

E-Mail Comment Received 10/26/06

Comment:

The National Environmental Policy Act--Guidance on Categorical Exclusions

AGENCY: Council on Environmental Quality.

October 26, 2006

Thank you for the opportunity to comment on these proposed NEPA changes.

The greatest inconsistencies of NEPA are due to the lack of definitions in the Act. This has created broad interpretations that vary with style of management.

- **Define "Major Federal Action."** Does the word "major" represent a dollar amount? Does it represent number of acres impacted? I conducted an informal survey in western states asking for a definition and every answer (from agencies in four regions) was different. A concise definition is needed to reduce individual interpretation.
- **Define the word "significant."** This word needs a scope of meaning. How big does a change need to be in order to be defined as "significant?"
- The scope of the **Economic Impact** to local communities by a "major federal action" should be front and center to all federal decisions. The local community should decide what does or does not have a significant economic impact, not the federal agency; and this should not be predetermined by the federal agency with an arbitrary and capricious dollar amount.
- **Equal weight of consideration** should be given to the cultural, historical and economic environment of a community per CFR 1508, and this input should be provided by local elected officials or local joint lead agencies. Federal agencies should not be allowed to solely address these issues.

NEPA fails to include the importance of local government decisions. The inclusion of local government priorities should be a mandatory part of the NEPA process.

One of the biggest and most expensive obstacles to local infrastructure planning and implementation is the NEPA process. An Environmental Impact Statement was required for Coos County to place a gas pipeline across federal lands. This action required a trench that was covered after pipe was laid and resulted in no permanent change to the landscape. Who decided that this would have a "significant" impact on the environment? And is it the goal of the federal agency to obstruct local planning for infrastructure needs?

Categorical exclusion guidelines should be written with such clarity that excessive reporting and paperwork should not be necessary.

Categorical Exclusions should be written to include:

- All emergency repair work on federal lands or emergency repair work that requires access across federal lands. **Emergency repair should include dikes, levees, flood control, earthquake or tsunami damage, culverts, bridges, jetties, landslides, erosion control and firefighting.** All emergency repair work should be excluded from all NEPA and federal mitigation requirements.
- Resource Management Plans that required an EIS when written should not need further NEPA requirements as long as the actions were included in the Resource Management Plan.
- Categorical Exclusions in forest management should include a provision for salvage logging due to insect kill, excessive windfall and fire damage. These exclusions should include all disaster-related damage regardless of whether the disaster was natural or human caused.

- Categorical Exclusions should include all energy-related projects as well as local infrastructure projects that are essential to the local economy.

Submitted by:
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