Google is predictably no help. Footnote: Tom really, really wants to know if we can spell it "Dew."

Summary of Do Outs: (b) (5)

wrote:

Re: DO OUTS for August 28, 2018 NEPA Implementing

Regulations Working Group Meeting

From:	"Sharp, Thomas L. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Szabo, Aaron L. EOP/CEQ" <(b) (6)
Cc:	"Drummond, Michael R. EOP/CEQ" <(b) (6)
Date:	Thu, 30 Aug 2018 09:46:18 -0400
Baaahahah	a, made that joke already
Council or Executive (b) (6) (b) (6)	visor for Infrastructure Environmental Quality Office of the President
www.whit	zehouse.gov/ceq
On Aug 30	, 2018, at 9:02 AM, Szabo, Aaron L. EOP/CEQ < (b) (6) wrote:
Hahaha	a.
Sent: Th To: 5zat Cc: Shar	Drummond, Michael R. EOP/CEQ Dursday, August 30, 2018 8:58 AM Do, Aaron L. EOP/CEQ < (b) (6) TP, Thomas L. EOP/CEQ < (b) (6) TRE: DO OUTS for August 28, 2018 NEPA Implementing Regulations Working Group Meeting
	? Don't you mean Due Outs? Or Dew Outs (if copious amounts of Mountain Dew are required mplish said Dew Outs)?
Sent: W To: Barr <(b) (6) <(b) (6) Mansoc	zabo, Aaron L. EOP/CEQ Yednesday, August 29, 2018 5:22 PM Dett, Steven W. EOP/CEQ <(b) (6) Drummond, Michael R. EOP/CEQ Loyola, Mario A. EOP/CEQ <(b) (6) Drummond, Michael R. EOP/CEQ (b) (6) Drummond, Mario A. EOP/CEQ (b) (6)
< <mark>(b) (6)</mark>	Schneider, Daniel J. EOP/CEQ

(b) (6) Seale, Viktoria Z. EOP/CEQ (b) (6) Sharp, Thomas L. EOP/CEQ (b) (6) Smith, Katherine R. EOP/CEQ

<(b) (6)

Cc: Szabo, Aaron L. EOP/CEQ (b) (6)

Subject: DO OUTS for August 28, 2018 NEPA Implementing Regulations Working Group Meeting

WG,

As discussed in the meeting today, I will try and provide "Do Outs" for everyone in writing by close of business of the day of our WG meeting.

For the meeting, I have the following Do Outs:

Aaron

- Develop folders on SharePoint: (due COB 8/29)
 - o ANPRM comments (divided between agency and public)
 - WG meetings minutes
 - Background-History (found within the "NPRM Working Documents" Folder)
- Obtain all public comments with attachment(s) and add them to the SharePoint site in the ANPRM Comments/Public folder (due ASAP)
- Reach out to FDMS to find out if we can do custom searches/categorization based on CEQ-specific terms (due ASAP)
- Upload public comments that were provided outside of <u>Regulations.gov</u> (due ASAP)

Steve

• Will develop WG minutes that we will be posting on the SharePoint site by the end of each week of a WG meeting for each meeting. (continuing)

Mario and/or NEPA Team

- Provide the priority list of issues developed to the WG via email (due COB 8/30)
- Provide a list of representative ANPRM comments to the WG via email (20 40) (due COB 8/31)
- Provide the background/history document part of the preamble for discussion at the next working within the SharePoint site (due morning 9/4)
 - Potential information to include: background/history of the 1978 Regulations and a neutral discussion of developments (CEQ guidance, major case history, etc.) since 1978

NEPA Team

- Add agency comments to the SharePoint site in the ANPRM Comments/Agency folder (due COB 8/31)
- Provide Aaron with PDF versions of public comments that were not provided via regulations.gov for upload (due ASAP)
- Provide Aaron with terms for custom categorization/searches in FDMS, if necessary (due ASAP)

Thank you very much. If you need additional time on your Do Outs, please let me know as soon as possible.

Aaron L. Szabo Senior Counsel Council on Environmental Quality (b) (6) (Desk) (b) (6) (Cell) (b) (6)

CEQ Agenda Comment

"Whiteman, Chad S. EOP/OMB" < <mark>(b) (6)</mark>
"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark>
Fri, 31 Aug 2018 12:45:31 -0400
CEQ Agenda Entries Fall 2018 - 8_31_2018 draft.docx (23.31 kB)

Aaron,

I had one comment on the CEQ draft regulatory agenda. Let me know if you are okay with it. Chad

Chad Whiteman

Deputy Chief, Natural Resources and Environment Branch

Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

(b) (6)	
(b) (6)	











FW: CEQ Agenda Comment

From:"Szabo, Aaron L. EOP/CEQ" <(b) (6)</td>To:"Seale, Viktoria Z. EOP/CEQ" <(b) (6)</td>

Tue, 04 Sep 2018 12:13:57 -0400

Attachments: CEQ Agenda Entries Fall 2018 - 8_31_2018 draft.docx (23.31 kB)

I have no issue with this comment, but wanted to check with you first before I responded.

From: Whiteman, Chad S. EOP/OMB Sent: Friday, August 31, 2018 12:46 PM To: Szabo, Aaron L. EOP/CEQ <(b) (6) Subject: CEQ Agenda Comment

Aaron,

Date:

I had one comment on the CEQ draft regulatory agenda. Let me know if you are okay with it. Chad

Chad Whiteman Deputy Chief, Natural Resources and Environment Branch Office of Information and Regulatory Affairs Office of Management and Budget | Executive Office of the President

(0)	(0)		
(b)	(6)		

)) (5)









RE: CEQ Agenda Comment

From:	"Whiteman, Chad S. EOP/OMB" <(b) (6)
То:	"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Wed, 05 Sep 2018 14:47:13 -0400
Attachments:	CEQ Agenda Entries Fall 2018 - 8_31_2018 draft.docx (23.31 kB)

Aaron, Meant to ask you if you were okay with the suggested edit on the agenda? They want us to wrap-up review this week. I'm out Friday so want to get it done today or tomorrow. Thanks, Chad

From: Whiteman, Chad S. EOP/OMB Sent: Friday, August 31, 2018 12:45 PM To: Szabo, Aaron L. EOP/CEQ (b) (6) Subject: CEQ Agenda Comment

Aaron,

I had one comment on the CEQ draft regulatory agenda. Let me know if you are okay with it. Chad

Chad Whiteman Deputy Chief, Natural Resources and Environment Branch Office of Information and Regulatory Affairs Office of Management and Budget | Executive Office of the President (b) (6)

b) (5)	









Federal NEPA Contacts Meeting (1800 F St, GSA, Room 1147)

Where:	(b) (6) (b) (6) (b) (6)
When:	Thu Sep 20 13:00:00 2018 (America/New_York)
Until:	Thu Sep 20 14:30:00 2018 (America/New_York)
Organiser:	"Drummond, Michael R. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=a0bc62c0a5454e6fb7a1be504b7d284a-dr">
Required Attendees :	"Drummond, Michael R. EOP/CEQ" < <mark>(b) (6)</mark> FN-CEQ-NEPA < <mark>(b) (6)</mark>
Optional Attendees :	"Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark> "Mansoor, Yardena M. EOP/CEQ" < <mark>(b) (6)</mark> "Upchurch, Sara H. EOP/CEQ" < <mark>(b) (6)</mark>

Updated Agenda Attached

CEQ will host the Fall Meeting of the Federal NEPA Contacts via webinar on Thursday, September 20 from 1:00pm – 2:30pm EDT.

Conference number and webinar URL are provided below. An agenda will be provided in advance of the meeting along with a PDF of the webinar slides for those unable to join the webinar.

Audio Conference Details:

Conference Number (Toll Free): (b) (6)

Participant Code: (b) (6)

To join the meeting:

(b) (6)

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Get a quick overview: http://www.adobe.com/products/adobeconnect.html

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Federal NEPA Contacts Webinar



AGENDA

1:00	Welcome
1:05	Update on CEQ NEPA Regulations Advance Notice of Proposed Rulemaking Ted Boling, CEQ
1:20	 Categorical Exclusions Ron Lamb, USMC
1:30	 NEPA Timelines and One Federal Decision Michael Drummond, CEQ
1:45	 EPA Update Rob Tomiak or Kelly Knight, EPA
2:00	13807 Implementation Update CEQ
2:10	Looking Ahead: NEPA 50 th Anniversary Ted Boling, CEQ
2:20	Questions / Discussion

RE: CEQ Agenda Comment

From:	"Szabo, Aaron L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">
To:	"Whiteman, Chad S. EOP/OMB" < (b) (6)
Date:	Thu, 06 Sep 2018 12:10:34 -0400
Attachment s:	CEQ Agenda Entries Fall 2018 - 8_31_2018 draft_CEQ.docx (23.83 kB)
c1 1	

Chad,

We are okay with the edit, but had a couple of nits based on that change. Let me know if you are okay with it and if so, we are good as well.

From: Whiteman, Chad S. EOP/OMB Sent: Wednesday, September 5, 2018 2:47 PM To: Szabo, Aaron L. EOP/CEQ < (b) (6) Subject: RE: CEQ Agenda Comment

Aaron, Meant to ask you if you were okay with the suggested edit on the agenda? They want us to wrap-up review this week. I'm out Friday so want to get it done today or tomorrow. Thanks, Chad

From: Whiteman, Chad S. EOP/OMB Sent: Friday, August 31, 2018 12:45 PM To: Szabo, Aaron L. EOP/CEQ ((b) (6) Subject: CEQ Agenda Comment

Aaron, I had one comment on the CEQ draft regulatory agenda. Let me know if you are okay with it. Chad

Chad Whiteman Deputy Chief, Natural Resources and Environment Branch Office of Information and Regulatory Affairs Office of Management and Budget | Executive Office of the President (b) (6)

(b) (6) (b) (6)










RE: CEQ ANPRM

From: "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)

To: "Schneider, Daniel J. EOP/CEQ" <(b) (6)

Date: Thu, 14 Jun 2018 18:29:42 -0400

Thank you!

From: Schneider, Daniel J. EOP/CEQ Sent: Thursday, June 14, 2018 5:25 PM To: Pettigrew, Theresa L. EOP/CEQ <(b) (6) Subject: Fwd: CEQ ANPRM

Sent from my iPhone

Begin forwarded message:

From: "Schneider, Daniel J. EOP/CEQ" <(b) (6) Date: June 14, 2018 at 5:15:15 PM EDT To: "Love, Kelly A. EOP/WHO" <(b) (6) Cc: "Ditto, Jessica E. EOP/WHO" <(b) (6) Subject: CEQ ANPRM

FYI - Tomorrow, we're planning on posting the attached fact sheet on our NEPA Advanced Notice of Proposed Rulemaking to the CEQ page of the website. In this ANPRM, we're proposing a series of 20 questions for public comment on the NEPA process and the scope of NEPA review in an effort to solicit feedback on any potential future revisions to NEPA. Over the last four decades, CEQ has issued numerous guidance documents but has only substantially amended its regulations once. This ANPRM is part of our list of actions under E.O. 13807 to modernize the federal environmental review and authorization process. I don't foresee this generating much attention in that it's just an ANPRM but we may hear from EE News or another publication who pays particular attention to issues like this.

Let me know if you have any questions.

Dan

Dan Schneider Associate Director for Communications Council on Environmental Quality Executive Office of the President (b) (6) (desk) (b) (6) www.whitehouse.gov/ceq

[EXTERNAL] SCHEDULED: Document Number - 2018-13246

 From:
 noreply@fedreg.gov

 To:
 FN-Chair <(b) (6)</th>

 Cc:
 creid@gpo.gov

 Date:
 Fri, 15 Jun 2018 15:59:22 -0400

Please do not reply directly to this e-mail. If you have any questions or comments regarding this email, please contact <u>Chipp Reid</u>.

Attention : Howard Sun, (CEQ) Council on Environmental Quality

Document 2018-13246, Category PROPOSED RULES has been scheduled to publish on 06-20-2018. This document will be placed on public inspection on 06-19-2018 08:45:00.

The subject of this document is Implementation of the Procedural Provisions of the National Environmental Policy Act.

The submitting Agency is (CEQ) Council on Environmental Quality. The Docket Id is Docket No. CEQ-2018-0001. The RIN is 0331-AA03. This document has an effective date of NA. The comments due date is 07-20-2018. The separate part # for this document is NA. Agency/CFR Title/CFR Part: (CEQ) Council on Environmental Quality, CFR Title is 40, CFR Part is 1500,1501,1502,1503,1504,1505,1506,1507,1508

[3225-F8]

COUNCIL ON ENVIRONMENTAL QUALITY 40 CFR Parts 1500-1508 [Docket No. CEQ-2018-0001] RIN: 0331-AA03 Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act AGENCY: Council on Environmental Quality (CEQ). ACTION: Advance Notice of Proposed Rulemaking. SUMMARY: The Council on Environmental Quality (CEQ) is considering updating its implementing regulations

for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

DATES: Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at >https://www.regulations.gov<. Follow the online instructions for submitting comments.

FR 2018-13246_1644312 (1).docx

From:	"Reid, Chipp (OFR)" <creid@gpo.gov></creid@gpo.gov>
То:	"Seale, Viktoria Z. EOP/CEQ" < <mark>(b) (6)</mark>
Cc:	"Vincent, Miriam (OFR)" <mvincent@gpo.gov></mvincent@gpo.gov>
Date:	Fri, 15 Jun 2018 14:56:55 -0400
Attachments:	FR 2018-13246_1644312 (1).docx (47.17 kB)

Viktoria

Please see the attached. I made some re-writes. It took me approximately five minutes to make these edits.

Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

00004

00007

RE: FW: Edits to proposed rule on NEPA review

From "Seale, Viktoria Z. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">

To: Miriam Vincent <miriam.vincent@nara.gov>

Cc: fedreg.legal@nara.gov, ofr-legal@gpo.gov

Date: Fri, 15 Jun 2018 14:38:08 -0400

Miriam,

b) (5)

. Will that address your concerns?

Viktoria

Viktoria Z. Seale General Counsel Executive Office of the President Council on Environmental Quality (b) (6) (direct) (b) (6) (cell)

From: Miriam Vincent <miriam.vincent@nara.gov> Sent: Friday, June 15, 2018 2:29 PM To: Seale, Viktoria Z. EOP/CEQ <(b) (6) Cc: fedreg.legal@nara.gov; ofr-legal@gpo.gov Subject: Re: FW: Edits to proposed rule on NEPA review

Viktoria,



We allow quotations where the agency has added value to the quotation - addressing the specific language used, contrasting with other relevant language, showing how the specific language directed or led to specific agency action.

(b) (5)			
	•	.a	

I have a flexible schedule on Monday, so can be available (with a little notice) anytime between 9:30 and 3:30. I'm finishing up for the day shortly, but I'll be starting early enough on Monday that I can be ready for a 9:30 meeting if you send a meeting request after I log off this afternoon.

Miriam

Miriam Vincent Staff Attorney, Legal Affairs and Policy Division Office of the Federal Register National Archives and Records Administration (0)202.741.6024 (c) (b) (6) (c) (b) (6)

On Fri, Jun 15, 2018 at 1:16 PM, Seale, Viktoria Z. EOP/CEQ < (b) (6) wrote:

Dear Sir or Madam,

I am writing with regards to an Advance Notice of Proposed Rulemaking that the Council on Environmental Quality (CEQ) has submitted to the Federal Register for publication. (b) (5)

I am available to discuss this matter at your earliest convenience and can be reached at (b) (direct) or (b) (6) (cell). (6)

Sincerely,

Viktoria

Viktoria Z. Seale General Counsel Executive Office of the President Council on Environmental Quality (b) (6) (direct) (b) (6) (cell)

From: Sun, Howard C. EOP/CEQ Sent: Friday, June 15, 2018 12:24 PM To: Schneider, Daniel J. EOP/CEQ <(b) (6) EOP/CEQ <(b) (6) Szabo, Aaron L. EOP/CEQ <(b) (6) Seale, Viktoria Z. EOP/CEQ <(b) (6)

Subject: FW: Edits to proposed rule on NEPA review

From: Reid, Chipp (OFR) <<u>creid@gpo.gov</u>> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <<mark>(b) (6)</mark> Subject: Edits to proposed rule on NEPA review

(b) (5)

. Please see the Document Drafting

Handbook, page 2-15, which states:

2.6 When can I use direct quotes? The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the Federal Register. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.



Please let me know if you have any questions.

Chipp Reid Writer/Editor Office of the Federal Register <u>creid@gpo.gov</u> <u>chipp.reid@nara.gov</u> 202-741-6007

Legal Affairs and Policy Staff Office of the Federal Register National Archives and Records Administration

You received this message because you are subscribed to the Google Groups "Federal Register Legal" group.

To unsubscribe from this group and stop receiving emails from it, send an email to fedreg.legal+unsubscribe@nara.gov.

For more options, visit https://groups.google.com/a/nara.gov/d/optout.

FW: Edits to proposed rule on NEPA review

From:	"Sun, Howard C. EOP/CEQ" < <mark>(b) (6)</mark>	
То:	"Schneider, Daniel J. EOP/CEQ" <(b) (6) "Neumayr, Mary B. EOP/CEQ" <(b) (6) ["Szabo, Aaron L. EOP/CEQ" <(b) (6) ["Seale, Viktoria Z. EOP/CEQ" <(b) (6)	
Date:	Fri, 15 Jun 2018 12:23:36 -0400	
Attachment s:	FR 2018-13246_1644312.docx (49.86 kB)	

From: Reid, Chipp (OFR) <creid@gpo.gov> Sent: Friday, June 15, 2018 12:23 PM To: Sun, Howard C. EOP/CEQ <(b) (6) Subject: Edits to proposed rule on NEPA review

(b) (5)

. Please see the Document Drafting Handbook, page 2-15, which

states:

2.6 When can I use direct quotes? The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the Federal Register. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.



Please let me know if you have any questions.

Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

FR 2018-13246_1644312 (2).docx

From:	"Reid, Chipp (OFR)" <creid@gpo.gov></creid@gpo.gov>
То:	"Sun, Howard C. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Fri, 15 Jun 2018 15:39:13 -0400
Attachments:	FR 2018-13246_1644312 (2).docx (47.96 kB)

Howard

Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid Writer/Editor Office of the Federal Register creid@gpo.gov chipp.reid@nara.gov 202-741-6007

00005
FW: Draft Herrgott Testimony

From:	"Pettigrew, Theresa L. EOP/CEQ" <(b) (6)	
To:	"Schneider, Daniel J. EOP/CEQ" <(b) (6)	
Date:	Tue, 19 Jun 2018 09:43:37 -0400	
Attachments:	Herrgott Testimony TLP edits.6.18.18.docx (35.56 kB)	
Meant to add you!		
From: Pettigrew, Theresa L. EOP/CEQ Sent: Tuesday, June 19, 2018 9:41 AM To: Herrgott, Alex H. EOP/CEQ <(b) (6) Cc: Osterhues, Marlys A. EOP/CEQ <(b) (6) Subject: RE: Draft Herrgott Testimony		
Here are some edits. Nothing too big. Thanks.		
From: Herrgott, Alex H. EOP/CEQ Sent: Monday, June 18, 2018 8:38 PM To: Pettigrew, Theresa L. EOP/CEQ <(b) (6) Subject: Fwd: Draft Herrgott Testimony		
Take a look at this one		
Sent from my iPhone		
Begin forwarded message:		
From: "Barnett, Steven W. EOP/CEQ" <(b) (6) Date: June 18, 2018 at 5:44:49 PM EDT To: "Herrgott, Alex H. EOP/CEQ" <(b) (6) Cc: "Drummond, Michael R. EOP/CEQ" <(b) (6) EOP/CEQ" <(b) (6) (b) (6) Subject: Draft Herrgott Testimony		

Alex,

Please find attached a red line and clean copy of your draft testimony.

Steven

00001

00002

Herrgott Testimony and Bio

From:	"Barnett, Steven W. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Smith, Katherine R. EOP/CEQ" < (b) (6)
Cc:	"Herrgott, Alex H. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6) "Boling, Ted A. EOP/CEQ" (b) (6) "Osterhues, Marlys A. EOP/CEQ" (b) (6) "Patella, Michael A. EOP/CEQ" (b) (6) "Sharp, Thomas L. EOP/CEQ" (b) (6) "Schneider, Daniel J. EOP/CEQ" (b) (6) "Pettigrew, Theresa L. EOP/CEQ"
Date:	Tue, 19 Jun 2018 11:16:14 -0400
Attachment s:	Alexander HerrgottBio.docx (14.06 kB); Herrgott Testimony 6.27 Roundtable Senate FINAL.DOCX (28.67 kB)

Here are the final versions of Alex's testimony and bio with the team's last round of edits.

Katherine: assuming no objections-good to pass to Mary.

Best, Steven

00004

RE: Draft Herrgott Testimony re 6.27 Senate Roundtable



	Fetugrew, meresa L. LOF/CEQ
<(b) (6)	Vandegrift, Scott F. EOP/CEQ <(b) (6)
Herrgott, Alex H. EOP/CEQ <(b) (6)	Osterhues, Marlys A. EOP/CEQ
<(b) (6)	Boling, Ted A. EOP/CEQ < (b) (6)
Patella, Michael A. EOP/CEQ <(b) (6)	
Subject: Draft Herrgott Testimony re	6.27 Senate Roundtable

All:

Please find attached a clean copy of Alex's draft testimony for the Senate roundtable.

Dan and Theresa: please take a quick look before we finalize this for Mary in the next 30 minutes or so (sorry!). Let me know if you have any other edits.

Best,

Steven

00003

Draft Herrgott Testimony re 6.27 Senate Roundtable

From:	"Barnett, Steven W. EOP/CEQ" ⊲(b) (6)
То:	"Smith, Katherine R. EOP/CEQ" < (b) (6)
Cc:	"Drummond, Michael R. EOP/CEQ" (b) (6) "Schneider, Daniel J. EOP/CEQ" < (b) (6) Theresa L. EOP/CEQ" < (b) (6) EOP/CEQ" < (b) (6) < (b) (6) < (b) (6) < (b) (6) < (b) (6) < (b) (6) < (c) * Pettigrew, "Vandegrift, Scott F. "Herrgott, Alex H. EOP/CEQ" "Osterhues, Marlys A. EOP/CEQ" "Boling, Ted A. EOP/CEQ" "Patella, Michael A. EOP/CEQ"
Date:	Tue, 19 Jun 2018 10:18:30 -0400
Attachment s:	Herrgott Testimony 6.27 Roundtable Senate FINAL.DOCX (28.39 kB)
All:	

Please find attached a clean copy of Alex's draft testimony for the Senate roundtable.

Dan and Theresa: please take a quick look before we finalize this for Mary in the next 30 minutes or so (sorry!). Let me know if you have any other edits.

Best,

Steven

00002

Advance Notice of Proposed Rulemaking

From :	"Seale, Viktoria Z. EOP/CEQ" < <mark>(b) (6)</mark>
То:	"Neumayr, Mary B. EOP/CEQ" <(b) (6) "Szabo, Aaron L. EOP/CEQ" <(b) (6) "Boling, Ted A. EOP/CEQ" <(b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6) "Smith, Katherine R. EOP/CEQ" (b) (6) "Pettigrew, Theresa L. EOP/CEQ" (b) (6) "Schneider, Daniel J. EOP/CEQ"
Cc:	"Sun, Howard C. EOP/CEQ" <(b) (6)
Date:	Tue, 19 Jun 2018 09:10:32 -0400
	ance Natice of Proposed Pulomaking is available on the public inspection dock at

The Advance Notice of Proposed Rulemaking is available on the public inspection desk at https://www.federalregister.gov/documents/2018/06/20/2018-13246/implementation-of-the-procedural-provisions-of-the--national-environmental-policy-act. It will be published in tomorrow's Federal Register, June 20.

Viktoria Z. Seale General Counsel Executive Office of the President Council on Environmental Quality (b) (6) (direct)

(b) (6) (cell)

RE: Updates to NEPA.gov

From :	"Adams, John (AU) (CO	ONTR)" <john.adams@hq.doe.gov></john.adams@hq.doe.gov>	
To:	"Mansoor, Yardena M. (CONTR)" <marian.car< td=""><td></td><td>"Carter, Marian</td></marian.car<>		"Carter, Marian
Cc:	"Alexander, Lillian" <lill <(b) (6) <(b) (6)</lill 	an.alexander@hq.doe.gov>, "Boling "Drummond, Michael R	
Date:	Tue 10 lun 2018 16:00	\$ 57 0400	

Good afternoon Yardena,

This request is ready to go once we receive the link for <u>Advance Notice of Proposed Rulemaking</u> (20 June 2018). Please note below the banner below. Due to banner size, below is the amount of text that could be fitted.



Regards,

John Adams AU Web Support Team Highland Technology Services, Inc. Contractor to the Office of Environment, Health, Safety and Security | Germantown Building 1000 Independence Avenue, SW Washington, D.C. 20585-1290 Phone: 301.903.8162 | Email: john.adams@hq.doe.gov

From: Mansoor, Yardena M. EOP/CEQ [mailto (b) (6) Sent: Monday, June 18, 2018 1:53 PM To: Carter, Marian (CONTR) < Marian.Carter@hg.doe.gov>

Cc: Alexander, Lillian <Lillian.Alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ

Drummond, Michael R. EOP/CEQ

Adams, John (AU) (CONTR) <John.Adams@Hq.Doe.Gov>

Subject: RE: Updates to NEPA.gov

<(b) (6)

This information is not for public release before Wednesday, until after I confirm the highlighted dates and that the notice is accessible in regulations.gov. Thanks!

If the banner is to be an image, we need the image to enable us having time to manipulate it;

Not an image.

If the banner is to link to content, we need the content or URL identified;

See 4 below.

3. If the banner is not going to contain an image, it will be a simple blue background. Please confirm;

Blue would be fine.

The content or 2 sentences to be used in the banner.

CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. See the Advance Notice of Proposed Rulemaking and related materials here. [Link to >https://ceq.doe.gov/lawsregulations/regulations.html<.]

5. For the Regulations web page, we need the Heading you want to use, the 3 sentences of text to be entered and the 2 hyperlinks referenced on the web page.

> On the CEQ NEPA Implementing Procedures page: >https://ceq.doe.gov/lawsregulations/regulations.html<, after the Current Regulations: heading, create new heading "Proposed Rulemaking:" and insert:

Advance Notice of Proposed Rulemaking (20 June 2018). CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, >https://www.regulations.gov<. Comments should be submitted on or before July 20, 2018.

From: Carter, Marian	(CONTR) < <u>Marian.Carter@hq.doe.gov</u> >
Sent: Monday, June 1	18, 2018 1:23 PM
To: Mansoor, Yarden	a M. EOP/CEQ <(b) (6)
Cc: Alexander, Lillian	<lillian.alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ</lillian.alexander@hq.doe.gov>
<(b) (6)	Drummond, Michael R. EOP/CEQ
<(b) (6)	Adams, John (AU) (CONTR) <john.adams@hg.doe.gov></john.adams@hg.doe.gov>
Subject: RE: Updates	to NEPA gov

Good Afternoon, Yardena:

I checked with John, and if you provide us with the following by COB today, Tuesday, June 18th, he anticipates that he can have these changes completed by tomorrow, COB, Tuesday, June 19, 2018:

- 1. If the banner is to be an image, we need the image to enable us having time to manipulate it;
- 2. If the banner is to link to content, we need the content or URL identified;
- 3. If the banner is not going to contain an image, it will be a simple blue background. Please confirm;
- 4. The content or 2 sentences to be used in the banner.
- 5. For the Regulations web page, we need the Heading you want to use, the 3 sentences of text to be entered and the 2 hyperlinks referenced on the web page.

Thank you, Marian

Marian A. Carter AU Web Support Team Manager Highland Technology Services, Inc., Contractor Office of Environment, Health, Safety and Security (301) 903-3494 - Office <u>marian.carter@hg.doe.gov</u>

The business of life is the acquisition of memories...

From: Mansoor, Yardena M. EOP/CEQ [mailto (b) (6) Sent: Monday, June 18, 2018 12:31 PM To: Adams, John (AU) (CONTR) <<u>John.Adams@Hq.Doe.Gov</u>> Cc: Carter, Marian (CONTR) <<u>Marian.Carter@hq.doe.gov</u>>; Alexander, Lillian <<u>Lillian.Alexander@hq.doe.gov</u>>; Boling, Ted A. EOP/CEQ <(b) (6) Drummond, Michael R. EOP/CEQ <(b) (6) Subject: Updates to NEPA.gov

Later this week: The time-sensitive updates I mentioned last week will be requested early Wednesday morning, when a CEQ Federal Register notice is expected to be published. The Wednesday changes will include:

- Adding a banner (two sentences) on the nepa.gov home page.
- Adding a heading, three sentences of text, and two links on the CEQ NEPA Implementing Procedures page: >>https://ceq.doe.gov/laws-regulations/regulations.html<<;.

Follow-up: Please let me know if you have any questions on the request I sent Friday at 1:37, on the NEPA Practice page (revising and alphabetizing the tab entries, new land page and file for "Agency Jurisdiction and Expertise."

New requests:

At <u>>>https://ceq.doe.gov/laws-regulations/nepa_legislative_history.html<<;</u>, please replace the following links with the corresponding attachments (filenames in parenthesis):

Congressional White Paper on a National Policy for the Environment (CongressWhitePaper.pdf)

House of Representatives Report on NEPA (House of Representatives Report on NEPA.pdf)

Senate Report on NEPA (Senate Report on NEPA.pdf)

Conference Report (Conference Report on NEPA.pdf)

At <u>>>https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html<<;</u>, please replace the linked file the corrected file attached.

Thanks, in advance, for your help.

Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality

(b) (6) / (b) (6)

FW: Draft Herrgott Testimony

From:	"Barnett, Steven W. EOP/CEQ" < <mark>(b) (6)</mark>
To:	angela.colamaria@fpisc.gov
Cc:	"Osterhues, Marlys A. EOP/CEQ" <(b) (6) "Herrgott, Alex H. EOP/CEQ" <(b) (6)
Date:	Tue, 19 Jun 2018 17:20:19 -0400
Attachment s:	Herrgott Testimony 6.27 Roundtable Senate FINAL DS V2 CLEAN.DOCX (29.55 kB)
Hi Angie,	
Please find attac	hed Alex's statement for next week's Senate roundtable.
Best, Steven	
Sent: Tuesday, Ju	, Daniel J. EOP/CEQ une 19, 2018 5:10 PM /arlys A. EOP/CEQ < <mark>(b) (6)</mark>
Cc: Barnett, Stev	ren W. EOP/CEQ <(b) (6) Neumayr, Mary B. EOP/CEQ
<(0) (0)	Pettigrew, Theresa L. EOP/CEQ <(b) (6)
	. EOP/CEQ <(b) (6)
<(b) (6)	

Subject: Draft Herrgott Testimony

All – attached are both clean and marked up versions of Alex's statement that reflects Mary, Theresa, and I's edits. Please coordinate with FPISC in sending over the statements simultaneously.

Let me know if you have any questions,

Dan

Dan Schneider Associate Director for Communications Council on Environmental Quality Executive Office of the President (b) (6) (b) (6) www.whitehouse.gov/ceq

RE: Updates to NEPA.gov

From "Mansoor, Yardena M. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=2712a19fd57447088e0b9da580c16e15-ma">

To: "Adams, John (AU) (CONTR)" <john.adams@hq.doe.gov>

Date: Wed, 20 Jun 2018 08:56:06 -0400

Please call me at (b) (6) Re: Is this a rotating banner? Do you want a photo to put behind it?

From: Adams, John (AU) (CONTR) <John.Adams@Hq.Doe.Gov> Sent: Wednesday, June 20, 2018 8:54 AM To: Mansoor, Yardena M. EOP/CEQ <(b) (6) Cc: Carter, Marian (CONTR) <Marian.Carter@hq.doe.gov>; Alexander, Lillian <Lillian.Alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ <(b) (6) Drummond, Michael R. EOP/CEQ <(b) (6)

Subject: RE: Updates to NEPA.gov

Good morning Yardena,

I just want to confirm we can go ahead and publish the update now correct?

From: Mansoor, Yardena M. EOP/CEQ [mailto (b) (6) Sent: Wednesday, June 20, 2018 8:48 AM To: Adams, John (AU) (CONTR) <John.Adams@Hq.Doe.Gov> Cc: Carter, Marian (CONTR) <Marian.Carter@hq.doe.gov>; Alexander, Lillian <Lillian.Alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ <(b) (6) Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RE: Updates to NEPA.gov

On the CEQ NEPA Implementing Procedures page: <u>>https://ceq.doe.gov/laws-</u> regulations/regulations.html<, after the **Current Regulations**: heading, create new heading **"Proposed Rulemaking:"** and insert:

Proposed Rulemaking:

Advance Notice of Proposed Rulemaking [link to >https://www.gpo.gov/fdsys/pkg/FR-2018-06-20/pdf/2018-13246.pdf<] (20 June 2018). CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, >https://www.regulations.gov<. Comments should be submitted on or before July 20, 2018.

From: Mansoor, Yardena M. EOP/CEQ Sent: Monday, June 18, 2018 1:53 PM To: 'Carter, Marian (CONTR)' <<u>Marian.Carter@hq.doe.gov</u>>

Cc: Alexander, Lillian <Lillian.Alexander@hg.doe.gov>; Boling, Ted A. EOP/CEQ

Drummond, Michael R. EOP/CEQ

Adams, John (AU) (CONTR) <John.Adams@Hq.Doe.Gov>

Subject: RE: Updates to NEPA.gov

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See 4 below.

If the banner is not going to contain an image, it will be a simple blue background. Please confirm;

Blue would be fine.

4. The content or 2 sentences to be used in the banner.

CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. See the Advance Notice of Proposed Rulemaking and related materials <u>here</u>. [Link to <u>>https://ceq.doe.gov/laws-regulations.html<</u>.]

5. For the Regulations web page, we need the Heading you want to use, the 3 sentences of text to be entered and the 2 hyperlinks referenced on the web page.

On the CEQ NEPA Implementing Procedures page: <u>>https://ceq.doe.gov/laws-</u> regulations/regulations.html<, after the **Current Regulations**: heading, create new heading "**Proposed Rulemaking**:" and insert:

Advance Notice of Proposed Rulemaking (20 June 2018). CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, https://www.regulations.gov. Comments should be submitted on or before July 20, 2018.

From: Carter, Marian (CO	NTR) < <u>Marian.Carter@hg.doe.gov</u> >
Sent: Monday, June 18, 20	018 1:23 PM
To: Mansoor, Yardena M.	EOP/CEQ <(b) (6)
Cc: Alexander, Lillian <lilli< td=""><td>ian.Alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ</td></lilli<>	ian.Alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ
<(b) (6)	Drummond, Michael R. EOP/CEQ
<(b) (6)	Adams, John (AU) (CONTR) <john.adams@hg.doe.gov></john.adams@hg.doe.gov>
Subject: RE: Updates to N	

Good Afternoon, Yardena:

I checked with John, and if you provide us with the following by COB today, Tuesday, June 18th, he anticipates that he can have these changes completed by tomorrow, COB, Tuesday, June 19, 2018:

- 1. If the banner is to be an image, we need the image to enable us having time to manipulate it;
- 2. If the banner is to link to content, we need the content or URL identified;
- If the banner is not going to contain an image, it will be a simple blue background. Please confirm;
- 4. The content or 2 sentences to be used in the banner.
- 5. For the Regulations web page, we need the Heading you want to use, the 3 sentences of text to be entered and the 2 hyperlinks referenced on the web page.

Thank you, Marian

Marian A. Carter AU Web Support Team Manager Highland Technology Services, Inc., Contractor Office of Environment, Health, Safety and Security (301) 903-3494 - Office <u>marian.carter@hg.doe.gov</u>

The business of life is the acquisition of memories...

From: Mansoor, Yardena M. EOP/CEQ [mailto b) (6) Sent: Monday, June 18, 2018 12:31 PM To: Adams, John (AU) (CONTR) <<u>John.Adams@Hq.Doe.Gov</u>> Cc: Carter, Marian (CONTR) <<u>Marian.Carter@hq.doe.gov</u>>; Alexander, Lillian <<u>Lillian.Alexander@hq.doe.gov</u>>; Boling, Ted A. EOP/CEQ <(b) (6) Drummond, Michael R. EOP/CEQ <(b) (6) Subject: Updates to NEPA.gov

Later this week: The time-sensitive updates I mentioned last week will be requested early Wednesday morning, when a CEQ Federal Register notice is expected to be published. The Wednesday changes will include:

- Adding a banner (two sentences) on the nepa.gov home page.
- Adding a heading, three sentences of text, and two links on the CEQ NEPA Implementing Procedures page: >>https://ceq.doe.gov/laws-regulations/regulations.html<<;.

Follow-up: Please let me know if you have any questions on the request I sent Friday at 1:37, on the NEPA Practice page (revising and alphabetizing the tab entries, new land page and file for "Agency Jurisdiction and Expertise."

New requests:

At <u>>>https://ceq.doe.gov/laws-regulations/nepa_legislative_history.html<<;</u>, please replace the following links with the corresponding attachments (filenames in parenthesis):

Congressional White Paper on a National Policy for the Environment (CongressWhitePaper.pdf)

House of Representatives Report on NEPA (House of Representatives Report on NEPA.pdf)

Senate Report on NEPA (Senate Report on NEPA.pdf)

Conference Report (Conference Report on NEPA.pdf)

At <u>>>https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html<<;</u>, please replace the linked file the corrected file attached.

Thanks, in advance, for your help.

Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality

(b) (6) / (b) (6)

RE: Updates to NEPA.gov - APPROVAL NEEDED FOR BANNER

From :	"Carter, Marian (CONTR)" <marian.carter@hq.doe.gov></marian.carter@hq.doe.gov>
To:	"Boling, Ted A. EOP/CEQ" <(b) (6)
Cc:	"Alexander, Lillian" <lillian.alexander@hq.doe.gov>, "Drummond, Michael R. EOP/CEQ" <(b) (6) "Mansoor, Yardena M. EOP/CEQ" <(b) (6) "Adams, John (AU) (CONTR)" <john.adams@hq.doe.gov></john.adams@hq.doe.gov></lillian.alexander@hq.doe.gov>
Date:	Wed, 20 Jun 2018 11:03:02 -0400
Great. We will proceed ③	

From: Boling, Ted A. EOP/CEQ [mailto(b) (6) Sent: Wednesday, June 20, 2018 11:02 AM To: Carter, Marian (CONTR) <Marian.Carter@hq.doe.gov> Cc: Alexander, Lillian <Lillian.Alexander@hq.doe.gov>; Drummond, Michael R. EOP/CEQ <(b) (6) Mansoor, Yardena M. EOP/CEQ <(b) (6) Adams, John (AU) (CONTR) <John.Adams@Hq.Doe.Gov> Subject: RE: Updates to NEPA.gov - APPROVAL NEEDED FOR BANNER

That looks great! Thank you!

From: Carter, Marian (CONTR) <<u>Marian.Carter@hq.doe.gov</u>> Sent: Wednesday, June 20, 2018 10:12 AM To: 8oling, Ted A. EOP/CEQ <(b) (6) Cc: Alexander, Lillian.Alexander@hq.doe.gov>; Drummond, Michael R. EOP/CEQ <(b) (6) Mansoor, Yardena M. EOP/CEQ <(b) (6) Adams, John (AU) (CONTR) <<u>John.Adams@Hq.Doe.Gov</u>> Subject: RE: Updates to NEPA.gov - APPROVAL NEEDED FOR BANNER

Good Morning, Ted:

John was able to manipulate the image to the following display. If you like it, he will proceed with including it in the web site update.



From: Boling, Ted A. EOP/CEQ [mailto:(b) (6) Sent: Wednesday, June 20, 2018 8:57 AM To: Mansoor, Yardena M. EOP/CEQ <(b) (6) <John.Adams@Hq.Doe.Gov> Cc: Carter, Marian (CONTR) <<u>Marian.Carter@hq.doe.gov</u>>; Alexander, Lillian <<u>Lillian.Alexander@hq.doe.gov</u>>; Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RE: Updates to NEPA.gov

If we can add a photo to the banner, here's one of Denali from NPS.gov

From: Mansoor, Yardena M. EOP/CEQ Sent: Wednesday, June 20, 2018 8:48 AM To: Adams, John (AU) (CONTR) <<u>John.Adams@Hq.Doe.Gov</u>> Cc: Carter, Marian (CONTR) <<u>Marian.Carter@hq.doe.gov</u>>; Alexander, Lillian <<u>Lillian.Alexander@hq.doe.gov</u>>; Boling, Ted A. EOP/CEQ <[b] (6) Drummond, Michael R. EOP/CEQ <[b] (6) Subject: RE: Updates to NEPA.gov
On the CEQ NEPA Implementing Procedures page: >>https://ceg.doe.gov/lawsregulations/regulations.html<<;; after the Current Regulations: heading, create new heading "Proposed Rulemaking:" and insert:

Proposed Rulemaking:

Advance Notice of Proposed Rulemaking [link to >>https://www.gpo.gov/fdsys/pkg/FR-2018-06-20/pdf/2018-13246.pdf<<;] (20 June 2018). CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, >>https://www.regulations.gov<<. Comments should be submitted on or before July 20, 2018.</p>

From: Mansoor, Yardena M. EOP/CEQ Sent: Monday, June 18, 2018 1:53 PM To: 'Carter, Marian (CONTR)' <<u>Marian.Carter@hg.doe.gov</u>> Cc: Alexander, Lillian <Lillian.Alexander@hq.doe.gov>; Boling, Ted A. EOP/CEQ Drummond, Michael R. EOP/CEQ <(b) (6) Adams, John (AU) (CONTR) < John.Adams@Hq.Doe.Gov> <(b) (6)

Subject: RE: Updates to NEPA.gov

This information is not for public release before Wednesday, until after I confirm the highlighted dates and that the notice is accessible in regulations.gov. Thanks!

1. If the banner is to be an image, we need the image to enable us having time to manipulate it;

Not an image.

If the banner is to link to content, we need the content or URL identified;

See 4 below.

3. If the banner is not going to contain an image, it will be a simple blue background. Please confirm:

Blue would be fine.

4. The content or 2 sentences to be used in the banner.

CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. See the Advance Notice of Proposed Rulemaking and related materials here. [Link to >>https://ceq.doe.gov/lawsregulations/regulations.html<<;.]

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Marian A. Carter AU Web Support Team Manager Highland Technology Services, Inc., Contractor Office of Environment, Health, Safety and Security (301) 903-3494 - Office marian.carter@hg.doe.gov

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House of Representatives Report on NEPA (House of Representatives Report on NEPA.pdf)

Senate Report on NEPA (Senate Report on NEPA.pdf)

Conference Report (Conference Report on NEPA.pdf)

At <u>>>>https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html<<<;;;</u> please replace the linked file the corrected file attached.

Thanks, in advance, for your help.

Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality

(b) (6) / (b) (6)

Re: Draft Herrgott Testimony

From:	Angela Colamaria - Y-D <angela.colamaria@fpisc.gov></angela.colamaria@fpisc.gov>
To:	"Osterhues, Marlys A. EOP/CEQ" < (b) (6)
Cc:	Karen Hanley - Y <karen.hanley@gsa.gov>, "Herrgott, Alex H, EOP/CEQ" (b) (6) "Pettigrew, Theresa L, EOP/CEQ" (b) (6) "Barnett, Steven W, EOP/CEQ" (b) (6) "Drummond, Michael R, EOP/CEQ" (b) (6) "Drummond, Michael R, EOP/CEQ" (b) (6) "Drummond, Michael R, EOP/CEQ" (c) (c) "Amber Levofsky - Y <amber.levofsky@gsa.gov>, Janet Pfleeger - Y <janet.pfleeger@fpisc.gov></janet.pfleeger@fpisc.gov></amber.levofsky@gsa.gov></br></br></br></br></br></karen.hanley@gsa.gov>
Date:	Wed, 20 Jun 2018 16:32:59 -0400
Attachment s:	Herrgott Testimony 6.27 Roundtable Senate FINAL DS V2 CLEAN (3) AFC EDITS 6- 20-18.DOCX (35.89 kB)

All here are my quick comments on Alex's testimony. In the interest of time, I didn't review the "agency action" section.

I will be offline for the next hour or so, but can send out both written statements once we are ready.

Angela F. Colamaria

Acting Executive Director Office of the Executive Director (FPISC-OED) Federal Permitting Improvement Steering Council angela.colamaria@fpisc.gov 202.705.1639 1800 F St. NW Washington, DC 20405

On Tue, Jun 19, 2018 at 5:32 PM, Osterhues, Marlys A. EOP/CEQ (b) (6) wrote:

Angie and Karen -

Attached is Alex's statement for next week's Roundtable. Please confirm that you will submit your and Alex's statements together for review/coordination with OMB. Let's touch base tomorrow morning.

Thanks - Marlys



Fwd: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

From: Karen Hanley - Y <karen.hanley@gsa.gov>

To:

"Pettigrew, Theresa L. EOP/CEQ" (b) (6)

Katherine R. EOP/CEQ" <(b) (6)

Date: Thu, 21 Jun 2018 13:57:49 -0400

AttachmentColamaria Statement 6.27 Roundtable Senate FINAL DRAFT_6.20.docx (31.47 kB);s:Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_6.20.docx (33.25 kB)

I don't know what is happening here but wanted to send this to you ASAP.

From: LaVerne Jordan - S <<u>laverne.jordan@gsa.gov</u>> Date: Thu, Jun 21, 2018 at 1:55 PM Subject: Fwd: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting To: Karen Hanley - Y <<u>karen.hanley@gsa.gov</u>>, Janet Pfleeger - Y <<u>janet.pfleeger@gsa.gov</u>> Cc: Saul Japson - S <<u>saul.japson@gsa.gov</u>>, Jeff Post - A <<u>jeffrey.post@gsa.gov</u>>, Erin Mewhirter <<u>erin.mewhirter@gsa.gov</u>>

FY1 - Please see below. If FPISC has any comments on this LRM, please send directly to the OMB contact ------ Forwarded message ------

From: Bronack, Candice M. EOP/OMB (b) (

Date: Thu, Jun 21, 2018 at 1:51 PM

Subject: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

To: AGRICULTURE <<u>usdaleg@obpa.usda.gov</u>>, DL-CEQ-LRM <(b) (6) DEFENSE <(b

<epairm@epamail.epa.gov>, INTERIOR <ocl@ios.doi.gov>, JUSTICE <justice.lrm@usdoj.gov>, TRANSPORTATION <dot.legislation@dot.gov>, DHS <DHSOGCLegislation@hq.dhs.gov>, ARMY CORPS ENG <cecc-leg@hq02.usace.army.mil>, COMMERCE <clrm@doc.gov>, HUD <HUDLRM@hud.gov>, LABOR <dol-sol-leg@dol.gov>, VA <ogcvalrm@va.gov>, "llo@nrc.gov" <llo@nrc.gov>, GSA <ca.legislation@gsa.gov> Cc: "Kraninger, Kathleen L. EOP/OMB"
(b) (6) "Marten, Lexi N. EOP/OMB"
(b) (6) "Abrams, Andrew D. EOP/OMB"
(b) (6) "Somore, Ben J. EOP/OMB"

<(D) (D)	Donatem, A	Angela M. EOP/OMB	
<(b) (6)	"Nelson, Kim	iberly P. EOP/OMB" < (b) (6)	
"Korovesis, Andrea G. EOP/OMI	B" < (b) (ô)	"Grossm	an, Andrea L. EOP/OMB"
<(b) (6)	"Pasquantino,	John C. EOP/OMB" <(b) (6)	
"Colyar, Kelly T. EOP/OMB"	b) (6)	"Krauss, Lori A. E	OP/OMB"
<	"Dorjets, Vlad EOI	P/OMB" <(b) (6)	"Lucas, Adrienne
E. EOP/OMB" < (b) (6)		"Stein, Nora H. EOP/OMB" <	(b) (6)
"Hazelgren, Mark H. EOP/OMB"	' <(b) (6)	"Dankert, C	Charles M. EOP/OMB"
<(b) (6)	"Montoni, Joe E	. EOP/OMB" <(b) (6)	
"Burnett, Ben D. EOP/OMB" <) (6)	"Roach, Emma K	. EOP/OMB"
<(b) (6)	"Hagan, Michael 1	B. EOP/OMB" < (b) (6)	
"Whitman, Katie B. EOP/OMB"	<(b) (6)	"Buenven	ida, Pearl A. EOP/OMB"

"Smith.



DEADLINE: 2:00 PM Friday, June 22, 2018

Attached are (2) statements of the Federal Permitting Improvement Steering Council (FPISC) and CEQ for a roundtable on infrastructure permitting on June 27 before the Senate Homeland Security and Government Affairs Committee. This is not a formal hearing, but it will be open to the press and written statements will be posted online. Please review these statements and send any comments by the deadline above. Thanks.

LRM ID: CMB-115 184 EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM Thursday, June 21, 2018

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference SUBJECT: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Statements on Infrastructure Permitting

OMB CONTACT: Candice Bronack E-Mail: (b) (6) PHONE: (b) (6) FAX: (202) 395-3109

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

Karen A. Hanley
 Senior Environmental Policy Advisor, Federal Permitting Improvement Steering Council (FPISC), GSA
 Deputy Associate Director for NEPA, Council on Environmental Quality (CEQ)
 Phone: (b) (6)



(b) (5)

b) (5)

(b) (5)

RE: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

From:	"Bronack, Candice M. EOP/OMB" < <mark>(b) (6)</mark>
То:	"Osterhues, Marlys A. EOP/CEQ" < (b) (6)
Cc:	DL-CEQ-LRM <(b) (6)
Date:	Fri, 22 Jun 2018 14:39:32 -0400
Attachment s:	Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_6.20 jmv.docx (30.32 kB)

I also received these comments from DOT. Please let me know how CEQ responds.

From: Bronack, Candice M. EOP/OMB Sent: Friday, June 22, 2018 1:55 PM

To: Osterhues, Marlys A. EOP/CEQ <(b) (6)

Cc: DL-CEQ-LRM (b) (6)

Subject: FW: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

Hi Marlys – I received your voicemail earlier today. So far, I have only received minor comments from Commerce (attached). I will continue to send you anything I get in response to my LRM. Please let me know if CEQ accepts these edits. Thanks.

From: Bronack, Candice M. EOP/OMB

Sent: Thursday, June 21, 2018 1:51 PM

To: 'AGRICULTURE' <usdaleg@ol< th=""><th>hna usda gov>: DL-CEO-LBM (h) (6)</th><th>'DEFENSE'</th></usdaleg@ol<>	hna usda gov>: DL-CEO-LBM (h) (6)	'DEFENSE'
(b)(6)	>; 'ENERGY' <energy.gc33@hq.doe.< p=""></energy.gc33@hq.doe.<>	
<epairm@epamail.epa.gov>: 'IN</epairm@epamail.epa.gov>	TERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <jus< td=""><td>÷ ·</td></jus<></ocl@ios.doi.gov>	÷ ·
	ion@dot.gov>; 'DHS' <dhsogclegislation< td=""><td></td></dhsogclegislation<>	
_	ace.army.mil>; 'COMMERCE' <clrm@doc.< td=""><td></td></clrm@doc.<>	
	dol-sol-leg@dol.gov>; 'VA' <ogcvalrm@v< td=""><td></td></ogcvalrm@v<>	
@nrc.gov>; 'GSA' <ca.legislat< li=""></ca.legislat<>		5 / 5 5
Cc: Kraninger, Kathleen L. EOP/C		Marten, Lexi N. EOP/OMB
<(b) (6)	Abrams, Andrew D. EOP/OMB	_
<(b) (6)	Connolly, David C. EOP/OMB (b) (6)	
Skidmore, Ben J. EOP/OMB <	(6) Dona	atelli, Angela M. EOP/OMB
<(b) (6)	Nelson, Kimberly P. EOP/OMB	
<(b) (6)	Korovesis, Andrea G. EOP/OMB	
<(b) (6)	Grossman, Andrea L. EOP/OMB	
<(b) (6)	Pasquantino, John C. EOP/OMB	
<(b) (6)	Colyar, Kelly T. EOP/OMB <(b) (6)	
Krauss, Lori A. EOP/OMB <	Dorjets, Vlad E	OP/OMB
<(b) (6)	Lucas, Adrienne E. EOP/OMB < <mark>(b) (6)</mark>	
Stein, Nora H. EOP/OMB <(b) (6)	Hazelgren, Mark H	I. EOP/OMB

< <mark>(b) (</mark> 6)	Dankert, Charles M. EOP/OMB
<(b) (6)	Montoni, Joe E. EOP/OMB < (b) (6)
Burnett, Ben D. EOP/OMB <	(G) Roach, Emma K. EOP/OMB
<(b) (6)	Hagan, Michael B. EOP/OMB <(b) (6)
Whitman, Katie B. EOP/OMB <	b) (6) Krauss, Lori A. EOP/OMB
(b) (6)	Buenvenida, Pearl A. EOP/OMB
<(b) (6)	Miller, Kimberly A. EOP/OMB
<(b) (6)	Reed, Meagan E. EOP/OMB <(b) (6)
Hester, David G. EOP/OMB <	(6) Crutchfield, Craig C. EOP/OMB
(b) (6)	Roach, Emma K. EOP/OMB < (b)
Brown, Dustin S. EOP/OMB 📢	Yi, David Y. EOP/OMB
< <mark>(b) (δ)</mark> B	Bussow, Mark A. EOP/OMB < (b) (6) Falk Curtin
Edna T. EOP/OMB <(b) (6)	McDonald, Christine A. EOP/OMB
<(b) (6)	Dick, John H. EOP/OMB <(b) (6)
Nafziger, Jeptha E. EOP/OMB <	
<(b) (6)	Gamache, Christopher D. EOP/OMB
<(b) (6)	Fischietto, Mary S. EOP/OMB
<(b) (6)	Berger, Joseph J. EOP/OMB < (b) (6)
allemand, Chad A. EOP/OMB <	
<(b) (6)	Curtis, Tyler T. EOP/OMB <(b) (6)
Hathaway, Kyle W. EOP/OMB <	
<(b) (6)	Jain, Varun M. EOP/OMB <(b) (6) Seeh
lasmeet K. EOP/OMB <(b) (6)	Hunt, Alex T. EOP/OMB
<(b) (6)	Blum, Mathew C. EOP/OMB < (b) (6)
Field, Lesley A. EOP/OMB	
(b) (6)	DL-WHO-WHGC-LRM < (b) (6) 'DL-OPD-NEC
	DL-OSTP-LRM' <(b) (6) DL-CEA-LRM <(b) (6)
	n B. EOP/CEA <(D) (6) Warren, Peter N.
EOP/OMB < <mark>(b) (6)</mark>	Carr, Kerrie L. EOP/OMB < (b) (6)
Patel, Neal A. EOP/OMB < (b) (6	
<(b) (6)	Ventura, Alexandra EOP/OMB
(0) (6)	Vaeth, Matt J. EOP/OMB < (b) (6)
ubject: LRM [CMB-115-184] D	UE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on

Infrastructure Permitting

DEADLINE: 2:00 PM Friday, June 22, 2018

Attached are (2) statements of the Federal Permitting Improvement Steering Council (FPISC) and CEQ for a roundtable on infrastructure permitting on June 27 before the Senate Homeland Security and Government Affairs Committee. This is not a formal hearing, but it will be open to the press and written statements will be posted online. Please review these statements and send any comments by the deadline above. Thanks.

LRM ID: CMB-115-184 EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET LEGISLATIVE REFERRAL MEMORANDUM Thursday, June 21, 2018

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference SUBJECT: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Statements on Infrastructure Permitting

OMB CONTACT: **Candice Bronack** E-Mail: (b) (6) PHONE: (b) (6) FAX: **(202) 395-3109**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Payas-You-Go Act of 2010.

Thank you.



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b) (5)

FW: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Oversight Testimonies on Infrastructure Permitting

From: "Bronack, Candice M. EOP/OMB" <(b) (6) To: "Osterhues, Mariys A. EOP/CEQ" <(b) (6) Cc: DL-CEQ-LRM <(b) (6) Date: Fri, 22 Jun 2018 13:55:15 -0400 Attachment Herrgott Statement 6.27 Roundtable Senate FINAL DRAFT_6.20_NOAA Comments....docx (28.25 kB) S: Hi Marlys - I received your voicemail earlier today. So far, I have only received minor comments from Commerce (attached). I will continue to send you anything I get in response to my LRM. Please let me know if CEQ accepts these edits. Thanks. From: Bronack, Candice M. EOP/OMB Sent: Thursday, June 21, 2018 1:51 PM To: 'AGRICULTURE' <usdaleg@obpa.usda.gov>; DL-CEQ-LRM <(b) (6) 'DEFENSE' I>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'EPA' <(b) (6) <epairm@epamail.epa.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <justice.lrm@usdoj.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'DHS' <DHSOGCLegislation@HQ.DHS.GOV>; 'ARMY CORPS ENG' <cecc-leg@hq02.usace.army.mil>; 'COMMERCE' <clrm@doc.gov>; 'HUD' <HUDLRM@hud.gov>; 'LABOR' <dol-sol-ieg@dol.gov>; 'VA' <ogcvalrm@va.gov>; 'llo@nrc.gov' @nrc.gov>; 'GSA' <ca.legislation@gsa.gov> Cc: Kraninger, Kathleen L. EOP/OMB < (b) (6 Marten, Lexi N. EOP/OMB Abrams, Andrew D. EOP/OMB <(b) (6) Connoliy, David C. EOP/OMB (b) (6 <(b) (6) Skidmore, Ben J. EOP/OMB < (b) (6 Donatelli, Angela M. EOP/OMB Nelson, Kimberly P. EOP/OMB <(b) (6) Korovesis, Andrea G. EOP/OMB <(b) (6) Grossman, Andrea L. EOP/OMB <(b) (6) Pasquantino, John C. EOP/OMB Colyar, Kelly T. EOP/OMB <(b) (6) Krauss, Lori A. EOP/OMB < (b) (6 Dorjets, Vlad EOP/OMB Lucas, Adrienne E. EOP/OMB <(b) (6) Stein, Nora H. EOP/OMB <(b) (6) Hazelgren, Mark H. EOP/OMB Dankert, Charles M. EOP/OMB Montoni, Joe E. EOP/OMB <(b) (6) Burnett, Ben D. EOP/OMB < Roach, Emma K. EOP/OMB Hagan, Michael B. EOP/OMB (6) Whitman, Katie B. EOP/OMB < (b) (6) Krauss, Lori A. EOP/OMB

- <(b) (6) Buenvenida, Pearl A. EOP/OMB <(b) (6) Miller, Kimberly A. EOP/OMB
- (b) (6) Miller, Kimberly A. EOP/OMB
 (b) (6) Reed, Meagan E. EOP/OMB

Hester, David G. EOP/OMB (b) (6) Crutchfield, Craig C. EOP/OMB

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<(b) (6)	Dick, John H. EOF	P/OMB <(b) (6)
Nafziger, Jeptha E. EOP/OMB <	o) (6)	Howe, Andrew P. EOP/OMB
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Lallemand, Chad A. EOP/OMB <	and the second s	Nusraty, Tim H. EOP/OMB
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<(b) (6)	Blum, Mathew C. EOI	
Field, Lesley A. EOP/OMB < (b) (6		Pica, Karen A. EOP/OMB
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Subject: LRIVI [CIVIB-115-184] DC	TE UO/22 @ 2:00 PIVI GSA an	d CEQ Oversight Testimonies on

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DEADLINE: 2:00 PM Friday, June 22, 2018

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LRM ID: CMB-115-184 EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM Thursday, June 21, 2018

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference SUBJECT: LRM [CMB-115-184] DUE 06/22 @ 2:00 PM GSA and CEQ Statements on Infrastructure Permitting OMB CONTACT: Candice Bronack E-Mail: (b) (6) PHONE: (b) (6) FAX: (202) 395-3109

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Payas-You-Go Act of 2010.

Thank you.

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b) (5)

CEQ Remarks for Portman/McCaskill Roundtable on Federal Permitting Process for Major Infrastructure Projects (June 27, 2018)

From:	"Neumayr, Mary B. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdit)/cn=recipients/cn=4e618ec0a8d749c29c9f64889897f4bb-ne">
То:	Staff Secretary <(b) (6)
Cc:	"Pettigrew, Theresa L. EOP/CEQ ((b) (6) <(b) (6)
Date:	Fri, 22 Jun 2018 16:47:18 -0400
Attachment s:	2018-06-27 Portman and McCaskill Roundtable Invitation to Herrgott.pdf (1.75 MB); Herrgott Statement 6.27 Roundtable Senate FINAL_CLEAN.DOCX (27.19 kB)

Staff Sec:

Fyi, CEQ's Associate Director for Infrastructure, Alex Herrgott, has been invited to speak at an upcoming roundtable scheduled for **Wednesday**, June 27 at 2:30 pm. Written statements are requested by Monday, June 25 at 2:30 pm, and Alex's written statement, which has been reviewed and cleared through the LRM process, is attached. The invitation is also attached and details for the events are below:

<u>Event:</u> Roundtable with Members of the Senate Committee on Homeland Security and Governmental Affairs

Sponsors: Senators Portman and McCaskill

Topic: Federal Permitting Process for Major Infrastructure Projects

<u>Date/Location:</u> Wednesday, June 27, 2018; SD-106, Dirksen Senate Office Building, Washington DC <u>Press:</u> Yes

I am copying CEQ's Associate Director for Legislative Affairs, Theresea Pettigrew, who has been in contact with OLA regarding this event. If any questions, please let us know. Thanks,

Mary

Mary B. Neumayr Chief of Staff, Council on Environmental Quality (b) (6) (office), (b) (6) (cell)

STATEMENT OF

ALEXANDER HERRGOTT

ASSOCIATE DIRECTOR FOR INFRASTRUCTURE COUNCIL ON ENVIRONMENTAL QUALITY

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

UNITED STATES SENATE

June 27, 2018

Senator Portman, Ranking Member McCaskill, and Members of the Committee, thank you for the invitation to this roundtable discussion on the federal permitting process for major infrastructure projects. We appreciate this Committee's willingness to have a meaningful dialogue on this topic as we work toward a shared goal of reducing permitting delays and providing the American people the modernized infrastructure they undoubtedly need.

As many of you know, a major cause of delay has been too many decision makers without effective cross agency communication and coordination. Multiple federal agencies oversee potentially dozens of federal statutes that project sponsors must navigate before beginning construction on a major infrastructure project. Over time, this has created a redundant and often inconsistent federal permitting process. Too often, these processes do not share a single framework or time frame. For example, a highway project could have as many as 10 different federal agencies involved in 16 different permitting decisions, in addition to the state, local, and tribal agencies with separate permitting and approval processes.

The result is a federal permitting process that often takes too long, increases costs, and creates uncertainty. We are actively working to address these challenges while ensuring environmental protection. With process enhancements and a common-sense, harmonized approach among federal agencies, infrastructure projects will move through the environmental review permitting process more efficiently. Federal agency coordination is imperative to long-term process reforms throughout these agencies.

Executive Order 13807

On August 15, 2017, President Trump signed Executive Order 13807 implementing a policy of "One Federal Decision." Under One Federal Decision, federal agencies will administer the National Environmental Policy Act (NEPA) so that a single Environmental Impact Statement (EIS) and a single Record of Decision (ROD) are prepared for all reviewing agencies, and all applicable permitting decision processes will be conducted concurrently with the NEPA process to ensure that the necessary permitting decisions can be made within 90 days of the ROD. One Federal Decision also provides that federal agencies will seek to complete the environmental

review process within an average of 2 years of the publication of a Notice of Intent to prepare an EIS. As a result of One Federal Decision, the federal environmental review and permitting process will be streamlined, more transparent, and predictable.

One Federal Decision builds on the statutory authorities provided in the Fixing America's Surface Transportation Act (FAST Act) to streamline permitting and provides a framework to further improve efficient coordination between federal agencies. The FAST-41 process, established in Title 41 of the FAST Act, provides a range of tools for large and complex infrastructure projects to navigate the federal environmental review and authorization process. In brief, FAST-41 established project-specific procedures that may be applicable or available to agencies and project sponsors in meeting permitting and review obligations. One Federal Decision broadly impacts how agencies conduct and coordinate environmental reviews while preserving each agency's statutory authority, independence, and ability to comply with NEPA and related statutes, like FAST-41.

Memorandum of Understanding

On April 9, 2018, President Trump announced that the following 12 federal agencies signed a One Federal Decision Memorandum of Understanding (MOU): Department of the Interior (Interior), Department of Agriculture (USDA), Department of Housing and Urban Development, Department of Commerce, Department of Transportation, Department of Energy (DOE), United States Army Corps of Engineers, Department of Homeland Security, Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC), Advisory Council on Historic Preservation, and the Federal Permitting Improvement Steering Council (FPISC). Under the MOU, these agencies committed to following the President's One Federal Decision framework. In doing so, the agencies agreed to implement an unprecedented level of coordination and collaboration in conducting their environmental reviews of major infrastructure projects.

The Council on Environmental Quality (CEQ), in coordination with other components of the White House, has convened a federal interagency working group to develop the framework under which agencies will implement One Federal Decision. This framework establishes the standard operating procedures for how agencies process environmental reviews from beginning to end. The agencies will work together to identify the appropriate level of analysis needed to conduct the necessary environmental reviews, synchronize the public engagement, and complete other procedural steps to ensure that all necessary decisions can be made within the timelines established by Executive Order 13807.

Agency Action

To date, agencies have been taking steps to advance One Federal Decision principles, starting first with normalizing regular interagency working group meetings and collaboration between agencies and CEQ to improve interagency coordination and the quality of environmental analysis. Since the agencies signed the MOU, CEQ and agency leadership have engaged in numerous meetings on agency streamlining efforts to identify and implement policy, process, and regulatory changes that include:

- The Federal Highway Administration signed an agreement with the United States Fish and Wildlife Service, the Army Corps of Engineers, EPA, United States Coast Guard, and National Oceanic and Atmospheric Administration (NOAA), committing to working together to achieve the goals of Executive Order 13807. These agencies collaboratively developed a chart coordinating each agency's processes;
- Interior issued Secretarial Order 3355 and additional guidance that advance the department's NEPA-streamlining efforts within Executive Order 13807;
- The Army Corps of Engineers issued Section 408 policy changes adopting other agencies' NEPA documents and issued a policy memorandum operationalizing "risk-informed decision making" to improve coordination and risk management across disciplines;
- USDA, FERC, DOE, and EPA are improving internal clearance processes along with increasing agency capacity for projects with dedicated staff assignments;
- USDA, the Army Corps of Engineers, NOAA Fisheries and the United States Fish and Wildlife Service are expanding the use of time-saving programmatic consultation processes; and
- Agencies will be issuing directives and conducting training at all levels of their organizations, from headquarters to field offices, on timetables and plans to implement the One Federal Decision policy nationwide.

Agency Accountability

The Office of Management and Budget is developing a performance accountability system and appropriate performance metrics to ensure that agencies are implementing One Federal Decision, including the adherence to lead federal agency permitting timetables. The Administration plans to consider agency performance during budget formulation, and agency delays from the permitting timetable may be quantified. Key agency personnel also will have accountability and performance criteria added to their performance plans to measure their effectiveness in processing project permits.

Regulatory Reforms

Following the direction laid out in Executive Order 13807, CEQ published an initial list of actions in the *Federal Register* on September 14, 2017, outlining its plans to enhance and modernize the federal environmental review and authorization process. Last fall, CEQ announced its intent to review its 1978 regulations implementing the procedural requirements of NEPA to identify potential updates and clarifications to those regulations. Just last week, CEQ published in the *Federal Register* for public comment an Advance Notice of Proposed Rulemaking titled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act."

Through improved agency coordination, increased transparency and accountability and timely decision making, we can improve our infrastructure permitting process and get projects completed and to the market faster for the benefit of the American people.

While CEQ is focused on the development of a better process for all infrastructure project permitting, the Federal Permitting Improvement Steering Council is focused on overcoming obstacles on a project-by-project basis. My colleague, Angela Colamaria, the acting Executive Director of the Permitting Council, will expand further on the implementation of FAST-41 and FPISC's role in streamlining the federal permitting process.

Thank you again for the opportunity to participate in today's discussion.

FW: Comment - CEQ-2018-001

Attachment s:	Final State AG Letter Requesting Extension of Time to Comment on Advancepdf (1.24 MB)
Date:	Tue, 03 Jul 2018 15:37:56 -0400
То:	"Green, Mary A. EOP/CEQ" < (b) (6)
From:	"Janke, Aurora (ATG)" <auroraj@atg.wa.gov></auroraj@atg.wa.gov>

Ms. Green,

I just spoke with you on the phone concerning filing a request for an extension of time to comment on CEQ's Advance Notice of Proposed Rulemaking – Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

We would like to ensure that Chief of Staff Neumayr receives the attached letter from several State Attorneys General requesting an extension of time to comment on the Advance Notice. However, the email to <u>ksmith@ceq.eop.gov</u>, whom I understand to be Chief of Staff Neumayr's special assistant, bounced back. Could you please ensure that Chief of Staff Neumayr receives the attached letter?

Thank you for your assistance.

Best regards,

Aurora R. Janke

Special Assistant Attorney General Counsel for Environmental Protection Washington State Attorney General's Office 800 5th Ave Suite 2000, TB-14 Seattle, WA 98104-3188 Office: (206) 233-3391 Email: <u>auroraj@atg.wa.gov</u>

From: Kealy, Tricia (ATG) Sent: Tuesday, July 3, 2018 11:44 AM To: (b) (6) ksmith@ceq.eop.gov Cc: Janke, Aurora (ATG) <AuroraJ@ATG.WA.GOV> Subject: Comment - CEQ-2018-001

Greetings,

Attached please find a letter Re: Advance Notice of Proposed Rulemaking – Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 83 Fed. Reg.

28591 (June 20, 2018) Docket ID No. CEQ-2018-001 from Attorneys General of Washington, Maryland, Massachusetts, New Jersey, New York, and Oregon. This was submitted today on regulations.gov.

Thank you, Tricia Kealy Legal Assistant 3/Lead Counsel for Environmental Protection Office of the Attorney General 800 5th Ave, Suite 2000 Seattle, WA 98104 Phone 206-326-5494 TriciaK@atg.wa.gov
ATTORNEYS GENERAL OF WASHINGTON, MARYLAND, MASSACHUSETTS, NEW JERSEY, NEW YORK, AND OREGON

July 3, 2018

BY EMAIL AND REGULATIONS.GOV Mary B. Neumayr, Chief of Staff Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503 NEPA@ceq.eop.gov ksmith@ceq.eop.gov

> Re: Advance Notice of Proposed Rulemaking – Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 83 Fed. Reg. 28591 (June 20, 2018) Docket ID No. CEQ-2018-0001

Dear Chief of Staff Neumayr:

The undersigned State Attorneys General write to express our concern about the Council on Environmental Quality's (CEQ) advance notice of proposed rulemaking regarding updates to the regulations implementing the National Environmental Policy Act (NEPA). For the following reasons, we ask that you extend the public comment period from 30 days to 90 days to provide a sufficient opportunity for states, the public, and other stakeholders to comment on this significant proposal to revise regulations that have long served to protect the environment and public health.

NEPA is one of our nation's bedrock environmental laws. The CEQ's implementing regulations provide the guiding principles for administering NEPA across the entire federal government. Nearly every major federal action from the approval of significant energy and infrastructure projects to key decisions concerning the administration of federal public lands requires compliance with the NEPA process. We are concerned that amendments to CEQ's regulations may result in profound changes on the depth and quality of federal agencies' consideration of the environmental and public health impacts of major federal actions—many of which are of significant interest to our states' residents and have lasting impacts on our states' natural resources and economies. In addition, many states, including Maryland, Massachusetts, New York, and Washington, have adopted their own environmental review laws that often must be administered in conjunction with the NEPA process. Our states thus have a strong interest in ensuring that any revisions to CEQ's NEPA regulations continue to require, consistent with NEPA, that federal agencies always take a "hard look" at the environmental and public health consequences of major federal actions.

Mary B. Neumayr, Chief of Staff July 3, 2018 Page 2

As stated in the advance notice, CEQ's NEPA regulations have been revised extremely infrequently, and therefore a compressed timeline for consideration of such revisions is unwarranted and unwise. CEQ's NEPA regulations are fundamental to the daily functioning of numerous agencies and any revisions to these regulations must be carefully and deliberately calibrated. A wealth of scholarship and practical experience can be brought to bear on the need for and prudence of any revisions, and we believe that only a truly deliberative and public process will produce revised regulations that are consistent with NEPA's structure and purpose.

Given the significant impacts that revisions to CEQ's NEPA regulations could have on states and the public, the broad scope of the advance notice, and the long history of the federal government's use of the regulations under review, we ask that you extend the comment period by 60 days to provide a meaningful amount of time for states, the public, and other stakeholders to adequately respond to the advance notice. The current 30-day comment period does not provide the affected public adequate opportunity to participate in the rulemaking and comment on the proposal as required by the Administrative Procedure Act. 5 U.S.C. § 553(c). Under section 2(b) of Executive Order 13,563, a standard comment period should be at least 60 days, but the significance of this proposal to change longstanding and far-reaching NEPA regulations demands. additional time to ensure an opportunity for meaningful public involvement in the review process.

We therefore request that CEQ extend the comment period by 60 days, to September 18, 2018. We also request that CEQ hold several public hearings on the proposal in different regions of the country during the comment period.

We appreciate your consideration of this important matter.

Respectfully submitted,

FOR THE STATE OF WASHINGTON

ROBERT W. FERGUSON Attorney General

By:

WILLIAM R. SHERMAN Assistant Attorney General AURORA R. JANKE Special Assistant Attorney General Counsel for Environmental Protection 800 5th Ave Suite 2000, TB-14 Seattle, WA 98104-3188 (206) 442-4485 bill.sherman@atg.wa.gov auroraj@atg.wa.gov

FOR THE STATE OF MARYLAND

BRIAN E. FROSH

Attorney General By: LEAH J. TULIN

Assistant Attorney General 200 Saint Paul Place Baltimore, MD 21202 (410) 576-6962 Itulin@oag.state.md.us

FOR THE COMMONWEALTH OF MASSACHUSETTS

MAURA HEALEY

Attorney General of Massachusetts

By:

CHRISTOPHE COURCHESNE Assistant Attorney General and Chief Environmental Protection Division Office of the Attorney General One Ashburton Place, 18th Floor Boston, Massachusetts 02108 (617) 727-2200 christophe.courchesne@state.ma.us

FOR THE STATE OF NEW JERSEY

GURBIR S. GREWAL Attorney General

By:

DAVID C. APY Assistant Attorney General KRISTINA MILES Deputy Attorney General R.J. Hughes Justice Complex 25 Market Street Trenton, NJ 08625-0093 (609) 376-2804 david.apy@law.njoag.gov kristina.miles@law.njoag.gov FOR THE STATE OF NEW YORK

BARBARA D. UNDERWOOD Attorney General

By:

Mary B. Neumayr, Chief of Staff July 3, 2018 Page 3

FOR THE STATE OF MARYLAND

BRIAN E. FROSH Attorney General

By:

LEAH J. TULIN Assistant Attorney General 200 Saint Paul Place Baltimore, MD 21202 (410) 576-6962 Itulin@oag.state.ind.us

FOR THE COMMONWEALTH OF MASSACHUSETTS

MAURA HEALEY Attorney General of Massachusetts

By: /

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FOR THE STATE OF NEW YORK

BARBARA D. UNDERWOOD Attorney General

By:

FOR THE STATE OF MARYLAND

BRIAN E. FROSH Attorney General

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LEAH J. TULIN Assistant Attorney General 200 Saint Paul Place Baltimore, MD 21202 (410) 576-6962 Itulin@oag.state.md.us

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MAURA HEALEY Attorney General of Massachusetts

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Assistant Attorney General KRISTINA MILES Deputy Attorney General R.J. Hughes Justice Complex 25 Market Street Trenton, NJ 08625-0093 (609) 376-2804 david.apy@law.njoag.gov kristina.miles@law.njoag.gov

FOR THE STATE OF NEW YORK

BARBARA D. UNDERWOOD Attorney General

 B_{Y} :

FOR THE STATE OF MARYLAND

BRIAN E. FROSH Attorney General

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MAURA HEALEY Attorney General of Massachusetts

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FOR THE STATE OF NEW JERSEY

GURBIR S. GREWAL Attorney General

By:

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BARBARA D. UNDERWOOD

Attorney General By:

Mary B. Neumayr, Chief of Staff July 3, 2018 Page 4

FOR THE STATE OF OREGON

ELLEN F. ROSENBLUM Attorney General 2

By:

PAUL GARRAHAN Attorney-In-Charge Natural Resources Section STEVE NOVICK Special Assistant Attorney General 1162 Court St. NE Salem, OR 97301-4096 (503) 947-4520 paul.garrahan@doj.state.or.us steve.novick@doj.state.or.us

RE: Comment - CEQ-2018-001

From: "Janke, Aurora (ATG)" <auroraj@atg.wa.gov>

To: "Drummond, Michael R. EOP/CEQ" <(b) (6)

Date: Thu, 19 Jul 2018 13:44:56 -0400

Perfect. Thanks. See you at Pegasus.

From: Drummond, Michael R. EOP/CEQ <(b) (6) Sent: Thursday, July 19, 2018 10:42 AM To: Janke, Aurora (ATG) <AuroraJ@ATG.WA.GOV> Subject: Re: Comment - CEQ-2018-001

I think we said Pegasus coffee, and ten still works for me. I'm looking forward to catching up.

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality

On Jul 19, 2018, at 10:03 AM, Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> wrote:

Michael,

I can't recall, did we settle on a location for coffee tomorrow? I have it on my calendar for 10am, but don't have a location.

Looking forward to connecting.

From: Drummond, Michael R. EOP/CEQ <(b) (6) Sent: Thursday, July 5, 2018 9:05 AM To: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Subject: RE: Comment - CEQ-2018-001

Aurora,

Small world indeed! How about coffee around 10am on Friday the 20th somewhere near your office. Let me know if you have a favorite coffee shop in the area.

Looking forward to catching up.

Michael

From: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Sent: Thursday, July 5, 2018 11:39 AM To: Drummond, Michael R. EOP/CEQ <(b) (6) Subject: RE: Comment - CEQ-2018-001

Michael,

You are correct, and it's great to hear from you. I'd love to meet for coffee on Friday the 20th. My schedule is fairly flexible that day, so I could meet whenever works best for you.

It will be great to catch up. It really is a small world!

Best,

Aurora

From: Drummond, Michael R. EOP/CEQ < (b) (6) Sent: Thursday, July 5, 2018 8:31 AM To: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Subject: RE: Comment - CEQ-2018-001

Hey Aurora,

If I'm not mistaken, we were classmates at UW Law back in the day. I did a double take when I saw your name on the cc line of Tricia's email.

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Aurora R. Janke Special Assistant Attorney General Counsel for Environmental Protection Washington State Attorney General's Office 800 5th Ave Suite 2000, TB-14 Seattle, WA 98104-3188 Office: (206) 233-3391 Email: <u>auroraj@atg.wa.gov</u>

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Thank you, **Tricia Kealy** Legal Assistant 3/Lead Counsel for Environmental Protection Office of the Attorney General 800 5th Ave, Suite 2000 Seattle, WA 98104 Phone 206-326-5494 <u>TriciaK@atg.wa.gov</u>

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To: "Janke, Aurora (ATG)" <auroraj@atg.wa.gov>

Date: Thu, 19 Jul 2018 13:42:15 -0400

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Date: Thu, 19 Jul 2018 13:02:48 -0400

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To: "Janke, Aurora (ATG)" <auroraj@atg.wa.gov>

Date: Fri, 20 Jul 2018 12:48:04 -0400

I got here a little early and grabbed the table upstairs by the window. No rush.

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality (b) (6)

On Jul 19, 2018, at 10:45 AM, Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> wrote:

Perfect. Thanks. See you at Pegasus.

From: Drummond, Michael R. EOP/CEQ **(b)** Sent: Thursday, July 19, 2018 10:42 AM To: Janke, Aurora (ATG) <<u>AuroraJ@ATG.WA.GOV</u>> Subject: Re: Comment - CEQ-2018-001

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RE: Senate Committee on Environment & Public Works: Follow up Questions for Witness, Ms. Neumayr

From:	"Pettigrew, Theresa L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=579eb754b4c34f0e8e46d1fb4cd708d7-pe">
To:	"Trenti, Beth (EPW)" <beth_trenti@epw.senate.gov>, qfr@epw.senate.gov</beth_trenti@epw.senate.gov>
Date:	Fri, 27 Jul 2018 16:31:20 -0400
Attachment s:	All Neumayr QFRs 07.19.2018 Final Responses.pdf (236.57 kB)
Here it is. Thank you! Theresa	
Theresa L. Pettigrew Associate Director for Legislative Affairs Council on Environmental Quality (b) (6) (direct)	

From: Trenti, Beth (EPW) <Beth_Trenti@epw.senate.gov> Sent: Friday, July 27, 2018 3:14 PM To: Pettigrew, Theresa L. EOP/CEQ <(b) (6) Subject: RE: Senate Committee on Environment & Public Works: Follow up Questions for Witness, Ms. Neumayr Importance: High

Hi Theresa,

I wanted to send you a quick reminder that the Questions for the Record are <u>due by 5:00PM Today, July</u> <u>27, 2018</u> from the Senate Committee on Environment and Public Works hearing entitled, "Hearing on the Nominations of Mary Bridget Neumayr to be a Member of the Council on Environmental Quality and John C. Fleming to be Assistant Secretary of Commerce for Economic Development." Please let me know if you need anything.

-Beth

From: Pettigrew, Theresa L. EOP/CEQ <(b) (6) Sent: Tuesday, July 24, 2018 8:40 AM To: Trenti, Beth (EPW) <Beth_Trenti@epw.senate.gov> Cc: Olsen, Elizabeth (EPW) <Elizabeth_Olsen@epw.senate.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Leggett, Matt (EPW) <Matt_Leggett@epw.senate.gov>; QFR@epw.senate.gov Subject: RE: Senate Committee on Environment & Public Works: Follow up Questions for Witness, Ms. Neumayr

Thank you, Beth – We started working on these late yesterday and will get them back to you by the deadline Friday. Thank you all for your assistance. Sincerely, Theresa

Theresa L. Pettigrew Associate Director for Legislative Affairs Council on Environmental Quality (b) (6) (direct)

From: Trenti, Beth (EPW) <<u>Beth_Trenti@epw.senate.gov</u>> Sent: Monday, July 23, 2018 3:56 PM To: Pettigrew, Theresa L. EOP/CEQ <<mark>(b) (6)</mark> Cc: Olsen, Elizabeth (EPW) <<u>Elizabeth_Olsen@epw.senate.gov</u>>; Russell, Richard (EPW) <<u>Richard_Russell@epw.senate.gov</u>>; Leggett, Matt (EPW) <<u>Matt_Leggett@epw.senate.gov</u>>; QFR@epw.senate.gov Subject: Senate Committee on Environment & Public Works: Follow up Questions for Witness, Ms. Neumayr Importance: High

July 23, 2018

Mary Bridget Neumayr Council on Environmental Quality Executive Office of the President 1650 Pennsylvania Avenue, NW Eisenhower Executive Office Building; Room 450 Washington, D.C. 20504

Dear Ms. Neumayr:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Thursday, July 19, 2018, at the hearing entitled, "Hearing on the Nominations of Mary Bridget Neumayr to be a Member of the Council on Environmental Quality and John C. Fleming to be Assistant Secretary of Commerce for Economic Development." The Committee greatly appreciates your attendance and participation in this hearing. In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to <u>QFR@epw.senate.gov</u> or deliver one bard copy by 5:00PM on Friday, July 27, 2018. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Mary Frances Repko in the Minority Office at (202) 224-8832.

Sincerely,

John Barrasso, M.D. Chairman Member Elizabeth Trenti | Deputy Director of Operations Senate Committee on Environment & Public Works (o) 202.224.6176 >>www.epw.senate.gov<< | (a)senateepw Office Hours: 9 to 6 ET. Monday to Friday Thomas R. Carper Ranking

Senate Committee on Environment and Public Works Hearing entitled, "Hearing on the Nominations of Mary Bridget Neumayr to be a Member of the Council on Environmental Quality and John C. Fleming to be Assistant Secretary of Commerce for Economic Development" July 19, 2018 Questions for the Record for Mary Bridget Neumayr

Chairman Barrasso:

1. Red tape and a lack of coordination among federal agencies has significantly delayed infrastructure projects across the country. I am glad to see that the Trump administration has taken meaningful steps to improve the environmental review process and increase coordination among federal agencies. I am especially glad to see that the administration set a two-year goal for completing environmental reviews for these projects. Can you give us a progress report on these efforts? Specifically, are federal agencies on track to meet this two-year goal?

Executive Order (EO) 13807 of August 15, 2017, titled "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," directed Federal agencies to carry out environmental reviews and authorization decisions for major infrastructure projects pursuant to a "One Federal Decision" policy. The EO sets a government-wide goal of reducing the average time for such reviews to two years, measured from the date of publication of a notice of intent (NOI) to prepare an environmental impact statement (EIS) to the date of issuance of a record of decision (ROD).

Pursuant to EO 13807, on March 20, 2018, the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) issued a framework memorandum to assist agencies with implementing the One Federal Decision policy. On April 9, 2018, President Trump announced that 11 Federal agencies and the Federal Permitting Improvement Steering Council (Permitting Council) had executed a Memorandum of Understanding (MOU) committing to work collaboratively to meet the twoyear goal for major infrastructure projects. Under the EO, "major infrastructure projects" are projects for which multiple Federal authorizations are required, the lead Federal agency has decided to prepare an EIS, and the project sponsor has identified the reasonable availability of funds.

CEQ has convened an interagency working group and is working with Federal agencies to implement the One Federal Decision policy and MOU for major infrastructure projects. Additionally, pursuant to the EO, OMB is currently working to establish an accountability system to track agency performance for processing environmental reviews and meeting the two-year goal.

Page 1 of 33

- 2. Earlier this year 11 agencies and the Permitting Council established by the FAST Act signed a Memorandum of Understanding (MOU) outlining the Administration's One Federal Decision policy. This policy establishes a coordinated and timely process for environmental reviews of major infrastructure projects. Under the MOU, the federal agencies agreed to work together to develop a single Permitting Timetable.
 - a. Can you explain how this will help achieve a timely, predictable permitting process?

Under the MOU, the lead Federal agency for a proposed major infrastructure project, in consultation with cooperating agencies, will develop a joint schedule, referred to as a Permitting Timetable, that provides for a two-year timeframe from the date of publication of an NOI to prepare an EIS to the date of issuance of a ROD. Federal agencies will develop a single EIS and single ROD, subject to limited exceptions. They will also coordinate with regard to scoping and concurrence points, and elevate and resolve issues and disputes to avoid unnecessary delays. The MOU is intended to coordinate agencies' processes while preserving each agency's statutory authorities and independence.

b. What types of projects do you see as benefitting from the One Federal Decision process with a two-year goal for permitting decisions?

Projects that may benefit from the One Federal Decision process include a wide range of projects to modernize our nation's infrastructure, including transportation, energy, water, and environmental restoration projects.

c. What is the goal of the One Federal Decision process? How does One Federal Decision seek to address delays in the permitting process?

The goal of the One Federal Decision process is to improve coordination between Federal agencies and provide greater transparency, accountability, and predictability in the Federal environmental review and authorization process for infrastructure projects.

3. On June 20, 2018, CEQ issued an Advanced Notice of Proposed Rulemaking (ANPR) entitled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act [(NEPA)]." Will you confirm that CEQ, through the ANPR, is considering ways to improve the NEPA process for all applicable federal decision-making, including routine land-management decisions made by the Bureau of Land Management and the U.S. Forest Service?

Yes, in the Advance Notice of Proposed Rulemaking, CEQ is requesting comment on potential revisions to update and clarify its regulations in order to ensure a more effective, timely, and efficient process for decision-making

Page 2 of 33

by all Federal agencies, consistent with the policy stated in Section 101 of the National Environmental Policy Act. This includes land management decisions made by the Bureau of Land Management and the U.S. Forest Service.

Ranking Member Carper:

4. Whistleblower laws protect the right of federal employees to make lawful disclosures to agency management officials, the Inspector General, and the Office of Special Counsel. They also have the right to make disclosures to Congress.

Specifically, 5 U.S.C. § 7211 states that the "right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied." Further, 5 U.S.C. § 2302(b)(8), makes it a violation of federal law to retaliate against a whistleblower because of "(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes a violation of any law, rule, or regulation…" In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry.

a. If you are confirmed, will you commit to protect the rights of all CEQ career employees to make lawful disclosures, including their right to speak with Congress?

Yes.

b. Will you commit to communicate employees' whistleblower rights via email to all CEQ employees within a week of being sworn in?

Yes. The Whistleblower Protection Act of 1989, the Whistleblower Protection Enhancement Act of 2012, and related laws provide the right for all covered employees to make whistleblower disclosures and ensure that employees are protected from whistleblower retaliation. In 2017 and 2018, the Council on Environmental Quality (CEQ) took steps to complete the requirements of the Office of Special Counsel (OSC) Certification Program for Federal agencies to meet their statutory obligations under these statutes. In 2018, CEQ was added to the list of agencies that have completed OSC's Certification Program.

5. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes.

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6. Do you agree with the President's decision in 2017 to withdraw from the Paris Climate Accord? Please explain why or why not.

The President announced his decision on June 1, 2017. This decision was within his authority, and I support the decision.

7. As you know, 96 percent of highway projects are categorically excluded from NEPA, meaning they're in a category of actions that don't significantly impact the environment and therefore don't require further analysis. In fact, the vast majority of all Federal actions are categorically excluded from NEPA. When Wyoming DOT Director Bill Panos testified before our committee last year, he indicated that in recent years, all their projects have been Categorically Excluded from NEPA. Do you agree that for this vast majority of projects, NEPA approvals do not constitute a significant burden? If not, why not?

Categorical exclusions are a well-established, efficient means of addressing National Environmental Policy Act (NEPA) compliance for actions that are not individually or cumulatively significant.

- Several court decisions have held that federal agencies are obligated to analyze the effects of climate change as it is relevant to proposed actions in the course of complying with NEPA. (See for example, *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508 (9th Cir. 2008), and *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520 (8th Cir. 2003).
 - a. Were those decisions wrongly decided in your view? If so, please explain why.
 - b. Given that President Trump revoked CEQ's guidance to agencies on how to incorporate climate change impacts into federal environmental reviews, how specifically are you now supporting agencies' efforts to consider climate change as part of their NEPA analyses?
 - c. In your view, how should greenhouse gas impacts and sea level rise be considered in the NEPA analysis?

There have been a number of court decisions relating to NEPA implementation and greenhouse gas or climate change related considerations, and Federal agencies have sought to comply with these court decisions. As a general matter, Federal agencies are required under NEPA to review the potential environmental consequences of proposed major Federal actions that may significantly affect the quality of the environment. In conducting NEPA analyses, Federal agencies have discretion and should use their experience and expertise to decide how and to what degree to analyze particular effects. Pursuant to CEQ's NEPA implementing regulations, agencies should identify methodologies and ensure information is of high quality, consistent with 40 CFR 1500.1(b) and 40 CFR 1502.24. 9. The CEQ regulations are intended to be flexible so that they may apply broadly to all agency actions. CEQ directs agencies to supplement these regulations as appropriate with agency-specific regulations that encompass the nature of actions taken by that agency and the additional authorities or statutory requirements that agency has. In this way, NEPA may be integrated into an agency's decision-making process in a way that is tailored for that agency. Do you believe that it is appropriate for the CEQ regulations to be flexible in this way to enable NEPA to function as an umbrella to other laws and processes administered by the agency? If not, why not?

Yes.

- 10. The US Government Accountability Office released a report on July 19, 2018, titled "Highway and Transit Projects: Better Data Needed to Assess Changes in the Duration of Environmental Reviews". The report indicated that it is unclear whether recent changes to the environmental review process for highway and transit projects has had an impact on timelines because agencies "lack reliable data and tracking systems." This is a finding that reiterates findings from past GAO reports, such as a report from 2014 that found that government-wide data on the number and type of NEPA analyses are not readily available, and that agencies' data is poor because they do not routinely track the number of EAs and CEs they complete, nor the time required to complete NEPA reviews. This deficit of accurate and reliable data makes it difficult to determine either the success of past streamlining efforts or the potential benefits of additional streamlining or other changes. There is also very little data on the costs and benefits of completing NEPA analyses. CEQ is the agency tasked with NEPA implementation.
 - a. Would you agree that it is important to improve the data quality in this field, and that better data is needed for Congress to be able to target procedural improvements that would speed up project delivery without damaging the environment?

It is important that Congress have access to information that is of high quality, including data relating to environmental reviews, when considering legislative proposals.

b. Will you further commit to providing an analysis of how the statutory project delivery changes from the last 10 years have been working out? If so, please provide a timeline and description of all planned efforts, and if not, why not?

CEQ is currently in the process of compiling data from 2010 through 2017 relating to completed environmental impact statements (EIS) across all Federal agencies, including transportation-related projects. This compilation will include information on the time for completion of the review, measured from the date of publication of a notice of intent (NOI) to prepare an EIS to the date of issuance of a record of decision (ROD). 11. Over the last several years there have been numerous reports, from non-partisan government entities such as the Government Accountability Office and Congressional Research Service, as well as academia and private studies – all of which indicate that the primary causes of project and permitting delay are not related to the NEPA process. Do you agree with these conclusions? If not, please explain specifically why not, and provide documentation to support your explanation.

Environmental reviews under NEPA are among the many factors that shape the timeline for project and permitting decisions. Recognizing that there can he many reasons for delays, it is important to consider whether there are commonsense measures to promote improved coordination and planning by Federal agencies in order to ensure that the NEPA process is more efficient, timely, and predictable, without compromising environmental protection.

- 12. Would you agree that agencies need the resources, staff, and training necessary to implement NEPA and the many existing flexibilities in the current regulations?
 - a. In your view, do agencies have sufficient resources necessary to implement NEPA? Please explain your response.
 - b. In your view, do agencies have sufficient staff necessary to implement NEPA? Please explain your response.
 - c. In your view, do agencies have sufficient training necessary to implement NEPA? Please explain your response.
 - d. In your view does CEQ have sufficient staff capacity to oversee the 70 or more Federal agencies that are subject to NEPA? Please explain your response.
 - e. To the extent that agencies do not have sufficient resources, staff, or training, will you advocate for budget increases that will enable agencies to implement NEPA appropriately?
 - f. Would you commit to working with agencies in conducting a review of agencies' resources and needs with regard to NEPA compliance to inform any kind of regulatory review process?

I believe Federal agencies have sufficient resources to implement NEPA. CEQ is currently working with agencies to better coordinate their NEPA reviews and more effectively allocate resources, including through the establishment of joint schedules, environmental analyses, and records of decision. CEQ's NEPA implementing regulations set forth in 40 CFR 1507.2 and 1506.5 direct agencies to ensure that they have the capability to implement NEPA.

CEQ's staff conduct periodic training for Federal agency NEPA practitioners. In addition, CEQ coordinates NEPA training with non-profit organizations, including the National Association of Environmental Professionals, Rocky Mountain Mineral Law Foundation, American Law Institute, American Bar Association, and the Environmental Law Institute. CEQ also conducts quarterly NEPA Contacts meetings to consult with staff

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across Federal agencies regarding issues relating to implementation of NEPA.

If confirmed, I commit to working to ensure that agencies effectively allocate resources to enable them to implement NEPA appropriately.

- 13. A few years ago, CEQ issued a guidance document, clarifying to agencies that there are ample flexibilities within the existing NEPA regulations that are available and either underused, or not used at all, and which would facilitate more efficient timely reviews.
 - a. Shouldn't those authorities be both fully implemented and their impacts understood prior to undertaking a proposal to revise the NEPA regulations themselves?
 - b. What flexibilities within the regulations do you think should be better used by agencies?
 - c. Why don't you think the agencies are using these existing flexibilities?

On June 20, 2018, CEQ published an Advance Notice of Proposed Rulemaking (ANPRM) to consider potential updates and clarifications to its NEPA implementing regulations. The ANPRM requests comment on a wide range of topics relating to NEPA implementation in order to facilitate more efficient and timely reviews, and comments received will inform any future action. It is important to consider all relevant CEQ guidance as the agency considers whether revisions to update and clarify its regulations may be appropriate.

14. CEQ is inextricably tied to NEPA, which lays out the nation's environmental policy and enshrines two basic principles, environmental impact review and public input, into federal decisions. The chair of CEQ is meant to implement that policy. Recently, CEQ issued an Advanced Notice of Proposed Rulemaking (ANPRM) announcing an intention to revise the regulations. Have you been involved? If so, how?

CEQ developed the ANPRM and as a staff member I participated in its development. It was subject to interagency review conducted by the Office of Information and Regulatory Affairs (OIRA) pursuant to Executive Order (EO) 12866.

15. The NEPA regulations are one of the most broadly applicable in the federal government, and the statute and regulations often provide the only opportunity for the public to weigh in on government decisions and projects impacting their communities. This process has led in many cases to better projects with community buy-in. When CEQ undertook regulatory reviews in 1978, 1981, 1985, and 1997, it held public meetings to solicit additional input of private citizens and stakeholders, whether for the release of studies, guidance, or regulations.

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- a. In response to my letter to you on this topic, you stated that, "Robust public engagement is critical to the rulemaking process." While I agree with you, will you commit to my specific request that CEQ hold public meetings to solicit additional input of private citizens and stakeholders? If so, please provide a timeline that includes the expected number of public meetings and their expected locations. If not, why not?
- b. Can you commit to holding public meetings around the country and have a process that is commensurate with the scope of this undertaking and that complies with the spirit of public input NEPA embodies? If so, please provide a timeline that includes the expected number of public meetings and their expected locations. If not, why not?
- c. What specific types of additional public outreach will CEQ commit to beyond those required by the rulemaking process to ensure the public has a chance to meaningfully respond?
- d. Have you met with any stakeholders and discussed possible revisions? Who did you meet with and when? Please provide copies of all calendar items for CEQ senior staff and yourself for our review.
- e. What steps are you taking to ensure CEQ is both soliciting input from all groups especially traditionally marginalized groups and then incorporating that input into your rulemaking?
- f. What additional steps are you planning, in addition to the minimum legal requirements, to make sure the public has a say in how these regulations are rewritten?

On June 20, 2018, CEQ published an ANPRM to consider potential updates and clarifications to its NEPA implementing regulations. CEQ staff developed the ANPRM and it was subject to interagency review conducted hy OIRA pursuant to EO 12866. The ANPRM requests comments on a wide range of topics relating to CEQ's regulations, and does not include any regulatory proposals. As part of the interagency review process, CEQ staff met with various stakeholders.

CEQ supports transparency in the rulemaking process and earlier this year integrated its system with <u>regulations.gov</u> in order to ensure that all comments submitted would be publically available, and that the public would have access to information relating to prior CEQ actions. In response to requests from the public, CEQ also extended the comment period for the ANPRM from July 20, 2018, to August 20, 2018, and will be accepting comments submitted to <u>regulations.gov</u> as well as comments by regular mail. CEQ has also posted the ANPRM on its website at <u>https://ceq.doe.gov/laws-regulations/regulations.html</u>. As of July 27, 2018, CEQ has received over one thousand comments.

CEQ has not made any decision with regard to future actions, and will consider comments received in response to the ANPRM. Should CEQ determine that it would be appropriate to issue a proposed rule setting forth

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potential revisions to its NEPA regulations, CEQ will consider all options for public engagement, including public meetings. CEQ will also ensure that comments received are posted on <u>regulations.gov</u> so that stakeholders and the public will have timely access to all comments received.

16. You previously indicated in 2012 that you were concerned with the speed with which new regulations were being promulgated.¹ You stated, "I think one of the major concerns is the pace at which they're issuing these regulations. They're very lengthy, they're very complex. Each rule may have effects relating to other rules. The pace at which they're being issued is a genuine concern, because the staff at the Agency is under pressure and the public is under pressure to read all of these rules, to analyze them, and to prepare their comments." In response to an audience question about what kind of time frame you would desire for the formulation and implementation of environmental regulations, you further stated that to "issue rules before you fully analyzed what the actual impact may be is an approach that raises concern." Do you still agree with these statements?

Yes.

- 17. NEPA is the primary way in which the federal government implements EO 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") because NEPA is closely aligned with the principles of environmental justice. NEPA ensures that the environmental, health, and economic impacts of federal projects are disclosed and communities impacted by federal projects are given a meaningful voice.
 - a. If confirmed as Chair, what specific actions would you take to increase meaningful public input, transparency, and disclosure of disproportionate impacts?
 - b. It is widely known that the impacts of climate change will disproportionately impact low-income communities and communities of color. If confirmed as chair, will you commit to disclosing the impacts of climate change on such communities in NEPA analyses? If not, why not?

In 1994, President Clinton issued EO 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which directed Federal agencies to address disproportionately high and adverse human health or environmental effects on minority and low income communities. CEQ issued related guidance in 1997, and CEQ participates in the Federal interagency working group led by the Environmental Protection Agency (EPA) which addresses environmental justice issues. In March 2016, the working group issued a document titled "Promising Practices for EJ Methodologies in NEPA Reviews" which CEQ has posted on its website and is available at <u>https://ceq.doe.gov/nepapractice/justice.html</u>. In addition, on February 23, 2018, EPA issued a

¹ 42 ELR 10191 (March 2012), "EPA and the Economy: Seeing Green?" available at: <u>https://elr.info/news-analysis/42/10191/epa-and-economy-seeing-green</u>.
memorandum affirming EPA's commitment to the implementation of the 1994 EO. If confirmed, I commit that addressing environmental issues for low income and minority communities will be a priority, including actions under NEPA to facilitate the development of new or improved infrastructure in these communities.

18. Were you involved with developing the Administration's Infrastructure Plan? If yes, were you involved with the proposal and the permitting provisions? If yes, to what extent?

The Administration's "Legislative Outline for Rebuilding Infrastructure in America" (Legislative Principles) released in February 2018 was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, and also included relevant Federal agencies. The Legislative Principles were intended to inform Congress' consideration and development of infrastructure-related legislative proposals.

19. The Administration's Infrastructure Plan proposed to limit injunctive relief, even though it is already considered an extraordinary remedy. With regard to NEPA, can you identify and list any cases in which a court abused its power to authorize injunctive relief? If not, can you explain what the problem is with allowing impacted communities to obtain injunctive relief against the government?

Over the past four decades, Federal appellate courts have on a number of occasions reversed NEPA related decisions by lower courts to grant injunctive relief. This has included the U.S. Supreme Court, as well as Federal appellate courts, concluding that injunctive relief was inappropriate.

20. The Administration's Infrastructure Plan proposes to eliminate EPA review responsibilities under Section 309 of the Clean Air Act. It is well documented² that the 309 process adds value to lead agency analysis and an ultimate decision. Do you agree? If not, why do you believe that EPA shouldn't have an oversight role? If so, would you urge retention of this provision?

As stated in the Legislative Principles, separate from its authority under Section 309 of the Clean Air Act, EPA currently has responsibility to review and comment on EISs on matters within its jurisdiction. EPA typically is included as a cooperating agency for areas within its technical expertise, and the review under Section 309 is separate and in addition to this existing responsibility for matters within its jurisdiction. This proposal, as stated in the Legislative Principles, would not eliminate EPA's regulatory responsibilities to comment during the development of EISs on matters within EPA's jurisdiction or affect EPA's responsibilities to collect and publish EISs. As stated in the Legislative

² <u>https://www.epa.gov/office-inspector-general/report-epas-comments-improve-environmental-impact-</u> statement-process

Principles, it also would not prevent EPA from providing technical assistance to the lead or a cooperating agency upon request.

21. At the roundtable on the FAST Act on June 27, several members of the Senate and your staff, citing CEQ, said that FAST-41 has saved a billion dollars. I have seen no documentation to substantiate that assertion. Can you present documentation supporting that assertion?

Facilitating coordinated environmental reviews and authorization decisions can result in cost savings. In her testimony, the Acting Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) stated that the Permitting Council has "succeeded in saving FAST-41 projects over \$1 billion in costs that would have otherwise resulted from avoidable permitting process delays." My understanding is that this estimate is based on information provided to the Permitting Council by project sponsors.

- 22. Recent guidance issued by the Bureau of Land Management (<u>BLM Instruction</u> <u>Memorandum 2018-034</u>) has not only removed the requirement for environmental review prior to issuing oil and gas leases but has also removed the requirement to provide an opportunity for public review and comment and shortened the time for filing an administrative protest (now the only way for the public to provide input on millions of acres put up for lease every quarter) to just 10 days.
 - a. How is this consistent with NEPA's direction to ensure that government decisions are subject to public scrutiny?
 - b. How would you recommend agencies provide sufficient opportunities for public input prior to making final decisions to turn public lands over to third parties?

Public participation is very important and Federal agencies can comply through a range of approaches. If confirmed, I will work with agencies to ensure their compliance with applicable law and regulations.

23. As you may be aware, EO 13792 directed the Department of the Interior to review national monument designations and create a report of recommendations to the President via the Chair of CEQ. During the review, a historic number of comments were received by DOI. Despite this, DOI never publicly acknowledged the total breakdown of comments, although interior DOI documents made available via FOIA show that over 99 percent of all comments opposed changes to national monument designations. Even worse, the documents indicate that DOI staff omitted these figures from their report and recommendations.³ Instead, the report disparaged the comments by claiming that they "demonstrated a well-orchestrated national campaign organized by multiple organizations." The President went on to take unprecedented and likely illegal actions to eliminate over two million acres of Bears Ears and Grand Staircase-Escalante National

³ Final Report Summarizing Findings of the Review of Designations Under the Antiquities Act, available at: https://www.doi.gov/sites/doi.gov/files/uploads/revised_final_report.pdf.

Monuments – the largest rollback of public lands protections in history – based in part on incomplete and misleading information.

- a. In your capacity as Chief of Staff at CEQ, did you see a draft of the DOI report before it was transmitted to the President, and were you aware that the vast majority of comments were in opposition to the recommendations, a fact which was not made evident in the report? If not, when did you become aware of this?
- b. As Chair of CEQ do you think it is appropriate for an agency to obscure the true breakdown of public sentiment from the decision makers and public, and to make recommendations that contradict the vast majority of public comments received?
- c. Do you think it is appropriate that DOI would make recommendations to the President without making him aware that 99% of respondents to the proposal opposed those recommendations?

The final report issued by the Department of the Interior (DOI) in response to EO 13792, titled "Review of Designations Under the Antiquities Act," was reviewed pursuant to a deliherative interagency process that included multiple components within the Executive Office of the President, including CEQ. In the final report sent to the President on December 5, 2017, the DOI described the nature and volume of the public comments received. It is important to include stakeholder input in the development of policies and recommendations.

- 24. NEPA is a short statute and the NEPA guidance has been key to implementing that law. Major rewrites have been time consuming because of the varied interests and types of projects that are subject to these regulations. Since CEQ's budget has been significantly reduced over the past years, the agency has had to rely more and more on detailees.
 - a. Will the use of detailees be necessary to redo these regulations?
 - b. If so, would you provide the Committee with a list of the present and future expected detailees, their NEPA experience, the agencies they are from, what their primary role(s) in rewriting the NEPA regulations is/are expected to be, and what is happening to their agency portfolio while at CEQ?

On June 20, 2018, CEQ published an ANPRM to consider potential updates and clarifications to its NEPA implementing regulations. CEQ will review comments on the ANPRM, and these comments will inform any future action including whether to pursue any proposed revisions to the CEQ regulations. Should CEQ determine that it would be appropriate to issue a proposed rule setting forth potential revisions to its NEPA regulations, CEQ will work with relevant federal agencies to develop the proposal.

25. As you know, one of CEQ's statutory responsibilities is to analyze conditions and trends in environmental quality [specifically, "to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining

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whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;" 42 U.S.C. § 4344(2)]. Can you describe how CEQ would carry out that responsibility under your leadership?

As issues arise, I will consult with relevant Federal agencies on environmental matters within their expertise. Additionally, 42 U.S.C. 4345 authorizes CEQ to utilize the services, facilities, and information of public and private agencies and organizations that have developed information on particular environmental issues.

26. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Yes.

27. Please define the Council on Environmental Quality (CEQ)'s mission and the role you believe that sound science plays in fulfilling that mission.

CEQ's mission includes overseeing implementation of NEPA by Federal agencies. In addition, CEQ also provides recommendations to the President and coordinates with Federal agencies regarding environmental policy matters. In carrying out its mission, CEQ should be informed by sound science.

28. Do you think the U.S. National Academy of Sciences is a reliable authority on scientific matters? If not, why not?

Yes.

29. If confirmed, how do you plan to maintain a relationship with the White House Office of Science and Technology Policy (OSTP)?

CEQ works closely with OSTP on a variety of matters including as Co-Chairs of the Ocean Policy Committee, established under EO 13840, titled "Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States." If confirmed, I look forward to continuing to work closely with OSTP.

30. NOAA reported this year that extreme weather events costing \$1 billion or more have doubled on average in frequency over the past decade – costing this country \$425 billion in the last five years. With a little extra planning – combined with prudent, targeted investments – the federal government can help save lives, livelihoods and

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taxpayer dollars. On March 28, 2017 through Executive Order 13783, President Trump rescinded Executive Order 13653, *Preparing the United States for the Impacts of Climate Change*, which provided tools for American communities to "strengthen their resilience to extreme weather and prepare for other impacts of climate change." Included in the revoked Executive Order were provisions that made it easier for communities hit by extreme weather events to rebuild smarter and stronger to withstand future events, including rebuilding roads and infrastructure to be more climate-resilient, and investing in projects that better protect communities from flooding and their drinking water from contamination.

a. What role, if any, did you or your staff have in contributing to the decisionmaking process that led to Executive Order 13783, in particular language that rescinded the Executive Order 13653? Please explain in detail.

EO 13783, titled "Promoting Energy Independence and Economic Growth," was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, as well as relevant Federal agencies.

b. In light of the extreme weather damages observed since March 28, 2017, would you support the reinstatement of federal guidance and tools for American communities to "strengthen their resilience to extreme weather and prepare for other impacts of climate change?" If not, why not?

Extreme weather events highlight the importance of modern, resilient infrastructure. I support efforts to pursue technology and innovation, the development of modern, resilient infrastructure, and environmentally beneficial projects, including restoration projects, to address future risks, including climate related risks. I also support efforts to improve weather data, forecasting, modeling and computing in order to prepare for and respond to extreme weather events.

c. President Trump also rescinded CEQ's issued guidance to federal agencies requiring the consideration of greenhouse gasses and climate change effects when evaluating potential impacts of a federal action under NEPA. What role, if any, did you or your staff have in contributing to the drafting of language that rescinded this guidance?

EO 13783 directed CEQ to rescind this guidance. Pursuant EO 13783, CEQ published a notice of withdrawal of the guidance on April 5, 2017 at 82 FR 16576.

d. Should the federal government consider the social costs of carbon in federal actions? If not, why not?

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NEPA and CEQ's NEPA implementing regulations do not require agencies to monetize the costs and benefits of a proposed action. CEQ's regulations at 40 CFR 1502.23 provide that agencies need not weigh the merits and drawbacks of particular alternatives in a monetary cost-benefit analysis, and that such analysis should not be used when there are important qualitative considerations. Social cost of carbon (SCC) estimates were developed for rulemaking purposes to assist agencies in evaluating the costs and benefits of regulatory actions, and were not intended for project level reviews under NEPA.

To the extent that SCC estimates are used for rulemaking purposes, EO 13783 directs Federal agencies to be consistent with the guidance contained in the Office of Management and Budget (OMB) Circular A-4 of September 17, 2003. This guidance addresses consideration of domestic versus global impacts as well as appropriate discount rates, and specifically directs agencies to consider the domestic costs and benefits of rulemakings.

- 31. Two weeks prior to Hurricane Harvey devastated vast portions of Texas, Executive Order 13807 on "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure" went so far as to repeal the Federal Floodplain Risk Management Standard (FFRMS), which would have held new infrastructure projects to more resilient standards. The FFRMS guidance provided three flexible options for meeting the standard in flood hazard areas: (1) build standard infrastructure, such as federally funded housing and roads, two feet above the 100-year flood standard and elevate critical infrastructure, like hospitals and fire departments, by three feet; (2) elevate infrastructure to the 500 year flood standard; or (3) simply use data and methods informed by the best-available, actionable climate science. In short, the FFRMS was meant to protect taxpayer dollars spent on projects in areas prone to flooding, not to mention the human toll of such events. That is a common-sense approach given that in just the past five years, all 50 states have experienced flood damage.
 - a. What role, if any, did you or your staff have in contributing to the decisionmaking process that led to Executive Order 13807, in particular language that rescinded the FFRMS? Please explain in detail.
 - b. In light of the hurricane-related damage observed last season and the extreme weather events this country has seen this year, would you support the reinstatement of the FFRMS? If not, why not, and how would you suggest resiliency be factored into the infrastructure project design and approval process?
 - c. Do you agree that infrastructure projects that do not account for flooding hazards in the manner(s) prescribed by the FFRMS would be more likely to suffer flood damage over the lifetime of the infrastructure? Would such damage be likely to result in additional costs to repair? If not, why not?
 - d. Do you view the repeal of the FFRMS as a national security threat, given the security threat that rising sea levels could pose to military bases? If not, why not?

EO 13807, titled "Establishing Discipline and Accountability in Environmental Review and Permitting Process for Infrastructure Projects," was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, as well as relevant Federal agencies. Agencies are currently implementing EO 11988, titled "Floodplain Management," which was published on May 24, 1977, 42 FR 26951. I support efforts to prepare and plan for extreme weather events, including through the development of modern, resilient infrastructure to address such events.

- 32. In Executive Order 13834, President Trump also revoked Executive Order 13693, *Planning for Federal Sustainability in the Next Decade*, which stated that "each agency shall prioritize actions that reduce waste, cut costs, enhance the resilience of Federal infrastructure and operations, and enable more effective accomplishments of its mission." This includes a goal of cutting the federal government's greenhouse gas emissions by forty percent over ten years.
 - a. What role, if any, did you or your staff have in contributing to the decisionmaking process that led to revoking Executive Order 13693? Please explain in detail.

EO 13834, titled "Efficient Federal Operations," was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, as well as relevant Federal agencies. The EO reflects this Administration's priorities to protect the environment, promote efficient management, and save taxpayer dollars.

 EO 13693 provided a commitment and plan for Federal agencies to meet certain statutory requirements related to energy and environmental performance of Federal facilities, vehicles, and operations. Are there requirements under Executive Order 13834 that currently are not being met? If so, please list them.

EO 13834 provides agencies with greater discretion and flexibility to comply with statutory requirements. These statutory requirements are listed on CEQ's website at <u>sustainability.gov</u>. CEQ plans to provide consolidated data and information relating to Federal agency performance on this website in the near future.

c. Will you commit to ensure each of these statutory requirements are being satisfied?

I commit to working with Federal agencies to meet their statutory requirements and to continue to make progress going forward. In implementing the EO, CEQ plans to work with OMB to monitor agency implementation and track performance.

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d. Will you commit to further review of Executive Order13693 and discussion with my staff to determine if there are specific actions to be reinstated that could reduce waste, cut costs, or enhance the resilience of Federal infrastructure and operations?

I commit to working with Congress, including your staff, to identify opportunities to further drive and promote efficiency across the Federal government.

33. Please list all Clean Air Act regulations that were promulgated by the Obama Administration not a voluntary or grant program that you support and why?

I support regulations promulgated under the Clean Air Act that are consistent with the EPA's statutory authorities.

34. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, please list them.

I support EPA regulations that are consistent with the agency's statutory authorities.

35. Delaware is already seeing the adverse effects of climate change with sea level rise, ocean acidification, and stronger storms. While all states will be harmed by climate change, the adverse effects will varyby state and region. Can you comment on why it is imperative that we have national standards for the reduction in carbon pollution? If you do not believe it is imperative, why not?

To address climate change related concerns, I believe it is important to pursue technology and innovation to adapt to a changing climate, consistent with Congressional directives. This includes current efforts pursuant to the Weather Research and Forecasting Innovation Act to improve weather data, modeling, computing, forecasting, and warnings. In addition, it is important to pursue continued research to improve our understanding of the climate system. Further, it is important to pursue a strong economy which allows us to develop modern, resilient infrastructure to address future risks, including climate related risks.

36. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare...Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." ⁴ Do you agree with these statements, if not, why not?

⁴https://insideclimatenews.org/sites/default/files/2007 Draft Proposed Endangerment Finding.pdf

I believe that the climate is changing and that human activity has a role.

37. In a per curiam opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.⁵ Do you agree with the courts that EPA has an obligation to address CO2? If not, why not?

The Endangerment Finding was issued in 2009 and upheld by the D.C. Circuit in 2012. Any reconsideration of the Endangerment Finding by the EPA would be subject to the Administrative Procedure Act.

38. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

The President announced this decision on June 1, 2017. The decision was within his authority and I support the decision.

39. For the most part, patients and their families only participate in scientific trials and studies once they know their privacy - and any resulting health-related information will remain confidential and secure. If confirmed, do you commit to respecting confidentiality agreements that exist between researchers and their subjects? Will you protect the health information of the thousands of people that have participated in health studies in the past?

Yes, it is important to respect confidentiality agreements between researchers and their subjects, and to protect the health information of people who participate in health studies.

- 40. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain...The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. ...There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."⁶
 - a. Do you agree with the American Academy of Pediatrics' finding on the

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⁵ https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

⁶ https://www.epw.senate.gov/public/ cache/files/4/3/4324fd62-dc89-4820-bd93-

ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

It is important to minimize the exposure to methylmercury, especially for children, consistent with the laws established by Congress.

b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why uot?

EPA published the "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units," (referred to as the Mercury and Air Toxics Standards (MATS) Rule) on February 16, 2012, based on a record that found mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants from uncontrolled power plants pose public health hazards.

c. Do you agree it is currently difficult, or impossible, to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not?

EPA monetized the benefits from reductions in mercury exposure in the MATS Rule based on analysis of health effects due to recreational freshwater fish consumption. EPA also identified unquantified impacts for both benefits and costs related to the MATS Rule.

d. Do you agree that EPA's recent consideration of the costs of the Mercury and Air Toxics Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

On June 29, 2015, the U.S. Supreme Court in *Michigan v. EPA* remanded the MATS Rule based on the agency's failure to consider costs when making its finding that the regulation was appropriate and necessary under Section 112(n) of the Clean Air Act. EPA announced in its Spring 2018 Regulatory Agenda that the agency is planning to propose a rule titled "Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review." EPA also stated in the Spring 2018 Regulatory Agenda that, in its April 2017 court filing, the agency requested that oral argument for the MATS litigation be continued to allow the current Administration adequate time to review the Supplemental Cost Finding, and to determine whether it will be

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reconsidered. That reconsideration is currently under review by EPA.

41. What, if any, are the casual connections between hydraulic fracturing and environmental problems such as contamination of drinking water and emissions of air pollution and greenhouse gasses?

With respect to drinking water, EPA published a study in December 2016, titled "Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States." This study assessed the potential for activities in the hydraulic fracturing water cycle to impact the quality or quantity of drinking water resources and to identify factors that affect the frequency or severity of those impacts. The study found that under some circumstances the hydraulic fracturing water cycle can impact drinking water resources, and that, "impacts can range in frequency and severity, depending on the combination of hydraulic fracturing water cycle activities and local- and regional-scale factors."

With respect to air emissions associated with hydraulic fracturing, EPA has established standards under the Clean Air Act. In particular, on August 16, 2012, EPA published standards for the oil and gas sector that established control measures to limit the emission of volatile organic compounds (VOCs) as well as other air pollutants. For the 2012 rule, EPA estimated that control measures for VOCs would reduce methane emissions annually by 1 million to 1.7 million short tons as a co-benefit.

Senator Capito:

42. Mineral mining is a significant industry with obvious economic and other benefits to West Virginia and the nation. Typical projects employ numerous skilled miners and more in ancillary industries, and require huge investments that would benefit from prompt and firm regulatory decisions. The Federal Permitting Improvement Steering Council (FPISC), established under Title 41 of the FAST Act (FAST-41), is tasked with improving coordination among federal agencies to ensure the timely review and authorization of covered projects. While several areas of activity were identified in FAST-41 as being covered projects, the FPISC has the authority to determine additional eligible activities. Given that the Chairman of the Council on Environmental Quality is a member of the FPISC, what are your thoughts on including mineral mining as a covered project under FAST-41?

> The Council on Environmental Quality (CEQ) is one of 16 agencies that serve as members of Federal Permitting Improvement Steering Council (Permitting Council). On July 28, 2017, the Permitting Council received a request to add mining as an infrastructure sector under the FAST-41 definition of a "covered project," which may be determined by majority vote of the Permitting Council. The Permitting Council has developed a Standard Operating Procedure (SOP) for Adding a New Sector to consider the potential addition of new sectors of covered projects not expressly enumerated under FAST-41, which includes stakeholder outreach. To date, the Permitting Council has not made any determination to add any new sector of covered projects pursuant to the SOP and FAST-41. In connection with any future action with regard to requests to add a sector, it is important for CEQ to consult with all of the members of the Permitting Council, and to consider the views of stakeholders.

Senator Duckworth:

43. For nearly two decades, Executive Order 12898 has guided Federal efforts to advance environmental justice initiatives. This landmark Executive Order directs that "Each Federal Agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income population."

If confirmed to lead the Council on Environmental Quality (CEQ), will you commit to upholding and achieving the goals contained in this critical environmental justice Executive Order 12898?

Yes. In 1994, President Clinton issued EO 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which directed Federal agencies to address disproportionately high and adverse human health or environmental effects on minority and low income communities. CEO issued related guidance in 1997, and CEO participates in the Federal interagency working group led by Environmental Protection Agency (EPA) which addresses environmental justice issues. In March 2016, the working group issued a document titled "Promising Practices for EJ Methodologies in NEPA Reviews" which CEQ has posted on its website and is available at https://ceq.doe.gov/nepa-practice/justice.html. In addition, on February 23, 2018, EPA issued a memorandum affirming EPA's commitment to the implementation of the 1994 EO. If confirmed, I commit that addressing environmental issues for low income and minority communities will be a priority, including actions under NEPA to facilitate the development of new or improved infrastructure in these communities.

44. The Centers for Disease Control and Prevention has made clear that there is no safe level of lead in a person's bloodstream, particularly a child. However, our Nation's laws and regulations fail to eliminate the presence of lead in drinking water and claim success for merely lowering the amount of lead present in water supplies. There is no public health justification for being satisfied with only a small amount of lead in our drinking water and I simply refuse to accept excuses or explanations from cynics who claim that the United States is incapable of solving this problem.

If confirmed to lead CEQ, will you commit to taking concrete and meaningful action to make sure the Trump Administration prioritizes modernizing and strengthening the Lead and Copper Rule by no later than early 2019?

If confirmed, I will work with the EPA to prioritize development of this rule.

45. Illinois is home to an innovative Archer Daniels Midland project that is leading the way in helping to reduce emissions by capturing and storing carbon. This Carbon Capture, Utilization and Storage (CCUS) system is capable of storing more than 1 million tons of

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carbon emissions, and it represents the type of CCUS technology that will prove vital in empowering our Nation and countries around the world to reduce emissions and protect our planet.

If confirmed to lead CEQ, will you commit to working with the U.S. Department of Energy and other agencies to support project developers and operators of Carbon Capture, Utilization and Storage facilities?

Yes. If confirmed, I will work with the Department of Energy and other relevant agencies on this issue.

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Senator Markey:

- 46. On June 19, 2018 Trump rescinded the National Ocean Plan and replaced it with the Ocean Policy Committee co-chaired by the Council on Environmental Quality (CEQ) and the Office of Science and Technology Policy. The Northeast Ocean Plan, established in 2012, created the very successful Northeast Ocean Data Portal. The Portal helps ocean stakeholders plan activities such as fishing, marine traffic routes, and energy development by combining and layering data in regards to different ocean uses onto one map.
 - a. As the head of CEQ and co-chair of the new Ocean Policy Committee, will you work to ensure federal agencies continue to engage with states and regions on regional ocean plans? Will you work to ensure federal agencies continue to engage with diverse stakeholders including fishermen, the tourism industry, the recreational industry, port operators, local communities, offshore wind development, the science community, and conservation groups?
 - b. Will you ensure that the Northeast Ocean Plan and other regional ocean plans continue to receive updated data and support so that local stakeholders, governments, states, federal agencies, industry, tribes, and the science community can make more informed management decisions?
 - c. Can you guarantee that federal support for data collection and management, including for publicly available data, will continue?

Executive Order (EO) 13840, titled "Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States," specifically directs the Ocean Policy Committee (OPC) established under the EO to engage with stakeholders, including Regional Ocean Partnerships (ROPs), "to address ocean-related matters that may require interagency or intergovernmental solutions." The EO also directs the OPC to coordinate the release of unclassified data and other ocean-related information through "common information management systems, such as the Marine Cadastre, that organize and disseminate this information." The Marine Cadastre is a primary source of Federal coastal and ocean spatial data for ROPs. The Council on Environmental Quality (CEQ) and the Office of Science and Technology Policy (OSTP) have issued guidance to agencies relating to implementation of EO 13840 which is available at https://www.whitehouse.gov/wpcontent/uploads/2017/11/20180628EO13840OceanPolicyGuidance.pdf.

47. The National Environmental Policy Act (NEPA) is often blamed for delays in infrastructure projects, but analyses done by federal agencies and reports by the Congressional Research Service have repeatedly pointed to issues like a lack of funding as the main cause of delays. Additional changes to the NEPA process required by recent legislation have also resulted in conflicting, duplicative, and confusing directions to staff responsible for conducting NEPA reviews.

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a. Before or as part of the broader NEPA rulemaking, would you commit to conducting a review of the resources that agencies have and are missing that are necessary to perform environmental impact statements and environmental assessments?

I believe Federal agencies have sufficient resources to implement NEPA. CEQ is currently working with agencies to better coordinate their NEPA reviews and to more effectively allocate resources, including the establishment of joint schedules, environmental analyses, and records of decision. CEQ's NEPA implementing regulations set forth in 40 CFR 1507.2 and 1506.5 direct agencies to ensure that they have the capability to implement NEPA. If confirmed, I commit to working to ensure that agencies effectively allocate resources to enable them to implement NEPA appropriately.

- 48. President Trump signed an executive order directing agencies to use a "One Federal Decision" mechanism, which designates a lead agency to shepherd a single NEPA review to completion.
 - a. What role do you think CEQ plays in the "One Federal Decision" approach?

Pursuant to EO 13807, CEQ and the Office of Management and Budget (OMB) were directed to develop a framework for implementation of the One Federal Decision policy. On March 20, 2018, CEQ and OMB issued a memorandum to Federal agencies providing a framework for implementation of the policy. On April 9, 2018, President Trump announced that 11 Federal agencies and the Federal Permitting Improvement Steering Council (Permitting Council) executed a Memorandum of Understanding committing to work collaboratively to implement the policy and to meet the two-year goal for major infrastructure projects. Pursuant to EO 13807, CEQ will continue to work with the agencies to implement the One Federal Decision policy, including through the interagency working group convened by CEQ in fall 2017 to implement the EO.

Senator Merkley:

49. We have seen storm surges, floods, droughts, increased frequency and severity of natural disasters, ocean acidification, and general environmental distress across the country a trend that will only continue with the climate chaos we are currently facing. In your testimony, you said that you believed humans are impacting the world's climate. If confirmed as the head of CEQ, what steps will you take to proactively combat the environmental concerns listed above?

To address climate change related concerns, I believe it is important to pursue technology and innovation to adapt to a changing climate, consistent with Congressional directives. This includes current efforts pursuant to the Weather Research and Forecasting Innovation Act to improve weather data, modeling, computing, forecasting, and warnings. I also believe it is important to pursue continued research in order to improve our understanding of the climate system.

50. We are reaching a breaking point in terms of climate change impacts, and it is clear that this country need leaders who are willing to take action now to prevent us from rapidly reaching a point of no return in terms of climate change impacts. This cannot happen if science and the impacts of climate disruption are ignored. In your leadership role with the CEQ, what steps will you take to arrest and reverse climate change?

I believe it is important to pursue a strong economy which allows us to have the resources to advance technology and innovation and to develop resilient infrastructure to address future risks, including climate related risks. In addition, it is important to advance projects to achieve environmental protection, including environmental restoration projects. To facilitate the development of such projects in a timely manner, the Council on Environmental Quality (CEQ) has been working with Federal agencies to streamline environmental reviews that are conducted pursuant to the National Environmental Policy Act (NEPA) and related statutes.

51. CEQ's primary role is leading coordination between environmental agencies. In an ANPRM (Advanced Notice of Proposed Rule Making) published last month, it seems clear the administration is looking to revamp the NEPA review process, which could allow for industry to bypass environmental regulations. As head of CEQ, can you please describe how you will ensure that this NEPA overhaul will not cut environmental requirements?

On June 20, 2018, CEQ published an ANPRM to consider potential updates and clarifications to its NEPA implementing regulations. As stated in the ANPRM, "CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective process consistent with the national environmental policy stated in NEPA." CEQ will review comments on the ANPRM, and these comments will inform any

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future action including whether to pursue any proposed revisions to the CEQ regulations.

52. On June 19th, President Donald Trump issued an Executive Order replacing the existing U.S. Ocean Policy with one that follows a shift away from environment to economy, changing U.S. ocean policy from one that was focused on stewardship of our valuable and vulnerable ocean life to resource use and extraction. If confirmed as the head of CEQ, how will you work to prioritize ocean conservation and coastal protection? How will you ensure the ecological health of our oceans and coastlines?

Congress has issued many statutes to address the management of our ocean resources and environmental protection of our oceans, Great Lakes, and coastal waters. Executive Order (EO) 13840, titled "Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States," supports ocean stewardship by directing Federal agencies to work to ensure economic, security, and environmental benefits for present and future generations by coordinating ocean policy. The EO establishes an Ocean Policy Committee (OPC) and subcommittees to address science and technology and ocean resource management issues. Matters relating to ocean conservation and coastal protection may be addressed by the OPC and its subcommittees. If confirmed, as Co-Chair of the OPC, I commit to working with Federal agencies to continue to make data and information that supports conservation and coastal protection publicly available.

53. Its seems as though the prioritization of economic development, and the president's vow to expand fossil fuel extraction from our oceans, run directly counter to the CEQ's goal of environmental protection and a productive harmony between humans and their environment? Please explain how the Trump Executive Order encourages healthy ocean ecosystems. If confirmed as the head of the CEQ, will you support these policies that will undoubtedly harm the long-term health and sustainability of our oceans?

EO 13840 specifically directs the OPC to engage and collaborate with stakeholders, including Regional Ocean Partnerships (ROPs), address regional coastal and ocean matters potentially requiring interagency or intergovernmental solutions, expand public access to Federal ocean-related data and information, and identify priority ocean research and technology needs to facilitate the use of science in establishing policy. The EO also facilitates the collection, development, dissemination, and exchange of information among agencies. If confirmed, as Co-Chair of the OPC, I commit to working with Federal agencies to implement the EO in a manner that advances environmental protection.

Senator Whitehouse:

- 54. Last month, President Trump issued an Executive Order repealing President Obama's National Ocean Policy Executive Order and implementing his own ocean priorities. The EO focused on extracting as much as possible from the oceans with little regard for conservation. It also omitted any mention of climate change and its effects on oceans and coasts.
 - a. Do you agree that the primary focus of the United States' policy on oceans management should be on the exploitation of our oceans for short-term economic gain at the expense of long-term conservation and sustainable use?
 - b. Explain your understanding of the consequences of climate change and carbon pollution on our oceans and coasts, including warming, deoxygenation, sea level rise, and ocean acidification?
 - c. What role did you play in the development and drafting of President Trump's Executive Order?
 - i. Did you recommend or support the emphasis on extraction of resources in the EO?
 - ii. Did you recommend or support the exclusion of any mention of climate change or ocean acidification from the EO?

Executive Order (EO) 13840, titled "Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States," is an order that addresses interagency processes and coordination with regard to oceanrelated research and resource management. This EO was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including the Council on Environmental Quality (CEQ), and also included relevant Federal agencies.

The EO establishes an Ocean Policy Committee (OPC) and establishes two subcommittees, including a subcommittee on science and technology, and a subcommittee on resource management. I anticipate that matters relating to climate change and ocean acidification may be addressed by one or both subcommittees.

- 55. The EO establishes an interagency Ocean Policy Committee which is co-chaired by the Council on Environmental Quality and Director of the Office of Science and Technology Policy. The Co-chairs are directed, in coordination with the Assistants to the President for National Security Affairs, Homeland Security and Counterterrorism, Domestic Policy, and Economic Policy, to "regularly convene and preside at meetings of the Committee, determine its agenda, and direct its work, and shall establish and direct subcommittees of the Committee as appropriate."
 - a. Given your current status as the highest ranking official at CEQ, what steps have you taken to establish the Committee, and set its agenda and meeting schedule?

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- b. When do you plan to hold the first Committee meeting?
- c. What subcommittees and specific tasks for these subcommittees do you anticipate forming?

To implement EO 13840, on June 20, 2018, CEQ and the Office of Science and Technology Policy (OSTP) which co-chairs the OPC, held a call with state representatives from regions across the country, including the Northeast region, to discuss the new EO. On June 28, 2018, CEQ and OSTP also issued guidance to Federal agencies relating to implementation of the EO, which is available at <u>https://www.whitehouse.gov/wp-</u> <u>content/uploads/2017/11/20180628EO13840OceanPolicyGuidance.pdf</u>.

CEQ and OSTP have scheduled the first OPC Meeting for August 1, 2018. At the meeting Federal agencies will discuss implementation of EO 13840, including: i) the function and structure of the OPC and establishment of the subcommittees; ii) the timely release of Federal ocean-related data and information; iii) priority ocean research and technology needs; iv) Federal participation in ocean research projects, including through the National Oceanographic Partnership Program; and v) interagency coordination.

- 56. The EO also "recognizes and supports Federal participation in regional ocean partnerships." These partnerships manage ocean planning and data collection for the purposes of sustainable ocean management.
 - a. If confirmed, how will you advise federal agencies to support and participate in these regional ocean partnerships?
 - b. How should federal agencies consider the data and recommendations from the regional ocean partnerships in their own work and decision-making?

As stated above, on June 28, 2018, CEQ and OSTP issued guidance to Federal agencies relating to implementation of the EO, including continued support for Regional Ocean Partnerships (ROPs) or their functional equivalents.

EO 13840 directs the OPC to identify priority ocean research and technology needs to facilitate the use of science in establishing policy, and the collection, development, dissemination, and exchanges of information among agencies. It also directs that the OPC address coordination and Federal participation in projects conducted under the National Oceanographic Partnership Program. Data and recommendations from the ROPs should inform these activities.

57. The EO emphasizes the importance of ocean data and monitoring, a priority for the Senate Oceans Caucus. As we develop legislation to support enhanced ocean data and

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monitoring technologies and methods, will you work with us to improve and implement the legislation, if passed?

Yes.

- 58. The growing threat of plastic pollution and other marine debris are endangering our coastal economies and wildlife. The bipartisan Save Our Seas Act, which aims to increase federal involvement in both domestic and international efforts to combat marine debris, passed the Senate by unanimous consent last August. The House of Representatives is expected to pass their bipartisan companion bill shortly. The issue of marine debris has captured the attention of the nation and concerned citizens of all political leanings.
 - a. What role can CEQ play in coordinating federal efforts to research, monitor, and reduce marine plastic pollution?
 - b. If confirmed, do you commit to working with the bipartisan Senate Oceans Caucus to build on the Save Our Seas Act and build on U.S. investments in marine debris research, prevention, and innovation?

Addressing marine debris is an important issue. If confirmed, as Co-Chair of the OPC, I commit to working with you and your colleagues on this issue going forward.

59. At your confirmation hearing, you told Senator Van Hollen that you "agree that the climate is changing and that human activity has a role." My question to you is do you believe that human activity, namely the burning of fossil fuels, is the primary driver of climate change? If not, what is?

I agree that the climate is changing and human activity has a role. The climate system is driven by complex interactions, and examination of the climate involves complex models and assumptions, as well as projections which may extend far into the future. To improve our understanding of the climate system, it is important to continue climate related research.

60. In your time as chief of staff at CEQ, you have already withdrawn guidance issued under the Obama administration that directed relevant agencies to consider the carbon emissions and associated climate change effects in NEPA reviews. Given that Freddie Mac, the insurance industry trade publication Risk & Insurance, and the Union of Concerned Scientists all warn that sea level rise caused by climate change will have a severe impact on coastal real estate values, and the Bank of England and numerous researchers, economists, and other academics warn of the risks of a "carbon bubble," please explain why you think that it is good policy to not require that the climate effects of projects be considered in NEPA reviews? As a general matter, Federal agencies are required under NEPA to review the potential environmental consequences of proposed major Federal actions that may significantly affect the quality of the environment.

61. How should greenhouse gas impacts and sea level rise be considered in NEPA project reviews?

In conducting NEPA analyses, Federal agencies have discretion and should use their experience and expertise to decide how and to what degree to analyze particular effects. Pursuant to CEQ's NEPA implementing regulations, agencies should identify methodologies and ensure information is of high quality, consistent with 40 CFR 1500.1(b) and 40 CFR 1502.24.

- 62. The Obama administration had estimated the social cost of carbon to be around \$45 per ton of emissions in 2020. Former EPA Administrator Scott Pruitt reduced this number to between \$1 and \$6 per ton, notably by excluding the costs of climate change that are borne outside our borders.
 - a. Do you agree that the social cost of carbon is a valuable tool for policy makers that should be used to help them assess the true costs of projects and true benefits of regulations limiting carbon emissions?
 - b. Do you agree with Pruitt's decision to reduce the value of the social cost of carbon by excluding costs that are borne outside our borders?

NEPA and CEQ's regulations do not require agencies to monetize the costs and benefits of a proposed action. CEQ's regulations at 40 CFR 1502.23 provide that agencies need not weigh the merits and drawbacks of particular alternatives in a monetary cost-benefit analysis, and that such analysis should not be used when there are important qualitative considerations. Social cost of carbon (SCC) estimates were developed for rulemaking purposes to assist agencies in evaluating the costs and benefits of regulatory actions, and were not intended for project level reviews under NEPA.

To the extent that SCC estimates are used for rulemaking purposes, EO 13783 directs Federal agencies to be consistent with the guidance contained in the Office of Management and Budget (OMB) Circular A-4 of September 17, 2003. This guidance addresses consideration of domestic versus global impacts as well as appropriate discount rates, and specifically directs agencies to consider the domestic costs and benefits of rulemakings.

63. Former EPA Administrator Scott Pruitt issued a proposed rule that would prohibit EPA from considering in its rulemaking process studies whose underlying data is not public. This proposed rule would exclude many public health studies that rely upon confidential patient data. Do you support Pruitt's approach of excluding peer-reviewed public health

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studies simply because many of the people whose health data is used in them have not consented to making their data public?

Transparency and reproducibility of findings are essential for scientific research. It is important to respect confidentiality agreements between researchers and their subjects, and to protect the health information of people who participate in health studies. The proposed rule has been issued for public comment and comments submitted will inform any future action.

RE: anopr log

From:	"Cook, Kearstyn N. EOP/CEQ (Intern)" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=4473d4560f524c0b8bdb9d591ae56168-co">
To:	"Carlin, Erin A. EOP/CEQ (Intem)" < b) (6)
Date:	Tue, 31 Jul 2018 11:30:56 -0400
Attachment s:	ANOPR Comment Log.xlsx (89.29 kB)
Attached is my se	ection of today's comments!

From: Carlin, Erin A. EOP/CEQ (Intern) Sent: Tuesday, July 31, 2018 10:22 AM To: Cook, Kearstyn N. EOP/CEQ (Intern) <(b) (6) Subject: anopr log

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| Ronald Estepp | General | | Against changing NEPA role of scientists and |

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| | - | - | public. |

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| nv. Law & Policy Center,
Howard Learner | Extension | 1 | Requests 60-day extension, public hearings. |

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| Whitney Kroschel | General | | Need better justification for changing. |

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 | | | - | | 15 Balfour Lane, Chatham MA 02633 | | 25-Jun-201 |
| David Hill | General | | States specific provisions not to change and |

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 | | | | | | | 25-Jun-201 |
| | | | general opposition. |

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| stephen Buckley | General | | NEPA community has interest in no change. |

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| Vichel Hammes | General | | Do not make changes. |

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| isusan LaSala | General | | NEPA does not need an overhaul. |

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 | | | | | | | 25-Jun-201 |
| Association of Metropolitan Water | Extension | 1 | Requests 60-day extension. [Same as E-0005.] |

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| water works Association, tracy Mehan | | | |

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| acob Siegel | Yes | | Address climate change, retain public |

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| Susan Chapin | General | | |

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| Amer, Soc. of Civil Engineers, Natalie | Extension | 1 | Requests 60-day extension. |

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| Mamerow | | | |

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| Russell Hodin | Extension | | Requests 60 day extension, public forums, |

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| Mastern Lichan Mister Condition Mishool | Eutomaina | 1 | mail option for commenting. |

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| Carlin | Extension | 1 | Requests 60-day extension. |

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| Marilyn Price | General | | Opposed to rollback of NEPA. |

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| Patricia Always | General | | Preserve the strength of NEPA. |

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| lizabeth Tachick | General | | |

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| Nora Rawn | General | - | |

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| | | | communities. |

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| Dobi Dobroslawa | General | | Concerned about possibly weakened NEPA. |

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| offere Monagener | Conoral | | Leave NEDA slass |

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 | | | _ | | | | 29-Jun-201 |
| Andrew Hawkins | General | | Retain public comment and involvement. |

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29-Jun-201 |
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| lim Chapp | General | | |

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| alt River Project, Kara Montalo | Extension | 1 | Requests 60-day extension. |

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| Cathy Mohar | General | | Retain public and other agency involvement |

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29-Jun-201 |
| chesapeake bay roundation, Anson Prost | Extension | - | Requests ob-day extension. |

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| Charles Johnson | Yes | 1 | |

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| | | | based on FERC and BLM (cover letter and |

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| Itility Water Act Group, Karma Brown | Extension | 1 | |

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| Caigian Cropper | General | - | Prioritize transparency, community input over |

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| | | | synchronization, efficiency. |

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| iteve Tyler | General | | No rollback. |

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| | Extension | 1 | |

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1-Jul-2018 |
| severy nanouck | General | | |

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| Harry and Jill Brownfield | Gen./Extension | | Campaign: same as 0047 |

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| (ym Garcia | Gen./Extension | - | Campaign: same as 0047 |

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| Norma Van Dyke | Gen./Extension | | Campaign: same as 0047 |

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| Richard Van Aken | Gen./Extension | | Campaign: same as 0047 |

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1-Jul-2018 |
| Thomas Koven | Gen./Extension | | Campaign: same as 0047
Campaign: same as 0047 |

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1-Jul-2018 |
| Varlena Lange | Gen./Extension | | Campaign: same as 0047 |

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| Catherine Smith | Gen./Extension | | Campaign: same as 0047 |

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| Thomas Carlo | Gen./Extension | | Campaign: same as 0047 |

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| rances DeMillion | | | |

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| arace kamus
eanne Held-Warmkessel | | | |

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1-Jul-2018 |
| eanne Held-Warmkessei
Rachel Crowley | | | |

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1-Jul-2018 |
| oanne Wagner | Gen./Extension | | |

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| Wanda Hofbauer | Gen./Extension | | Campaign: same as 0047 |

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| Green Party of Philadelphia, Chris | Gen./Extension | | Campaign: similar to 0047 |

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| Robinson | | | |

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sociation of Metropolitan Water
gencies, Diane VanDe Hei, American
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ar | Intel Hammes General Susan LaSala General Sociation of Metropolitan Water Extension gencies, Diane VanDe Hei, American Extension gater Works Association, Tracy Mehan Seneral sociation of Metropolitan Water Seneral second Segel Yes usan Chapin General merro Soc. of Coll Engineers, Natalle Extension damerow Extension damerow General atrice Adways General atrice Adways General dargin Price General driver Turban Water Coalition, Micheel Extension driver Mawys General izabeth Tachick General obi Dobroslawa General drever Hosein General atreen Hosein General atrea Hosein Gene | Intel Hammes General Susan LaSala General Susan LaSala General Sociation of Metropolitan Water Extension gencies, Diane VanDe Hei; American Extension atar Works Association, Tracy Mehan Extension susan LaSala General mer Soc. of Civil Engineers, Natalle Extension atamerow Extension atamerow General atricia Always General certarily Price General atricia Always General circia Always General | Incle HammesGeneralDo not make changes.susan LaSalaGeneralNEPA does not need an overhaul.susan LaSalaGeneralNEPA does not need an overhaul.gencies. Diane VanDe Hei, American
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(are Works Association, Tracy MehanIRequests 60-day extension. [Same as E-0005.]gencies. Diane VanDe Hei, American
garcies. Diane VanDe Hei, American
(are Works Association, Tracy MehanIAddress climate change, retain public
involvement.gencies. Diane VanDe Hei, Analie
tamer. Soc. of Chiel Engineers, NatalieExtensionIRequests 50 day extension.gencies. Diane VanDe Weiz Mehan
tamer. Soc. of Chiel Engineers, Natalie
tamer. Soc. of Chiel Engineers, NatalieRequests 50 day extension.Igencers. Diane VanDe Vaster Coalition, Michael
tariny PriceGeneralIRequests 50 day extension.gencers. Diane Vaster Coalition, Michael
tariny PriceGeneralIPreserve that schander NEPA.gencers. Diane Vaster Coalition, Michael
tariny PriceGeneralIConcerned about possibly weakened NEPA.gencers. Diane Vaster Coalition, Michael
tariny PriceGeneralIAgainst updates to NEPA.gencers. Diane Vaster Coalition, Michael
tariny PriceGeneral <td< td=""><td>Include Hammes General Do not make changes. Image: Constraint of Metropolitan Water gencies, Joane Van De Hei, American Van Van Van Van De Hei, American Van Van Van Van Van Van Van Van Van V</td><td>Index Hammes General Do not make changes. Image: Solution of Metropolitan Water Image: Sol</td><td>Intersection General Do not make changes. I</td><td>Ideal Hammes General Do not make changes. I <thi< th=""> I I</thi<></td><td>Index General On not make changes. I <</td><td>Retain Lange Construint Changes <thconstruint chang<="" td=""><td>convertained General Do not make changes. Image: Solution Listics Listics</td><td>General On out make change. On out make change. Image: Solid S</td><td>Instruction Control Control<td>Contrant Contrant angle: <thcontrant angle:<="" th=""> Contrant angle: <thcontrant angle:<="" th=""> Contrant angle:<td>Canadia Constraint <thconstraint< th=""> Constraint</thconstraint<></td><td>Canada Controls observed <thcontrols observed<="" th=""> Controls obse</thcontrols></td><td></td><td>both density of the set of the s</td><td></td><td></td><td></td></thcontrant></thcontrant></td></td></thconstruint></td></td<> | Include Hammes General Do not make changes. Image: Constraint of Metropolitan Water gencies, Joane Van De Hei, American Van Van Van Van De Hei, American Van Van Van Van Van Van Van Van Van V | Index Hammes General Do not make changes. Image: Solution of Metropolitan Water Image: Sol | Intersection General Do not make changes. I | Ideal Hammes General Do not make changes. I <thi< th=""> I I</thi<> | Index General On not make changes. I < | Retain Lange Construint Changes Construint Changes <thconstruint chang<="" td=""><td>convertained General Do not make changes. Image: Solution Listics Listics</td><td>General On out make change. On out make change. Image: Solid S</td><td>Instruction Control Control<td>Contrant Contrant angle: <thcontrant angle:<="" th=""> Contrant angle: <thcontrant angle:<="" th=""> Contrant angle:<td>Canadia Constraint <thconstraint< th=""> Constraint</thconstraint<></td><td>Canada Controls observed <thcontrols observed<="" th=""> Controls obse</thcontrols></td><td></td><td>both density of the set of the s</td><td></td><td></td><td></td></thcontrant></thcontrant></td></td></thconstruint> | convertained General Do not make changes. Image: Solution Listics | General On out make change. On out make change. Image: Solid S | Instruction Control Control <td>Contrant Contrant angle: <thcontrant angle:<="" th=""> Contrant angle: <thcontrant angle:<="" th=""> Contrant angle:<td>Canadia Constraint <thconstraint< th=""> Constraint</thconstraint<></td><td>Canada Controls observed <thcontrols observed<="" th=""> Controls obse</thcontrols></td><td></td><td>both density of the set of the s</td><td></td><td></td><td></td></thcontrant></thcontrant></td> | Contrant Contrant angle: Contrant angle: <thcontrant angle:<="" th=""> Contrant angle: <thcontrant angle:<="" th=""> Contrant angle:<td>Canadia Constraint <thconstraint< th=""> Constraint</thconstraint<></td><td>Canada Controls observed <thcontrols observed<="" th=""> Controls obse</thcontrols></td><td></td><td>both density of the set of the s</td><td></td><td></td><td></td></thcontrant></thcontrant> | Canadia Constraint Constraint <thconstraint< th=""> Constraint</thconstraint<> | Canada Controls observed Controls observed <thcontrols observed<="" th=""> Controls obse</thcontrols> | | both density of the set of the s | | | |

	Organization / Name		1 1034 3 t. Overview/Notable 3												D OF	00.0		of o									Phone (if provided)	Address (if provided)	Zip
og i6	George Trovato	Gen./Extension	Campaign: same as 0047	Ť	<u> </u>	, , ,	<u>, ''</u>	1	, <i>n</i>	/u /	/e /	<u></u>		00 3	30	90 3	ou se	919	<u>10 86 10</u>	<u> </u>	12 13	14	12 10	, <u>, , ,</u>	10 19 2	0 Email (if provided)	Phone (il provided)	Address (il provided)	zip
	Janet Cavallo	Gen./Extension	Campaign: same as 0047		-		-	+													-	++							
i8	Valerie Lucznikowska	Gen./Extension	Campaign: same as 0047														_					+ +				-			
	Leona and George Fluck	Gen./Extension	Campaign: same as 0047			+ +	-	-																		-			
					-	+ +	-		-		-						_		-			++				-			
	Hilarie Johnston Debra Mobile	Gen./Extension Gen./Extension	Campaign: same as 0047 Campaign: same as 0047					+														+				-			
	Debra Mobile		Campaign: same as 0047		_	+ +	_	-			_						_		_				_			-			
	Janice Banks	Gen./Extension	Campaign: same as 0047		_		_	-			_		_						_							-			
	Park Furlong	Gen./Extension	Campaign: same as 0047		_			_											_							_			
	Vince Mendieta	Gen./Extension	Campaign: same as 0047																										
	Park Furlong	Gen./Extension	Campaign: same as 0047																										
	Nicole Rahman	Gen./Extension	Campaign: same as 0047																										
	Dennis O'Brien	Gen./Extension	Campaign: same as 0047																										
	Anne Jackson	Gen./Extension	Campaign: same as 0047																										
	Mr Lombardi	Gen./Extension	Campaign: same as 0047																										
	karin peklak	Gen./Extension	Campaign: same as 0047								-						_		_							-			
-	Ronald Gulla	Gen./Extension	Comparing some as 0047				-	+																		-			
_	Konald Gulla		Campaign: same as 0047		_	+ +		-			_						_		_							-			
	Edward Thornton	Gen./Extension	Campaign: same as 0047		_			_											_				_			-			
	Lorenz Steininger	Gen./Extension	Campaign: same as 0047																										
	Bryn Hammarstrom, RN	Gen./Extension	Campaign: same as 0047																										
	Jeffrey Laubach	Gen./Extension	Campaign: same as 0047																										
	Lenore Reeves	Gen./Extension	Campaign: same as 0047																										
	Melvin Czechowski	Gen./Extension	Campaign: same as 0047																										
	Elizabeth Thompson	Gen./Extension	Campaign: same as 0047								-						_									-			
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	David Kagan	Gen./Extension	Campaign: same as 0047		-		-				-								-		-	+	-						
	Marc Obernesser	Gen./Extension	Campaign: same as 0047		-		-	+			-								-				-			-			
	James Rosenthal	Gen./Extension	Campaign: same as 0047																										
_	Mary Ann Leitch	Gen./Extension	Campaign: same as 0047																										
	Susan Nierenberg	Gen./Extension	Campaign: same as 0047					1																					
	jeffrey shuben	Gen./Extension	Campaign: same as 0047					Г																					
	Rebecca Canright	Gen./Extension	Campaign: same as 0047																										
	Amy Hansen	Gen./Extension	Campaign: same as 0047																										
	Patricia Rossi	Gen./Extension	Campaign: same as 0047																							-			
	Mark Canright	Gen./Extension	Campaign: same as 0047					1															-			-			
_	rinaria colli igili. Cusen Ventideter	Gen./Extension	Campaign: same as 0047 Campaign: same as 0047		-	+ +	-	+			-								-		-	+				-			
	Susan VanMeter																				-	+	-			-			
	Margaret McGinnis	General	Opposed to weakening NEPA.					1			_															-			
_/	Mark Dodel	Gen./Extension	Campaign: same as 0047																										
	Kathie E Takush	Gen./Extension	Campaign: same as 0047																										
	Patricia Libbey	Gen./Extension	Campaign: same as 0047																										
	Carl Doll	Gen./Extension	Campaign: same as 0047																										
	kiujhy erdwq	No	[Re wind power in German and solar in China]																										
1			(_												
_	Dennie Steastyl	Can /Estansian	Compaign: comp as 0047		-	+ +		-			-						_									-			
_	Bonnie Stoeckl Marvin Feil	Gen./Extension	Campaign: same as 0047				-	+			-										-		-			-			
		Gen./Extension	Campaign: same as 0047																				_						
_	Clifford Phillips	Gen./Extension	Campaign: same as 0047																										
	Lawrence Stauffer	Gen./Extension	Campaign: same as 0047																										
	Lawrence Stauffer	Gen./Extension	Campaign: same as 0047																										
	Cindy Carlin	Gen./Extension	Campaign: same as 0047																										
	JOHN PASQUA	Gen./Extension	Campaign: same as 0047																										
	Nicholas Lenchner	Gen./Extension	Campaign: same as 0047					-																					
	Susan Shaak	Gen./Extension	Campaign: same as 0047								-						_		-							-			
		Gen /Extension	Comparing some as 0047	+ +				+																		-			
_	lydia garvey	Gen./Extension	Campaign: same as 0047	-													_		_				_			-			
_	MH Higgins		Campaign: same as 0047		_		_	-			_		_				_		_							-			
	Suzanne Roth	Gen./Extension	Campaign: same as 0047		_			-											_							-			
	Jessica Reed	Gen./Extension	Campaign: same as 0047																										
	Steve Mattan	Gen./Extension	Campaign: same as 0047																										
7	Craig Way	Gen./Extension	Campaign: same as 0047					1	T_{\perp}							LT				LT									
	Juliann Pinto	Gen./Extension	Campaign: same as 0047					T																					
	Rebecca Berlant	Gen./Extension	Campaign: same as 0047					T																					
7	Ellis Woodward	Gen./Extension	Campaign: same as 0047																		-		+						
	William Kellner	Gen./Extension	Campaign: same as 0047					1																		-			
-	Bettie Reina	Gen./Extension	Campaign: same as 0047		-		-				-										-	+							
				+				1														+				-			
	Mare McClellan	Gen./Extension	Campaign: same as 0047																										
	Eric Bare	Gen./Extension	Campaign: same as 0047																										
	Christopher Kratzer	Gen./Extension	Opposes revising NEPA; requests 90-day		T	T		T		T						T		T		T	T								
			extension.					T																					
1	Tom Hoffman	Gen./Extension	Campaign: same as 0047																										
	Chuck Graver	Gen./Extension	Campaign: same as 0047					T																					
	Kelley Scanlon	Gen./Extension	Campaign: same as 0047																		-		-						
-	marion M Kyde Ph.D.		Campaign: same as 0047					T.																		-			
	Million Huston	Gen./Extension	Comparison come os 0047		-		-	+			-								-		-					-			
	William Huston	Gen./Extension	Campaign: same as 0047	+																	-	+	-			-			
_	Rob Moore	Gen./Extension	Campaign: same as 0047					1	\square																	-			
	Susan Babbitt	Gen./Extension	Campaign: same as 0047					1																					
	Elizabeth A. Roedell	Gen./Extension	Campaign: same as 0047																										
	Steve Troyanovich	Gen./Extension	Campaign: same as 0047				T																T						
	Rosemarie Brenner	Gen./Extension	Campaign: same as 0047																										
	Leslie Sauer	Gen./Extension	Campaign: same as 0047																										
	Sue Harmon	General	Do not change NEPA					T.			-																		
	Katie Chapp	Gen./Extension	Consider well-informed remarks, lengthen																		-								
	none chapp	Gen, Extension						T.																					
	terre h Helener		comment period.					1	+													+	-			-			
	Joseph Holmes	General	Do not make any changes (cites all questions).					1																					
1																													
	David Mathews	Yes	Favors changes for efficiency.		1		1																						
	M D	General	Preserve environmental stewardship while																							1			
			streamling NEPA.																										
2	Shana Worth	Gon /Extension			-		-				-								-		-					-			
	Shane Worth	Gen./Extension	Campaign: same as 0047																			+				-			
	Ryan Dodson	Gen./Extension	Campaign: same as 0047					1																		-			
	Adam Eyring	Gen./Extension	Campaign: same as 0047																										
	Mara TIPPETT	Gen./Extension	Campaign: same as 0047																										
1	Nichole Diamond	Gen./Extension	Campaign: same as 0047																										
								T															-						
	Joshua Fine	Gen./Extension														-			_			+ +							
		Gen./Extension	Campaign: same as 0047 Campaign: same as 0047																										
	Joshua Fine		Campaign: same as 0047 Campaign: same as 0047 Campaign: same as 0047																_							-			

| Number of Responses | | 151 | 1034 | | |

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Organization / Name	In Scope?		verview/Notable

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 | 8e 9a 9 | b 9c 9
 | 9d 9e 9f | 9g 10 | 11 12 1
 | 3 14 1 | 15 16
 | 1/ 10 | | cinan (in provided) | Phone (if provided) | Address (if provided) | Zip | Po |
| Carol Schmidt | Gen./Extension | Ca | impaign: same as 0047 | | |

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| Joseph Quirk | Gen./Extension | Ca | mpaign: same as 0047 | | |

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| | Gen./Extension | Ca | mpaign: same as 0047 | | |

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| Louise Sellon | | C | mnaign: same as 0047 | | |

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| Mary McManon | | Li | mpaign: same as 0047 | | | _

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| Elizabeth Seltzer | | | | | |

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| Margaret Quinn | Gen./Extension | Ca | mpaign: same as 0047 | | |

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| lloyd goodman | Gen./Extension | Ca | mpaign: same as 0047 | | |

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| Joe Busby | General | EF | A and NEPA cause overregulation and | | |

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| Park Furlong | Gen./Extension | Ca | mpaign: very similar to 0047 | | |

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| Justin Pidot for 36 law professors with | Gen./Extension | 1 E) | tend comment period; open to some | | |

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| Aurora Janko for Attorneyr General of W/A | Gon /Extension | 1 6 | state AGs request at least 60 day extension | | |

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| Adiora sanke for Accorneys deneral of WA, | Gen./ Extension | | | | |

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| Megan Flaherty | General | D | n't use revisions to undermine NEPA. | | |

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| Tom Petersen | | Ca | mpaign: same as 0047 | | |

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| Alliance for the Great Lakes, | Extension | 1 Re | quests 60-day extension. | T | T |

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| Dennis Grzezinski | Gen./Extension | 1 Re | equests 90-day extension. | | |

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| Theodore Doll | General | 0 | pposed to weakening NEPA and any version | | |

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| | Laura Mirsky Laura Mirsky Laura Mirsky Laura Evelon Vincent Prudente Mary McMahon Elizabeth Seltzer Margaret Quinn Elizabeth Seltzer Margaret Quinn Lord goodnan John and Janice Hahn Vianda Stern Broad Ph.D. Patti Packer Gregory Estwe Kate Sherwood Aaron Fumorala Peter Donelly Vonne De Carols Elien Weininger Peter Moltine Peter Moltine Peter Moltine Patricia Swanton Carol Ammstrong Miller Molt Patti Packer Miller Anonymous Anonymous Robert Adams Anonymous Anonymous Robert Depw Gary Hinesley Laion Kempe Elizabeth Ike Tom Petersen Alliance for the Greet Lakes, Sheyda Ennashri Denise Lyfe Hang Beter Anonymous Anonymous Mongen Elizabeth Ike Tom Petersen Alliance for the Greet Lakes, Sheyda Ennashri Denise Lyfe Hong Berkovitz Road Tan Bonise Boni | Laura Mirsky Gen, Extension Laura Kirsky Gen, Extension Uncent Prudente Gen, Extension Ward McMahon Gen, Extension Bita Market Seltzer Gen, Extension John and Jance Hahn Gen, Extension Valanda Stern Broad Ph.D. Gen, Extension Gen, Extension Gen, Extension Kate Sherwood Gen, Extension Aaron Fumarola Gen, Extension Vanne De Carolis Gen, Extension Elen Weininger Gen, Extension Aron Fumarola Gen, Extension Carol Armstrong Gen, Extension Gard Marsh Gen, Extension Carol Armstrong Gen, Extension Gard Marsh Gen, Extension Gard Marsh | Laura Mirsky Gen/, Extension Gat Louise Sellon Gat/, Statistion Gat Wincert Prudente Gen/, Extension Gat Mary McMahon Gen/, Extension Gat Burgaret Quinn Gen/, Extension Gat Burgaret Quinn Gen/, Extension Gat John and Jance Hahn Gen/, Extension Gat Yolands Stern Broad Ph.D. Gen/, Extension Gat Patti Packer Gen/, Extension Gat Cardon Fumoral Gen/, Extension Gat Acoro Fumoral Gen/, Extension Gat Peter Donelly Gen/, Extension Gat Patricia Swanton Gat Gat Gat Murante Gen/, Extension Gat Patricia Swanton Gat Gat Patro Multinin Gen/, Extensi | Laura MirskyGem/ExtensionCampaigr: same as 0047Louise SellonGem/ExtensionCampaigr: same as 0047Wincert PrudenteGem/ExtensionCampaigr: same as 0047Mary McMahonGem/ExtensionCampaigr: same as 0047Birabet SeltzerGem/ExtensionCampaigr: same as 0047Birabet SeltzerGem/ExtensionCampaigr: same as 0047Bioh and Janice HahnGem/ExtensionCampaigr: same as 0047Yolanda Stern Broad Ph.D.Gem/ExtensionCampaigr: same as 0047Yonen De CarolaGem/ExtensionCampaigr: same as 0047Yonen De CarolaGem/ExtensionCampaigr: same as 0047Yonen De CarolaGem/ExtensionCampaigr: same as 0047Carol AmstrongGem/ExtensionCampaigr: same as 0047C | Lanz MirskyGen/ExtensionCampaign: same a 5007IINuncer KrudenteGen/ExtensionCampaign: same a 5007IIMay MoMahonGen/ExtensionCampaign: same a 5007IIElabeth SstzerGen/ExtensionCampaign: same a 5007IIBinder SstzerGen/ExtensionCampaign: same a 5007IIBinder SterGen/ExtensionCampaign: same a 5007IIBinder SterGen/ExtensionCampaign: same a 5007IINamar SterGen/ExtensionCampaign: same a 5007IIValanda Stern Broad Ph.D.Gen/ExtensionCampaign: same a 5007IIPatt BackerGen/ExtensionCampaign: same a 5007IICardonaryGen/ExtensionCampaign: same a 5007IICardona | Lanz Mirshy Gen/Extension Campaign: same as 0047 Image: same as 0047 <th< td=""><td>Lara MixbyGen, ExtensionCampaign: same a 0047III<thi< th="">II<t< td=""><td>Lara Mirshy
Cosine's SolutionGen, ExtensionCampaign: same a 0007II</td></t<><td>Lana Miray Gen/Letension Gangar: same a 0007 I<td>Lanz MirdyGen, ElectronioGen, PleterionioGen, Pleter</td><td>Lang MarcyGen/LiterationGen/Liter</td><td>Lang MaryGen/Stere</td><td>Land MirkyGen/LetteriorCampairs: same a GM7II<th< td=""><td>Jank BefordGeny States and St</td><td>Jack showGene besideGene beside</td><td>Jack MoriaGenyley: tare 3007III<!--</td--><td>Jam MarkGen ZeensityGen Zeensity</td><td>Jam AbyGen AbeaseGen Abease<th< td=""><td>Jack MacheneSomport and southerSouther</td><td>Land MaxGeneticeGeneti</td><td>Lant hordOright une 307Image</td><td>index magneting magneting</td><td></td><td></td><td>Image Image <t< td=""></t<></td></th<></td></td></th<></td></td></thi<></td></th<> | Lara MixbyGen, ExtensionCampaign: same a 0047III <thi< th="">II<t< td=""><td>Lara Mirshy
Cosine's SolutionGen, ExtensionCampaign: same a 0007II</td></t<><td>Lana Miray Gen/Letension Gangar: same a 0007 I<td>Lanz MirdyGen, ElectronioGen, PleterionioGen, Pleter</td><td>Lang MarcyGen/LiterationGen/Liter</td><td>Lang MaryGen/Stere</td><td>Land MirkyGen/LetteriorCampairs: same a GM7II<th< td=""><td>Jank BefordGeny States and St</td><td>Jack showGene besideGene beside</td><td>Jack MoriaGenyley: tare 3007III<!--</td--><td>Jam MarkGen ZeensityGen Zeensity</td><td>Jam AbyGen AbeaseGen Abease<th< td=""><td>Jack MacheneSomport and southerSouther</td><td>Land MaxGeneticeGeneti</td><td>Lant hordOright une 307Image</td><td>index magneting magneting</td><td></td><td></td><td>Image Image <t< td=""></t<></td></th<></td></td></th<></td></td></thi<> | Lara Mirshy
Cosine's SolutionGen, ExtensionCampaign: same a 0007II | Lana Miray Gen/Letension Gangar: same a 0007 I <td>Lanz MirdyGen, ElectronioGen, PleterionioGen, Pleter</td> <td>Lang MarcyGen/LiterationGen/Liter</td> <td>Lang MaryGen/Stere</td> <td>Land MirkyGen/LetteriorCampairs: same a GM7II<th< td=""><td>Jank BefordGeny States and St</td><td>Jack showGene besideGene beside</td><td>Jack MoriaGenyley: tare 3007III<!--</td--><td>Jam MarkGen ZeensityGen Zeensity</td><td>Jam AbyGen AbeaseGen Abease<th< td=""><td>Jack MacheneSomport and southerSouther</td><td>Land MaxGeneticeGeneti</td><td>Lant hordOright une 307Image</td><td>index magneting magneting</td><td></td><td></td><td>Image Image <t< td=""></t<></td></th<></td></td></th<></td> | Lanz MirdyGen, ElectronioGen, PleterionioGen, Pleter | Lang MarcyGen/LiterationGen/Liter | Lang MaryGen/Stere | Land MirkyGen/LetteriorCampairs: same a GM7II <th< td=""><td>Jank BefordGeny States and St</td><td>Jack showGene besideGene beside</td><td>Jack MoriaGenyley: tare 3007III<!--</td--><td>Jam MarkGen ZeensityGen Zeensity</td><td>Jam AbyGen AbeaseGen Abease<th< td=""><td>Jack MacheneSomport and southerSouther</td><td>Land MaxGeneticeGeneti</td><td>Lant hordOright une 307Image</td><td>index magneting magneting</td><td></td><td></td><td>Image Image <t< td=""></t<></td></th<></td></td></th<> | Jank BefordGeny States and St | Jack showGene besideGene beside | Jack MoriaGenyley: tare 3007III </td <td>Jam MarkGen ZeensityGen Zeensity</td> <td>Jam AbyGen AbeaseGen Abease<th< td=""><td>Jack MacheneSomport and southerSouther</td><td>Land MaxGeneticeGeneti</td><td>Lant hordOright une 307Image</td><td>index magneting magneting</td><td></td><td></td><td>Image Image <t< td=""></t<></td></th<></td> | Jam MarkGen ZeensityGen Zeensity | Jam AbyGen AbeaseGen Abease <th< td=""><td>Jack MacheneSomport and southerSouther</td><td>Land MaxGeneticeGeneti</td><td>Lant hordOright une 307Image</td><td>index magneting magneting</td><td></td><td></td><td>Image Image <t< td=""></t<></td></th<> | Jack MacheneSomport and southerSouther | Land MaxGeneticeGeneti | Lant hordOright une 307Image | index magneting magneting | | | Image Image <t< td=""></t<> |

Log	Number of Responses Organization / Name	In Scope?	151 Att.	1034 Overview/Notable	36 38 30 3 1 2 3	6 24 4 5	51 18 6 72	13 13 7b 7c	14 8 7d 7=	13 1	3 8 a 8h	10 9 8c 8d	11 12 8e 92	19 13 9b 9c	9 11 9d 9e	8 10 9f 9ø	17 21 10 11	21 1 12 1	9 14 2 3 14 1	22 20 15 16	18 19 17 18	24 14	Email	if provided)	Phone	if provided)	Addre	ess (if prov	ided)	Zi	2	17 Posted
228	Aaron Miller	Yes	- Au.	Consider that the resources of agencies that		1			10 /6				00 30	50 50		51 56				<u> </u>	1/ 10]	ii provided	, 	Filone	ii provideu)	Addre	:55 (ii pi 0v	ideuj	-	·	osteu
				conduct NEPA reviews are low so expediting																													
				the process will cost the public.																													
29	Gregory Esteve	General		Opposed to any change in NEPA.		++																											
30	Craig Wallentine	General		Opposed to any change in NEPA unless it is to																													
				strengthen it. Cites examples in Utah of why																													
				NEPA is important.																			4										
231 232	Sara Schultz The Partnership Project,	Gen./Extension Yes	1	Campaign: similar to 0047 Represents 352 organizations; requests at			1																-										
232	Justin McCarthy	Tes	1	least 60-day extension public forums and mail			1																										
				commenting; linked to question 6.																													
233	Robert Shippee	General		Opposed to any change in NEPA unless it is to																													
224	Marlene Israel	General		strengthen it.																	_												
	William Blount	General		Opposed to any change in NEPA. Keep NEPA intact.		++					++												-										
	Christopher Jannusch	General		Keep NEPA intact.									_						_														
	Jerre stallcup	General		Keep NEPA intact.																													
238	Eric Hirst	General		Opposed to weakening NEPA but belives																			1										
220	Markey Control Markey	Guural	-	there could be improvements made																	_		-										
239	Michael Kellett	General		Opposes changes to NEPA. Problems in implementation lie in lack of adherence to																													
				laws and regs.																													
240	Nicole Quinn	Gen./Extension		Campaign: similar to 0047																			1										
241	Andy Puckett	General		Keep NEPA intact.																													
242	Susan Dixon	Gen./Extension		Campaign: similar to 0047																	-		-										
	Andrew McGrath Barbara Halpern	Gen./Extension Gen./Extension		Campaign: same as 0047 Campaign: same as 0047																													
245	Lynn Koster	Gen./Extension		Campaign: same as 0047 Campaign: same as 0047																			1										
246	David Goebel	Gen./Extension		Cites reforms needed to aviation. Requests																			1										
				extension of comment period.																			4										
	Ben Luccaro	Gen./Extension		Campaign: same as 0047 Keep NEPA intact. Requests 90-day extension.		+					+								+	+			-										
248	Vicki Barg	Gen./Extension		Keep NEPA intact. Requests 90-day extension. Describes BLM issues as examples.																													
				Sesences bein issues as examples.																													
249	Deborah Kratzer	Gen./Extension		Campaign: same as 0047																			1										
250	Lauren Greenawalt	Gen./Extension		Campaign: same as 0047																													
251	Corey White	General	-	Keep NEPA intact																													
252	Illinois Council of Trout Unlimited, Edward Michael	Gen./Extension	1	Requests at least 60-day extension.																													
253	Carl Erdmann	General		Keep NEPA intact.																			-										
254	Rush Hardin	General		Opposed to major changes, but minor																													
			_	changes may be necessary.																													
255	Ken Gamauf	Gen./Extension		Opposes weakening or revisions of NEPA.																													
256	Susan Meacham	Gen./Extension		Requests 60-day extension. Campaign: similar to 0047							++										_												
	Cindy Eby	Gen./Extension		Campaign: similar to 0047																													
258	Minnesota Center for Environmental	Extension	1	Requests at least 60-day extension.																			1										
	Advocacy, Eric Lindberg																																
259	Amy Harlib	Gen./Extension	1	Campaign: same as 0047																	_												
260	Maryland Nonprofits, Henry Bogdan	Extension	1	Requests 60-day extension. (Pdf and Word attachments are identical.)																													
261	Sarah Gutierrez	Gen./Extension		Campaign: same as 0047																													
262	James Quealy	Yes		Responds to several questions.	1						1								1	1	1	1	1										
263	E. O'Halloran	Gen./Extension		Do not lesson environmental review, save																													
264	Lorraine Gold	Gen./Extension		NEPA. Requests 60-day extension. Campaign: same as 0047							+ +										_		-										
264	Great Basin Water Network,	Extension		Requests 60-day extension.																			1										
	Abigail Johnson																																
266	Caitlin Caldwell	Gen./Extension		Requests longer (unspecified) comment																													
				period. Complete any environmental studies																													
				before starting projects, especially for fracking.																													
267	Claire Nordlie	General		Don't reform NEPA, protect NEPA.																			1										
268	Laurie Whittle	Gen./Extension		Requests extension of "response time" from																			1										
				30 to 60 days. Keep NEPA intact.																	_		-										
269	Duchesne County, Utah, Michael Hyde	Yes	1	Comments on all questions.	1 1 1	1 1	1 1	1 1	1	1 1	-	1 1	1	1 1	1	1	1 1	1 1	1	1 1	1 1	1 1											
270	Michael Hyde Jonathan Oppenheimer	General		Improve collaborative decisionmaking.																			-										
271	Ben Barnes	General		Doe not support any change or rewrite.																													
272	Katherine Dawes	General		(Confusing ANOPR with permitting EO?)																			1										
				Cutting permitting from 3-5 years to 2 would																													
				undercut thoroughness, cut EPA review authority harm env. and public health.																													
				Opposed to provision making it easier to run																													
				natural gas piplines through national parks.																													
273	Tyler Wean	General		NEPA is important, protects communities,																													
				considering alternatives is important.																													
274	Jamie Woody	General		No chage to NEPA.																			-										
275	Nathan Miller	General		Be cautious in changing NEPA. CEs should																			1										
				have 10-year expiration date; NEPA violations																													
				should result in rejection of proposed action;																													
				don't allow segmentation through CEs.																													
276	Zachary Smith	General	-	Keep NEPA protections or make them																	-		-										
2/0	Laciary Stiller	General		stronger.																													
277	For Love of Water (FLOW),	Extension	1	Requests at least 90-day extension.																			1										
	Liz Kirkwood																																

Log	Number of Responses Organization / Name	In Scope?	151 Att.	1034 36 Overview/Notable 1	6 38 2	3 4	5 1	6 72	7b 7	7c 7rl	1 7e	7f 8=	8h	8c 8	d Se	9a 94	b 9c	9d I	9e 9	f 9a	z 10	11	12	13 1	14 15	16	17 1	8 19	20 F	nail (if provi	ded)	Phone /ii	f provideo	i)	 Address	(if provide	ed)		Zip	 Pos
278	Robin Beard	General		Opposed to changes that restrict public input,	Ť	1	ГŤ	- ''	ŤŤ	1	ΤŤ	34		<u> </u>			1	TT	<u> </u>	1	, 1	T 1	Ē		Ť	Ť		1	٣ï		,		. providet	·	 	,. provide	/			1
				limit alternatives, extablish hard deadlines, or limit obligation to consider climate change.																																				
				5																																				
279	Ohio Wetlands Association, Mark Dilley	Extension	1	Requests at least 60-day extension.																																				
200	Jody Carrara	Gen./Extension		Companiant company of 0047																_	-							-												
	Joby Carrara Andrea Nagel	Gen./Extension		Campaign: same as 0047 Same as 278				-		-			+ +				-	+ +	-	-	-		\vdash	-	-	-	-	-												
	Debbie Boucher	General		Keep NEPA as it is.				-		_				_			-		-	-	-			-	-		-	-												
	Phil Barnette	Gen./Extension		Keep NEPA as it is. Requests 60-day						-						-	-	+ +	-	+	-			-	-		-	-												
205	r nii barnette	Gen./ Extension		extension.																																				
284	Mark Demuth	Yes		Briefly addresses multiple questions.		1	1	1	1							1	1	-		-	-	1		1	1 1		-	1												
285	Ronald Parry	General		Opposed to weakening NEPA.		-		-								- 1			-	-		-		-				-												
286	Richard Heisler	General		Keep NEPA intact. Cites an article he wrote.													-				-																			
						-																																		
287	Robert Veltkamp	General		Campaign: similar to 0278																																				
288	Amy Cook	General		Do not revise NEPA. No to all questions.																																				
289	Transportation Agency for Monterey	Yes			. 1																																			
	County, California, Debra Hale			same as text comment, except for contact																																				
				info.																																				
	Michelle Mehlhorn	General		Thankful for CEQ.						_						_	_							_	_		_													
	Matthew Hall	General		Leave NEPA alone.			+									_	_	+	_	_	-			_	_		_													
292	William Howard	General		Purpose of revision is unclear. Opposed to										-																										
				changing, except to increase environmental																																				
202	Anonymous Anonymous	Ver		protection.	1	1 1		-										+		-																				
293 294	Anonymous Anonymous Anonymous Anonymous	Yes Yes		Responds to several questions. 1 Responds to several questions; continuation	1	1 1		1 1	1 :	1 1								+		Ŧ	-			+	-		-		H.											
234	Anonymous Anonymous	res		of 0293.			1 ·	1 1	1 ·	* ¹																														
295	Friends of Milwaukee's Downtown Forest,	Extension		Requests at least 60-day extension.																+					-															
	Barbara Richards	Extension		extension.																																				
296	Anonymous Anonymous	Yes		Responds to several questions; continuation								1		1 1	1	1	1				1	1	1	1	1	1														
				of 0293.								1				1					1																			
297	Anonymous Anonymous	Yes		Responds to several questions; continuation																								1 1	1											
				of 0293.																																				
298	Cecelia Phillips	General		Do not weaken NEPA.																																				
	Jackie Cash	General		Do not weaken NEPA.																																				
300	Cindy Eby	Gen./Extension		Campaign: same as 0047																T					T															
301	Randy Sailer	General		Keep NEPA as it is. Do not give states control																T				T			T													
				of public lands.																																				
302	Anonymous Anonymous	General		Don't change NEPA implementation.																																				
303	Lavaughn Hamblin	Yes		Wants a cumulative impact definition.						1																														
304	Lavaughn Hamblin	General		Urges streamlining, electronic approaches.																																				
205				(0-19/				_		_						_	_			-	-			_	-		-	_												
305	Anonymous Anonymous jjuyt hytr	No No		[Political, meaning unclear.] [Re source of natural gas for Germany]												_			_	-	-			_			-													
306	Juyt nytr Kay Barrett	General		Retain NEPA as is.			+	-		-	+ +					_	-		-	-	-			-	-		-	-												
209	Gena Goodman-Campbell	General		Campaign: Similar to 222						_						-	-		-	-	-			-	-		-	-												
309	Lytton Rancheria of California.	Gen./Extension		Requests extension.													-	++		-				-																
303	Brenda Tomaras	Gen./ Extension		nequests extension.																																				
310	anonymous anonymous	Gen./Extension		Keep NEPA intact and extend comment																							-													
		,		period.																																				
311	Gail Harris	General		Campaign: same as 222																																				
312	Emily Estrada	General		Campaign: same as 222																																				
313	Amy Hunter	General		Campaign: same as 222																																				
314	Ben Gordon	General		Campaign: same as 222																																				
	Sarah Graham	General		Campaign: Similar to 222																																				
316	Matthew Anonymous	Yes		Addresses several questions - against 1	. 1	1																						1	1											
245	Laboration of the second			potential changes.																																				
317	Leigh Schwarz	General		Campaign: similar to 222; Stresses importance																																				
24.5	Manage Manager			of public input.									\square					+		-					-															
318	Karen Sinclair	General		Campaign: Similar to 222; retain current																																				
				policy regarding decisions about the environment that enforce maximum																																				
				environment that enforce maximum thoughtfulness.																																				
319	Concerned citizen in Bend Oregon	General		Campaign: Similar to 222				-									-	+		-	-				-		-	-												
	Mark McCormick	General		Campaign: Similar to 222 Campaign: Similar to 222; cites importance of														++		T				+					H.											
520		General		citizens having an equal voice regarding																																				
				managing and protecting land.																																				
321	Aryeh Frankfurter	General		Campaign: same as 222																+	-																			
322	Darryl Lloyd	General		Campaign: Similar to 222																																				
323	Freda Sherburne	General		Campaign: Similar to 222; stresses importance																																				
				of public input.																																				
324	Marsha Swanson	General		Campaign: Similar to 222																																				
	Jeff Pokorny	General		Don't change NEPA.																																				
	stephen gerould	General		Campaign: same as 222																T																				
	Rebeckah Berry	General		Campaign: same as 222																																				
	Diana Pope	General		Campaign: same as 222																F	1																			
	Hardin King	General		Campaign: Similar to 222											+																									
	Bruce Jackson	General																\square									_		\square											
	Dan Struble	General		Campaign: same as 222			\square						\square					\square																						
332	Debra Rehn	No		[Re Sinclair-Tribune Merger (an FCC docket)]																																				
225	No. 1 Discourse of the second s			222				-									-	\square		-					-															
333	Noel Plemmons	General													+																									
334	J Blagen	General		Campaign: same as 222		_		-		-				_		_	-	+	_						-		-													
335 336	Susan Strible	General		Campaign: Similar to 222												-				-				-	-		-		\square											
	Delwin R Holland	General		Don't change NEPA.				-		-		_		_		-	-		-	-				-	-		-		\square											
337	San Diego State University, Roger Sabbadini	General		Campaign: same as 222																																				
225	Andrea Pellicani	General		Campaign: same as 222																				-																
		ucliel di						_			1		1					1 1			1	r		- I		1 1		-												
	Sandra Thompson	General		Campaign: Similar to 222																																				

	Number of Responses		151	1034	36 38	<mark>8 30</mark> 3	36 24	31 1	8 13 1	3 14	8 13	3 13	8 10	9 1	11 12	19 13	9 :	11 8	10	17 2	21 2	21 19	14 2	22 20	0 18	19 24	4 14					173
Log	Organization / Name	In Scope?	Att.	Overview/Notable	1 2	3	45	6 7	a 7b 7	c 7d	7e 7	f 8a	8b 8c	8d 8	3e 9a	9b 9c	9d !	9e 9	f 9g	10 1	11 1	12 13	14 :	15 16	5 17	18 19	9 20	Email (if provided)	Phone (if provided)	Address (if provided)	Zip	Posted/Rcd.
341	Kelsey Ward	General		Campaign: same as 222																												
342	Sandra Mooney	General		Campaign: same as 222																								1				
343	john costello	General		Campaign: Similar to 222																												
344	David Funk	General		Campaign: Similar to 222																								1				
345	David Kaiser	General		Campaign: same as 222																								1				
346	Sharon Evoy	General		Campaign: Similar to 222 (includes the																								1				
				campaign instructions to past the paragraph																												
				into reg.gov.)																												

og Organization / Name	In Scope?	151 1034 Att. Overview/Notable	36 38 30 36 24 31 1 2 3 4 5 6	7a 7b 7c '	7d 7e 7f 8a 8	b 8c 8d	8e 9a 9b 4	9c 9d 9e 9f	9g 10 1	1 12 13 1	15 16 17	18 19 20	Email (if provided)	Phone (if provided)	Address (if provided)	Zip	
47 Janeese Jackson	General	Campaign: same as 222						1 1 1						· ······ (provided)			
48 Beth Levin	General	Campaign: Similar to 222															
9 Dorothy Wylie	General	Campaign: Similar to 222															
0 James Miller	General	Campaign: Similar to 222; Don't take away															
		safeguards.															
1 Christopher Troxell	General	Campaign: same as 222											1				
2 Keith Harris	General	Campaign: Similar to 222															
3 Pamela Green	General	Campaign: Similar to 222															
4 Great Old Broads for Wilderness,	General	Campaign: Similar to 222															
Susan Ostlie																	
55 maureen rogers	General	Wants more, strict regulations that protect															
		public lands.															
56 Lily Frey	General	Campaign: Similar to 222															
57 American Citizen	General	Campaign: Similar to 222															
58 Kay Nelson	General	Campaign: Similar to 222															
59 Walter Kuciej	General	Campaign: Similar to 222															
50 David Cooper	General	Campaign: Similar to 222															
51 David Worley		Weakening NEPA would negatively affect															
		public and scientific input on decisionmaking.															
52 Bill Smith	General	Campaign: Similar to 222															
53 Gary Kish	General	Campaign: Similar to 222															
54 John Richen	General	Campaign: Similar to 222															
55 James Davis	General	Campaign: Similar to 222															
56 Margaret Wolf	General	Opposes any changes to NEPA.															
57 Kristen Swanson	General	Campaign: Similar to 222															
58 Kevin Brown	General	Campaign: Similar to 222															
59 Christine McKenzie	General	Campaign: Similar to 222															
70 LeeAnn Kriegh	General	Campaign: Similar to 222															
71 Fuji Kreider	General	Campaign: Similar to 222															
72 Pete Sandrock	General	Campaign: Similar to 222															
73 Joanne Diepenheim	General	Campaign: Similar to 222															
74 Environmental Protection Agency,	General	Don't rescind procedural provisions of NEPA.															
Rebecca Ramage (likely not accurate)																	
75 Catherine Williams	General	Campaign: same as 222															
76 Ilan Bubb	General	Do not alter or weaken NEPA.															
77 Mike Farley	General	Campaign: same as 222															
78 Cindy Thomas	General	Campaign: same as 222															
79 Steven Haycock	General	Don't change NEPA															
80 Cheryl Fergeson	General	Campaign: same as 222															
81 Sandi Cornez	General	Campaign: similar to 222															
82 Craig Loftin	General	Campaign: similar to 222															
83 Jane Heisler	General	Campaign: same as 222															
84 Brad Stevens	General	Campaign: similar to 222															
85 Annette Ancel-Wisner	General	Wants three tiers of NEPA to remain intact															
86 Derek Gendvil	General	Campaign: same as 222															
87 Kevin Manion	General	Campaign: similar to 222															
88 Carolyn Eckel	General	Campaign: similar to 222															
89 rosalind o'donoghue	General	NEPA protects communities.															
90 Oregon Natural Desert Association,	General	Campaign: same as 222										_					
Katie Kelley																	
91 Priscilla Galasso	General	Campaign: similar to 222															
92 Tim Brelinski 93 Kate Walter	General General	Campaign: similar to 222 Don't diminish NEPA.															
93 Kate Walter 94 Lisa Jones	General	Campaign: similar to 222															
94 Lisa Jones 95 Denis Besson	General	Support existing NEPA system.															
95 Denis Besson 96 David Regan	General General			+++													
96 David Regan 97 Anonymous Anonymous	General General	Campaign: similar to 222															
Anonymous Anonymous	General	Public input and thorough planning under NEPA are vital.															
98 Martha Ahern	General																
		Campaign: similar to 222		+++													
99 John Nettleton	General	Campaign: similar to 222		+++												0467.	
00 Oregon Natural Desert Association, Linda Watts	General	Campaign: similar to 222														81631	
	Count	Compaign similar (+ 222														0467-	
01 Oregon Natural Desert Association,	General	Campaign: similar to 222														81631	
Peter Nunnenkamp D2 Rick Ray	Conesal	Compaign similar to 200															
	General	Campaign: similar to 222															
D3 Judy Merrick	General	Campaign: similar to 222															
D4 Seth Hanson	General	Campaign: similar to 222															
05 Tara Miner	General	Campaign: similar to 222	+ $+$ $+$ $+$ $+$ $+$ $+$ $+$ $+$ $+$														
D6 John Murphy D7 Anonymous Anonymous	General General	Campaign: similar to 222															
07 Anonymous Anonymous 08 Donald Mansfield	General General	Campaign: similar to 222															
	General	Campaign: similar to 222															
09 Brian M. 10 Brooke Wickham	General	Campaign: similar to 222		+++													
10 Brooke Wickham 11 Akila Mosier	General General	Campaign: similar to 222 Opposed to NEPA revisions and House Farm															
Akila Wosler	General	Bill that would reduce scientific analysis or															
		public involvement in environmental															
12 Jannifer Control	No	decisionmaking.															
12 Jennifer Goebel	No	[Re preventing government and corporate															
	6 1	overreach]		+++													
13 Linda Greaves	General	Campaign: similar to 222															
14 Oregon Natural Desert Association,	General	Campaign: similar to 222															
Alan Winter																	
15 George and Frances Alderson	General	Campaign: similar to 222															
16 Lynn Norris	General	Campaign: similar to 222															
17 Amalie Duvall	General	Don't restrict public input.															
18 Amy Wolfberg	General	Keep NEPA rules are is or strengthen them.															
19 Joshua Bleecher Snyder	General	Campaign: similar to 222															
20 David Beltz	General	Campaign: similar to 222															
		Compaigne similar to 222															
21 Allex McDaniel 22 Susan Harmon	General General	Campaign: similar to 222 Keep NEPA unchanged.															

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Log	Organization / Name	In Scope?	Att.	Overview/Notable	1	2 3	4 5				/d 7e	e /1 8a 8b 8c 8d 8e	9a 9b 9c 9			11 12	13 14	15 16	17 18	19 20 Email (if provided)	Phone (if provided)	Address (if provided)	Zip
423	Robert Currie	General		Against weakening NEPA.	44				_	+													
424	Geoff King	General		Campaign: similar to 222	+			+															
425	Gary Landers	General		Campaign: similar to 222																			
426	Peggy McConnell	General		Campaign: similar to 222																			
427	Oregon Natural Desert Association,	General		Campaign: similar to 222																			
428	Mackenzie Clark Anonymous Anonymous	Incorrectly posted	1?	Comment 0428 is the FR extension notice.																			
429	Douglas Krueger, Citizen of America	General		NEPA works.	++				-	+++													
423	Kirk Barnes	General		Opposed to any change.	++						-												
	PATRICIA KOSKI	General	-	Same as 430	++	_		+ +	-	+ +	-												
			_		44			++	_	+ +	_												
432	Rica Fulton	General		Keep intact or improve training, public																			
			_	outreach, use of scientific information.	\rightarrow			+	_	+	_												
433	Benton Elliott	General		Don't restrict public input, limit alternatives,																			
				establish hard deadlines for project approval	d,																		
				or narrow obligations to consider climate																			
				impacts.																			
434	Melissa Burke	General		Same as 433																			
435	Steven Dunn	General		Similar to 433																			
436	Suzanne Geraci	General		Same as 433																			
437	Michael Smith	General		Same as 433																			
438	Michele McKay	General	_	Same as 433	++													_					
439	Richard Stellner	General		Same as 433	++																		
	Danika EsdenTempski	General		Same as 433																			
	Lisa Olsen	General		Same as 433 Same as 433	++						+												
	M. Bourke	Yes	4	Comments on several questions.																			
	satya vayu	General	1	Same as 433	++			1								1 1	1 1						
444	louj tgre	No		[Re Germany energy sources]				+			-												
	Lynn Putnam	General		Same as 433		-			-		-												
	Eric Downes	Gen./Extension		No change; requests 60-day extension.	\rightarrow			+	-														
	Marie Dunkle	Extension		Requests 30-day extension.	43																		
448	Dawn Page	General		Don't use government efficiency claim to				1		ΤĒ	1												
		_		allow private gain without oversight.																			
	Scott Kaiser	General		Keep NEPA in current form.																			
450	Jamie Brackman	General		Protect public interests over private, but		T				T	T												
				regulatory agencies neeed to be efficient,																			
				accountable, and transparent.																			
451	John Koenig	General		Same as 433																			
452	Anonymous Anonymous	General		Environment must come first.																			
453	Reva Fabrikant	Gen./Extension		Campaign: same as 0047																			
454	Joel Ban	General		Against any changes in NEPA.															_				
454	Richard Grassetti	General or Yes?		Any changes to NEPA should be to increase it	ite																		
455	Michard Grassetti	General of Tes:		effectiveness; against limiting public input,																			
				limiting scope or page length.																			
				limiting scope or page length.																			
	ronald strickland				_				_														
		General	_	Keep NEPA.	\rightarrow	_		+		+	_												
	Phillip Callaway	General		Same as 433	44																		
	Minnesota DOT, Nancy Frick	Yes	1	Addresses several questions.		1						1 1											
	Kimberly Crihfield	General		Same as 433																			
	Elizabeth Greenman	Yes		Addresses several questions.	1	1 1																	
461	Charles Scudder	General		Same as 433; do not weaken in name of																			
				efficiency.																			
462	Michael Young	General		Same as 433																			
463	MARTIN KAPLAN	General		Continue without changes.																			
464	Joseph Merkelbach	General		We need intact and robust NEPA.																			
465	Michelle Turner	General		Archaeologist urges protection of																			
				environment and cultural resources; don't																			
				restrict public participation, prevent agencies	24																		
				from objecting to plans or proposing																			
				alternatives, limit the role of the EPA to																			
				protect air quality, or otherwise weaken																			
				NEPA.																			
466	Derek Turner	Vec			- 1																		
466	Derek Turner	Yes		NEPA should not be weakened for the sake of	л 1																		
467	Description of the second seco	C		efficiency.	_			+	-	+	-												
	Byron Rendar	General		Same as 433	44																		
	William Forbes	General		Keep NEPA as is.	\rightarrow						-												
	Jill Wyatt	General		Same as 433																			
470	Jeremy Wells	Yes		Addresses several questions (without number	ar													1	1				
				references). Do not weaken NEPA; involve																			
				social scientists to collect data on the																			
				impacted humans; use environmental																			
				psychology; enhance use of technology for																			
				public involvement.																			
471	Suzanne Painter	General		NEPA has worked well. Do not restrict public	ε																		
				input.																			
472	AAMU Community Development	Yes		Strengthen NEPA.	1																		
	Corporation, Joseph Lee			3	11																		
	Martha Bibb	General		Do not change NEPA.	++																		
472	Deidre Deegan			NEPA has worked well. Do not restrict public																			
473	Delute Deegan	General			·																		
473 474				input.	\rightarrow																		
474		General		Support strong NEPA.																			
474 475	Joan Walker	General		Protect NEPA, including public involvement.				I f		1.0			- I I T				T	- T	T				
474	Joan Walker mark caso																						
474 475 476	mark caso			Don't undermine NEPA for sake of efficiency.	1																		
474 475 476		General																					
474 475 476 477	mark caso Greg Lesoine	General																	_				
474 475 476 477	mark caso	General	-	Don't change NEPA.	+																		
474 475 476 477 478	mark caso Greg Lesoine Keith Wetzel	General																					
474 475 476 477 478 478 479	mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General		Campaign: same as 278	Ħ																		
474 475 476 477 478	mark caso Greg Lesoine Keith Wetzel	General		Campaign: same as 278 Reduce/eliminate NGO and Tribal											+								
474 475 476 477 478 478 479	mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General		Campaign: same as 278 Reduce/eliminate NGO and Tribal involvement, increase coordination with loca	al																		
474 475 476 477 478 478 479	mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General		Campaign: same as 278 Reduce/eliminate NGO and Tribal involvement, increase coordination with loca jurisdictions, announce comment periods in	al																		
474 475 476 477 478 478 479	mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General		Campaign: same as 278 Reduce/eliminate NGO and Tribal involvement, increase coordination with loca	al																		

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Log 481	Virginia Department of Transportation, Stephen Brich	Yes	 Revoke the CEQ regulations. Make one agency responsible for all environmental decisions. 			L 1 1 1 :		1		1		1 1 1					
482	Federated Indians of Graton Rancheria, Christine Siojo	Yes	1 2 comments on tribal rights.	1												1	
483	Morgan Gratz-Weiser	General	Campaign: same as 278														
484	Sarah Meitl	Yes	Don't weaken flexibility in NEPA (by require	g 1 1													
485	Kathleen Roche	Yes	substitution for 106 review. Create NEPA clearing house for public info location, etc. Word and pdf attachments	y 1 1 1 1	1 1	L 1 :	1		1 1	1 1 1	1	1 1	. 1 1	1	1 1	1 1	1 1
486	Caroline Skinner	General	Campaign: same as 278														
487	Stacy Green	General	Campaign: same as 278														
	Samuel Lowry	General	Campaign: same as 278														
	Michele May	General	Campaign: same as ??? (Look before you le set)	p													
490 491	Nia Payne Kate Hogan	General General	Do not rewrite NEPA. Keep NEPA intact and extend comment														
402	Des Stanbarr	Consul	periods for better public involvement.														_
492	Don Stephens Leiana Beyer	General Yes	Campaign: same as 278 Addresses several questions.	1 1	1	1 1											1
493	Greg Warren	Yes	1 Addresses several questions.						1	1				1	1		
	Levi Loria	Yes	1 Addresses several questions.	1 1 1 1								1 1					
	Emily Cleath	General	Campaign: similar to 0222.														-
	Glenna Silvan	General	Characterizes possible revision as attempt weaken NEPA.	,													
498	Alaska Institute for Justice, Robin Bronen	Yes	Makes recommendations with respect to community relocation.	1 1 1						1 1	1	1	. 1	1			1
499	mike hobbs	Gen./Extension	Leave NEPA intact. Requests at least 90-da extension.														
500	John MacFarlane	Yes	Addresses several questions. Opposes weakening NEPA.	1 1 1 1	1	L											
501	Greater Fort Worth Sierra Club, John MacFarlane	Yes	Addresses several questions. Opposes weakening NEPA. Same as 500.	1 1 1 1	1	L L											+
502	Pauline Reetz	Gen./Extension	Don't limit NEPA. Same as 500. Don't limit NEPA comment periods, and requests 60-day extension of ANOPR														T
502	Stankon Cinelaton	Carriel	comment period.														
503	Stephen Singleton	General General	Protect NEPA.												H		-
504	Connie Lippert Wyoming Stock Growers Association, Jim	General Yes	Don't reduce public input. 1 Responds to several questions.	1 1 1	1	1 1	1						1 1				1
	Magagna			1 1 1	1	1 1	1						1				1
506	Carol Todd	General	Don't change NEPA													1	
507	Jamestown S'Klallam Tribe (WA), Robert Knapp	Yes	 Consult early and support tribal capacity to participate. Requests unspecified additionatime to respond to other questions. 														
508	Seattle Housing Authority, Beka Smith	Yes	 Responds to several questions. [Word attachment same as docket form.] 	1												1	1
509	Elizabeth Purcell	General	NEPA gives people a voice. Leave NEPA alo	e.													T
510	kljh 4rew	No	[Re urban environmental conditions]														
511	Anonymous Anonymous	Yes	Responds to several questions.	1 1 1 1	1 1	l 1 :	1	1				1	. 1	1	1	1	1 1
512	Kathy Bremer	General	Urges against weakening NEPA and respon "no change" to all questions.	S													
513	National Butterfly Center,	General	Leave NEPA alone.														
	Marianna Wright																
514	Brad White	Yes	Same as 470. Addresses several questions (without number references). Do not weak NEPA; involve social scientists to collect da on the impacted humans, use environmen psychology; enhance use of technology for public involvement.	1											1	1	
515	San Francisco Municipal Transportation Agency, Edward Reiskin, Director of Transportation	Yes	 Makes recommendations on Q4 (1501.8, 1502.7), Q16 (1506.2), and 3 definitions at relevant to Q70 (1508.13), Q2 (1508.13), Q2 (1508.28). (Consider addressing in procedu instead of definitions.) 			1							1		1		
516	April Hersey	General	Don't change NEPA in way that reduces pu involvement.	lic													
517	Thlopthlocco Tribal Town, Terry Clouthier, THPO	Yes	1 Responds to several questions.	1 1 1 1	1 1	L		1							1	1	
518	Anonymous Anonymous	General	Confusion over extension date. Don't chan NEPA regulations.	2													
519	Zachary Klehr	Yes	Don't weaken NEPA protections, public outreach.												1 1		+
520	Shelby Reeder	Yes	Outreach. Responds to several questions. Word and p files are identical.	lf 1 1 1	1 1	L L						1	1 1				T
521	David Ortman	Yes	 tites are identical. Attaches his 2001 NEPA NEWS article on El standard: "complete analysis," not "reasonably thorough discussion." 								1						
522	Anon Anon	Yes	Brief responses to 2, 3, 6, 10; for others, current text is adequate.	1 1	1	L						1					
523			At end of comment, states that she is sayin no to all questions and does not believe NE		1 1	1 1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	1 1	1 1 1	1 1	1 1	1 1	1 1	1 1
	Terra Lewis	Yes	should be changed														
524	Arizona Game and Fich Dopartment		Answers several substance	1 1 1													
	Arizona Game and Fish Department, Clayton Crowder	Yes	Answers several questions	1 1 1	1	L				1			1 1	1			_
524 525 526		Yes	Answers several questions 1 Don't weaken NEPA. Provides comments o 1 several questions. Answered no to all questions except 15, 18	1 1 1	1 1					1			1 1	1		1	1

Log	Number of Responses Organization / Name	In Scope?	151 1034 Att. Overview/Notable	36 38 30 36 24 31 18 13 13 14 8 13 12 13 14 15 16 7a 7b 7c 7d 7e 7f 8a 8b 8c 8d 9a 9b 9d 9g 10 11 12 13 14 15 16 17 18 19 20 Email (if provided) Phone (if provided) Address (if provided) Zip Provided
Log 527	Anastacia Marx de Salcedo	Yes	1 Answered a few questions.	1 2 3 4 5 6 /a /b /c /a / 2 /a 7 6 /a /a /b /c /a /a /a a /a /a /a /a /a /a /a /a /a /
528			Supports idea laid out in EO 13807 and	
	-		recommends that NEPA should reflect the	
			categorical exemptions set forth by CEQA.	
			They are interested in discussing this further	
	Bay Planning Coalition, Brianne Riley	Yes	1 with CEQ officials.	
529			Requests that tribes are not a part of the	
			general public in documentation as a general comment and answers several questions in	
	Shoshone Bannock Tribes, Christina Cutler	Yes	1 the ANPRM directly.	
530	Timothy Lavallee	Yes	1 Answers several questions.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
531	cheryl noncarrow	General	Campaign: same as 278	
532	Cheyenne and Arapaho Tribes, Micah		Answers several questions.	
	Looper	Yes	1	
533	1.000		Cites changes that should occur to the HUD	
	a second s		Community Planning and Development	
			evironmental officer review process. Not sure	
		No?	if this is something covered by the ANPRM.	
534	Catherine Pharis	No?	1 1 Internal server error appears	
534	John Young		Answers several questions.	
222	Portland Housing Bureau, Emily Benoit	Yes	1	
536	Frank Phillip Davis	Yes	Answers several questions	
	Frank Phillip Davis	Yes	Answers several questions	
538			Requests a 60-day extension.	
	Northwest Indian Fisheries Commission,			
	Alice Johnstone	Gen./Extension	1	
539			Believes that EO 13807 and the ANPRM have	
			the goal of reducing environmental review times for infrastructure projects without	
	Blue Ridge Environmental Defense League,		demonstrating any need to do so. Criticizes	
	Louis Zeller	General	1 parts of the EO.	
540	North Cascades Conservation Council,		Contains lines from campaign 278 and	
	David Fluharty	Yes	1 answers several questions	
541	Montgomery County Quiet Skies Coalition,		Answers several questions.	
	Gretchen Gaston	Yes	1	
542	Douglas Fenner	General	Do not change NEPA.	
543			First, states that making chnages to NEPA	
			without a CEQ is a violation; then answers	
544	Micah Brodsky Micah Brodsky	Yes	question 1.	
544	Micah Brodsky	Yes Yes	Answers several questions Answers several questions	
546	Emily Johnson	General	Campaign: similar to 278	
547		General	Encourage use of scientific data to back up	
			alternatives and maintain the obligation to	
			respond to public comment.	
	Rhett Diessner	General		
548	Kathy Bowman		?	
	Leslie O'Neil Sue House	General General	Campaign: similar to 278	
	Sue House Beverly Boyce	General	Campaign: similar to 278	
	Laurie Warhurst	General	Don't change NEPA. Campaign: similar to 278	
	Kermit Heid	General	Don't change NEPA.	
554	Susan DeFeo	General	Leave NEPA alone.	
	HB Welsh	General	Keep NEPA intact.	
556			Re: Equal Access to Justice Act and wildfires in	
_	njhm weds	No	California	
557	nick burns Trisha Gill	General	Don't change NEPA.	
558	rick baird	General General	Don't change NEPA. Don't change NEPA.	
560	William Ingalls	General	Don't change NEPA.	
561	Stanley Holmes	General	Don't change NEPA.	
562	Randal Klein	General	Don't diminish NEPA requirements.	
563	Chris Amrhein	General	Don't change NEPA.	
564			Do not limit public involvement in NEPA	
	Veronica Egan Dave and Sue Click, Dave and Sue Click	General	process.	
	Dave and Sue Click, Dave and Sue Click JoAnn Stoddard	General General	Don't change NEPA.	
566 567	Johan Stoudard	General	Supports NEPA as it is. Maintain the public in the NEPA process and	
507			Maintain the public in the NEPA process and any chnges should make sure that decisions	
	robert hugie		are based on science.	
	Carolyn Shelton	General	Don't change NEPA.	
568		General	Answers several questions.	1 1
569	Ben Burdett	General		
569 570	Ben Burdett JaNel VanDenBerghe	General	Don't deregulate policies.	
569 570 571	Ben Burdett	General General General	Don't deregulate policies. Don't change NEPA	
569 570 571 572	Ben Burdett JaNel VanDenBerghe	General	Don't change NEPA Campaign re: immigration considerations	
569 570 571	Ben Burdett JaNel VanDenBerghe	General		
569 570 571 572 573	Ben Burdett JaNel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell	General General No No	Don't change NEPA Campaign re: immigration considerations Another campaign re: immigration considerations	
569 570 571 572 573 574	Ben Burdett JaNel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell	General	Don't change NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	
569 570 571 572 573	Ben Burdett JaNel VanDenBerghe Waid Reynolds Priscilia Atwell Priscilia Atwell James Bowen	General General No No	Don't change NEPA Campaign re: immigration considerations Another campaign re: immigration considerations	
569 570 571 572 573 574 575	Jen Burdett Jahel VanDenBerghe Waß Reynolds Priscilla Atwell Priscilla Atwell James Roven James Ruiz, democratic environmentalists	General General No No	Don't change NEPA Compaign re: immigration considerations Another campaign re: immigration considerations Same as 573 Same as 572	
569 570 571 572 573 574 575 576	Ben Burdett Janei VanDenBerghe Wald Reynolds Priscilla Atwell Priscilla Atwell James Sowen James Rowen Martin Sejeel	General General No No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: Immigration considerations Same as 573 Same as 572 Same as 573	
569 570 571 572 573 574 575 576 577	Jen Burdett Janel VanDenBerghe Wald Reynolds Priscilla Atwell James Roven James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt	General General No No No No No	Don't change NEPA Compaign re: immigration considerations Another campaign re: immigration considerations Same as 573 Same as 572	
569 570 571 572 573 574 575 576 577 578	Jen Burdett Jahel VanDenBerghe Wald Reynolds Priscilla Atwell Priscilla Atwell James Rowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden	General General No No No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: immigration considerations Same as 573 Same as 573 Same as 573	
569 570 571 572 573 574 575 576 576 577 578 579	Jen Burdett Jahel VanDenBerghe Wald Reynolds Friscilla Atwell James Rowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuller	General General No No No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration Same as 573	
569 570 571 572 573 574 575 576 577 578 577 578 579 580	Jen Burdett Jahel VanDenBerghe Wald Reynolds Priscila Atwell James Rowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Creg Golden eric biemuller	General General No No No No No No No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: Immigration considerations Same as 573	
569 570 571 572 573 574 575 576 577 578 579 580 581 582	Jen Burdett Jahel VanDenBerghe Wald Reynolds Priscilla Atwell Priscilla Atwell James Roven James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuller Jahet Fotos John Roush Damon Hooten	General General No No No No No No No No No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	
569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 583	Jen Burdett Janel VanDenBerghe Wald Reynolds Friscilla Atwell James Bowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuller Janet Fotos John Roush Damon Hooten	General General General No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: Immigration considerations Same as 573	
569 570 571 572 573 574 575 576 577 576 577 578 579 580 581 582 583 584	Ben Burdett Janel VanDenBerghe Wald Reynolds Priscilla Atweil James Bowen James Bowen James Rouz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric bienuller Janet Fotos John Roush Domon Hooten Arthur Kissel Jennfer Wittinger	General General General No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573 Same as 573	
569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585	Jen Burdett Jahel VanDenBerghe Wald Reynolds Priscilla Atwell James Bowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuler Janet Fotos John Roush Damon Hooten Arthur Kissel Jennfer Wittlinger	General General General No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	

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Organization / Norse	In Scope?	Att. Overview/Notable 1 2 3 4 5 6 7a 7b 7c 7d 7e 7f 8a 8b 8c 8d 8e 9a 9b 9c 9d 9e 9f 9g 10 11 12 13 14 15 16 17 18 19 20 Email (if provided) Phone (if provided) Address (if provided)	Zip
Leo Goriss	No	Same as 573	
James Reynolds	No	Same as 572	
Lawrence Newlin	No	Same as 573	
Michael Pilsner	No	Same as 573	
jeffrey hogg	No	Same as 573	
Anonymous Ananymous	No	Same as 573	
George Miller	No	Same as 572	
Scott Newton	No	Similar to 573	
Judy Ratliff	No	Re: immigration	
Ronald Everett	No	Ver. Iming alum	
Robin Somerville, Somerville	NO	Re: immigration	
Environmental	No	re. mmigration	
	No		
Katharine Dupre	No	Re: immigration	
a.l. Ortiz Garland Schnack		Similar to 572 and 573	
	No	Same as 573	
DEAN HUNKELE	No	Re: southern border wall	
jm fay	No	Re: immigration	
William Merrell	No	Same as 573	
		The federal government should not be	
Werner Alber	General	involved; only the states.	
Jeffery Walke	No	Re: immigration	
		Belives that we should follow the CEQ's Belive	
Stephen Taus	General	provisions.	
Stephen Pulliam	No	Same as 573	
albert clark	No	Same as 572	
Linda Anonymous	No	Re: immigration	
Oudrey Wilson	No	Re: EPA	
John Rohe	No	Re: EIS requirements for immigration	
Mary Davidson	No	Similar to 573	
Carolyn Porys	No	Same as 573	
Jeremy Beck	No	Similar to 573	
Stuart Reynolds	No	Re: immigration	
Carrie Soltay	No	Same a 573	
Robert French, Adecco	No	Same as 573	
Paul Alexander, NumbersUSA	No	Same as 5/3	
Albert Kennedy	No	Similar to 573	
Robert Finkle	No	Same as 573	
David Luck	No	Same as 5/3	
Jan Williams			
John Gvorffy	Yes? No		
		Same as 573	
Karen Finkle	No	Same as 572	
Claude Gilbert, NumbersUSA	No	Same as 573	
anonymous anonymous	No	Same as 573	
Marshall Richards	No	Same as 572	
Bart Henkle	No	Re: immigration	
Gerald Hardesty	No	Re: immigration	
Beverly Rigsby	No	Same as 573	
William Patrick	No	Re:immigration	
J Bruce Gabriel	No	Similar to 573	
Anonymous Citizen	No	Same as 573	
terry spahr	No	Same as 573	
Steve Lanard	No	Re: immigration	
anonymous anonymous	No	Same as 572	
Sofia Byrne	No	Same as 572	
Paul Alexander, NumbersUSA	No	Same as 573	
Richard Miller	No	Similar to 573 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	
Tim Aaronson	No	Same as 573	
John Byrne	No	Same as 573	
Christine Hayes	No	Re: imigration	
Bruice C PerrymanPHD	No	Re: imigration	
John LaFever	No	Re: mingration	
John Braund	No	Re: immigration	
Karen Alstrup	No		
Curt Bartrug	No	3mm 0.372	
Vic Anderson	No	Anire as 3/2	
Pamela Opdyke, Regulations.gov	No	Re: immigration	
Elaine Mehigen	No	Ner immigration Same as 73	
AM Brown	No		
Paves Stewart		Same as 573	
Bryan Stewart	No	Same as 572	
Robert Emerick	No	Same as 573	
Karin Anderson	No	Re: overpopulation	
Paul Hanson	No	1 Rec immigration	
Dennis Andersen, NumbersUSA	No	Re: immigration	
Sandra Mathes	No	Re: immigration	
Carol Reid	No	Same as 573	
Nicki Howerton	No	Same as 573	
Michael Harris	No	Similar to 573	
CYNTHIA OCONNELL	No	Re: immigration	
Ray Harney	No	Same as 573	
Abraham Kofman	No	Same as 573	
Cornelius Gerst, Personal	No	Re: study impact of growing population	
elizabeth comer	No	Re immigration	
Jim Reznik	No	Same as 572	
	1	An ICEQ/NEPA proposed regulations should	
Anonymous Anonymous, NumbersUSA	General	be implemented"	
Gregory Moses	No	De mpenerezo	
Janice Jones, Numbersusa	No		
James Heide	No		
James Heide Chuck O'Reilly	No	Same as 573	
Chuck O Kelliy		Similar to 573	
Wayne Smyly	No	Same as 573	
	No	Same as 573	
Gary Frederick Frances Raley	No	Be: impleation	

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7 Ber	njamin Watson	No	Same as 572		
78 Dav	vid L. Casey	No	Re: immigration		
9 Jon	iathan Eden	No	Similar to 572		
	A Spevack	No	Re: immigration		
B1 Rar	ndolph Hughes	No	Same as 572		
82 Roi	nald Goodden	No	Similar to 573		
	bra Pope	No	Re: immigration		
i84 Gre		No	Same as 572		
	eg Raven	No	Same as 573		
	lie Anchors	No	Same as 573		
	wer Fox	No	Re: immigration		
588 Del	Irita Jungnitsch	No	Same as 573		
589 Jea	n Campbell	No	Re: immigration		
590 Jan		No	Re: immigration		
	gh Latham	No	Same as 572		
	ine T.	No	Re: immigration		
593 Ga	ylord Yost	No	Same as 573		
594 Cha	arles Starr	No	Same as 572		
595 Do	uglas Kennedy ndra Witt	No	Same as 573		
		No	Same as 573		
597 Dai	n Hart, NumbersUSA	No	Same as 573		
598 Roy	y Buckridge	No	Same as 572		
599 Lau	ira Cruz	No	Same as 573		
ruu Aar	ron Thoroman	No	Same as 572		
701 AI 0	Uison	No			
ruz Pat	ricia Shank	No			
	nothy Conway	No	Re: immigration		
	nneth Pasternack	No			
705	onvmous Anonvmous, Numbers USA	No	Re: immigration		
	onymous Anonymous, Numbers USA an Dredge	No	Same as 573		
	an Dredge rv Davis	No			
707 Lar 708 Sco		No	Re: immigration		
708 Scc 709 Dav		No	Re: immigration		
	vid Way da Siefert. Numbers USA	No			
		No			
	elyn Mills, n/a In Berger	No	Re: Immigration		
	arles Sigars, Self	No	Same as 573		
713 Cha 714 Ric	h Church	No	Same as 573		
715 Lin	da Daugherty, - None -	No	Same as 573		
716 Dai	niel Davis	No	ne. minigradui Same as 572		
	hard Tavano, Numbers USA	No	Jame as J/2		
718 Ste	wen Cox	No	Are populating your childs		
710 An	onymous Anonymous	No	Jame as 572		
720 Kir	sten Leman	No	Joint as 573		
721 Jer	ry Pringle	No	Same as 573		
722 RA	YMOND DOMINGUEZ	No	Same as 733		
723 Roi	nald Sobchik	No	Similar to 573		
724 Edv	ward Fatton	No	Re: overpopulation		
725 Loi	s Alice	No	Re: immigration		
726 Ric	hard Mixon	No	Similar to 573		
727 Car		No	Same as 573		
728 J. A	. McSwain	No	Same as 572		
29 Del	bi Wagner	General	Offers suggestions for the regulations		
730 Mil	ke Hoban	No	Similar to 572		
731 Sab	orina Wells	No	Same as 573		
732 Sta	nley Chappell	No	Same as 572 a la l		
	an Werkheiser	No	Re: inmigration		
734 Jea	nnette Wilkins	No	Same as 573 Same as 673 Same		
735 Roj	ger Hamilton	No	Same as 572 Same as 572		
736 Ric	hard W. Firth	No	Same as 572		
737 Rol	bert Brueggeman	No	Same as 572		
738 Jefi	fery Fain	No	Same as 573		
739 Mil	ton Horst	No	Same as 573		
	rk Wakeford	No	Same as 573		
741 Dei	rek Anderson	General	Revisions to NEPA should be minimal		
742 Do	nna Casas	No	Similar to 573		
743			Re: immigration (commented the same		
Pau	ul Hanson	No	1 response earlier 656)		
744 Mie	chael Miller	General	Same as 433		
	nald Woods	No	Re: immigration		
	nes holleny	No	Similar to 573 Similar to 573		
747 Gai	ry Conley	No	Same as 572 Same as 672		
	ARLOTTE BELDEN, IMMIGRATION	No	Re: immigration		
	dan Duncan	No	Same as 573 201 201 201 201 201 201 201 201 201 201		
	lie Wilder, Acs, cleaning service	No	Re: cleaning bathrooms		
751 Joh		No	Same as 572		
	nald Shipe	No	Re: southern border wall		
753 Dav		No	Re: immigration		
	ameron, Numbers USA	No	Same as 573		
	lockwood	No	Re: immigration		
	itia Ann Desjardins	No	Re: immigration		
	MIRO SANCHEZ	No	Same as 572		
758 cly	de sawyer	No	Same as 572 Same as 572		
759 Sta	n Kaconas	No	Same as 573 Same as 573		
760 Gai	ry Lanford	No	Same as 573		
761 Do	nald Wise	No	Same as 573		
	ronica Reimann	No	Jamies 3/3		
763 rog	er chenoweth	General?			
	rothy Duda	No	Re: immigration		
	onymous Anonymous	No	Same as 737		
766 Car	rol Stevens ve Stocklin	No	Same as 573		
og	Number of Responses		151 1034	36 38 30 36 24 31 18 13 13 14 8 13 13 8 10 9 11 12 19 13 9 11 8 10 17 21 21 19 14 22 20 18 19 24 14	1
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68	James Thurman	No	Similar to 572		
69	Vincent Lasak	No	Re: immigration		
	Campbell Taylor, Jr.	No	Same as 573		
71	Charles Roscoe	No	Similar to 573		
72	John Mullin	No	Same as 572		
73	Anthony Coluccio	No	Same as 573		
74		No	Same as 572		
75	Rebecca Nelson	No	Same as 573		
76	Yancey Summerour, Numbers USA	No	Same as 573		
77	Leslie Ross	No	Re: immigration		
78	Macky Patton	No	Re: immigration		
	Jon von Leden	No	Same as 572		
	Wolfgang Gielisch, Citizens who care	No	Re: immigration		
	Harry Lenhart, Company	No	Re: immigration		
	Robert M. Stuendel	No	Same as 573		
	Gabriel Gardner	No	Same as 573		
	Dale Breidenbach	No			
	William Aiello	No	Re: immigration		
	Ed Pelton, ME	No	Re: immigration		
	Willard Duffey, Sr		Re: immigration		
		No	Same as 573		
	Diane Janovyak	No	Same as 573		
89	Sylvia Keiser	No	Same as 572		
90	njhm edfs	No	Re: Venezuelan Lake Maracaibo		
		No	Re: immigration		
92	Robert Mandarino	No	Re: immigration		
93	William Parker	No	Same as 572		
94	Jean Dibble	No	Same as 573		
	Ellen Tate	No	Similar to 573		
96	Randle Sink	No	Same as 573		
97			The current act and procedural provisions		
	Annelie Menzies	General	should be left alone.		
98	Sandra Gray	No	Same as 573		
99	Brian Schutsky	No	Same as 573		
00	Dennis Siebers	No	Same as 573		
01	Larry Hutson	No	Similar to 572		
02	Ramey Brandon	No	Similar to 573		
03	Jim Dixon	No	Same as 573		
04	Anonymous Anonymous	No	Same as 573		
05	Neil Connolly	No	Same as 573		
06	Michael Paige	No	Same as 573		
07	Sue Merriner	No	Re: immigration		
08	Martha Patton	No	Similar to 573		
	Ken Burkhead	No	Re: immigration		
10	Dena Charvat	No	Re: immigration		
11		No	Same as 572		
12	Matthew Russell	No	Same as 572 Same as 573		
12	Watchew Russen	NU	Benefits of EISs and EA outweigh risks of		
12	Amy Mills	General	weakening and amending NEPA		
	Byron Kilbourne	No	Same as 573		
14	Steven Freise		Same as 573 Same as 573		
		No			
	Bryon Karow	NO	Re: immigration		
	Edward Bagnell	No	Same as 572		
	Edward Bagnell	No	Same as 573		
	Dianne Glass	No	Similar to 573		
	Marilyn Griffin, Year	No	Re: immigration		
	RICHARD MARINO	No	Same as 572		
22	Jane Miller	No	Similar to 572		
	anonymous anonymous	No	Same as 572		
24	Dennis Larson	No	Re: immigration		
	Larry Huber	No	Same as 573		
	City of Phoenix Aviation Department,		internal error message		
25 26	Jordan Feld		1		
26	William Vaello	No	Same as 572		
26	william vaeno				
26 27 28	James Johnston	No	Same as 573		
26 27 28	James Johnston	No No	Same as 573 Same as 573		
26 27 28 29	James Johnston John Duntley		Same as 573		
26 27 28 29 30	James Johnston John Duntley Don England	No	Same as 573 Same as 573		
26 27 28 29 30 31	James Johnston John Duntley Don England ROBERT STOKELY	No	Same as 573 Same as 573 Re: immigration		
26 27 28 29 30 31 32	James Johnston John Duntley Don England ROBERT STOKELY Dave Auger	No	Same as 573 Same as 573 Re: immigration Re: immigration		
26 27 28 29 30 31 32 33	James Johnston John Duntley Don England ROBERT STOKELY Dave Auger Howard Norton	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572		
26 27 28 29 30 31 32 33 33 34	James Johnston John Duntley Don England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573		
26 27 28 29 30 31 32 33 34 35	James Johnston John Duntley Don England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration		
26 27 28 29 30 31 32 33 34 35 36	James Johnston John Duntley Don England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach	No No No No No No No No	Same as 573 Same as 573 Re: Immigration Re: Immigration Similar to 572 Similar to 572 Re: Immigration Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37	James Johnston John Duntley Don England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S	No No No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Samilar to 573 Similar to 573 Similar to 573 Similar to 573 Similar to 573		
26 27 28 29 30 31 32 33 34 35 36 37 38	James Johnston John Duntley John England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. 5 Michael Schmulbach T. 5 Matt van Wersch	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Same as 573 Similar to 572 Same as 572		
26 27 28 29 30 31 32 33 34 35 36 37 38 39	James Johnston Jahn Duntley Don England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S Matt van Wersch NISMAN Xikkzk, republicans	No No No No No No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Similar to 572 Re: immigration Same as 573 Same as 572 Re: immigration Re: immigration		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	James Johnston John Duntley John England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. 5 Michael Schmulbach T. 5 Matt van Wersch	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Same as 572 Re: immigration Same as 572 Re: immigration Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37 38 39	James Johnston Jahn Duntley Don England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S Matt van Wersch NISMAN Xikkzk, republicans	No No No No No No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 572 Same as 573 Same as 573 Same as 572 Same as 573 Same as 572 Barne as 572 Barne as 572 Barne as 573 NEPA should not be changed because making		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	James Johnston Jahn Duntley Don England BOGERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S Matt van Wersch KINSMAN xkokzk, republicans Ron Oliphant	No No No No No No No No No No No No No	Same as 573 Same as 573 Re: immigration Ae: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Same as 573 Same as 572 Re: immigration Same as 573 NEPA should not be changed because makin it more efficient would lessen the public's		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	James Johnston Jahn Duntley John Cantley Mon England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S Matt van Wersch Kon Oliphant Amy Brunvand	No No No No No No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 572 Same as 573 Same as 573 Same as 573 Same as 572 Same as 573 Same as 572 Same as 572 Same as 573 NEPA should not be changed because makin it more efficient vouid lessen the public's voke in decisions.		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	James Johnston John Duntley John England BößERT STOKELY Dave Auger Howard Notroin Albert Simpson, Retired Arthar Lang Michael Schmulbach T. S Matt van Wersch KINSMAN kökzk, republicans Bon Oliphant Amy Brunwand Gene Adams	No No No No No No No No No No No No No N	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Similar to 572 Re: immigration Same as 573 Re: immigration Same as 572 Re: immigration Same as 573 VEPA should not be changed because makin it more efficient would lessen the public's voice in decisions. Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43	James Johnston John Duntley John Duntley ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach Michael Schmulbach Arthy Rusch KINSMAN xköckt, republicans Ron Oliphant Amy Brunvand Gene Adams Susan White	No No No No No No No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 572 Same as 573 Same as 573 Same as 572 Same as 572 Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43	James Johnston John Duntley John England BößERT STOKELY Dave Auger Howard Notroin Albert Simpson, Retired Arthar Lang Michael Schmulbach T. S Matt van Wersch KINSMAN kökzk, republicans Bon Oliphant Amy Brunwand Gene Adams	No No No No No No No No No No No No No N	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Similar to 572 Re: immigration Same as 573 Re: immigration Same as 572 Re: immigration Same as 573 VEPA should not be changed because makin it more efficient would lessen the public's voice in decisions. Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43	James Johnston Jahn Duntley Don England BOBERT STOKELY Dave Auger Howard Notron Albert Simpson, Retired Arthur Lang Michael Schmublach T. 5 Michael Schmublach T. 5 Ron Öliphant Amy Brunvand Gene Adams Susan White Davd Shall	No No No No No No No No No No No No No N	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Similar to 572 Same as 573 Same as 572 Re: immigration Same as 572 Re: immigration Same as 573 Same as 574 Same as 572		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43	James Johnston John Duntley John Duntley MoBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach T.S Michael Schmulbach Michael Schmulbach Michael Schmulbach Michael Schmulbach Grow Adams Sussan White	No No No No No No No No No No Seeneral No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Same as 574 Same as 575 Same as 574		
26 27 28 29 30 31 32 33 33 34 35 36 37 38 39 40 41 41 42 44 44 45 46	James Johnston Jahn Duntley John Duntley Oon England BOGERT STOKELY Dave Auger Howard Notron Albert Simpson, Retired Arburt Lang Michael Schmulbach Tr. S Michael Schmulbach Tr. S Michael Schmulbach Ron Oliphant Ron Oliphant Gene Adams Susan White David Shall Markes Drozd	No No No No No No No No No No Seeneral No No No No No No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Similar to 572 Same as 573 Same as 572 Re: immigration Same as 573 Same as 572		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43 44 44 44 44 44 44 44 44	James Johnston John Duntley Oon England ROBERT STOKELY Doar Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S Mitchael Schmulbach T. S Matt van Wersch KINSMAN xkick2, republicans Bon Johant Gene Adams Susian White David Shall Mark Schuster Marken Drozd J. Barry Gurdin	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Same as 574 Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 44 44 44 44 44 44 44 44 44 44 44 44	James Johnston Jahn Duntley John Duntley Oon England BOGERT STOKELY Dave Auger Howard Notron Albert Simpson, Retired Arburt Lang Michael Schmulbach Tr. S Michael Schmulbach Tr. S Michael Schmulbach Tr. S Michael Schmulbach Ron Oliphant Ron Oliphant Cener Adams Susan White David Shall Markes Drocd J. Barry Gurdin Margaret Sullivan	No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Similar to 572 Same as 573 Same as 572 Re: immigration Same as 573 Same as 573 Same as 572 Same as 572 Same as 573 Same as 572 Same as 573 Same as 572 Same as 573 Same as 573 Same as 573 Same as 573 Same as 572 Same as 573 Same as 573		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43 44 44 45 46 47 48 49	James Johnston Jahn Duntley John Dantley Bob Res TS TOKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. S Matt van Wersch KINSMAN kickky, republicans Bon Oliphant Gene Adams Susian White David Shall Mark Schuster Marken Drozd J. Barry Gurdin Margaret Sullivan	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Same as 573 Same as 572 Same as 573 Same as 574 Same as 575 Same as 574 Same as 574 Same as 574 Same as 574		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50	James Johnston Jahn Duntley John Duntley Oon England ROBERT STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arbur Lang Michael Schmulbach T.S. Matt van Worsch KIRSMAN aksick, republicans Kon Oliphant Susan White David Shall Marlene Drozd J. Barry Gurdin Marlene Drozd J. Barry Gurdin Margaret Sulivan Boyd Lieberman	No No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Same as 572 Same as 572 Re: immigration Same as 572 Re: immigration Same as 573 Same as 573 Same as 572		
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 41 42 43 44 44 44 44 45 46 47 48 50 51	James Johnston Jahn Duntley John Duntley Bob Rest 75 OKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. 5 Matt van Wersch KINSMAN xkixkk, republicans Ron Oliphant Susan White David Shall Mark Schuster Marken Drozd J. Barry Gurdin Margaret Sullivan Boyd Lieberman GARY MILIS Michael Harding	No No	Same as 573 Same as 573 Re: immigration Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Same as 573 Same as 573 Same as 572 Same as 572 Same as 573 Same as 574 Same as 573 Same as 574 Same as 574 Same as 573 Same as 574 Same as 573		
26 27 28 29 30 31 32 33 33 33 33 33 33 33 33 33 33 33 33	James Johnston James Johnston BobRET STOKELY BOBRET STOKELY Dave Auger Howard Norton Albert Simpson, Retired Arbur Lang Michael Schmulbach T: 5 Matt van Worsch KIRSMAN akskak, republicans Kon Oliphant Susan White David Shall Markes Chuster Margert Sulivan Boyd Leberman Boyd Leberman Boyd Leberman GARY MILIS Michael Harding	No	Same as 573 Same as 573 Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Same as 573 Same as 572 Same as 573 NEPA should not be changed because making the mould lessen the public's voice in decisions. Same as 573 Same as 572 Same		
26 27 28 29 30 31 32 33 33 33 33 33 33 33 33 33 33 34 35 36 37 38 33 34 40 41 41 44 44 44 44 44 44 45 50 55 52 55	James Johnston Jahn Duntley John Duntley Bob Rest 75 OKELY Dave Auger Howard Norton Albert Simpson, Retired Arthur Lang Michael Schmulbach T. 5 Matt van Wersch KINSMAN xkixkk, republicans Ron Oliphant Susan White David Shall Mark Schuster Marken Drozd J. Barry Gurdin Margaret Sullivan Boyd Lieberman GARY MILIS Michael Harding	No No	Same as 573 Same as 573 Re: immigration Re: immigration Re: immigration Similar to 572 Similar to 573 Re: immigration Same as 573 Similar to 572 Same as 573 Same as 573 Same as 572 Same as 572 Same as 573 Same as 574 Same as 573 Same as 574 Same as 574 Same as 573 Same as 574 Same as 573		

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g .	Organization / Name	In Scope?	Att. Overview/Notable	1 2 3 4 5 6 7a 7b 7c 7d 7e 7f 8a 8b 8c 8d 8e 9a 9b 9c 9d 9e 9f 9g 10 11 12 13 14 15 16 17 18 19 20 Email (if provided) Phone (if provided) Address (if provided) Zip F
	Russell Sias	No	Re: immigration	
7	Greg Serbon	No	Same as 572	
58	Grant Hockin	Yes		1 1
	Bruce Gordon	No	Same as 573	
iu	Renata Richardson Carl Estes	No No	Same as 573 Same as 573	
52 1	Donald O'Neill, United States of America	No	Re: immigration	
3	Victoria Griffin	No	Same as 573	
4	Lana Kelley	No	Same as 573	
	Ann Johnson	General	NEPA should not be changed.	
6	Brian Leeson	No	Same as 573	
57	Samantha Carlson	No	Same as 573	
58	Michael DelMedico	No	Re: immigration	
	Chuck Sawyer	No	Same as 572	
70	Jeffrey Davis	No	Same as 573	
71	Jeffery and Rhonda Hendricks	No	Re: immigration	
72	Dawn Dyer	General	Similar to 0047	
73	John Nelligan	No	Re: immigration	
74	Annonymous Annonymous	No	Same as 572	
75 I	Denis Hogan	No	Same as 573	
76 1	Vito Giotta	No	Same as 573	
77	Ray Maust	No	Re: immigration	
78	Jerry Irwin	No	Same as 573	
79		General	NEPA should not be changed unless it makes	
			more strict environmental protections.	
	Niki Vogt			
	Richard Brotzman	No	Similar to 573	
	Marion John La Violette Rusty La Violette	No	Same as 573	
	Rusty La Violette Don Smith	No	Same as 572 Same as 573	
	John Barger	General	Same as 573 Same as 0278	
	John Barger Ravi Sharma	General	Same as 0278 Same as 572	
	Judy Brandon	No	Re: immigration	
	Paul and Katherine Malchiodi	NO	Same as 573	
	Steven Bukovitz	No	Re: immigration	
	Diane Pyburn	No	Same as 573	
	Ed Pelton, CGFD	No	Re: immigration	
	Darrell Kuhn	No	Same as 573	
92	Robert Moore, Concerned citizen	No	Same as 575 Same as 572	
93	Dwight Greenhill	No	Same as 572	
94 1	David E Harkey Jr, NumbersUSA	No	Same as 573	
95	Debra Walston	No	Same as 573	
96	Carl Hockett	No	Same as 573	
97	Richard Pelto, Personal	No	Re: immigration	
	ATANAINHOI NHOL	No	Re: immigration	
	Richard Reece	No	Same as 572	
00	Jim Lytch	No	???	
01	John A. DeVierno, DOTs of ID, MT, ND, SD a	Yes	1	
	Mr.Paul Sedlewicz	No	Same as 573	
03	Gregory LeBlanc	No	Re: land use	
104		General	Keep NEPA intact. Cites 4 points regarding	
_	Patricia Jarozynski		important aspects of NEPA.	
	Michelle Breinholt	General	Do not change NEPA.	
J6 (George Sai-Halasz	No	Similar to 572	
07	Jeanette Rost	No	Re: overpopulation	
08		General	Similar to 904. Opposes the ANOPR and cites	
			specific parts of NEPA that she supports.	
	Jennifer Hiebert			
	Anonymous Anonymous	No	Similar to 572	
10	Amy Cherko	Yes		1 1
	Joel Barnes	General	Similar to 904.	
	Kris Pagenkopf	General	Similar to 904	
	Amy Harlib	General	Similar to 904	
14		General	Keep NEPA intact. Cites importance of public review and the indication of environmental	
			consequences and outcomes of proposed	
			actions and alternatives.	
	Judith Smith		sectors and alternatives.	
15	Kay Warren	No	Re: need for protection of environment	
16		General	Keep NEPA as it is. Believes NEPA is already	
			streamlined and changing it will result in lost	
			jobs and threaten environmental protection.	
	Andrea Martin		,	
117		General	Similar to 904. Keep NEPA intact. Cites	
			complaint about 60-day comment period	
	Robert Rutkowski		length.	
	Deb Fritzler	General	Similar to 904	
18	Gary Mercado	General	Keep NEPA intact.	
18	Julia Thollaug	General	Similar to 904.	
18 19 20		No	Re: immigration	
18 19 20	Richard Watkins	General	Similar to 904.	
18 19 20 . 21	Richard Watkins Sherman Stephens		Similar to 904.	
18 19 20 21 22	Richard Watkins	General		
118 119 120 121 122 123	Richard Watkins Sherman Stephens	General		
18 19 20 21 22	Richard Watkins Sherman Stephens		Keep NEPA as it is. Cites importance of public	
118 119 120 121 122 123 123 124	Richard Watkins Sherman Stephens	General	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental	
118 119 120 121 122 123 123 124 125 126 126 126 127 126 127 126 127 127	Richard Watkins Sherman Stephens Elizabeth Gifford Ken Loehlein	General General	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental impacts.	
118 1 119 0 120] 1 121 1 122 1 123 1 124 1 125 1	Richard Watkins Sherman Stephens Elizabeth Gifford	General General General	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental impacts. Keep NEPA intact.	
118 119 120 121 122 123 123 124 125 126 126 126 127 126 127 126 127 127	Richard Watkins Sherman Stephens Elizabeth Gifford Ken Loehlein	General General	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental impacts.	
118 1 119 1 120 2 121 1 122 5 123 1 124 1 125 1 125 1 126 1 126 1 127 1 1	Richard Watkins Shorman Stephens Eizabeth Gifford Ken Loehlein Gina Lee Robert Leggett	General General General No	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental impacts. Keep NEPA intact. Re: science consideration in policy decisions	
118 1 119 1 120 1 121 1 122 1 123 1 124 1 125 1 125 1 126 1 127 1	Richard Watkins Sherman Stephens Elizabeth Gifford Ken Loehlein Gina Lee Robert Leggett Patricia Always	General General General No General	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental impacts. Keep NEPA intact. Res science consideration in policy decisions Similar to 904.	
18 1 19 1 20 2 21 1 22 2 23 1 24 1 25 1 26 1 27 1 28 2	Richard Watkins Sherman Stephens Eizabeth Gifford Ken Loehlein Gina Lee Robert Leggett Patrica Always Suan Peirce, grand caryon trust	General General No General General General	Keep NEPA as it is. Cites importance of public comments and evaluation of environmental impacts. Keep NEPA intact. Re: science consideration in policy decisions Similar to 904. Similar to 904.	
118 1 119 0 120 2 121 1 122 9 123 1 124 1 125 0 126 1 127 1 128 9 129 1	Richard Watkins Sherman Stephens Elizabeth Gifford Ken Loehlein Gina Lee Robert Leggett Patricia Always	General General General No General	Keep NEPA sit is. Cites importance of public comments and evaluation of environmental impacts. Keep NEPA intact. Re: science consideration in policy decisions Similar to 904. Similar to 904. Do not change NEPA.	

	Number of Responses		151 1034	36 38 30 36 24 31 18 13 13 14 8 13 13 8 10 9 11 12 19 13 9 11 8 10 17 21 21 19 14 22 20 18 19 24 14
og	Organization / Name	In Scope?	Att. Overview/Notable	1 2 3 4 5 6 7a 7b 7c 7d 7e 7f 8a 8b 8c 8d 8e 9a 9b 9c 9d 9e 9f 9g 10 11 12 13 14 15 16 17 18 19 20 Email (if provided) Phone (if provided) Address (if provided) Zip
32	Tricia Egger, Grand Canyon Trust	General	Do not weaken environmental laws	
33	STEVEN HANDWERKER	General	Protect the environment	
024	Gary Hartung, Numbers USA	No	Re: immigration	
	Susan Meyer	General	Similar to 904.	
936		General	Supports NEPA	
937	James Kirks	General	Similar to 904.	
38	April Atwood	General	Similar to 904.	
939	Dona LaSchiava	General	Opposes any changes to NEPA.	
	Dawn Kosec	General	Same as 904?	
941	buwintesee	General	Believes NEPA should be maintained and	
341	Robert Lippman	General	strengthened.	
	Kobert Lippman		strengtneneu.	
942	Homer Blackelk, The EcoHawk Foundation	No	Re: ????	
943	Tim Wernette, Grand Canyon Trust	General	Don't gut NEPA.	
	Melissa McCool	No	Same as 573.	
945		General	Simialr to 904 (might be separate campaigns.	
	Susan Elemine		Look through again)	
946	Bradley Carr, Numbers USA	No	Same as 573	
047	Evelyn Giliam	No	Same as 573	
947	Everyn Gillam	NO	Same as 573	
948	Robert B. Kaplan	General	Similar to 0278	
949	Martin Diedrich	General	Keep NEPA intact	
950	Cynthia Tatlock	No	Same as 572	
951	Phyllis Coley	General	NEPA should not be changed.	
952	David Rudin	General	Similar to 904	
	kenneth silver	No	Same as 573	
954		General	Do not weaken NEPA.	
	David Gjestson	General	Keep NEPA intact.	
956	Gordon Lind	General	Keep NEPA intact	
957	VERNON MATHERN	General	Same as 904	
	Jerry Reynolds	No	Same as 573	
	Lydia Garvey	General	Similar to 904.	
		No		
900	Anonymous Anonymous		Re: immigration	
961	Paula Denissen	No	Re: protecting land	
	Irene Hamilton	General	Keep NEPA in place.	
	Kimi Wei	General	Keep NEPA as it is and do not weaken it.	
964	Sheldon Rourck	General	Similar to 904	
965	Robin Patten	General	Similar to 904	
	Lesa Skarlot	General	Preserve NEPA as it is.	
966	E Alexander			
		No	Similar to 572	
968	E. James Nedeau	General	Simialr to 904	
969	Andrea Wasserman	General	Protect NEPA	
970	Tanya Lysenko	No	Same as 573	
971	Paul Sorensen	No	Re: immigration	
072	Karen Preece	No	Same as 573	
972	Karen Preece	NU	Sallie as 373	
	TERRY MCNEIL	No	Same as 572	
974	Art Hanson	General	Same as 904	
975	Robert Kvaas	General	Do not weaken NEPA.	
976	0.0	General	Keep NEPA as it is.	
977	Pat Beauchamp	No	Similar to 573	
070	Bill Davis	General		
	Alice Simpson		Do not change NEPA.	
	Alice Simpson	General	NEPA should not be changed	
980		General	Support the existing NEPA. Cites concern	
_	Naomi Zurcher		about oil industry.	
981	David Adams	General	Same as 904	
982	Laurie Welsh	General	Similar to 904	
983		General	Similar to 904. Does not want NEPA to	
	Clint McKnight	General		
			change.	
	Kirk Rhoads	General	Similar to 904.	
985	Sheila Smith, Grand Canyon Trust	General	Similar to 904.	
986	Jon Higley	No	Same as 573.	
987	Ron Cammel	General	Maintain and strengthen NEPA	
988	Karl Shaddock	General	Similar to 904	
			NEDA should not be shoneed	
363	Dona Walston	General	NEPA should not be changed.	
990	Steve Tyler	General	Leave NEPA as it is.	
991	S. Stark	General	Protect and sustain current NEPA.	
992	Lonna Richmond	General	Similar to 904.	
993	Lai Ubberud	No	Same as 573	
	Brian Swanson	General	Leave NEPA alone.	
	Steven Ald	No	Re: immigration	
	Pamela Gilbert	General	Keep NEPA intact.	
996	W.J. Van Ry	No	Similar to 573	
996 997	Norman Black	No	Same as 572	
996 997 998	Date to a second	General	Similar to 904	
996 997	BODDI BECK		Keep NEPA intact.	
996 997 998 999	Robert Miller	General	Similar to 572	
996 997 998 999 1000	Robert Miller			
996 997 998 999 1000 1001	Robert Miller Melody Kiley	No	Cimilar to 004	
996 997 998 999 1000 1001 1002	Robert Miller Melody Kiley Laura Saxe	No General	Similar to 904	
996 997 998 999 1000 1001 1002 1003	Robert Miller Melody Kiley Laura Saxe Melissa Miller	No General No	Re: landmarks	
996 997 998 999 1000 1001 1002 1003 1004	Robert Miller Melody Kiley Laura Saxe	No General No No	Re: landmarks Same as 573	
996 997 998 999 1000 1001 1002 1003	Robert Miller Melody Kiley Laura Saxe Melissa Miller Bill Fogg	No General No	Re: landmarks Same as 573 Inefficiency comes from agency cultural and	
996 997 998 999 1000 1001 1002 1003 1004	Robert Miller Melody Kiley Laura Saxe Melissa Miller	No General No No	Re: landmarks Same as 573 Inefficiency comes from agency cultural and	
996 997 998 999 1000 1001 1002 1003 1004 1005	Robert Miller Melddy Kiley Laura Saxe Melissa Miller Bill Fogg Robert Keim	No General No No General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006	Robert Miller Melody Kiley Laura Saxe Melisas Miller Bill Fogg Robert Keim Brien Brennan	No General No No General General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007	Robert Miller Meldoy Kiley Laura Saxe Meliasa Miller Bil Fogg Robert Keim Brien Brennan A Kisner	No General No General General General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008	Robert Miller Melody Kiley Laura Saxe Melissa Miller Bill Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford	No General No General General General General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009	Robert Miller Melody Kiley Laura Saxe Melissa Miller Bil rogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford tum horton	No General No General General General General No	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA. Re: immigration	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010	Robert Miller Melody Kiley Laurs Saxe Melissa Miller Bil Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford tom horton Cardyn Sweeney	No General No General General General No General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010	Robert Miller Melody Kiley Laurs Saxe Melissa Miller Bil Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford tom horton Cardyn Sweeney	No General No General General General No General	Re: landmarks Same at 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA. Re: immigration Keep NEPA intact.	nd
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012	Robert Niller Melody Kiley Laura Save Melisas Miller Bill Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford tom horton Carolyn Sweeney Anonymous Anonymous, Middle Class Citize Sixea Greiner	No General No General General General No General No Seneral No	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Do not weaken NEPA. Re: immigration Keep NEPA intact. Re: immigration	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012	Robert Niller Melody Kiley Laura Save Melisas Miller Bill Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford tom horton Carolyn Sweeney Anonymous Anonymous, Middle Class Citize Sixea Greiner	No General No General General General No General No General	Re: landmarks Same at 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA. Re: immigration Keep NEPA Intact. Re: immigration Do not weaken NEPA.	nd
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013	Robert Niller Melody Kiley Laure Saxe Melissa Miller Bil Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford tum horton Carolyn Sweeney Anonymous Anonymous, Middle Class Citiz Susan Greiner JENNIFER MALIK	No General No General General General General No General No General General	Re: Indmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. De not weaken NEPA. Re: immigration Keep NEPA intact. Re: immigration Do not weaken NEPA. Similar to 904	nd
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014	Robert Miller Melody Kiley Laura Saxe Melissa Miller Bil Forgg Robert Keim Brien Brennan Kisner Lucinda Stafford Lucinda Stafford Lucinda Stafford Carolyn Sweeney Anonymous Anonymous, Middle Class Citiz Susan Greiner JENNIFER MALIK Katherine McCoy	No General No General General General No General No General General General General	Re: landmarks Same at 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA. Re: immigration Keep NEPA intact. Re: immigration Do not weaken NEPA. Similar to 5904 Do not change NEPA.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1000 1010 1011 1012 1013 1014 1015	Robert Niller Melody Kiley Laure Saxe Melissa Miller Bill Fogg Robert Keim Brien Brennan Al Kisner Lucinda Stafford Lucinda Stafford Lucinda Stafford Sum Anorymous, Middle Class Citiz Susan Greiner JENNIFER MALIK Katherine McCoy Robert Hicks	No General No General General General No General General General General General General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Do not weaken NEPA. Re: immigration Keep NEPA intact. Re: immigration Do not weaken NEPA. Similar to 504 Do not change NEPA. Do not change NEPA.	nd
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1006 1007 1008 1009 1010 1010 1011 1011 1011 1013 1014 1015	Robert Miller Melody Kilev Laura Saxe Melisas Miller Bil Fogg Robert Keim Brien Brennan A Kisner Lucinda Stafford tom horton Carolyn Sweeney Anonymous, Monymous, Middle Class Citiz Sisan Greiner JENNIFER MALIK Katherine McCoy Robert Hicks Lawrence Rupp	No General No General General General No General General General General General General General No	Re: landmarks Same at 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA. Re: immigration Do not weaken NEPA. Joint and Sold Do not change NEPA. Dane Str33	nd
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016	Robert Miller Melody Kilev Laura Saxe Melisas Miller Bil Fogg Robert Keim Brien Brennan A Kisner Lucinda Stafford tom horton Carolyn Sweeney Anonymous, Monymous, Middle Class Citiz Sisan Greiner JENNIFER MALIK Katherine McCoy Robert Hicks Lawrence Rupp	No General No General General General No General General General General General General	Re: landmarks Same as 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Do not weaken NEPA. Re: immigration Keep NEPA intact. Re: immigration Do not weaken NEPA. Similar to 504 Do not change NEPA. Do not change NEPA.	
996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017	Robert Miller Melody Kilev Laura Saxe Melisas Miller Bil Fogg Robert Keim Brien Brennan A Kisner Lucinda Stafford tom horton Carolyn Sweeney Anonymous, Monymous, Middle Class Citiz Sisan Greiner JENNIFER MALIK Katherine McCoy Robert Hicks Lawrence Rupp	No General No General General General No General General General General General General General No	Re: landmarks Same at 573 Inefficiency comes from agency cultural and operational issues. Leave NEPA alone. Leave NEPA alone. Do not weaken NEPA. Re: immigration Do not weaken NEPA. Joint and Sold Do not change NEPA. Dane Str33	nd

	Number of Responses		151	1034												14 22 20 1					
Log	Organization / Name	In Scope?	Att.	Overview/Notable	1 2	3 4	56	7a 7b 7c	c 7d 7e 7f	f 8a 8b 8	c 8d 8e	9a 9b 1	9c 9d 9e 9	9g 10 1	12 13	14 15 16 1	7 18 19 20	Email (if provided)	Phone (if provided)	Address (if provided)	Zip
.020	Shari Hirst	General		Keep NEPA intact.																	
	Laura Cotts	General		Keep NEPA intact.																	
	llene Lofgren	General		Do not change NEPA.																	
	Cynthia Ramirez	General		Keep NEPA intact.																	
	Patti Packer, US citizen	General																			
				Keep NEPA intact.																	
	Lisa Rutherford	General		Do not weaken NEPA.																	
	Jane Myers	General		We need NEPA.																	
.027	Jerry Rand	No		Same as 572																	
028	Kathryn Lemoine	General		Similar to 1005																	
029	Rivko Knox	General		Similar to 904																	
030	B Buttazoni	Yes	1	Answers several questions.		1	1	1 1 1	. 1 1	1 1 1	1 1 1	1	1 1								
031	Doris LONG	General		Do not change NEPA.																	
	Anne Pitkin	General	_	Opposes the rule.																	
	Jerel McDonald	No		Re: immigration																	
.034		Yes		Agencies should communicate (1) and all	1 1																
	Paul VANVOROUS			applicable studies must be used (2).																	
035	Shawn Martin	No		Re: immigration																	
.036	Shawn march	Yes		EIS review and project planning should occu		1															
050		res		concurrently, and CEO should add a draft	ur 1	1															
				scoping document to the scoping process.																	
	James Tripp, Environmental Defense Fund		1																		
.037	Michael Strieby	General		Do not adversely change NEPA.																	
038	Maya Abela	General		Similar to 904																	
	Dan Struble	General		Similar to 904																	
	Edward Mosimann	General																			
		General	-	Strenghten NEPA.																	
	Denise Martini																				
	Fred Johnson																				
043	Thomas Keys																				
.044	David Nevin																				
045	Lisa Foster																				
046	warwick hansell																				
047	Dan Struble																				
048	Kenie Dreuwe																				
U48	Kevin Brown																				
.049	M.A. Kruse, ONDA																				
	Sherrie Shown																				
	carol popp																				
052	Danika Esden-Tempski																				
	C. A. Glock-Jackson																				
	Lisa Swinney																				
	Lisa Swinney Michele Frisella		-																		
	Paul West																				
.057	C.E. Watson																				
.058	Vicky Kramer																				
	Kim Morton																				
	Duressa Pujat																				
			-																		
061	vfgb wsed																				
062	yvonne del rossi																				
063	Alice Hall																				
.064	Jim Zola, HAND																				
065	Robert Voorhees																				
066	Wanda Ballentine																				
000	Deves Liesies		-																		
	Bruce Higgins																				
068	Peggy-Jean Powell																				
.069	J Blagen																				
.070	Peter Auster		1																		
	Kathleen Nalley																				
	Bromwell Ault																				
	vfb wsed																				
	maureen rogers																				
	Susan Morgan																				
.076	Gary Beverly																				
.077	Anne McGuffey																				
	Lisa Winters																				
070	Phil Francis, Coalition to Protect America's N	lational Parks																			
0/9	characteristics, coalition to Protect América's N	auUlidi PäľKS	1																		
.080	Christine Raczka, Port Gamble S'Klallam Trib	e	1																		
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og	Organization / Name	In Scope?		Overview/Notable																						Email (if provided)	Phone (if provided)	Address (if provided)	Zip	Posted/
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NEPA Process:

- 1 Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization **decisions involving multiple agencies** are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
- 2 Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of e nvironmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
- 3 Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

Scope of NEPA Review:

- 4 Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?
- 5 Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents **better focus on significant issues** that are relevant and useful to decisionmakers and the public, and if so, how?
- 6 Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
- 7 Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
- 7a Major Federal Action;
- 7b Effects;
- 7c Cumulative Impact;
- 7d Significantly;
- 7e Scope; and
- 7f Other NEPA terms.
- 8 Should any **new definitions** of key NEPA terms, such as those noted below, be added, and if so, which terms?
- 8a Alternatives;
- 8b Purpose and Need;
- 8c Reasonably Foreseeable;
- 8d Trivial Violation; and
- 8e Other NEPA terms.
- 9 Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
- 9a Notice of Intent;
- 9b Categorical Exclusions Documentation;
- 9c Environmental Assessments;
- 9d Findings of No Significant Impact;
- 9e Environmental Impact Statements;
- 9f Records of Decision; and
- 9g Supplements.
- 10 Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
- 11 Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
- 12 Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
- 13 Should the provisions in CEQ's NEPA regulations relating to the appropriate **range of alternatives** in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

General:

- 14 Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
- 15 Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
- 16 Are there additional ways CEQ's NEPA regulations should be revised to promote **coordination of environmental review and authorization decisions**, such as combining NEPA analysis and other decision documents, and if so, how?
- 17 Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?
- 18 Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?
- 19 Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces **unnecessary burdens and delays** as much as possible, and if so, how?
- 20 Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

anopr log

Attachment s:	ANPR (83 FR 28591) 2018-06-20.pdf (195.85 kB); 02 ANOPR Comment Log 07-23 to Erin.xlsx (87.89 kB)
Date:	Tue, 31 Jul 2018 10:21:48 -0400
To:	"Cook, Kearstyn N. EOP/CEQ (Intern)" < <mark>(b) (6)</mark>
From:	"Carlin, Erin A. EOP/CEQ (Intern)" <(b) (6)



requirements. Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: May 30, 2018.

Cosmo Servidio,

Regional Administrator, U.S. Environmental Protection Agency Region 3, [FR Doc. 2018–12709 Filed 6–19–18; 8:45 am] BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508

[Docket No. CEQ-2018-0001]

RIN: 0331-AA03

Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

AGENCY: Council on Environmental Quality (CEQ).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

DATES: Comments should be submitted on or before July 20, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at https:// www.regulations.gov. Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750. SUPPLEMENTARY INFORMATION:

I. Background

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., was enacted in 1970. NEPA states that "it is the continuing policy of the Federal Government, in cooperation with State 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 foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. 4342.

By Executive Order (E.O.) 11514, "Protection and Enhancement of Environmental Quality" (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue "guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act." CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), "Relating to Protection and Enhancement of Environmental Quality," which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (CEQ's NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the "worst case" analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects." 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

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II. Request for Comment

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

NEPA Process

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?

2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal. State, tribal or local environmental reviews or authorization decisions, and if so, how?

3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

Scope of NEPA Review

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?

6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?

- a. Major Federal Action;
- b. Effects;
- c. Cumulative Impact;
- d. Significantly;
- e. Scope; and
- f. Other NEPA terms.

8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

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- a. Alternatives;
- b. Purpose and Need;
- c. Reasonably Foreseeable;
- d. Trivial Violation; and e. Other NEPA terms,
- e. Other NEFA terms.

9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?

a. Notice of Intent;

b. Categorical Exclusions

Documentation;

- c. Environmental Assessments;
- d. Findings of No Significant Impact;
- e. Environmental Impact Statements;
- f. Records of Decision; and
- g. Supplements.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

General

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary

burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

III. Statutory and Executive Order Reviews

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

Chief of Staff, Council on Environmental Quality.

[FR Doc. 2018–13246 Filed 6–19–18; 8:45 am] BILLING CODE 3225–F8–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-60

[GSPMR Case 2016–105–1; Docket No. 2016–0004, Sequence No. 1]

RIN 3090-AJ74

Public Availability of Agency Records and Informational Materials

AGENCY: Office of Administrative Services (OAS), General Services Administration (GSA). ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline the language of several procedural provisions and to incorporate certain changes brought about by the amendments to the FOIA under both statutory and nonstatutory authorities. This rule also amends the GSA's regulations under the Freedom of Information Act (FOIA) to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016. Additionally, the regulations are being updated to reflect developments in case law, executive guidance from the Department of Justice-Office of Information Policy, technological advancements in how the FOIA is administered, and to include current cost figures to be used in calculating and charging fees. Finally, the revisions increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive disclosures.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before August 20, 2018 to be considered in the formation of the final rule. ADDRESSES: Submit comments in response to GSPMR case 2016–105–1 by any of the following methods:

• Regulations.gov; http:// www.regulations.gov. Submit comments via the Federal eRulemaking portal by searching for "GSPMR Case 2016–105– 1". Select the link "Comment Now" that corresponds with "GPSMR Case 2016– 105–1." Follow the instructions provided on the screen. Please include your name, company name (if any), and "GSPMR Case 2016–105–1" on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite GSPMR Case 2016–105–1, in all correspondence related to this case. All comments received will be posted without change to http:// www.regulations.gov, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Travis S. Lewis, Director of GSA, OAS, Freedom of Information Act and Records Management Division, at 202– 219–3078 via email at *travis.lewis@ gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202– 501–4755. Please cite GSPMR Case 2016–105–1.

Log	Number of Responses Organization / Name	In Scope?		996 Overview/Notable	34 3 1 2	3	4 5	6	7a 7	b 7c	7d 7	e 7f	8a 8b	8c 8	d 8e	9a 9b	9c 9d	d 9e !	9f 9g	10 1	1 12	13 14	15	16 17	18 19	9 20 Email (if provided)	Phone (if provided)	Address (if provided)	Zip	
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5	I homas King	Yes		Offers thoughts on whether and how to revise NEPA implementation.	1	. 1																								
6	Thomas King	General		Objects to questions; re-imagine NEPA from				П																						
7	John Roberts	General	_	scratch. Do not make changes.				+	+	+ +					+ +								+			-				
8	Larry Freilich	Yes		Page and time limits may cause additional			1								++															
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10	David Keys	165		needed to regs.											1						1	1	1	1 1	1					
	Daniel Holt	Yes		Re-adopt GHG guidance.			1																							
12	Michael Dechter	Yes		Page limits make EIS less useful, add work			1									1							1							
13	Anonymous Anonymous	General		Save all environmental protection provisions.																										
	In the Disease			[0, 504]				+																						
14	Jennifer Blegen Judith Konig	No General		[Re EPA.] Retain protections for air, water, wildlife.					+																					
16	Ronald Estepp	General		Against changing NEPA role of scientists and public.																										
17	Env. Law & Policy Center,	Extension	1	Requests 60-day extension, public hearings.			-	++	-	++	-			++	++				-				++		-				60601	1
	Howard Learner																													
	Whitney Kroschel David Hill	General General	_	Need better justification for changing.			1		-		_						_		_			_						15 Balfour Lane, Chatham MA 02633		
19	David Hill	General		States specific provisions not to change and general opposition.			1																							
0	Stephen Buckley	General		NEPA community has interest in no change.																										
21	Michel Hammes	General		Do not make changes.																						+				
22	Ssusan LaSala	General		NEPA does not need an overhaul.																						+-				
23	Association of Metropolitan Water	Extension	1	Requests 60-day extension. [Same as E-0005.]																										
	Agencies, Diane VanDe Hei; American Water Works Association, Tracy Mehan																													
	water works Association, maty wenan																													
24	Jacob Siegel	Yes		Address climate change, retain public				1																						
25	Susan Chapin	General	_	involvement. Burdens, delay may protect future health,				+	+	+	-				++			+	-			_	+							
	Susan chapin	General		vitality of environment.																										
6	Amer. Soc. of Civil Engineers, Natalie	Extension	1	Requests 60-day extension.																										
7	Mamerow Russell Hodin	Extension		Requests 60 day extension, public forums,					+	+					++								+							
				mail option for commenting.															_			_								
8	Western Urban Water Coalition, Michael	Extension	1	Requests 60-day extension.																										
9	Carlin Marilyn Price	General		Opposed to rollback of NEPA.			-	++	+	++	-				++			++	-				++		-					
0	Patricia Always	General		Preserve the strength of NEPA.																										
1	Elizabeth Tachick	General		We need govt transparency, input on projects.																										
32	Nora Rawn	General		Preserve public comment, consideration of EJ					-									++					++		-					
				communities.																										
33	Dobi Dobroslawa	General		Concerned about possibly weakened NEPA.																										
34	Jeffrey Waggoner	General	-	Leave NEPA alone.			-								++			++	-			-								
85	Andrew Hawkins	General		Retain public comment and involvement.																										
16	Nasreen Hosein	General		Against updates to NEPA.			_		_	++	_							+++	_			_	+		_	-				
	Tim Chapp	General		Update to streamline, but retain EPA and			-	++	+	++									-			-	++							
				state review.																										
	Salt River Project, Kara Montalo Kathy Mohar	Extension	1	Requests 60-day extension. Retain public and other agency involvement					+								-		-			_								
-	internet internet	General		in NEPA process.																										
D	Sarah David	General		Importance of public review.																										
1	Chesapeake Bay Foundation, Alison Prost	Extension	1	Requests 60-day extension.																										
2	Charles Johnson	Yes	1	Recommends NEPA pre-planning approach				1																						
				based on FERC and BLM (cover letter and																										
3	Utility Water Act Group, Karma Brown	Extension	1	paper) Requests 30-day extension															-							+				
	Caigian Cropper	General	-	Prioritize transparency, community input over																										
	Steve Tyler	General		synchronization, efficiency. No rollback.				\square																		—				
	Steve Tyler John Anderson	General Extension		No rollback. Requests 30-day extension.			-	H		++								+								+				
	Beverly Railsback	General		Do not weaken NEPA, requests 90-day				\square																						
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1 2 3	Wanda Hofbauer Green Party of Philadelphia, Chris Robinson	Gen./Extension Gen./Extension		Campaign: similar to 0047																										

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66	George Trovato	Gen./Extension		Campaign: same as 0047	Î	1	Гľ	Π	1				Ĩ			1		1		1	~~^^		111			. none (n provideu)	numers (n providen)	Lik.	
7	Janet Cavallo	Gen./Extension		Campaign: same as 0047																									
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9	Leona and George Fluck	Gen./Extension		Campaign: same as 0047																									
	Hilarie Johnston	Gen./Extension		Campaign: same as 0047																									
71	Debra Mobile	Gen./Extension		Campaign: same as 0047																									
72	Janice Banks	Gen./Extension		Campaign: same as 0047																									
73	Park Furlong	Gen./Extension		Campaign: same as 0047																									
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76	Nicole Rahman	Gen./Extension		Campaign: same as 0047																									
77	Dennis O'Brien	Gen./Extension		Campaign: same as 0047																									
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79	Mr Lombardi	Gen./Extension		Campaign: same as 0047																									
80	karin peklak	Gen./Extension		Campaign: same as 0047																									
81	Ronald Gulla	Gen./Extension	-	Campaign: same as 0047																									
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83	Lorenz Steininger	Gen./Extension		Campaign: same as 0047																					1				
84	Bryn Hammarstrom, RN	Gen./Extension		Campaign: same as 0047																									
85	Jeffrey Laubach	Gen./Extension		Campaign: same as 0047																					1				
86	Lenore Reeves	Gen./Extension		Campaign: same as 0047																									
87	Melvin Czechowski	Gen./Extension		Campaign: same as 0047																									
	Elizabeth Thompson	Gen./Extension		Campaign: same as 0047																									
	David Kagan	Gen./Extension		Campaign: same as 0047																									
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	James Rosenthal	Gen./Extension		Campaign: same as 0047																					1				
	Mary Ann Leitch	Gen./Extension		Campaign: same as 0047																									
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	Rebecca Canright	Gen./Extension		Campaign: same as 0047																									
96	Amy Hansen	Gen./Extension		Campaign: same as 0047																					1				
	Patricia Rossi	Gen./Extension		Campaign: same as 0047																					1				
	Mark Canright	Gen./Extension		Campaign: same as 0047																									
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100	Margaret McGinnis	General		Opposed to weakening NEPA.																									
101	Mark Dodel	Gen./Extension		Campaign: same as 0047																									
	Kathie E Takush	Gen./Extension		Campaign: same as 0047																					-				
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106	Bonnie Stoeckl	Gen./Extension		Campaign: same as 0047		_																			-				
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	Eric Bare	Gen./Extension		Campaign: same as 0047					-		-														-				
128	Christopher Kratzer	Gen./Extension		Opposes revising NEPA; requests 90-day extension																									
420	T	Gen /Extension				-		\vdash	-		-		+										+		-				
	Tom Hoffman			Campaign: same as 0047																			+						
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131	Kelley Scanlon	Gen./Extension		Campaign: same as 0047																			+		-				
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133	William Huston	Gen./Extension		Campaign: same as 0047																			+		-				
	Rob Moore	Gen./Extension		Campaign: same as 0047																					-				
	Susan Babbitt	Gen./Extension		Campaign: same as 0047																									
	Elizabeth A. Roedell	Gen./Extension		Campaign: same as 0047																									
	Steve Troyanovich	Gen./Extension		Campaign: same as 0047																									
	Rosemarie Brenner	Gen./Extension		Campaign: same as 0047																									
	Leslie Sauer	Gen./Extension		Campaign: same as 0047																									
	Sue Harmon	General		Do not change NEPA																									
141	Katie Chapp	Gen./Extension		Consider well-informed remarks, lengthen				L T		T		IT			T				T			T	T						
				comment period.																									
142	Joseph Holmes	General		Do not make any changes (cites all questions).		T			T	T	T	T			T			T	T										
	David Mathews	Yes		Favors changes for efficiency.	1	1		1																	1				
144	MD	General		Preserve environmental stewardship while																					1				
				streamling NEPA.																									
145	Shane Worth	Gen./Extension		Campaign: same as 0047																									
146	Ryan Dodson	Gen./Extension		Campaign: same as 0047																									
	Adam Evring	Gen./Extension		Campaign: same as 0047				\vdash	-		-														1				
	Mara TIPPETT	Gen./Extension		Campaign: same as 0047																									
	Nichole Diamond	Gen./Extension		Campaign: same as 0047				++	-		-																		
149		Gen./Extension		Campaign: same as 0047 Campaign: same as 0047											++										-				
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150	Joshua Fine Bibianna Dussling	Gen./Extension		Campaign: same as 0047																									
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| Organization / Name | In Scope? | | erview/Notable | 1 2 | 34 | 56

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same a 0047 I I Grappic Statum Gen / Extension Campaigr: same a 0047 I I Aron Fumarola Gen / Extension Campaigr: same a 0047 I I Aron Fumarola Gen / Extension Campaigr: same a 0047 I I Pattr Dakoe Gen / Extension Campaigr: same a 0047 I I Pattr Samaton Gen / Extension Campaigr: same a 0047 I I Cand Amaro Gen / Extensio | Laura Mirsky Gen/Extension Campaign: same as 0047 Image: same as 0047 <t< td=""><td>Latz Mrsky Gen/Extension Campaign: same as 0047 Image: Construct of the construct of</td><td>Lara Mirsky Gen, Fetersion Campaign: same as 0047 Image: same as 0047 <t< td=""><td>Larz Mirsly Gen, Extension Campaign: same a 0047 Image: same a 0</td><td>Lara Miray Gen, Ztersion Compage: same as 0047 I<</td><td>Lara Miray Gen, Zetersion Campaign: same as 0047 Image: same as 0047</td><td>Lara Marky Gen, Zetrasion Camage: same a 007 I</td></t<><td>Lara Marky Gen, fastmoon Gen, fastmoon<td>Lara Mary Gen/Lettendo Campaig: same a007 Image: s</td><td></td><td></td><td>Lanz herwigGen/Serror<td>Land 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MarkEmployeeEmployee water 1007Image water 1007<thimage 1007<="" <="" td="" water=""><td>Land MoryGen SummaGen Summa</td><td>Lan May Constrained and Directioned and D</td><td></td><td></td><td></td></thimage></td></td> | Land MorryGen/LetensorCampairs and 2007Mary MachanGen/LetensorGen/LetensorGen/LetensorMary MachanGen/LetensorGen/LetensorGen/LetensorGen/LetensorGen/LetensorGen/LetensorGen/LetensorMary MachanGen/Letensor </td <td></td> <td>Lant MovieGen/RetroitCompany: same at007Image: same at07Image: same</td> <td>Lar MarkEmployeeEmployee water 1007Image water 1007<thimage 1007<="" <="" td="" water=""><td>Land MoryGen SummaGen Summa</td><td>Lan May Constrained and Directioned and D</td><td></td><td></td><td></td></thimage></td> | | Lant MovieGen/RetroitCompany: same at007Image: same at07Image: same | Lar MarkEmployeeEmployee water 1007Image water 1007 <thimage 1007<="" <="" td="" water=""><td>Land MoryGen SummaGen Summa</td><td>Lan May Constrained and Directioned and 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Log	Number of Responses Organization / Name	In Scope?	151 Att.	996 Overview/Notable	34 37 29 3 1 2 3	35 24 4 5	6 7=	7h 7	c 7d	7e 7f	8a 1	8b Rr	8d 84	e 9a	9b 9c	9d 9e	9f q	g 10	11 17	13	14 15	16 1	7 18	19 20	Email (f provided)	Phon	e (if provide	ed)	Δ.	ddress (if	provided)	Zip	Pos	173 sted
228	Aaron Miller	Yes	-	Consider that the resources of agencies that		1		ΤT	ŤŤ		T T			T T			ΤŤ	<u>ה</u> ו		TT				1		, provideo	<i>.</i>		c (ii provide		~	uuress (ii	provided	·	2.10		
				conduct NEPA reviews are low so expediting																																	
				the process will cost the public.																																	
220	Crease States	Canaral	-	Opposed to any shappa in NEDA				++	++			-		++						+				_													
229	Gregory Esteve Craig Wallentine	General General		Opposed to any change in NEPA. Opposed to any change in NEPA unless it is to					+ +			-		++					-	+																	
230	craig wallentille	General		strengthen it. Cites examples in Utah of why																																	
				NEPA is important.																																	
231	Sara Schultz	Gen./Extension		Campaign: similar to 0047																																	
232	The Partnership Project,	Yes	1	Represents 352 organizations; requests at			1																														
	Justin McCarthy			least 60-day extension public forums and mail																																	
				commenting; linked to question 6.																																	
233	Robert Shippee	General	-	Opposed to any change in NEPA unless it is to					+ +																												
233	Nobel Complete	General		strengthen it.																																	
234	Marlene Israel	General		Opposed to any change in NEPA.																																	
235	William Blount	General		Keep NEPA intact.																																	
	Christopher Jannusch	General		Keep NEPA intact.																																	
	Jerre stallcup	General		Keep NEPA intact.				++												+																	
238	Eric Hirst	General		Opposed to weakening NEPA but belives there could be improvements made																																	
239	Michael Kellett	General	-	Opposes changes to NEPA. Problems in					+ +																												
233	Withder Kellett	General		implementation lie in lack of adherence to																																	
				laws and regs.																																	
240	Nicole Quinn	Gen./Extension		Campaign: similar to 0047																																	
241	Andy Puckett	General		Keep NEPA intact.																																	
242	Susan Dixon	Gen./Extension		Campaign: similar to 0047																																	
	Andrew McGrath	Gen./Extension		Campaign: same as 0047							\square																										
244	Barbara Halpern Lynn Koster	Gen./Extension Gen./Extension		Campaign: same as 0047 Campaign: same as 0047																																	
245	David Goebel	Gen./Extension Gen./Extension		Cites reforms needed to aviation. Requests													H		-																		
240		Gen.y Extension		extension of comment period.																																	
	Ben Luccaro	Gen./Extension		Campaign: same as 0047																																	
	Vicki Barg	Gen./Extension		Keep NEPA intact. Requests 90-day extension.																																	
				Describes BLM issues as examples.																																	
_						_		\square			\square	-																									
249	Deborah Kratzer	Gen./Extension		Campaign: same as 0047																																	
250	Lauren Greenawalt Corey White	Gen./Extension General		Campaign: same as 0047 Keep NEPA intact				++	++			_		+			\vdash			+																	
251	Illinois Council of Trout Unlimited,	Gen./Extension	1	Requests at least 60-day extension.															-					-													
2.52	Edward Michael	Gen./ Extension	-	nequests at least ob-day extension.																																	
253	Carl Erdmann	General		Keep NEPA intact.																																	
254	Rush Hardin	General		Opposed to major changes, but minor																																	
			_	changes may be necessary.																																	
255	Ken Gamauf	Gen./Extension		Opposes weakening or revisions of NEPA.																																	
25.6	Susan Meacham	Gen./Extension		Requests 60-day extension. Campaign: similar to 0047								_							_		_			_													
	Cindy Eby	Gen./Extension		Campaign: similar to 0047 Campaign: similar to 0047				++	++					+ +						++																	
258	Minnesota Center for Environmental	Extension	1	Requests at least 60-day extension.																																	
	Advocacy, Eric Lindberg		-	,																																	
259	Amy Harlib	Gen./Extension	-	Campaign: same as 0047																																	
260	Maryland Nonprofits,	Extension	1	Requests 60-day extension. (Pdf and Word																																	
264	Henry Bogdan	See 15 Acres	_	attachments are identical.)															_																		
261	Sarah Gutierrez James Quealy	Gen./Extension Yes		Campaign: same as 0047 Responds to several questions.	1							1									1 1	1		1													
263	E. O'Halloran	Gen./Extension		Do not lesson environmental review, save	1				+ +			1									1 1			-													
205	E. O Hundran	Geni, Extension		NEPA. Requests 60-day extension.																																	
264	Lorraine Gold	Gen./Extension		Campaign: same as 0047																																	
265	Great Basin Water Network,	Extension		Requests 60-day extension.																																	
	Abigail Johnson																																				
266	Caitlin Caldwell	Gen./Extension		Requests longer (unspecified) comment																																	
				period. Complete any environmental studies																																	
				before starting projects, especially for fracking.																																	
267	Claire Nordlie	General		bon't reform NEPA, protect NEPA.							+			+																							
268	Laurie Whittle	Gen./Extension		Requests extension of "response time" from																																	
				30 to 60 days. Keep NEPA intact.																																	
269	Duchesne County, Utah,	Yes	1	Comments on all questions.	1 1 1	1 1	1 1	1 :	1 1	1	1	1	1	1	1 1	1		1 1	1 1	1	1 1	1 1	. 1	1 1													
	Michael Hyde																																				
270	Jonathan Oppenheimer	General		Improve collaborative decisionmaking.							ЦГ																										
271 272	Ben Barnes Katherine Dawes	General General		Doe not support any change or rewrite.							\square						H																				
212	Nationie Dawes	General		(Confusing ANOPR with permitting EO?) Cutting permitting from 3-5 years to 2 would																																	
				undercut thoroughness, cut EPA review																																	
				authority harm env. and public health.																																	
				Opposed to provision making it easier to run																																	
				natural gas piplines through national parks.																																	
						-					\square	-																									
273	Tyler Wean	General		NEPA is important, protects communities,																																	
				considering alternatives is important.																																	
274	Jamie Woody	General		No chage to NEPA.																																	
274	Nathan Miller	General		Be cautious in changing NEPA. CEs should							++																										
				have 10-year expiration date; NEPA violations																																	
				should result in rejection of proposed action;																																	
				don't allow segmentation through CEs.																																	
		_																																			
276	Zachary Smith	General		Keep NEPA protections or make them				ΙĒ	Τ		Ιſ									Ιſ																	
			_	stronger.							11																										
777	For Love of Water (FLOW),	Extension		Requests at least 90-day extension.																																	

10 10 <	Log	Number of Responses Organization / Name	In Scope?	151 996 Att. Overview/Notable	34 37 1 2	3 4	5 6	7a7	7b 7c	7d 7e	7f 8=	8b 8	c 8d 8	e 9a 9	b 9c 9.	d 9e 9	9f 9ø '	10 11	12 13	14 1	5 16	17 18	19 20	mail (if nrow	ided)	Phor	e (if provide	d)	Ad.	dress (if prov	vided)	Zip	Po	oste
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				limit alternatives, extablish hard deadlines, or																														
				limit obligation to consider climate change.																														
	270		E de contra																		++													
	279		Extension	1 Requests at least 60-day extension.																														
10 1000000000000000000000000000000000000	280		Gen./Extension	Campaign: same as 0047																														
Bit Bit <td>281</td> <td>Andrea Nagel</td> <td>General</td> <td></td>	281	Andrea Nagel	General																															
M M </td <td>283</td> <td>Phil Barnette</td> <td>Gen./Extension</td> <td></td>	283	Phil Barnette	Gen./Extension																															
																		_																
	284	Mark Demuth Ronald Parcy				1	1 1		1					1				1	1	1 1			1											
	285	Richard Heisler	General	Keen NEPA intact. Cites an article he wrote											++						++													
10 1<	200	incluire recisier	General	Reep Her Armaer, eres an article ne wrote.		_				_																								
	287	Robert Veltkamp	General	Campaign: similar to 0278																														
Weak																																		
	289	Transportation Agency for Monterey	Yes	1 Comments on two questions. Attachment is	1 1																													
		County, California, Debra Hale		same as text comment, except for contact																														
	290	Michelle Mehlhorn	General	Thankful for CEO.												++					++		-											
Processor Proc																																		
Description Description <thdescription< th=""> <thdescription< th=""></thdescription<></thdescription<>	292	William Howard	General	Purpose of revision is unclear. Opposed to																														
Processor Proc																																		
10 000000000000000000000000000000000000																																		
	293	Anonymous Anonymous	Yes	Responds to several questions.	1 1																													
300 Sector	294	Anonymous Anonymous	res	nesponds to several questions; continuation of 0293			1 1	11	1	1																								
Normal Normal </td <td>295</td> <td>Friends of Milwaukee's Downtown Forest</td> <td>Extension</td> <td></td>	295	Friends of Milwaukee's Downtown Forest	Extension																															
Name		Barbara Richards		citer and a start of the start																														
	296	Anonymous Anonymous	Yes	Responds to several questions; continuation							1	1	. 1	1	L			1 1	1 1	1	1													
	207																					-												
	297	Anonymous Anonymous	Yes																			1	1 1											
	298	Cecelia Phillins	General	Do not weaken NEPA																														
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100 100 </td <td></td>																																		
100 Algonal Algon			General																															
100 <td></td>																																		
	303	Lavaughn Hamblin	Yes	Wants a cumulative impact definition.				++	1									_			+ +													
	504		General	orges screamining, electronic approaches.																														
	305	Anonymous Anonymous	No	[Political, meaning unclear,]																														
	306	jjuyt hytr	No	[Re source of natural gas for Germany]																														
	307	Kay Barrett	General	Retain NEPA as is.																														
	308	Gena Goodman-Campbell																																
	309		Gen./Extension	Requests extension.																														
	210		Gon /Extension	Koop NERA intact and extend comment											+++	++																		
11 alarnic denome General Company: same sizzi a <td>510</td> <td>anonymous anonymous</td> <td>Gen./ Extension</td> <td></td>	510	anonymous anonymous	Gen./ Extension																															
Bit Diriy forwide General Grangenty were and 22 I	311	Gail Harris	General	Campaign: same as 222																														
				Campaign: same as 222																														
151 Sam Gradema Compage Similar 622 Compage S				Campaign: same as 222																														
10 Native Anomono Nee Address source question - applic - appli				Campaign: same as 222																														
Image: Marcine Structure Image:				Addresses several questions - against	1 1	1																	1 1											
317 gends Gends Gruppig: similar 0222 Missis amportance index (reprod. Carring) 1 <td>510</td> <td>Matthew Anonymous</td> <td>165</td> <td></td> <td>1 1</td> <td>1</td> <td></td> <td>1 1</td> <td></td>	510	Matthew Anonymous	165		1 1	1																	1 1											
Image: Solution point in the control of point in the co	317	Leigh Schwarz	General	Campaign: similar to 222; Stresses importance																														
and policy regring exidence about the endowneem that endowneem existing the optimizer. and and <t< td=""><td></td><td></td><td></td><td>of public input.</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>				of public input.																														
Implementation Imple	318	Karen Sinclair	General	Campaign: Similar to 222; retain current																														
Image: Solution late of Congrega: Solution Cong				policy regarding decisions about the																														
319 Concerned citates near direct organizes: Similar to 222 (ces importance or classes similar to 222) (ces importance or classes similar to 222) (ces importance or classes similar to 222) No No <				environment that enforce maximum																														
320 Mark MCGmick General Gmagen: Smilar 6222; ets: importance of company: Smilar 622; ets: importan	319	Concerned citizen in Rend Oregon	General																															
121 Ayeh Fankfurter General Campaign: similar to 222 I <t< td=""><td>320</td><td>Mark McCormick</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>	320	Mark McCormick																																
Anych Frankfurter General Campaign: smilar to 222 I <th< td=""><td></td><td></td><td></td><td>citizens having an equal voice regarding</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></th<>				citizens having an equal voice regarding																														
322 Daryl Loyd General General Ganagian: Similar to 222, stresses importance a <				managing and protecting land.																														
322 Daryl Loyd General General Ganagian: Similar to 222, stresses importance a <							\square																											
328 Feld Shefture General General (mapair): Similar 0.222; stresses importance of public input. N									11																									
Image: Marke Swanson General General General Davi State Marke Swanson General Davi State Marke Swanson Image: Smilar to 222 Image: Smilar to 222 <th< td=""><td>322</td><td>Freda Sherburne</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></th<>	322	Freda Sherburne																																
324 Marka Swanson General Compaign: similar 522 I </td <td>323</td> <td>read Sherburne</td> <td>General</td> <td></td>	323	read Sherburne	General																															
325 self Pokomy General Camaginy: same as 222 a <	324	Marsha Swanson	General	Campaign: Similar to 222																														
326 stephen geroid General Campaign: same a 322 a </td <td>325</td> <td>Jeff Pokorny</td> <td>General</td> <td>Don't change NEPA.</td> <td></td>	325	Jeff Pokorny	General	Don't change NEPA.																														
328 Dana Pope General Campaign: same as 222 I <t< td=""><td>326</td><td>stephen gerould</td><td>General</td><td>Campaign: same as 222</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>	326	stephen gerould	General	Campaign: same as 222																														
329 Hardin King General Campaign: Similar 5222 I	327	Rebeckah Berry	General	Campaign: same as 222																														
30 Bruce Jackson General Onrychange MEPA. I	328	Diana Pope	General	Campaign: same as 222																														
331 Dan Struble General Campaign: same as 222 I <td>329</td> <td>Hardin King</td> <td>General</td> <td>Campaign: Similar to 222</td> <td></td>	329	Hardin King	General	Campaign: Similar to 222																														
332 Debra Rehn No [Re Sindair-Tribune Merger (an FCC docket)] Image: Sindair - Tribune Merger (an F	33,1	Dan Struble	General	Campaign: same as 222																														
33 Noel Plemmons General Campaign: same as 222 I <tdi< td=""> I I I<td>332</td><td>Debra Rehn</td><td></td><td>[Re Sinclair-Tribune Merger (an FCC docket)]</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tdi<>	332	Debra Rehn		[Re Sinclair-Tribune Merger (an FCC docket)]																														
334 Blagen General Campaign: same as 222 a																																		
335 Susan Strible General Campaign: Similar to 222 A	333	Noel Plemmons																																
336 Delvin R. Holland General Our change MEPA. Image: Same as 222 Image: Sam																																		
337 San Diego State University, Roger-Sabbadmi General Campaign: same as 222 a a a a b a a b a b a b a b a	335	Susan Strible		Campaign: Similar to 222																														
Roger-Sabbadini General General Campaign: same as 222 O O O O O O O O O O O O O O O O O				Don't change NEPA.			\square																											
338 Andrea Pellicani General Campaign: same as 222		San Diego State University,	General	campaign: same as 222																														
	557			and the second se																														
339 Sandra Thompson General Campaign: Similar to 222		Andrea Pellicani	General	Campaign: same as 222																														

	Number of Responses		151	996	34 37	7 29 3	35 24	30 1	7 12 1	12 13	7 1	3 12	79	8	10 11	19 12	28	11 8	8 10	17 2	21 2	21 19	14 2	22 20	18	19 24	4 14					173
Log	Organization / Name	In Scope?	Att.	Overview/Notable	1 2	3	45	6 7	a 7b 7	7c 7d	7e 7	/f 8a	8b 8c	8d	8e 9a	9b 9d	c 9d	9e 9	9f 9g	10 :	11 1	12 13	14 :	15 16	5 17	18 19	9 20	Email (if provided)	Phone (if provided)	Address (if provided)	Zip	Posted/Rcd.
341	Kelsey Ward	General		Campaign: same as 222													T															
342	Sandra Mooney	General		Campaign: same as 222																												
343	john costello	General		Campaign: Similar to 222																												
344	David Funk	General		Campaign: Similar to 222																												
345	David Kaiser	General		Campaign: same as 222																												
346	Sharon Evoy	General		Campaign: Similar to 222 (includes the																												
				campaign instructions to past the paragraph																												
				into reg.gov.)																												

Log	Organization / Name	In Scope?	Att.	Overview/Notable	1 2 3														Phone (if provided)	Address (if provided)	Zip	P
	Janeese Jackson	General		Campaign: same as 222																		
	Beth Levin	General		Campaign: Similar to 222			_	_														
	Dorothy Wylie	General		Campaign: Similar to 222														-				
350	James Miller	General		Campaign: Similar to 222; Don't take away																		
				safeguards.																		
351	Christopher Troxell	General		Campaign: same as 222														-				
	Keith Harris	General	-	Campaign: Similar to 222					_	_	_		_					-				
	Pamela Green	General		Campaign: Similar to 222														-				
354	Great Old Broads for Wilderness,	General	-	Campaign: Similar to 222														-				
	Susan Ostlie																					
355	maureen rogers	General		Wants more, strict regulations that protect														-				
555	inducent opera	General		public lands.																		
25.6	Lily Frey	General	-	Campaign: Similar to 222						_			_					-				
	American Citizen	General	-					++								++	++	-				
	Kay Nelson	General	-	Campaign: Similar to 222				++					_					-				
	Walter Kuciei	General	-	Campaign: Similar to 222					_		_	_	_					_				
	David Cooper	General	-	Campaign: Similar to 222									_			++		-				
	David Worley	General	-	Campaign: Similar to 222 Weakening NEPA would negatively affect														_				
501	David Worley			public and scientific input on decisionmaking.																		
				public and scientific input on decisionmaking.																		
262	Bill Smith	General	_	Composing Similar to 222									_					_				
			-	Campaign: Similar to 222				++					_			+	++	_				
	Gary Kish	General		Campaign: Similar to 222				++										-				
	John Richen	General		Campaign: Similar to 222														-				
365	James Davis	General		Campaign: Similar to 222				+					_					-				
366	Margaret Wolf	General		Opposes any changes to NEPA.														-				
367	Kristen Swanson	General		Campaign: Similar to 222				+										_				
	Kevin Brown	General	-	Campaign: Similar to 222														-				
	Christine McKenzie	General		Campaign: Similar to 222																		
	LeeAnn Kriegh	General		Campaign: Similar to 222														-				
	Fuji Kreider	General	_	Campaign: Similar to 222																		
	Pete Sandrock	General		Campaign: Similar to 222														-				
	Joanne Diepenheim	General		Campaign: Similar to 222														_				
374	Environmental Protection Agency,	General		Don't rescind procedural provisions of NEPA.							11	11										
	Rebecca Ramage (likely not accurate)																	_				
	Catherine Williams	General		Campaign: same as 222																		
	Ilan Bubb	General		Do not alter or weaken NEPA.																		
	Mike Farley	General		Campaign: same as 222																		
378	Cindy Thomas	General		Campaign: same as 222																		
379	Steven Haycock	General		Don't change NEPA																		
380	Cheryl Fergeson	General		Campaign: same as 222																		
381	Sandi Cornez	General		Campaign: similar to 222																		
	Craig Loftin	General		Campaign: similar to 222														-				
383	Jane Heisler	General		Campaign: same as 222																		
384	Brad Stevens	General		Campaign: similar to 222																		
385	Annette Ancel-Wisner	General		Wants three tiers of NEPA to remain intact																		
	Derek Gendvil	General		Campaign: same as 222																		
	Kevin Manion	General		Campaign: similar to 222																		
388	Carolyn Eckel	General		Campaign: similar to 222																		
389	rosalind o'donoghue	General		NEPA protects communities.														-				
390	Oregon Natural Desert Association,	General	-	Campaign: same as 222									_				++	-				
	Katie Kelley																					
391	Priscilla Galasso	General		Campaign: similar to 222														-				
392	Tim Brelinski	General	-	Campaign: similar to 222					 			_	_					-				
	Kate Walter	General		Don't diminish NEPA.																		
	Lisa Jones	General	-	Campaign: similar to 222									_					-				
395	Denis Besson	General		Support existing NEPA system.														-				
206	David Regan	General	-	Campaign: similar to 222									_					-				
397	Anonymous Anonymous	General		Public input and thorough planning under									_				-	-				
397	Anonymous Anonymous	General		NEPA are vital.																		
20.9	Martha Ahern	General		NEPA are vital. Campaign: similar to 222		+		++										-				
	John Nettleton	General	-															-				
				Campaign: similar to 222		+++		++										-			0467	
400	Oregon Natural Desert Association,	General		Campaign: similar to 222														-			81631	
401	Linda Watts	Carried	-	Compaigns similar to 222														-			0467-	
401	Oregon Natural Desert Association,	General		Campaign: similar to 222																	81631	1
405	Peter Nunnenkamp			Constant design of the Constant of the Constan				++										-				
	Rick Ray	General	-	Campaign: similar to 222														-				2
403	Judy Merrick	General		Campaign: similar to 222														_				2
404	Seth Hanson	General	-	Campaign: similar to 222									_					_				
405	Tara Miner	General		Campaign: similar to 222																		
406	John Murphy	General		Campaign: similar to 222														_				
407	Anonymous Anonymous	General		Campaign: similar to 222																		
408	Donald Mansfield	General		Campaign: similar to 222																		
	Brian M.	General		Campaign: similar to 222																		
	Brooke Wickham	General		Campaign: similar to 222																		
411	Akila Mosier	General		Opposed to NEPA revisions and House Farm																		
				Bill that would reduce scientific analysis or																		
				public involvement in environmental																		
				decisionmaking.																		
412	Jennifer Goebel	No		[Re preventing government and corporate																		
				overreach]																		
413	Linda Greaves	General		Campaign: similar to 222																		
414	Oregon Natural Desert Association,	General		Campaign: similar to 222																		
	Alan Winter																					
415	George and Frances Alderson	General		Campaign: similar to 222														-				
416	Lynn Norris	General		Campaign: similar to 222														-				
417	Amalie Duvall	General	-	Don't restrict public input.														-				
		General General		Don't restrict public input. Keep NEPA rules are is or strengthen them.														-				
418	Amy Wolfberg	General		NEEPA rules are is or strengthen them.																		
410	Joshua Bleecher Snyder	General		Compaigns similar to 222												++		-				
	Joshua Bleecher Snyder David Beltz	General General		Campaign: similar to 222 Campaign: similar to 222														-				
430			1	Campaign: similar to 222																		
	Allex McDaniel	General		Campaign: similar to 222														-				

	Number of Responses		151		34 3	/ 29	35 2	4 30	17 1	2 12	13	7 13	12 7 9	8 10 1	11 19 1	12 8	11 8	10 17			14 22	20 1	5 15 4		Bharra (14 - 14 - 12	A 44	Zip
Log	Organization / Name	In Scope?	Att.	Overview/Notable	1	2 3	4 :				7d 7	7e 7f			9a 9b 9	9c 9d			11 1	IZ 13	14 15	16 1	/ 18	19 20 Email (if provided)	Phone (if provided)	Address (if provided)	Zip
423	Robert Currie	General		Against weakening NEPA.	44	42			_	-																	
424	Geoff King	General		Campaign: similar to 222	++	+									\rightarrow								+				
425	Gary Landers	General		Campaign: similar to 222																							
	Peggy McConnell	General		Campaign: similar to 222																							
427	Oregon Natural Desert Association, Mackenzie Clark	General		Campaign: similar to 222																							
428	Anonymous Anonymous	Incorrectly posted	1?	Comment 0428 is the FR extension notice.		T		П			H												Π				
429	Douglas Krueger, Citizen of America	General		NEPA works.	++	+																					
430	Kirk Barnes	General	_	Opposed to any change.	+++					-																	
431	PATRICIA KOSKI	General		Same as 430																							
432	Rica Fulton	General	_	Keep intact or improve training, public	++					-					_	_					_						
				outreach, use of scientific information.																							
433	Benton Elliott	General		Don't restrict public input, limit alternatives,																							
				establish hard deadlines for project approval,																							
				or narrow obligations to consider climate impacts.																							
434	Melissa Burke	General		Same as 433																							
435	Steven Dunn	General		Similar to 433																							
436	Suzanne Geraci	General		Same as 433																							
437	Michael Smith	General		Same as 433																							
438	Michele McKay	General		Same as 433																							
439	Richard Stellner	General		Same as 433																							
	Danika EsdenTempski	General		Same as 433																							
	Lisa Olsen	General		Same as 433																							
	M. Bourke	Yes	1	Comments on several questions.	++																						
	satya vayu	General	-	Same as 433	++			1												1							
	louj tgre	No		[Re Germany energy sources]	++																						
445	Lynn Putnam	General		Same as 433	++	+																					
	Eric Downes	Gen./Extension		No change; requests 60-day extension.	++																						
	Marie Dunkle	Extension		Requests 30-day extension.	++	+																					
	Dawn Page	General		Don't use government efficiency claim to	++	-																					
+0		General		allow private gain without oversight.		-1'																					
449	Scott Kaiser	General		Keep NEPA in current form.	++	+			-														++				
449	Jamie Brackman	General		Protect public interests over private, but	++	42				-					++												
+JU	Johne Didekilidi	General		regulatory agencies neeed to be efficient,																							
				accountable, and transparent.		1.1																					
45.4	John Kasaia	C		accountable, and transparent.	+	+			-		++																
451	John Koenig	General	-	Same as 433	44	42				-	+				++				+				++				
452	Anonymous Anonymous	General	-	Environment must come first.	++	+			-	-											-		++				
453	Reva Fabrikant	Gen./Extension		Campaign: same as 0047	44	42																	+				
454	Joel Ban	General	_	Against any changes in NEPA.	+	'										\rightarrow					_		+				
455	Richard Grassetti	General or Yes?		Any changes to NEPA should be to increase its	.5																						
				effectiveness; against limiting public input,																							
				limiting scope or page length.																							
45.0	and a second second	-		Keese MITTA	4	47			-		+																
	ronald strickland	General		Keep NEPA.	++										\rightarrow												
	Phillip Callaway	General		Same as 433	44	42																					
	Minnesota DOT, Nancy Frick	Yes	1	Addresses several questions.		1						1	1								_						
	Kimberly Crihfield	General		Same as 433		4																					
	Elizabeth Greenman	Yes		Addresses several questions.	1	1 1																					
461	Charles Scudder	General		Same as 433; do not weaken in name of																							
				efficiency.																	_						
462	Michael Young	General		Same as 433																							
463	MARTIN KAPLAN	General		Continue without changes.																	-						
	Joseph Merkelbach	General	_	We need intact and robust NEPA.		'															_						
465	Michelle Turner	General		Archaeologist urges protection of																							
				environment and cultural resources; don't		417																					
				restrict public participation, prevent agencies	5																						
				from objecting to plans or proposing																							
				alternatives, limit the role of the EPA to																							
				protect air quality, or otherwise weaken																							
				NEPA.																							
466	Derek Turner	Yes		NEPA should not be weakened for the sake of	<i>f</i> 1					T																	
_				efficiency.																							
	Byron Rendar	General		Same as 433																							
	William Forbes	General		Keep NEPA as is.																							
	Jill Wyatt	General		Same as 433																							
470	Jeremy Wells	Yes		Addresses several questions (without number	a 👘																1	1					
				references). Do not weaken NEPA; involve		1.7																11					
				social scientists to collect data on the		1.7																					
				impacted humans; use environmental		1.7																	11				
				psychology; enhance use of technology for																							
				public involvement.																							
	Suzanne Painter	General		NEPA has worked well. Do not restrict public	++	+																					
471		General		input.																							
471		Yes		Strengthen NEPA.	11	-																					
				and a second second	1																						
471 472	AAMU Community Development	res		Do not change NEPA.	++	+-'				-					-++												
472	AAMU Community Development Corporation, Joseph Lee			Do not thange MLFA.		42				-	-												11				
472 473	AAMU Community Development Corporation, Joseph Lee Martha Bibb	General		NEPA has worked well. Do not contrict mublic																			1 1				
472	AAMU Community Development Corporation, Joseph Lee			NEPA has worked well. Do not restrict public																							
472 473 474	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan	General General		input.																							
472 473 474 475	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker	General General General		input. Support strong NEPA.																							
472 473 474	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan	General General		input.	+				+																		
472 473 474 475 476	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker mark caso	General General General General		input. Support strong NEPA. Protect NEPA, including public involvement.	+																						
472 473 474 475 476	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker	General General General		input. Support strong NEPA.	+																						
472 473 474 475 476 477	AAMU Community Development Corporation, Joseph Lee Martha Babb Deidre Deegan Joan Walker mark caso Greg Lesoine	General General General General General		input. Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency.																							
472 473 474 475 476 476 477 478	AAMU Community Development Corporation, Joseph Lee Martha Bibb Dedire Degan Joan Walker mark caso Greg Lesolne Keith Wetzel	General General General General General General		input. Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency. Don't change NEPA.																							
472 473 474 475 476 477 477 478 479	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General General General General General General		input. Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency. Don't change NEPA. Campaign: same as 278																							
472 473 474 475 476 477 477 478 479	AAMU Community Development Corporation, Joseph Lee Martha Bibb Dedire Degan Joan Walker mark caso Greg Lesolne Keith Wetzel	General General General General General General		Input. Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency. Don't change NEPA. Campaign: same as 278 Reduce/eliminet KOG and Tribal	· · · · · · · · · · · · · · · · · · ·																						
472 473 474 475 476 477 477 478 479	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General General General General General General		input. Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency. Don't change NEPA. Campaign: same as 278 Reduce/eliminate NGO and Tribal involvement, increase coordination with local																							
472 473 474 475 476 477 477 478 479	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General General General General General General		Input: Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency. Don't change NEPA. Campaign: same as 278 Reduce/eliminate KOG and Tribal involvement, increase coordination with local jurvicidicions, announce comment periods in																							
472 473 474 475 476 477 477 478 479	AAMU Community Development Corporation, Joseph Lee Martha Bibb Deidre Deegan Joan Walker mark caso Greg Lesoine Keith Wetzel Mary Ann Jasper	General General General General General General General		input. Support strong NEPA. Protect NEPA, including public involvement. Don't undermine NEPA for sake of efficiency. Don't change NEPA. Campaign: same as 278 Reduce/eliminate NGO and Tribal involvement, increase coordination with local																							

Log	Number of Responses Organization / Name	In Scope?	151 996 Att. Overview/Notable	34 37 29 35 24 30 17 12 12 13 7 13 12 7 9 1 2 3 4 5 6 7a 7b 7c 7d 7e 7f 8a 8b 8c			Phone (if provided)	Address (if provided)	Zip
481	Virginia Department of Transportation,	Yes	1 Revoke the CEQ regulations. Make one			1 1 1 1 1 1			
	Stephen Brich		agency responsible for all environmental decisions.						
482	Federated Indians of Graton Rancheria, Christine Siojo	Yes	1 2 comments on tribal rights.	1		1			
483	Morgan Gratz-Weiser	General	Campaign: same as 278						
484	Sarah Meitl	Yes	Don't weaken flexibility in NEPA (by requiring	g 1 1 .					
407			substitution for 106 review.						
485	Kathleen Roche	Yes	 Create NEPA clearing house for public info b location, etc. Word and pdf attachments 	y 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1			
			station, etc. word and pur attachments						
486	Caroline Skinner	General	Campaign: same as 278						
487	Stacy Green	General General	Campaign: same as 278						
466	Samuel Lowry Michele May	General	Campaign: same as 278 Campaign: same as ??? (Look before you lea	p					
			set)						
490	Nia Payne Kate Hogan	General General	Do not rewrite NEPA. Keep NEPA intact and extend comment						
			periods for better public involvement.						
492	Don Stephens	General	Campaign: same as 278						
493	Leiana Beyer Greg Warren	Yes Yes	Addresses several questions. Addresses several questions.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1				
495	Levi Loria	Yes	1 Addresses several questions.						
496	Emily Cleath	General	Campaign: similar to 0222.						
	Glenna Silvan	General	Characterizes possible revision as attempt to						
498	Alaska Institute for Justice, Robin Bronen	Yes	weaken NEPA. Makes recommendations with respect to	1 1 1					
			community relocation.						
499	mike hobbs	Gen./Extension	Leave NEPA intact. Requests at least 90-day						
500	John MacFarlane	Yes	extension. Addresses several questions. Opposes						
			weakening NEPA.						
501	Greater Fort Worth Sierra Club,	Yes	Addresses several questions. Opposes	1 1 1 1 1 1					
502	John MacFarlane Pauline Reetz	Gen./Extension	weakening NEPA. Same as 500. Don't limit NEPA comment periods, and						
502		can, extension	requests 60-day extension of ANOPR						
			comment period.						
503	Stephen Singleton Connie Lippert	General	Protect NEPA. Don't reduce public input.						
505	Wyoming Stock Growers Association, Jim	Yes	1 Responds to several questions.			1			
	Magagna								
506 507	Carol Todd Jamestown S'Klallam Tribe (WA),	General Yes	Don't change NEPA 1 Consult early and support tribal capacity to			1			
507	Jamestown S'Klallam Tribe (WA), Robert Knapp	res	 Consult early and support tribal capacity to participate. Requests unspecified additional 						
			time to respond to other questions.						
508	Seattle Housing Authority, Beka Smith	Yes	1 Responds to several questions. [Word			1 1			
			attachment same as docket form.]						
509	Elizabeth Purcell	General	NEPA gives people a voice. Leave NEPA alon	e.					
510	kljh 4rew	No	[Re urban environmental conditions]						
511	Anonymous Anonymous	Yes	Responds to several questions.	1 1 1 1 1 1 1 1 1 1 1		1 1 1 1			
512	Kathy Bremer	General	Urges against weakening NEPA and respond	5					
513	National Butterfly Center,	General	"no change" to all questions. Leave NEPA alone.						
	Marianna Wright								
514	Brad White	Yes	Same as 470. Addresses several questions (without number references). Do not weake			1 1			
			NEPA; involve social scientists to collect dat						
			on the impacted humans; use environmenta						
			psychology; enhance use of technology for						
			public involvement.						
515	San Francisco Municipal Transportation	Yes	1 Makes recommendations on Q4 (1501.8,			1			
	Agency, Edward Reiskin, Director of		1502.7), Q16 (1506.2), and 3 definitions also						
	Transportation		relevant to Q7b (1508.8), Q2 (1508.13), Q12 (1508.38) (Consider addressing in provide						
			(1508.28). (Consider addressing in procedur instead of definitions.)						
516	April Hersey	General	Don't change NEPA in way that reduces pub involvement.	ic					
517	Thlopthlocco Tribal Town, Terry Clouthier,	Yes	Involvement. Responds to several questions.			1 1			
	тнро								
518	Anonymous Anonymous	General	Confusion over extension date. Don't chang NEPA regulations.						
519	Zachary Klehr	Yes	Don't weaken NEPA protections, public			1 1			
			outreach.						
	Shelby Reeder	Yes	 Responds to several questions. Word and pu files are identical. 	f 1 1 1 1 1 1	1 1 1				
520	David Ortman	Yes	1 Attaches his 2001 NEPA NEWS article on EIS						
			standard: "complete analysis," not						
			"reasonably thorough discussion."						
521	Anon Anon	Vor							
521 522	Anon Anon	Yes	Brief responses to 2, 3, 6, 10; for others, current text is adequate.						
521	Anon Anon	Yes	current text is adequate. At end of comment, states that she is saying	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1			
521 522			current text is adequate. At end of comment, states that she is saying no to all questions and does not believe NEI	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1			
521 522	Terra Lewis Arizona Game and Fish Department,	Yes	current text is adequate. At end of comment, states that she is saying	1 1 <td></td> <td>1 1 1 1 1 1</td> <td></td> <td></td> <td></td>		1 1 1 1 1 1			
521 522 523 524	Terra Lewis Arizona Game and Fish Department, Clayton Crowder		Current text is adequate. At end of comment, states that she is saying no to all questions and does not believe NEI should be changed Answers several questions 1	A 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1			
521 522 523	Terra Lewis Arizona Game and Fish Department,	Yes	current text is adequate. At end of comment, states that she is saying no to all questions and does not believe NEI should be changed	A 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1				

107	Number of Responses Organization / Name	In Scope?	151 996 Att. Overview/Notable	34 37 29 35 24 30 17 12 12 13 14 12 12 14 12 12 14 12 13 14 15 16 7a 7b 7c 7d 7e 7f 8a 8a 8a 9a 9b 9d 9g 10 11 12 13 14 15 16 17 18 19 20 Email (if provided) Phone (if provided) Address (if provided) Zip Provided
Log 527	Anastacia Marx de Salcedo	Yes	1 Answered a few questions.	1 2 3 4 5 6 7 8 76 76 76 77 8 8 80 86 88 94 90 95 90 95 90 95 91 91 11 12 13 4 15 16 17 18 19 20 Email (in provideo) Mone (in provideo) Address (in provideo) 20 Pr
528			Supports idea laid out in EO 13807 and	
	-		recommends that NEPA should reflect the	
			categorical exemptions set forth by CEQA.	
			They are interested in discussing this further	
	Bay Planning Coalition, Brianne Riley	Yes	1 with CEQ officials.	
529			Requests that tribes are not a part of the	
			general public in documentation as a general comment and answers several questions in	
	Shoshone Bannock Tribes, Christina Cutler	Yes	1 the ANPRM directly.	
530	Timothy Lavallee	Yes	1 Answers several questions.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
531	cheryl noncarrow	General	Campaign: same as 278	
532	Cheyenne and Arapaho Tribes, Micah		Answers several questions.	
	Looper	Yes	1	
533	1000		Cites changes that should occur to the HUD	
			Community Planning and Development	
			evironmental officer review process. Not sure	
	Culture for Physics	No?	if this is something covered by the ANPRM.	
534	Catherine Pharis	No?	1 1 Internal server error appears	
535	John Toung		Answers several questions.	
333	Portland Housing Bureau, Emily Benoit	Yes	1	
536	Frank Phillip Davis	Yes	Answers several questions	
	Frank Phillip Davis	Yes	Answers several questions	
538			Requests a 60-day extension.	
	Northwest Indian Fisheries Commission,			
	Alice Johnstone	Gen./Extension	1	
539			Believes that EO 13807 and the ANPRM have	
			the goal of reducing environmental review times for infrastructure projects without	
	Blue Ridge Environmental Defense League,		demonstrating any need to do so. Criticizes	
	Louis Zeller	General	1 parts of the EO.	
540	North Cascades Conservation Council,		Contains lines from campaign 278 and	
	David Fluharty	Yes	1 answers several questions	
541	Montgomery County Quiet Skies Coalition,		Answers several questions.	
	Gretchen Gaston	Yes	1	
542	Douglas Fenner	General	Do not change NEPA.	
543			First, states that making chnages to NEPA	
			without a CEQ is a violation; then answers	
544	Micah Brodsky Micah Brodsky	Yes	question 1.	
544	Micah Brodsky	Yes Yes	Answers several questions Answers several questions	
545	Emily Johnson	General	Campaign: similar to 278	
547		General	Encourage use of scientific data to back up	
			alternatives and maintain the obligation to	
			respond to public comment.	
	Rhett Diessner	General		
548	Kathy Bowman		?	
	Leslie O'Neil Sue House	General General	Campaign: similar to 278	
	Sue House Beverly Boyce	General	Campaign: similar to 278	
	Laurie Warhurst	General	Don't change NEPA. Campaign: similar to 278	
	Kermit Heid	General	Don't change NEPA.	
554	Susan DeFeo	General	Leave NEPA alone.	
	HB Welsh	General	Keep NEPA intact.	
556	1.0		Re: Equal Access to Justice Act and wildfires in	
_	njhm weds	No	California	
557	nick burns Trisha Gill	General	Don't change NEPA.	
558	rick baird	General General	Don't change NEPA. Don't change NEPA.	
560	William Ingalls	General	Don't change NEPA.	
561	Stanley Holmes	General	Don't change NEPA.	
562	Randal Klein	General	Don't diminish NEPA requirements.	
563	Chris Amrhein	General	Don't change NEPA.	
564			Do not limit public involvement in NEPA	
	Veronica Egan Dave and Sue Click, Dave and Sue Click	General	process.	
	Dave and Sue Click, Dave and Sue Click JoAnn Stoddard	General General	Don't change NEPA.	
566 567	John Stoudard	General	Supports NEPA as it is. Maintain the public in the NEPA process and	
507			Maintain the public in the NEPA process and any chnges should make sure that decisions	
	robert hugie		are based on science.	
	Carolyn Shelton	General	Don't change NEPA.	
568		General	Answers several questions.	1 1
569	Ben Burdett			
569 570	Ben Burdett JaNel VanDenBerghe	General	Don't deregulate policies.	
569 570 571	Ben Burdett	General General	Don't change NEPA	
569 570 571 572	Ben Burdett JaNel VanDenBerghe	General	Don't change NEPA Campaign re: immigration considerations	
569 570 571	Ben Burdett JaNel VanDenBerghe	General		
569 570 571 572 573	Ben Burdett JaNel VanDenBerghe Vaid Reynolds Priscilla Atwell Priscilla Atwell	General General No No	Don't change NEPA Campaign re: immigration considerations Another campaign re: immigration considerations	
569 570 571 572 573 574	Ben Burdett JaNel VanDenBerghe Vaid Reynolds Priscilla Atwell Priscilla Atwell	General	Don't change NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	
569 570 571 572 573	Jen Burdett Jahel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Bowen	General General No No	Don't change NEPA Campaign re: immigration considerations Another campaign re: immigration considerations	
569 570 571 572 573 574 575	Ben Burdett Jahel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Roven James Ruiz, democratic environmentalists	General General No No	Don't change NEPA Compaign re: immigration considerations Another campaign re: immigration considerations Same as 573 Same as 572	
569 570 571 572 573 574 575 576	Ben Burdett Jankel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Bowen James Rouz, democratic environmentalists Martin Segel	General General No No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: Immigration considerations Same as 573 Same as 572 Same as 573	
569 570 571 572 573 574 575 576 577	Ben Burdett Jahel VanDenBerghe Waid Reynolds Friscilla Atwell James Roven James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt	General General No No No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: immigration considerations Same as 573 Same as 573 Same as 573	
569 570 571 572 573 574 575 576 577 578	Ben Burdett Jahel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Rowen James Rowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden	General General No No No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: Immigration considerations Same as 573 Same as 572 Same as 573	
569 570 571 572 573 574 575 576 577 578 579	Ben Burdett Jahel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuller	General General No No No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration Same as 573	
569 570 571 572 573 574 575 576 577 578 577 578 579 580 581	Ben Burdett Jahel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuller Janet Fotos John Roush	General General No No No No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	
569 570 571 572 573 574 575 576 577 578 579 580 581 582	Ben Burdett Jahel VanDenBerghe Waid Reynolds Priscilla Atwell Priscilla Atwell James Roven James Ruiz, democratic environmentalists Marchi Seigel Keith Valencourt Greg Golden eric biemuller Janet Fotos John Roush Damon Hooten	General General No No No No No No No No No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	
569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 583	Ben Burdett Janlei VanDenBerghe Waid Reynolds Friscilla Atwell James Bowen James Roiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric biemuller Janet Fotos John Roush Damon Hooten	General General General No No No	Don't charge NEPA Campaign re: Immigration considerations Another campaign re: Immigration considerations Same as 573	
569 570 571 572 573 574 575 576 577 576 577 578 579 580 581 582 583 584	Ben Burdett Jankel VanDenBerghe Waid Reynolds Priscilla Akwell James Bowen James Ruiz, democratic environmentalists Martin Seigel Keith Valencourt Greg Golden eric bienuller Janet Fotos John Rouch Damon Hooten Arthur Kissel Jennfer Wittinger	General General General No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573 Same as 573	
569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585	Ben Burdett Jahel VanDenBerghe Waid Reynolds Friscila Atwell Iames Bowen James Rokel Martin Seigel Keith Valencourt Greg Golden eric biemuller Janet Fotos John Roush Damon Hooten Jenner Wittlinger Francis Furmaek	General General General No No No	Don't charge NEPA Campaign re: immigration considerations Another campaign re: immigration considerations Same as 573	

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Organization / Norma	In Scope?	Att. Overview/Notable 1 2 3 4 5 6 7a 7b 7c 7d 7e 7f 8a 8b 8c 8d 8e 9a 9b 9c 9d 9e 9f 9g 10 11 12 13 14 15 16 17 18 19 20 Email (if provided) Phone (if provided) Address (if provided)	Zip
Leo Goriss	No	Same as 573	
James Reynolds	No	Same as 572	
Lawrence Newlin	No	Same as 573	
Michael Pilsner	No	Same as 573	
jeffrey hogg	No	Same as 573	
Anonymous Ananymous	No	Same as 573	
George Miller	No	Same as 572	
Scott Newton	No	Similar to 573	
Judy Ratliff	No	Re: immigration	
Ronald Everett	No	Ive: ming auton	
Robin Somerville, Somerville	NO	Re: immigration	
Environmental	No	re. mmigration	
	No		
Katharine Dupre	No	Re-immigration	
a.l. Ortiz Garland Schnack		Similar to 572 and 573	
	No	Same as 573	
DEAN HUNKELE	No	Re southern border wall	
jm fay	No	Re: immigration	
William Merrell	No	Same as 573	
		The federal government should not be	
Werner Alber	General	involved; only the states.	
Jeffery Walke	No	Re: immigration	
		Belives that we should follow the CEQ's Belive	
Stephen Taus	General	provisions.	
Stephen Pulliam	No	Same as 573	
albert clark	No	Same as 572	
Linda Anonymous	No	Re: immigration	
Oudrey Wilson	No	Re: EPA	
John Rohe	No	Re: EIS requirements for immigration	
Mary Davidson	No	Similar to 573	
Carolyn Porys	No	Same as 573	
Jeremy Beck	No	Similar to 573	
Stuart Reynolds	No	Re: immigration	
Carrie Soltay	No	Same as 573	
Robert French, Adecco	No	Same as 573	
Paul Alexander, NumbersUSA	No	Same as 573 a la l	
Albert Kennedy	No	Similar to 573	
Robert Finkle	No	Same as 573	
David Luck	No	Same as 573	
Jan Williams	Yes?		
John Gvorffy	No	Same as 573	
Karen Finkle	No	Same as 572	
Claude Gilbert, NumbersUSA	No	Same as 5/3	
anonymous anonymous	No	Same as 5/3	
Marshall Richards	No		
Bart Henkle	No		
		Re: immigration	
Gerald Hardesty	No		
Beverly Rigsby	No	Same as 573	
William Patrick	No	Reimmigration	
J Bruce Gabriel	No	Similar to 573	
Anonymous Citizen	No	Same as 573	
terry spahr	No	Same as 573	
Steve Lanard	No	Re: immigration	
anonymous anonymous	No	Same as 572	
Sofia Byrne	No	Same as 572	
Paul Alexander, NumbersUSA	No	Same as 573	
Richard Miller	No	Similar to 573	
Tim Aaronson	No	Same as 573	
John Byrne	No	Same as 573	
Christine Hayes	No	Re: immigration	
Bruice C PerrymanPHD	No	Re: immigration	
John LaFever	No	Re: immigration	
John Braund	No	Re immigration	
Karen Alstrup	No	Similar to 572	
Curt Bartrug	No	Same as 573	
Vic Anderson	No	Re: immigration	
Pamela Opdyke, Regulations.gov	No	Re: immigration	
Elaine Mehigen	No	Ne. Immigration	
AM Brown	No		
Bryan Stewart	No	Same as 573	
Robert Emerick			
Karin Anderson	No	Same as 573 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	
Karin Anderson	No	Re: overpopulation	
Paul Hanson	No		
Dennis Andersen, NumbersUSA	No	Recimingation	
Sandra Mathes	No	Re: immigration	
Carol Reid	No	Same as 573	
Nicki Howerton	No	Same as 573	
Michael Harris	No	Similar to 573	
CYNTHIA OCONNELL	No	Re: immigration	
Ray Harney	No	Same as 573	
Abraham Kofman	No	Same as 573	
Cornelius Gerst, Personal	No	Re: study impact of growing population	
elizabeth comer	No	Re: immigration	
Jim Reznik	No	Same as 572	
		"All CEC/NEPA proposed regulations should a large larg	
Anonymous Anonymous, NumbersUSA	General	be implemented"	
Gregory Moses	No	Game as 5/3	
Janice Jones, Numbersusa	No	Re: southern border wall	
James Heide	No	Ne: Southern Bodroer Wall	
Chuck O'Reilly	No		
Wayne Smyly	No	Similar to 573	
Con: Frederick			
	No	Same as 573	
Gary Frederick Frances Raley	No	Re: immigration	

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og Organization / Name 77 Benjamin Watson	In Scope? Att. Overview/Notable				13 14 15 16 17 18 19 20 Email (if provide	ed) Phone (if provided) Address (if provided)	Zip Poste
77 Benjamin Watson	No Same as 572						
78 David L. Casey 79 Jonathan Eden	No Re: immigration No Similar to 572						
80 MM Spevack	No Re: immigration						
81 Randolph Hughes	No Same as 572						
82 Ronald Goodden	No Similar to 573						
83 Debra Pope	No Re: immigration						
84 Greg Raven	No Same as 572		+++++++++++++++++++++++++++++++++++++++				
85 Greg Raven	No Same as 573						
i86 Leslie Anchors	No Same as 573						
87 Flower Fox	No Re: immigration						
88 Delrita Jungnitsch	No Same as 573						
89 Jean Campbell	No Re: immigration						
90 James Bullock	No Re: immigration						
91 Hugh Latham	No Same as 572						
92 Elaine T.	No Re: immigration						
93 Gaylord Yost	No Same as 573						
94 Charles Starr	No Same as 572		+++++++++++++++++++++++++++++++++++++++				
95 Douglas Kennedy 96 Sandra Witt	No Same as 573						
96 Sandra Witt 97 Dan Hart, NumbersUSA	No Same as 573		+++++++++++++++++++++++++++++++++++++++				
98 Roy Buckridge	No Same as 573						
198 Roy Buckridge	No Same as 572 No Same as 573						
99 Laura Cruz 100 Aaron Thoroman	No Same as 573 No Same as 572						
01 Al Olson	No Same as 572						
02 Patricia Shank	No Re: immigration						
03 Timothy Conway	No Re: immigration						
04 Kenneth Pasternack	No Similar to 573						
05	Re: immigration						
Anonymous Anonymous, Numbers USA	No						
106 Allan Dredge	No Same as 573						
107 Larry Davis	No Re: immigration						
'08 Scott Kelley	No Re: immigration						
'09 David Way	No Same as 573						
10 Linda Siefert, Numbers USA	No Re: immigration						
11 Evelyn Mills, n/a	No Re: immigration						
12 John Berger	No Same as 573						
13 Charles Sigars, Self	No Same as 573						
14 Rick Gluck	No Same as 573						
15 Linda Daugherty, - None - 16 Daniel Davis	No Re: immigration No Same as 572						
16 Dame Davis 17 Richard Tavano, Numbers USA	No Same as 572 No Re: population growth control		+++++++++++++++++++++++++++++++++++++++				
18 Steven Cox	No Same as 573		+++++++++++++++++++++++++++++++++++++++	****			
19 Anonymous Anonymous	No Same as 572						
20 Kirsten Leman	No Same as 573						
21 Jerry Pringle	No Same as 573						
22 RAYMOND DOMINGUEZ	No Same as 573		+++++++++++++++++++++++++++++++++++++++				
23 Ronald Sobchik	No Similar to 573						
24 Edward Fatton	No Re: overpopulation						
25 Lois Alice	No Re: immigration						
26 Richard Mixon	No Similar to 573						
27 Carol Farr	No Same as 573						
28 J. A. McSwain	No Same as 572						
29 Debi Wagner	General Offers suggestions for the regulat	ions					
30 Mike Hoban 31 Sabrina Wells	No Similar to 572						
31 Sabrina Wells 32 Stanley Chappell	No Same as 573 No Same as 572						
32 Stanley Chappell 33 Susan Werkheiser							
33 Susan werkneiser 34 Jeannette Wilkins	No Re: immigration No Same as 573		+++++++++++++++++++++++++++++++++++++++				
35 Roger Hamilton	No Same as 573						
36 Richard W. Firth	No Same as 572		+++++++++++++++++++++++++++++++++++++++				
137 Robert Brueggeman	No Same as 572						
38 Jeffery Fain	No Same as 573		+++++++++++++++++++++++++++++++++++++++				
39 Milton Horst	No Same as 573						
40 Mark Wakeford	No Same as 573						
41 Derek Anderson	General Revisions to NEPA should be mini						
42 Donna Casas	No Similar to 573						
43	Re: immigration (commented the	same					
Paul Hanson	No 1 response earlier 656)						
44 Michael Miller	General Same as 433						
45 Donald Woods	No Re: immigration						
46 james holleny	No Similar to 573						
47 Gary Conley 48 CHARLOTTE BELDEN, IMMIGRATION	No Same as 572						
	No Re: immigration		+++++++++++++++++++++++++++++++++++++++				
49 Jordan Duncan	No Same as 573		++++++++++				
50 Leslie Wilder, Acs, cleaning service	No Re: cleaning bathrooms No Same as 572		+++++++++++++++++++++++++++++++++++++++				
51 John Neal 52 Ronald Shine	No Same as 572 No Re: southern border wall						
52 Ronald Shipe 53 Dave Root	No Re: southern border wall No Re: immigration		+++++++++++++++++++++++++++++++++++++++				
153 Dave Root 154 T Cameron, Numbers USA	No Re: immigration No Same as 573		+++++++++++++++++++++++++++++++++++++++				
154 I cameroli, Numbers 05A	No Same as 573 No Re: immigration						
756 Letitia Ann Desiardins	No Re: immigration		+++++++++++++++++++++++++++++++++++++++				
57 RAMIRO SANCHEZ	No Re: Immigration No Same as 572						
57 RAWING SANCHEZ 58 clyde sawyer	No Same as 572 No Same as 572		+++++++++++++++++++++++++++++++++++++++				
759 Stan Kaconas	No Same as 572 No Same as 573						
'60 Gary Lanford	No Same as 573		+++++++++++++++++++++++++++++++++++++++				
761 Donald Wise	NO Same as 573 No Same as 573						
62 Veronica Reimann	No Re: immigration		+++++++++++++++++++++++++++++++++++++++		* * * * * * * * * *		
763 roger chenoweth	General?		+++++++++++++++++++++++++++++++++++++++				
764 Dorothy Duda	No Re: immigration						
	No Same as 573						
65 Anonymous Anonymous							
765 Anonymous Anonymous 766 Carol Stevens	No Same as 573						

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	ames Thurman	No	Similar to 572		
59 V	incent Lasak	No	Re: immigration		
70 C	ampbell Taylor, Jr.	No	Same as 573		
71 C	harles Roscoe	No	Similar to 573		
71 0	ohn Mullin		Similar to 375		
72 JC		No	Same as 572		
73 A	nthony Coluccio	No	Same as 573		
774 R	OBERT CARROLL	No	Same as 572		
775 R	ebecca Nelson	No	Same as 573		
776 Ya	ancey Summerour, Numbers USA	No	Same as 573		
777 Le	eslie Ross	No	Re: immigration		
778 N	Aacky Patton	No	Re: immigration		
	on von Leden	No	Same as 572		
	Volfgang Gielisch, Citizens who care	No	Re: immigration		
	larry Lenhart, Company	No	Re: immigration		
	obert M. Stuendel	No	Same as 573		
	abriel Gardner				
		No	Same as 573		
	ale Breidenbach	No	Re: immigration		
	Villiam Aiello	No	Re: immigration		
	d Pelton, ME	No	Re: immigration		
787 W	Villard Duffey, Sr	No	Same as 573		
788 D	liane Janovyak	No	Same as 573		
789 5	ylvia Keiser	No	Same as 572		
789 S	ihm edfs	No	Re: Venezuelan Lake Maracaibo		
	ICHARD STERNBERG	No	Re: immigration		
792 R	obert Mandarino	No	Re: immigration		
793 W	Villiam Parker	No	Same as 572		
794 Je	ean Dibble	No	Same as 573		
795 El	llen Tate	No	Similar to 573		
796 R	andle Sink	No	Same as 573		
797			The current act and procedural provisions		
	nnelie Menzies	General	should be left alone.		
	andra Gray	No	Same as 573		
798 B	rian Schutsky	No	Same as 573		
	Vennis Siebers	No	Same as 573		
	arry Hutson	No	Similar to 572		
	amey Brandon	No	Similar to 573		
803 Ji		No	Same as 573		
804 A	nonymous Anonymous	No	Same as 573		
805 N	leil Connolly	No	Same as 573		
806 N	Aichael Paige	No	Same as 573		
807 SI	ue Merriner	No	Re: immigration		
808 N	Aartha Patton	No	Similar to 573		
000 1	en Burkhead	No	Similar to 375		
809 10	lena Charvat		Re: immigration		
810 D		No	Re: immigration		
811 R	ussell Cave	No	Same as 572		
	Natthew Russell	No	Same as 573		
813			Benefits of EISs and EA outweigh risks of		
A	my Mills	General	weakening and amending NEPA		
814 B	yron Kilbourne	No	Same as 573		
815 St	teven Freise	No	Same as 573		
	ryon Karow	No	Re: immigration		
	dward Bagnell	No	Same as 572		
010 5	dward Bagnell	No	Same as 573		
	Jianne Glass	Ne	Similar to 573		
		NO			
820 N	Aarilyn Griffin, Year	No	Re: immigration		
821 R	ICHARD MARINO	No	Same as 572		
822 Ja	ane Miller	No	Similar to 572		
	nonymous anonymous	No	Same as 572		
824 D	ennis Larson	No	Re: immigration		
825 La	arry Huber	No	Same as 573		
826	ity of Phoenix Aviation Department		internal error message		
	ordan Feld		1	A	
827 W	Villiam Vaello	No	Fama as 572		
			Same as 572		
828 Ja	ames Johnston	No	Same as 573		
829 Jo	ohn Duntley	No	Same as 573		
830 D	Ion England	No	Same as 573		
831 R	OBERT STOKELY	No	Re: immigration		
832 D	ave Auger	No	Re: immigration		
833 H	loward Norton	No	Similar to 572		
834 A	Ibert Simpson, Retired	No	Similar to 573		
	rthur Lang	No	Re: immigration		
836 N	Aichael Schmulbach	No	Same as 573		
836 IV 837 T.	5	No	Same as 573 Similar to 572		
037 1.	. S Aatt van Wersch	No			
838 N	nati van Wersch	No	Same as 572		
	INSMAN xkxkzk, republicans	No	Re: immigration		
	on Oliphant	No	Same as 573		
841			NEPA should not be changed because making		
			it more efficient would lessen the public's		
	my Brunvand	General	voice in decisions.		
	iene Adams	No	Same as 573		
	usan White	No	Same as 573		
	usan White lawid Shall	No			
844 D		NO	Same as 572		
	Nark Schuster	No	Same as 572		
845 N	Aarlene Drozd	No	Re: immigration		
846 N	Barry Gurdin	No	Same as 573		
846 N		No	Same as 572		
846 N 847 J.		No	Same as 572		
846 N 847 J. 848 N	Aargaret Sullivan				
846 N 847 J. 848 N 849 B	oyd Lieberman	NO	C		
846 N 847 J. 848 N 849 B 850 G	oyd Lieberman ARY MILLS	NO	Same as 572 and 573		
846 N 847 J. 848 N 849 B 850 G 851 N	oyd Lieberman GRY MILLS Aichael Harding	N0 N0 N0	Same as 572 and 573 Re: immigration		
846 N 847 J. 848 N 849 B 850 G 851 N 852 C	oyd Lieberman GRY MILLS Michael Harding hristine Love	No No No	Same as 572 and 573 Re: immigration Re: immigration		
846 M 847 J. 848 M 849 B 850 G 851 M 852 C 853 C	oyd Lieberman GRY MILLS Aichael Harding	NO NO NO General	Same as 572 and 573 Re: immigration		

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856	Russell Sias Greg Serbon	No	Re: immigration	
858	Greet Hockin	No Yes	Same as 572 Answers no to all guestions answered.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Bruce Gordon	No	Same as 573	
860	Renata Richardson	No	Same as 573	
	Carl Estes	No	Same as 573	
	Donald O'Neill, United States of America	No	Re: immigration	
	Victoria Griffin	No	Same as 573 Same as 573	
	Lana Kelley Ann Johnson	General	NEPA should not be changed.	
	Brian Leeson	No	Same as 573	
	Samantha Carlson	No	Same as 573	
868	Michael DelMedico	No	Re: immigration	
869	Chuck Sawyer	No	Same as 572	
	Jeffrey Davis	No	Same as 573	
8/1	Jeffery and Rhonda Hendricks Dawn Dyer	No General	Re: immigration Similar to 0047	
873	John Nelligan	No	Re: immigration	
874	Annonymous Annonymous	No	Same as 572	
875	Denis Hogan	No	Same as 573	
876	Vito Giotta	No	Same as 573	
	Ray Maust	No	Re: immigration	
	Jerry Irwin	No General	Same as 573 NEPA should not be changed unless it makes	
879		General	NEPA should not be changed unless it makes more strict environmental protections.	
	Niki Vogt		more strict environmental protections.	
880	Richard Brotzman	No	Similar to 573	
881	Marion John La Violette	No	Same as 573	
	Rusty La Violette	No	Same as 572	
	Don Smith	No	Same as 573	
884	John Barger Ravi Sharma	General No	Same as 0278 Same as 572	
886	Judy Brandon	No	Re: immigration	
887	Paul and Katherine Malchiodi	No	Same as 573	
888	Steven Bukovitz	No	Re: immigration	
	Diane Pyburn	No	Same as 573	
890	Ed Pelton, CGFD	No	Re: immigration	
891	Darrell Kuhn	No	Same as 573	
892	Robert Moore, Concerned citizen Dwight Greenhill	No	Same as 572 Same as 573	
	David E Harkey Jr. NumbersUSA	No	Same as 573	
	Debra Walston	No	Same as 573	
896	Carl Hockett	No	Same as 573	
	Richard Pelto, Personal	No	Re: immigration	
	JOHN JOHNJANATA	No	Re: immigration	
899 900	Richard Reece	No	Same as 572	
900	John A. DeVierno, DOTs of ID, MT, ND, SD a	Yes	1	
	Mr.Paul Sedlewicz	No	Same as 573	
903	Gregory LeBlanc	No	Re: land use	
904		General	Keep NEPA intact. Cites 4 points regarding	
	Patricia Jarozynski		important aspects of NEPA.	
	Michelle Breinholt	General	Do not change NEPA.	
906 907	George Sai-Halasz Jeanette Rost	No No	Similar to 572 Re: overpopulation	
908	Jeanette Kost	General	Similar to 904. Opposes the ANOPR and cites	
			specific parts of NEPA that she supports.	
	Jennifer Hiebert			
909	Anonymous Anonymous	No	Similar to 572	
910	Amy Cherko	Yes	Answers several questions.	1 1
911	Joel Barnes	General	Similar to 904.	
912	Kris Pagenkopf Amy Harlib	General General	Similar to 904 Similar to 904	
913	, sity flattio	General	Keep NEPA intact. Cites importance of public	
			review and the indication of environmental	
			consequences and outcomes of proposed	
			actions and alternatives.	
	Judith Smith			
915 916	Nay Warren	General	Re: need for protection of environment Keep NEPA as it is. Believes NEPA is already	
510		Genelal	streamlined and changing it will result in lost	
			jobs and threaten environmental protection.	
	Andrea Martin			
917		General	Similar to 904. Keep NEPA intact. Cites	
			complaint about 60-day comment period	
010	Robert Rutkowski	Constant	length. Similar to 904	
	Deb Fritzler Gary Mercado	General General	Similar to 904 Keep NEPA intact.	
920	Julia Thollaug	General	Similar to 904.	
921	Richard Watkins	No	Re: immigration	
922	Sherman Stephens	General	Similar to 904.	
923	Elizabeth Gifford	General	Similar to 904.	
924		General	Keep NEPA as it is. Cites importance of public	
	Ken Loehlein		comments and evaluation of environmental	
075	Ken Loehlein Gina Lee	General	impacts. Keep NEPA intact.	
925	Unia Lee	General No	Re: science consideration in policy decisions	
320	Robert Leggett	DVI	inc. science consideration in policy decisions	
	Patricia Always	General	Similar to 904.	
927	Patricia Always			
	Susan Peirce, grand canyon trust	General	Similar to 904.	
928 929	Susan Peirce, grand canyon trust Tania Malven	General	Do not change NEPA.	
928 929 930	Susan Peirce, grand canyon trust			

og Organization / Name	In 2000	151 996	34 37 29 35 24 30 17 12 12 13 7 13 12 7			Address (if you that)	Zia Dest
Organization / Name Tricia Egger, Grand Canyon Trust	In Scope?	Att. Overview/Notable	1 2 3 4 5 6 7a 7b 7c 7d 7e 7f 8a 8b			Address (if provided)	Zip Post
2 Tricia Egger, Grand Canyon Trust	General	Do not weken environmental laws					
3 STEVEN HANDWERKER	General	Protect the environment					
34 Gary Hartung, Numbers USA	No	Re: immigration					
35 Susan Meyer	General	Similar to 904.					
136 Ivy L.	General	Supports NEPA					
37 James Kirks	General	Similar to 904.					
38 April Atwood	General	Similar to 904.					
39 Dona LaSchiava	General	Opposes any changes to NEPA.					
40 Dawn Kosec	General	Same as 904?					
41	General	Believes NEPA should be maintained and					
Robert Lippman		strengthened.					
42 Homer Blackelk, The EcoHawk Foundatio	on No	Re: ????					
43 Tim Wernette, Grand Canyon Trust	General	Don't gut NEPA.					
44 Melissa McCool	No	Same as 573.					
45	General	Simialr to 904 (might be separate campaign	15.				
Susan Fleming		Look through again)					
46 Bradley Carr, Numbers USA	No	Same as 573					
47 Evelyn Giliam	No	Same as 573					
48 Robert B. Kaplan	General	Similar to 0278					
Martin Diedrich	General	Keep NEPA intact					
50 Cynthia Tatlock	No	Same as 572					
151 Phyllis Coley	General	NEPA should not be changed.					
IS2 David Rudin	General	Similar to 904					
53 kenneth silver	No	Same as 573					
154 Helen Mitas	General	Do not weaken NEPA.					
55 David Gjestson	General	Keep NEPA intact.					
IS6 Gordon Lind	General	Keep NEPA intact					
57 VERNON MATHERN	General	Same as 904					
I58 Jerry Reynolds	No	Same as 573					
159 Lydia Garvey	General	Similar to 904.					
60 Anonymous Anonymous	No	Re: immigration					
61 Paula Denissen	No	Re: protecting land					
I62 Irene Hamilton	General	Keep NEPA in place.					
163 Kimi Wei	General	Keep NEPA as it is and do not weaken it.					
64 Sheldon Rourck	General	Similar to 904					
165 Robin Patten	General	Similar to 904					
166 Lesa Skarlot	General	Preserve NEPA as it is.					
167 E Alexander	No	Similar to 572					
68 E. James Nedeau	General	Simialr to 904					
69 Andrea Wasserman	General	Protect NEPA					
70 Tanya Lysenko	No	Same as 573					
71 Paul Sorensen	No	Re: immigration					
72 Karen Preece	No	Same as 573					
73 TERRY MCNEIL	No	Same as 572					
74 Art Hanson	General	Same as 904					
75 Robert Kvaas	General	Do not weaken NEPA.					
76 qq	General	Keep NEPA as it is.					
77 Pat Beauchamp	No	Similar to 573					
78 Bill Davis	General	Do not change NEPA.					
79 Alice Simpson	General	NEPA should not be changed					
180 Naomi Zurcher	General	Support the existing NEPA. Cites concern					
		about oil industry.					
81 David Adams	General	Same as 904					
82 Laurie Welsh	General	Similar to 904					
83	General	Similar to 904. Does not want NEPA to					
Clint McKnight		change.					
84 Kirk Rhoads	General	Similar to 904.					
85 Sheila Smith, Grand Canyon Trust	General	Similar to 904.					
86 Jon Higley	No	Same as 573.					
87 Ron Cammel	General	Maintain and strengthen NEPA					
88 Karl Shaddock	General	Similar to 904			<u>_</u>		
89 Dona Walston	General	NEPA should not be changed.					
90 Steve Tyler	General	Leave NEPA as it is.			- + - i		
91 S. Stark 92 Lonna Richmond	General	Protect and sustain current NEPA.					
	General	Similar to 904.					
93 Lai Ubberud	No	Same as 573					
94 Brian Swanson	General	Leave NEPA alone.					
95 Steven Ald 96 Pamela Gilbert	General	Re: immigration Keep NEPA intact					
	General	Keep NEPA intact. Similar to 573					
97 W.J. Van Ry 98 Norman Black	No	Similar to 573 Same as 572					
198 Norman Black 199 Bobbi Beck	General	Same as 572 Similar to 904					
199 Bobbi Beck DOD Robert Miller	General	Similar to 904 Keep NEPA intact					
DOU Robert Miller DO1 Melody Kiley	General	Keep NEPA intact.					
DO1 Melody Kiley DO2 Laura Saxe							
	General	Similar to 904					
003 Melissa Miller 004 Bill Fogg							
005 Robert Keim							
006 Brien Brennan	_						
007 Al Kisner							
008 Lucinda Stafford	_						
009 tom horton							
D10 Carolyn Sweeney							
011 Anonymous Anonymous, Middle Class C	itizens						
D12 Susan Greiner							
D13 JENNIFER MALIK							
D14 Katherine McCoy							
015 Robert Hicks							
016 Lawrence Rupp							
017 Jack M.							
018 Charles Sloan							
019 Don Hammond							
020 Shari Hirst							

Number of Responses		151	996	34 37	29 35 2	4 30 17	7 12 1	2 13 7 13 1	12 7 9	8 10 1	1 19 12	8 11 8	10 17 21 21	19 14	1 22 20	0 18 19	24 14	and the second			
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Laura Cotts																					
Ilene Lofgren																					
Cynthia Ramirez																		-			
Patti Packer, US citizen																		-			
Lisa Rutherford										+ + +	+++							-			
Jane Myers Jerry Rand																		-			
Kathryn Lemoine							++				++++							-			
Rivko Knox											++++										
B Buttazoni		1									++++					-		-			
Doris LONG		-																			
Anne Pitkin											++++							-			
Jerel McDonald																					
Paul VANVOROUS																					
Shawn Martin																					
James Tripp, Environmental Defense Fund		1																			
Michael Strieby																					
Maya Abela																					
Dan Struble																					
Edward Mosimann																					
Denise Martini																					
Fred Johnson											+++							-			
Thomas Keys David Nevin																		-			
Lisa Foster							++				+++										
warwick hansell											+++							-			
Dan Struble											+++							-			
Kevin Brown											+++										
M.A. Kruse, ONDA																					
Sherrie Shown																					
carol popp																		1			
Danika Esden-Tempski																		1			
C. A. Glock-Jackson																					
Lisa Swinney																					
Michele Frisella																					
Paul West																					
C.E. Watson																					
Vicky Kramer																					
Kim Morton																					
Duressa Pujat																					
vfgb wsed											444										
yvonne del rossi Alice Hall																++-					
lim Zola, HAND							+++	++++			++++				++-	++-		-			
Robert Voorhees																++					
Wanda Ballentine											++++							-			
Bruce Higgins											++++										
Peggy-Jean Powell											++++							-			
J Blagen																					
Peter Auster		1																-			
Kathleen Nalley																					
Bromwell Ault																					
vfb wsed																					
maureen rogers																					
Susan Morgan																					
Gary Beverly																					
Anne McGuffey																					
Lisa Winters																					
Phil Francis, Coalition to Protect America's N		1									+++										
Christine Raczka, Port Gamble S'Klallam Trib	e	1									+++							-			
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NEPA Process:

- 1 Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization **decisions involving multiple agencies** are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
- 2 Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of e nvironmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
- 3 Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

Scope of NEPA Review:

- 4 Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?
- 5 Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents **better focus on significant issues** that are relevant and useful to decisionmakers and the public, and if so, how?
- 6 Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
- 7 Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
- 7a Major Federal Action;
- 7b Effects;
- 7c Cumulative Impact;
- 7d Significantly;
- 7e Scope; and
- 7f Other NEPA terms.
- 8 Should any **new definitions** of key NEPA terms, such as those noted below, be added, and if so, which terms?
- 8a Alternatives;
- 8b Purpose and Need;
- 8c Reasonably Foreseeable;
- 8d Trivial Violation; and
- 8e Other NEPA terms.
- 9 Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
- 9a Notice of Intent;
- 9b Categorical Exclusions Documentation;
- 9c Environmental Assessments;
- 9d Findings of No Significant Impact;
- 9e Environmental Impact Statements;
- 9f Records of Decision; and
- 9g Supplements.
- 10 Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
- 11 Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
- 12 Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
- 13 Should the provisions in CEQ's NEPA regulations relating to the appropriate **range of alternatives** in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

General:

- 14 Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
- 15 Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
- 16 Are there additional ways CEQ's NEPA regulations should be revised to promote **coordination of environmental review and authorization decisions**, such as combining NEPA analysis and other decision documents, and if so, how?
- 17 Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?
- 18 Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?
- 19 Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces **unnecessary burdens and delays** as much as possible, and if so, how?
- 20 Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

ECCR Forum Meeting Summary - July 2018

From:	Courtney Owen <owen@udall.gov></owen@udall.gov>
To:	jarnes g. vanness. civ@mail.mil, leila.afzal@noaa.gov, felicia.alexander@dot.gov, lbaker@blm.gov, krystyna.bednarczyk@dot.gov, elisabeth.blaug@ferc.gov, a1bobo@blm.gov, "Boling, Ted A. EOP/CEQ" [1)(3) tery.l.bowers14.civ@mail.mil, wilkiam.bresnick@dhs.gov, briskin.jeanne@epa.gov, matilda.brodnax@fema.gov, hal.e.cardwell@usace.army.mil, andreal.carson@usace.army.mil, fclark@fs.fed.us, patricia.r.collins6.civ@mail.mil, amy.coyle@dot.gov, michelle.degrandi@va.gov, jeff.dillen@noaa.gov, bdigiaco@doc.gov, "Drummond, Michael R. EOP/CEQ" 101(6) (avid_emmerson@ios.doi.gov, aervin@usaid.gov, myles.flint@usdoj.gov, "Gamache, Christopher D. EOP/OMB" 101(6) jgartlan@fmc.gov, james.gavin@dot.gov, andrea.geiger@navy.mil, shahram.ghasemian@hq.doe.gov, gilbert.susan.j@dol.gov, victoria.c.gliner.civ@mail.mil, agoldhor@fs.fed.us, elena_gonzalez@ios.doi.gov, aegoode@fs.fed.us, susan_goodwin@ios.doi.gov, carrie.greco@us.army.mil, courtney.l.greenley@usace.army.mil, william_e_hall@ios.doi.gov, karen.hanley@gsa.gov, jennifer.hass@hq.dhs.gov, "Hathaway, Kyle W. EOP/OMB" 101(6) 1 acqueline.holmes@ferc.gov, chumphre@blm.gov, chumphre@blm.gov, joshua.huwritZ@ferc.gov, aman_hussain@ios.doi.gov, cyan.r.james.ctr@mail.mil, craig.jensen@navy.mil, catherine.johnson7@va.gov, garima_joshi@fema.dhs.gov, judy.kaleta@ost.dot.gov, aesace.army.mil, steve.leathery@noaa.gov, melissa.leibman2@usdoj.gov, amanda.myers@navy.mil, tauren Nutter snutter@udall.gov>, matica.mckenna@usdoj.gov, peter.mcveigh@usdoj.gov, steve.kokkinakis@noaa.gov, marki.nk@osdgc.osd.mil, jifeuref@blm.gov, patrica.mckenna@usdoj.gov, peter.mcveigh@usdoj.gov, steven.kokkinakis@noaa.gov, marki.nk@osdgc.osd.mil, jifeuref@blm.gov, patrica.mckenna@usdoj.gov, peter.mcveigh@usdoj.gov, steven.miller@hq.doe.gov, amanda.myers@navy.mil, Lauren Nutter snutter qudall.gov>, matirkew.oakes@usdoj.gov, rebecca.odell@gsa.gov, joen.olmstead@nrc.gov, "Bussow, Mark A. EOP/OMB" 101(6) janet.pfleeger@gsa.gov, joen.olmstead@nrc.gov, "Bussow, Mark A. EOP/OMB" 101(6) janet.pfleeger@gsa.gov, joen.
	mezameyo@gmail.com, colleen.vaughn@dot.gov, karen.a.white54.civ@mail.mil, beverty.whitehead@hq.doe.gov, cynthia.j.wood@usace.army.mil
Cc:	Institute Staff <institutestaff@udall.gov></institutestaff@udall.gov>
Date:	Thu, 02 Aug 2018 17:29:27 -0400
Attachment s:	2018-14821.pdf (212.33 kB); CEQ NEPA Regulations ANPRM (pre-publication).pdf (161.5 kB); MOU-One-Federal-Decision-m-18-13-Part-2-1.pdf (1.85 MB); CPCX-The Story-Very Brief2b.pdf (127.59 kB); ECCR Forum Meeting Summary_July 2018.docx (30.17 kB)

Hello ECCR Forum,

Please find the attached ECCR Forum Meeting Summary from July 24, 2018 for your review. Additionally, the following documents referenced in the notes are attached:

- The CEQ ANPRM
- The ANPRM comment extension
- The One Federal Decision MOU
- USACE's Internal ECCR Document

Let us know if you have any concerns or comments. Thank you!

Best, Courtney

Courtney Owen

Program Associate U.S. Institute for Environmental Conflict Resolution MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION 1825 K Street NW, Suite 701, Washington, DC 20006

Tel: 202.540.1040 ~ Fax: 202.540.1044 Email: <u>owen@udall.gov</u> Website: <u>>www.udall.gov</u><



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This document is scheduled to be published in the Federal Register on 07/11/2018 and available online at https://federalregister.gov/d/2018-14821, and on FDsys.gov

[3225-F8-P]

COUNCIL ON ENVIRONMENTAL QUALITY 40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508 [Docket No. CEQ-2018-0001] RIN: 0331-AA03 Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

AGENCY: Council on Environmental Quality (CEQ).

ACTION: Advance Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: On June 20, 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." The CEQ is extending the comment period on the ANPRM, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. The CEQ is making this change in response to public requests for an extension of the comment period.

DATES: Comments should be submitted on or before August 20, 2018.

ADDRESSES: Submit your comments, identified by docket identification number CEQ-2018-0001 through the Federal eRulemaking portal at https://www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments

Page 1 of 3

cannot be edited or removed from https://www.regulations.gov. CEQ may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (e.g., audio, video) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Comments may also be submitted by mail. Send your comments to: Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503, Attn: Docket No. CEQ-2018-0001.

FOR FURTHER INFORMATION CONTACT: Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395–5750.

SUPPLEMENTARY INFORMATION: On June 20, 2018, CEQ published an ANPRM titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" in the *Federal Register* (83 FR 28591). The original deadline to submit comments was July 20, 2018. This action extends the comment period for 31 days to ensure the public has sufficient time to review and comment on the ANPRM. Written comments should be submitted on or before August 20, 2018.

Mary B. Neumayr,

Page 2 of 3

Chief of Staff, Council on Environmental Quality.

[FR Doc. 2018-14821 Filed: 7/10/2018 8:45 am; Publication Date: 7/11/2018]

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This document is scheduled to be published in the Federal Register on 06/20/2018 and available online at https://federalregister.gov/d/2018-13246, and on FDsys.gov

[3225-F8]

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508 [Docket No. CEQ-2018-0001] RIN: 0331-AA03 Update to the Regulations for Implementing the Procedural Provisions of the

National Environmental Policy Act

AGENCY: Council on Environmental Quality (CEQ).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

DATES: Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at https://www.regulations.gov. Follow the online instructions for submitting comments.

Page 1 of 7

FOR FURTHER INFORMATION CONTACT: Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395–5750.

SUPPLEMENTARY INFORMATION:

I. Background

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that "it is the continuing policy of the Federal Government, in cooperation with State 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 foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, "Protection and Enhancement of Environmental Quality" (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue "guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act." CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), "Relating to Protection and Enhancement of Environmental Quality," which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of

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NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (CEQ's NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the "worst case" analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects." 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

II. Request for Comment

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

NEPA Process:

Page 3 of 7

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- Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
- 2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
- 3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

Scope of NEPA Review:

- 4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?
- 5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?
- 6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
- 7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
 - a. Major Federal Action;
 - b. Effects;

Page 4 of 7
- c. Cumulative Impact;
- d. Significantly;
- e. Scope; and
- f. Other NEPA terms.
- 8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
 - a. Alternatives;
 - b. Purpose and Need;
 - c. Reasonably Foreseeable;
 - d. Trivial Violation; and
 - e. Other NEPA terms.
- 9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
 - a. Notice of Intent;
 - b. Categorical Exclusions Documentation;
 - c. Environmental Assessments;
 - d. Findings of No Significant Impact;
 - e. Environmental Impact Statements;
 - f. Records of Decision; and
 - g. Supplements.
- 10. Should the provisions in CEQ's NEPA regulations relating to the timing of

agency action be revised, and if so, how?

Page 5 of 7

- 11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
- 12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
- 13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

General:

- 14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
- 15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
- 16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?
- 17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?
- 18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

Page 6 of 7

- 19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?
- 20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

III. Statutory and Executive Order Reviews

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

Chief of Staff, Council on Environmental Quality. [FR Doc. 2018-13246 Filed: 6/19/2018 8:45 am; Publication Date: 6/20/2018]

Page 7 of 7

RE: Yesterday's OFD meeting

From :	"Knight, Kelly" <knight.kelly@epa.gov></knight.kelly@epa.gov>
To:	"Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6)
Date:	Thu, 02 Aug 2018 10:20:59 -0400
l plan to	be on the call. (b) (5)
Sent: Th To: Knig ⊲(b) (6)	oling, Ted A. EOP/CEQ [mailto <mark>(b) (6)</mark> nursday, August 2, 2018 10:04 AM ht, Kelly <knight.kelly@epa.gov>; Drummond, Michael R. EOP/CEQ RE: Yesterday's OFD meeting</knight.kelly@epa.gov>
(b) (5)	
Let's dis	cuss this next Monday. Are you going to be available?
Sent: Th To: Bolin ⊲(b) (6)	night, Kelly < <u>knight.kelly@epa.gov</u> > nursday, August 2, 2018 9:44 AM ng, Ted A. EOP/CEQ < <mark>(b) (6)</mark> Drummond, Michael R. EOP/CEQ Yesterday's OFD meeting
Ted/Mic	chael,
(b) (5)	
Thanks	
	ight •, NEPA Compliance Division mental Protection Agency

202-564-2141 (office)

RE: Yesterday's OFD meeting

From "Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group : (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

To: "Knight, Kelly" <knight.kelly@epa.gov>, "Drummond, Michael R. EOP/CEQ"

Date: Thu, 02 Aug 2018 10:03:31 -0400

(b) (5) Let's discuss this next Monday. Are you going to be available? From: Knight, Kelly <knight.kelly@epa.gov> Sent: Thursday, August 2, 2018 9:44 AM To: Boling, Ted A. EOP/CEQ <(b) (6) Characteristic for the second second

Subject: Yesterday's OFD meeting

Ted/Michael,

b) (5)	

Thanks

Kelly Knight Director, NEPA Compliance Division Environmental Protection Agency 202-564-2141 (office) (b) (6) (cell)

NEPA Task Force Summaries

From:	"Upchurch, Sara H. EOP/CEQ" < <mark>(b) (6)</mark>	
То:	"Boling, Ted A. EOP/CEQ" <mark>(b) (6)</mark> R. EOP/CEQ" < <mark>(b) (6)</mark> EOP/CEQ" < <mark>(b) (6)</mark>	"Drummond, Michael "Mansoor, Yardena M.
Date:	Mon, 06 Aug 2018 15:04:01 -0400	
Attachment s:	Summary - NEPA Task Forces.docx (17.16 kB)	

All – I took a little time to flesh out the summary Yardena produced of the CEQ NEPA Task Force recommendations, as well as to summarize the recommendations produced by the House Resources Committee a few years later (see attached). Thought this could serve as a quick reference on these two major NEPA review efforts from the not-so-distant past as the way-forward on ANPRM comments are discussed. Looks like some common themes between the two include:

Guidance on programmatic analyses, cumulative impacts, and mitigation and monitoring
Interagency collaboration and public participation

Otherwise, looks like the two studies had different perspectives on NEPA update needs.

I didn't cross-reference these recommendations with the 20 questions in the ANPRM, but could dig into that if that would be helpful or do some additional historical research. Please let me know if there is another need I could address for this effort.

~ Sara

Sara Upchurch Deputy Associate Director for NEPA Executive Office of the President Council on Environmental Quality (b) (6) [CEQ cell]

CEQ075FY18150_000010791

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Two rough drafts

From:	"Loyola, Mario A. EOP/CEQ" <mark>(b) (6)</mark>
To:	"Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark>
Date:	Wed, 08 Aug 2018 13:21:00 -0400
Attachment s:	Preamble Skeleton - Proposed Rule - CEQ Regulation Amendment v3.docx (55.39 kB); Big items.docx (13.9 kB)

Looking forward to comments!

Mario Loyola Associate Director, Regulatory Reform White House Council on Environmental Quality (o) (b) (6) | (c) (b) (6)



CEQ075FY18150_000010782





00005



RE: Minutes

From: "Barnett, Steven W. EOP/CEQ" < (b) (6) To: "Szabo, Aaron L. EOP/CEQ" < (b) (6) Date: Fri, 10 Aug 2018 12:42:34 -0400 Attachment s: CEQ NEPA Implementing Regulation Working Group 8.7.2018_CLEAN COPY.docx (26.01 kB)			
Date: Fri, 10 Aug 2018 12:42:34 -0400 Attachment CEQ NEPA Implementing Regulation Working Group 8.7.2018_CLEAN COPY.docx	From:	"Bamett, Steven W. EOP/CEQ" ⊲(b) (6)	
Attachment CEQ NEPA Implementing Regulation Working Group 8.7.2018_CLEAN COPY.docx	То:	"Szabo, Aaron L. EOP/CEQ" <(b) (6)	
	Date:	Fri, 10 Aug 2018 12:42:34 -0400	

Sure. See attached.

From: Szabo, Aaron L. EOP/CEQ Sent: Friday, August 10, 2018 12:36 PM To: Barnett, Steven W. EOP/CEQ <(b) (6) Subject: RE: Minutes

Let's hold off on that. Can you send me back a clean version first?

From: Barnett, Steven W. EOP/CEQ Sent: Friday, August 10, 2018 12:35 PM To: Szabo, Aaron L. EOP/CEQ < (b) (6) Subject: RE: Minutes

Thanks for the edits. All makes sense to me. Shall I circulate to the Working Group?

From: Szabo, Aaron L. EOP/CEQ Sent: Friday, August 10, 2018 12:31 PM To: Barnett, Steven W. EOP/CEQ <(b) (6) Subject: RE: Minutes

Looks good. My suggestions in RLSO. Let me know if you would like to chat about it.

From: Barnett, Steven W. EOP/CEQ Sent: Friday, August 10, 2018 10:38 AM To: Szabo, Aaron L. EOP/CEQ <(b) (6) Subject: Minutes

Sorry about the delay on these-in the future, I'll shoot for EOB Wednesday.

In the Do Outs, I have in my notes that Mario and Ted will present a list of ideas, but on the next page I wrote that the entire team will come with a list. Do you recall what we decided there?

After your review, let me know if there's changes you'd like me to make to format or content going forward. Thanks.

Steven

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CEQ NEPA Implementing Regulation Working Group

Meeting Minutes

Date: August 7, 2018

Time: 4:00 PM

Present: Aaron Szabo, Ted Boling, Viktoria Seale, Dan Schneider, Mario Loyola, Michael Drummond, Katherine Smith, Yardena Mansoor, Steven Barnett, Tom Sharp



CEQ075FY18150_000011238

RE: CEQ NEPA ANPRM - Update to the Regulations and for Implementing the Procedural Provisions of NEPA

From:	"Owen, Gib A CIV USARMY HQDA ASA CW (US)" <gib.a.owen.civ@mail.mil></gib.a.owen.civ@mail.mil>
To:	"Drummond, Michael R. EOP/CEQ" < (b) (6)
Cc:	"Boling, Ted A. EOP/CEQ" <(b) (6)
Date:	Mon, 13 Aug 2018 16:38:06 -0400
Attachments	smime.p7m (120.91 kB)

Mike

I will be in the office tomorrow until \sim 1000. I need to head to the airport around 1000. Glad to have a call before that time. I can set up a few of the HQ folks to be on the call if you all want to pick a time.

Gib

-----Original Message-----From: Drummond, Michael R. EOP/CEQ [mailto(b) (6) Sent: Monday, August 13, 2018 4:21 PM To: Owen, Gib A CIV USARMY HQDA ASA CW (US) <gib.a.owen.civ@mail.mil> Cc: Boling, Ted A. EOP/CEQ <(b) (6) Subject: RE: CEQ NEPA ANPRM - Update to the Regulations and for Implementing the Procedural Provisions of NEPA

Gib,

Thanks for your note. Since CEQ has not yet developed a proposed rule (and may choose not to develop one at all), I can't answer your question as to what CEQ is intending to do. That said, you and your colleagues raise some interesting points that are worth discussing. Do you have time tomorrow morning for me and Ted to give you a ring?

Thanks,

Michael

Michael Drummond Deputy Associate Director for NEPA Council on Environmental Quality (b) (6)

----Original Message-----

From: Owen, Gib A CIV USARMY HQDA ASA CW (US) <gib.a.owen.civ@mail.mil> Sent: Thursday, August 9, 2018 3:49 PM

To: Drummond, Michael R. EOP/CEQ <(b) (6)

Cc: Boling, Ted A. EOP/CEQ <(b) (6) Subject: CEQ NEPA ANPRM - Update to the Regulations and for Implementing the Procedural Provisions of NEPA

Mike (b) (5)		

Gib

Gib Owen Water Resources Policy & Legislation Office of the Assistant Secretary of the Army for Civil Works Pentagon Washington DC gib.a.owen.civ@mail.mil 703 695 4641 - Office (b) (6) - Cell ><((((°>`·.,..·´`·.,..><((((°>`·.,..·´`·.,..><((((°>

(5) (5)	 	
(b) (5)		






















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Draft response letter to Sen. Carper (follow up to QFRs)

From:	"Pettigrew, Theresa L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=579eb754b4c34f0e8e46d1fb4cd708d7-pe">
То:	"Lai, Joseph G. EOP/WHO" <(b) (6) "Brooke, Francis J. EOP/WHO" <(b) (6) "Leggitt, Lance B. EOP/WHO" <(b) (6) "Collins, Rachel E. EOP/WHO" <(b) (6)
Cc:	"Moran, John S. EOP/WHO" ⊲(b) (6)
Date:	Wed, 15 Aug 2018 16:20:54 -0400
Attachment s:	08.03.17 Senator Carper to Neumayr CEQ Follow-up Letter.pdf (679.21 kB); DRAFT Response to Senator Carper letter - 081518 version.docx (62.22 kB)

Hello,

Attached please find a letter that Sen. Carper sent to Mary with additional questions and her draft response letter. Please review and let me know of any concerns or suggested edits. Our goal is to get the letter out late tomorrow, if possible.

Thank you for taking a look.

Sincerely,

Theresa

Theresa L. Pettigrew Associate Director for Legislative Affairs Council on Environmental Quality (b) (6) (direct)

JOHN BARRASSO, WYOMING, CHARMAN

JAMES M. INHOFE, OKLAHOMA SHELLEY MOORE CAPITO, WEST VIRGINIA DOWN BOOZMAN, ARKANSAS ROCER, WICKER, MISSISPI SHELDON WHITHOUSE, RHODE ISLAND DEB FISCHER, NEERASKA

DEB FISCHEF, NEBRASKA JEFF MERICLEY, OREGON JITREY MORAN, KANSAS KIRSTEN GILLIBRAND, NEW YORK MIKE ROUNDS, SOUTH DAKOTA CORY A BOOKER NEW JERSEY JONI ERNST. JOWA JON SULLIVAN, ALASKA EDWARD J. MARKEY, MASSACHJSETTS DAN SULLIVAN, ALASKA TAMMAY DUCKWORTH ILLINOIS RICHARD SHELBY, ALABAMA CHRIS YAN HOLLEN, MARYLAND JEFF MERKLEY, OREGON KIRSTEN GILLIBRAND, NEW YORK

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR MARY IRANCES REPKO, MINORITY STAFF DIRECTOR



August 3, 2018

Ms. Mary Neumayr Chief of Staff Council on Environmental Quality 730 Jackson Place NW Washington DC 20503

Dear Ms. Neumayr,

Thank you for taking the time to talk with several members of my EPW Committee staff and me earlier this week about your nomination to be Chair of the Council on Environmental Quality (CEQ). As I mentioned in our conversation and reiterated at the Senate Committee on Environment and Public Works' (EPW) business meeting on Wednesday, I was disappointed by several of your responses to my questions for the record, which kept me from supporting your nomination in committee. I am writing today to give you another opportunity to answer these questions and to highlight several areas where I hope you can commit to working with my staff and me.

As you know, the Chair of CEQ has enormous responsibility to advocate within the Executive Office of the President and throughout the federal government for environmental protections and to use his or her judgement to evaluate the impact that all major Federal actions will have on our environment. That includes ensuring that the National Environmental Protection Act (NEPA) is implemented in a manner that protects vulnerable resources. To fill this critical role, I believe anyone who is nominated to serve as Chair of CEQ must show that she or he will make the environment a priority, not an afterthought.

After your July 19, 2018 confirmation hearing, my colleagues and I asked for additional responses from you on a variety of topics as part of the questions for the hearing record. I was surprised at the content of these responses, as I felt you did a good job answering questions during the actual hearing. I understand that you were facing short timeframes to provide written responses before the business meeting this week, therefore I would like to ask you again to review the following questions and provide more fulsome responses, which my colleagues and I will consider prior to a floor vote. These questions are fairly straightforward:

Do you agree that for the vast majority of highway projects, NEPA approvals do not constitute a significant burden? (Q7)

PRINTED ON RECYCLED PAPER
- Do you agree with the conclusions from non-partisan government entities such as the Government Accountability Office and Congressional Research Service, as well as academia and private studies, all of which indicate that the primary causes of project and permitting delay are not related to the NEPA process? (Q11)
- When CEQ undertook regulatory reviews in 1978, 1981, 1985, and 1997, it held public meetings to solicit additional input of private citizens and stakeholders, whether for the release of studies, guidance, or regulations. Please submit responses to each sub-part of our questions regarding additional public input should CEQ move forward with a Notice of Proposed Rulemaking. (Q15)
- At the roundtable on FAST-41 provisions of the FAST Act that was held on June 27, 2018, several members of the Senate and your staff, citing CEQ, said that FAST-41 has saved a billion dollars. Would you please present <u>documentation</u> supporting that assertion? (Q21)
- NOAA reported this year that extreme weather events have cost our nation more than \$425 billion over the past five years. It will be your responsibility to help prepare the American public for the grave challenges of climate change and to provide tools that communities can use to protect themselves and increase their resilience to flooding and other disasters. In your answers, you've failed to answer what, if any, role you personally had in revoking the resiliency Executive Orders; if you commit to reinstating the resiliency Executive Orders; and if repealing the Federal Floodplains Risk Management Standard (FFRMS) is a security threat and makes our infrastructure more vulnerable to flooding. Please submit responses to each sub-part of our questions regarding your views on the resilient Executive Orders. (Q30 and Q31)
- In a per curium opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015. I asked if you agreed with the courts that EPA has an obligation to address CO₂? If not, why not? You stated that "Any reconsideration of the Endangerment Finding by the EPA would be subject to the Administrative Procedure Act." It is unclear from this answer if you believe EPA has an obligation to address CO₂ or merely can stop regulating if it goes through a rule making process. Please clarify your answer to (Q37).

We very much look forward to working with you should you be confirmed. Please provide your assurances that we will be able to work together on the following items:

 Throughout your tenure, I will exercise vigilant oversight to ensure that, consistent with precedent, my office has a commitment to have a process that is commensurate with the scope of undertaking updates to the National Environmental Policy Act (NEPA) and that complies with the spirit of public input that NEPA embodies. For the immediate future, please commit to my specific request that if CEQ does propose revisions to the NEPA regulations, then CEQ will hold public meetings throughout the country, including at least one meeting in the Mid-Atlantic area.

- Please commit to work with my office on reinstatement of the Federal Floodplain Risk Management Standard, or a comparable standard, to hold new infrastructure projects to more resilient standards.
- 3) Please commit to reinstatement of provisions to prepare the United States for the impacts of climate change and to improve federal sustainability, which are comparable to the provisions in Executive Orders 13653 (Preparing the United States for the Impacts of Climate Change) and 13693 (Planning for Federal Sustainability in the Next Decade).

Please do not hesitate to contact me or Michal Freedhoff, a member of my EPW Committee at Michal_Freedhoff@epw.senate.gov, should you have any questions or need further clarification on any of these requests. Thank you in advance for your attention to these questions.

With best personal regards, I am

Sincerely yours,

tom

Ranking Member

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b) (5)

CEQ075FY18150_000010436



b) (5)

(b) (5)



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00014

b) (5)

Follow-up re regulations.gov docket

From :	"Mansoor, Yardena M. EOP/CEQ" <(b) (6)	
То:	"Seale, Viktoria Z. EOP/CEQ" <(b) (6)	
Cc:	"Boling, Ted A. EOP/CEQ" <(b) (6) EOP/CEQ" <(b) (6)	"Drummond, Michael R.
Date:	Wed, 15 Aug 2018 12:03:24 -0400	

Victoria,

I followed up on your concern as to whether the ANOPR docket numbering is anomalous. Thanks for bringing this to our attention.

As of today, 8341 public submittals are posted. Sorting them by docket ID number, they range from 0006 to 8346. There are 2 primary documents (our FR notices) and 3 supporting documents (from the OMB 12866 review), so the numbering appears correct.

That said, there are certainly some odd submittals: one that just says "hello" and one (7209) that contains unintelligible text English and attaches a photo in two formats.

Yiew Favorites Jools Help	er?rpp=50&so=DESC&sb=docld&po=0&dct=PS&D=CEQ-2018-00C P - A C Regulations.gov - Dock e docs S b. Guidance Training - EPA EIS Data W9 WP EE E&E News G Google D USFS 508 Search New Search within this Docket Search Search Within Results
Filter Results By Document Type () Clear Filter Notice (0) Proposed Rule (2) Rule (0) Supporting & Related Material (3) Other (0) Public Submission	8,341 results Results per page: 50 Comment from Audrey SmithRice, N/A As an advocate and supporter of our national parks, I am writing in opposition to the proposed updates to implications. Public Submission Posted: 08/14/2018 ID: CEQ-2018-0001-8346 Organization: N/A Submitter Name: Audrey SmithRice Comment from Patricia Burton, N/A As an advocate and supporter of our netronal parks, I am writing in opposition to the proposed updates to implicational
Yardena Mansoor Deputy Associate Director for NEPA Council on Environmental Quality (b) (6) / (b) (6)	

[EXTERNAL] AMWA Comment Letter for Docket CEQ-2018-0001

From: Stephanie Hayes Schlea <schlea@amwa.net>

To: "McLaurin, Juschelle D. EOP/CEQ" <(b) (6)

Date: Fri, 17 Aug 2018 12:34:25 -0400

AttachmentAssociation of Metropolitan Water Agencies Comment Letter CEQ-2018-0001.pdfs:(239.26 kB)

On behalf of the Association of Metropolitan Water Agencies, please find attached the comment letter regarding CEQ's Advance Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ-2018-0001).

Stephanie Hayes Schlea Manager, Regulatory and Scientific Affairs Association of Metropolitan Water Agencies Office: 202.331.2820 1620 I Street NW Suite 500 Washington, DC 20006 >http://www.amwa.net/<

LEADERS IN WATER



1620 | Street, NW, Suite 500 Washington, DC 20006 P 202.331.2820 F 202.785.1845 amwa.net

August 17, 2018

Mr. Edward A. Boling Associate Director for the National Environmental Policy Act White House Council on Environmental Quality 730 Jackson Place, N.W. Washington, DC 20503

Re: Docket No. CEQ-2018-0001, Advance Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

Dear Mr. Boling:

The Association of Metropolitan Water Agencies (AMWA) welcomes the opportunity to comment on the Council on Environmental Quality's (CEQ) advance notice of proposed rulemaking to update the regulations on implementing certain provisions of the National Environmental Policy Act (NEPA). AMWA represents the largest metropolitan, publicly owned drinking water systems in the nation and collectively our members serve more than 130 million people.

AMWA is supportive of NEPA as a cornerstone of our country's environmental protection laws. It is important to our members because it ensures that possible impacts to the environment and public input related to these considerations are taken into account during federal decision making, particularly as it relates to protecting our nation's water resources. Our members are affected by actions on federal lands that could have environmental impacts on the source of drinking water, such as projects on national forest lands, where many metropolitan cities' drinking water originates, or projects on federal reservoirs where our members have drinking water storage contracts. NEPA plays a vital role in protecting these water sources and the larger environment by requiring the development of environmental assessments and environmental impact assessments to identify potential impacts of federal actions. While AMWA supports improving the efficiency of the NEPA process, it is important for the integrity of NEPA to be maintained and the opportunity for public participation and comment remain intact.

Our members are often applicants for projects that require NEPA reviews, such as projects for water supply and delivery that will receive funding via drinking water or clean water State Revolving Fund loans or through the Water Infrastructure Financing and Innovation Act. Many of our members have had experiences where the NEPA process has lasted several years and

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Carrie Lewis Portiaud Water District

James S. Lochhead Deuver Water Department

Ron Lovan Northern Kentucky Water District Sue McConnick Great Lakes Water Authority

J. Brett Jokela Anchorage Water & Wastewater Utility

Charles M. Murray Fairfax Water

William Stowe Des Moines Water Works Katluyn Sorensen Phoemix Water Services

Jeffrey Szabo Suffolk County Water Authority

Douglas Yoder Miami-Dade Water and Sewer Department

CHIEF EXECUTIVE OFFICER Diane VanDe Hei Edward A. Boling August 17, 2018 Page 2

therefore AMWA encourages CEQ to consider ways to optimize interagency coordination and streamline authorization decisions. AMWA supports improvements to NEPA regulations, particularly those that would improve the efficiency of environmental reviews and authorizations involving multiple agencies, provided that the decision process remains transparent to the applicant and the public's opportunity for input remains intact.

AMWA supports the administration's one federal decision goal of NEPA reviews being conducted in two years or less provided there is still sufficient opportunity for public input and recognition that some decisions may still take longer, whether due to the complexity of the project itself or the number of collaborating agencies participating. Timely, synchronized and concurrent reviews should be conducted, and to the extent possible, the lead federal agency should be responsible for ensuring this occurs.

Finally, in light of the impacts of climate change on our water resources, it's important that NEPA policies and guidelines facilitate adaptation approaches including projects developed to address future needs for resilience to extreme events and weather disasters, such as storms and droughts, which have been well documented in the United States over the past decade.

Therefore, as the White House takes steps to ensure that the federal "environmental review and permitting process for infrastructure projects is coordinated, predictable, and transparent," AMWA supports the efficiency of NEPA reviews and the Administration's one federal decision goal. As stated elsewhere in this letter, AMWA's support also assumes that the integrity of NEPA will be maintained and the opportunity for public participation and comment will remain intact. AMWA appreciates the opportunity to comment and looks forward to working with CEQ throughout this process.

Sincerely,

and the De Her

Diane VanDe Hei Chief Executive Officer

RE: Meeting with Senator Murkowski

From:	"Pettigrew, Theresa L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=579eb754b4c34f0e8e46d1fb4cd708d7-pe">
To:	"Donnelly, Kellie (Energy)" <kellie_donnelly@energy.senate.gov></kellie_donnelly@energy.senate.gov>
Date:	Mon, 20 Aug 2018 18:35:31 -0400
Attachment s:	Bio Mary Neumayr with photo.pdf (68.25 kB)

Hi, Kellie – Yes, CEQ has been working with agencies to identify steps they will take to implement the One Federal Decision policy outlined in the EO 13807 and the MOU. We have been convening interagency meetings for this purpose and also meeting directly with each of the key agencies.

Please let me know if you need anything further. Attached please find the bio as well. Thanks, Theresa

From: Donnelly, Kellie (Energy) <Kellie_Donnelly@energy.senate.gov> Sent: Monday, August 20, 2018 4:51 PM To: Pettigrew, Theresa L. EOP/CEQ <(b) (6) Subject: RE: Meeting with Senator Murkowski

Thanks Theresa! Can you also please send me Mary's bio? And is there anything to relay on the infrastructure review/plan CEQ was doing (with Alex Hergott as the lead)? I haven't heard much on that front lately.

From: Pettigrew, Theresa L. EOP/CEQ <(b) (6) Sent: Monday, August 20, 2018 4:44 PM To: Donnelly, Kellie (Energγ) <Kellie_Donnelly@energy.senate.gov> Subject: RE: Meeting with Senator Murkowski

Hello, Kellie – Here are some topics for discussion below. We look forward to seeing you! Thank you, Theresa

Theresa L. Pettigrew Associate Director for Legislative Affairs Council on Environmental Quality (b) (6) (direct)

We anticipate that at the meeting we would briefly address the following topics:

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From: Neumayr, Mary B. EOP/CEQ Sent: Monday, August 20, 2018 3:16 PM To: Donnelly, Kellie (Energy) <<u>Kellie Donnelly@energy.senate.gov</u>> Cc: Pettigrew, Theresa L. EOP/CEQ <<mark>(b) (6)</mark> Subject: Re: Meeting with Senator Murkowski

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Sent from my iPhone

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Thanks and hope you're well! Kellie

Kellie Donnelly Chief Counsel Senate Energy and Natural Resources Committee (202)-224-4971

RE: Meeting with Senator Murkowski

From: "Donnelly, Kellie (Energy)" <kellie_donnelly@energy.senate.gov>

To: "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)

Date: Mon, 20 Aug 2018 16:51:11 -0400

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RE: Meeting with Senator Murkowski

From "Pettigrew, Theresa L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=579eb754b4c34f0e8e46d1fb4cd708d7-pe">

To: kellie_donnelly@energy.senate.gov

Date: Mon, 20 Aug 2018 16:43:53 -0400

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Kellie Donnelly Chief Counsel Senate Energy and Natural Resources Committee (202)-224-4971

[EXTERNAL] Alliance Sends NEPA Comments to CEQ

From: "Dan Keppen, Executive Director" <dan@familyfarmalliance.org>

To: "Boling, Ted A. EOP/CEQ" <(b) (6)

Date: Mon, 20 Aug 2018 18:17:37 -0400

Can't See This Message? View in a browser



Posted: 20/08/2018

The Family Farm Alliance earlier today sent formal written comments to the White House Council on Environmental Quality (CEQ) in response to an advance notice of proposed rulemaking on a potentially sweeping update of its National Environmental Policy Act (NEPA) implementing rules.Continue reading to learn more and to download a PDF version of the Alliance response to CEQ.



Continue Reading







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Re: [EXTERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA

From :	"Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">
To:	"Szabo, Aaron L. EOP/CEQ" ⊲ <mark>(b) (6)</mark>
Cc:	"Mansoor, Yardena M. EOP/CEQ" <(b) (6) EOP/CEQ" <(b) (6) <(b) (6) "Drummond, Michael R. EOP/CEQ"
Date:	Mon, 20 Aug 2018 17:29:36 -0400
Yardena o I'm in Dal	r Michael may be able to las
Sent from	ny iPhone
On Aug 20), 2018, at 4:23 PM, Szabo, Aaron L. EOP/CEQ <(b) (6) wrote:
Ted,	
Can you	please turn this email into a pdf and send it to me?
Thanks.	
Sent fro	m my iPhone
On Aug	20, 2018, at 5:22 PM, Boling, Ted A. EOP/CEQ < (b) (6) wrote:
Trout	ole at <u>regulations.gov</u> ?
Sent	rom my iPhone
Begir	forwarded message:
Da To Cc	om: Charlotte Roe < <u>charlotteeroe@yahoo.com</u> > te: August 20, 2018 at 4:04:40 PM CDT : Mary Neumayr < <mark>(b) (6)</mark> : "Boling, Ted A. EOP/CEQ" < <u>(b) (6)</u> bject: [EXTERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA
J'u	submitting these comments via email as I had trouble accessing the Federal eRulemaking portal. Thank

I'm submitting these comments via email as I had trouble accessing the Federal eRulemaking portal. That you for accepting them. Roe

August 19, 2018

Mary Neumayr, Chief of Staff Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503

RE: Request for Comment, Advanced Notice of Rulemaking Change (ANPRM) to Regulations Implementing the National Environmental Policy Act (83 Fed Reg 28591-28592 June 20, 2018)

Dear Ms. Neumayr,

Thank you for the opportunity to comment on the ANPRM under consideration by the Council on Environmental Quality.

On behalf of In Defense of Animals and The Cloud Foundation, I strongly object to the proposed revisions contained in the Advanced Notice of Proposed Rulemaking (ANPRM) issued by the Council on Environmental Quality with respect to regulations implementing the National Environmental Policy Act (NEPA). CEQ was founded to be a facilitator of robust environmental review and a pillar of the National Environmental Policy Act, our magna carta for environmental protection.

The proposed rule changes are just the opposite. They represent an effort to dismantle these vital regulations that have stood the test of time for decades. They would open the door for commercial interests to block meaningful engagement by the American public and the science community. This has already begun to take place by the Department of Interior's use of Determination of NEPA Adequacy, a procedure not now in the CEQ regulations, that is being used to bypass citizen participation in, or knowledge of, environmental review processes. This is violating an essential public trust. We will not stand silent in the face of such disrespect for the intent and purpose of the National Environmental Policy Act.

I request that CEQ withdraw these proposed rule changes and instead focus on training and education to promote more effective NEPA implementation by federal agencies.

With respect to the proposed categories, should this ill-advised process continue, I offer the following comments:

- 1. As to the first question regarding multiple agencies: No changes are necessary. CEQ is already empowered to encourage timely, efficient inter-agency and multiple agency environmental reviews under Section 1502.2 of CEQ regulations. The best rule to avoid government over-reach or bureaucratic confusion is always: "If it's not broken, don't fix it." This needs no fixing.
- 2. Should the NEPA process be made more efficient by better facilitating agency use of

environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions? No. This issue is fully addressed by Section 1501.6(a)(2) of the CEQ regulations. If agencies are not implementing this regulation, the flaw needs to be addressed by better training and leadership, not by more bureaucracy.

3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions? No. Section 1501.6 of the CEQ regulations adequately addresses the need for agency cooperation, encourages early agency

cooperation, and spells out procedures such as the lead agency inviting others to be cooperating entities. If this process has broken down in some instances, it is not due to a defect in the regulations but, instead a failure on the part of the agencies. More effective CEQ leadership could help address any gaps in implementation. 4. With reference to the question of format and page length of NEPA documents and time limits for completion: **No revision is needed.** The pertinent regulations, Section 1502.10 (format), Section 1502.7 (page limit), and Section 1501.8 (time limit) already allow for flexibility and common sense measures depending on project size and the nature of the environmental issue. No rule-making change is needed to improve on this guidance.,

5. Should rules be revised to ensure NEPA documents better focus on significant issues that are relevant and useful to decision makers and the public? No. The CEQ requirements regarding significance outline a bare minimum of what is required to fulfill the purposes and requirements of NEPA. Substantial case law advises the agencies, the public, and regulated communities providing greater assurance and detail regarding the level of analysis required.

If CEQ wishes to revisit the question of when an EIS is required, it should only strengthen the basis upon which a full environmental review is triggered. In that case, the "intensity" factors calling for an EIS should be broadened to include those such as: a) the degree to which members of the general public and members of the affected community are concerned about the proposed action and its environmental, social, cultural and historical impacts; b) the degree to which the proposed action may impact the future genetic viability of a species, including wild horse and burro herds; and c) the degree to which the proposed action may affect the public's ability to benefit from the preservation of a federally protected species, whether through photography, on-range documentation and monitoring, or tourist activity benefiting the local economy.

6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient? No changes are needed at this time. However, if this rulemaking process proceeds, the public's role should be expanded to require comments when changing or defining the categories of actions that may fall under a categorical exclusion (CE).

7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised? No. These definitions are fine in themselves. Their definitions are clarified by case law and best practices, in our American system based on rule of law.

8. Should any new definitions of key NEPA terms be added? No. Any effort to add definitions to those which have been working over the life of the statute would only serve to confuse new practitioners. It would undermine the purpose and intent of NEPA.

9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents noted be revise? No. Nonetheless, should this process continue, the following should be clarified and strengthened: **Supplements** -

CEQ should issue guidance on the use of documents or procedures used either to supplement NEPA review under Section 1502.9(c) of the CEQ regulations or to avoid such review. For example, the Department of Interior has increasingly used an agency protocol, Determination of NEPA Adequacy (DNAs), to bypass public comment, accountability and the need for environmental review. This is an unacceptable attack on the core purpose of NEPA.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised? No. Section 1501.2 of CEQ regulations clearly spells out the why and how to "Apply

NEPA early in the process." To revise these regulations can only lead to confusion, delay and NEPA avoidance.

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised? No.
Nonetheless, if this process continues, we would accept a strengthening of Section 1506.5 of the CEQ regulations. This regulation states that contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. The execution of any disclosure statement under Section 1506.5 should be made public.

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised? No. Existing regulations allow agencies to tier off a programmatic EIS to avoid repetitive analyses of an issue and save energy while taking a thorough look at the case in hand.

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised? No. The consideration of alternatives is at the heart of the NEPA process, and this is emphasized in CEQ regulations. The determination of whether a certain alternative is appropriate depends, and must arise, from the facts of each case.

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? I do not recommend revising CEQ regulations on the pretext that a few references are out-dated. The question should be: Do such references harm or weaken the implementation of the statute? The answer is no.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient? No. Nonetheless, without any change in regulations, CEQ could and should take the initiative to create a central collection of all NEPA documents including draft EISs, environmental assessments, preliminary EAs, finding of no significant impacts, categorical exclusions, and record of decisions along with appendices, comments and responses for any of the aforementioned documents.

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents? No, and no again. Section 1502.25 of the CEQ regulations states that agencies "[t]o the fullest extent possible" shall prepare draft EISs concurrently with and integrated with other environmental reviews..." Combining NEPA environmental reviews and other decision documents would indelibly harm public participation, as it would cause confusion and obfuscation. If that is the intent of this proposed rulemaking process, it should be dropped immediately.

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA ? No. NEPA regulations have not impeded the capacities of federal agencies in their application of this vital legislation. On the contrary, the types of changes now being considered by CEQ would lead to delays and uncertainty and in all likelihood trigger litigation that would delay federal projects.

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations? No changes are necessary in CEQ regulations to address this issue. If the rulemaking process continues, a revision of language should be considered to broaden the engagement of native American tribes whether or not cultural

artifacts are identified on the present location of Indian reservations. For example, where Section 1503.1(a)(2)(ii) of the CEQ regulations reads, "when the effects may be on a reservation" it could best be replaced with the broader terms "if their interests may be affected," so that the section reads: "Indian tribes, if their interests may be affected; and."

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible? This question was answered in responses found above to questions 1,2, 3, 4 & 17.

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised? **No changes** are needed to improve mitigation. CEQ's "Final Guidance for Federal Departments and Agencies on the Appropriate Use of Mitigation and Monitoring and Clarifying

the Appropriate Use of Mitigated Findings of No Significant Impact," should be followed by agencies which have in the past often downplayed the mitigation process. Mitigation is a crucial part of NEPA implementation and a prime responsibility of the agencies. The regulations are clear. They need to be followed.

Respectfully yours,

Charlotte Roe Science Advisor, The Cloud Foundation Wild Horse and Burro Project Partner, In Defense of Animals 1621 So. County Rd. 13 Berthoud, CO 80513 charlotteeroe@yahoo.com

<page5image3682080>

<CEQ ANPRM CR Comments 8,19,18,pdf>

[EXTERNAL] NEPA ANPRM Comment Letter

From:	Stephen Schima <sschima@partnershipproject.org></sschima@partnershipproject.org>
То:	"Boling, Ted A. EOP/CEQ" (b) (6) R. EOP/CEQ" <(b) (6)
Date:	Mon, 20 Aug 2018 12:36:41 -0400
Attachment s:	Final Coalition Comment Letter on NEPA ANPRM.pdf (342.63 kB); Attachment 2 - Haskett NEPA Letter_final.pdf (591.74 kB); Attachment 3 USFS NEPA ANPR Comments_final.pdf (1.38 MB); Attachment 1 - NEPA Success Stories.pdf (469.13 kB)

Ted and Michael,

We submitted our comment letter with attachments on Friday, but I thought I would send along a copy directly to you as well. Also, the attached version corrects two small typos that a shocking number of people flagged to me.

If you have any questions, please feel free to contact me.

Thanks and I hope all is well! Stephen

350 Bay Area • 350 Santa Cruz • 350.org • 350Vermont • ACLU of Wisconsin Foundation • Alaska Clean Water Advocacy • Alaska Community Action on Toxics • Alaska Wilderness League • Alaska Wildlife Alliance • Alaska's Big Village Network • Alaskans FOR Wildlife • Alberta Wilderness Association • All-Creatures.org • Alliance for International Reforestation, Inc. • American Bird Conservancy • American Indian Mothers Inc • American Rivers • Amigos Bravos • Animal Legal Defense Fund • Animal Welfare Institute • Animals Are Sentient Beings, Inc. • Animas Valley Institute • Arizona Native Plant Society • Athens County Fracking Action Network • Atchafalaya Baskinkeeper • Audubon Naturalist Society • Audubon Society of Corvallis • Audubon Society of Omaha, Nebraska • Bard College • Bark • Basin and Range Watch • Battle Creek Alliance/Defiance Canyon Raper Rescue • Bay Area – System Change not Climate Change • Bayou City Waterkeeper • Berks Gas Truth • Berkshire Environmental Action Team (BEAT) · Beyond Pesticides · Beyond Toxics · Big Morongo Canyon Preserve · Bird Conservation Network • Black Canyon Andubon Society • Black Hills Clean Water Alliance • Black Warrior Riverkeeper • Blue Mountains Biodiversity Project • Boise Chapter of Great Old Broads for Wilderness • Bold Alliance • Boulder Rights of Nature, Inc. • Bullsuger Alliance • California Native Plant Society • California Sportfishing Protection Alliance • California Wilderness Coalition • California Wildlife Foundation/California Oaks • Californians for Western Wilderness • Campaign for Sustainable Transportation • Cascadia Wildlands • Center for Biological Diversity • Center for Environmental Health • Chesapeake Climate Action Network • Citizens Action Coalition of IN • Citizens Coalition for a Safe Community • Citizens for a Healthy Community • City of San Luis Obispo • Clean Water Action • Climate Law & Policy Project • Coal River Mountain Watch • Coalition for Responsible Transportation Priorities • Coast Action Group • Coast Range Association • Colorado Native Plant Society • Committee for Green Foothills • Community Works • Compassion Over Killing • Conservancy of Southwest Florida • Conservation Law Foundation Conservation Northwest • Consumers for Safe Cell Phones • Copper Country Alliance • Cottonwood Environmental Law Center • Crawford Stewardship Project • CT Coalition for Environmental Justice • Cumberland-Harpeth Audubon Society • David Brower, Ronald Dellums Institute for Sustainable Policy and Action • DC Environmental Network • DC Statebood Green Party • Defenders of Wildlife • Delaware Riverkeeper • Delaware-Otsego Audubon Soc. (NY) • Desert Tortoise Council • Dogwood Alliance • Don't Waste Arizona • Earth Guardians • Earthjustice • Earthtrust • Earthworks • Eastern Coyote/Coywolf Research ECO Diversity Media LLC (ECODiversity Magazine)
Eco-Eating
Ecological Options Network, EON • Ecology Party of Florida • Endangered Habitats League • Endangered Species Coalition • Environmental Defense Fund • Environmental Law & Policy Center • Environmental Protection Information Center • Factory Farming Awareness Coalition • Fairmont, MN Peace Group • Family Farm Defenders • Food & Water Watch • For the Fishes Friends of Alaska National Wildlife Refuges
Friends of Animals
Friends of Cascade-Siskiyou National Monument • Friends of the Corte Madera Creek Watershed • Friends of Dyke Marsh • Friends of Lana'i • Friends of Merrymeeting Bay • Friends of Nevada Wilderness • Friends of Penobscot Bay • Friends of the Boundary Waters Wilderness • Friends of the Earth US • Friends of the Everglades • Friends of Weskeag • Gasp • Georgia ForestWatch • Gila Resources Information Project • Global Union Against Radiation Deployment from Space • Glynn Environmental Coalition • Golden West Women Flyfishers • Grand Canyon Trust • Great Basin Resource Watch • Great Egg Harbor Watershed Association • Great Old Broads for Wilderness • Great Rivers Habitat Alliance • Greater Hells

Page 1 of 36

Canyon Council • Greater Yellowstone Coalition • Green Party of TN • Green River Action Network • GreenLatinos • Greenpeace USA • Greenway Transit Service • Growing Alternative Resource Development and Enterprise Network (GARDEN), Inc. • Harambee House, Inc. • Hawaii Audubon Society • Health Professionals for a Healthy Climate • Healthy Communities & Environmental Justice Conservation Law Foundation • Heartwood • Hispanic Federation • Houston Audubon • Howling For Wolves • Humane Society Legislative Fund • Humane Society of the United States • Hnmboldt Baykeeper • Idaho Rivers United • In Defense of Animals • In the Public Interest • Indiana Forest Alliance • Citizen • Inland Ocean Coalition • Institute for Applied Ecology • Institute for Fisheries Resources (IFR) • International Marine Mammal Project, Earth Island Institute • Islesboro Islands Trust • Kentucky Heartwood • Kettle Range Conservation Group • Klamath Forest Alliance • Labor Conncil for Latin American Advancement • Law Office of David H Becker, LLC • League of Conservation Voters • Living Rivers & Colorado Riverkeeper • Long Beach Alliance for Clean Energy • Long Beach Panthers • Los Angeles Audubon Society • Los Padres ForestWatch • Louisiana Audubon Council • Lower Brazos Riverwatch • Lower Columbia Basin Audubon Society • Lower Ohio River Waterkeeper • Madrone Andubon Society • Maine Coalition to Stop Smart Meters • Malach Consulting • Mankato Area Environmentalists • Marin Audubon Society • Marine Conservation Institute • Maryland Ornithological Society • Mass Audubon • Miami Waterkeeper • Midwest Pesticide Action Center • Mining Action Group of the Upper Peninsula Environmental Coalition • Minnesota Native Plant Society • Mission Blue / Sylvia Earle Alliance • Moab Solutions • Mojave Desert Land Trust • Monmouth County Audubon Society • Montana Wilderness Association • National Audubon Society • National Latino Farmers & Ranchers Trade Association • National Parks Conservation Association • National Whistleblower Center • National Wolfwatcher Coalition • Native Plant Conservation Campaign • Native Plant Society for the United States • Natural Heritage Institute • Natural Resources Council of Maine • NC WARN • Natural Resources Defense Council • Nature Abounds • Nature Coast Conservation, Inc. • Nevada Native Plant Society • Nevada Nuclear Waste Task Force • New Mexico Audubon Council • New Mexico Environmental Law Center • New Mexico Horse Council • New Mexico Law Center • New Mexico Wilderness Alliance • New Mexico Sportsmen • New York City Audubon • New York Lawyers for the Public Interest • Night Sky Conservancy • North Cascades Audubon Society • Northcoast Environmental Center • Northeast Oregon Ecosystems • Northeastern Minnesotans for Wilderness • Northern Alaska Environmental Center • Northern Plains Resource Council • Northwest Animal Rights Organization (NARN) · Oasis Earth · Occidental Arts and Ecology Center · Oceana · Ocean Conservation Research • Ocean Conservancy • Ocean Conservation Research • Ohio Valley Environmental Coalition • Okanogan Higblands Alliance • Orca Conservancy • Oregon Natural Desert Association • Oregon Wild • Pacific Coast Federation of Fishermen's Associations (PCFFA) • Partnership for the National Trails System • Paula Lane Action Network • Pelican Media • Pennsylvania Alliance for Clean Air and Water • People for Protecting Peace River, Inc Peoria Audubon Society • Pesticide Free Zone • Point Reyes Safaris • Ponca Tribe of Oklahoma • Powder River Basin Resource Council • Predator Defense • Progressive Caucus Action Fund • Public Employees for Environmental Responsibility (PEER) • Public Lands Project • Quad City Audubon Society • Rainforest Relief • Raptors Are The Solution • Resource Renewal Institute • RESTORE: The North Woods • Richardson Grove Coalition • Richmond Trees • Rock Creek Alliance • Rocky Mountain Wild • RootsAction.org • Russian Riverkeeper • Sacramento Audubon Society • Safe Alternatives for our Forest Environment • Salem Audubon Society • Safina Center • San Francisco Baykeeper • San Juan Citizens Alliance • Santa Barbara Audubon Society • Santa Cruz Climate Action Network • Save Nevada's Water: Ban Fracking In Nevada • Save Our Cabinets • Save Our Saluda • Save

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Our Shores • Save Our Sky Blue Waters • Save Richardson Grove Coalition • Save the Bay • SAVE THE FROGS! • Save the Scenic Santa Ritas • Saving Birds Thru Habitat • Science and Environmental Health Network • ScientistsWarning.org • Selkirk Conservation Alliance • Sequoia ForestKeeper® • Sierra Club • Sierra Forest Legacy • Sierra Club Alaska • Soda Mountain Wilderness Council • South Florida Wildlands Association • South Umpgua Rural Community Partnership • Southeast Alaska Conservation Council • Southern Environmental Law Center • Southern Maryland Audubon Society • Southern Utah Wilderness Alliance • Spottswoode Winery, Inc. • Stanislaus Audubon Society • St. Louis Audubon Society • Sustainable Arizona • Tampa Bay Waterkeeper • Texas River Revival • The Cornucopia Institute • The Land Connection • The Lands Council • The Laukahi Network • The Otter Project and Monterey Coastkeeper • The Shalom Center • The Story of Stuff Project • The Urban Wildlands Group • The Wilderness Society • Time Laboratory • Toxic Free NC • TrailSafe Nevada • Trustees for Alaska • Turtle Island Restoration Network • Umpqua Watersheds Inc. • Upper Peninsula Environmental Coalition • Uranium Watch • Utah Native Plant Society • Utah Valley Earth Forum • Vet Voice Foundation • Virginia Native Plant Society • Wasatch Clean Air Coalition • Waterkeeper Alliance • WaterLegacy • WE ACT for Environmental Justice • Whale and Dolphin Conservation • West Virginia Environmental Council, Inc. • West Virginia Highlands Conservancy • Western Environmental Law Center • Western Organization of Resource Councils • Western Watersheds Project • Whidbey Environmental Action Network • WILDCOAST • WildEarth Guardians • Wildlife Conservation Society • Wild Horse Education • Wild Nature Institute • Wilderness Workshop • Wildlife Rehabilitation Center of Northern Utah • Wings of Wonder • Wyoming Outdoor **Council • Zumbro Valley Audubon**

August 20, 2018

Ms. Mary Neumayr, Chief of Staff Council on Environmental Quality 730 Jackson Place, N.W. Washington, D.C. 20503

RE: Advance Notice of Proposed Rulemaking 40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508 [Docket No. CEQ-2018-0001]

Dear Ms. Neumayr:

This letter represents the collective response of 343 public interest organizations, representing millions of members and supporters, to the Council on Environmental Quality's (CEQ) recent Advance Notice of Proposed Rulemaking (ANPRM). Given the critical importance of the National Environmental Policy Act (NEPA) regulations, some of our organizations will also be submitting separate comments emphasizing particular issues.

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We begin by emphasizing that CEQ's regulations provide a well-crafted, comprehensive framework for implementing the procedural provisions of NEPA. The regulations have stood the test of time well. Rather than contemplating a rewrite of the regulations, we urge that CEQ invest its modest resources, and most importantly, its leadership position, in a systematic initiative to enforce them. Changes to the regulations will not result in improvements unless federal agencies have the organizational structure and resources that facilitate their implementation. In our considered view, the single most important key to efficiency and effectiveness is having competent, trained, and adequate staff in agencies to implement the regulations. As we demonstrate below, the existing regulations already address many of the questions the ANPRM raises in regard to reducing paperwork and delay. What is lacking is the capacity and will to fully implement the regulations.

CEQ has an essential leadership role in ensuring that agencies receive the appropriate direction and resources. As the agency with NEPA oversight responsibility, CEQ should lead an effort to identify the real-world obstacles to implementing those provisions along with ensuring that the goals of inclusive analyses and informed decisionmaking are met. Only after undertaking such an effort should CEQ consider whether any regulatory revisions are warranted.

Concerns with the ANPRM Process

NEPA is rightfully referred to as the environmental "Magna Carta" of this country. Like that famous charter, NEPA enshrines fundamental values into government decisionmaking. NEPA is a proven bulwark against hasty or wasteful federal decisions by fostering government transparency and accountability. The NEPA process achieves the law's stated goal of improving the quality of the human environment by, most importantly, requiring the analysis of reasonable alternatives to a proposed action and by empowering people affected by agency decisions to participate in that analysis. Under NEPA, the identification and evaluation of alternatives must be grounded in sound science and transparency.

One of the authors of NEPA, Senator Henry Jackson, stated on the floor of the U.S. Senate that Congress' bipartisan passage of NEPA represented a declaration "that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the resources which support life on earth." 115 Cong. Rec. 40,416 (1969). Rather, "The basic principle of [NEPA] is that we must strive, in all that we do, to achieve a standard of excellence in man's relationship to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny." 115 Cong. Rec. 29,056 (1969).

The implementing regulations now under consideration were thoughtfully developed and serve as the principal means by which American communities, individuals, and organizations are informed about and participate in federal agency decisionmaking. They have ensured that federal decisions are, at their core, democratic by guaranteeing meaningful public involvement and transparency in government decisonmaking. CEQ developed the regulations to provide a uniform, consistent approach that promotes effective decisionmaking in accord with the policies

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set forth in NEPA. Critically, the regulations provide the public and other federal, state, tribal and environmental justice communities with an essential voice in that process. The regulations reflect case law developed through the federal courts, accounting for the complexities and opportunities that arise in specific places and contexts. Additionally, the regulations manifest a concerted effort to expedite the process without losing either substantive value or public involvement. The regulations also provide considerable flexibility to agencies in regard to their implementation. CEQ must consider how any changes to the NEPA regulations, after decades of experience with the current process, might lead to confusion and litigation.

The promise of the NEPA process—that the government will consider the environmental impacts of its decisions, disclose those impacts to those affected, and ensure the public has an opportunity to meaningfully weigh in—is at the heart of democracy. These democratic principles enshrined in NEPA explain why it is among the most widely exported laws the United States has ever passed, with over 160 countries adopting similar legislation. NEPA's role in protecting communities is why it is the primary mechanism by which environmental justice considerations are incorporated into government decisions.

In light of other administrative actions taken over the course of the last year, it is clear this rulemaking is part of a broader and deeply troubling ideological effort to reduce or eliminate public contributions to decisionmaking by agencies expending public funds. Those efforts include processes to dismantle NEPA regulations in order to cater to special interests of developers and industry polluters — rather than the interests of the public for whom these regulations are intended to benefit. Misguided efforts to rescind or revise regulations, policies, and guidance across the federal government will put the environment and public health at risk by overemphasizing the supposed "burden" of review and oversight and ignoring the many enormous *benefits* that environmental rules and regulations secure for the public.

This administration's narrow focus on eliminating regulatory protections and restricting the scope of environmental review is disturbingly clear in actions it has taken government-wide. Last spring, President Trump revoked CEQ's guidance for agencies on the consideration of climate change in NEPA reviews, indicating an effort to institutionalize climate change denial into government decisonmaking. Then, in a series of actions over the next several months, agencies such as the Bureau of Land Management (BLM), Department of Transportation, Department of Energy, United States Forest Service, and others issued notices with the intention to review their NEPA regulations in a manner that seems intended to help project proponents "overcome" the "obstacles" of environmental review. These efforts systematically fail to acknowledge the critical benefits that review, disclosure, and public input under NEPA provide to all peoples' health, quality of life, and relations to their surroundings. *See* Attachment 1, NEPA Success Stories. Critically, they also systematically fail to identify or begin to address the actual causes of delay in federal agency processes. The proposed "cures" generally miss the mark, focusing on a forced pathway to project approval rather than a solution based on addressing real world problems.

Our concerns are amplified by the breadth of the questions posed in this ANPRM, which seem to reflect an intention to fundamentally change the NEPA process. Such a fundamental change is not only unwarranted, but also unwise. The fundamentals of the NEPA regulations

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are sound and thoughtful. We do, however, have serious concerns about the failure of many agencies to adequately implement the regulations. Those concerns will be assuaged not by changing the rules, but by enforcing them, and by providing the funding, resources, and training that agency staff need to effectively implement them.

The questions posed in the ANPRM and related documents issued by the current administration suggest a singular focus on "efficiency." Sadly, the administration appears to equate efficiency solely with speed. Our understanding of efficiency is a process implemented in a manner consistent with three basic principles:

(1) Consideration of the environmental and related social and economic impacts of proposed government actions on the quality of the human environment is essential to responsible government decisionmaking;

(2) Analysis of alternatives to an agency's proposed course of action is the heart of meaningful environmental review and indeed of good government more broadly; and

(3) The public plays an indispensable role in the NEPA process.

Changes to NEPA's implementing regulations are not warranted at this time. However, to the degree that CEQ does move forward with a rulemaking, we offer two suggestions for improving implementation of the regulations in ways that we believe would efficiently employ the three principles articulated above. As we demonstrate below, the existing regulations already address many of the questions the ANPRM raises. What is lacking is the will and assurance of capacity to fully implement the regulations.

Our position that changes to NEPA's implementing regulations are not warranted is premised on the lack of public outreach and careful analytical groundwork that is essential to justify what will likely prove to be a time and resource consuming process. NEPA's implementing regulations have withstood the test of time and should not be revised absent good cause. While we appreciate the extension of the comment period deadline from the original 30 days, we still feel that CEQ's process falls short. Even with the extension, the process appears designed more for NEPA experts than for the public. Certainly, the extra time will allow more people to respond, but many of the questions, while perhaps appearing simple, involve decades of agency and judicial interpretation. We remind CEQ of its own admonition to agencies that, "Members of the public are less likely to participate or engage in the commenting process if they do not fully understand how a particular project affects them. It is critical that agencies provide context and as much information as possible in the beginning of the public involvement process." Memorandum for Heads of Federal Departments and Agencies on Effective Use of Programmatic NEPA Reviews, December 28, 2014, fn. 33.

CEQ has customarily engaged in substantial public outreach, especially when considering the regulations as a whole. That outreach has included public meetings with many specific, identifiable constituencies. In this instance, CEQ has provided no forum for an overall discussion of the NEPA process, no public meetings, and indeed, no public outreach that we are aware of other than the publication of the notice in the *Federal Register* and a link on CEQ's website. This lack of engagement of the public at this initial step limits the role of the public in

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informing and shaping this process as it moves forward. Should CEQ decide to propose amendments to its regulations, we urge it to follow its own guidance and engage in more comprehensive outreach, an appropriate comment time frame, and inclusion of multiple accessible public hearings. If it does not, CEQ risks the credibility of its decision-making process and increases the risk of uninformed action—action that would render agency decisions reached in accord with any new regulations vulnerable to failure and cause harm to our country's health, environment, and economy.

Finally, we remind CEQ that if it proceeds to proposed rulemaking, it must consider the appropriate level of NEPA compliance for its proposal.

Questions and Responses

NEPA Process:

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?

No. CEQ's regulations already require that "to the fullest extent possible," agencies prepare draft EISs "concurrently with and integrated with environmental impact analyses and related surveys and studies" required by other environmental laws. See 40 C.F.R. § 1502.25; see also 40 C.F.R. § 1500.2(c) (requiring, to the fullest extent possible, that federal agencies "[i]ntegrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively"); 40 C.F.R. § 1500.4(k) (agencies should reduce paperwork by "[i]ntegrating NEPA requirements with other environmental review and consultation requirements"); 40 C.F.R. § 1500.5(i) (agencies shall reduce delay by "[c]ombining environmental documents with other documents"). Since promulgation of the regulations, CEQ has consistently stressed the need for environmental review processes to run concurrently rather than sequentially. This makes sense, not just from the point of view of meeting a particular timeline, but also because availability of analyses required by other laws such as the National Historic Preservation Act and the Clean Water Act will result in a more informative EIS. The current regulations and guidance are sound in this respect. These mechanisms to reduce delay and paperwork are also applicable to EAs, per CEQ's guidance on "Improving the Process for Preparing Efficient and Timely Environmental Review under the National Environmental Policy Act" (Mar. 12, 2012).

We are aware that in practice, compliance is not always "concurrent, synchronized, timely and efficient." We suggest that a first step to addressing that concern is to systematically survey the federal agencies that typically prepare the majority of EISs and identify the actual on-the-ground barriers that prevent CEQ's existing regulations and guidance from being implemented, and then propose steps to address the actual problems. This information should then be shared with the public for input: often the public and

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affected stakeholders can identify specific barriers (particularly adequate staffing, training, and funding) to efficient coordination among federal agencies.

2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?

No. Under CEQ's current regulations, agencies are already directed to use available environmental studies and analyses, whose scientific and professional integrity they can assure, in the course of implementing NEPA, whether those studies and analyses were prepared in the context of an earlier federal, state, tribal or local environmental review or outside of such a review. A study that is relevant to the proposed action and judged to be credible by a federal agency (and does not contain proprietary information) – whether or not it was produced in the course of an agency environmental review process – can and should be incorporated by reference. The only additional requirement is that the study be available to the public during the comment period, which is reasonable. *See* 40 C.F.R. § 1502.21.

If the existing study is a formal environmental review document prepared in the course of another federal, state, tribal or municipal environmental review process for substantially the same action as the proposed action at hand, the analysis upon which it is based remains current, *and* the document was prepared to meet NEPA requirements with the involvement of at least one federal agency, *then* it can be adopted by the lead federal agency by simply recirculating the statement as a final EIS (with no comment period). If the proposed action is not substantially the same as that covered under the earlier review but is still relevant, an agency can circulate it as a draft EIS (40 C.F.R. §1506.3.), (after reviewing to determine whether the EIS needs to be supplemented) or the agency may incorporate the document by reference.

Further, agencies should make much better use of tiering from existing NEPA documents, as we discuss in response to Question 12. This is an underutilized and often misused mechanism that – when coupled with the development of more effective higher-level EIS-level NEPA analyses – has the potential for greatly increasing efficiency and effectiveness of NEPA reviews.

Regulatory changes are unwarranted because the current provisions work. They maximize use of available analyses, reviews, and reports. They provide the public and other agencies with the ability to track and understand what analyses are being relied upon in the decisonmaking process. These regulations are successfully implemented by many agencies. When they are not it is often because agency staff do not understand how to use them. The solution to this problem is not regulatory changes, but training for all agency NEPA staff on an annual basis would help ensure greater awareness of these mechanisms.

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This question also includes a reference to "decisions." We interpret that to mean decisions related to the implementation of an earlier environmental review process, resulting in a determination of adequacy. We would oppose a revision of the CEQ regulation to waive or exempt a lead federal agency from independently evaluating and taking responsibility for an environmental document being used for compliance with NEPA. Indeed, CEQ cannot take such action through rulemaking because it is a fundamental change to statutory direction, whether the document is prepared by a federal agency or a state agency. *Compare* 42 U.S.C. § 4332(2)(C) with § 4332(D)(iii). We believe the same standard should apply if the document is prepared by a municipality or a tribe. This issue is best addressed by engaging in joint environmental review processes.

We further caution CEQ to remember that the NEPA process hinges on a specific "proposal" and the agency's consequent "purpose and need" for a particular agency action. See 40 C.F.R. §§ 1502.13, 1508.23. This is acutely important relative to the agency's hard look at impacts and the identification and consideration of alternatives with the public, in particular where there are "unresolved conflicts" (which requires consideration of alternatives even where impacts are not expected to be significant). 42 U.S.C. § 4332(2)(E). Unfortunately, certain agencies, namely the BLM, have invented mechanisms (so-called "Determinations of NEPA Adequacy," or "DNAs") to avoid public input and NEPA review and, in effect, to inappropriately justify a distinct implementation-level "proposal" on the basis of an existing, often decades-old, NEPA analysis developed for a separate, typically programmatic level decision. For example, BLM has sought to use DNAs to justify the sale of geographically discrete oil and gas leases on the basis of land use plan-level NEPA analyses. Neither BLM's programmatic NEPA analyses-which typically cover millions of acres-nor BLM's DNAs provide the requisite site-specific analysis of impacts or consider alternatives calibrated to geographically specific proposed oil and gas leases, including the option not to issue the oil and gas lease or to condition the lease on site-specific stipulations or mitigation measures. Accordingly, leases issues pursuant to DNAs are of dubious legal validity at best and voidable. These DNAs also undercut public involvement, undermining agency credibility with local communities and leading to distrust. It should therefore be no surprise that these DNAs-because of conflicts with NEPA's statutory framework-have given rise to litigation.

We have seen this attempted dodge of analysis before by agencies trying to rely on a programmatic NEPA analysis that simply does not cover a proposed site-specific action. The DNA process is simply putting a new label on it. To the degree that agencies think implementation-level actions should not require further NEPA review, the proper course is not to contrive a new, non-NEPA mechanism, but to improve the robustness of programmatic NEPA analyses that clearly and explicitly address these implementation-level issues in advance, properly tier to those programmatic NEPA analyses (while ensuring appropriate analysis of any site-specific impacts not covered by the earlier programmatic analysis), or to consider and justify appropriate categorical exclusions.

Similarly, for many years, some agencies have utilized a Supplemental Information Report (SIR) as a mechanism for evaluating new information related to an action

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analyzed in an EIS. Except for new information that clearly has no potential for significance relevant to environmental concerns or substantial changes related to the proposed action, this type of analysis should be evaluated through the NEPA process. The analysis could be presented in an EA available for public review or, of course, through a supplemental EIS. Further, an SIR is not an appropriate place to present new analysis of information available at the time the original NEPA documentation was provided. Generally, the default mechanism for evaluating new information, especially in the context of a proposed action analyzed in an EIS, should be, at a minimum, an EA with public involvement.

CEQ guidance is needed to address this issue throughout the executive branch. Such guidance should reiterate the importance of evaluating environmental consequences and providing for public review before making commitments of public resources and provide strict limitations on uses of DNAs. The guidance should emphasize that if there is not an available categorical exclusion, a DNA is not the next best option.

3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

CEQ's regulations provide a solid framework for interagency coordination between federal, state and local agencies. As set forth below in our responses to questions 6a and 18, we support improving the regulations dealing with coordination with tribal governments, because the existing regulations do not adequately ensure appropriate coordination over issues that affect tribal members.

The existing regulations allow a lead agency to fund analyses from cooperating agencies, mandate that lead agencies include such funding requirements in their budget requests, and require that agencies notify CEQ when they are unable to cooperate in the NEPA process because of other program commitments. Further, as made clear by CEQ many years ago, if a potential cooperating agency's involvement in the NEPA process is precluded because of other commitments, it is barred from further involvement with the project under the CEQ regulations (although other laws may require its involvement in some form). See 40 C.F.R. § 1501.6. and Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Register 18026 (March 23, 1981), Q. 14a. It is not clear the extent to which these provisions of the regulations are typically applied by federal agencies in the course of implementing NEPA for proposed actions.

We are aware that there is concern that agencies do not always provide comments in a timely manner. We question how much of that concern is based on anecdotes and myths versus systematic surveys of factual information. Indeed, the Government Accountability Office (GAO) underscored the paucity of information about NEPA implementation in a 2014 report, *Little Information Exists on NEPA Analysis* (GAO-14-369). Existing research relates almost exclusively to federal highway actions. Since at least the mid-1990s, the GAO and the Congressional Research Service (CRS), have prepared a series

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of reports, remarkably consistent in their findings, regarding the construction of highway projects and the relationship of environmental laws generally—and NEPA specifically—to decisionmaking timelines. This type of analysis is needed more broadly so that agencies and legislators are able to formulate successful approaches to reducing delays. In short, the GAO and CRS reports find that a number of federal projects have indeed been delayed or stopped, but for reasons <u>unrelated</u> to NEPA. "Causes of delay that have been identified are more often tied to local/state and project-specific factors, primarily local/state agency priorities, project funding levels, local opposition to a project, project complexity, or late changes in project scope." Congressional Research Service, *The Role of the Environmental Review Process in Federally Funded Highway Projects: Background and Issues for* Congress, R42479, (Apr. 11, 2012).¹ Nonetheless, NEPA usually gets the blame. CEQ is in the ideal position to conduct a systematic study throughout the executive branch to determine the actual, as opposed to perceived, causes of delay in interagency coordination.

Scope of NEPA Review:

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

Format: No. We are not aware of a rationale for changing the regulation at § 1502.10 on recommended format. As the title of the regulation makes clear, this is a recommendation and an agency may use a different format so long as it addresses all required sections and there is a compelling reason to change the format.

<u>Page length:</u> No. We support the current suggested page limits in the CEQ regulation at §1502.7 (150 pages for an EIS or for proposals of unusual scope of complexity, no more than 300 pages). These limits help encourage brevity and clarity and focus agencies on those issues that could significantly affect the environment, as the regulations already require. *See* §§ 1500.1(b) and 1501.7. However, as the important qualifier "normally" makes clear, situations will arise in which adequate disclosure of potential impacts requires additional pages. One size does not fit all when it comes to effective and efficient NEPA analysis. Avoiding excess verbiage will improve the quality of environmental review. But elevating page length over effective disclosure of potential impacts as the ultimate criterion of adequacy would lead to less informed public participation, poorer decisionmaking, and more violations of NEPA.

We also support the suggested limits with the understanding that as stated in the regulation, these page limits only include the substantive portions of an EIS and do not

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¹ See also, Government Accountability Office Report No.14-370, National Environmental Policy Act: Little Information Exists on NEPA Analyses, (Noting that "there could be a number of 'non-NEPA' reasons for the 'start,' 'pause,' and 'stop' of a project, such as waiting for funding or a non-federal permit, authorization, or other determination."), (August, 2014); see also, Department of Treasury report by Toni Horst, et al., 40 Proposed U.S. Transportation and Water Infrastructure Projects of Major Economic Significance, (Noting that "a lack of funds is by far the most common challenge to completing" major transportation infrastructure projects)(December, 2016).

include appendices, which are vital to providing technical information. Without excluding appendices from the page count, it is virtually impossible for an agency preparing an EIS to implement the regulatory direction to integrate other environmental review requirements with NEPA. 40 C.F.R. § 1502.25.

<u>Time limits</u>: No. We support the existing regulation that sets forth the factors to be considered in setting timeframes for analysis and agree with CEQ's determination that prescribing universal time limits is inflexible and unwise. 40 C.F.R. § 1501.8. As CEQ noted in its preamble to the current regulations, "The factors which determine the time needed to complete an environmental review are various, including the state of the art, the size and complexity of the proposal, the number of Federal agencies involved, and the presence of sensitive ecological conditions. These factors may differ significantly from one proposal to the next." National Environmental Policy Act, Implementation of Procedural Provisions; Final Regulations, 43 Fed. Reg. 55,978 (Nov. 29, 1978). The preamble goes on to note that the same law that applies to a Trans-Alaska pipeline applies to a modest federally funded building and that the individual agencies are in the best position to judge the appropriate time needed. We also note that the current regulation allows applicants to ask an agency to set time limits for a particular proposed action. The scoping process is the appropriate time for an agency to set both page and time limits if necessary. 40 C.F.R. § 1501.7(b) and (c).

We are concerned about the "one size fits all" approach now being implemented at, for example, the Department of the Interior. Secretarial Order 3355, "Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807" (August 31, 2017); Additional Direction for Implementing Secretary's Order to Assistant Secretaries, Heads of Bureaus and Offices and NEPA Practitioners (April 27, 2018). This management direction ignores critical considerations of context, 40 C.F.R. § 1508.27(a), and the importance of carefully considering alternatives with the public and other stakeholders which may require time, in particular where there are "unresolved conflicts," 42 U.S.C. §§ 4332(2)(C)(ii), 4332(2)(E). Rushed NEPA analyses, especially given severe staff shortages in a number of agencies, will result in badly flawed results. Rushed public processes may result in increased litigation, decreased agency credibility with the public, and distorted, poorly reasoned decisionmaking. *See* Attachment 2, Statement Geoffrey Haskett, former U.S. Fish & Wildlife Service Director for Alaska (On rushed NEPA process for proposed oil and gas development in the Arctic National Wildlife Refuge).

As President Nixon once said:

The National Environmental Policy Act has given new dimension to citizen participation and citizen rights as is evidenced by the numerous court actions through which individuals and groups have made their voices heard. Although these court actions demonstrate citizen interest and concern, they do not in themselves represent a complete strategy for assuring compliance with the Act. We must also work to make government more responsive to public views at every stage of the decisionmaking process. Full and timely public disclosure of

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environmental impact statements is an essential part of this important effort. President's Message to Congress, August, 1971.

Ultimately, the key to robust compliance with NEPA that empowers the public, inform input from sister agencies and elected officials, and guide better, more durable, and less wasteful decisions is proper staffing and training of the agency personnel principally responsible for compliance.

5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, bow?

No. No one would be more delighted than our millions of members to review NEPA documents that provide greater clarity and better analysis of significant issues relevant to the proposed action. Much of our advocacy in the context of NEPA relates to this very topic. However, improved clarity will not be achieved by changes to CEQ's regulations but, rather, by better implementation of CEQ's existing regulations.

CEQ regulations already call for: concentrating "on the issues that are truly significant to the action in question, rather than amassing needless detail," 40 C.F.R. § 1500.1(b), reducing the accumulation of extraneous background data, § 1500.2(b), using the scoping process to identify significant issues and de-emphasize insignificant issues, § 1501.7, the often-overlooked regulation calling for clear writing and appropriate graphics, § 1502.8, and the mandate to ensure professional integrity of analyses, § 1502.24, and all associated CEQ guidance. Fully implemented, these provisions would go far in achieving greater clarity and better informing both decisionmakers and the public.

CEQ's Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping, (April 30, 1981), is excellent guidance that focuses on ways to effectively and efficiently undertake the scoping process. We suggest that CEQ revisit that guidance with an eye to updating it to account for new approaches to communication and lessons learned since publication of the original guidance.

Most importantly, CEQ, working with agencies that regularly implement NEPA, needs to provide training to the agencies on effective scoping processes. Efficiency in the NEPA process must begin at the start of the process with a good internal and external scoping process that results in agencies identifying the important issues that must be analyzed, the information they need to obtain, the parties who are interested in and may be affected by the proposed action, and at least the initial appropriate spatial and temporal scope boundaries of the analyses for each significant issue. As agencies plan for scoping processes for particular types of actions, they should also educate and solicit input from the interested public regarding the NEPA process generally and the purpose of scoping in particular. Simply noticing a meeting and expecting well crafted, thoughtful scoping comments is not sufficient.

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6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

Our members consistently support robust public involvement throughout the NEPA process. While the overall framework for public involvement set forth in §1506.6 is sound, there are several improvements that should be made:

- a. Consistent with 40 C.F.R. § 1501.7(a)(1) and with our response to question 18 below, the restrictions in 40 C.F.R. § 1503.1(a)(2)(ii), regarding inviting comments on an EIS, and 40 C.F.R. § 1506.6(b)(3)(ii), regarding the requirement to notify tribal governments of proposed agency actions with effects primarily of local concern, should be modified to substitute "affect tribal interests" for the phrase "occur on reservations" as the trigger.
- b. CEQ should issue guidance directing agencies to use all available technology as well as (not as a substitute for) the mechanisms already identified in § 1506.6. Given modern communications technology, there is no reason that notification of actions falling under an agency's categorical exclusions cannot be easily provided; indeed, the Department of Energy and Forest Service do just that; See 36 C.F.R. § 220.4(e)(1) and bttps://www.energy.gov/nepa/nepa-documents/categorical-exclusion-determinations. Other agencies should follow that example. Certainly, agency websites and other means of communication should be employed to reach all potentially interested parties. We recommend that CEQ reference such mechanisms generally so that the guidance stays current.

That said, we emphasize that not everyone uses the internet, let alone social media. According to 2018 studies by the Pew Research Center, home broadband access is around 50% for African Americans and Hispanics and also low for low-income populations, older adults and rural residents. http://www.pewinternet.org/factsheet/internet-broadband/. Indeed, as of January 2018, 30% of all US adults do not have home broadband access. With an estimated 200 million adults in the US, this means that 60 million people rely on phones, work, or libraries for internet access. These alternative means of access, such as use of computers in public libraries, are typically quite restricted. Approximately 11% of American adults don't use the internet at all. http://www.pewresearch.org/fact-tank/2018/03/14/about-a-quarter-ofamericans-report-going-online-almost-constantly/. Moving all notifications and documents to the internet in anticipation of the day when all Americans are on it would restrict involvement by many individuals in affected communities or in remote, rural areas. It would also ignore the potential for online outages that make documents unavailable or unsearchable for critical periods of time during public review. To ensure that public involvement is conducted in a manner that is truly inclusive, the regulations should expressly require that in providing notice about the availability of documents and scheduling public meetings, agencies consider whether the format and timing equitably provides notice, information, and meaningful opportunities to participate to vulnerable and traditionally marginalized populations.

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- c. As noted previously, the emphasis on meaningful public input and careful consideration of environmental impacts outlined in NEPA and its implementing regulations is why it is one of the principal tools in ensuring environmental justice principles guide government decisionmaking. The NEPA process provides one of the primary forums for agencies to openly consider the composition of affected areas, relevant public health impacts, exposure risks, and solicit meaningful public input with the aim of avoiding disproportionate impacts on vulnerable and traditionally marginalized communities. In the memorandum to departments and agencies on Executive Order 12898 (Feb. 16, 1994)("Federal Actions to Address Environmental Justice in Minority and Low-Income Populations") President Clinton emphasized the importance of NEPA in addressing environmental justice issues, which led CEQ to issue guidance on environmental justice under NEPA in 1997. The guidance provides an excellent model for how agencies should incorporate environmental justice considerations into government decsionmaking. However, an update is needed given that guidance is now twenty years old and is in need of an update. Specifically, the guidance should be updated to include strong recommendations to agencies to consider opportunities in the NEPA process to accommodate individuals with limited English proficiency, consistent with Executive Order 13166 (Aug. 11, 2000)("Improving Access to Services for Persons with Limited English Proficiency"). In addition CEQ should update the guidance to reflect the roles of new technologies and supplement the guidance to align with the 2016 report of the Federal Interagency Working Group on Environmental Justice and NEPA Committee entitled "Promising Practices for EJ Methodologies in NEPA Reviews," and its more recent (March 2018) report entitled "Community Guide to Environmental Justice and NEPA Methods." Updated and formalized guidance would better promote transparency, disclosure, collaboration, and meaningful input of environmental justice communities.
- d. Per our response to question 9c below, we also recommend a new provision in 40 C.F.R. § 1501.4 to enhance public participation in the context of environmental assessments.

7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?

In general, the existing definitions are sound and have stood the test of time. They are based on case law, best practices, and considerable experience and are well understood by practitioners. Revisions are not warranted.

- a. Major Federal Action No.
- b. Effects No.
- c. Cumulative Impact No.
- d. Significantly No.
- e. Scope No.
- f. Other NEPA terms No

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8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

The existing definitions are sound and have stood the test of time. Revisions are not warranted. The definitions are based on case law, best practices, and considerable experience and are well understood by practitioners. CEQ will bear a heavy burden if it proposes changes in definitions to fundamental concepts such as these.

- a. Alternatives No.
- b. Purpose and Need No.
- c. Reasonably Foreseeable No.
- d. Trivial Violation No.
- e. Other NEPA terms No.
- 9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
 - a. Notice of Intent No.
 - b. Categorical Exclusions No.

c. Environmental Assessments - The nature of public involvement for EAs varies a great deal. CEQ's regulations currently offer minimal guidance specific to EAs, stating that agencies "shall involve environmental agencies, applicants and the public to the extent practicable" in the preparation of EAs. 40 C.F.R. § 1501.4(b). In practice, agencies seldom involve the public in the preparation of EAs, although some agencies routinely provide a comment period on EAs and some provide a comment period in particular situations. Frequently, however, EAs are prepared for actions that may have significant effects or actions for which the nature of those effects is in dispute, there are "unresolved conflicts" compelling consideration of alternatives (42 U.S.C. § 4332(2)(E)), or there are sensible opportunities to engage the public with an eye towards further mitigating impacts beyond what the agency has already considered. We propose the following as an additional sentence to be added to the end of 40 C.F.R. § 1501.4(b): "Agencies shall make an EA available for public review for a minimum of 30 days."

- d. Findings of No Significant Impact No.
- e. Environmental Impact Statements No.
- f. Records of Decision No.

g. Supplements – CEQ's current regulatory direction on supplementing EISs is excellent and we support retaining it. 40 C.F.R. §1502.9(c)

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However, we strongly recommend CEQ consider issuing guidance on the types of documents that individual agencies are currently using to determine whether to supplement NEPA analyses, including Supplemental Information Reports (SIRs) and Determinations of NEPA Adequacy (DNAs). We understand, of course, the need to review earlier NEPA documents in light of new or revived proposals and the desirability of documenting an agency's rationale. However, we reiterate the concerns about the Bureau of Land Management's use of DNAs noted in response to Q. 2. CEQ guidance regarding use of both SIRs and DNAs should reiterate the importance of evaluating environmental consequences, permitting public review, and making commitments of public resources. CEQ should provide strict limitations on the use of non-NEPA documents to bypass public involvement. A brief EA with public involvement is the most appropriate way of assessing the significance of new information or possible changed circumstances.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

No. We support the existing regulation on timing of agency action at 40 C.F.R. § 1502.5. The regulation lays out a common-sense approach for linking the NEPA process to the agency's consideration of a proposed action.

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

CEQ's existing provisions regarding agency responsibility and preparation of NEPA documents by contractors and project applicants, including the conflict of interest provision, are the minimum of what should be required and certainly must be retained, if not strengthened. We are very concerned about conflicts of interest when agencies use contractors paid for by an applicant to prepare an EIS-the so-called "third-party EIS" situation. CEQ's requirements that a federal agency select the contractor and that contractors execute disclosure statements regarding any conflict of interest are essential. The disclosure statement should be executed prior to signing the contract and should always be publicly available. It must also be understood that the agency continues to have the legal responsibility for any and all NEPA documents prepared by an outside contractor. It cannot shift NEPA compliance duties to an outside entity, in particular given that outside entities may lack an understanding of local community dynamics to help balance competing needs and issues and ensure that public input is properly accounted for. It is also essential to maintain strong oversight and enforcement of the prohibition on utilizing contractors that would benefit in some manner by the proposed action (for example, additional contracts implementing a particular proposed action) that is the subject of the NEPA process at issue.

We understand that agencies need to be able to communicate directly with the applicant regarding the proposed action. However, agencies must take special care in the context of a third-party EIS. For example, applicants should not be invited to regularly attend

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interdisciplinary team meetings or interagency meetings. Agencies must draw a bright line distinguishing their role of evaluation and regulation from the role of the applicant.

We strongly believe the integrity, effectiveness, and efficiency of the NEPA process are much-better served when agencies conduct the NEPA process themselves, as the law intended. This is particularly the case where the NEPA process operates as a critical decisionmaking tool for agencies with complex, diverse missions—e.g., land management agencies that operate under a "multiple use" framework or where local community dynamics require careful attention to ensure that the agency listens to public concerns. Contractors and project applicants are simply not in a position to effectively apply this framework to resolve conflicts or to balance competing values and agency mandates.

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, bow?

No. CEQ's guidance document on "Effective Use of Programmatic NEPA Reviews" is comprehensive, current, and useful. It accurately reflects the concerns of many of our members regarding the challenges the public often faces in the context of programmatic NEPA documents and tiering. Chief among these concerns is the difficulty of determining when an agency will do a particular type of analysis. As noted in CEQ's guidance, agencies sometimes say they are deferring a particular type of analysis to a later stage, only to improperly refer back to a programmatic document when that later stage arrives to justify the implementation-stage action. We certainly support tiering a more detailed and site-specific analysis at the project level to a programmatic EIS, but only when the programmatic analysis is sufficient to support such tiering by providing a site-specific hard look at impacts to inform alternatives and mitigation. As discussed in the guidance, it is imperative for agencies to be clear about what type of analysis they will do at what stage of a tiered process—and then to do it, absent changed circumstances accompanied by a clear explanation to the public.

For specific observations on the implementation problems with programmatic EISs and tiering, we incorporate by reference the discussion presented in the context of the Forest Service's Advance Notice of Proposed Rulemaking on its NEPA regulations. *See,* Letter from The Wilderness Society and 82 other organizations to Chief Tony Tooke, February 1, 2018, pp. 18-21 (Attachment 3). As stated in that discussion, which we believe is applicable to other agencies' NEPA implementation, especially in the land management and installation management context, agencies are often not taking advantage of efficiencies that the tiering process provides. Rather, there is a tendency to push analysis and decisionmaking off to a later time. Unfortunately, when that later time comes, agencies are often under even more pressure to "streamline" the process.

We see no reason for regulatory change in this area. Rather, we recommend CEQ invest resources into training and assisting agencies to shape programmatic NEPA analyses so that the resulting documents will facilitate appropriate tiering. Indeed, we think more effective programmatic analyses—i.e., "smart from the start" thinking to shape and

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inform implementation-level action that tiers from a programmatic analysis—provides one of the single greatest opportunities to improve the efficiency of the NEPA process and to cultivate good-will and public buy-in for actions that meet a project applicant's goals while also protecting our country's health, environment, and economy.

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

No. We oppose changes to the regulations regarding an appropriate range of alternatives. Changes are not warranted and could do tremendous damage to the value of NEPA. NEPA calls for analysis of alternatives twice, emphasizing their importance. See 42 U.S.C. §§ 4332(2)(C)(ii), 4332(2)(E). Consistent with these statutory mandates and per the regulations, alternatives are indeed the "heart" of the NEPA process. 40 C.F.R. § 1502.14. Without them, NEPA review cannot perform its core function of creating informed reflection so that agencies do not simply pursue their first reflexive idea about discharging a mandate or responsibility. Without a bona fide examination of alternatives, the NEPA process would do nothing more than document the impacts of the agency's or applicant's preferred course of action with the possible addition of some mitigation measures. In numerous examples, the alternatives developed—whether by a lead agency or externally-have truly improved decisionmaking. Further, agencies have benefitted from alternatives proposed by members of the public or by other agencies. Even where alternatives offered by members of the public are not chosen, agencies create public buyin and acceptance when they show they have taken public input seriously. See Attachment 1 for examples of where alternatives analysis has benefitted decisionmaking.

CEQ and the courts have consistently made it clear that the range of reasonable alternative varies with the facts of each situation, resting on public input and key notions of reasonableness and feasibility. Any effort to constrain the requirement to analyze alternatives, including the no action alternative and reasonable action alternatives not within the jurisdiction of the lead agency, would directly undercut a central mandate of NEPA and be met with significant public backlash. If anything, we would strongly encourage agency training for making better and more expansive use of alternatives as a tool to better engage and work with the public on the design of action alternatives that eliminate or mitigate impacts. Done well, the careful identification and consideration of alternatives—with the public—will improve the credibility and acceptability of agency action and better protect our country's health, environment, and economy.

We also oppose changes to Section 1506.1 regarding limitations on actions during the NEPA process, which is essential to the analysis of alternatives. The very purpose of limiting action while the NEPA process is ongoing is to avoid the "real environmental harm [that] will occur through inadequate foresight and deliberation." See Sierra Club v. Marsh, 872 F.2d 497, 504 (1st Cir. 1989) (noting the difficulty of stopping a "bureaucratic steam roller" once started). The regulation already allows the development of plans, designs, or performance of other work necessary to support compliance with other legal requirements. Allowing additional work to be done on a preferred alternative

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would eviscerate the value of alternatives in actually influencing the agency's decision for the better. It would relegate NEPA analysis to a post-hoc justification for a decision the agency had already made, rather than a process for determining the best course of action. NEPA itself contemplates its role before a decision is made. *See* 42 U.S.C. § 4332(c)(v) (requiring the "detailed statement" to discuss "any irreversible and irretrievable commitments of which *would be* involved in the proposed action *should it be* implemented") (emphasis added).

General:

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.

The references to EPA's publication of the *102 Monitor* in § 1506.6(b)(2) and § 1506.7 are obsolete.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

Utilization of existing and new technologies could greatly enhance the quality of analyses and the communication of those analyses to all interested parties. However, this goal requires leadership and resources, not regulatory changes. Section 1502.24 dealing with "Methodology and scientific accuracy" emphasizes scientific integrity and disclosure of methodologies rather than endorsing particular methods; this is a sound approach in terms of technology. It would not be practical for regulations to prescribe particular types of technology for every agency. Doing so would no doubt result in obsolete regulations within a short amount of time. This is another instance in which leadership and resources make the NEPA process more effective *and* efficient through increasing information access to all involved.

Per our response to question 6, CEQ could issue guidance both encouraging the use of technology to provide information and as a tool for public involvement. However, CEQ should also provide for communities and individuals who by choice or necessity do not have access to computers. In addition, to the extent that technology is referenced, it must be clear that there is an obligation to ensure clear pathways for use (including advisors to provide assistance) and to ensure that the technology is fully functioning at all times.

Again, most important gains to be achieved through technology do not require regulatory revisions, but rather financial investments and leadership. For example, all available EISs and EAs should be available electronically on a single website that permits searching by types of actions, locations, and impacts. Such a tool could greatly facilitate preparation of NEPA documents, particularly in assessing cumulative impacts and increasing public understanding of particular topics. Additionally, Geographical Information Systems data utilized in NEPA analysis should be readily available to the public (subject to any legal requirements to keep certain locational information

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confidential).

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?

No. CEQ regulations and guidance already provide for and encourage combining NEPA documents with other relevant decision documents. For example, the requirements for a Record of Decision can and should be integrated into the preamble for a final rule. *See* 40 C.F.R. § 1502.2. However, many agencies lack staff who have received enough training to identify these opportunities. Regular training of agency NEPA staff would help the agencies, our members, the public in general, and applicants.

We caution against a move to promote combining a final EIS (FEIS) and a Record of Decision, except in the limited instance provided for in Section 1506.10(b)(2). An EIS, and especially an EIS that carries with it the full weight of compliance with all environmental review laws, contains a considerable amount of information, which the decisionmaker must consider. Allowing the decision to be made simultaneously with publication of the FEIS creates pressure to make the decision in haste without thoughtful consideration of all relevant issues. It would also eliminate a window for additional outside input in light of changes to analysis and alternatives in the FEIS that in our experience can improve agency decisions and increase public acceptance. Put differently, combining the FEIS and ROD into a single document strikes us a "penny wise, pound foolish" gimmick that would degrade the ability of agencies to make reasoned and informed decisions.

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

If improving the effectiveness and efficiency of the implementation of NEPA is truly a goal, then CEQ should reinstate the sensibly written guidance for agencies on the consideration of climate change in NEPA reviews. Planning projects and investing taxpayer dollars without considering the risks associated with rising sea levels, increased droughts, and more severe weather is irresponsible and ignores the statutory mandate to "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. As CEQ noted in the now revoked guidance, "[c]limate change is a fundamental environmental issue, and the relation of Federal actions to it falls squarely within NEPA's focus." It is now well established by courts that climate change is precisely the type of environmental impact agencies should consider. Moreover, it is utterly impractical to ignore climate change relative to virtually any project, in particular public infrastructure, that is designed and built with public funds and must be durably built to withstand climate and environmental realities. Revocation of the climate guidance did not relieve agencies of their responsibility to consider climate impacts; its sole accomplishment was to introduce tremendous regulatory uncertainty for both agency officials and project sponsors and increase the risk that projects will fail, wasting taxpayer and private sector resources.

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The climate guidance therefore rightly provided much needed clarity to agencies on how to not only consider how federal projects and decisions impact the climate, but also how climate change impacts federal projects and infrastructure. To truly ensure the regulations implement NEPA's goal of preserving the human environment for future generations, CEQ should reinstate the guidance. The guidance will provide agency staff, project sponsors, and communities the confidence that the government is investing taxpayer dollars on critical infrastructure that is resilient and built to withstand the future impacts of climate change. By providing guidance to agencies on how to consider the fundamental environmental challenge of this century, CEQ will not only provide consistency across agencies and further the purposes of NEPA, but will also better fulfill its responsibility under Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") to identify and address "disproportionately high and adverse human health or environmental effects" on minority and low-income communities. It is now well known that minorities, low-income communities, immigrants, and people who are not fluent in English suffer disproportionate health impacts due to climate change, have less ability to relocate or rebuild after a disaster, and are generally exposed to greater risks – all due to climate change. Reinstatement of the guidance will help to ensure that the potential health, environmental, and economic impacts of climate change are mitigated if not prevented and are better disclosed to disproportionately impacted communities.

In addition to reinstating the climate change guidance, CEQ's should focus on enforcing and ensuring adequate funding for implementation of the existing regulations, not expending limited resources through what will likely prove to be a time-consuming and contentious rulemaking. CEQ's regulations state that, "Each agency shall be capable (in terms of personnel and other resources) of complying with the requirements [of the regulations.] Such compliance may include use of other's resources, but the using agency shall itself have sufficient capability to evaluate what others do for it." 40 C.F.R. § 1507.2. Accordingly, we urge systematic oversight of agency compliance with this provision. In our considered view, the single most important key to efficiency and effectiveness is having competent, trained, and adequate agency staff to implement NEPA.

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

Yes. Tribal governments should be accorded the same status as state or local agencies, including, specifically, the ability to be designated as a cooperating agency. The current regulations narrowly focus tribal government participation on circumstances where the effects of a proposed action are located on a reservation. Not all tribal lands are, however, reservations. Moreover, less than 22% of Native Americans and Alaska Natives live on reservations,

(https://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions /cb11-ff22.html) and a number of reservations are not in the traditional homeland of a tribe, or represent a small fraction of the original homeland. Further, with one exception,

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Alaska Natives do not have reservations at all because of the provisions of the Alaska Native Claims Settlement Act of 1971 and Pueblo peoples are located on sovereign, ancestral lands. Perhaps most importantly, the Federal government holds a legal trust obligation towards Native peoples that is not delimited by the location of either reservations or tribal lands, period. Indeed, Native peoples hold protected rights to and interests in non-reservation and non-tribal lands that are rooted in their individual histories, vibrant cultural and land protection practices and ethics, and economic vitality.

Section 1508.5 should be amended to delete the phrase, "when the effects are on a reservation" so that the relevant sentence reads, "A state, tribal, or local government agency of similar qualifications may by agreement with the lead agency become a cooperating agency."

Per our response to question 6, the restriction in § 1506.6(b)(3)(ii), regarding the requirement to notify tribal governments of actions with effects primarily of local concern, should be modified to delete the phrase "when effects may occur on reservations" and substitute "affect tribal interests" for the phrase "occur on reservations" as the trigger.

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?

CEQ's guidance on "Improving the Process for Preparing Efficient and Timely Environmental Review under the National Environmental Policy Act" (Mar. 12, 2012) made it clear that existing CEQ regulations intended to reduce delay and paperwork in preparation of EISs (for example, incorporation by reference, adoption, supplements) could also apply to EAs. Again, this is an issue in which the key to improvement is training within the agencies.

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

CEQ's guidance on "Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact" is an excellent document. Mitigation and monitoring are often the neglected part of the NEPA process. It is essential to the integrity of the process that mitigation be capable of being implemented, that it is implemented and that it is monitored. We are concerned that ineffective mitigation measures have been used as a means to overlook environmental and community harms having significant impact.

Thank you for the opportunity to comment. Representatives of our organizations would be pleased to discuss any of these responses with CEQ representatives. Our contact for this purpose is Stephen Schima at the Partnership Project, (503) 830-5753 or by email at sschima@partnershipproject.org.

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Mr. Tony Tooke, Chief United States Forest Service Department of Agriculture 1400 Independence Ave SW, Washington, DC. 20250 Submitted via email to: nepa-procedures-revision@fs.fed.us Submitted via public participation portal to: https://cara.ecosystem-management.org/Public-/CommentInput?project=ORMS-1797

RE: Advanced Notice of Proposed Rulemaking, Request for Comment, National Environmental Policy Act Compliance (83 Fed. Reg. 302, Jan. 3, 2018)

Dear Chief Tooke:

February 1, 2018

On behalf of the 83 undersigned organizations and individuals, we are pleased to provide the U.S. Forest Service with the attached comments on the agency's advanced notice of proposed rulemaking (ANPR) regarding National Environmental Policy Act (NEPA) compliance, 83 Fed. Reg. 302 (Jan. 3, 2018). Our organizations collectively represent decades of experience with the Forest Service's implementation of NEPA across the spectrum of land management actions, including forest planning, vegetation, wildlife, mineral, range, aquatic, travel, and recreation

management decisions. We have extensive expertise regarding the Council on Environmental Quality (CEQ) NEPA regulations, the Forest Service's NEPA regulations and procedures, and the federal body of case law interpreting the agency's legal obligations under NEPA. Our experience in agency decision-making processes, collaborative efforts, and as plaintiffs in NEPA litigation lends us unique insight into the promises and pitfalls of the Forest Service's NEPA policies and practices.

NEPA is rightfully referred to as the "Magna Carta" of environmental laws. Like that famous charter, NEPA enshrines fundamental values into government decision-making. NEPA has been a proven bulwark against hasty or wasteful federal decisions by fostering government transparency and accountability. It has ensured that federal decisions are at their core democratic, by guaranteeing meaningful public involvement. And it has achieved its stated goal of improving the quality of the human environment by relying on sound science to reduce and mitigate harmful environmental impact.

NEPA is inherently flexible, and the current law, CEQ regulations, and Forest Service regulations and procedures provide significant authority to conduct efficient yet meaningful analysis, including through use of tiering, mitigated findings of no significant impact, appropriate application of existing categorical exclusions, and other tools. Within the scope of this existing authority, we have seen agencies conduct highly efficient yet robust NEPA analysis, and have provided examples in our comments. At the same time, we agree that many Forest Service environmental analysis and decision-making processes could be more efficient and satisfying to stakeholders and the agency. However, we believe the primary problems with – and solutions to – the Forest Service's NEPA process lie not with the agency's regulations and procedures but with operational and organizational culture issues that can be addressed within the scope of the agency's existing authority.

We have carefully tracked and engaged in past and ongoing legislative and administrative efforts to modify and weaken NEPA. Based on misperceptions that the law prescribes overly burdensome process, analysis, and public engagement requirements, these efforts generally fail to identify root causes and hence implement meaningful changes to improve federal decision-making. We have learned over the years that attempts to undercut NEPA's democratic principles of government accountability and public engagement often result in more controversy and less trust, collaboration, and efficiency in the long run. To avoid a similar outcome, and in a collaborative spirit of improving the quality of the human environment, as NEPA commands, our comments offer the following recommendations:

• The Forest Service should conduct an adequate and complete problem analysis, including examining operational hurdles, prior to initiating the rulemaking. The agency should craft a strategy, including an action plan, to address operational and organizational culture issues related to environmental analysis and decision-making. Accurately defining the problems is a necessary prerequisite to finding effective solutions. The agency's data shows that delays in project implementation are most often the result of operational and organizational culture issues such as staffing, funding, and training.

- The Forest Service should better utilize programmatic, landscape-scale analysis and decision-making, with tiered project-level analysis and appropriate use of categorical exclusions. Done correctly, the two-tiered approach facilitates more integrated and collaborative restoration actions that incorporate high-quality ecosystem science and stakeholder input. However, effective use of this two-tiered approach requires the development of affirmative priority-setting and meaningful and enforceable restrictions in programmatic analysis and decisions including in land management plans to direct and narrow the impacts associated with project implementation.
- The Forest Service should continue to invest in more up-front public process, including collaboration, to help improve and expedite project planning and implementation. The agency should encourage early public outreach and engagement, a proven strategy to reduce controversy and back-end delays, and invest in relevant training. The agency should not consider any changes to its NEPA regulations that would reduce or eliminate public engagement opportunities, even when collaboration has taken place.
- Prior to creating new authorities, the Forest Service should analyze its current use
 of existing authorities designed to make environmental analysis and decisionmaking more efficient, articulate if and how those authorities are being utilized
 ineffectively, and provide direction to field officers on improved utilization. The
 Forest Service enjoys a broad range of existing tools and authorities including over
 three dozen categorical exclusions that allow it to expeditiously implement restoration
 and other forest management projects. These tools are often under- or ineffectivelyutilized. In addition, some authorities (e.g., Farm Bill categorical exclusions, good
 neighbor authority) are relatively new, and the agency may simply need more time and
 resources to incorporate them into widespread practice.
- Regarding categorical exclusions:
 - New or expanded categorical exclusions must be predicated on a publiclyavailable analysis that demonstrates they are needed and appropriate. The Forest Service cannot presume that a category of action typically documented with an environmental assessment is appropriate for a categorical exclusion, and it must support any new or expanded categorical exclusion categories with meaningful analysis documenting that the category does not have significant individual or cumulative effects. The analysis must be shared with the public for comment.
 - The Forest Service should explore expanding existing categorical exclusions related to restoration of lands and waters disturbed by unneeded closed roads to address the agency's significant backlog of road maintenance needs. Such categorical exclusions would facilitate restoration of aquatic and terrestrial systems.

- Additional categorical exclusions related to outfitter and guide special use authorizations, if contemplated, must have sufficient sideboards to ensure that the actions are below the significance threshold, and should result in more equitable access and opportunities on our national forests. Guided access to national forests is an important way to connect people, especially traditionally underserved populations and youth, to our national forests.
- The Forest Service should not consider expanding the breadth of existing categorical exclusions to enable larger-scale salvage logging. The science is clear that post-fire salvage logging does not advance ecosystem integrity or restoration, which is a stated purpose of this rulemaking, and instead is a "tax" on the environment. Thus, expanding the acreage for salvage logging projects that can be categorically excluded from NEPA analysis would be completely inappropriate.
- The Forest Service should not consider further relaxing its definition of extraordinary circumstances. The extraordinary circumstances direction is integral to appropriate application of existing categorical exclusions. The public needs the assurance that the filter is sufficiently rigorous.
- The Forest Service should use this rulemaking to clean up remnant inconsistencies with other regulations and federal court decisions.
- The Forest Service should retain important and necessary procedural safeguards for roadless and wilderness-eligible lands. The agency should, however, make targeted changes to the relevant regulatory language to reflect updated terminology, but it should not otherwise alter or weaken that language.

As outlined above, our organizations have extensive experience and expertise with NEPA analysis, implementation, and case law, and would welcome the opportunity to work with the Forest Service to incorporate our best practices into the proposed rulemaking and the broader Environmental Analysis and Decision Making initiative. In the meantime, thank you for considering these comments.

With regards,

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I. Introduction.

Thank you for the opportunity to comment on the U.S. Forest Service's advanced notice of proposed rulemaking (ANPR) regarding National Environmental Policy Act (NEPA) compliance, 83 Fed. Reg. 302 (Jan. 3, 2018). Our organizations collectively represent decades of experience with the Forest Service's implementation of NEPA across the spectrum of land management actions, including forest planning, vegetation, wildlife, mineral, range, aquatic, travel, and recreation management decisions. We have extensive expertise regarding the Council on Environmental Quality (CEQ) NEPA regulations, the Forest Service's NEPA regulations and procedures, and the federal body of case law interpreting the agency's legal obligations under NEPA. Our experience in agency decision-making processes, collaborative efforts, and as plaintiffs in NEPA litigation lends us unique insight into the promises and pitfalls of the Forest Service's NEPA policies and practices.

NEPA is rightfully referred to as the "Magna Carta" of environmental laws. Like that famous charter, NEPA enshrines fundamental values into government decision-making. NEPA has been a proven bulwark against hasty or wasteful federal decisions by fostering government transparency and accountability. It has ensured that federal decisions are at their core democratic, by guaranteeing meaningful public involvement. And it has achieved its stated goal of improving the quality of the human environment by relying on sound science to reduce and mitigate harmful environmental impacts.

NEPA is inherently flexible, and the current law, CEQ regulations, and Forest Service regulations and procedures provide significant authority to conduct efficient yet meaningful analysis, including through use of tiering, mitigated findings of no significant impact, appropriate application of existing categorical exclusions, and other tools. Within the scope of this existing authority, we have seen agencies conduct highly efficient yet robust NEPA analysis and have catalogued examples in Appendix I, primarily at sections 2.a and 2.b. At the same time, we agree that many Forest Service environmental analysis and decision-making processes could be more efficient and satisfying to stakeholders and the agency. However, as described in detail below, we feel the primary problems with – and solutions to – the Forest Service's NEPA process lie not with the agency's regulations and procedures but with operational and organizational culture issues that can be addressed within the scope of the agency's existing authority.

We have watched and commented on several past and ongoing legislative and administrative efforts to modify and weaken NEPA (e.g., the House Natural Resources Committee's 2005 *Task Force on Improving the National Environmental Policy Act* and the current suite of forest management bills that would alter, restrict, or obviate the application of NEPA to land management decisions and often limit public engagement in and judicial review of those decisions). Collectively, these efforts sought to constrain basic democratic principles of government accountability and public engagement. Based on misperceptions that the law prescribes overly burdensome process, analysis, and public engagement requirements, the efforts failed to identify root causes and thus implement meaningful changes to improve federal decision-making. We have learned over the years that attempts to undercut democratic principles such as those prescribed in NEPA often result in more controversy and less trust, collaboration,

and efficiency in the long run. To avoid a similar outcome, and in a collaborative spirit of improving the quality of the human environment, as NEPA commands, we offer the following comments in response to the ANPR.

II. Accurate and Complete Problem Identification is Required Prior to Initiating Rulemaking.

We agree that the Forest Service can improve its delivery of goods and services to the American public through improvements to its environmental analysis and decision-making processes. We do not agree, however, that the proposed rulemaking to amend the agency's NEPA procedures is the correct "solution" to the problem. While the Forest Service's approach to NEPA compliance leaves room for improvement, we disagree that the "fault" lies with the agency's NEPA regulations. This rationale has been deployed for decades, yet we are unaware of any data to support it.¹

Instead – and as the agency itself recognizes² – most delays in project implementation result from inadequate congressional appropriations, insufficient training of agency personnel tasked with NEPA compliance, inadequate staff qualified to undertake NEPA compliance, and the failure to leverage existing internal learning around NEPA. The ANPR notes that "an increasing percentage of the Agency's resources are spent each year to provide the necessary resources for wildfire suppression, resulting in fewer resources available for other management activities such as restoration," and that "there has also been a corresponding shift in staff, with a 39 percent reduction in all non-fire personnel since 1995." 83 Fed. Reg. at 302. We agree: the Forest Service has fewer employees generally, and the majority of the agency's already-reduced budget now goes to pay for fire suppression. Both factors necessarily reduce the agency's ability to focus on and complete mission-critical work. Additionally, since the Forest Service abandoned regular NEPA training for staff in the 1990s, it is not surprising that many staff "learn NEPA" from colleagues who themselves are not trained in how to comply with and effectively implement the law.3 And, although the Forest Service has been through several internal and external initiatives to "improve NEPA," the agency continues to struggle to learn from and leverage the lessons of these endeavors, no doubt in part a consequence of the capacity challenges cited above.

These operational and organizational culture issues – funding, staffing, and training – are wholly unrelated to NEPA. Instead, these factors are chronic issues faced by all federal agencies – although in the Forest Service they are exacerbated by systemic management practices that, for example, encourage frequent relocation. This practice results in numerous "acting" employees that may not be an appropriate fit, and in turn often stalls NEPA analysis on critical project-level work, sometimes for months or years. Inadequate agency budgets and hiring freezes also mean that many positions remain vacant for months or even years. In short, these are not "NEPA

¹ If the agency possesses such data, we request that information be made publicly available prior to the publication of the draft proposed rule.

² USDA Forest Service, *Environmental Analysis and Decision Making: The Current Picture* (Phoenix, AZ, Sept. 2017) (hereinafter Phoenix EADM Presentation).

³ Phoenix EADM Presentation.

problems" that can be remedied by amending the Forest Service's NEPA regulations. Until the Forest Service grapples with and addresses these issues, its attempts to alter its NEPA regulations will be arbitrary and capricious because its rulemaking will be based on "factors Congress did not intend it to consider." *Lands Council v. McNair*, 629 F.3d 1070, 1074 (9th Cir. 2010).⁴

Instead, the Forest Service needs to conduct an accurate and complete problem analysis that clearly articulates the operational and organizational culture hurdles to effective and efficient environmental analysis and decision-making that are reflected in its own data. The agency should then craft a strategy, along with an action plan, to address those identified issues, and reflect the strategy in its budget requests and program direction.

Relatedly, litigation is often portrayed as a reason for inefficient environmental analysis and decision-making, particularly with respect to "vegetation management" (i.e., timber sale, including "salvage") projects. This portrayal is flawed for at least two reasons. First, NEPA is designed to help the agency *avoid* litigation, by conducting transparent, collaborative decision-making processes that result in higher stakeholder satisfaction. While the agency may be tempted to avoid stakeholder complaints by pursuing CEs or limiting projects to an overly narrow scope, that approach often results in poorer quality NEPA analysis that is more vulnerable to litigation. Instead, as described in detail in the following section, the agency should focus its analysis and decision-making on a landscape-scale and over a longer time periods (i.e., programmatic analysis).

Second, the contention is belied by the agency's own data, which demonstrates that very few NEPA decisions generally, or vegetation management decisions specifically, are ever challenged in court, and even fewer projects are enjoined by court order such that project implementation does not occur:⁵

⁴ See also Motor Vehicle Mfrs. Ass 'n v. State Farm Mut. Auto Ins. Co., 463 U.S. 29, 43 (1983) (decisions that "entirely fail to consider an important aspect of the problem" are arbitrary and capricious); Fla. Power & Light Co. v. Lorion, 470 U.S. 729, 744 (1985) (record must demonstrate that the agency considered the relevant factors).

⁵ Phoenix EADM Presentation.

Percentage of NEPA Decisions Challenged by Region FY 2009 – FY 17, 1 st Quarter			
Region	No. Lawsuits	No. NEPA Decisions	% NEPA Challenged
1	91	2112	4%
2	33	2440	1%
3	46	1600	3%
4	51	1784	3%
5	64	2629	2%
6	55	2512	2%
8	26	3091	<1%
9	18	2755	<1%
10	10	730	1%



% of Regional Vegetation Management NEPA Decisions Challenged in Litigation From FY09 - FY17 (1st Quarter)

<u>Region</u>	<u>No.</u> Lawsuits	<u>No. Veg Mgmt.</u> NEPA Decisions	<u>% Veg. Mgmt.</u> <u>Decisions</u> <u>Litigated</u>
1	43	321	13.4%
2	5	285	1.8%
3	2	181	1.1%
4	3	251	1.2%
5	38	576	6.6%
6	17	652	2.6%
8	0	1004	0.0%
9	0	435	0.0%
10	6	92	6.5%



Scholarly and governmental analysis similarly concludes that litigation, while often acutely felt by those involved, has little commensurate effect on project implementation.⁶ Moreover, in our

⁶ See Miner et al., Twenty Years of Forest Service Land Management Litigation, 112 J. FOR. 32 (2014); GOVERNMENT ACCOUNTABILITY OFFICE, Forest Service: Information on Appeals, Objections, and Litigation Involving Fuel Reduction Activities, Fiscal Years 2006 through 2008

observation and experience, agency attempts to "bulletproof" NEPA analysis to avoid litigation generally results in lengthier documents but does not improve the quality of the analysis. This too is an issue of adequate training, funding, and staffing, as skilled NEPA practitioners can efficiently address analysis requirements to develop projects that are better for the environment and more effective at achieving project objectives.

Finally, it is worth noting that the Forest Service administers a sizeable portion of the federal estate, with vast national forests and grasslands and innumerable terrestrial, aquatic, and atmospheric resources entrusted to its care. The public cares deeply about those lands and resources, which are a unique part of our natural heritage. Because the trust relationship based on land and resource stewardship is different than the relationship that other federal agencies maintain with the public and stakeholders, it should not be surprising that the Forest Service experiences NEPA in a way that is qualitatively and quantitatively different than other federal agencies. Thus, the Forest Service should not presume, without applicable data, that the NEPA procedures of other federal agencies are appropriate for the stewardship of our national forests and grasslands. The Forest Service and the lands it manages are special, and deserve special recognition and treatment in the NEPA process.

For the forgoing reasons, we urge the Forest Service to conduct an adequate and complete problem analysis prior to commencing the rulemaking process and publishing a draft proposed rule to amend its NEPA procedures. The analysis should clearly articulate operational hurdles to effective environmental analysis and decision-making, and the agency should craft a strategy, including an action plan, for addressing them.

III. Existing Authorities Allow for Efficient Environmental Analysis and Decision-Making and May Be Under-Utilized.

The stated goal of the proposed rule-making is to increase the efficiency of environmental analysis in order "to complete more projects needed to increase the health and productivity of our national forests and grasslands." 83 Fed. Reg. at 302. The ANPR fails to address, however, the significant number of existing authorities that allow the Forest Service to expeditiously implement projects, often with expedited or reduced NEPA analysis. For instance, the following, non-exhaustive chart catalogues the existing streamlining authorities that we are aware of that apply to various restoration activities.

Major Forest Service Authorities to Expedite, Facilitate, and Streamline Project Planning and Associated Environmental Analysis Related to Vegetation Management, Restoration, and Fuels Reduction (not exhaustive)

Authority	Description	Purpose
Administrative Categorical		Eliminate the requirement to prepare an EA or EIS for project categories that the agency has

^{(2010);} Jacqueline Vaughn & Hanna J. Cortner, George W. Bush's Healthy Forests: Reframing the Environmental Debate (2005). Articles attached as Exhibit 1.

Exclusions, 36 C.F.R. § 220.6(d) and (e)	been deemed not to individually or cumulatively have a significant impact on the human environment, as long as no extraordinary circumstances apply to the proposed activities. Use of a CE for most covered restoration activities requires a decision memo.	demonstrated are not significantly impactful.
Programmatic NEPA and tiering, 40 C.F.R. § 1502.20; FSM 1950.3(2)(d); FSH 1909.15, ch. 10, § 11.41	Authorizes agencies to tier their EISs or EAs to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each scale of environmental review. Subsequent environmental analyses need only summarize the issues discussed in the broader programmatic analysis and can concentrate on the issues specific to the subsequent action at the appropriate scale.	Eliminate redundant analyses, and focus the level of analysis at the appropriate scale. When done well, results in better planning at multiple sales.
Adoption and joint preparation of NEPA statements, 40 C.F.R. § 1500.5(h); FSH 1909.15, ch. 10, § 11.42	Authorizes an agency to adopt the environmental analysis of another federal agency. An agency may also jointly prepare an environmental analysis with state, local, and other federal agencies to reduce duplication.	Eliminate duplicative analyses and reduce delay.
Healthy Forest Restoration Act § 404(d), 16 U.S.C. § 6554(d)	Establishes special NEPA procedures for EAs or EISs prepared for authorized hazardous-fuel- reduction projects, including limited alternatives analysis and modified judicial review for specific projects. Establishes a CE for "applied sylvicultural assessment" up to 1,000 acres.	Expedite decision-making and subsequent implementation of certain hazardous fuel reduction projects.
Healthy Forest Restoration Act § 603, 16 U.S.C. § 6591b	Establishes a CE for treatment of up to 3,000 acres within lands identified by State Governors to be experiencing or at risk of experiencing "declining forest health" or where "the risk of hazard trees poses an imminent risk to public infrastructure, health, or safety." Projects carried out in qualified areas to reduce the extent of or increase the resilience to insect and disease infestation, subject to certain limitations, are considered authorized projects eligible for limited NEPA and judicial review provisions under HFRA.	Eliminate need for environmental analysis for specific types of insect & disease remediation projects. Expedites project development and implementation.
Section 8006 of Public Law 113-79	Establishes a pre-decisional objection process that enables the agency to consider and rule on objections before issuing a final decision. Eliminates post-decision appeals.	Expedite project approval and implementation.
50 C.F.R. part 402, subpart C	Inter-agency regulations authorize alternative Endangered Species Act consultation	Enhance the efficiency and effectiveness of the consultation

	requirements for activities conducted in support of the National Fire Plan.	process under section 7 of the ESA for Fire Plan Projects.
Good Neighbor Authority, Public Law 113-79	Allows the Forest Service to enter into cooperative agreements or contracts to allow States to perform watershed restoration and forest management services on National Forest System lands.	Create efficiencies and leverages technical and financial resources.
Stewardship End Result Contracting, 16 U.S.C. § 6591c	Allows agency to enter into long-term contracts (up to 10 years) to meet land-management objectives (e.g., to reduce wildland fire risk and improve forest and rangeland health). Allows forest products to be exchanged for ecological restoration services, which may include thinning and removing brush.	Encourage longer-term stewardship projects.
Legacy Roads and Trails Program, authorized annually since 2008 via appropriations act	Drives urgently needed road decommissioning, road and trail repair and maintenance, and removal of fish passage barriers. Emphasizes areas where Forest Service roads may be contributing to water quality problems in streams and water bodies that support threatened, endangered, and sensitive species or community water sources.	Drive the restoration of lands and waters disturbed by damaging roads and trails through targeted funding and leveraging of third party funding and collaboration.
Collaborative Forest Landscape Restoration Program, Public Law 111-11	Provides competitive funding to support science-based landscape-scale collaborative restoration programs in fire-adapted landscapes.	Drive the establishment of multi- year collaborative landscape-scale restoration plans and projects to increase pace and scale of restoration, along with community support and participation.
The Joint Chiefs' Landscape Restoration Partnership	Establishes a multi-year partnership between the Forest Service and Natural Resources Conservation Service to facilitate cross- boundary restoration through interagency and community collaboration. The primary goals of the initiative are to work across public and private lands to reduce wildfire threats to communities, protect water quality and supply, and improve habitat quality for at-risk or ecosystem surrogate species. Provides up to three years of funding for projects through a competitive process managed internally by the NRCS and Forest Service.	Increase effectiveness and efficiency of restoration and fuels reduction projects by leveraging technical and financial resources on private and public lands.

These and other existing tools – some of which are discussed in more detail in the following sections – provide ample authority and mechanisms for the Forest Service to increase its restoration footprint and otherwise increase the pace of project implementation. The Forest Service has, in some cases, made innovative and effective use of existing authorities. For

example, the Crawley Branch project on the Grandfather District of the Pisgah National Forest was a pilot project for the 2014 Farm Bill insect and disease treatment authority, and it enjoys strong support from the Grandfather CFLR. *See* App'x 1 at § 3.a. for additional detail. However, it generally seems as if the agency may be under-utilizing or ineffectively utilizing existing authorities, and, in some instances, even abusing existing streamlining tools in an attempt to bypass necessary and important environmental analysis. *See* App'x 1 at § 3.c. In addition, some authorities (e.g., Farm Bill CEs and good neighbor authority) are relatively new, and the Forest Service may simply need more time and resources, including training, to incorporate them into widespread practice.⁷

Prior to creating new authorities, the Forest Service should analyze its current use of these and any other authorities that are designed to make environmental analysis and decisionmaking more efficient. The analysis should document the frequency with which each tool is used, identify trends around the use of each tool (e.g., used more or less frequently for certain types of projects or in certain geographies) and cite the rationale for using or not using the tool. It should identify where and how current tools can be better utilized, and where certain tools may be being used inappropriately. It should also identify gaps, if any, where the existing authorities do not permit efficient environmental analysis and decision-making, and it should clearly articulate a rationale for any proposed alterations or additions to existing authorities. Finally, where the Forest Service finds that existing CEs are under-utilized or inappropriately utilized, the agency should provide direction to field officers to address the identified issues.

IV. The Forest Service Should Better Utilize Programmatic, Landscape-Scale Analysis and Tiering.

The ANPR specifically seeks comment on approaches to landscape-scale analysis to increase the pace and scale of restoration on the national forests and grasslands. While the objective of enhanced restoration is not appropriate for every type of ecosystem across the National Forest System,⁸ we generally agree that the Forest Service can better employ programmatic, landscape-scale analysis both to attain restoration objectives where ecosystems are degraded and to streamline other project-level decision-making. In general, we believe that programmatic, landscape-scale analysis with tiered project-level analyses of site-specific impacts – or, in appropriate circumstances, use of categorical exclusions – can increase the efficiency of NEPA and improves outcomes by more effectively aligning impact analysis with scale. This approach requires two levels of decision-making and analysis: the large-scale analysis that appropriately considers the landscape-level impacts and cumulative impacts, and the smaller-scale analysis that appropriately considers the landscape-level impacts and cumulative impacts. Projects can then be implemented with

⁷ Although only a few years in existence, the CEs authorized under the 2014 Farm Bill have been used by the Forest Service. As of March 2017, 81 projects have been proposed using the Farm Bill Insect and Disease provisions, with 68 of those projects utilizing the new CE. The 81 projects span 40 national forests and 18 states. Forest Service Briefing Paper on the Status of Implementing 2014 Farm Bill Insect and Disease NEPA Tools (Mar. 2017) (Exhibit 2).
⁸ For example, not all ecosystems are outside of their natural ecological condition, and do not require upscaled management intervention. *See also* Forest Service Manual 2020 ("not all National Forest System lands require restoration").

an environmental assessment, or in certain circumstances, a categorical exclusion (categorical exclusions are discussed in more detail in the following section). This front-loaded approach in the long run will result in smarter management strategies, more pubic buy-in, and better consideration of cumulative impacts. Other large landscape-level analysis, such as that required by the Collaborative Forest Landscape Restoration Program, can also be used to more efficiently analyze the potential impacts of restoration projects.

Beyond the obvious benefits of strategizing restoration at multiple scales and better aligning analysis to scale, the two-tiered approach to decision-making offers additional benefits. For example, the larger-scale analysis enables the agency to consider the array of ecosystem elements requiring restoration (e.g., aquatic restoration, road restoration) and does not limit projects to vegetation management alone. It also encourages the agency to set implementation priorities instead of relying on haphazard implementation, and facilitates effective engagement by collaborative groups. Ultimately, the two-tiered approach facilitates a more integrated and collaborative restoration approach and results in healthier ecosystem condition and function. For example, the Cherokee National Forest is currently working on an innovative programmatic project as a bridge from the plan's broad restoration goals to concrete site-specific action. The project will identify common departed conditions in need of vegetation management as "covered activities," avoiding duplicative analysis in future projects. *See* App'x 1 at § 2.a. for additional detail.

We are concerned, however, that the agency's current use of landscape-scale analysis and tiering is under-utilized and often ineffective at achieving the benefits described above. The approach is not encouraged or emphasized in the Forest Service's current policies. In fact, the term "tiering" does not even appear in the current regulations. Moreover, in our experience the agency is often highly reticent to include meaningful and enforceable restrictions and set affirmative priorities in programmatic analysis and decisions that will guide project-level decision-making. This reticence leads to projects that create a risk of surprise, controversy, and delay from litigation. See App'x 1 at § 2.c. Including enforceable side-boards and affirmative priorities at the programmatic level necessarily narrows the scope and intensity of impacts associated with project implementation, thereby permitting narrower and more streamlined project-level analysis of any remaining site-specific impacts, more effective tiering, and increased use of existing categorical exclusions. This will also help reduce cumulative impacts over time, which in turn lessens the need to analyze complex and cascading cumulative impacts in subsequent project authorizations. In other words, in order to enjoy efficiencies offered by programmatic analysis and subsequent tiering, the programmatic, landscape-scale analysis must constrain the uncertainty and impacts associated with future projects. Yet in our experience, the agency generally shies away from including meaningful and enforceable side-boards or setting affirmative priorities at the programmatic-level.

Perhaps no opportunity for providing meaningful programmatic direction and associated environmental analysis is more significant than land management planning. And, with its substantive requirements to provide for ecological sustainability, the diversity of plant and animal communities, and integrated resource management for multiple uses, 36 C.F.R. §§ 219.8-219.10, the 2012 planning rule provides ample opportunity for developing meaningful programmatic direction for restoration and other projects. Yet we have routinely seen forests engaged in planning under the 2012 rule be reticent to affirmatively set priorities for restoration and other forest management activities and to develop enforceable standards and guidelines to constrain project-level activities, due to a desire for maximum flexibility and discretion. This results in plans that rely almost exclusively on desired future conditions and unenforceable and optional management approaches and goals. This approach not only raises serious questions about whether and how those forest plans provide for ecological sustainability and species diversity, as required, but also means that future environmental analysis and decision-making at the project level will necessarily need to be more robust – and therefore more resource intensive – in order to comply with NEPA. And with a lack of clear priorities for project-level action, the agency will have expanded decision-space at the project level, with correspondingly diverse potential impacts that will necessarily require sprawling, inefficient analysis. In short, the agency cannot have it both ways: flexibility at the programmatic level and increased pace and scale of project level implementation with streamlined environmental analysis.

The May 2016 draft plan for the Sierra National Forest provides an example of this problem.⁹ There the Regional Forester identified sixty-four species of conservation concern (SCC)¹⁰ – many of which are negatively impacted by vegetation management and other restoration-focused activities. The draft plan included species-specific plan components for only six of those SCC. For the remaining fifty-eight, the Forest Service deferred development of conservation measures to project-level planning. The draft plan provided only high-level plan components,¹¹ and no additional direction to guide the development of conservation measures at the project development stage. This approach ensures that, prior to authorizing restoration or other forest management activities, more robust project-level environmental analysis will be necessary to comply with NEPA and relevant species protection laws. In contrast, the George Washington National Forest, under the 1982 planning rule, used an efficient combination of strategies, including management area allocations and coarse- and fine-filter protections, to ensure that very few projects will require considerable additional analysis.

Another important aspect of programmatic NEPA analysis that can help streamline project implementation is meaningful consideration of climate impacts. While the majority of Departments in the Trump Administration continue to systematically dismantle important policies aimed at mitigating climate impacts and enhancing climate adaptation and resilience, climate change remains the most significant and fundamental environmental issue of our day and falls squarely within NEPA's focus. Thus, the Forest Service must analyze not only the effects of its proposed actions on climate change (i.e., how will the action contribute to climate change?), but also the implications of climate change on its proposed actions (i.e., how is climate change making affected resources, ecosystems, human communities, or structures more vulnerable to the

⁹ The Sierra National Forest is currently preparing a revised draft plan and draft EIS.
¹⁰ SCC list available at

http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/ne pa/3403_FSPLT3_3096353.pdf.

¹¹ For instance, the draft plan included a standard requiring "consideration" of special habitats during project design (p. 32) and guidelines that projects should protect at-risk species and their habitat by "considering" them early in environmental planning processes and incorporating "design features, mitigation, and project timing considerations" (pp. 97-98).

proposed action's impacts?). In other words, the reality of climate change must be factored into the environmental baseline for NEPA analysis because, "without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA." *Half Moon Bay Fisherman's Mktg. Ass'n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988). Given the significant ongoing and reasonably foreseeable landscape-scale impacts of climate change, addressing the already deteriorating, climate-impacted state of resources, ecosystems, human communities, and structures through programmatic analysis will help streamline project-level implementation. Programmatic analysis of climate impacts and contributions also provides an important opportunity to develop appropriate climate adaptation and mitigation measures that will help confine project-level impacts and analysis. For instance, programmatic analysis of climate adaptation needs could help set priorities and identify best management practices for aquatic restoration, including removal of under-sized culverts and other mechanisms to stormproof aging infrastructure.

The Forest Service should better utilize programmatic, landscape-scale analysis and decision-making, with tiered project-level analysis, or appropriate use of existing categorical exclusions – tools that are well within the Forest Service's existing authority and do not require significant revision of current regulations and policies. Effective use of this two-tiered approach will require the development of affirmative priority-setting and meaningful and enforceable restrictions in programmatic analysis and decisions – including in land management plans – to direct and narrow the impacts associated with project implementation. It will also require more meaningful analysis of climate impacts at the programmatic level.

V. Existing Categorical Exclusions Provide Significant Authority to Conduct Streamlined NEPA Analysis.

A. Governing Law & Policy.

The CEQ NEPA regulations permit agencies to identify categories of actions "which do not individually or cumulatively have a significant effect on the human environment" and therefore may be "categorically excluded" from the requirement to prepare an environmental assessment or environmental impact statement under NEPA. 40 C.F.R. § 1508.4. These categorical exclusions (CEs) do not apply, however, where there are "extraordinary circumstances in which a normally excluded action *may have* a significant environmental effect." *Id.* (emphasis added). Agency procedures must identify such extraordinary circumstances. *Id.* Where an action is categorically excluded, agencies are free to prepare an EA even though they are not required to do so. *Id.* §§ 1508.4, 1508.9.

Existing agency and Departmental CEs applicable to the Forest Service are at 36 C.F.R. § 220.6(d) & (e) and 7 C.F.R. § 1.b3, and, along with relevant statutory CEs, are compiled in Forest Service Handbook 1909.15, ch. 30, § 32. In total, the Forest Service has over three dozen CEs that apply to a wide range actions, including numerous restoration activities and special use permitting.

Identification of new CEs must comply with the requirements identified by the Ninth Circuit Court of Appeals in Sierra Club v. Bosworth, 510 F.3d 1016 (9th Cir. 2007). First, the Forest Service must conduct scoping to determine the range of potential issues and impacts related to the activities covered by the contemplated CE. See id. at 1027 ("The determination that a categorical exclusion was the proper path to take should have taken place after scoping, reviewing the data call, and determining that the proposed actions did not have individually or cumulatively significant impacts."). The Forest Service also must analyze whether the impacts of the actions encompassed by the CE will individually or cumulatively have a significant environmental impact. See id. at 1027-1028.¹² The determination of significance must be made in light of the same context and intensity factors that are implicated in evaluating individual actions. See id. at 1030-1031. The agency cannot evade such analysis by asserting that the analysis of cumulative impacts is impractical or infeasible, because use of a CE is improper where such impacts cannot practically or feasibly be assessed. See id. at 1028. Nor can the agency satisfy that obligation with conclusory assertions. Id. at 1030.13 Further, any new CE must be written with sufficient specificity to distinguish between actions likely to have significant impacts and those properly covered within a CE. See id. at 1032-33 ("The Service must take specific account of the significant impacts identified in prior hazardous fuels reduction projects and their cumulative impacts in the design and scope of any future Fuels CE so that any such impacts can be prevented.").

B. New or Expanded CEs for Vegetative Restoration are Generally Unnecessary.

We are aware that the Forest Service is keenly interested in identifying new or expanded CEs to encompass vegetation management and other restoration-focused activities that are typically evaluated using an environmental assessment (EA). While we generally support the use of appropriately-tailored CEs, we believe that new or expanded CEs for vegetation management are generally unnecessary and urge the Forest Service to tread very cautiously for the following reasons.¹⁴

¹² See also id. at 1026 (stating that the proper question is "whether the evidence supports the Forest Service's determination that the identified category of actions in the [challenged] CE do not individually or cumulatively have a significant impact on the environment," and citing Mandelker, *NEPA Law & Litigation* § 7:10 for the proposition that"[t]he effect of this method of defining categorical exclusions is to apply the same criteria for determining whether an impact statement is necessary to the categorical exclusion decision").

¹³ See also Heartwood, Inc. v. U.S. Forest Serv., 73 F. Supp. 2d 962, 975 (S.D. Ill. 1999) (CE was arbitrary and capricious where "FS did not provide any rationale for why [the] magnitude of timber sales [under the CE] would not have a significant effect of the environment" and record lacked "any evidence ... to support the [new increased] limit, except to refer to the FS' expertise and prior experience with timber sales having 'these characteristics."").

¹⁴ We also refer you to the comments in the beginning of this letter about operational barriers to efficiency, and the need to accurately define those barriers before contemplating changes to the regulatory framework.

First, we are concerned that the Forest Service rationale that a CE may be appropriate for the significant portion of its vegetation management projects that are analyzed using EAs fails to appreciate the difference between an EA and a CE. Most EAs result in the preparation of a decision notice and finding of no significant impact (DN/FONSI). However, these EAs and DN/FONSIs are appropriately categorized as "mitigated EAs and FONSIs": that is, the Forest Service is able to justify its finding of no significant impact (and therefore proceed without preparing an EIS) only because it has employed mitigation measures (often dozens or more) to reduce the impact of the proposed action below the threshold of significance. Because mitigation measures are used to reduce a project's impacts below the significance threshold, there is little factual basis to conclude that the scope of work proposed in a mitigated EA is appropriate for a CE. CEs are intended to be "a category of actions which do not individually or cumulatively have a significant effect on the human environment." Mitigated EAs and DN/FONSIs are decidedly not such a category of action. In fact, these types of vegetation management projects may have an individual or cumulative effect on the environment, but those effects have been minimized to the point of non-significance by the utilization of mitigation measures. Had it not been for preparation of an EA, the measures may never have been developed in the first place. This is particularly so where mitigation measures are often developed through engagement with the public during preparation of the EA - a process which would not occur with use of a CE.

Significant issues addressed through project refinement, alternatives analysis, and mitigation include old growth, access, inventoried roadless areas, potential wilderness areas, and other undeveloped areas, soil erosion, sedimentation of waters, state-designated natural areas, threatened and endangered species and critical habitats, cultural and social impacts, and ecological restoration. *See* App'x 1 at § 1.a. for examples. Access, in particular, is a significant issue that is inextricably related to vegetation management. Using CEs to implement vegetation management would hide the cumulative impact of projects with respect to this significant issue, making it impossible to systematically address the urgent need to move toward a more ecologically and fiscally sustainable road system. *See generally* App'x 1 at § 4. The haphazard approach to road-building in previous eras is the cause of the road system's unplanned proliferation and unsustainable costs. Returning to such an approach would be inconsistent with agency policy requiring progress toward an ecologically and fiscally sustainable road system management); 36 C.F.R. § 219.1(g) (land management planning).

Moreover, in our experience, the mitigation measures required by mitigated EAs and DN/FONSIs are often ineffective at reducing the environmental impacts of vegetation management projects. Thus, a proposed CE that required measures utilized in past mitigated EAs and DN/FONSIs would need to be supported by an analysis demonstrating that the required mitigation measures are likely to be effective in reducing individual and cumulative impacts below the significance threshold. Because many mitigation measures are either not implemented in the field or are only partially effective (or not effective at all), we anticipate that it will be difficult for the agency to make such a showing. For example, gates, tank traps, and other methods to block "closed" roads used for logging activities can be ineffective in prohibiting resource damage to soils, vegetation, and wildlife. Other mitigation measures such as treating hazardous fuels in logged areas with prescribed fire are only partially implemented, or not implemented in a timely fashion, which increases the fire risk in those areas. Forest Service

monitoring reports (when they are prepared) do not consistently address the outcomes associated with implementation of mitigation measures and often indicate that measures designed to protect terrestrial and aquatic resources are ineffective. *See* App'x 1 at § 1.b. for examples. Because mitigation measures are not consistently effective, it is inappropriate for the agency to presume that activities undertaken with mitigated EAs and DN/FONSIs are appropriate for a CE.

Second, to identify a new category of CE, the Forest Service must demonstrate that the activity will not individually or cumulatively have a significant environmental impact. 40 C.F.R. § 1508.4; *Sierra Club*, 510 F.3d at 1027-1028. The Forest Service has not proffered data demonstrating that vegetation management projects of significant size or scope would have no significant individual or cumulative effects. Indeed, CEs for larger-scale restoration projects could very well overwhelm smaller national forests, particularly those in the east. The examples provided in Appendix 1 illustrate, among other things, the different scales at which projects begin to cause significant impacts in different ecoregions. Moreover, given the vast dearth of monitoring that occurs post-project, we would be surprised to learn that the agency has carefully analyzed this issue. To justify a determination that a scope of work usually undertaken with an EA is appropriate for a CE, the Forest Service must analyze whether projects analyzed with EAs did in fact have no significant direct, indirect, or cumulative impacts on the environment. We are aware of no such analysis, and urge that one be completed before proposing any new vegetation management CEs.

NEPA is a forecasting law designed to predict environmental impacts. But only postimplementation monitoring can determine whether the predicted effects were the actual effects of an action, or whether other, unforeseen effects in fact occurred. And because the Forest Service lacks a budget to sufficiently monitor and adaptively manage the national forests, it is unlikely that the agency can rationally conclude that its vegetation management actions can appropriately be documented with the use of a CE.

Third, it appears that the Forest Service may be employing circular logic to justify increasing the pace and scale of forest management (or restoration) by using CEs. Over the past decade or more, the Forest Service has expressed its desire to increase its management footprint on the national forests and grasslands by arguing that projects need to be bigger in order to have the desired effect on the landscape. Usually this justification stems from the desire to reduce the risk of wildfire and its impacts on western national forests and grasslands. The agency's intent with this management approach admittedly is to have a "more significant" impact on the composition, structure, and function of these forests.

The problem with using a CE to implement this work is one of scale. CEs are intended to be used for "small," "insignificant" projects, not large landscape-level projects that alter fire regimes, vegetation classes, or watershed condition class. The latter effects are substantial, and likely have direct, indirect, and/or cumulative effects – as they *should*, because that is the stated purpose and need of the project. If the Forest Service wants to increase the pace and scale of land management (or restoration), then using a "small" tool like a CE, independent of a larger programmatic plan and analysis, is by definition the wrong tool. Instead, the agency should make more use of programmatic NEPA analysis and tiering, as described above.

Fourth, the Forest Service's existing CEs already encompass many restoration activities. Some are oriented at vegetation management (*e.g.*, 36 C.F.R. § 220.6(e)(6) (CE for timber stand or wildlife habitat improvement); *id.* § 220.6(e)(10) (CE for hazardous fuels reduction activities); *id.* § 220.6(e)(11) (CE for post-fire rehabilitation activities); *id.* §§ 220.6(e)(12)-(14) (CEs for various tree cutting activities, including salvage logging and insect and disease control); Healthy Forests Restoration Act (HFRA) § 603 (CE for insect and disease projects in designated areas); HFRA § 404 (CE for sylvicultural assessments and treatments)), while others address aquatic restoration (*e.g.*, 36 C.F.R. § 220.6(e)(7) (CE for aquatic habitat improvement); *id.* § 220.6(e)(18) (CE for aquatic restoration activities)). As with programmatic analysis and tiering, the Forest Service should ensure it is effectively utilizing these existing authorities before contemplating new CEs.

Finally, we strongly caution the Forest Service against expanding the breadth of existing CEs to enable larger-scale salvage logging. The science is clear that post-fire salvage logging does not advance ecosystem integrity or restoration.¹⁵ Given that a stated purpose of this rulemaking is to advance restoration, it would be inappropriate to expand the acreage for salvage logging projects that can be completed using a CE. Moreover, there is no evidence to suggest that salvage logging at larger scales will not individually or cumulatively have significant impacts on the human environment.

In sum, the Forest Service should not presume that a category of action documented with an EA is appropriate for a CE simply because the action is one that is regularly undertaken. The Forest Service already has ample authority – via programmatic analysis and tiering, existing CEs, and other streamlining authorities – to conduct efficient environmental analysis for vegetation management and other restoration activities. To rationally support new or expanded CEs for those activities, the Forest Service must document – with data – that the category does not have significant individual or cumulative effects. The Forest Service should not consider expanding the breadth of existing CEs to enable larger scale salvage logging.

¹⁵ See, e.g., David L. Peterson, James K. Agee, Gregory H. Aplet, Dennis P. Dykstra, Russell T. Graham, John F. Lehmkuhl, David S. Pilliod, Donald F. Potts, Robert F. Powers, and John D. Stuart, 2009. Effects of Timber Harvest Following Wildfire in Western North America. General Technical Report PNW-GTR-776. March 2009; Jonathan R. Thompson, Thomas A. Spies, and Lisa M. Ganio, 2007. Reburn severity in managed and unmanaged vegetation in a large wildfire. Proceedings of the National Academy of Sciences. Published online June 11, 2007; D. C. Donato, J. B. Fontaine, 2 J. L. Cambell, W. D. Robinson, J. B. Kauffman, 3 B. E. Law, 2006. Post-Wildfire Logging Hinders Regeneration and Increases Fire Risk. In Science. Vol 359, Issue

6374. January 2006. Available at: http://science.sciencemag.org/content/suppl/2006/01/10/1122855.DC1. Articles attached as Exhibit 3.

VI. CEs Related to Permitting for Outfitters and Guides and Recreational Infrastructure.

The ANPR asks for feedback specifically on:

classes of actions that are unlikely, either individually or cumulatively, to have significant impacts and therefore should be categorically excluded from NEPA's environmental assessment and environmental impact statement requirements, such as . . . special use authorizations; and activities to maintain and manage Agency sites (including recreation sites), facilities, and associated infrastructure.

83 Fed. Reg. at 302. In this section, we provide feedback to this query for CEs specific to outfitter and guide permitting and recreation infrastructure and facilities.

If the agency is contemplating a new CE related to recreation infrastructure maintenance and management or special use authorizations, the agency must carefully identify the ways in which the existing CEs are deficient. If the language of the CEs is adequate but the application of the CEs has been deficient, then the agency should address the application problem. If the agency determines that the existing CEs are deficient, we urge it to consider amending them before creating entirely new CEs. A few surgical amendments to the existing language might address these deficiencies with minimal disruption and less risk of unanticipated consequences. The agency should only explore creating an entirely new CE if the existing CEs cannot be modified to address agency needs, or if the subject matter of the desired CE is entirely new. In short, the key threshold step is to carefully identify the problem the agency is trying to solve, and then provide as narrow a fix as possible. As discussed above, the agency must undertake the requisite analysis to support the creation of appropriate new CEs, consistent with the requirements articulated by the Ninth Circuit in *Sierra Club v. Bosworth*, 510 F.3d 1016.

A. Outfitter and guide permitting.

Outfitting and guiding is an important service that helps visitors get out into nature, learn outdoor skills, and connect with forest resources. People who are cautious about getting outdoors in our national forests, especially for longer trips or those requiring specialized outdoor skills, look to professional outfitters and guides to assist them. In addition, organizations classified as outfitters and guides that serve youth and traditionally underserved populations by taking them into (and teaching them about) National Forest System lands are crucial to ensuring that forests are, and will continue to be, enjoyed and cherished by future generations. Guided visitation can often be less damaging than dispersed visitation (for the same amount of people doing the same activity) because the outfitter is bound by permit conditions that may not apply to the general public.

Outfitters and guides operate under outfitter-guide recreational special use authorizations. These authorizations fall into two categories: priority use and temporary use. Priority use permits are generally for ten years. Temporary use permits are issued on an annual basis and authorize the short-term use (180 days) of National Forest System lands for up to 200 service days. Temporary permits are currently most useful to outfitters and guides proposing one-time uses of Forest Service lands and also to smaller or start-up outfitters and guides seeking to break into the

system and obtain service days. They may also be useful to priority use permitted outfitters and guides that would like to add service days to their operation (for instance, in response to changes in weather, or other factors that affect demand).

Applying and receiving a priority use permit requires a detailed application and usually an environmental assessment. This makes sense given the potential effect on the human environment, length of permit, and scope of operation. However, the Forest Service recognized that the issuance of temporary permits, or the renewal or replacement of existing priority use authorizations, under certain conditions could appropriately be done under CEs, hence expediting permitting and increasing guided access opportunities to national forests and associated benefits. These existing CEs are:

- Section 220.6(d)(8) covers "[a]pproval, modification, or continuation of minor, short-term (1 year or less) special uses of NFS lands. Examples include, but are not limited to .
 . (i) Approving, on an annual basis, the intermittent use and occupancy by a State-licensed outfitter or guide."
- Section 220.6(d)(10) covers "[a]mendment to or replacement of an existing special use authorization that involves only administrative changes and does not involve changes in the authorized facilities or increase in the scope or intensity of authorized activities, or extensions to the term of authorization, when the applicant or holder is in full compliance with the terms and conditions of the special use authorization."
- Section 220.6(e)(15) covers "[i]ssuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization."

Taken together, these CEs cover short-term permits for minor intermittent uses, permit replacement without modification, and permit renewal without modification. They do not cover issuance of new permits that are for more than one year.

Regarding the second and third CEs, we suspect that in practice the Forest Service's interpretation of what constitutes an "administrative change" may be inconsistent. For instance, we know of one instance in which an outfitter wanted to shift kayak service days to paddleboard service days but was told he could not do so. We therefore recommend that the Forest Service explore whether a clarification about what constitutes an administrative change in the context of the second and third CEs is necessary, and provide that clarification if it is.

If the agency contemplates a new or expanded CE related to outfitter and guide permitting, the Forest Service must, of course, satisfy the requirements for new and expanded CEs described earlier in this letter. Further, any exploration of a new or expanded CE should start with an evaluation of problems related to permit backlogs, and whether operational issues rather than the absence of a CE are primarily to blame. While we recognize that providing guided services to the public, especially traditionally underserved populations and youth, is important, we also are cognizant that shifts in how specific trails and areas are used can at times be controversial and

deserve a public conversation before long-term outfitting is permitted. That said, we offer two major ideas for your consideration.

First, we believe programmatic NEPA and tiering are underutilized in this context of special use administration. We believe the Forest Service should encourage programmatic forest or district-wide environmental reviews of recreational special uses such as outfitting and guiding in advance, before specific requests are submitted.¹⁶ These reviews could be used to establish overall activity and service day limitations for a forest, district, or zone, which in turn would put the forest in a better position when special permit applications are submitted. When an application is submitted, the forest would be able to tier – or potentially categorically exclude – its environmental review of the specific proposal to its programmatic analysis. This would simplify the review process for specific proposals, increasing efficiency and lowering the costs of processing special use applications. It would also produce better, more consistent environmental reviews and pubic engagement.

Second, if the agency feels that there is a compelling need for a new or expanded CE related to issuing outfitting and guide permits, it must include the following sideboards necessary to ensure that excluded actions individually and cumulatively will not have significant impacts:

- 1. A CE should only apply to permit applications for non-motorized use of established recreational infrastructure such as trails, campsites, and roads in areas that are open to the general public for recreational use;
- 2. A CE should only apply to uses that are the same or substantially similar to an existing permissible use of the covered area;
- 3. A proposed use must be consistent with applicable plans (e.g., land management plan, programmatic recreation plan, or wilderness management plan);
- 4. A CE should only be used for proposed uses that do not substantially increase the scope or intensity of overall use in the targeted area, taking into account both general public use and use under existing special use permits; and
- 5. A CE should only be used to issue permits of limited duration.

In furtherance of marrying these two preceding recommendations, the agency should seriously consider crafting any contemplated CE so that it could only be invoked under the umbrella of a programmatic analysis for special use authorizations. This would have the effect of encouraging programmatic recreation planning, a sorely lacking function currently within the agency.¹⁷

¹⁶ For high recreation forests, these reviews could be integrated into the land management plan.

¹⁷ For example, a CE could be made available for certain classes of activity that have been determined in planning or a programmatic analysis to not have impacts greater than ordinary use for a discrete area within the plan or analysis area.

B. Recreational infrastructure and facilities.

With respect to recreation infrastructure and facilities, the agency currently has CEs that appear to be broad enough to cover a wide range of activities. These include:

- Repair and maintenance of roads and trails (36 C.F.R. § 220.6(d)(4)).
- Repair and maintenance of recreation sites and facilities (36 C.F.R. § 220.6(d)(5)).
- Construction and reconstruction of trails (36 C.F.R. § 220.6(e)(1)).

We do not see a need for broader CEs related to maintenance and repair (although note that we do see a need for expedited decommissioning of unneeded roads and trails, as discussed in the next section, which would have the practical effect of freeing up more funds for maintenance and repair of needed infrastructure).

VII. The Forest Service Should Consider an Expansion to CE#20 to Facilitate the Restoration of Lands and Waters Disturbed by Unneeded Closed Roads.

The ANPR asks for feedback specifically on:

classes of actions that are unlikely, either individually or cumulatively, to have significant impacts and therefore should be categorically excluded from NEPA's environmental assessment and environmental impact statement requirements, such as integrated restoration projects; ... and activities to maintain and manage Agency sites (including recreation sites), facilities, and associated infrastructure.

83 Fed. Reg. at 302. While our organizations are skeptical that new or expanded CEs for vegetation management activities are appropriate given the array of current authorities, including CEs, designed to expedite NEPA processes for those projects, we are interested in seeing the agency explore expanding the scope of the CE at 36 C.F.R. § 220.6(e)(20) to include the restoration of lands occupied by system roads that have been closed to public motorized use. This expansion would advance the pace of restoration and address the Forest Service's exorbitant and ever-growing road maintenance backlog. Restoring the lands and waters disturbed by these roads is one of the most significant and enduring restoration actions the agency can take.

A. Background.

1. Roads in the National Forest System.

The National Forest System has about 370,700 miles of system roads and at least another 60,000 miles of non-system routes. That is nearly eight times the length of the entire U.S. Interstate Highway System and enough to circle the earth at the equator fifteen times. About 18% of the system roads are passable by a car, while 55% are high clearance, and 27% or closed to motorized travel. USDA Forest Service 2016. Much of the system suffers from inadequate maintenance, as recent appropriations have paid for one-fifth to one-half of the annual required maintenance cost. As of 2016, the national forest road system had a 3.2-billion-dollar

maintenance backlog. *Id.* These roads – both system and non-system – are contributing sediment pollution to forest streams and water bodies, resulting in impacts to fish and other aquatic and riparian systems. In some forests, stream segments are actually listed under the Clean Water Act as impaired because of road-derived sediment pollution. These roads also fragment wildlife habitat, reduce wildlife connectivity, and facilitate the spread of non-native, invasive species.

2. Road Policy Framework.

Current Forest Service direction for the management of the road system is to "maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns."¹⁸ In doing so, forests must use a science-based analysis to "identify the minimum road system [MRS] needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands," with the MRS defined as:

the road system determined to be needed [1] to meet resource and other management objectives adopted in the relevant land and resource management plan \ldots , [2] to meet applicable statutory and regulatory requirements, [3] to reflect long-term funding expectations, [and 4] to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

36 C.F.R. §212.5(b)(1). Forests must also "identify the roads . . . that are no longer needed to meet forest resource management objectives and that, therefore, should be decommissioned or considered for other uses, such as for trails." *Id.* § 212.5(b)(2). Forest officials should give priority to decommissioning those unneeded roads that pose the greatest risk to public safety or to environmental degradation. *Id.* The aforementioned analysis is referred to as a travel analysis and the resulting report, which has now been completed by a majority of forests, is referred to as a travel analysis report (TAR).

3. Adverse environmental effects associated with the Forest Service road system.

The scientific literature, including numerous Forest Service reports and studies, document the many environmental problems attendant to the Forest Service's large and under-maintained road system. For a general summary, we recommend that you consult the Forest Service Technical Report by Gucinski *et al.* entitled "Forest Roads: A Synthesis of Scientific Information," which summarizes and describes the science as of 2001 regarding the effects of roads on the landscape. In a 2010 technical report, the Forest Service summarized some of the problems associated with the road system;

¹⁸ Memorandum from Joel Holtrop to Regional Foresters *et al.* re Travel Management, Implementation of 36 C.F.R., Part 212, Subpart A (Nov. 10, 2010); Memorandum from Leslie Weldon to Regional Foresters *et al.* re Travel Management, Implementation of 36 C.F.R., Part 212, Subpart A (Mar. 29, 2012); Memorandum from Leslie Weldon to Regional Foresters *et al.* re Travel Management Implementation (Dec. 17, 2013) (Exhibit 4).

Expansive road networks, however, can impair water quality, aquatic habitats, and aquatic species in a number of ways, often to a greater degree than any other activities conducted in forested environments. Roads intercept surface and subsurface flows, adding to the magnitude and flashiness of flood peaks and accelerating recession of flows. Road networks can also lead to greater channel incision, increased sedimentation, reduced water quality, and increased stream habitat fragmentation. Modern road location, design, construction, maintenance, and decommissioning practices can substantially mitigate these impacts, but most forest roads were built using older methods and are not adequately maintained owing to a lack of resources. In addition, many critical drainage components like culverts, are nearing or have exceeded their life expectancy. These deteriorating road conditions threaten our ability to manage forests and pose significant risks to watersheds.

Gucinski *et al.* 2010 (emphasis added). The Forest Service also summarizes these effects in the final rule for CE#20, and provides a list of select research papers and supporting documents for the establishment of CE#20. 78 Fed. Reg. at 56157, Appendix I.¹⁹

Exhibit 5 surveys the extensive and best-available scientific literature on a wide range of roadrelated impacts to ecosystem processes and integrity on National Forest lands. These adverse impacts are long-term, occur at multiple scales, and often extend far beyond the actual "footprint" of the road.

For example, erosion, compaction, and other alterations in forest geomorphology and hydrology associated with roads seriously impair water quality and aquatic species viability. Exhibit 5 at 2-4, 6-8. Roads disturb and fragment wildlife habitat, altering species distribution, interfering with critical life functions such as feeding, breeding, and nesting, and resulting in loss of biodiversity. *Id.* at 4-8. Roads also facilitate increased human intrusion into sensitive areas, resulting in poaching of rare plants and animals, human-ignited wildfires, introduction of exotic species, and damage to archaeological resources. *Id.* at 9.

Climate change intensifies the adverse impacts associated with roads. For example, as the warming climate alters species distribution and forces wildlife migration, landscape connectivity becomes even more crucial to species survival and ecosystem resilience. *Id.* at 9-11; *see also* USDA Forest Service 2011 (National Roadmap for Responding to Climate Change recognizes importance of reducing fragmentation and increasing connectivity to facilitate climate change adaptation). Climate change is also expected to lead to more extreme weather events, resulting in increased flood severity, more frequent landslides, altered hydrographs, and changes in erosion and sedimentation rates and delivery processes. *Id.* Many National Forest roads, however, were not designed to any engineering standard, making them particularly vulnerable to these climate alterations. And even those designed for storms and water flows typical of past decades may fail under future weather scenarios, further exacerbating adverse ecological impacts, public safety concerns, and maintenance needs. USDA Forest Service 2010.

¹⁹ Available at:

https://www.fs.fed.us/emc/nepa/restorationCE/includes/USFS_CE_Supporting_Statement_Appe_ndix%20I.pdf.

B. Actions required to restore lands and waters impacted by unautborized and closed system roads are similar, and do not shift access.

Most scientific research and agency publications do not distinguish between the impacts of nonsystem routes and system routes. This is because the character of, the impacts from, and the restoration strategies applied to unauthorized and authorized roads are substantially similar. See Exhibit 5 for a summary of these impacts.²⁰ For example, National Forest System roads 219 A and 905 as shown in Figure 1 are system roads closed to public motorized use in the Cibola National Forest. It is indistinguishable in character from the non-system road shown in Figure 2 also located in the Cibola National Forest. In both cases, decommissioning will include activities such as ripping the compacted surface, placing brush across the entrance, and re-establishing natural contour and stable drainage patterns.

In addition, in the case of both unauthorized and closed system roads, motorized access is prohibited, and the act of restoring the lands and waters disturbed by the roads does not alter access. 36 C.F.R. §§ 212.50(a) & 261.13. As the Forest Service rightly noted, "the majority of issues associated with road and trail restoration activities are related to access and travel management policies, rather than from implementing restoration projects." 78 Fed. Reg. at 56160.

C. Expanding the scope of CE#20 would increase the pace and scale of restoration on national forests and create efficiencies in environmental analysis.

The National Forest System contains thousands of miles of system roads that are closed to public motorized use, no longer needed, and should be fully decommissioned to reduce impacts.²¹ In recent years, the Forest Service commendably has launched several initiatives designed to "right-size" the road system. These initiatives involve a combination of identifying unneeded and environmentally problematic roads for decommissioning, closing unneeded routes to public motorized use, and identifying roads for decommissioning in project-level decisions. Examples of these initiatives with road decommissioning elements are provided in Exhibit 6.²² In some

²⁰ In fact, during the rulemaking process for CE#20, respondents asked that the Forest Service expand the proposed CE to include closed system roads; in response, the Forest Service notably did not argue that the impacts of unauthorized and system roads fall into different categories and instead simply stated that the agency felt that the requested expansion was "at this time [] unnecessary and would divert public and agency focus from the Agency's continued implementation of the 2005 Travel Management Rule." 78 Fed. Reg. at 56159.

²¹ In 2017, The Wilderness Society aggregated data offered in forest-level TARs in 68 of the 86 forests in Forest Service Regions 1, 2, 4, 5, 6, and 8 (these were the TARs available online in these regions as of August 2017) and found that the Forest Service across these regions identified ahout 10% (about 37,000 miles) of its system roads as likely unneeded for future use.

²² The Forest Service utilizes an array of strategy documents and project level plans to document and design needed projects for restoring lands and waters occupied by closed roads that are unneeded and/or environmentally problematic. These include: Travel Management Plans in which forests establish designated systems for motorized vehicle use; TARs in which forests identify unneeded roads for decommissioning or conversion to trails; Watershed Restoration

forests, there are hundreds of miles of roads waiting for decommissioning or some type of restoration work to prevent further environmental degradation, prevent illegal use, and reduce the financial burden of the current road system. Enabling this work to be done through a CE would speed up the pace of restoration and enable the Forest Service to address the impacts to aquatic and other resources that these roads continue to cause.

In the final rule that established CE#20, the Forest Service stated that "[t]he primary economic effects of the CEs for soil and water restoration activities are changes in costs of conducting environmental analysis and documentation." 78 Fed. Reg. at 56161. By expanding CE#20 to include closed system roads, the Forest Service would reduce its costs significantly for this work and could direct saved funds to additional on-the-ground restoration projects.

D. Recommended language for a modified CE#20.

We recommend the following modifications to CE#20 (additions in bold, italics; deletions in strike-through text):

(20) Activities that restore, rehabilitate, or stabilize lands occupied by system roads and trails that are closed to public motorized use or by unauthorized roads and trails, excluding National Forest System Roads and National Forest System Trails, to a more natural condition that may include removing, replacing, or modifying drainage structures and ditches, reestablishing vegetation, reshaping natural contours and slopes, reestablishing drainage-ways, or other activities that would restore site productivity and reduce environmental impacts.

Additionally, we recommend the Forest Service modify example (i) as follows:

Decommissioning a road that is no longer a National Forest System Road to a more natural state by restoring natural contours and removing construction fills, loosening compacted soils, revegetating the roadbed and removing ditches and culverts to reestablish natural drainage patterns;

VIII. The Forest Service Should Eliminate Categorical Exclusions that the Courts Have Invalidated or Called into Question.

The Forest Service should use the proposed rulemaking to address inconsistencies between its existing CEs and federal court decisions. First, the Forest Service Handbook properly strikes the hazardous fuels reduction activities CE, 36 C.F.R. § 220.6(e)(10), the use of which has been enjoined by a federal court pending compliance with Ninth Circuit direction in *Sierra Club v. Bosworth*, 510 F.3d 1016. *Sierra Club v. Bosworth*, No. 04-2114 (E.D. Cal. Nov. 25, 2008). The

Action Plans, in which forests identify necessary projects for the restoration of a priority watershed including road decommissioning; Access and travel management plans, in which forests identify roadwork projects, including decommissioning, necessary to move towards an appropriately sized transportation system; and integrated restoration plans, in which forests identify integrated restoration projects necessary for the integrated restoration of an identified planning area.
hazardous fuels reduction activities CE still appears in the Forest Service regulations at 36 C.F.R. § 220.6(e)(10) and should be removed.

Second, the two CEs related to land management planning, 36 C.F.R. §§ 220.6(d)(2)(vi) & (e)(16), should be removed. First, the CE for establishing planning procedures is inconsistent with a federal court decision overturning the use of a categorical exclusion for the Bush Administration's revision of the Forest Service planning regulations. See Citizens for Better Forestry v. U.S. Dep't of Agric., 481 F. Supp. 2d 1059, 1085-1090 (N.D. Cal. 2007). The Forest Service's 2012 planning rule was subject to intensive NEPA analysis through an EIS. Given the significant procedural and substantive requirements that the National Forest Management Act requires the planning regulations to address to guide the development, revision, and amendment of land management plans for all national forest system units, any significant amendment or revision to the planning regulations is inappropriate for a CE. Thus, the CE for establishing procedures for amending or revising forest land and resource management plans, 36 C.F.R. § 220.6(d)(2)(vi), should be repealed.

The CE for land management plans, plan amendments, and plan revisions, *id.* § 220.6(e)(16), should also be repealed – or, at a minimum, significantly narrowed to encompass only minor amendments – because it is inconsistent with the 2012 planning rule, which requires preparation of an EIS for new plans and plan revisions, *id.* § 219.5(a)(2)(i), and preparation of an EIS, EA, or CE for plan amendments, depending on the scope, scale, and likely effects of the amendment, *id.* § 219.5(a)(2)(ii). More generally, both existing CEs are inconsistent with utilizing programmatic, plan-level analysis to enhance project-level NEPA compliance and efficiency.

IX. The Forest Service Should Not Relax The Extraordinary Circumstances Definition.

While it is not explicitly referenced in the ANPR, we are aware that the Forest Service is interested in revising its extraordinary circumstances guidance as part of this rulemaking effort. Currently, the agency must consider seven different types of resource conditions "in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS." 36 C.F.R. § 220.6(b)(1). The regulation explains:

The mere presence of one or more of these resource conditions does not preclude use of a [CE]. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

36 C.F.R. § 220.6(b)(2). This direction is a relaxation of prior direction, which precluded the use of a CE if any "resource condition" was present at all in the action area.

Currently, the agency must only evaluate the degree of potential effect of its proposed actions on the enumerated resource conditions, which allows for those actions to move forward, provided there are no direct, indirect, or cumulative effects that warrant the preparation of an EA or EIS.

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We suspect the current language may present some challenges in employing a CE for a management action, given the myriad of "resource conditions" that are ever-present on national forests and grasslands. Indeed, National Forest System lands are brimming with valuable, important, and sometimes rare resources. The existing extraordinary circumstances direction helps to ensure that these resources will be protected during land management activities, and we do not support a regulatory change that would make it easier to disregard the diverse and often fragile nature of our national forests and grasslands. The Forest Service should not consider any regulatory changes that would further relax the extraordinary circumstances regulation. If the agency does contemplate any changes, it must provide a rationale for why the existing regulation is problematic – and ensure that any proposed changes are adequate to identify when application of a CE may be inappropriate.

Indeed, if the Forest Service intends to propose new or expanded CEs, then it will likely be required to enumerate even more extraordinary circumstances. Each CE contains its own limits on the intensity of the action, but context is limited by the extraordinary circumstances list. The greater the intensity of actions covered by CEs, the more important it will be to differentiate between contexts in which those CEs may have significant impacts. Otherwise, the first CE project proposed in the wrong context will make the entire CE vulnerable to challenge.

We look forward to providing additional comment on this topic, should the Forest Service move forward with amending this aspect of its NEPA regulations.

X. Forest Service NEPA Procedures Must Ensure Proper Consideration of the Character and Future Status of Roadless and Wilderness-Eligible Lands.

The Forest Service's NEPA regulations currently provide important and necessary procedural protections for roadless and wilderness-eligible lands. First, the regulations list "inventoried roadless areas" (IRAs) and "potential wilderness areas" (PWAs) as resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS. 36 C.F.R. § 220.6(b)(1)(iv). Second, the regulations include "proposals that would substantially alter the undeveloped character of an [IRA] or a [PWA]" within the "classes of actions normally requiring [EISs]." *Id.* § 220.5(a)(2).

IRAs are an administrative designation that applies to the roadless lands protected under the Roadless Area Conservation Rule, 36 C.F.R. part 294. Colorado and Idaho have developed their own rules to protect inventoried roadless lands within their states. 77 Fed. Reg. 39576 (July 3, 2012) (Colorado Roadless Rule); 73 Fed. Reg. 61456 (Oct. 16, 2008) (Idaho Roadless Rule). Those designated areas are now properly referred to as Colorado Roadless Areas and Idaho Roadless Areas, respectively. Collectively, IRAs, Colorado Roadless Areas, and Idaho Roadless Areas provide significant ecological and social functions:

[IRAs] provide large, relatively undisturbed blocks of habitat for a variety of terrestrial and aquatic wildlife and plants, including hundreds of threatened, endangered, and sensitive species[,] . . . function as biological strongholds and

refuges for a number of species, and . . . play a key role in maintaining native plant and animal communities and biological diversity.

Roadless Area Conservation Rule, Final Environmental Impact Statement, Summary, p. 17.²³ To properly reflect the current status of administratively designated and protected roadless areas, references to IRAs in the agency's NEPA regulations and procedures should be amended to encompass Colorado Roadless Areas and Idaho Roadless Areas as well.

Potential wilderness area is a term defined in the 2007 version of the Forest Service's land management planning handbook, FSH 1909.12, ch. 70, addressing the wilderness evaluation process. In short, PWAs were the term utilized in the 2007 handbook to describe lands inventoried by the Forest Service and identified to have wilderness characteristics, making them suitable for potential future inclusion in the National Wilderness Preservation System. The 2015 version of the handbook, which corresponds with the 2012 planning rule, no longer uses the term PWA. The product of the Forest Service inventory and evaluation – often referred to as the "Chapter 70" process – is now referred to as "areas that may be suitable for inclusion in the National Wilderness Preservation System." While areas inventoried under the 2012 planning rule are not referred to as PWAs, they are comparable to PWAs in terms of their social and environmental qualities. Similarly, areas referred to as "newly inventoried roadless areas" like those in the White Mountain National Forest were also delineated for the same undeveloped characteristics. Regardless of label, these areas encompass lands with wilderness characteristics that would be suitable for designation as wilderness by Congress.

Like IRAs, areas identified through the Chapter 70 process provide myriad social and ecological benefits, including habitat for at-risk species, provision of clean air and water, relatively undisturbed and intact ecosystems, climate refugia, and outstanding opportunities for backcountry recreation. However, because IRAs are based on inventories conducted often decades ago, the mandatory inventory to identify undeveloped, wilderness-quality lands as part of land management planning provides important contemporary information and often encompasses lands not included in earlier inventories (due to, for example, changes on the ground or acquisition of private inholdings).

We understand that the Forest Service is interested in removing the PWA language from its NEPA regulations. While we support making clarifications to the regulatory language to reflect relevant terminology, it would be inappropriate for the Forest Service to simply remove the procedural protections for PWAs without replacement language to ensure that those and other comparable wilderness-quality lands receive adequate NEPA analysis for proposed management actions that could impact their wilderness characteristics and related social and ecological values. It is not the label, but the areas' (1) generally undeveloped character and (2) eligibility for future designation or other protected status that matters. Simply declaring that development of such areas is no longer significant would be arbitrary, absent a showing that the characteristics that qualified areas for PWA status are somehow no longer worthy of additional consideration – something we do not believe the Forest Service can demonstrate. Indeed, federal courts have

²³ Available at

http://www.fs.usda.gov/roaddocument/roadless/2001roadlessrule/finalruledocuments.

repeatedly held that roadless and wilderness-quality lands warrant higher NEPA scrutiny due to their unique attributes. *E.g., Lands Council v. Martin*, 529 F.3d 1219, 1230-1232 (9th Cir. 2008) (citing earlier cases and explaining that roadless area "attributes, such as water resources, soils, wildlife habitat, and recreation opportunities, possess independent environmental significance" and that such areas are also "significant because of their potential for designation as wilderness areas under the Wilderness Act of 1964"). The "stock" of inventoried lands that may one day be added to the National Wilderness Preservation System is finite, and the importance of those lands will only continue to grow as population pressures increase, as Congress has explicitly recognized. *E.g.*, Eastern Wilderness Areas Act, Public Law No. 93-622 (1975).

It is important that the Forest Service recognize that "PWA" is not a vestigial term. Numerous forests that conducted planning under the 2007 version of Chapter 70 have PWAs - and will continue to have them until their next plan revision. In fact, as the agency recently recognized in connection with the plan revision for the George Washington & Jefferson National Forests, the characteristics that make PWAs special "remain relevant to project-level planning," because even plans that allow development of PWAs do not commit to developing them, and appropriate analysis (including consideration of alternatives) is needed to avoid and mitigate the impacts of development. See USDA Forest Service, George Washington & Jefferson National Forests. Resolution of Appeal Agreement (July 22, 2015) (Exhibit 7). Proposed projects in these areas should continue to receive heightened NEPA process and scrutiny: their largely undisturbed and sensitive character (the context for the proposed action) means that projects are more likely to have significant impacts. The same is true for newly inventoried areas - "lands that may be suitable for inclusion in the National Wilderness Preservation System" - identified under the 2015 version of Chapter 70. Both the 2007 and 2015 processes were designed to capture similar environmental qualities. Thus, impacts to the areas - regardless of what they are called - will be similar in terms of context, with project-level impacts affecting those qualities likely to be significant.

In short, regardless of the label used, activities that would substantially alter the character of wilderness-eligible lands should continue to be categorized as a class of actions normally requiring an EIS and as inappropriate for use of a CE. Without that safety valve to account for significant impacts to wilderness-eligible and roadless lands, application of existing CEs or development of new CEs for vegetation management or other activities will be vulnerable to legal challenge. Notably, providing more robust forest plan direction - and corresponding programmatic NEPA analysis - for these wilderness-suitable lands can greatly streamline project-level NEPA analysis. For instance, forest plan allocation of lands included in the wilderness inventory to an appropriate management area with corresponding plan components designed to safeguard their wilderness characteristics is an efficient way to ensure that future project activities will not require additional EIS-level analysis. In other words, if the management allocation precludes activities that would substantially impact the particular area taking into account its unique characteristics and values - then future projects consistent with the forest plan will not require further EIS-level analysis. If, on the other hand, the plan contemplates activities that might substantially impact the particular area, then further EIS-level analysis may be needed if and when such projects are proposed.

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We anticipate that the Forest Service may take the position that regulatory protections for PWAs or their equivalent can be eliminated because current Forest Service policy is explicit that inclusion in the wilderness inventory and evaluation "is not a designation that conveys or requires a particular kind of management." FSH 1909.12, ch. 70, § 71. This rationale confuses requirements under the 2012 planning rule (i.e., do wilderness inventory areas require special treatment during planning?) with requirements under NEPA (i.e., what are the agency's analysis and procedural obligations with respect to proposed projects that may degrade wilderness characteristics?). Sections 220.5(a)(2) and 220.6(b)(1)(iv) are relevant only to the latter; they do not require a particular kind of management for any areas, whether classified as IRAs, PWAs, or a part of any other inventory of wilderness-quality lands. Instead, the current regulations help direct what type of analysis should precede project-level decision-making in those areas, and, as described above, provide necessary safeguards for PWAs. Consistent with the change in Forest Service terminology, those procedural protections should be expanded to encompass all lands that the Forest Service has inventoried and identified as potentially eligible for future inclusion in the National Wilderness Preservation System.

The Forest Service should amend the phrase "inventoried roadless area or potential wilderness area" in sections 220.5(a)(2) and 220.6(b)(1)(iv) as follows: "<u>inventoried roadless areas, Colorado Roadless Areas, Idaho Roadless Areas, or areas that the Forest Service has identified as potentially eligible for future inclusion in the National Wilderness Preservation System</u>." The agency should otherwise retain those provisions as written to ensure adequate procedural protections of important roadless and wilderness-quality lands.

XI. Consultation and Collaboration.

Consultation with expert federal agencies and stakeholder collaboration are two required elements of Forest Service environmental analysis and decision-making. With respect to consultation requirements under federal laws such as the Endangered Species Act and National Historic Preservation Act, we believe there are structural challenges, including inadequate staffing and funding, that can lead to delayed or inefficient decision-making. Because the expert consulting agencies such as the U.S. Fish and Wildlife Service, NOAA-Fisheries/National Marine Fisheries Service, and state and federal Historic Preservation Offices are also underfunded and understaffed, the consultation process can often take longer than the prescribed timeline, which further delays project implementation. These are not "NEPA problems" and cannot be addressed by changes to the Forest Service's NEPA regulations.²⁴

The Forest Service increasingly enhances its capacity to implement land management through collaboration with stakeholders. Indeed, the agency's 2012 planning rule emphasizes the role that collaboration and public engagement play in national forest and grassland management. However, often collaboration – particularly initially – takes substantial investments of time and energy (and sometimes funding) before it can "bear fruit" and result in an increase in the pace,

²⁴ Some of our organizations have worked with the Forest Service and consulting agencies to secure additional funding to support up-front consulting agency participation in the planning process, and remain willing to work with the agencies in the future to meet this need.

scale, and quality of restoration or other management activities. Committing to this initial investment can result in more efficient project planning and implementation. In other words, to improve and expedite project planning and implementation, effective collaboration necessarily requires stakeholders to "go slow to go fast."

Although many of our organizations participate in collaborative efforts on our national forests and grasslands, we all note that stakeholder collaboration is <u>never</u> a substitute for full NEPA compliance. Importantly, not all interested members of the public are able to participate in collaborative efforts, and they are entitled to provide input that is meaningfully considered on those projects. Disclosure and analysis of environmental consequences, consideration of a robust range of alternatives, and public comment on agency actions is essential not only for NEPA compliance, but also for fostering an informed public and open democracy. Collaboration is one way to engage stakeholders in democratic decision-making, but it is by no means the only way.

XII. Public Engagement and Collaboration.

As stated above, public engagement is essential to informed decision-making, and collaboration can be an excellent tool to increase stakeholder understanding and involvement in project development and implementation. Our organizations that participate in collaborative efforts strongly believe that when collaboration is effective, it is effective because our federal partners in the Forest Service involve collaborative groups *early* in the planning process, well before the NEPA process commences. *See* App'x 1 at § 2.b. Whether forest plan revision or project planning, relationships among stakeholders – including the Forest Service – must be built, rebuilt, or repaired before the tough work of discussing desired outcomes, management approaches, and the integration of science can begin. When federal and nonfederal partners take the time to understand each other, it is far more likely that they will be able to jointly develop, implement, and monitor on-the-ground projects, which is what stakeholders ultimately want.

Collaboration in the form of stakeholder groups is not the only way to engage the public early on in a decision-making process. Other effective tools include webinars, social media, and monitoring workshops. Outreach to youth and underserved populations is particularly important; as our country's demographics continue to shift, the Forest Service needs to be proactive in engaging the next generation of public lands stewards.²⁵ Collaboration and meaningful public engagement is useful not only to inform project design, but also to help identify best available scientific information, assess baseline conditions and potential environmental justice impacts of proposed actions, synthesize and incorporate public feedback, and explore potential partnerships to assist with monitoring and other implementation efforts.

Consequently, we urge the Forest Service to robustly engage the public not only in this rulemaking effort, but also in its land management decision-making processes, especially large-scale endeavors, and implementation actions. This engagement will take time, money,

²⁵ The Federal Advisory Committee for implementation of the Forest Service's 2012 planning rule recently issued useful recommendations on public engagement and youth outreach. We encourage the Forest Service to review and incorporate these and other FACA recommendations relevant to environmental analysis and decision-making in the context of this proposed rule-making.

and effort on the part of the Forest Service, but we believe the investment will ultimately result in more streamlined and effective environmental analysis, decision-making, project implementation, and adaptive management. Our organizations are willing and able to assist the agency with developing and implementing robust public engagement, and collaboration, processes associated with land management planning and project implementation.

Due to the importance of public engagement and transparency, the Forest Service should not consider any changes to its NEPA regulations or procedures that would reduce or eliminate public comment periods. Reducing or eliminating public comment periods would not meaningfully streamline the time for project or permit approvals. Minimal comment periods of at least 90 days for a draft EIS and at least 30 days for other NEPA evaluations constitute only a small portion of the overall time required to reach a Record of Decision (on average 1,373 days in 2016) or Decision Notice (on average 730 days in 2016). In addition, reducing those comment periods would likely slow the NEPA process on the back-end with increased objections, appeals, and legal challenges.

Reducing public comment periods would frustrate the public's ability to fully understand the impacts of a proposal, and impair the ability of the public to provide meaningful comment to agency decision-makers. Members of the public that care about public lands may not realize the full extent of the impacts of a proposal until the agency discloses them in a draft EA or EIS. Moreover, evaluating those impacts once they are disclosed requires a comment period of adequate length to allow the public to understand and respond to the technical analyses set out in the draft document and often highly technical appendices. This often requires obtaining the assistance of experts in diverse and highly technical fields, compiling data and sources cited by the agency, preparing or reviewing GIS information, and coordinating with other interested members of the public, groups, and volunteers. In some cases, it may require obtaining additional documents from the agency through Freedom of Information Act requests.

Thus, any attempt to reduce comment periods would curtail the ability of the public to engage in the activities that are necessary to provide meaningful comments in response to the agency's draft analysis of alternatives and impacts. Further, where lengthy timelines for project approvals are the result of understaffing and underfunding, as the ANPR indicates, reducing public comment periods would clearly be an inappropriate and ineffective route for trimming project timelines.

Finally, in keeping with the theme that early public and collaborative input and communication is the most important ingredient of efficient decision-making, we suggest that the Forest Service consider adding a requirement or an incentive for agency staff to offer an additional public participation checkpoint after scoping comments are received and translated into "issues" for analysis. Such a checkpoint could take the form of a meeting or sharing written materials, but either way it would allow agency staff to ask stakeholders, did we understand you? This will help to avoid the surprise often experienced when stakeholders read an EA's or EIS's response to comments and do not feel their input was fairly characterized. Such a check-in has been a hallmark of good collaboration on many projects we have participated in. The Cherokee National Forest, for example, has made this a standard part of collaborative project development, and we applaud this extra effort, which is more than worth the time.

XIII. Adequate Agency Training.

As discussed above and acknowledged by the Forest Service, agency personnel who deal with NEPA compliance are given inadequate tools for their job: the agency has lacked systematic NEPA training since the 1990s. What training does exist is haphazard at best and inaccurate at worst, as many agency personnel resort to querying colleagues about NEPA compliance and often receive erroneous "advice" as a result. Consequently, it is not surprising that the Forest Service struggles with consistent and accurate application of the law.

Therefore, we support your decisions to reallocate Washington Office staff to forests to assist with NEPA compliance and to implement rigorous and regular NEPA training for relevant staff. Many of our organizations employ or retain NEPA practitioners with decades of experience in NEPA compliance, and many are regular NEPA litigants. As a result, we have a unique perspective on how, when, and why the Forest Service goes astray in NEPA compliance, and we would welcome the opportunity for a technical discussion regarding how the agency can do better.

XIV. Conclusion.

Our organizations thank the Forest Service for the opportunity to provide comments on the ANPR. While we believe that the agency's environmental analysis and decision-making process could be more efficient, we do not believe that the agency has provided the factual and legal basis for amending its NEPA regulations at this time. Instead, we believe that Forest Service resources may be better spent addressing operational issues associated with funding, staffing, training, and budgeting, which are external to the NEPA regulatory framework. We welcome the opportunity to explore these issues further with the Forest Service.

Attachments

- Appendix I: Examples of NEPA Outcomes
- Exhibit 1: Miner et al., Twenty Years of Forest Service Land Management Litigation, 112 J.
 FOR. 32 (2014); GOVERNMENT ACCOUNTABILITY OFFICE, Forest Service: Information on Appeals, Objections, and Litigation Involving Fuel Reduction Activities, Fiscal Years 2006 through 2008 (2010)
- Exhibit 2: Forest Service Briefing Paper on the Status of Implementing 2014 Farm Bill Insect and Disease NEPA Tools (Mar. 2017)
- Exhibit 3: David L. Peterson, James K. Agee, Gregory H. Aplet, Dennis P. Dykstra, Russell T. Graham, John F. Lehmkuhl, David S. Pilliod, Donald F. Potts, Robert F. Powers, and John D. Stuart, 2009. Effects of Timber Harvest Following Wildfire in Western North America. General Technical Report PNW-GTR-776. March 2009; Jonathan R. Thompson, Thomas A. Spies, and Lisa M. Ganio, 2007. Reburn severity in managed and unmanaged vegetation in a large wildfire. Proceedings of the National Academy of Sciences. Published online June 11, 2007; D. C. Donato, J. B. Fontaine, 2 J. L. Cambell, W. D. Robinson, J. B. Kauffman, 3 B. E. Law, 2006. Post-Wildfire Logging Hinders Regeneration and Increases Fire Risk. In Science. Vol 359, Issue 6374. January 2006. Available at: http://science.sciencemag.org/content/suppl/2006/01/10/1122855.DC1.
- Exhibit 4: Memorandum from Joel Holtrop to Regional Foresters *et al.* re Travel Management, Implementation of 36 C.F.R., Part 212, Subpart A (Nov. 10, 2010); Memorandum from Leslie Weldon to Regional Foresters *et al.* re Travel Management, Implementation of 36 C.F.R., Part 212, Subpart A (Mar. 29, 2012); Memorandum from Leslie Weldon to Regional Foresters *et al.* re Travel Management Implementation (Dec. 17, 2013).
- Exhibit 5: The Wilderness Society. 2014. Transportation Infrastructure and Access on National Forests and Grasslands: A Literature Review.
- Exhibit 6: Examples of Forest Service initiatives that identify, recommend or decide road decommissioning.
- Exhibit 7: USDA Forest Service, George Washington & Jefferson National Forests, Resolution of Appeal Agreement (July 22, 2015).
- Figure 1: Photographs showing closed system roads on the Cibola National Forest. Photographs taken 2012.
- Figure 2: Photographs showing unauthorized road on the Cibola National Forest. Photographs taken 2012.

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With an emphasis on "smart from the start" federal decision making, the National Environmental Policy Act (NEPA) has improved countless federal projects and helped save tens of millions of dollars in taxpayer money by giving ordinary citizens a voice in government decision-making.

NEPA success stories are as numerous as they are varied, from the construction of the 3.5-mile Hoover Dam Bypass and the redevelopment of the country's largest Brownfield site in Atlanta to the continued preservation of Giant Sequoia National Monument and El Yunque National Forest.

The following examples illustrate the critical importance that NEPA and its implementing procedures play in providing a strong foundation for informed, science-based decision-making:

Alabama

The Choctaw Point Complex Mobile Container Terminal

In early 2000, Alabama sought to revive its Choctaw point shipping port terminal. Business at the port had changed since its dedication in 1928 such that it was no longer adequate for modern shipping needs. In 2001, the Army Corps of Engineers submitted a project proposal to upgrade the port with a modern, world-class container handling facility that would meet current needs. During the NEPA process, the Corps discovered that it needed to modify the original berthing configuration to avoid posing navigational safety issues to ships. Further, the review helped the Corps improve overall operational efficiency in the intermodal rail yard, intermodal container yard, and traffic control areas, reduce the port's environmental effects, including its impact on wetlands, and increase mitigation efforts. Today the terminal forms an important part of the Port of Mobile, Alabama, which provides over 120,000 jobs.¹

Arizona

Hoover Dam Bypass

The Federal Highway Administration (FHWA) developed the 3.5-mile Hoover Dam Bypass project, which would stretch from Clark County, Nevada, across the Colorado River to Mojave County, Arizona, to address increased congestion at the Hoover Dam crossing. However, the environmental impact statement for the project failed to explore an adequate variety of options. Project manager Dave Zanetell admitted as much, stating that the FHWA had "grossly underestimated some of the alternatives and too quickly dismissed them." To ensure full NEPA compliance, Zanetell's team more thoroughly researched an alternative proposed by environmental groups and added some important features to the project in response to public comments. In its final form, the bypass, which opened in October 2012, runs closer to developed areas instead of cutting through pristine corridors; it also includes accommodations such as sidewalks, pedestrian facilities, and parking to enable pedestrian access. "Oftentimes the public is a huge influence on

¹ "Record of Decision: Choctaw Point Terminal." *Alabama State Port Authority*. February 18, 2005. Available at: <u>http://www.asdd.com/aspa_feis/ChoctawPointTerminal_RecordofDecision.pdf</u>

the project. NEPA is certainly the foundation for public participation," said Zanetell. "We don't look at it as a burden; it is something we relish," he added.²

Arkansas

Shady Lake Recreation Area

In 2011, the Forest Service proposed to construct a new entrance road to the Shady Lake Recreation Area in Arkansas' Ouachita National Forest to improve visitors' experiences, provide safe vehicular access to the Shady Lake Recreation Area, and minimize conflicts with residents living nearby. While the Environmental Assessment proposed to wait to open the new entrance to visitors until the project was complete, thanks to NEPA, the Federal Highway Administration and Forest Service put their heads together to reach a better solution. They decided to open the new entrance road to public traffic upon completion of the project's first phase, ensuring that visitors could access the area and that nearby residents would benefit from diminished traffic as soon as possible.³

Arkansas' Cache River National Wildlife Refuge and the Endangered Ivory-billed Woodpecker In 1971, shortly after the passage of National Environmental Policy Act (NEPA), the Army Corps of Engineers proposed draining and channelizing Arkansas' Cache River flood basin. The dredging would have had adverse effects on the vast tracts of wetland that support several species of wildlife, including the endangered Ivory-billed woodpecker (then thought to be extinct). Public outcry was tremendous. Tens of thousands of comments from concerned citizens were submitted during the environmental review process, but the Corps of Engineers continued to push forward with the project. Environmentalists challenged the adequacy of the Corps' environmental analysis in court, pointing out that the Corps had failed to evaluate any alternatives that would have mitigated damage to wetland habitats in its massive channeling program. The court ordered all work halted on the project until the Corps of Engineers considered a series of viable project alternatives. The court order, combined with sustained public pressure, forced the Corps of Engineers to abandon the project. Arkansas' Cache River National Wildlife Refuge (NWR) was subsequently established in 1986 to protect significant wetland habitats and provide feeding and resting areas for migrating waterfowl. Encompassing some 72,000 acres, the refuge straddles in Jackson, Woodruff, Monroe, and Prairie counties in east-central Arkansas. Today, the Cache River National Wildlife Refuge remains one of the few remaining areas in the Lower Mississippi River Valley not drastically altered by channelization and drainage projects carried out by the US Army Corps of Engineers throughout the first half of the 20th century. In 2006, the endangered Ivory-billed woodpecker thought to be extinct - was spotted in the Cache National Wildlife Refuge for the first time in over 60 years. The large, showy bird disappeared in the 1950s following sustained logging of bottomland forests in the southeast.4

California

² "Record of Decision: US 93 Hoover Dam Bypass Project." U.S. Federal Highway Administration. March 2001. Available at: https://nepis.epa.gov/Exe/ZyPDF.cgi/2000U92D.PDF?Dockey=2000U92D.PDF

³ "Finding of No Significant Impact on the Environmental Assessment for the Construction of a New Entrance Road to the Shady Lake Recreation Area." U.S. Federal Highway Administration. October 3, 2011. Available at: https://flh.fhwa.dot.gov/projects/ar/shady-lake/documents/fonsi.pdf

⁴ "Ivory-Billed Woodpecker Rediscovered in Arkansas." *National Public Radio*. April 28, 2005. Available at: <u>https://www.npr.org/2005/04/28/4622633/ivory-billed-woodpecker-rediscovered-in-arkansas</u>

Bolinas Lagoon

The NEPA review process exposed the devastating impacts of the Army Corps of Engineers' plan to dredge the Bolinas Lagoon, one of the most pristine tidal lagoons in California. A 1996 management plan found that the lagoon, which is an important habitat for fish, waterbirds, and marine mammals, had lost about 25% of its tidal habitat from 1968 to 1988 due to excessive sedimentation, and was projected to continue these losses. The U.S. Army Corps of Engineers, in turn, proposed dredging 1.4 million cubic yards of sediments from the lagoon at a cost of over \$100 million. Local stakeholders, deeply concerned about the environmental impacts of such a project, commissioned a review of the assumptions and conclusions in the Draft EIS. The resultant study found that sedimentation in the lagoon was a much more dynamic process than had been accounted for in the EIS, and was driven by long-term sediment delivery (which makes the lagoon shallower) and earthquakes (which deepen it). The study also found that since the lagoon's depth is ultimately controlled by these dynamic processes, dredging would have only a small and shortterm effect. On the basis of this work, the stakeholder group developed a "locally preferred alternative" that emphasized habitat restoration and getting excessive levels of sediment inputs under control. As a result, this misguided plan was abandoned in 2006, saving taxpavers \$133 million. The non-federal sponsor then worked with scientists, local stakeholders, environmental groups, and state and federal agency representatives to develop a series of community-supported recommendations for the restoration and management of Bolinas Lagoon that were finalized in 2008.5

Crenshaw/LAX Transit Corridor

When construction wraps up on Los Angeles' Crenshaw/LAX Line in 2019, the highly anticipated light rail route will connect a key corridor of the city from Jefferson Park to El Segundo and add a long-sought rail connection from downtown to one of the busiest airports in the world. Getting the project off the ground, however, was no small feat. Without the approval of "Measure R," a halfcent sales tax approved by Los Angeles County voters in 2009 that provided a dedicated funding for twelve metro area transit projects, the city simply wouldn't have had the money to proceed. Early project planning and work on the Environmental Impact Statement (EIS) to construct the 8.5-mile line connecting two existing subway lines began in 2009. During this review process, the Federal Transit Administration (FTA) and Los Angeles Metro officials jointly identified a rarelyused five-mile long freight rail line instead of building new tracks that would have disrupted several neighborhoods and proven far more costly. That decision decreased project costs, saved time, and reduced disturbances for the nearby community by using an existing right-of-way while providing significant environmental benefits, economic development, and employment opportunities throughout Los Angeles County. One of the visionary elements of National Environmental Policy Act (NEPA) EPA is its creation of broad opportunities for public participation in government decisions that affect their environment and local communities. Throughout the environmental review and planning process, local residents were continuously engaged in dialogue to ensure the project would be completed in an equitable, beneficial, and resourceful way that met the needs of local communities. The Crenshaw/LAX Community

⁵ "Draft Environmental Impact Statement: Bolinas Lagoon Ecosystem Restoration Project Feasibility Study." U.S. Army Corps of Engineers. June 2002. Available

at: https://www.marincountyparks.org/~/media/files/departments/pk/projects/open-space/bolinas-lagoon/draft-bolinas-lagoon-ecosystem-restoration-feasibility-study-and-draft-cir-cis.pdf

Leadership Council (CLC) was established thereafter to provide feedback and carries out its work through topic-specific working groups, quarterly community meetings, bi-monthly construction meetings and special project collaborations with Metro staff and other community groups. Residents of Leimert Park Village, for example won the battle for their own station and for the train to run underground and out of site for its first three stops. One of the Federal Transit Administration's first projects piloting a new process that helped identify and mitigate project risks more efficiently, the project's Environmental Impact Statement (EIS) was finalized less than two years later in 2011 and the Crenshaw/LAX light-rail alternative moved forward. The Crenshaw/LAX transit corridor provides two key lessons. First, when projects are assigned dedicated sources of funding (e.g., Los Angeles' Measure M) the NEPA review process is normally swift and rarely a major barrier to project completion. Project delays are more often than not the result of a combination of inadequate funding and local opposition. The NEPA review process and Environmental Impact Statement (EIS) were completed in less than two years. Second, without the NEPA review process, residents tens of thousands of residents from Inglewood to El Segundo would have been able to weigh in and provide feedback on the Crenshaw/LAX corridor project that stood to affect their livelihood and quality of life. Similarly, without the NEPA review process, federal decision-makers might not have been able to identify that a rarely-used freight railroad could be utilized at a lower cost and with less disruption to local communities. Scheduled for completion in 2019, the Crenshaw/LAX line will run from the Jefferson Park neighborhood in the north to Inglewood and El Segundo in the south with an estimated daily ridership of 16,000.6

Sequoia National Forest

One of the earliest examples of NEPA's importance and profound effect on conservation efforts came in the 1970s after Walt Disney Company proposed construction of a ski resort in Sequoia National Forest. With some 38 distinct groves, Sequoia National Forest is home to the greatest concentration of giant sequoia found anywhere in the world. Here, trees often exceed 250 feet in height and 2,000 years in age. In February 1965, however, the Forest Service issued a prospectus inviting proposals for a ski resort in the valley, then part of Sequoia National Forest. Walt Disney Company answered the call, its plans envisioning a five-story hotel complete with 1,030 rooms, a movie theater, general store, pools, ice rinks, tennis courts, and a golf course on the floor of Sequoia National Forest's Mineral King Valley. Twenty-two lifts and gondolas would scale the eight glacial cirques above the village, leading to ski runs four miles long with drops of 3,700 feet. Construction of the ski resort would clearly interfere with the preservation of the nearby Sequoia National Park, surrounding forest area, and local wildlife. Adding insult to injury was the fact that that Congress had already designated Mineral King a National Game Refuge in 1926, and Sequoia National Park bordered the area on three sides. On June 5, 1969, Sierra Club sued Sequoia National Park, Sequoia National Forest, and Secretaries of the Interior and Agriculture in federal court, arguing that the project improperly handed control of too much national forest land to Disney and that the highway through the national park was illegal. A trial judge issued a preliminary injunction, halting work until the case reached the Supreme Court. The high court struck the Sierra Club a blow on April 19, 1972, when it ruled against the organization on procedural grounds in Sierra Club v. Morton. In a 4-3 decision, the court held that the organization-founded by John Muir in 1892-lacked standing to sue because it had not shown how the proposed ski resort would

⁶ "Record of Decision: Crenshaw/LAX Transit Corridor." *Federal Transit Association (FTA)*. December 30, 2011. Available at:

http://media.metro.net/projects_studies/crenshaw/images/20111230_CrenshawLAX_Record_of_Decision.pdf

injure any individuals, as opposed to the collective interests of the club's membership. While Sierra Club took time to amend its complaint and show it had standing to sue, an important piece of legislation passed: the National Environmental Policy Act (NEPA). Signed into law by President Nixon on January 1, 1970, NEPA requires federal government and project sponsors to engage in a review process designed to identify potentially adverse effects on the environment and our public health *before* construction begins. Simply put, NEPA sought to ensure that those who manage projects make the decisions in the best interest of local communities while involving the public. With the passage of NEPA, Disney was required to complete an Environmental Impact Statement (EIS) detailing what impact the resort would have on the area. In 1977, the Forest Service attempted to revive the resort plan, but by then Walt Disney Productions had walked away. Less than a year later, President Carter expanded the boundaries of Sequoia National Park to ensure the permanent protection of Mineral King in 1978.⁷

Giant Sequoia National Monument (2005)

The Giant Sequoia National Monument's towering trees are among the planet's most majestic living things. It boasts more than half of all the Sequoia redwoods in the world, with most of the remainder found in the adjacent National Park. But that hasn't stopped efforts to cut them for timber. In 2005, the Forest Service finalized plans to allow for commercial logging in the prized Giant Sequoia groves. Under the plan, nearly 7.5 million board feet of timber would have been removed annually from the Monument, enough to fill 1,500 logging trucks each year. This policy would have included logging of healthy trees of any species as big as 30 inches in diameter or more – trees that size can be as much as 300 years old. Although the administration of President George Bush Sr. had proclaimed the Sequoia groves off-limits to commercial logging, the Forest Service sought to justify the timber sale under the guise of forest thinning activities designed to mitigate the risk of wildfires. Conservationists challenged the Bush administration under the National Environmental Policy Act (NEPA) in search of a better way to manage the rare forest. The trees were saved when a federal judge ruled in August of 2006 that logging in Giant Sequoia National Monument was illegal. Judge Breyer called the proposal "incomprehensible," concluding "the Forest Service's interest in harvesting timber...trampled the applicable environmental laws."⁸

Colorado

The Glenwood Canyon I-70 Mountain Corridor

For many years, the I-70 Mountain Corridor, which runs from Denver, Colorado to Glenwood Springs, experienced severe congestion – particularly on weekends. In the winter, I-70 provides access to of the country's premier ski resorts including Vail, Aspen, Winter Park, Keystone, and Breckenridge. In the summer, I-70 also serves as a gateway into the Rocky Mountains for campers, bikers, hikers, climbers and kayakers alike. When the Colorado Department of Transportation (CDOT) began exploring expanding the I-70 Mountain Corridor in the 1970s, however, they found the project presented unique challenges. Much of the interstate cuts through narrow valleys where there is little room to add additional lanes. Where it is feasible to add lanes, cost is high and there the risk of rockslides remains ever present. In order to improve the corridor's capacity and mobility,

⁷ Sierra Club v. Morton, 405 U.S. 727 (1972). Available at:

https://supreme.justia.com/cases/federal/us/405/727/case.html

⁸ Sierra Club v. Bosworth, 465 F. Supp. 2d 931. Available at:

http://earthjustice.org/sites/default/files/library/legal_docs/sequoia-decision-8-22-06.pdf

CDOT's original proposal included blasting through cliff, building unattractive retaining walls, and channeling the Colorado River. When CDOT began work on an Environmental Impact Statement (EIS) shortly after, a process that seeks to encourage public input in government decision-making with mandated comment periods, they discovered that a majority of stakeholders (including local residents) were firmly opposed to the plan. In response, used the National Environmental Policy Act's (NEPA) review process to initiate a collaborative decision-making process to identify a new reconstruction plan. The Colorado Highway Commission's lone environmental member helped to form a Citizens Advisory Committee (CAC) of design and ecological professionals, with members from the Colorado Open Space Coalition and western Colorado interests. In 1978, after two years of design review, a new proposal was brought before the public that incorporated local input including the suggestion to place a section of the highway in tunnels to protect the scenic Hanging Lake area from noise and visual impacts. The final design preserved the natural topography and maintains the integrity of the Colorado River and side rivers entering it. Eastbound and westbound lanes often diverge with one lane rising over a bridge or ducking through a tunnel, preserving the canyon floor, walls, vegetation, and river where possible. Forty bridges and viaducts (totaling 6.5 miles) and three tunnels minimized the highway's impact on its surrounding environment while the speed limit was set at 50 miles per hour to improve safety. A construction technique called balanced cantilever construction was also utilized. The technique allowed each section of the highway to be built on bridge columns, reducing damage to the canyon. Other features added to the final design included four rest stops, a bike and jogging path along the length of the canyon, a boat launch, and a raft drop allowed for canyon recreational use by tourists and regional residents. The result of the NEPA process was a 12.5-mile stretch of highway with lower environmental impacts. "NEPA helped engineers to understand ecology and environmental design. In this case, without it, the CAC would have been ignored or abolished and the unique Canyon would have been destroyed. NEPA ensured that citizens and design professionals were heard in preserving the Canyon," said Bert Melcher, a citizen activist. The project has since won more than thirty awards for innovative design and environmental sensitivity, with the American Society of Civil Engineers giving the project its Outstanding Civil Engineering Achievement Award in 1993.9

North Fork Valley Leasing

In late 2011, the Bureau of Land Management (BLM) announced its intention to lease approximately 30,000 acres of public and private lands in Colorado's North Fork Valley for oil and gas development. Local residents immediately raised concerns about the proposal's possible impacts on the area's economy, which depends largely on orchards, vineyards, meat production, and tourism. Residents were also concerned about the geology of BLM's proposed oil and gas leases. "Those parcels are on geologically unstable land and right under avalanche chutes," said Peter Kolbenschlag, a Paonia resident who filed a statement with the BLM opposing the leasing plan. There were other problems, too. The BLM's resource management plan, the basic planning document for the valley, hadn't been revised in 22 years. "Any oil and gas leasing should wait for a revised resource-management plan," said Dan Feldman, a board member of Citizens for a Healthy Community, a local group that was created to deal with risks of drilling. A wide range of stakeholders, including farmers, conservationists, wineries, ranchers, chambers of commerce, and

⁹ "I-70 Mountain Corridor History." Colorado Department of Transportation. Accessed February 16, 2018. Available at:

https://www.codot.gov/projects/i-70-old-mountaincorridor/trafficrevenuestudy/i-70-mountain-corridor-history

local and state politicians rallied together to oppose the poorly conceived plan. A town meeting in Hotchkiss, Colorado to organize local concerns drew a crowd of 350 people. Several weeks later, a meeting in the nearby town of Paonia was attended by almost 500. Public response - and the demand for technical information - to the proposed oil and gas lease was so great that Bureau of Land Management's public-comment deadline on the agency's Environmental Assessment (EA) was extended an additional month to February of 2012. In written comments submitted to BLM, Western Environmental Law Center concluded that, "given the proximity of these parcels to the communities of Paonia, Hotchkiss, Crawford and Somerset, the critical water resources serving those communities, as well as the Paonia Reservoir and the North Fork of the Gunnison River, BLM's...chosen path of opening this area up to oil and gas development will threaten the North Fork Valley's very foundation and further engender public contempt for the manner in which BLM has chosen to manage our public lands." Five months later, the Bureau of Land Management canceled the proposed lease amid the outpour of public comments. The outpour of public opposition that made this victory possible would not have been possible, however, without the National Environmental Policy Act (NEPA). Passed into law in 1970, NEPA requires federal agencies to assess the environmental impacts of proposals, solicit the input of all affected stakeholders, and disclose their findings publicly before undertaking projects that may significantly affect the environment. Public participation in the NEPA process serves two functions. First, individual citizens and communities affected by the proposed action can be a valuable source of information and ideas. Second, allowing citizens to communicate and engage with federal decision-makers serves fundamental principles of democratic governance. While NEPA is often called an environmental impact law, it is far more than that. As the BLM's decision to remove the North Fork Valley from oil and gas exploration demonstrates, NEPA is a critical tool for civic engagement. It empowers local communities to hold the government and corporations accountable. Because of NEPA, federal agencies are no longer allowed to say "we know best" and make decisions without public accountability.10

Canyons of the Ancients National Monument

Designated as a National Monument in 2000 by President Clinton, Canyons of the Ancients in southwestern Colorado is home to the highest known density of archeological sites in the United States. Home to some 6,000 archaeological sites representing Ancestral Pueblan and other Native American artifacts, its designation was necessary to protect the sites from vandalism and looting, oil and gas development, and destructive grazing practices. As a result of its designation as a National Monument, existing oil and gas leases on the land were permitted to run their course, but they would not be renewed after their current term expired. On the eve of the lease's expiration, however, lessees proposed a new seismic exploration project for the land that would have resulted in catastrophic damage to numerous archeological sites. In an effort to protect these irreplaceable areas, a coalition of groups led by San Juan Citizens Alliance filed suit in federal district court and were granted an emergency injunction on the grounds that the Bureau of Land Management's (BLM) original Environmental Assessment was based on inadequate cultural resource surveys, and, as a result, allowed exploration on the edges of several sensitive sites, including standing "towers" and multiple collections of artifacts. As mandated by the National Environmental Policy

¹⁰ "Comments Regarding August 2012 Oil and Gas Lease Sale." Western Environmental Law Center. February 8, 2012. Available at:

https://westernlaw.org/sites/default/files/Comments%20To%20BLM%20on%20North%20Fork%20Valley%20Leas e%20Sale%202.8.2012.pdf

Act (NEPA), BLM facilitated negotiations between a diverse number of stakeholders including local government, conservation groups, and the lessees to work out a compromise that reflected local input and consensus. The result was an exploration project that enabled lessees to obtain the seismic information they needed while avoiding the National Monument's most significant cultural features and fragile habitats. It was a rare win-win that exemplified effective multiple-use management of the public lands, balancing energy exploration with cultural resource protection. What's more, economic data shows that in the decade since the National Monument's designation, Montezuma County has experienced strong economic growth. The Monument has not impaired natural resource extraction outside the Monument's boundaries and travel and tourism continue to grow.¹¹

State Highway 9

When considering improvements to a 9-mile stretch of State Highway 9 between Frisco and Breckenridge, Colorado in 2016, the Colorado Department of Transportation (CDOT) and the Federal Highway Administration utilized the National Environmental Policy Act's (NEPA) review process to meet the project goals of safety and mobility. Throughout the planning process, CDOT actively sought out input from stakeholders including both the city councils of Breckenridge and Frisco, the businesses community, and the non-profit Continental Divide Land Trust. By engaging a diverse group of stakeholders at an early stage, CDOT secured \$340,000 in funding from Vail Resorts for a four-lane reduced section roadway including necessary turn lanes, acceleration and deceleration lanes, curbs and gutters, medians, and shoulders between milepost 97 and milepost 85. "There's a whole list of benefits," said Summit County Commissioner Thomas Davidson. "First off, the new alignment is a safer alignment, and two, given traffic counts, it provides for increased capacity. Number three, the recreational experience with the realigned recreational path is far superior to what we had before." The final project plans also incorporated a number of suggestions gathered during the project's public comment period. These included wider shoulders for cyclists, bus priority signals, wetland mitigation, minimization of tree removal, and a bridge over Blue River to avoid wildlife damage. Other environmental protections secured by the Continental Divide Land Trust included re-vegetation of native grasses and trees, and improvements to the nearby wetlands. The improvements to Colorado State Highway 9 were completed in 2017 on schedule and below budget.12

Grand Mesa, Uncompahgre, and Gunnison National Forests

In 1989, the U.S. Forest Service was all but ready to approve a plan to clear-cut every aspen grove in the Grand Mesa, Uncompany, and Gunnison National Forests in western Colorado. The timber was to supply a waferboard plant operated by Louisiana Pacific Corporation. A combination of three separate National Forests located on the western slope of the Colorado Rockies, the Grand Mesa, Uncompany, and Gunnison National cover some three million acres of public land south of the Colorado River that make for some of the most spectacular scenery in the Rockies. The Forest Service's plan was rightly met with outrage from the public, who argued that the scenery, wildlife habitat, and water quality in the forests essential to the region's quality of life and

¹¹ "New Energy Project at Monument." Los Angeles Times. August 13, 2002. Available at: http://articles.latimes.com/2002/aug/13/nation/na-drill13

¹² "Record of Decision for State Highway 9: Frisco to Breckenridge Summit County, Colorado." U.S. Federal Highway Administration. May 2004. Available at: <u>https://www.codot.gov/projects/archived-project-sites/hwy9f2b/documents/pdfs/SH9_ROD.pdf</u>

recreation-based economy could be gravely damaged. Clearcutting operations have historically increased the risk of large, unnatural fires by removing the largest and most fire-resistant trees from forests and can have profound impacts on local rivers. Clearcutting also destroys habitat for a wide variety of animals, including many endangered species. After receiving a record-setting number of letters during the National Environmental Policy Act's (NEPA) mandated public comment period from private citizens, businesses, and local officials, the Forest Service substantially scaled back its clearcutting proposal. Forest Service rangers and scientists acknowledged that the initial proposal was more than the land could bear, but said they had felt pressured to "get the cut out." Absent the NEPA public review process, hundreds of thousands of acres of majestic Rocky Mountain landscapes would have disappeared. By demanding that federal decisions are made based on the best available science, NEPA ensured that no single use or priority eclipsed another.¹³

Connecticut

Plum Island Biological Laboratory

Located off the northeast coast of Long Island, Plum Island was once the home of Fort Terry and a World War II-era anti-submarine base. Decommissioned after the war, the Fort was reassigned to the Army Chemical Corps for the research of common cattle and other livestock diseases that could harm the country's food supply. In response to the threat of biological terrorism involving pathogens like anthrax following the September 11th attacks, the newly-formed Department of Homeland Security (DHS) took over the facility in 2003 and quickly proposed upgrading Plum Island from a 'Biosafety Level 3" to a "Biosafety Level 4" facility. Located within 50 miles of some 20 million people who live on Long Island, the upgraded lab would have been responsible for handling some of the most dangerous and deadly pathogens known to humankind, many of which are highly infectious and have no known cures. Under the National Environmental Policy Act (NEPA), the Department of Homeland Security was required to carry out an Environmental Impact Statement (EIS) before it could implement the proposed changes. This review process is designed to protect local communities and the environment from harm by requiring project sponsors to engage in a review process to discover any significant environmental and public health impacts before a decision is made. Senator Blumenthal, who was then Connecticut Attorney General, expressed grave concerns about the project and the adequacy of DHS' environmental review, challenging the government's proposed plan on the basis that it failed to assess the intolerable security risks in an area so densely populated, heavily traveled, and euvironmentally valued. For example, the EIS did not address the proximity of Plum Island to New York City-the nation's most populous city and a repeated target of terrorist attacks - or the extreme difficulty of providing emergency response services to an island. As a result, DHS was forced to re-examine its decision and chose to relocate the laboratory to a far more appropriate location in Kansas, where the project was welcomed by the governor and remained far away from any major population centers.14

¹⁴ "Record of Decision for the National Bio and Agro-Defense Facility Environmental Impact Statement." Department of Homeland Security. January 16, 2009. Available at: https://www.gpo.gov/fdsys/pkg/FR-2009-01-16/html/E9-914.htm

¹³ "Final Supplemental Environmental Impact Statement: Grand Mesa, Uncompanyere, and Gunnison National Forests." *USDA, Forest Service*. July 1, 1991. Available at: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev7_003097.pdf

Florida

Contaminated Water in Florida's Lake Belt

Situated east of Everglades National Park, the 60,000-acre Lake Belt region is home to the Biscayne Aquifer's vast underground network of freshwater reserves that provide 150 million gallons of clean drinking water to some 6.5 million South Floridians every day. The Aquifer was intentionally built on the remote, half-wild outskirts of Miami-Dade County to ensure that South Florida's drinking water would remain safe from contamination by development and industry. In early 2002, however, the U.S. Army Corps of Engineers approved several permits allowing for the mining of limestone on a total of 5,700 acres in the Lake Belt. Three years later in January of 2003, benzene - a cancer-causing chemical - was detected at a Miami-Dade County water treatment facility. Although benzene emerged as a common household chemical found in everything from shaving cream to industrial lubricant, the EPA officially declared it a hazardous pollutant in 1977 after it was discovered exposure was linked to an increased risk of leukemia 1977. The legal limit for benzene in drinking water is one part per billion. Samples from Miami-Dade County indicated benzene levels were five times that limit. Weeks later, another well in the Lake Belt registered traces of benzene and was ordered shut down. Thankfully, Miami-Dade's water treatment facilities proved fully capable of purifying the water; at no point during the crisis were any customers exposed to heightened levels of benzene. Nonetheless, the Miami-Dade Water and Sewer Department (WASD) immediately launched a months-long investigation, the cost of which would eventually grow to exceed \$1 million. The investigation led them straight to the Lake Belt's limestone mines. In order to mine the limestone, four-inch-wide holes were drilled into the ground, filled with explosives, and blown up. Upon further inquiry, the team learned that most of the mining firms were using ANFO — ammonium nitrate fuel oil — of which a small constituent is benzene. A coalition of environmental groups including Sierra Club, NRDC, and NPCA sued in federal court to halt the limestone mining and protect South Florida's drinking water, alleging that the Corps of Engineers and the U.S. Fish and Wildlife Service mishandled the permitting process.15 Judge William Hoeveler condemned the Corps of Engineers and Fish and Wildlife Service for "failing to carry out their duty" to safeguard the surrounding wetlands and ruled that the conclusions in the original Environmental Impact Statement (EIS) were based on inaccurate industry information. The mining permits for the three companies closest to the wells were canceled in July of 2007. In his scathing, 176-page written opinion, the judge wrote that "In three decades of federal judicial service, this Court has never seen a federal agency respond so indifferently to clear evidence of significant environmental risks." Judge Hoeveler concluded that limestone mining directly contributed to the benzene contamination and pointedly blamed the Corps for failing to address it. Had the Corps of Engineers carried out due diligence and handled the Environmental Impact Statement properly instead of rubberstamping it, the mining companies would likely have been forced to use alternative explosives from the start and drinking water contamination could have been avoided. Instead, cleanup of the contaminated wells required tens of millions of dollars in needless expense. The story of Lake Belt is a sobering reminder that when safeguards like environmental reviews mandated by the National Environmental Policy Act (NEPA) are rushed or ignored, the financial, environmental, and public health consequences can be severe. Many NEPA "reforms" under discussion by President Trump and opponents in Congress threaten the impartiality of this review process. Proposed reforms such as fining already

¹⁵ Sierra Club v. Lt. Gen. Robert L. Van Antwerp, No. 07-13297 (11th Cir. 2008). Available at: https://cases.justia.com/federal/appellate-courts/ca11/09-10877/200910877-2011-02-28.pdf?ts=141113348

cash-strapped federal agencies for missing permitting deadlines or further delegating environmental reviews to states – many of which are facing their own budget crises – aren't likely to speed up the environmental review process. The outcome would be more delays or the approval of poorly conceived projects threatening our environmental and public health.¹⁶

Everglades Parkway (Alligator Alley)

Following the passage of the Federal-Aid Highway Act of 1956, the United States began a national program of highway construction to facilitate more efficient connections between metropolitan areas and provide farmers with better access to local markets. The act authorized the construction of a 41,000-mile system. In 1968, Congress passed another highway bill to expand the interstate system by an additional 1,500 miles. The legislation included an authorization to extend Interstate 75 (I-75) south and east from Fort Myers on the Gulf Coast to an area west of Fort Lauderdale on the Atlantic Coast. The 114-mile extension would become known as the Everglades Parkway. In 1969, the Florida Department of Transportation (FDOT) began to study alternative routes. Unlike the planning for earlier interstate segments, FDOT was required to comply with the newly-passed National Environmental Policy Act (NEPA). As a result, the I-75 extension included numerous design elements tailored to minimize impacts on the natural environment. Importantly, none of these design elements undermined the original goal of the project: to construct a limited-access, four-lane, divided highway that would connect Gulf and Atlantic Coast population centers, providing increased travel speeds and reduced travel times. Large infrastructure projects such as the I-75 extension present states with many technical challenges. Engineers must determine everything from pavement type and interchange design to the sharpness of curves and how to prevent rainwater from forming unsafe pools on the roadway. These challenges share a common thread: They are all related to the design of the roadway. Prior to NEPA, engineers focused narrowly on how to design a facility as opposed to how that facility would affect the surrounding community or natural environment. Part of NEPA's value is that it requires planners and engineers to widen the aperture of concern. Environmental review necessitates that state and local governments solve the engineering puzzle in a way that minimizes the negative spillover that often accompanies major infrastructure projects. Improving flow involved several design modifications. According to FDOT design policy at the time, highways were required to provide at least 100 feet of land between the edge of the roadway and any adjacent body of water. This requirement was intended to reduce the risk of passengers drowning in the event that a driver loses control of a vehicle. In effect, the 100-foot buffer provided a chance for a driver to slow the vehicle and regain control, hopefully avoiding entering the water. In the case of the Everglades Parkway, complying with this requirement would have meant draining additional wetland on either side, further impairing critical habitats and the sheet flow of fresh water. Instead, FDOT chose to waive this policy and add a cable barrier where necessary. The cable barrier would stop wayward vehicles before they reached the water. FDOT's final significant modification dealt with the channels running parallel to the highway on either side as well as the connections spaced at regular intervals that connected the channels on the north and south side of the highway. Experience with the channels along the original State Route 83 showed that the state needed to both modify their depth and regularly remove aquatic vegetation that could reduce sheet flows by as much as 90 percent. FDOT also scheduled construction activity to avoid the heaviest seasonal rains. By adjusting the sequence and timing of work, the state was able to significantly reduce sedimentation-rainwater

¹⁶ "Poisoned Well." *Miami New Times*. March 20, 2008. Available at: http://www.miaminewtimes.com/news/poisoned-well-6363391

carrying dirt, rocks, and other loose debris from the construction site into the wetlands. The environmental review process provided FDOT with the information necessary to make smart and effective changes to the design, construction, and maintenance of the Everglades Parkway, all with an eye toward reducing harmful impacts on the surrounding ecosystem. Far from being a burden, NEPA brought forward the technical expertise of scientists across numerous fields to help the state build a fundamentally better, more sustainable facility that continues to provide benefits to this day.¹⁷

Scripps Research Institute Florida

In October 2003, Palm Beach County and Scripps Research Institute jointly developed plans for a Biotechnology Research Park to be built on the Mecca Farms site - a 1,919-acre parcel in rural western Palm Beach County bordered by wetlands and conservation areas. In addition, Mecca's wetlands drain into the Loxahatchee River, a nationally designated Wild and Scenic River and an essential component of the Everglades Ecosystem. In order to develop the area, Palm Beach County and Scripps sought approval of a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers to fill wetlands at the Mecca Farms. The Corps issued the permit in 2005 along with an Environmental Assessment (EA), concluding there were no significant environmental impacts associated with filling the wetlands. It was soon discovered, however, that the Corps' environmental review - designed to identify any significant impacts a project may have on both the environment and public health – had been limited to only 25 percent of the 1,919 acre Mecca Farms site. Environmental groups challenged the adequacy of the Army Corps of Engineers' Environmental Assessment under the National Environmental Policy Act (NEPA). In 2005, a District Court held that the Corps' issuance of the permit had violated both the National Environmental Policy Act and Clean Water Act and ordered preparation of a new environmental review of the entire Mecca Farms site (as required by law) before the project could proceed. During the ensuing evaluation process, Palm Beach County and Scripps decided to relocate the research park to a new location that minimized environmental impacts and saved money by utilizing existing access roads. The grand opening of the new facility took place on February 26, 2009, and included a public ceremony including then-Florida Governor Charlie Crist. Today, the Scripps Florida Research Institute operates a state-of-the-art hiomedical research facility focusing on neuroscience, cancer biology, medicinal chemistry, drug discovery, biotechnology, and alternative energy development employing more than 500 research staff.¹⁸

Georgia

Savannah Harbor Expansion Project

Home to the fourth busiest seaport in the country, the city of Savannah's deepwater port is an integral part of Georgia's economy. All told, the Port of Savannah handles 8.5 percent of all containerized cargo volume and averages 38 ocean carrier service calls per week, more than any other port on the East Coast port. For each of the past 17 years, it's also been the fastest growing deepwater port in the country. Since 2000, the Port of Savannah has seen an average annual

https://www.environment.fhwa.dot.gov/env_topics/historic_pres/highways_list.aspx

¹⁸ 404 F.Supp.2d 1352. Florida Wildlife Federation v. U.S. Army Corps of Engineers (2005). Available at: https://www.courtlistener.com/opinion/2315811/florida-wildlife-federation-v-us-army-corps-of-engineers/

¹⁷ "Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System." U.S. Department of Transportation, FHWA, Available at:

increase of 16.5% in the amount of container traffic it processes each year. Add that up and you get a 280% increase in container traffic. In order to ensure the Port of Savannah will be able to accommodate future increases in shipping traffic, in 2012 the U.S. Army Corps of Engineers began study on an expansion project designed to deepen the 18.5-mile outer harbor to 49 feet and 39 miles of Savannah River channel to 47 feet in order to accommodate larger ships coming through the expanded Panama Canal. An essential component of this study was the completion of an Environmental Impact Statement (EIS). This review process is designed to identify any significant impacts a project may have on the environment, economy, or public health before construction. Mandated by the National Environmental Policy Act (NEPA), this review process also requires project sponsors to identify steps that may be taken to mitigate those impacts. Under the U.S. Army Corps of Engineers' original plans, salt water would have been pushed upstream, threatening the vitality of the Savannah National Wildlife Refuge's tidal freshwater wetlands and further endangering the shortnose sturgeon. Studies also showed the Corps' plans would negatively impact local drinking water resources. Thanks to the NEPA review process, these adverse effects were identified and Corps of Engineers' final plans for the Savannah Harbor Expansion Project (SHEP) included funding for wetlands protection, restoration efforts benefiting the Savannah River, established a water quality monitoring program for the Savannah River, and ensured long-term protections for the endangered shortnose sturgeon. The Corps of Engineers is also in the process of installed two dissolved oxygen injection systems upstream on Plant McIntosh and downstream of Hutchinson Island to ensure that oxygen levels remain at pre-deepening levels and will not adversely impact fish or plant life. Construction on SHEP began promptly in 2015 and is expected to be complete in 2019 at a cost of \$973 million. The Army Corps of Engineers completed outer harbor dredging - marking the midpoint of the expansion project - in February 2018. Once the project is complete, the deepening of the harbor will result in a net benefit of \$282 million in transportation savings for shippers and consumers per year. According to the Corps' benefit-tocost ratio, each dollar spent on construction will yield \$7.30 in net benefits to the nation's economy.19

Atlantic Station (Atlantic Steel Site Redevelopment Project)

For almost a century, Atlanta's Atlantic Steel Mill churned out barbed wire, plough shears, and galvanized steel in massive quantities destined for locations across the country. Once the largest steel mill in the South, at the height of its production in the 1950s, the facility employed more than 2,300 people and produced approximately 750,000 tons of steel annually. The factory continued to operate on a limited degree into the 1970's but was eventually forced to close its doors for good in 1998 as competition at home and abroad intensified. That left 138 acres of contaminated land abandoned in the heart of midtown Atlanta, one of the fastest growing cities in America. Less than a year later, developers proposed a bold idea – what if the industrial property could be cleaned up and turned into a multi-use residential community? Planning quickly began on what would become the largest ever cleanup of a Brownfield site in history. They called it Atlantic Station. The potential environmental and economic benefits of the project were numerous: cleanup of an old industrial property; separation of sanitary and storm sewer systems; reduction of auto emissions; and creation of jobs and economic development where infrastructure already exists. However, because the Mill was located on an industrial property already known to be polluted by heavy metals and other potentially dangerous toxins, project sponsors immediately began working to

¹⁹ "Record of Decision for Savannah Harbor Expansion Project." U.S. Army Corps of Engineers. October 26, 2012. Available at: <u>http://www.sas.usace.army.mil/Portals/61/docs/SHEP/Reports/ROD%20Signed.pdf</u>

complete an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Passed with overwhelming bipartisan support in Congress and enacted into law in 1970, NEPA requires the federal government to undertake an environmental review process designed to discover any significant environmental and public health impacts a project may have on local communities before construction begins. We teach our children to "look before you leap." NEPA simply and sensible requires our government to do the same. All told, the cleanup of Atlantic station cost \$3 billion and included removal of some 165,000 tons of soil from the property, the construction of the 17th Street Bridge over Interstate 75/85, and the development of a three-level, 8,000 space parking structure underneath the commercial core. The Environmental Protection Agency officially certified the property as safe for construction on Dec. 11, 2001, after two years of environmental cleanup. From there, it took another \$250 million of infrastructure investment in roads, sewers and utility lines before construction of buildings could begin in 2002. A public comment period - mandated by the NEPA process - also played a crucial role in the successful revitalization of Atlantic Station. Public participation in the NEPA process serves two functions. First, individual citizens and communities affected by proposed action can be a valuable source of information and ideas. Second, allowing citizens to communicate and engage with federal decision-makers serves fundamental principles of democratic governance. Local citizens filed a total of 255 comments identifying several concerns about the project. In particular, residents were concerned that the development could increase traffic congestion and negatively impact historic properties. As a result, 15 historic architectural sites were identified, listed in the National Register of Historic Properties, and preserved under the supervision of an archaeological consultant. The comments also prompted significant design modifications to reduce traffic congestion and increase the project's transportation connectivity. Atlantic Station is now easily accessible from two major interstates and a nearby public transit station. In total, the EPA estimates that the modifications to Atlantic Station reduced residents' number of vehicle miles traveled by 34 percent and resident's car emissions by 45 percent.²⁰ Today, Atlantic Station encompasses six million square feet of development and includes more than 5,000 residents in 3,000 residential units, 7,000 employees, a luxury hotel, and 11 acres of public parks. It also provided a new model for high-density, walkable urban development, and was recognized by the US Environmental Protection Agency for its contribution to emissions reductions. Perhaps most importantly, by knitting together Midtown Atlanta with the city's long underserved and largely industrial west side, Atlantic Station was the catalyst for the wholesale revitalization of an entire quadrant of the city.²¹

Northwest Corridor Project

In 2007, the Federal Highway Administration and Georgia Department of Transportation (GDOT), in cooperation with other state and federal agencies, proposed to expand I-75 and I-575 in the Atlanta metropolitan area's Northwest Corridor to alleviate traffic congestion in one of the region's most congested thoroughfares. The most expensive highway project in Georgia's history at nearly \$1 billion, the Northwest Corridor project will add nearly 30 miles of reversible lanes along I-75 I-575 through Cobb and Cherokee counties when it is completed in 2018. The initial design plan proposed expanding sections of I-75 and I-575 from six to ten lanes by adding four general-purpose

²¹ "Project XL and Atlantic Steel Supporting Environmental Excellence and Smart Growth." U.S. Environmental Protection Agency. September 1999. Available at:

²⁰ "Building a City Within the City of Atlanta." *The New York Times*. May 24, 2006. Available at:<u>http://www.nytimes.com/2006/05/24/realestate/commercial/24atlanta.html?mtrref=www.google.com</u>

https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1009QPS.txt

lanes, but community members – using the NEPA review process to express their environmental, public health, and economic concerns about the project – pushed the Georgia Department of Transportation (GDOT) to make improvements to the plan. Instead of adding new lanes, GDOT's final designed plan called for the conversion of the existing medians and road space on I-75 into reversible HOV traffic lanes. This simple change minimized adverse effects on low-income and minority communities by reducing the number of residences and businesses displaced by the project from over 300 to 18. The modification also significantly reduced the project's impact on the nearby wetlands that are home to an endangered species from 4.2 to 0.3. To top it all off, the project modifications will save a significant amount of money. While any project of this magnitude will inevitably affect the surrounding environment, thanks to NEPA, the Northwest Corridor Project has fewer impacts on local homes, businesses, and the environment, and is more cost effective than the original plan. Construction on the Northwest Corridor Express Lanes broke ground in October 2014 and the project is anticipated to open to traffic in summer of 2018.²²

Hawai'i

Daniel K Inouye Solar Telescope (DKIST) at the Haleakala High Altitude Observatory Site on the Island of Maui, Hawai'i

In the early 2000s, the National Science Foundation (NSF) proposed building the world's largest world's largest optical solar telescope atop the summit of Maui's Haleakalā Volcano. With a resolution of 25 kilometers, when it is completed in 2019 the \$344 million the Daniel K Inouve Solar Telescope (DKIST) will have the equivalent zoom power to scrutinize the contours of an inch-wide coin from 100 km (62 mi) away. That will allow scientists to examine out the long sought-after phenomenon of magnetic flux tubes – twisted and tangled filaments that can channel energy into the corona. It is hoped that observation of these magnetic flux tubes will help to answer the so-called "coronal heating problem": why the corona is millions of degrees hotter than the photosphere, the visible surface of the sun. When the DKIST was initially proposed, however, many Native Hawaiians expressed serious concerns about the planned construction atop Haleakalā volcano. Native Hawaiian culture celebrates a profound spiritual connection with the land, and few places are considered more sacred than high mountain peaks. In ancient times they were regarded as wao akua - the "realm of the gods" - where deities and demigods walked the earth. Today, these mountains are still treated with reverence, places many Hawaiians visit to honor ancestors and practice spiritual traditions. Such cultural concerns prompted a halt to construction on another privately-funded telescope, the "Thirty Meter Telescope" (TMT), on the dormant volcano of Mauna Kea in 2015. At 18 stories, the TMT would have been the largest humanmade structure on Hawaii Island on the highest mountain in the Pacific. Because the DKIST was a federally funded project, the National Science Foundation (NSF) was required to satisfy U.S. historic preservation rules and carry out an environmental review under the National Environmental Policy Act (NEPA). At its most basic level, NEPA requires government agencies to engage in a review process intended to discover any significant environmental, economic, social, or public health impacts before a decision is made. A key element of this review process is the solicitation of public comments. Acutely aware of Native Hawaiian cultural objections, the NSF used the NEPA process to engage in extensive discussion with local communities and other

²² "Record of Decision: Northwest Corridor Project." Federal Highway Administration and Georgia Department of Transportation. May 2013. Available at:

http://www.nwcproject.com/media/pdfs/NWCP_ROD_2013.pdf

agencies on possible alternatives and methods of mitigation. After hours of public testimony and countless meetings with Native Hawaiian leaders, NSF adopted numerous design changes to better respect native beliefs. While the proposed TMT telescope would have had a footprint of almost 5 acres, including its roads and parking lot, the plat for DKIST will be nearly 10 times smaller. Workers and scientists were also required to undergo cultural training and watch an educational video about the role of the mountain in Hawaiian culture and spirituality. Finally, a dressing area was built at the summit for Hawaiian practitioners conducting ceremonies at the ahu, and DKIST established a \$20 million program at Maui College that combines Hawaiian culture with science education. Although many Native Hawaiians remained opposed construction of the nearly 14-story high telescope, and that opposition should be respected, the NEPA process provided a platform for real dialogue between project proponents and Native Hawaiians. This resulted in the adoption of a series of mitigation measures that made the DKIST telescope as minimally intrusive as possible. A comparison of the vastly different outcomes between the TMT telescope, did not require NEPA review, also lends further credence to the fact that NEPA more often than not improves projects.²³

Idaho

Lakeview-Reeder Roads Project

In Idaho, the Forest Service proposed the Lakeview-Reeder Roads project to improve fish passage in Priest Lake and reduce sedimentation. Public participation in the plan's NEPA review brought a mistake to light, thereby preventing possible litigation and a waste of taxpayer money. Specifically, a public comment identified a discrepancy between the planned buffer zone for the protection of the endangered boreal toad and the federal requirement for such a zone. In response, the Forest Service redesigned the road to adequately protect the species. By informing the public of its plan and listening to citizen comments, the Forest Service avoided irretrievably committing taxpayer dollars to a project that violated federal laws and might have led to litigation.²⁴

Illinois

Building 330 at Argonne National Laboratory

In 2009, the Department of Energy (DOE) proposed to demolish Building 330, which housed the decommissioned Chicago Pile-5 research nuclear reactor at Argonne National Laboratory in Illinois. The DOE used the NEPA process to ensure the demolition, which included the removal and transport of radioactive and toxic waste, did not harm the surrounding community and environment. Specifically, the DOE used NEPA to bring together operational and environmental expertise to develop demolition and transportation approaches that better-protected workers and the public from potential hazards. For example, the final project mandated that air monitoring be performed at the building site during demolition to ensure that the public would not be exposed to dangerous levels of radionuclides. It also required airborne contamination controls such as filters

https://dkist.nso.edu/sites/atst.nso.edu/files/docs/NHPA/RecordofDecision-120309.pdf

²³ "Record of Decision: Advanced Technology Solar Telescope." *National Science Foundation*, 9/29/2009. Available at:

²⁴ "Record of Decision for the Lakeview-Reeder Project." U.S. Forest Service. December 2009. Available at: http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=6258

and barriers, along with personal protective equipment like respirators, to ensure the safety of the demolition workers.²⁵

Springfield High-Speed Rail

Springfield, Illinois, wanted high-speed passenger rail service, but also wanted to protect its downtown from excessive disruption from freight and passenger trains. A supplemental EIS helped the community identify a reroute of trains from the current 3rd Street corridor to the 10th Street corridor as the best long-term alternative while allowing incremental upgrades on the current 3rd Street line.²⁶

Indiana

Flagship Enterprise Center

In Anderson, Indiana, NEPA facilitated proper planning of a 2.7 million-dollar project to build the Flagship Enterprise Center – an 80,000 square foot technological business incubator. Through NEPA's environmental review process, the project applicant became aware of the project's impacts on the area's forested wetlands, which are used by migratory waterfowl. As a result, provisions were added to the project to preclude negative effects on wetland hydrology, prevent stormwater runoff from being directed to the wetland, and provide retention facilities to contain stormwater within the current footprint of the project site. Additionally, a 26.5-acre forested wetland southwest of the Flagship Enterprise Center was protected.²⁷

Iowa

Southeast Connector U.S. 65

lowa's Southeast Connector project will link the local Martin Luther King Parkway in Des Moines to U.S. Highway 65. The Federal Highway Administration, Iowa Department of Transportation, and the City of Des Moines worked alongside other agencies and local communities through the NEPA process to identify issues with the original proposal that might have led to damage to the nearby levee. Other improvements included consideration of previously-unidentified hazardous material sites, improved wetlands mitigation, and better efforts to engage Spanish-speaking communities affected by the project. Construction of the project began in 2012.²⁸

https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/EA-1659-FEA-2009.pdf

²⁶ "Record of Decision for the Springfield Rail Improvement Project." U.S. Department of Transportation, Federal Railroad Administration. December 2012. Available at: https://www.fra.dot.gov/Elib/Document/2777

http://www.seconnector.com/PDFs/SEConnectorRecordofDecisionMay2010.pdf

²⁵ "Environmental Assessment for the Proposed Demolition of Building 330 at Argonne National Laboratory." U.S. Department of Energy. August 2009. Available at:

²⁷ "The Tenth Report on the National Environmental Policy Act Status and Progress for American Recovery and Reinvestment Act of 2009." *White House Council on Environmental Quality*. August 1, 2011. Available at: https://ceq.doe.gov/docs/ceq-reports/aug2011/CEQ_ARRA_NEPA_Report_Aug_2011.pdf

²⁸ "Record of Decision for the Southeast Connector." U.S. Department of Transportation, Federal Highway Administration. May 5, 2010. Available at:

Kansas

John Redmond Dam and Reservoir

The U.S. Army Corps of Engineers built the John Redmond Dam and Reservoir for flood control, water conservation, recreation, and water supply. However, sediment built up 80 percent faster than anticipated in the pre-NEPA project, requiring the Corps to fix the problem in order to meet its local water supply requirements. During the NEPA process, other agencies discovered that the proposed raising of the conservation pool would inundate hundreds of acres of nearby wildlife refuge areas, posing a risk to both protected wildlife and deer and turkey hunting, and destroy one of the only local boat ramps to the lake. The Corps was able to work with the state to replace both the ramp and wildlife areas and minimize environmental impacts, and is continuing to work with both local and federal interests to make sure the reservoir meets local needs.²⁹

Kentucky

Paris Pike

Kentucky's Paris Pike is a scenic road between Lexington and Paris, whose beauty was overshadowed by safety hazards and congestion. The Kentucky Transportation Center (KTC) proposed building a standard four-lane highway but faced opposition from local communities concerned about irreparable harm to the corridor's history and natural landscape. When the public did not approve of KTC's plan for the highway, they decided to take their concerns to court to voice their opinions. A judge's ruling told KTC to return to the planning process and seek a workable alternative to the highway that would meet the demands of both parties. KTC and community members decided on a design that fit the aesthetics and contours of the land while minimizing environmental impacts. The improved road has received nationally recognized design awards and is the model for future projects of this nature. The original two-lane rural highway extended over 13.5 miles of rolling hills dotted with historic thoroughbred farms. The highway had minimal shoulders with no passing or turning lanes, contributing to a fatal accident rate significantly higher than the average for two-lane roads. The new design consists of two independent two-lane highways, one northbound and the other southbound, and an added shoulder to increase safety. Existing trees, fences, and stonewalls were either preserved or moved and re s to red to their original condition. Environmental improvements include the relocation of more than 3,000 new trees and shrubs, designation of wetland areas, natural wooden guardrails, grass instead of gravel shoulders, three miles of stone fence, and the preservation of the natural environment within the median. A historic farmhouse was turned into a visitors' center, generating tourism dollars for a town that would have lost money if Paris Pike were merely expanded. "It has been an immensely successful project. It preserved aesthetic integrity while doing what it was supposed to do: increase safety and capacity. It has significantly improved the corridor," said Cumberland Sierra Club Chapter Chair, Lane Boldman. The final approach included hiring architects and landscape designers to work with the project's engineering team on a context-sensitive design, creating a more natural relationship between the landscape and road. Local resident Hank Graddy

²⁹ Environmental Impact Statement for the John Redmond Dredging Initiative project." U.S. Army Corps of Engineers. September 22, 2014. Available at:

 $[\]label{eq:https://www.swt.usace.army.mil/Portals/41/docs/library/john_redmond/John%20Redmond%20Dredging%20Review%20Plan.pdf$

said going through the NEPA process was essential, noting, "It brought people and ideas to the table that otherwise would not have been there." Paris Pike represents a true compromise facilitated by the NEPA process—road expansion without accompanying aesthetic and natural destruction. The National Trust for Historic Preservation, not usually a friend of road expansion, cited Paris Pike as a project that "celebrates the spirit of place instead of obliterating it." The fourth and final phase of the \$70 million project was completed in 2003.³⁰

Louisiana

Bastrop Senior Housing Project

Built in 1927, Bastrop High School is a sprawling, two-story, brick Tudor Revival structure located just outside downtown Bastrop, Louisiana. After serving as an education center for six decades, the huilding fell into disrepair. Rains from Hurricane Katrina led to roof leaks, causing further deterioration of the historic structure. In 2009, a number of partners including the Department of Housing and Urban Development raised funds to convert the building into 76 affordable-housing units for elderly individuals. The NEPA review process helped identify numerous issues with the historic building that, if left unaddressed, could have endangered the lives of the building's future occupants; these included structural instability, lead-based paint, asbestos, and lead-contaminated water pipes. The final project design incorporated solutions to these problems, ensuring the safety of the senior citizens who would soon call the building home while preserving and restoring the building's historic features such as its original redbrick exterior. The project also benefited the community by converting a public nuisance into a facility that locals believe will contribute greatly to the town's downtown redevelopment plan and attract investors to the area, which lost its major employer, International Paper, in 2009.³¹

Maine

Acadia National Park's Park Loop Road

In developing a project to repair damaged culverts and headwalls along Acadia National Park's Park Loop Road in Maine, the National Park Service realized that one of the culverts to be repaired spanned Hunters Brook, a high-quality trout fishery. At this culvert, paving stones had been used to armor the stream bank in the past. However, due to stream movement and erosion over the years, the stones had fallen into the stream channel, causing additional erosion and sedimentation of the trout stream. Through the NEPA scoping process, which included consultation among various state and federal agencies, an alternative emerged that will restore the health of Hunters Brook and the trout that live there while preserving the historic character of the nationally-recognized Park Loop Road. If not for the NEPA and permitting processes, the agencies would have likely just replaced the paving stones, providing a short-term fix that would have required future repairs and done

http://www.e-archives.ky.gov/pubs/transportation/tc_rpt/ktc_02_02_fr79_96_1f.pdf

³¹ Environmental Impact Statement for the Bastrop Senior Housing Project." U.S. Department of Housing and Urban Development. September 2009. Available at: <u>https://www.hudexchange.info/resource/reportmanagement/published/ESD_900000010022800_01192018_9000000</u> 10061859_1484835001829.pdf

³⁰ "The Paris to Lexington Road Reconstruction Project." *Kentucky Transportation Center, College of Engineering*. September 2001. Available at:

nothing for the fishery. But thanks to this law, the relevant stakeholders developed an innovative approach that will restore the health of the stream in the long term, contribute to the trout fishery, and enhance park visitors' experience.³²

Umbagog National Wildlife Refuge

Over the last decade, the economy and land ownership patterns of the communities surrounding New Hampshire and Maine's Umbagog National Wildlife Refuge have changed and public access pressures have increased. For this and other reasons, the U.S. Fish and Wildlife Service (FWS) felt it was necessary to develop a master plan for the refuge, which would provide a 15-year strategic guide for conserving land, helping FWS determine how to expand the refuge and where to locate a new refuge headquarters and visitor's center. During the NEPA process for the plan, the community expressed interest in new public uses of the refuge, including dog-sledding, horseback riding, bicycling, and increased boat access, all of which FWS incorporated into the plan. FWS also expanded hunting opportunities on the refuge in response to the public's request to hunt turkeys there. The final plan balances conservation and public use, while also identifying areas for expansion. In 2012, as the refuge moves towards its acreage goal with conservation purchases and easements, refuge manager Paul Casey said, "This project is an excellent example of what can be accomplished through partnerships. By working with the forest industry, private conservation organizations, and the state, we have been able to craft a broad scale conservation effort that meets each of the partners' needs."³³

New England Fishery Management Council

The Magnuson Act requires every Fishery Management Plan to periodically review its identification management of Essential Fish Habitat- those waters and seafloor habitats that support spawning, feeding, and growth of fish stocks that support recreational and commercial fisheries around the country. When the New England Fishery Management Council recently completed this review, it used an Environmental Impact Statement to analyze and consider alternatives for all of the FMPs under its management authority, a so-called omnibus amendment. This EIS process started with a public scoping process where stakeholders submitted ideas and proposals for action. The amendment was then developed by technical experts in a range of fields and ultimately yielded a Final EIS with dozens of alternatives and analysis that spanned six volumes and nine appendices. This process was the most thorough review of EFH ever completed and included novel analysis of the effects of fishing on EFH, the vulnerability, and recovery of habitats and the way that EFH supports healthy oceans and fisheries. The FEIS allowed the NEFMC to recommend significant changes to EFH identification and management in the region. These changes included preserving some existing management areas as the status quo, re-opening some previously closed areas that are no longer necessary and are unsupported by the analysis, and approving some new EFH areas for conservation. The action was approved by the National Marine Fisheries Service and the Secretary of Commerce in January of 2018 and will take effect in mid-2018.34

³³ "Lake Umbagog National Wildlife Refuge: Final Comprehensive Conservation Plan and Environmental Impact Statement." U.S. Fish and Wildlife Service. December 2008. Available at: https://www.fws.gov/northeast/planning/Umbagog/PDF/NewsletterDec08lowres.pdf

³² "The Park Loop Road." *AcadiaMagic*. Accessed August 3, 2018. Available at: <u>https://acadiamagic.com/park-loop-road.html</u>

³⁴ "Fishing officials ease restrictions in waters off New England." The Boston Globe. January 7, 2018. Available at:

Maryland

Maryland Oyster Restoration

When first proposed about a decade ago, it seemed like a promising means to revive the Chesapeake Bay's devastated oyster crop: bring in Chinese oysters, which are impervious to the diseases killing the native stock and also grow faster. If successful, the plan would resurrect an oyster industry that had almost been wiped out. But under NEPA, a major step such as introducing an alien species into an ecosystem requires a thorough environmental review by the federal government. More than 2,000 comments poured into the U.S. Army Corps of Engineers. Scientists, federal agencies, and other coastal states raised numerous red flags about the Chinese oysters' potential dangers, many of which are irreversible, including harm to the remaining native stock and possible threats to human health. After carefully weighing all the evidence, and considering a number of alternate solutions, the Corps ruled that the Chinese oysters posed "unacceptable ecological risks." Result: a reinvigorated effort to bring back the native oyster species, which so far seems to be paying off. Indeed, fall oyster survey results released hy the Maryland Department of Natural Resources in April 2013 showed population and reproduction increases for the second year in a row.³⁵

Baltimore-Washington Intermodal Facility

When CSX Corp. wanted to relocate an existing freight container transportation facility in downtown Baltimore to Elkridge, Maryland, it triggered a federal environmental review under NEPA to assess the impact that a new 24/7 operation visited by 300 trucks a day would have on the small city. During the extensive public comment period, Elkridge citizens expressed concern that the facility would be too close to a planned middle school and would undermine their quality of life and the environment.³⁶ As a result, CSX worked with Maryland Governor Martin O'Malley and Baltimore Mayor Stephanie Rawlings-Blake to find a more appropriate site for the facility. In the end, CSX relocated its project to an existing South Baltimore railyard site that CSX already owns—a plan that has received broad community support and will expand the economic and job-growth potential for the Port of Baltimore, which currently generates more than 14,000 direct jobs and \$5 billion annually. Thanks to NEPA, a more suitable location was found and between \$50 and \$240 million will be saved.³⁷

³⁷ "Baltimore-Washington Rail Intermodal Facility Health Impact Assessment." National Center for Healthy Housing. September 2013. Available at: http://www.pewtrusts.org/-

https://www.bostonglobe.com/metro/2018/01/07/fishing-officials-unveil-sweeping-new-regulations/k4AmOoeI2tOlqUydCsXCKO/story.html

³⁵ "Decision Document: Chesapeake Bay Oyster Recovery Project Maryland." U.S. Army Corps of Engineers. May 2002. Available at:

http://www.nab.usace.army.mil/Portals/63/docs/Environmental/Oysters/Oysters%20main%20report%20May%2020 02.pdf

³⁶ "CSX ends agreement to buy land in Elkridge for rail facility." *The Baltimore Sun*. June 5, 2012. Available at: http://www.baltimoresun.com/ph-ho-cf-csx-0607-20120605-story.html

[/]media/assets/2013/09/01/baltimorewashingtonintermodalhia.pdf?la=en&hash=E4579369513D19AB3557CFDF781 1CB4B42AB4602

Massachusetts

Route 146

Route 146 runs through an area of central Massachusetts rich with American history, industrial development, and growing communities. The Federal Highway Administration's \$290 million proposal to transform Route 146 and improve travel would have expanded a section of a two-lane, unlimited-access road into a four-lane divided parkway, modifying major interchanges and bridges in the process. To integrate NEPA principles into the process, the Massachusetts Highway Department (MassDOT) established a Citizens Advisory Committee of local business owners, residents, political leaders, environmental groups, and representatives from federal and state agencies to help inform the final design. The final plan links towns to the highway and the history of the Blackstone River while enhancing natural and historic resources. For example, the project includes construction of a bike path through the corridor, building preservation, historic bridge restoration, stormwater and wetlands mitigation, and creation of wildlife passages. George Batchelor of MassDOT said the Citizens Advisory Committee was "a meeting of the minds" ensuring that "what was done was done properly." Without the input of citizen groups, the road design would not have addressed the region's historic and environmental resources. Local leaders hope Route 146 will become a renowned historic parkway that will attract tourism.³⁸

Michigan

US-23

The Michigan Department of Transportation (MDOT) pushed for the construction of a four-lane freeway parallel to the existing two-lane US-23 for close to a decade. The expansion would have rerouted US-23 through undeveloped country in the northeastern part of the state, causing the largest single wetlands loss in Michigan and severely compromising protected wildlife habitat, state and national forestland, coastal wetlands, and the Au Sable River Corridor. Residents opposed the expansion, instead preferring to fix the existing highway by adding passing lanes and making other safety improvements. "Right from the start, that was our whole focus: Fix what we have and don't build a new, billion-dollar freeway," said Paul Bruce, founder of People for US-23 Freeway Alternatives, a citizens' group in Alpena. MDOT issued a draft environmental impact statement in 1995 that considered only two choices: Build the extension or do nothing. Upon discovering this failure to fully analyze alternatives to new construction, the Federal Highway Administration stepped in. It rejected the proposal, directed MDOT to upgrade the existing highway or study the creation of a less-damaging boulevard, and recommended resident-supported alternatives such as the addition of passing lanes and turn lanes and traffic signal upgrades. Kelly Thayer, transportation project coordinator at the Michigan Land Use Institute, said the intervention was a huge success. "NEPA kept alive the public's opportunity to give input," said Thayer. Due to the NEPA process, these communities will be spared the devastating impacts of unneeded and unwanted expansion. And in the end, an eye-popping \$1.5 hillion will be saved.³⁹

³⁸ "Route 146 Transportation Study." Massachusetts Department of Transportation. December 2005. Available at: <u>https://www.massdot.state.ma.us/Portals/17/docs/Studies/Route146TransportationStudy.pdf</u>

³⁹ "Final Environmental Impact Statement and Section 4(f) Evaluation for the Proposed US-23 Freeway Extension Project Phase I." Michigan Department of Transportation in cooperation with the Federal Highway Administration. Available at: <u>http://www.michiganhighways.org/indepth/US-23 Executive Summary.pdf</u>

Midland Manufacturing Facility Construction

In 2010, the Department of Energy (DOE) proposed construction of a manufacturing facility for vehicle batteries and hybrid components in Midland, Michigan. Through the NEPA process, the DOE became increasingly aware of potential safety issues related to dioxin contamination of the soil at the site from past manufacturing activities there. Dioxin can cause reproductive and developmental problems, damage the immune system, interfere with hormones, and cause cancer. As a result, the DOE incorporated measures into their plan to minimize the risk of exposing workers and children at the nearby daycare facility to contaminated soil during construction. These included more rigorous management and monitoring of fugitive dust emissions at certain times, temporary relocation of daycare services on days of exposure, scheduling construction around daycare operations, and temporarily enhanced air filtration during construction.⁴⁰

Petoskey Bypass

After an effective process including publicc engagement, the Michigan Department of Transportation in 2001 abandoned an environmentally damaging and disruptive plan to build a four-lane bypass in Petoskey in favor of supporting a transportation and land use planning process led by local citizens and governments.⁴¹

Minnesota

Central Corridor Light Rail

The Central Corridor Light Rail is a 10.9-mile light rail transit line connecting downtown Minneapolis and St. Paul. Running along University Avenue for most of the route, the project includes the construction of 18 new stations and is expected to cost \$1 billion by completion in 2014. In January 2011, the National Association for the Advancement of Colored People (NAACP) filed suit against the U.S. Department of Transportation (DOT) and the Metropolitan Council (the regional transit authority) claiming that the final environmental impact statement for the project was inadequate, in part because it failed to analyze the short-term impact of project construction on surrounding businesses. Specifically, the businesses were concerned with the project's removal of street parking, which would prevent customers from patronizing their stores, negatively affecting their revenues. In response, the DOT used NEPA to hold town meetings, hearings, and otherwise engage the community, resulting in a supplemental environmental assessment that suggested a range of mitigation measures to help small businesses affected by construction activities. In total, the Metropolitan Council, the City of St. Paul, City of Minneapolis, Metro Transit (the regional transit authority), and the contractor committed nearly \$15 million to help small, local businesses in the corridor cope with the impacts of construction and loss of street parking.42

https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/EA-1708-FEA-2010.pdf 41 "Report Offers Route to Cut Petoskey Traffic: existing roads, tight zoning could solve problem." Michigan Land Use Institute. December 7, 2007. Available at:

http://www.mlui.org/mlui/archives.html?archive_id=834%2523.WnspF66nHIV#.WoMwbZM-fwc 42 "Amended Record of Decision on the Central Corridor Light Rail Transit Project." *Federal Transit Administration*. August 2013. Available at:

⁴⁰ "Final Environmental Assessment for DOE's Proposed Financial Assistance to Dow Kokam MI, LLC to Manufacture Advanced Lithium Polymer Batteries for Hybrid and Electric Vehicles." U.S. Department of Energy, National Energy Technology Laboratory. March 2010. Available at:

Mississippi

Yazoo Pump (2nd District)

The U.S. Army Corps of Engineers wanted to build the world's largest hydraulic pump so that a handful of large farmers could increase production on lands within Mississippi's Yazoo River floodplain. However, the project would have damaged or destroyed 200,000 acres of wetlands -- an area roughly two-thirds the size of the City of Los Angeles -- which acts as a natural buffer to storm surges and thus protects communities. The true cost of this ill-conceived proposal revealed by the NEPA review led the George W. Bush Administration to cancel the Yazoo Backwater Pumping Plant project, which would have cost taxpayers \$220 million in order to benefit a select few.⁴³

Missouri

Palestine Commons Senior Living Facility

The Department of Housing and Urban Development (HUD) proposed to construct the Palestine Commons Senior Living Facility project -- 69-units of elderly housing in a three-story structure in Kansas City, Missouri. HUD planned to build the facility on an old petroleum-tank site to contribute to Kansas City's redevelopment plan and support community revitalization. However, the NEPA process revealed potential soil and groundwater contamination on the site. Thanks to this law, the project plan was modified to include site remediation and thereby protect the facility's future residents.⁴⁴

Montana

U.S. Route 93

Thanks to the NEPA process, a highway project in Montana addressed safety concerns while minimizing damage to a unique cultural landscape. US-93, located north of Missoula in western Montana, saw an increase in traffic fatalities and injuries on a heavily traveled stretch heading toward Glacier National Park. To address concerns, the Montana Department of Transportation (MDT) proposed to widen a 56-mile segment from two lanes to five. This segment runs through the Flathead Indian Reservation, including territory in the heart of the Rocky Mountains -- a popular recreational destination -- and the Ninepipe Wetlands Area, which supports unique and fragile wildlife species. NEPA gave the Confederated Salish and Kootenai Tribal Government and citizen groups an opportunity to participate in the project design process. MDT looked for creative solutions and considered alternatives for the highway mitigated impacts on tribal culture, family farms, and the environment. The final design successfully addressed safety, environmental, and

https://www.gpo.gov/fdsys/pkg/FR-2008-09-19/pdf/E8-22002.pdf#page=1

https://metrocouncil.org/Transportation/Projects/Light-Rail-Projects/Central-Corridor/Publications-And-Resources/Environmental/CC-ROD/Central-Corridor-Amended-Record-of-Decision-August.aspx

⁴³ "Final Determination of the Assistant Administrator for Water Pursuant to Section 404(c) of the Clean Water Act Concerning the Proposed Yazoo Backwater Area Pumps Project in Issaquena County, MS." U.S. Environmental Protection Agency. September 19, 2008. Available at:

⁴⁴ "Hazardous Waste management Commission Report: July through September 2013." *Missouri Department of Natural Resources*. Available at: https://dnr.mo.gov/env/hwp/commission/reports/2013-3rd.pdf

cultural concerns.⁴⁵ Slow curves in the roadway were planned along the most scenic areas to discourage speeding and follow the contour of the land. One mile of the highway was relocated around the Ninepipe Wetlands area, and wildlife crossings and fencing were added at the request of the Tribes to make the roads safer for commuters and wildlife.⁴⁶

Blindhorse Outstanding Natural Area (Blackleaf Project, Teton County)

In early 2004, the Bureau of Land Management (BLM) began reviewing proposals for new drilling permits on several existing leases located on public lands in the heart of Montana's Rocky Mountain Front, spurring public outcry. During the public participation process mandated by NEPA, 99% of the more than 49,000 comments received by the BLM urged the agency to halt the drilling proposal. Those opposing the project included 45 state hunter and angler groups from around the nation who sign a resolution calling for a moratorium on oil and gas drilling on Montana's Rocky Mountain Front: a bipartisan coalition of sportsmen, ranchers, local business owners, public officials, and conservationists working to protect the front; and Senators Baucus (D-MT) and Burns (R-MT). In response to the widespread opposition, BLM stopped the environmental review process. This decision removed the immediate threat of drilling on the Rocky Mountain Front and fostered a realistic discussion of a lease buy-out and permanent protection of the Front as wilderness. Mary Sexton, a Teton County Commissioner said, "[t]he strong public support for the Front, questionable benefit of drilling, and limited natural gas resource available along the Front all lead to this sensible step to halt the permitting process. Now the door is open for people to work together...to find resolution to this contentious issue through a lease buy-out or swap that is fair to everyone." "This decision will help protect our tradition of ranching, farming and working along the Rocky Mountain Front," said rancher Karl Rappold. "We have the opportunity to protect the Front -- both for today and for our grandchildren. It's important that we don't let this moment slip away, and we're looking to Congress for initiative, leadership and creative solutions to complete the job and protect this important part of Montana's heritage."47

Nevada

Hoover Dam Bypass

The Federal Highway Administration (FHWA) developed the 3.5-mile Hoover Dam Bypass project, which would stretch from Clark County, Nevada, across the Colorado River to Mojave County, Arizona, to address increased congestion at the Hoover Dam crossing. However, the environmental impact statement for the project failed to explore an adequate variety of options. Project manager Dave Zanetell admitted as much, stating that the FHWA had "grossly underestimated some of the alternatives and too quickly dismissed them." To ensure full NEPA compliance, Zanetell's team more thoroughly researched an alternative proposed by environmental groups and added some important features to the project in response to public comments. In its

⁴⁵ "Hwy 93 wildlife crossings reveal quirks in road safety analysis." *The Missoulian*. January 14, 2017. Available at: <u>http://missoulian.com/news/local/hwy-wildlife-crossings-reveal-quirks-in-road-safety-analysis/article_018a3377-a743-5ea7-b787-2e93017872d9.html</u>

⁴⁶ "Record of Decision for U.S. highway 93 Ninepipe/Ronan Improvement Project." U.S. Department of Transportation, Federal Highway Administration. May 21, 2008. Available at: https://www.mdt.mt.gov/pubinvolve/docs/eis_ea/eis_ninepipe_rod.pdf

⁴⁷ "U.S. blocks drilling in Montana's Rockies." *The Associated Press*. May 5, 2004. Available at: http://www.nbcnews.com/id/6173112/ns/us_news-environment/t/us-blocks-drilling-montanas-rockies/

final form, the bypass, which opened in October 2012, runs closer to developed areas instead of cutting through pristine corridors; it also includes accommodations such as sidewalks, pedestrian facilities, and parking to enable pedestrian access. "Oftentimes the public is a huge influence on the project. NEPA is certainly the foundation for public participation," said Zanetell. "We don't look at it as a burden; it is something we relisb," he added.⁴⁸

Los Alamos National Laboratory

Los Alamos National Laboratory (LANL) in New Mexico, the site of the World War II "Manhattan Project." where scientists developed the first nuclear weapons, remains to this day an important research center for computer, energy, defense and other technologies. After bad accumulating more than a half-century's worth of atomic waste, in 1998 the Department of Energy (DOE) prepared an EIS to guide how they might respond to an accident or emergency on the site. During the input process, the U.S. Forest Service and Department of Interior urged DOE to include the threat of wildfire among the risks that they needed to be prepared for. DOE agreed and by late 1999 had developed and were implementing a detailed set of plans for reducing their wildfire risk. In particular, they reduced fuels and removed wood pallets from around their weapons engineering and waste facilities, which their scenarios indicated would have the highest risk of releasing radiation if they burned.⁴⁹ Just a few months later, the western part of the country entered an unusually severe wildfire season. In total, almost 7 million acres burned that summer. One of those, the Cerro Grande Fire, started as a controlled burn at the Bandelier National Monument in New Mexico. On May 4, 2000, high winds and drought condition drove it out of control. The massive fire swept through Los Alamos, burning 50,000 acres of forest and residential land, including thirty percent of the laboratory's land. The conflagration destroyed many of the historic buildings where the atomic bomb was invented and tested, along with more than 200 homes in the town of Los Alamos. The smoke plume reached the Oklahoma panhandle, hundreds of miles away. The fire's damage was estimated at \$1 billion. Had the fire gotten to the nuclear waste, the consequences would have been far worse. That smoke plume could have easily transported plutonium particles, contaminating a large swath of the Southwest, exposing millions of people to increased risk of cancer.50

Nellis Solar Power Plant

In response to increasing oil prices, the Air Force decided to construct a solar plant at Nellis Air Force Base. The plant would be the largest yet built in North America and would meet 30 percent of the base's energy needs. Under the NEPA process, the Air Force conducted an Environmental Assessment (EA). Because the facility would be partially built on a former landfill site, the EA prescribed measures to be taken during construction to prevent contamination, but the project did not present any problems and the Air Force issued a Finding of No Significant Impact (FONSI). The facility was completed in 2007 and exceeded expectations in its first year, generating 8 percent

⁴⁸ "Revisiting the Hoover Dam." *The Economist*. October 22, 2011. Available at: http://www.economist.com/node/21533393

⁴⁹ "Los Alamos Site-wide EIS Analyzed Wildfire Impacts, Prompted Mitigation Actions." U.S. Department of Energy. June 2, 2000. Available at:

https://www.energy.gov/nepa/articles/los-alamos-site-wide-eis-analyzed-wildfire-impacts-prompted-mitigationactions

^{so} "Environmental impact statements are not a nuisance." *Houston Chronicle*. July 29, 2017. Available at: <u>http://www.houstonchronicle.com/opinion/outlook/article/Michaels-Environmental-impact-statements-are-not-11718120.php</u>
more power than anticipated and saving the Air Force an additional \$1.2 million in energy costs. In fact, the project was so successful that the Air Force is currently considering the construction of a second solar array in the area that would include renewable energy storage.⁵¹

New Hampshire

Highway 93

The proposal to double — from a total of four lanes to a total of eight lanes — the highway capacity of Interstate 93 between the NH/MA border and Manchester, NH raised numerous issues. Concerns related to the project ranged from water pollution to the inducement of yet further traffic demand and traffic congestion, to the inducement of sprawl development.⁵² Thanks to NEPA, the final project addressed many of these concerns. Instead of adding two additional lanes in each direction, the project is proceeding incrementally, adding one lane in each direction to accommodate traffic demand and to reduce water pollution problems associated with chlorides. The project also included the creation of the I-93 Interagency Task Force on Travel Demand Management, which is working to identify and develop measures to reduce traffic, thereby maximizing the capacity of the project to achieve a more economically and environmentally sustainable result.⁵³

Umbagog National Wildlife Refuge Final Comprehensive Conservation Plan

Over the last decade, the economy and land ownership patterns of the communities surrounding New Hampshire and Maine's Umbagog National Wildlife Refuge have changed and public access pressures have increased. For this and other reasons, the U.S. Fish and Wildlife Service (FWS) felt it was necessary to develop a master plan for the refuge, which would provide a 15-year strategic guide for conserving land, helping FWS determine how to expand the refuge and where to locate a new refuge headquarters and visitor's center. During the NEPA process for the plan, the community expressed interest in new public uses of the refuge, including dog-sledding, horseback riding, bicycling, and increased boat access, all of which FWS incorporated into the plan. FWS also expanded hunting opportunities on the refuge in response to the public's request to hunt turkeys there. The final plan balances conservation and public use, while also identifying areas for expansion. In 2012, as the refuge moves towards its acreage goal with conservation purchases and easements, refuge manager Paul Casey said, "This project is an excellent example of what can be accomplished through partnerships. By working with the forest industry, private conservation organizations, and the state, we have been able to craft a broad scale conservation effort that meets each of the partners' needs."⁵⁴

http://nhpr.org/post/widening-i-93-could-change-community-identities-north-concord#stream/0

⁵³ "Final Environmental Impact Statement: Interstate 93 Improvements Salem to Manchester." *Federal Highway Administration*. April 2004. Available at:

http://www.rebuildingi93.com/content/overview/feis/

⁵¹ "Nellis Air Force Base solar array provides model for renewable projects." U.S. Department of Energy. March 24, 2010. Available at:

https://energy.gov/articles/nellis-air-force-base-solar-array-provides-model-renewable-projects

⁵² "Widening Of I-93 Could Change Community Identities North of Concord." *New Hampshire Public Radio*. August 12, 2014. Available at:

⁵⁴ "Lake Umbagog National Wildlife Refuge: Final Comprehensive Conservation Plan." December 2008. Available at:

https://www.fws.gov/northeast/planning/Umbagog/PDF/NewsletterDec08lowres.pdf

New Jersey

Route 52

The Route 52 causeway between Ocean City and Somers Point, first built in the 1930's, faced restricted lane and speed usage as it fell into disrepair, and the lack of shoulders posed a safety hazard to motorists. New Jersey and the Federal Highway Administration sought to rebuild the route to better serve the area. Thanks to input from area residents and other federal agencies during the NEPA process, the final environmental impact statement identified an alternative that minimized the route's environmental and socioeconomic impacts. For example, the final project avoided potentially extensive dredging and damage to wetlands as well as extensive property takings and changes in land usage. New bike paths, walking trails, and boat ramps are part of the causeway and mitigation measures were taken to account for the limited dredging and wetlands loss. Construction was finished in 2012.⁵⁵

New Mexico

Solar PEIS

The Solar Programmatic Environmental Impact Statement (PEIS) was prepared by the U.S. Department of Energy (DOE) and the U.S. Department of the Interior (DOI) to assess environmental impacts associated with the development and implementation of environmentally responsible solar energy development in six western states, including New Mexico. The BLM and the DOE identified a need to respond in a more efficient and effective manner to the high-interest in utility-scale solar energy development (in particular development to he sited on public lands), and to ensure consistent application of measures to avoid, minimize, or mitigate the adverse impacts of such development.⁵⁶ The process of developing this PEIS used the NEPA process to select areas with low natural resource values, high solar potential, and needed infrastructure that was suitable for development. By guiding projects to appropriate zones, the agencies ensure that solar projects are built faster, cheaper, and better for the environment, developers, and consumers.⁵⁷

Fence Lake Mine

In 1996, the Bureau of Land Management (BLM) granted an Arizona utility company a permit to mine coal on federal land near New Mexico's Zuni Salt Lake -- a shallow, briny lake sacred to the Zuni, Hopi, Acoma, Laguna, Apache, and Ramah Navajo tribes. Zuni Salt Lake is the home of the deity Salt Mother, and the area surrounding the lake is a sanctuary zone where warring tribes have met since ancient times without conflict to collect salt from the lake in reverence of Salt Mother.

⁵⁶ "Native American Consultation and Section 106 Compliance for the Solar Energy Program Described in Solar Programmatic Environmental Impact Statement." U.S. Bureau of Land Management Instruction Memorandum No. 2012-032. December 1, 2011. Available at: <u>http://solareis.anl.gov/documents/docs/IM2012-</u> 032 Consultation and Section106.pdf

⁵⁵ "Route 52 Reconstruction Project: Final Environmental Impact Statement/Section 4(f) Evaluation." U.S. Department of Transportation, Federal Highway Administration. June 11, 2002. Available at: http://www.state.nj.us/transportation/works/studies/rt52/eis/fulldoc.pdf

⁵⁷ "Approved Resources Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern States." U.S. Bureau of Land Management. October 2012. Available at:http://solareis.anl.gov/documents/docs/Solar PEIS ROD.pdf

However, the mining permit would have allowed the utility company to pump water from underground aquifers that feed Zuni Salt Lake to use at the proposed Fence Lake Mine, thereby significantly depleting the lake's water levels. Due to the environmental and tribal impacts, environmentalists and Native American groups voiced concerns through NEPA's commenting process. In response, BLM issued a hydrological study that determined Zuni Salt Lake would not be impacted by the mine, but the Zuni leadership commissioned their own study showing that the loss of water in the lake would be significant - about four feet of the five-foot-deep lake. In the end, the utility company scrapped the Fence Lake Mine plans and decided to instead mine lowersulfur coal from already-operating mines in Wyoming. Because of NEPA, groups were able to voice concerns that resulted in the preservation of priceless Native American cultural and religious sites and prevented disruption to the local environment and habitat loss. Additionally, the utility saved money and minimized impacts by using an existing coal mine. In a statement before a Congressional committee, Calbert Seciwa, a member of the Zuni tribe, stated that "[w]ithout NEPA, the membership of the [Zuni Salt Lake] Coalition, affected Tribal Governments, organizations and individuals. Native and Non-Native, would have been largely powerless to play any productive role in the decision-making process regarding this area of sacred land."58

New York

Tappan Zee Bridge Replacement

The Tappan Zee Bridge Replacement project in Westchester County, New York is a good example of efficiency through NEPA. The bridge serves about 138,000 vehicles a day and represents a vital link in the regional and national transportation network. Large and complex projects can require as many as four years or more for review, but through a coordinated effort by numerous State and Federal agencies, this project team was able to set an aggressive schedule completing the Federal permitting and requisite NEPA review in 1.5 years, saving up to three years on the timeline of a multi-billion project expected to create an estimated 45,000 jobs.⁵⁹ Furthermore, as a result of the NEPA process, New York Governor Andrew Cuomo was able to successfully negotiate an agreement with the environmental groups Riverkeeper and Scenic Hudson to include extensive environmental mitigation measures in the bridge's development in exchange for promises to avoid litigation.⁶⁰

North Carolina

Highway 12's Bonner Bridge

By requiring a look at a project's effects into the "reasonably foreseeable future," NEPA helps avoid the perils of short-term thinking. One of the best examples is the replacement of the Bonner

http://protectnepa.org/wp-content/uploads/2018/02/fance-lake-project-ROD.pdf

⁵⁸ "Record of Decision: Federal Coal Leas Application for the Salt River Project." U.S. Bureau of Land Management. December 5, 2000. Available at:

⁵⁹ "Joint Record of Decision and State Environmental Quality Review Act Findings Statement: Tappan Zee Hudson River Crossing Project." *Federal Highway Administration and New York Statement Department of Transportation*. September 2012. Available at: <u>http://www.newnybridge.com/environmental-doc/</u>

⁶⁰ "Governor Cuomo Announces Agreement With Environmental Groups on Support for New NY Bridge." Office of Governor Andrew M. Cuomo. March 27, 2013. Available at:

https://www.governor.ny.gov/news/governor-cuomo-announces-agreement-environmental-groups-support-new-nybridge

Bridge and portions of Highway 12 on North Carolina's Outer Banks. The project has been contentious because the cheapest option in the short term would be to use the existing corridor, which passes through a National Wildlife Refuge. However, Highway 12 is one of the most storm-vulnerable road sections in the entire country: sections of it have washed out or covered by sand from hurricanes and other storms in 2003, 2011, 2012, 2014, 2015, and twice each in 2016 and 2017. Because of sea-level rise and the projected increase in severe storms due to climate change, a road in the existing corridor would require perpetual re-building after washouts. That, along with the additional costs of isolation and loss of access for the residents, means that when all the costs are weighed, the "expensive" choice of re-routing the corridor to the west, is actually economical in the long-term.⁶¹

South Toe River Relocation

One of the most valued aspects of our national forests are the outstanding fishing streams they provide. So, when local anglers caught wind of a proposed project re-routing a portion of North Carolina's South Toe River, they were understandably concerned. The NEPA process gave them and other locals concerned with the proposed project's potential impacts on the river's water quality and prize trout fishing a chance to ask for alternatives. In response, the Forest Service withdrew the original proposal and is currently considering options that will preserve the sportsmen's use of the river for recreational fishing.⁶²

Interstate 26

Many local leaders, officials, and citizens questioned the size and scope of a proposed Interstate 26 highway-widening project, especially the proposed 8- to 10-lane section through the heart of West Asheville, North Carolina.⁶³ It was only through NEPA's public disclosure and review process that the community learned the Federal Highway Administration (FHWA) had wildly overstated highway accident rates in order to justify the project's first phase. On top of that, they actually found that the first phase would exacerbate -- rather than alleviate -- traffic congestion. A federal district court ultimately ruled that NEPA required the FHWA to reassess the project with accurate data and take a comprehensive new look at the overall plan. NEPA ensured sensible and informed decision making rather than a piecemeal and misinformed approach to a project that will have significant and long-term impacts on Asheville and western North Carolina.

Durham-Orange Light Rail Transit Project

Fast-paced growth in Wake and Durham counties' Research Triangle region has led to traffic congestion and air quality problems in the area. This, in turn, resulted in the area's designation as a nonattainment area for ground-level ozone standards. While the Triangle Transit Authority ("TTA") increased bus service, ridesharing, and vanpooling, it knew that it also needed to increase

https://www.wnct.com/news/ncdot-moves-forward-on-obx-bridge-as-solution-to-washed-outroads_20180319093722151/1057960774

⁶² "Decision Memo: South Toe River Restoration project." USDA, U.S. Forest Service. Available at: <u>http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/103587_FSPLT_3_3021624.pdf</u>

⁶¹ "NCDOT moves forward on OBX bridge as solution to washed out roads." WNCT 9 Greenville. January 17, 2017. Available at:

⁶³ "Is Wider Better?" *Mountain Xpress*. November 25, 1998. Available at: https://mountainx.com/news/community-news/1125interstate-php/

Amtrak accessibility for residents to fully address the area's air quality problems. To this end, TTA developed a light rail proposal to connect Raleigh, Durham, and Chapel Hill. TTA completely integrated its planning functions, public outreach, and NEPA compliance, creating a model of transparency and proactive decision-making.⁶⁴ For example, they produced common English materials explaining NEPA's scoping process. They also met with citizens in public workshops held as open houses. These steps encouraged robust discussion and greatly boosted public participation and confidence in the results of the process.⁶⁵

North Dakota

U.S. 2 from Minot to Williston

Conducting Tribal consultations early and effectively in the NEPA process has many benefits including the protection of culturally valuable sites and avoiding litigation that can occur when these sites are overlooked. In the initial design phase of U.S. Highway #2 Minot to Williston, North Dakota Department of Transportation (NDDOT), as prescribed by NEPA, discussed the project extensively with five potentially affected Tribes, which requested that NDDOT work with a chosen representative -- Sam Little Owl -- to determine the project's impacts on their cultural sites. NDDOT took Mr. Little Owl to each site and recorded his interpretations and discussions of the cultural importance of each. With Mr. Little Owl's permission, the recording was transcribed and non-sensitive information was later summarized for the NEPA document, belping shape the final project design.⁶⁶

Obio

U.S. 24

US-24 has been a controversial highway. Many residents are not convinced that it is needed and fear that its construction will lead to significant environmental degradation. In fact, it was included as one of the worst highway projects in a 2001 report by the Sierra Club Ohio Chapter. Despite disappointment in the decision to build US-24, residents have appreciated the opportunity to give input on how it will be laid out in their community. It has been difficult for community members to accept a major highway whose need they do not recognize. However, they do recognize the importance of having a seat at the table to reduce the highway's negative impacts. Early coordination in the NEPA process between the United States Fish and Wildlife Service (USFWS) and the Ohio Department of Transportation (ODOT) helped ensure that the reconstruction of US-24 in Ohio got off on the right foot. Partnerships between these agencies led to the identification of significant resources in the proposed project area and selection of a preferred alternative route Among the significant natural assets jeopardized were the Maumee State Forest, Maumee State

⁶⁴ "Help plan for growth along planned Durham-Orange Light Rail line Tuesday." *The Herald Sun*. February 5, 2018. Available at:

https://www.heraldsun.com/news/local/counties/durham-county/article198486209.html

⁶⁵ "Amended Record of Decision: Durham-Orange Light Rail Transit Project." *Federal Transit Administration*. December 14, 2016. Available at:

http://ourtransitfuture.com/wp-content/uploads/2017/04/0637A_DOLRT-NCCU-Station-Refinement-Amended-ROD_FINAL.pdf

⁶⁶ "In their own light: A Case Study in Effective Tribal Consultation." *Federal Highway Administration*. 2013. Available at:

https://www.fhwa.dot.gov/resourcecenter/teams/environment/tribal_consult.pdf

Scenic and Recreational River, a number of city and metro parks, several historic properties, and the Oak Openings region, a unique prairie/savannah complex that occurs nowhere else in the state and supports a variety of rare plant and animal species. Working within the framework of NEPA led to creative design and coordination with the public and resource agencies to reduce harm to these special areas. In addition, ODOT rerouted the project twice to avoid impacts to bald eagles when nests were found within a half-mile of the proposed route. This degree of environmental protection would not have taken place without NEPA. Mike Ligibel of ODOT confirms this: "The reason we're doing all this special environmental planning is because of NEPA. Without a law we had to follow we might just sit down, draw a straight line, and build it." Megan Seymour, a wildlife biologist at the USFWS adds, "Because of NEPA, ODOT takes effects on streams and wetlands into account and considers them significant resources." Regarding wetland and forest areas in the Ohio US-24 project, she stated, "There is no guarantee that impacts in these places would have been avoided without NEPA."

U.S. 33 Nelsonville Bypass

The U.S. 33 Nelsonville Bypass was the last of four segments required to connect I-77 (Ravenswood, West Virginia) to I-70 (Columbus, Ohio). Around half of the highway's 8.5 miles would bisect Wayne National Forest -- Ohio's only National Forest -- which provides over 300 miles of trails for hiking, horseback riding, off-road vehicles, and mountain biking. The NEPA process helped mitigate the impacts of project construction in many ways. For example, the final project included tree and grass planting along the sides of the highway for erosion control and native plant restoration and fencing to prevent deer from coming onto the highway. It filled 500,000 cubic yards of newly discovered abandoned underground mines near the highway to prevent car slippage. And, to top it all off, the final plan resulted in the creation of 5.1 miles of new ATV trails to make up for the temporary loss of trails from highway construction.⁶⁸

Oregon

Mt. Hood Corridor

Mt. Hood highway roughly parallels a portion of the Oregon Trail and has rich cultural and historic significance. Stretching from the community of Rhododendron to its intersection with State Highway 35, it passes through the Spotted Owl wetlands and several endangered species habitats. This 35-mile segment came under scrutiny as Mt. Hood National Forest was becoming an increasingly popular recreational destination. As plans for expansion began, pressure to support economic development on the mountain was matched with concern by community interest groups and Native American tribal governments to protect surrounding natural and cultural resources. Oregon's Department of Transportation (ODOT) had begun widening the entire highway piece-by-piece, but in 1994 the Federal Highway Administration intervened and indicated that the NEPA review process was needed before any additional expansion could occur. Geoffrey Kaiser, then unit environmental/major projects manager for ODOT, wanted a method to consider the highway as a whole instead of studying segments individually. "We proposed an alternative to do a

⁶⁷ "Road to Ruin: US Route 24." *Taxpayers for Commonsense*. June 2004. Available at: http://www.taxpayer.net/wp-content/uploads/ported/images/downloads/RoadToRuin.pdf

⁶⁸ "Final Environmental Impact Statement: US Route 33 Nelsonville Bypass thru the Wayne NF." U.S. Forest Service. June 2005, Available at:

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5445685.pdf

combination for Tier 1 EIS and a 20-year master plan," he said. Completed in 1996, the resulting Mt. Hood Corridor Study yielded a set of guiding principles to be applied to all future modifications to the entire Mt. Hood Highway over the next 20 years. Establishing the guiding resource conservation principles very early in the planning stages became the critical step to avoid many later obstacles and delays in the development and design phases. "This was the first real project where ODOT introduced NEPA in the comprehensive planning phase," Kaiser said. "It took a lot of attitude adjustment. It was a challenge for scientists to think more conceptually, but they began to realize that by being involved early in the planning phase, it lessened the detail work later," he added. The study involved a large advisory committee representing community interest groups as well as development advocates. The group found that widening the segment alone would not alleviate congestion in the area, and thus recommended alternative solutions to mitigating the traffic. These included shuttles, real-time cameras to advise travelers of road conditions, and increased enforcement measures like parking fees to encourage off-peak visits. Kaiser explained the study's message, "Before you leap to widening, make a good effort. So far, it has been a useful master plan," he said. The plan has since been used to support subsequent additions to the highway and other neighboring projects, such as relocating a streambed and adding wildlife crossings." Each of these projects has to prove that the expansion does not exceed the [development] capacity of the area," said Kaiser. Donna Kilber, the NEPA coordination manager at the time, attributes the successful study to the NEPA process. "If the NEPA process wasn't there, I doubt we would have taken the overall look like we did," said Kilber.69

Skeleton Mountain Timber Sale

In 2012, the Bureau of Land Management (BLM) proposed a timber sale from Oregon's Butte Falls Resource Area. However, during NEPA's public comment process, locals expressed concerns about the sale's impacts -- mainly on old forest stands along the Rogue-Umpqua Divide Wilderness and the area's watersheds, including Evans Creek. In response, BLM agreed to modify the timber sale by, among other measures, replacing logging slated for older native forests with an equal amount from younger denser stands, decommissioning excess logging roads, and avoiding new road construction on sensitive soils to protect the watershed and minimize impacts to Coho salmon. These modifications resolved many objections and the project was implemented to widespread public acclaim.70

Heceta Shores Stabilization Project

The Forest Service proposed to construct a 325-foot streambank stabilization structure - mainly out of houlders - on the bank of Sutton Creek in the Siuslaw National Forest to prevent erosion. However, comments submitted through the NEPA process revealed that hardened structures built to prevent erosion often did the opposite by preventing the beach from replenishing itself.⁷¹ Comments also revealed that such structures often interfered with the public's access to and use of the beaches and river banks on which they are constructed - for example, by shortening the length of the beach. After listening to the public's information and concerns, the Forest Service expanded

⁶⁹ "Mount Hood Corridor, Final Environmental Impact Statement and Final Section 4(f) Evaluation." U.S. Dept. of Transportation, Federal Highway Administration, Oregon Division, 1998. Available at: https://multcolib.bibliocommons.com/item/show/1596838068

⁷⁰ "Prospectus: skeleton Mountain bid." U.S. Bureau of Land Management. September 15, 2011. Available at: https://www.blm.gov/or/districts/medford/timbersales/files/FullProSkeletonMtn.pdf ⁷¹ "Heceta Shores Decision Notice letter." U.S. Forest Service. September 12, 2013. Available at:

https://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=38044

its environmental review and redesigned the project. Most importantly, they replaced the hard engineered boulders originally proposed to prevent erosion with "soft" erosion protection structures like sandbags and logs, thereby maintaining the beach's ability to regrow, better protecting the stream's water quality, providing more public access to the area, and minimizing the project's visual impact.⁷²

Modoc Restoration Project

Fremont Winema National Forest's Yamsay Mountain is a culturally important feature of eastern Oregon. Not only is the snow-covered mountain majestic, but it is also central to the mythology of the Klamath people. So folks were concerned when the Forest Service's Modoc Restoration Project proposed an aggressive treatment of white fir, which would have resulted in virtual clearcuts on Yamsay Mountain. Fortunately, through the NEPA process, conservationists were able to convince the Forest Service to modify the heavy-handed treatments to culture individual legacy trees and thin the white fir on about 252 acres of the project.⁷³

Pennsylvania

PA Turnpike/ 1-95 Interchange Project

The NEPA process for the PA Turnpike/I-95 Interchange Project, which will close the "gap" in I-95, minimized local and environmental impacts with local and governmental support. Issues of potential impact to historical sites, demands of the construction process, and water or other environmental features led to the development of a thorough monitoring and mitigation plan implemented in the planning and construction of the interchange. There was significant public involvement in the planning process, and testimony and comments received at the Public Hearing, written comments received on the Draft EIS during the comment period, and written comments received on the Final EIS were part of shaping the project. Public participation helped choose an alternative with the lowest environmental impact, the lowest number of business and residential displacements, and the most support from public officials and the general public.⁷⁴

Puerto Rico

El Yunque Rainforest Preserve

At under 30,000 acres, El Yunque (also known as the "Caribhean National Forest") is our country's smallest national forest, as well as the only tropical rainforest in the national forest system. For Puertoricaños, El Yunque is a cultural jewel, largely because of the unique rock engravings made by their ancestors -- the Taino people. So, the community was understandably upset when the Federal Highway Administration (FHWA) proposed to slice the preserve in half to rebuild a road

https://www.fs.usda.gov/nfs/11558/www/nepa/1864 FSPLT2 057340.pdf

https://www.patpconstruction.com/paturnpikei95/

⁷² "Heceta Shores Stabilization Plan – Florence Fireworks – Counties Deal With Public Safety." *KCFM Radio*. May 29, 2013. Available at:

https://kcfmradio.com/2013/05/30/heceta-shores-stabilization-plan-florence-fireworks-counties-deal-with-public-safety/

⁷³ "Decision Notice And Finding of No Significant Impact: Modoc Restoration Project." U.S. Forest Service. September 23, 2011. Available at:

⁷⁴ "PA Turnpike / I-95 Interchange Project." Pennsylvania Department of Transportation. Accessed January 11, 2018. Available at:

long-closed due to massive landslides. Ignoring endangered species, increased slide risks, drinking water impacts, and requests from federal and local agencies, FHWA decided not to conduct an environmental impact statement (EIS). When a court found that this violated NEPA, FHWA dropped the project rather than study and disclose all of its impacts. Today, the rainforest is intact and the drive around it to the new Forest Service recreation area on its far side takes a mere 25 minutes on existing roads.⁷⁵

Rhode Island

Route 403

In order to alleviate congestion, the Rhode Island Department of Transportation (RIDOT) proposed relocating Route 403 -- a two-lane road through residential North Kingstown -- and building a new four-lane highway. In accordance with NEPA, RIDOT considered alternatives to its original plan, involving the public early in the design process. The NEPA process resulted in modifications to the original plan suggested by local citizens that the RIDOT would not have otherwise thought of, including a reduction in acreage that lessened damage to wetlands. "The people that live [in the affected area] know more than I do," said Peter Healey, Principal Civil Engineer for RIDOT. He explained that a key benefit of public involvement was giving a voice to those who will be regular users of a project. "NEPA played a vital role in balancing [...] views," Healey said. The idea behind NEPA is to, "make a concept available to the public. [...] You can't make all parties happy, but you can certainly balance their interests...The public wants to help you make a project better." All major construction on the freeway was completed in December 2008, one year ahead of schedule; minor projects continued on the relocated route until early 2009.

Providence Community Health Center

Rhode Island's Providence Community Health Center needed additional space for service delivery and ancillary programs at its facility in South Providence, an economically depressed area of the state. The health center chose the abandoned Federated Lithographers complex for this project due to its proximity to the center's existing facilities. In considering this important brownfield redevelopment project, the NEPA process helped the Department of Health and Human Services (HHS) uncover the existence of potential residual contaminants from lithography chemicals and underground tanks left by the site's former inhabitants. As a result of this finding, HHS worked with the Environmental Protection Agency and the Rhode Island Department of Environmental Quality to ensure that the plan for the site included measures necessary to protect the health of construction workers and, eventually, the health center's staff and patients. In the end, the project was constructed in a way that not only protected its occupants from dangerous chemicals but also contributed to the development of one of the most economically distressed neighborhoods in Providence.⁷⁶

https://www.whitehouse.senate.gov/news/release/rhode-island-to-receive-18-million-to-clean-up-brownfields

⁷⁵ US District Court for the District of Puerto Rico - 797 F. Supp. 1066 (D.P.R. 1992) February 27, 1992. Available at: <u>https://law.justia.com/cases/federal/district-courts/FSupp/797/1066/1447382/</u>

⁷⁶ "Rhode Island to Receive \$1.8 Million to Clean Up Brownfields." Office of Senator Sheldon Whitehouse. April 7, 2008. Available at:

South Carolina

Savannah River Site

Built during the 1950's to refine nuclear materials for deployment in nuclear weapons, the Department of Energy's (DOE) Savannah River Site covers 340 square miles of land in South Carolina. Past disposal practices of contaminants such as radioactive waste, arsenic, lead, mercury, and plutonium, have caused significant site contamination, leading DOE and the South Carolina Department of Health and Environmental Control to consider the site the greatest human health risk in South Carolina. Thanks to NEPA's scoping process, DOE has taken a comprehensive approach to the cleanup process that has employed groundbreaking technologies to increase the effectiveness of cleanup efforts and reduce risk. The Environmental Assessment analyzed the waste streams of both low-level and mixed low-level radioactive wastes for the past, current, and anticipated scope of work, and all potential government and commercial waste facility destinations. This resulted in solutions that were much more cost and time efficient and limited the expected transportation impacts over the long term in the surrounding communities. For example, DOE has immobilized contamination with impermeable clay caps to save money while minimizing potential impacts on worker health and safety and reseeded damaged portions of some areas of the site with native vegetation. While cleanup of the site still has a long way to go before it is no longer considered a threat to human health, NEPA has helped ensure the federal government uses the most effective methods available.77

South Dakota

PrairieWinds Project

The PrairieWinds Project is the largest wind project owned solely by a cooperative. Basin Electric proposed the wind farm as part of its initiative to supply 10% of its generating capacity from renewable sources. The project includes 108 turbines that supply 162 megawatts of electricity. Through the NEPA analysis, the U.S. Department of Agriculture and Department of Energy minimized both environmental impacts including wetland degradation, potential avian hazards, and local disturbances such as noise. Further, they structured the project so that the turbines are located on leased farmland, 98% of which is still being used for farming. And that's not the only economic benefit this project has contributed to the area! Indeed, the wind farm will provide \$3.1 million to the Tri-Central Schools Fund and \$400,000 in tax revenue to support the cumulative capital development fund and local fire fund. Construction was completed in 2012 and it is currently operational; Basin Electric now draws 12% of its energy capacity from renewable sources.

Tennessee

Oak Ridge National Laboratory Cleanup

To accelerate the cleanup work at the Oak Ridge National Laboratory, the Department of Energy (DOE) submitted plans to build the Transuranic Waste Processing Center (TWPC). While drafting the project's environmental impact statement (EIS) required by NEPA, DOE discovered that it

⁷⁷ "Savannah River Site, Spent Nuclear Fuel Management Final Environmental Impact Statement." U.S. Department of Energy. March 2000. Available at:

https://www.srs.gov/general/pubs/envbul/documents/EIS-0279-FEIS-01-2001.pdf

would need to further treat the radioactive waste processed by the TWPC to reduce the risk of human and environmental exposure to radioactive waste and ensure that all parts of the processing facility are placed outside the 500-year floodplain. The EIS also suggested a number of best management practices to ensure that the project would not adversely impact nearby fragile wetlands. Along with protecting the wetlands, the NEPA process made the public aware of the alternatives that DOE was considering and resulted in \$500 million saved.⁷⁸

Texas

Bolivar Beneficial Use Marsh

Historically, deep-draft channel dredged materials had been dumped into unconfined placement areas in Galveston Bay, adversely affecting fish habitat. While going through the NEPA process to create a 200-acre Bolivar Beneficial Use Marsh in the bay, the Army Corps of Engineers worked with other agencies to form the Beneficial Use Group. The group devised a plan that addressed the problems that result from dumping dredged material into the bay while brainstorming creative ways to enhance the existing bay ecosystem. Having identified the loss of intertidal marsh as a critical problem in the Galveston Bay estuary, the Beneficial Use Group decided to use dredged materials to create intertidal marsh and nesting islands for colonial waterbirds, resulting in a better, smarter, more functional project for the Corps, the community, and the environment.⁷⁹

Utah

Timpanogos Cave National Monument Visitor Center

Since the visitor center at Utah's Timpanogos Cave National Monument burned down in 1991, staff have been working out of a double-wide trailer. Not only was the visitor center inadequate in terms of space, but it was also located in a dangerous rock-fall zone. For this reason, the National Park Service proposed to build a new facility. The NEPA analysis included comments from experts who estimated the average size, frequency, and velocity of rock falls in the area. Their input revealed that the hazards from rock falls was much greater than originally thought and allowed the Park Service to identify where such falls were most likely. As a result, the National Park Service was able to site the visitor center in an area that will maximize visitor and staff safety.⁸⁰

Virginia

Route 50 Traffic Improvements

The segment of Route 50 passing through the Virginia towns of Aldie, Middleburg, and Upperville in the foothills of the Blue Ridge Mountains is a classic example of a traditional small-town main street. It was never a major truck or commuter route. However, it began to suffer from problems

https://www.estuaries.org/pdf/2010conference/wednesday17/galleon3/session3/saunders-creating-marshes.pdf

⁸⁰ "Timpanogos Cave National Monument Revisits Alternatives for Environmental Assessment." *National Parks Service*. February 1, 2012. Available at:

https://www.nps.gov/tica/learn/news/2012-ea-revisit.htm

⁷⁸ "Record of Decision on Treating Transuranic (TRU)/Alpha Low-Level Waste at the Oak Ridge National Laboratory." U.S. Department of Energy. August 9, 2000. Available at: https://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/EIS-0305-ROD-2000.pdf

 ⁷⁹ "The Houston Ship Channel Beneficial Use Project: Deepening the Houston Ship Channel while Creating Marshes and Islands." *Port of Houston Authority*. November 17, 2010. Available at:

of speeding, aggressive driving, and congestion during rush hours at one particular intersection. Virginia's Department of Transportation (VDOT) came up with a conventional solution: expand the road into a four-lane divided highway with bypasses around the small towns. The citizens, however, had a different vision. They seized the opportunity for public involvement afforded by the NEPA process and ran with it, creating a coalition to seek alternatives to the plan. The coalition found that a four-lane highway would only increase speeding and local businesses would suffer if bypasses redirected traffic around the towns. So they came up with an alternative plan that would solve the roadway's problems, promote local husinesses, protect the area's rural and historic character, and cost much less than conventional highway expansion. Instead of a wider road that bypassed the town, the solution included entranceway features at the edges of the towns, planted medians, raised intersections, changes in pavement for parking areas, and guardrails made from natural materials. In addition to their aesthetic advantages, these additions will reduce speeding and promote pedestrian safety. VDOT approved this design in 2003 and is now implementing it through a partnership with the local communities and local government. In the end, NEPA delivered an innovative, less expensive solution that can be, as coalition member Susan Von Wagoner said, "a model for the nation."81

Eastern Shore Rural Health Medical Center

The Department of Agriculture granted money to Eastern Shore Rural Health Systems to build the Onley Community Health Center in Onley, Virginia, as part of its Rural Community Facilities Program. However, the proposed construction, which included a new medical building, parking, and infrastructure, was located within an aquifer that supplies more than 50 percent of the surrounding community's water needs. As a result of the NEPA process, the Environmental Protection Agency reviewed the project proposal and suggested modifications to address potential groundwater contamination, and these changes were incorporated into the project. For example, the local Soil and Water Conservation District planted native vegetation on facility grounds to create a healing garden for patients and their families that acts as a natural filter for runoff from the facility, thereby reducing the risk of groundwater contamination.⁸²

Washington

Huckleberry Land Exchange

Under the proposed Huckleberry Land Exchange, the U.S. Forest Service would trade nearly 7,000 acres of mature and old-growth forest in Washington's Mt. Baker-Snoqualmie National Forest, including a portion of the Muckleshoot Tribe's historic Huckleberry Divide Trail, for about 30,000 acres of high-elevation land held by Weyerhaeuser Timber Company. Citizen groups and the Muckleshoot Indian Tribe challenged this proposal. The court found that the Forest Service violated NEPA by failing to consider an adequate range of alternatives and by neglecting to analyze the cumulative impacts of the proposed exchange. As a result, the Forest Service improved their analysis and altered their plans for carrying out the exchange. Ultimately, the Huckleberry

⁸¹ "Six-Year Plan: Northern Virginia Projects Trimmed." *The Washington Post*. Available at: https://www.washingtonpost.com/archive/local/2002/05/22/six-year-plan-northern-virginia-projectstrimmed/b36158cf-9db8-45c0-9c86-1b50dcea733f/?utm_term=.c5167f5ac014

⁸² "The Eighth Report on The National Environmental Policy Act Status and Progress for American Recovery And Reinvestment Act Of 2009." *White House Council on Environmental Quality*. February 1, 2011. Available At: https://ceq.doe.gov/docs/ceq-reports/feb2011/CEQ_ARRA_NEPA_Report_February_01_2011_final.pdf

Land Exchange went forward with a better design that protected old-growth forest and culturally and recreationally important public lands.⁸³

Wisconsin

Highway 26 Bypass

Highway 26 is a regional road that runs through south-central Wisconsin, connecting Illinois to Wisconsin's Fox River Valley. To address increasing traffic from trucks and regional drivers on the road. Wisconsin's Department of Transportation (WisDOT) proposed the construction of a bypass. NEPA provided the opportunity for stakeholders to engage in discussions about the project development. "NEPA forces us into providing alternatives that are representative of the interests of all agencies involved," said James Oeth, WisDOT project manager. As stipulated by NEPA, several alternatives were selected, studied in detail, and made available for public comment, "Without NEPA, we would have just asked what the shortest distance was and built the road through there," said Oeth. The final decision created a route with the least impact and disruption to the community. For example, while the original route would have plowed through Ed McFarland's dairy farm, which sits west of Watertown, the final plan navigated around it. "Public involvement helped us...the less land we lose, the better," said McFarland. Additionally, under the final plan, the bypass skirted the community's urban service area, instead of destroying pristine land, While not all of the community's major requests were accommodated, residents appreciated the opportunity to be involved in the process. "I believe NEPA allowed for these alterations to take place," said Andy Didion, a Jefferson resident. "The DOT is getting much better and realizing this affects people's lives." "We talked out problems and came up with solutions that were agreeable to most participants," stated Greg David, a Jefferson County Supervisor. "The NEPA process has saved us a lot of money, and mitigated many of the externalized consequences of a freeway expansion project."84

Wyoming

Clark River Seismic Survey

In 2004, Windsor Wyoming Inc. proposed a seismic survey on land owned by the Bureau of Land Management (BLM), the Forest Service, and private landowners. The environmental analysis called for the drilling of 3,420 seismic shot holes in a 47-mile area surrounding Wyoming's Clark River -- the state's only designated Wild and Scenic River. Under the proposal, explosive charges would be fired into the holes to create a 3-D picture of the area's available resources. After reviewing the draft plan, nearby private property owners represented by Powder River Basin Resources Council -- a bipartisan community group -- noted that it failed to consider how these explosions would affect scarce water resources, elk and other game species, hunting opportunities, Native American historical sites, and private property values. This public input led BLM to re-examine the draft plan and consider the use of a new survey technology called "passive seismic" that would mitigate the damaging effects of the explosive charges. In the end, thanks to NEPA,

⁸³ "Huckleberry land exchange ruled illegal." *CNN*. May 24, 1999. Available at: http://www.cnn.com/NATURE/9905/24/huckleberry.forest.enn/index.html

⁸⁴ "Getting around Burlington - Bypass opens in its entirety." *The Journal Times*. November 1, 2010. Available at: https://journaltimes.com/news/local/getting-around-burlington---bypass-opens-in-its-entirety/article_546c49b2e5a9-11df-a614-001cc4c03286.html

private property owners, land managers, and industry achieved a seismic exploration plan that protected game species, Tribal sites, private property rights, and critical water resources.⁸⁵

Bridger-Teton National Forest Off-Highway Vehicle Route Designation Project

In January 2009, the Forest Service developed a plan to better balance conflicting uses of Wyoming's Bridger-Teton National Forest. The plan designated roads and trails for Off-Highway Vehicles (OHVs) to reduce conflicts between the area's multiple users, reduce resource impacts, and improve route maintenance while allowing for effective enforcement. After conducting an environmental analysis for the project and listening to public comments, as required under NEPA, District Rangers decided to implement a modified plan that addressed concerns from local business owners, citizens, and environmental organizations. The final plan better defined the trail system as a whole, benefitting the environment and individuals using the park for non-OHV activities, as well as OHV enthusiasts. As Bob Hatton, owner of Bob's Quads -- a local ATV service and repair shop-stated, "I can't really see a downside to it. The last thing I want to see is off-highway vehicles running all over the place. I want to be able to go up the Gros Ventre and hike and enjoy the wilderness as well as motorized travel...not to mention the wildlife. Just having an organized trails system with this much research, it's hard to find fault with that." The OHV trails were sited to avoid ecologically-important areas like Wilderness Study Areas, roadless areas, and critical wildlife habitat. Thanks to open communication with the public and the Forest Service's willingness to look at impacted resources and the sustainability of the system as a whole, the project struck a remarkable balance hetween the area's multiple attributes and users.⁸⁶

Bighorn National Forest Babione Vegetation Management Project

The Forest Service's Babione Vegetation Management Project in Bighorn National Forest, Wyoming, was designed to reduce hazardous fuels -- accumulated dry brush and dead trees that increase the likelihood of large wildland fires -- and restore forest health through various means such as cutting and prescribed burns. However, private landowners adjacent to the project were concerned that increased access to the area necessary to perform these activities would lead to trespassers on their land. Thanks to NEPA, the landowners were able to express their concerns to the Forest Service and, in response, the agency incorporated several design elements into the project to address this issue, such as the erection of gates at key access points.⁸⁷

Court Halts Illegal Coal Leasing in the Powder River Basin

Stretching across Wyoming and Montana, the Powder River Basin holds enough coal to keep America's current coal power plants going for over 100 years. It supplies about 40% of the nation's coal and accounts for 13% of all U.S. greenhouse gas emissions. In September 2015, the BLM opened all this coal to leasing. Federal District Judge Brian Morris says not so fast. The court ruled that the Bureau of Land Management (BLM) violated the National Environmental Policy Act (NEPA) by failing to consider any alternative in its land use plans that would decrease the amount of coal available for leasing. BLM also failed to analyze the impacts of burning the coal, as well

⁸⁶ "Record of Decision: North Zone OHC Project." U.S. Forest Service. January 26, 2009. Available at: https://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=18122

⁸⁵ "Clark residents argue against seismic survey." The Billings Gazette. June 23, 2004. Available at: http://billingsgazette.com/news/state-and-regional/wyoming/clark-residents-argue-against-seismicsurvey/article_6892b1f7-44a9-50c3-8af1-4019274c8563.html

⁸⁷ "Babione HFRA Decision Notice and Finding of No Significant Impact." U.S. Forest Service. September 2009. Available at: https://www.fs.usda.gov/project/?project=17040

as oil and gas, from the public lands would have as a result of climate change to which it would contribute. Our public lands are some of our most precious assets. From the San Gabriel Mountains outside Los Angeles to Great Smoky Mountains, they are there for each one of us to enjoy. We trust the government to manage them in our best interest. Such trust, however, is not unbounded. Congress has authorized more uses on BLM lands than in national parks, but the Federal Land Policy and Management Act (FLPMA) nevertheless recognizes all the public's lands as assets that future generations have as much right to enjoy as the present one. BLM must manage the public lands so they are "utilized in the combination that will best meet the present and future needs of the American people." 43 U.S.C. § 1702(c). Addressing future needs requires looking at indirect and downstream effects of a proposed action. Judge Morris found that BLM had not. BLM estimated that it would lease over 10 billion tons of coal over the next 20 years. The agency estimated the emissions that would be associated with burning this coal, but did not address the impacts such emissions might have. The judge held that BLM could not wait until it issued leases to specific coal companies. BLM had to analyze and consider the impacts of burning the coal at the time it was deciding how much of the coal to open to leasing. The judge held that the same analysis was required of the impacts of burning oil and gas opened to leasing. To help ensure informed decision-making, NEPA requires an agency to look at reasonable alternatives to a proposed action. Here, every alternative opened the same amount of coal to leasing-ALL of it. BLM relied upon previous coal screening which had failed to consider climate change at all in the decision about how much coal to lease. Judge Morris found that our changing times required new analysis. BLM could not stick its head in the sand. Managing in the public interest in today's carbon-constrained world requires taking into account the consequences of burning the federal fossil fuels we choose to take out of the ground. NEPA requires that "accurate scientific analysis" inform agency decision-making. Here, BLM failed to use the best science available to calculate the impact of the methane emissions. Methane is a much more potent gas than carbon dioxide. BLM looked only at the long-term effects of methane emissions over a 100-year time horizon. The agency failed to explain why it did not use an available 20-year time horizon to assess short-term impacts. 88

⁸⁸ Western Organization of Resource Councils et al v. U.S. Bureau of Land Management et al, No. 4:2016cv00021 -Document 34 (D. Mont. 2017). Available at: https://assets.nrdc.org/sites/default/files/decision-powder-river-basin-

^{20180326.}pdf? ga=2.127267976.427264738.1531757212-216365016.1504724792



May 23, 2018

Ryan Zinke, Secretary, U.S. Department of the Interior, exec_exsec@ios.doi.gov

David Berhnardt, Deputy Secretary, U.S. Department of the Interior, deputy_secretary@ios.doi.gov

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Karen Mouritsen, Alaska State Director, U.S. Bureau of Land Management, kmourits@blm.gov

By Electronic Mail

Re: Timeline for Arctic Refuge Leasing EIS

Dear Secretary Zinke, Deputy Secretary Bernhardt, Assistant Secretary Balash, Senior Advisor Wackowski, and State Director Mouritsen,

I am writing to express my serious concerns with the process the Bureau of Land Management (BLM) is contemplating for completing an environmental impact statement (EIS) for an oil and gas leasing program for the coastal plain of the Arctic National Wildlife Refuge. The Refuge is the most sensitive and ecologically and culturally significant undeveloped landscape in North America. An adequate public process pursuant to the National Environmental Policy Act (NEPA) to assess the numerous significant social, cultural, economic, and ecological impacts associated with developing an unprecedented leasing program for the coastal plain must be extensive and will necessarily take a substantial amount of time to complete. It will also require the initial collection of a significant amount of scientific information to inform the analysis.

Yet, consistent with an August 2017 <u>secretarial order</u> aimed at "streamlining" the Interior Department's NEPA compliance through imposition of arbitrary time and page limits for completing EISs, Deputy Secretary Bernhardt has publicly stated his intention to complete the coastal plain leasing EIS within one year.¹ Senator Murkowski also articulated the "strong commitment [of the Interior Department] to work with [her] to get these leases out before the end of the term."² On April 27, 2018, the Deputy Secretary issued <u>additional direction</u> for implementing the 2017 streamlining order, requiring all agency teams

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¹ Margaret Kriz Hobson, "Road map for ANWR drilling gets clearer," *E&E News*, Mar. 12, 2018 (Bernhardt statement at Alaska Support Industry Alliance meeting).

² Id. (Murkowski statement at Anchorage business meeting).

preparing EISs within the Department to submit to him, within 30 days, a project schedule for completing the NEPA process within one year and confirmation that the EIS will be no longer than 150 pages. BLM's "tentative schedule" shared last week at a Resource Advisory Council meeting in Fairbanks confirms that the agency is contemplating a one-year timeframe for completing the leasing EIS.

As the former U.S. Fish & Wildlife Service Regional Director for Alaska who has overseen dozens of agency decision-making processes, I can say with certainty that an adequate public process and analysis under NEPA for leasing the coastal plain simply cannot be completed within one year and be limited to 150 pages of environmental analysis. Good planning takes time. This is especially so in Alaska, where the sheer scale and ecological and cultural importance of the landscape and resources are particularly vast and complex. It is also a matter of environmental justice, where meaningful engagement of remote communities and Alaska Native tribes necessarily takes time. In this context, one size decidedly does not fit all. Imposing the timelines and page limits contemplated by the Deputy Secretary to the coastal plain leasing EIS will mean that significant impacts go unanalyzed. Tribal consultation and coordination will likely get short-shrift, important scientific data will not be compiled or considered, and the public's ability to provide meaningful input on alternative courses of action will be compromised. Ultimately, the agency's ability to consider all relevant information, adequately respond to public input, and issue a decision that satisfies all treaty, statutory, and regulatory mandates will be significantly compromised.

By contrast, I was involved with and am aware of several recent EIS-level decision-making processes of significant scope in Alaska that took sufficient time to perform a rigorous NEPA analysis with extensive tribal and public engagement. For instance, the National Petroleum Reserve in Alaska Integrated Activity Plan was completed in approximately 3 years. This plan was not litigated, I believe, because the Department took the necessary time to get it right, including by holding more than a dozen public meetings, conducting significant tribal consultation, and involving many local, state, and federal agencies.

Procedural integrity, not political expediency, must drive the timeline of this unprecedented effort. BLM must identify missing and outdated information, process the best available science, evaluate potential impacts, formulate stringent protective measures, conduct intensive and meaningful government-to-government consultation, and engage the public – this simply doesn't happen quickly. A rushed NEPA process for the coastal plain leasing EIS would be a callous affront to the Gwich'in people, for whom the coastal plain is the "Sacred Place Where Life Begins." It would pose existential threats to wildlife, including the over 200,000-member Porcupine Caribou herd that migrates hundreds of miles each year to their coastal plain calving grounds, and the threatened polar bear that dens and gives birth in designated critical habitat on the coastal plain. It would jeopardize the incredible 200 species of migratory birds that fly to the coastal plain each year from remote corners of the globe, and violate the agency's responsibility to the millions of Americans who cherish the Refuge as North America's last great wilderness.

A rushed approach also undermines fundamental values of government decision-making that are enshrined in NEPA, our country's basic environmental charter. NEPA has been a proven bulwark against hasty or wasteful federal decisions by fostering government transparency and informed decisions. It has

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ensured that federal decisions are at their core democratic by guaranteeing meaningful public involvement. And it has achieved its stated goal of improving the quality of the human environment by ensuring that decisions rely on sound science to reduce and mitigate harmful environmental impacts. Those promises cannot be met under the pressure of compressed and arbitrary time and page limits.

As you complete the required project timeline for the coastal plain leasing EIS, I ask that you keep these realities in mind and provide a waiver of the Department's one-year/150-page limitations for EISs, which are wholly inadequate for this process. Until the scoping process is complete and BLM has had adequate time to review public comments and determine the scope of the draft EIS, it will not be possible for the agency to produce a defensible project timeline or estimates for the length of the EIS. Even then, the BLM will necessarily need to remain flexible as it engages tribes and the public in this highly significant NEPA process and conducts a robust environmental analysis. In sum, it is critical that BLM allow adequate time and commit the necessary resources to perform a rigorous and transparent study of all the significant environmental, cultural, and socio-economic impacts associated with a leasing program for the coastal plain, and to robustly engage the Gwich'in in a manner that suits their unique sovereign needs and interests.

Sincerely,

J. Auckett

Geoffrey Haskett President, National Wildlife Refuge Association

Cc: Greg Siekaniec, Regional Director, U.S. Fish & Wildlife Service, greg_siekaniec@fws.gov Nicole Hayes, Project Coordinator, Bureau of Land Management, mnhayes@blm.gov

Environmental Collaboration and Conflict Resolution Federal Forum

Meeting Notes

White House Conference Center 726 Jackson Place NW, Washington, DC Tuesday, July 24, 2018 10:30 AM – 12:00 PM Eastern

Welcome, Agenda Review, and Brief Introductions

Michael Drummond stood in for Ted Boling for this meeting. Michael Drummond welcomed everyone and went over the agenda. Everyone in the room and on the phone introduced themselves by name and agency.

General Updates from CEQ

OMB and CEQ sent out a Memorandum of Understanding to the agencies on implementing One Federal Decision under Executive Order 13807. The MOU established "a cooperative relationship for the timely processing of environmental reviews and authorization decisions for proposed major infrastructure projects under the One Federal Decisions policy established in Executive Order 13806. E.O. 13807 requires the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ), in consultation with the Federal Permitting Improvement Steering Council (Permitting Council), to develop a framework for implementation of the Executive Order." A dispute resolution process is outlined in the MOU.

The Council on Environmental Quality (CEQ) is extending the public comment period on the Advance Notice of Proposed Rulemaking (ANPRM) to update the Regulations of Implementing the Procedural Provisions of the National Environmental Policy Act. which was originally scheduled to close on July 20, 2018, through August 20, 2018. CEQ is making this change in response to public requests for an extension of the comment period. The notice of the extension of the ANPRM was published in the Federal Register on July 11, 2018.

CEQ is awaiting the conclusion of the hearing on the nomination of Mary Neumayr to be the Chairwoman of Staff for the Council on Environmental Quality which was held July 19, 2018.

General Updates from USIECR

The U.S Institute is celebrating their 20-year anniversary and distributed pamphlets outlining major milestones in their history they produced to the group attending the meeting.

The U.S. Institute is currently working on producing the FY17 ECCR Forum Annual Report for the group to review. Date for distribution is TBD.

The U.S. Institute recently hired a General Counsel staff member, Marc Rosen, to start August 6th. Phil Lemanski, the Executive Director of the Udall Foundation, will retire April of 2019. The U.S. Institute is actively looking for his replacement.

ACR EPP Conference: The ACR EPP Conference was held at George Mason University this year and was well attended. There were open space breakout sessions and the ECCR centers Federal government

break out session was well attended. Next year's conference will be held in Tucson, AZ in conjunction with the yearly ACR conference.

Discussion A: Agency Updates

Department of Energy: In May, DOE had their annual training for environmental attorneys and other professions, including a training conducted by the U.S. Institute. The Department of Justice and DOE participated in mediations on CERCLA disputes.

Environmental Protection Agency: EPA recently mediated a Title 6 Civil Rights Case. They are currently supporting a community at the West Lake Landfill for a cleanup as part of the superfund initiative. Held their bi-annual training for its ECCR specialists. It was extremely successfully to build ECCR and action. They held the bi-annual training in conjunction with the ACR EPP conference which allowed for cost savings and more participation from the employees.

U.S. Forest Service: The Senate may confirm an Under-Secretary soon for USDA.

Department of Transportation: DOT is currently working on historic CERCLA projects. The Operating Administration is using dispute resolution and working on trainings and documents to distribute to the field staff.

Department of Interior: CADR issued their new five-year contract for ECCR at \$35 million. Kearns & West won the bid and are available for anyone in DOI to use. CADR recently established an ECCR network to build a community of practitioners of ECCR. Historically, they've tried to focus on top hierarchy and not the practitioners. Now, they are distributing information and trainings among the bureaus within DOI.

National Oceanic & Atmospheric Administration: Offices within NOAA are gaining more interest in conflict resolution. NOAA is partnering their existing facilitator's network and others within in NOAA who need facilitation for environmental conflicts.

Federal Highway Administration: The U.S. Institute facilitated stakeholder involvement meetings for FHWA regarding the Interstate 11 in Arizona. ECCR services are also being used to update the Programmatic Agreement between FHWA and Puerto Rico under Section 101 of the National Historic Preservation Act. NEPA and collaboration trainings requests are coming from within FHWA.

Bureau of Land Management: More projects are coming through the DOI CADR contract. BLM is putting together a "how to use environmental collaboration on a project" desk guide. Additionally, they are working on rebranding CADR within in BLM as BLM employees think of CADR has resolving internal conflict resolution only.

U.S. Army Corps of Engineers: Every year, USACE captures what they think are the best ECCR cases and distribute that document to the collaboration practitioners in USACE. There is a follow up webinar as well. There has been increasing amount of interest in the USACE's Gnarliest Collaboration Challenge. The Gnarliest Collaboration Challenge is a submission of any USACE district that has a particularly difficult case that is either controversial or difficult to receive funding or support from the USACE.

Discussion B: Benefits & Recommendations Report

Objective: Learn how agencies are utilizing or publicizing the report to date and discuss future opportunities.

Department of Energy: DOE widely distributed it to their stakeholders and at their Annual ECCR Training.

Department of Transportation: The Deputy General Counsel at DOT has further questions about the report.

U.S. Institute: The U.S. Institute distributed to the contacts provided by the ECCR Forum members on behalf of CEQ. Also sent the report to practitioners on their ECCR roster. There has been lots of interest in the report from the private sector and offices on the Hill. It has been useful to refer people to NEPA.gov for downloading the report.

Department of Interior: BLM is putting the report in their desk guide. CADR is using the report as context to set goals for FY19.

Environmental Protection Agency: CPRC is currently working with their Administrator to put out a memo supporting ADR using the benefits and recommendations report for language.

U.S. Army Corps of Engineers: They have used this report to borrow some language for their own internal document that they share with people within the USACE about what they do. This helps show the value of what they do. They also have integrated the report into presentations.

CEQ and DOE have posted the report to their websites. EPA, BLM, and the U.S. Institute may post it soon. NOAA has a link to the U.S. Institute's website.

EPA asked how will OMB and CEQ use the information so that the agencies can communicate this back to their management for decision making? CEQ responded that they have been identifying issues to elevate, and to emphasize the practice of ECCR. The U.S. Institute is actively working with the Permitting Council as well, CEQ has not engaged in interagency conversations on the political level but that they will have some renewed conversations with leadership about ECCR and how to go forward. OMB mentioned that they would take a look at the data and use it more ad hoc as they don't have any form processes on the data. They would use this ad hoc for budget decisions.

Other Topics

The U.S. Institute suggested that at the next ECCR Forum meeting the members discuss reviving the committee on streamlining the ECCR reporting document. Members agreed that this would be a good topic. The annual report for FY18 will stay the same. The changes to the reporting system will be for FY19.

EPA suggested incorporating skill building into the ECCR Forum meetings similar to the IADRWG meetings. David Moora, EPA, could come in and discuss the IADRWG plans.

NOAA asked CEQ for guidance on how to effectively use ECCR in the One Federal Decision process. There is no formal guidance, however, please reference the MOU's dispute resolution portion for clarity.

Action Items

- Steve Miller, DOE, will send Jeanne Briskin, EPA, a list of any cases their agencies are involved in so that they make work more efficiently between the two agencies.
- EPA would like the U.S. Institute to send the Benefits and Recommendations report out to more people within EPA. They will be sending the U.S. Institute a list of e-mails and names.

Next Forum Meeting

CEQ and the U.S. Institute will identify a date for the next forum meeting. Forum Members will receive a calendar invite. If you have any suggestions for topics for the next meeting, please e-mail Courtney Owen, <u>owen@udall.gov</u>.

Attachments

Attachment 1: Attendees

Name	Agency
Alicia Bell Sheeter	U.S. Forest Service
Amy Coyle	Department of Transportation
Cathy Humphrey	Department of the Interior
Chris Gamache	Office of Management and Budget
Courtney Owen	U.S. Institute for Environmental Conflict Resolution
Crorey Lawton	U.S. Army Corps of Engineers
Cyan James	Department of Defense
David Cohen	Department of Transportation
Ethan King	Department of Energy
Frank M. Sprtel	National Oceanic and Atmospheric Administration
Jacob Strickler	Environmental Protection Agency
Jeanne Briskin	Environmental Protection Agency
Matthew Ray	Department of Energy
Michael Drummond	Council on Environmental Quality
Pat Collins	U.S. Air Force
Sarah Palmer	Department of Interior
Stephanie Kavanaugh	U.S. Institute for Environmental Conflict Resolution
Steven Miller	Department of Energy
Tyson Vaughan	U.S. Army Corps of Engineers
Viktoria Seale	Council on Environmental Quality
William Bresnick	Department of Homeland Security
William Hall	Department of Interior
Emily G	Department of Transportation

TVA Comments CEQ NEPA Advanced Notice

From:	"Henry, Travis Hill" <thhenry@tva.gov></thhenry@tva.gov>
То:	"Boling, Ted A. EOP/CEQ" <(b) (6)
Date:	Tue, 21 Aug 2018 15:11:04 -0400
Attachments:	TVA Comments CEQ NEPA Advanced Notice-08.21.2018.pdf (34.48 kB)

Ted.

We've encountered a snafu on our end regarding the submittal of our comments to CEQ's Advance Notice to Update NEPA Regulations? Any chance we can still provide the attached comments?

Regards,

Hill Henry

Travis Hill Henry

Sr. Prog. Manager, Natural Resources Policy Environment & Energy Policy

Tennessee Valley Authority 400 West Summit Hill Drive, WT 11B Knoxville, TN 37902

865-632-6360 (w)

(b) (6)

thhenry@tva.gov



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CEQ075FY18150_000010674

RE: [EXTERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA

From:	"Mansoor, Yardena M. EOP/CEQ" <(b) (6)
то:	"Szabo, Aaron L. EOP/CEQ" < <mark>(b) (6)</mark> "Boling, Ted A. EOP/CEQ" < <mark>(b) (6)</mark>
Cc:	*Seale, Viktoria Z. EOP/CEQ" <(b) (6) R. EOP/CEQ" <(b) (6)
Date:	Tue, 21 Aug 2018 08:36:46 -0400
Attachment s:	CEQ ANPRM CR Comments 8.19.18.pdf (38.33 kB); 12013 Charlotte Roe incoming email.pdf (36.3 kB); 12013 Charlotte Roe forwarded email.pdf (22.16 kB)
was unable to po	achments in the original message from the commentor. Here is the attachment that she st – a slightly expanded text than the one she entered into the comment field. The ttachments appear to be artifacts (blank file, a dividing line).
	of the original incoming email and a pdf of the forwarded email that includes Ted's r request for the pdf – not sure which one you wanted.
Sent: Tuesday, Au To: Szabo, Aaron (b) (6) Cc: Seale, Viktoria	Yardena M. EOP/CEQ ugust 21, 2018 8:06 AM L. EOP/CEQ < <mark>(b) (6)</mark> 8oling, Ted A. EOP/CEQ a Z. EOP/CEQ < <mark>(b) (6)</mark> Drummond, Michael R. EOP/CEQ
<pre>(b) (6) Subject: RE: [EXT</pre>	ERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA
Aaron,	
	ccessfully posted her comments (below, in body of email) at ulations.gov/document?D=CEQ-2018-0001-12013 (attached, from the docket).
Your email below pursue them furt	has 3 attachments that were stripped out by the email system. Let me know if I should her.
Yardena	
To: Boling, Ted A	on L. EOP/CEQ Jgust 20, 2018 5:24 PM . EOP/CEQ < <mark>(b) (6)</mark> dena M. EOP/CEQ < (b) (6) Seale, Viktoria Z. EOP/CEQ

<<mark>(b) (6)</mark>

Subject: Re: [EXTERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA

Ted,

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Thanks.

Sent from my iPhone

On Aug 20, 2018, at 5:22 PM, Boling, Ted A. EOP/CEQ <(b) (6) wrote:

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Begin forwarded message:

From: Charlotte Roe <<u>charlotteeroe@yahoo.com</u>>

Date: August 20, 2018 at 4:04:40 PM CDT

To: Mary Neumayr <(b) (6)

Cc: "Boling, Ted A. EOP/CEQ" <(b) (6)

Subject: [EXTERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA

I'm submitting these comments via email as I had trouble accessing the Federal eRulemaking portal. Thank you for accepting them. Roe

August 19, 2018 Mary Neumayr, Chief of Staff Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503 RE: Request for Comment, Advanced Notice of Rulemaking Change (ANPRM) to Regulations Implementing the National Environmental Policy Act (83 Fed Reg 28591-28592 June 20, 2018) Dear Ms. Nenmayr, Thank you for the opportunity to comment on the ANPRM under consideration by the Council on Environmental Quality. On behalf of In Defense of Animals and The Cloud Foundation, I strongly object to the proposed revisions contained in the Advanced Notice of Proposed Rulemaking (ANPRM) issued by the Council on Environmental Quality with respect to regulations implementing the National Environmental Policy Act (NEPA). CEQ was founded to be a facilitator of robust environmental review and a pillar of the National Environmental Policy Act, our magna carta for environmental protection.

The proposed rule changes are just the opposite. They represent an effort to dismantle these vital regulations that have stood the test of time for decades. They would open the door for commercial interests to block meaningful engagement by the American public and the science community. This has already begun to take place by the Department of Interior's use of Determination of NEPA Adequacy, a procedure not now in the CEQ regulations, that is being used to bypass citizen participation in, or knowledge of, environmental review processes. This is violating an essential

public trust. We will not stand silent in the face of such disrespect for the intent and purpose of the National Environmental Policy Act.

I request that CEQ withdraw these proposed rule changes and instead focus on training and education to promote more effective NEPA implementation by federal agencies.

With respect to the proposed categories, should this ill-advised process continue, I offer the following comments:

1. As to the first question regarding multiple agencies: No changes are necessary. CEQ is already empowered to encourage timely, efficient inter-agency and multiple agency environmental reviews under Section 1502.2 of CEQ regulations. The best rule to avoid government over-reach or bureaucratic confusion is always: "If it's not broken, don't fix it." This needs no fixing.

2. Should the NEPA process be made more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions? No. This issue is fully addressed by Section 1501.6(a)(2) of the CEQ regulations. If agencies are not implementing this regulation, the flaw needs to be addressed by better training and leadership, not by more bureaucracy.

3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions? No. Section 1501.6 of the CEQ regulations adequately addresses the need for agency cooperation, encourages early agency

cooperation, and spells out procedures such as the lead agency inviting others to be cooperating entities. If this process has broken down in some instances, it is not due to a defect in the regulations but, instead a failure on the part of the agencies. More effective CEQ leadership could help address any gaps in implementation.

4. With reference to the question of format and page length of NEPA documents and time limits for completion: No revision is needed. The pertinent regulations, Section 1502.10 (format), Section 1502.7 (page limit), and Section 1501.8 (time limit) already allow for flexibility and common sense measures depending on project size and the nature of the environmental issue. No rule-making change is needed to improve on this guidance.,

5. Should rules be revised to ensure NEPA documents better focus on significant issues that are relevant and useful to decision makers and the public? No. The CEQ requirements regarding significance outline a bare minimum of what is required to fulfill the purposes and requirements of NEPA. Substantial case law advises the agencies, the public, and regulated communities providing greater assurance and detail regarding the level of analysis required.

If CEQ wishes to revisit the question of when an EIS is required, it should only strengthen the basis upon which a full environmental review is triggered. In that case, the "intensity" factors calling for an EIS should be broadened to include those such as: a) the degree to which members of the general public and members of the affected community are concerned about the proposed action and its environmental, social, cultural and historical impacts; b) the degree to which the proposed action may impact the future genetic viability of a species, including wild horse and burro herds; and c) the degree to which the proposed action may affect the public's ability to benefit from the preservation of a federally protected species, whether through photography, on-range documentation and monitoring, or tourist activity benefiting the local economy.

6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient? No changes are needed at this time. However, if this rulemaking process proceeds, the public's role should be expanded to require comments when changing or defining the categories of actions that may fall under a categorical exclusion (CE).

7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised? No. These definitions are fine in themselves. Their definitions are clarified by case law and best practices, in our American system based on rule of law.

8. Should any new definitions of key NEPA terms be added? No. Any effort to add definitions to those which have been working over the life of the statute would only serve to confuse new practitioners. It would undermine the purpose and intent of NEPA.

9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents noted be revise? No. Nonetheless, should this process continue, the following should be clarified and strengthened: **Supplements** -

CEQ should issue guidance on the use of documents or procedures used either to supplement NEPA review under Section 1502.9(c) of the CEQ regulations or to avoid such review. For example, the Department of Interior has increasingly used an agency protocol, Determination of NEPA Adequacy (DNAs), to bypass public comment, accountability and the need for environmental review. This is an unacceptable attack on the core purpose of NEPA.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised? No. Section 1501.2 of CEQ regulations clearly spells out the why and how to "Apply NEPA early in the process." To revise these regulations can only lead to confusion, delay and NEPA avoidance.

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised? No. Nonetheless, if this process continues, we would accept a strengthening of Section 1506.5 of the CEQ regulations. This regulation states that contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. The execution of any disclosure statement under Section 1506.5 should be made public.

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised? No. Existing regulations allow agencies to tier off a programmatic EIS to avoid repetitive analyses of an issue and save energy while taking a thorough look at the case in hand.

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised? No. The consideration of alternatives is at the heart of the NEPA process, and this is emphasized in CEQ regulations. The determination of whether a certain alternative is appropriate depends, and must arise, from the facts of each case.

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? I do not recommend revising CEQ regulations on the pretext that a few references are out-dated. The question should be: Do such references harm or weaken the implementation of the statute? The answer is no.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient? No. Nonetheless, without any change in regulations, CEQ could and should take the initiative to create a central collection of all NEPA documents including draft EISs, environmental assessments, preliminary EAs, finding of no significant impacts, categorical exclusions, and record of decisions along with appendices, comments and responses for any of the aforementioned documents.

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents? No, and no again. Section 1502.25 of the CEQ regulations states that agencies "[t]o the fullest extent possible" shall prepare draft EISs concurrently with and integrated with other environmental reviews..." Combining NEPA environmental reviews and other decision documents would indelibly harm public participation, as it would cause confusion and obfuscation. If that is the intent of this proposed rulemaking process, it should be dropped immediately.

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA ? No. NEPA regulations have not impeded the capacities of federal agencies in their application of this vital legislation. On the contrary, the types of

changes now being considered by CEQ would lead to delays and uncertainty and in all likelihood trigger litigation that would delay federal projects.

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations? **No changes** are necessary in CEQ regulations to address this issue. If the rulemaking process continues, a revision of language should be considered to broaden the engagement of native American tribes whether or not cultural

artifacts are identified on the present location of Indian reservations. For example, where Section 1503.1(a)(2)(ii) of the CEQ regulations reads, "when the effects may be on a reservation" it could best be replaced with the broader terms "if their interests may be affected," so that the section reads: "Indian tribes, if their interests may be affected; and."

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible? This question was answered in responses found above to questions 1,2, 3, 4 & 17.

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised? No changes are needed to improve mitigation. CEQ's "Final Guidance for Federal Departments and Agencies on the Appropriate Use of Mitigation and Monitoring and Clarifying

the Appropriate Use of Mitigated Findings of No Significant Impact," should be followed by agencies which have in the past often downplayed the mitigation process. Mitigation is a crucial part of NEPA implementation and a prime responsibility of the agencies. The regulations are clear. They need to be followed.

Respectfully yours,

Charlotte Roe

Science Advisor, The Cloud Foundation

Wild Horse and Burro Project Partner, In Defense of Animals 1621 So. County Rd. 13 Berthoud, CO 80513

charlotteeroe@yahoo.com

<page4image3681664>

<page5image3682080>

<CEQ ANPRM CR Comments 8.19.18.pdf>

From:	Szabo, Aaron L. EOP/CEQ
To:	Boling, Ted A. EOP/CEQ
Cc:	Mansoor, Yardena M. EOP/CEQ; Seale, Viktoria Z. EOP/CEQ
Subject:	Re: [EXTERNAL] Comments re ANKPRM - Proposed Procedural Revisions of NEPA
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13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised? No. The consideration of alternatives is at the heart of the NEPA process, and this is emphasized in CEQ regulations. The determination of whether a certain alternative is appropriate depends, and must arise, from the facts of each case.

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? I do not recommend revising CEQ regulations on the pretext that a few references are out-dated. The question should be: Do such references harm or weaken the implementation of the statute? The answer is no.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient? No. Nonetheless, without any change in regulations, CEQ could and should take the initiative to create a central collection of all NEPA documents including draft EISs, environmental assessments, preliminary EAs, finding of no significant impacts, categorical exclusions, and record of decisions along with appendices, comments and responses for any of the aforementioned documents.

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization

decisions, such as combining NEPA analysis and other decision documents? **No, and no again.** Section 1502.25 of the CEQ regulations states that agencies "[t]o the fullest extent possible" shall prepare draft EISs concurrently with and integrated with other environmental reviews..." Combining NEPA environmental reviews and other decision documents would indelibly harm public participation, as it would cause confusion and obfuscation. If that is the intent of this proposed rulemaking process, it should be dropped immediately.

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA ? No. NEPA regulations have not impeded the capacities of federal agencies in their application of this vital legislation. On the contrary, the types of changes now being considered by CEQ would lead to delays and uncertainty and in all likelihood trigger litigation that would delay federal projects.

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations? **No changes** are necessary in CEQ regulations to address this issue. If the rulemaking process continues, a revision of language should be considered to broaden the engagement of native American tribes whether or not cultural

artifacts are identified on the present location of Indian reservations. For example, where Section 1503.1(a)(2)(ii) of the CEQ regulations reads, "when the effects may be on a reservation" it could best be replaced with the broader terms "if their interests may be affected," so that the section reads: "Indian tribes, if their interests may be affected; and."

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible? This question was answered in responses found above to questions 1,2, 3, 4 & 17.

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised? **No changes** are needed to improve mitigation. CEQ's "Final Guidance for Federal Departments and Agencies on the Appropriate Use of Mitigation and Monitoring and Clarifying

the Appropriate Use of Mitigated Findings of No Significant Impact," should be followed by agencies which have in the past often downplayed the mitigation process. Mitigation is a crucial part of NEPA implementation and a prime responsibility of the agencies. The regulations are clear. They need to be followed.

Respectfully yours,

Charlotte Roe Science Advisor, The Cloud Foundation Wild Horse and Burro Project Partner, In Defense of Animals 1621 So. County Rd. 13 Berthoud, CO 80513 charlotteeroe@yahoo.com <page4image3681664>

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<CEQ ANPRM CR Comments 8.19.18.pdf>

August 19, 2018

Mary Neumayr, Chief of Staff Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503

RE: Request for Comment, Advanced Notice of Rulemaking Change (ANPRM) to Regulations Implementing the National Environmental Policy Act (83 Fed Reg 28591-28592 June 20, 2018)

Dear Ms. Neumayr,

Thank you for the opportunity to comment on the ANPRM under consideration by the Council on Environmental Quality.

On behalf of In Defense of Animals and The Cloud Foundation, I strongly object to the proposed revisions contained in the Advanced Notice of Proposed Rulemaking (ANPRM) issued by the Council on Environmental Quality with respect to regulations implementing the National Environmental Policy Act (NEPA). CEQ was founded to be a facilitator of robust environmental review and a pillar of the National Environmental Policy Act, our magna carta for environmental protection.

The proposed rule changes are just the opposite. They represent an effort to dismantle these vital regulations that have stood the test of time for decades. They would open the door for commercial interests to block meaningful engagement by the American public and the science community. This has already begun to take place by the Department of Interior's use of Determination of NEPA Adequacy, a procedure not now in the CEQ regulations, that is being used to bypass citizen participation in, or knowledge of, environmental review processes. This is violating an essential public trust. We will not stand silent in the face of such disrespect for the intent and purpose of the National Environmental Policy Act.

I request that CEQ withdraw these proposed rule changes and instead focus on training and education to promote more effective NEPA implementation by federal agencies.

With respect to the proposed categories, should this ill-advised process continue, I offer the following comments:

 As to the first question regarding multiple agencies: No changes are necessary. CEQ is already empowered to encourage timely, efficient inter-agency and multiple agency environmental reviews under Section 1502.2 of CEQ regulations. The best rule to avoid government over-reach or bureaucratic confusion is always: "If it's not broken, don't fix it." This needs no fixing.

2. Should the NEPA process be made more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions? **No.** This issue is fully addressed by Section 1501.6(a)(2) of the CEQ regulations. If agencies are not implementing this regulation, the flaw needs to be addressed by better training and leadership, not by more bureaucracy.

3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions? **No.** Section 1501.6 of the CEQ regulations adequately addresses the need for agency cooperation, encourages early agency

cooperation, and spells out procedures such as the lead agency inviting others to be cooperating entities. If this process has broken down in some instances, it is not due to a defect in the regulations but, instead a failure on the part of the agencies. More effective CEQ leadership could help address any gaps in implementation.

4. With reference to the question of format and page length of NEPA documents and time limits for completion: **No revision is needed.** The pertinent regulations, Section 1502.10 (format), Section 1502.7 (page limit), and Section 1501.8 (time limit) already allow for flexibility and common sense measures depending on project size and the nature of the environmental issue. No rule-making change is needed to improve on this guidance.,

5. Should rules be revised to ensure NEPA documents better focus on significant issues that are relevant and useful to decision makers and the public? **No.** The CEQ requirements regarding significance outline a bare minimum of what is required to fulfill the purposes and requirements of NEPA. Substantial case law advises the agencies, the public, and regulated communities providing greater assurance and detail regarding the level of analysis required.

If CEQ wishes to revisit the question of when an EIS is required, it should only strengthen the basis upon which a full environmental review is triggered. In that case, the "intensity" factors calling for an EIS should be broadened to include those such as: a) the degree to which members of the general public and members of the affected community are concerned about the proposed action and its environmental, social, cultural and historical impacts; b) the degree to which the proposed action may impact the future genetic viability of a species, including wild horse and burro herds; and c) the degree to which the proposed action may affect the public's ability to benefit from the preservation of a federally protected species, whether through photography, on-range documentation and monitoring, or tourist activity benefiting the local economy.

6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient? **No changes are needed at this time.** However, if this rulemaking process proceeds, the public's role should be expanded to require comments when changing or defining the categories of actions that may fall under a categorical exclusion (CE).

7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised? **No.** These definitions are fine in themselves. Their definitions are clarified by case law and best practices, in our American system based on rule of law.

8. Should any new definitions of key NEPA terms be added? **No.** Any effort to add definitions to those which have been working over the life of the statute would only serve to confuse new practitioners. It would undermine the purpose and intent of NEPA.

9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents noted be revise? No. Nonetheless, should this process continue, the following should be clarified and strengthened: **Supplements** -

CEQ should issue guidance on the use of documents or procedures used either to supplement NEPA review under Section 1502.9(c) of the CEQ regulations or to avoid such review. For example, the Department of Interior has increasingly used an agency protocol, Determination of NEPA Adequacy (DNAs), to bypass public comment, accountability and the need for environmental review. This is an unacceptable attack on the core purpose of NEPA.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised? **No.** Section 1501.2 of CEQ regulations clearly spells out the why and how to "Apply