

Affiliation: Seattle Public Utilities

Home Town: Seattle

State or Country: Washington

Area of Comment: Monitoring Environmental Mitigation Commitments

Monitoring of environmental mitigation:

1. Mitigation considered throughout NEPA Process: SPU supports strengthening the mitigation analysis throughout the entire NEPA process, and encourages CEQ to further support mitigation analysis into design, materials specifications and construction methodologies, as well as on-going operations and maintenance of a project --- long after the formal NEPA process is completed.
2. Mitigation Decisions Binding & Mitigation Monitoring Program: SPU supports this, and encourages CEQ to develop guidelines so that mitigation reporting, monitoring and performance outcomes are clearly part of the permit conditions, including funding, timelines and penalties for non-compliance. CEQ also needs to support a funding mechanism for this, since currently many federal agencies have the authority, they just do not have the resources to implement in a meaningful way.
3. Public Participation & accountability: SPU supports this and encourages CEQ to develop guidelines and a revenue stream to ensure on-going resources supported by project proponent applicants to ensure this is not one more unfunded federal mandate.

"Findings of No Significant Impact":

1. Periodic Re-evaluation: SPU supports periodic re-evaluation of existing & proposed categorical exclusion categories & potential impacts. Establishing required periodic re-evaluation of 'categorical exclusions' such as every 5-10 years seems reasonable and is critical to meet intent of NEPA.
2. Public Involvement: SPU supports the proposed enhancements to public involvement to ensure outcomes of transparency, better utilization of emerging tools and technology (such as the web and other paperless methods) as well as traditional and non-traditional means of communications to ensure under-represented groups (environmental justice) have equal opportunity to have a voice in decision-making process. It has been our observation, however, through numerous projects and programs with a federal nexus, whether associated with Combined Sewer Overflow program, Superfund, or siting and building water supply and drainage and municipal waste projects, that federal agencies are not practicing in strategies necessary to achieve the above outcomes. This is the expertise of local government, and it would be useful to evolve better collaborative forums to develop useful models that may be learned and practiced broadly. The federal government, CEQ in the lead, should act as convener

of such forums perhaps through such national organizations as ASPA, AWWA, Governor's Conference and Mayor's Conference. SPU has provided regional/national leadership in developing and implementing a Race/Social Justice Initiative and an Environmental Justice toolkit for public engagement. Please see attachment #1.

3. Document, Monitor & Evaluate Categorical Exclusions: SPU supports the need to have written record of decisions, justification and a system to track, monitor and evaluate. Funding for the resources to monitor and evaluate categorical exclusions should be borne by the applicants, not the general tax payer.

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Enhanced Public Tools:

1. Web-page & Other Paperless tools - Support. Need to be sure adequate resources available to support. Mechanism to pay for the resources to do this (people, hardware & software). Guidelines needed for timelines information should be on web (i.e. not just during active public involvement process, but how long after project NEPA complete -- during construction? during operation? during monitoring?)

2. Equal access for all - Environmental Justice & Equity -- traditional and non-traditional communication and public involvement. What about people who do not read or for whom English is a

second language? Please refer to Attachment #1 for an example of how SPU has tried to address these issues, perhaps this model could be incorporated in the CEQs recommendations to modernize NEPA.

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