



File Code: 1950

Date: November 30, 2006

NEPA Modernization (CE) / Horst Greczmiel
Associate Director for NEPA Oversight
722 Jackson Place NW
Washington, DC 20503

Dear Horst,

The Forest Service appreciates and supports the Council's efforts to develop guidance to Federal agencies for establishing and using categorical exclusions in meeting responsibilities under the National Environmental Policy Act.

The Forest Service has both administratively and legislatively established categorical exclusions. It is our understanding that the proposed guidance applies only to administratively created categorical exclusions.

Categorical exclusions are an important and valuable tool for managing the National Forests. We are pleased that the Council is continuing to advocate that, "Federal agencies should develop categorical exclusions when they identify a class of actions without significant environmental impacts." (*Proposed Guidance, Section II*)

The proposed guidance states that, "Federal agencies **should** [emphasis added] also consider the opportunity to develop categorical exclusions that are limited in their application to regions or areas . . ." (*Proposed Guidance, Section III.A.*) The Forest Service was internally unsuccessful in a previous attempt to establish geographically based categorical exclusions for vegetation management. We would like the guidance to read, "Federal agencies may also consider the opportunity to develop categorical exclusions that are limited in their application to regions or areas . . ."

We are particularly pleased with the variety of sources deemed acceptable for substantiating a new or revised categorical exclusion. (*Proposed Guidance, Section III.B.*) However, it may be helpful to emphasize that any combination of sources may be used. And while we also thought case studies or examples of successful use might aid a user's understanding, particularly for some unfamiliar concepts such as impact demonstration project and benchmarking, we realize that such may be premature and not readily available. It is our hope that the Council will share information about future successful efforts.

We suggest further clarification that benchmarking may be used when an agency uses another agency's categorical exclusion and its supporting information to help substantiate establishing its own categorical exclusion. (*Proposed Guidance, Section III.B.4.*) Some of our reviewers incorrectly interpreted the current text as allowing use of another agency's categorical exclusion to implement a project.



Please remove “cumulative effects” from the sentence, “. . . involve the public . . . when the public can assist the agency in determining whether a proposal involves extraordinary circumstances or cumulative effects.” (*Proposed Guidance, Section VI.B.*) We believe that by including cumulative effects it implies an additional requirement beyond that of 40 CFR 1508.4.

Again, the Forest Service appreciates the Council’s development of guidance for establishing and using categorical exclusions. Questions on our comments can be directed to Joe Carbone, Assistant Director for NEPA, 202-205-0884.

Sincerely,

/s/ Susan Yonts-Shepard
SUSAN YONTS-SHEPARD
Director, Ecosystem Management Coordination