Kermit S. Forsdick
2608 Sentinel Drive
Midland, Texas 79701

October 27, 2006

NEPA Modernization (CE)
Attn: **Associate** Director for NEPA Oversight
722 Jackson Place N.W.
Washington DC 20503

Re: Comments on Proposed Guidance
Council on Environmental Quality
The National Environmental Policy Act
Establishing, Revising, and Using Categorical Exclusions under the National Environmental Policy Act

Dear Sir or Madam:

I am writing to express my strong opposition to your proposed guidance: Establishing, Revising, and Using Categorical Exclusions under the National Environmental Policy Act.

In the September 19, 2006 Federal Register Notice of your proposal you state that the proposed guidance was developed in part to "...eliminate the need for unnecessary paperwork and effort under NEPA for categories of actions that normally do not warrant preparation of an environmental impact statement (EIS) or environmental assessment (EA)." The quoted portion, as well as the entire stated purpose for guidance, is commendable, and I fully support guidance consistent with the stated purpose.

Unfortunately, most of your proposed guidance will do the opposite, and will certainly have a chilling effect on all agency use of any categorical exclusion (CE) now and in the future.

In particular, your proposed guidance will create substantial additional bureaucracy and delays as the oil industry attempts to address our nation's dependence on foreign oil. Furthermore, your changes will be in direct conflict with the letter of – as well as the intent of – Executive Order 13212 (Actions to Expedite Energy-Related Projects), and countermands Congress' Section 390 Categorical Exclusions. Which are, I might add, statutory and therefore beyond CEQ jurisdiction.

I urge you to withdraw your proposed guidance and either reconsider and entirely rewrite it to be consistent with your stated purpose and with other relevant US laws and Executive Orders, or withdraw it permanently. Our country and citizens should not be burdened by the intrusive and burdensome approach you have proposed for implementing national environmental policy as directed by Congress in the National Environmental Policy Act.

Sincerely,

Kermit S. Forsdick

Cc: *Congressman Mike Conaway, Senator Kay Bailey Hutchison, Senator John Cornyn*