

Dr. Richard M. Hammer's comments on Citizen's Guide

Received by e-mail on 3/27/2007

I have the following comments in response to the Federal Register announcement below concerning NEPA Modernization (Citizen's Guide), which is the proposed CEQ document titled "A Citizen's Guide to the National Environmental Policy Act: Having your Voice Heard". In addition, please consider my email as a letter to the CEQ that requires a individual formal response to me from the CEQ regarding my four comments.

COMMENT 1: Please notify me that you received this email successfully within the comment period, and also that my four comments have been recorded for NEPA Modernization and the Citizen's Guide.

COMMENT 2: Page 3, first full paragraph of the Draft Guide should provide very specific guidance regarding how citizens can find on the modern web complete reviews by EPA of both EISs and EAs, not just the very brief EPA summaries of only EISs that occur in the Federal Register. EPA summaries do not provide sufficient information for citizens to be adequately informed and participate in the NEPA review process. Citizens need EPA complete reviews in short time periods for citizens to properly comment on Proposed Actions for both EAs and EISs.

In the EPA announcement at <http://www.epa.gov/fedrgstr/EPA-IMPACT/2007/March/Day-02/i3671.htm>, EPA summaries are given and the statement is made that "Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167." I have called that telephone number in the past and requested specific complete reviews, yet I have never received the information I have requested from EPA. CEQ should require EPA to post EPA complete reviews in such announcements, which could be easily done by adding direct links to .pdf or .doc documents. This is the modern way. EPA complete reviews are needed by citizens immediately in such announcements for citizens to meet deadlines for commenting on NEPA documents,

The Guide should provide the recommended CEQ specific guidance and EPA should have complete reviews available on the modern web for both EISs and EAs so that citizens can truly provide effective and timely input and comments. Without this information, citizens cannot formulate complete comments in short NEPA timeframes to have their voices heard properly. Having this information in the CEQ Guide and on the EPA web is in keeping with the intent of NEPA Modernization. If CEQ cannot require EPA to properly provide this important information to citizens on the modern web, then CEQ should provide this important information on the CEQ website.

COMMENT 3: Page 9, third full paragraph should be stated better. All agencies should be required to advertise the availability of EAs. My recommendation is a strong one and stems directly from Page 19 of the 1997 CEQ document titled "The National Environmental Policy Act: A Study of Its Effectiveness after Twenty-Five Years", which should be cited in the proposed Guide. On Page 19 the CEQ states the following:

"Therefore, as agencies rely more heavily on EAs, agencies need to ensure that they forge true partnerships with other agencies and the surrounding communities. Only then will stakeholders trust that EAs are honestly serving to protect the environment."

Some states, citizen groups, and businesses believe that certain EAs are prepared to avoid public involvement (i.e., because public meetings are not always required). The preparation of an EA, rather than an EIS, is the most common source of conflict and litigation under NEPA. Avoiding an opportunity for public comment on draft EAs and FONSI's can create mistrust and add costs and time as projects are delayed by ensuing controversy and legal challenges. When agencies do not seek interagency and public review of an EA, a fundamental opportunity is lost to build trust with the neighboring community."

Please reread the above CEQ quote and note well the following CEQ words: true partnerships, trust, honestly, protect the environment, public involvement, litigation, mistrust, and legal challenges.

In contrast to the 1997 CEQ document, CEQ's most recent document titled "A Citizen's Guide to the National Environmental Policy Act: Having your Voice Heard" states "An EA is a public document, but its availability is not always advertised." After reading the first part of that sentence, the second part is nonsense from perspectives of citizens. If the EA is a public document, then it should be advertised in the Federal Register. Otherwise, there is no system for citizens to track and be aware and informed of EAs and Proposed Actions. It is common sense and time for the White House CEQ to prudently require that all agencies advertise the availability of all EAs in the Federal Register so that citizens can properly track and participate in the EA review process. The CEQ should implement this recommendation for citizens as the federal office responsible for overseeing NEPA implementation. The CEQ should capitalize on its responsibility and the opportunity to improve and modernize the NEPA process so that it is transparent and in the spirit of true public participation and protection of the environment.

COMMENT 4: Please notify me by e-mail when the Final Guide is produced and mail a hard copy of the Final Guide to me when it is completed.

Please remember that I am respectfully requesting an individual formal response from the CEQ regarding my four comments above.

Thank you.

Dr. Richard M. Hammer
759 Parkway Street
Jupiter, Florida 33477
Telephone: (561) 746-7946
Email: rhammer@conshelf.com

-----Original Message-----

From: envsubset@epamail.epa.gov [mailto:envsubset@epamail.epa.gov]
Sent: Wednesday, February 21, 2007 11:22 AM
To: Federal Register IMPACT documents
Subject: [epa-impact] The National Environmental Policy Act--Citizen's Guide

<http://epa.gov/EPA-IMPACT/2007/February/Day-21/>

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[Federal Register: February 21, 2007 (Volume 72, Number 34)]
[Notices]
[Page 7876-7877]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr21fe07-31]

COUNCIL ON ENVIRONMENTAL QUALITY
The National Environmental Policy Act--Citizen's Guide

AGENCY: Council on Environmental Quality.
ACTION: Notice and request for comments.

SUMMARY: The Council on Environmental Quality (CEQ) developed a Citizen's Guide to the National Environmental Policy Act (NEPA). This is a guide to help citizens and organizations who are concerned about the environmental effects of federal decision-making to effectively participate in federal agencies' environmental review process under NEPA. CEQ invites comments on the proposed "A Citizen's Guide to the National Environmental Policy Act--Having your Voice Heard" that is

available from CEQ or at <http://www.NEPA.gov> in the Current Developments section.

DATES: Written comments should be submitted on or before March 30, 2007.

ADDRESSES: Hardcopies of the proposed guide can be requested from CEQ. Electronic or facsimile requests for a copy of the proposed guide and comments on the proposed guide are preferred because federal offices experience intermittent mail delays from security screening. Electronic requests and written comments can be sent to NEPA Modernization (Citizen's Guide) at mailto:horst_greczmiel@ceq.eop.gov. Written requests and comments may be faxed to NEPA Modernization (Citizen's Guide) at (202) 456-0753. Written requests and comments may also be

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submitted to NEPA Modernization (Citizen's Guide), Attn: Associate Director for NEPA Oversight, 722 Jackson Place, NW., Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Horst Greczmiel, 202-395-5750.

SUPPLEMENTARY INFORMATION: The Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force and is now implementing recommendations designed to modernize the implementation of NEPA and make the NEPA process more effective and efficient. Additional information is available on the task force Web site at <http://ceq.eh.doe.gov/ntf>.

The proposed guide, "A Citizen's Guide to the National Environmental Policy Act--Having your Voice Heard" was developed to explain the National Environmental Policy Act and the various types of environmental analyses federal agencies conduct prior to making federal decisions. In addition to an introduction to NEPA, the Guide explains the environmental impact statement (EIS), environmental assessment (EA), and categorical exclusion (CE) processes federal agencies use to comply with NEPA.

The Guide is intended to assist citizens in providing effective and timely input and comments when federal agencies use an EIS, EA, or CE. The Guide recognizes that comments can be the most important contribution from citizens and provides advice on how citizens can get involved in the NEPA process and how their comments can be made effectively.

Public comments are requested by March 30, 2007.

Dated: February 13, 2007.
James L. Connaughton,
Chairman, Council on Environmental Quality.
[FR Doc. E7-2854 Filed 2-20-07; 8:45 am]