



Allegheny Forest Alliance
P.O. Box 719 • 22 Greeves Street
Kane, PA 16735
(814) 837-9249
Fax: (814)837-9185
E-mail: afa@penn.com

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Horst Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20503

Re: NEPA Modernization – Guidance on Categorical Exclusions, 71 Fed. Reg. 54816 (September 19, 2006)

Dear Mr. Greczmiel:

Thank you for the opportunity to submit comments on the proposed guidance for use of categorical exclusions (CEs), referenced in bold print above. The Allegheny Forest Alliance is a non-profit coalition representing municipalities, school districts, recreation groups and businesses in and around the Allegheny National Forest. Either directly through 25% payments or indirectly through employment and business related activities, communities and their citizenry across the Allegheny Plateau benefit economically from active management of the ANF.

Categorical exclusions as a management tool have already proven to be effective on the ANF. Prompt response using this strategy restored the forest to a healthier condition following a severe windthrow event recently. When the activity was challenged in federal court in Pittsburgh, the AFA joined with the Forest Service to successfully defend the use of CEs. Cleaning up windthrow, however, is just one of several reasons to this tool is so valuable. Effectively dealing with insect and disease infestation certainly would be another for this region.

From a practical perspective, CEs significantly reduce “paralysis by analysis” thereby lending credibility to the efficiency and cost-effectiveness of the National Environmental Policy Act (NEPA) process. Where it can be documented that redundant paper work serves no legitimate purpose, the Forest Service can stretch limited resources to broadly fulfill NEPA obligations across the forest. In fact, the CEQ NEPA Task Force supports the use of CEs for that reason and the AFA could not agree more.

In addition, the suggested use of benchmarking by agencies in the preparation and execution of CEs is commendable. Drawing upon the experiences of others will also bolster efficiency by reducing duplication, which again will conserve shrinking resources. Oversight by CEQ along with adherence to regulatory requirements should ensure proper administration.

The proposed guidance in **71 Fed. Reg. 54816** is generally acceptable provided it is precisely supported in the regulations so there is a firm base for application. The regulations must emphasize that agencies can use CEs for actions that do not require an environmental impact statement (EIS) or environmental assessment (EA) because there is a finding of no significant impact (FONSI). The regulations must stress that a CE is a more definitive NEPA process than an environmental assessment because it is rooted in FONSI rather than wasting time justifying its use.

Finally, we strongly support the requirement to substantiate in writing the use of CEs. The personal account of litigation referenced above is justification enough. Appropriate documentation for the use of CEs likely to end up in a federal court is critical for the continued availability of this NEPA tool.

Again, thank you for the opportunity to comment.

Sincerely,



Jack L. Hedlund, Executive Director
Allegheny Forest Alliance