

March 30, 2007

Dear Horst Greczmiel,

The draft of *A Citizen's Guide to the National Environmental Policy Act: Having Your Voice Heard* is a very useful, well-written document. The following comments are rather minor, but hopefully they are useful to CEQ in preparing the final version.

The first set consists of small substantive comments, and the second some ridiculously tiny editing/typo notes.

I. Some Modest Substantive Comments

1. P. 8, re: Categorical Exclusions

It would be helpful to explain the difference between (1) categorical exclusions proposed via NEPA guidance (i.e., lack of significant impacts); and (2) Congressionally-established categorical exclusions for permitting activities (such as oil and gas drilling, livestock grazing, and extensive native tree logging) that may involve impacts that are significant under NEPA guidance (e.g., by the standards of CEQ regulation 1508.27b(1), b(4), b(6) and/or b(7).

Without this explanation, the NEPA meaning of “categorical exclusion” can become muddled in citizens’ minds because “categorical exclusion” has different environmental and legal meanings depending on its origin. Perhaps a footnote could be used to explain the difference.

2. Pp. 8-9 re: Environmental Assessments

A brief discussion of the status of alternatives in an EA would be helpful, as well as a discussion of what kinds of comments are most helpful when citizens feel that in fact a FONSI is not justified.

3. P. 12, in the following passage, add “or develop”, because “identify” is vague and fails to inform citizens that they are not limited to merely noting to an agency that a particular alternative is reasonable.

Some of the most constructive interaction between the public and agencies occurs when citizens identify *or develop* reasonable alternatives that the agency can evaluate in the EIS.

4. Pp. 14-15: The following two sentences are not clear to me, as they seem contradictory:

CEQ typically provides you and other members of the public an opportunity for public involvement during the referral process. Note that

there is no provision for citizens to formally refer an action to CEQ, although CEQ accepts informal complaints.

It is not clear what citizens can expect from launching an “informal complaint.”

5. P. 18, the following sentence is unclear (and contains two typos):

EMSs are typically used by organizations and agencies to set up the procedures that will help them comply with the specific requirements of environmental **laws** and regulations, such **as** air and water permits.

It doesn't seem accurate to say that EMSs are “typically used by organizations and agencies.” My understanding is that they have been “typically” used by corporations, and only for the first time are being used by agencies managing complex public, natural resources.

6. Appendix C: Clarify whether every EIS must be rated by EPA and how citizens can most easily view the ratings for an EIS. [I have usually gotten them via a Freedom of Information Act request – maybe that isn't necessary.]

II. Tiny Editing Suggestions

7. Perhaps make Figure 1 “The NEPA Process” a single page so that it can be easily reproduced and used as a short-hand guide

8. P. 3: Delete a comma in the following passage:

While part of the federal government, it provides an independent, neutral, *[delete comma]* place for federal agencies to work with citizens, state, local and tribal governments, private organizations and businesses to reach common ground rather than through litigation and other adversarial approaches to dispute resolution.

9. In the photographic insert on p. 11: Place *Modernizing NEPA Implementation* in italics font.

10. P. 13: There is a typo in the following passage: substitute “or” for “of”

For purposes of NEPA, “effects” and “impacts” mean the same thing. They include ecological, aesthetic, historic, cultural, economic, social or health impacts, whether adverse *or* beneficial.

11. P. 15 in first full paragraph, an “a” is missing:

An agency may also prepare *a* supplemental EIS if it determines that doing so will further the purposes of NEPA.

12. P. 17 in the insert re: Forest Service Pesticide Use

- a. Probably it would be better to use the term “herbicide,” because many people confuse “insecticide” with “pesticide.”

That is, the title could be “Forest Service Herbicide Use in the Pacific Northwest”

- b. Capitalize *Agent Orange*, rather than agent orange.

- c. Suggestion for the following sentence for increased accuracy:

A coalition of tree planters, scientists, rural residents, and herbicide reform activists volunteered to work with the Forest Service to develop an alternative that didn’t rely *as heavily on herbicides for* vegetation management.

13. P. 19

- a. in the insert on public comment periods, place *Federal Register* in italics font?

- b. Add a period to the following sentence in “How to Comment”: Take the time to organize thoughts and edit the document submitted.
 - c. In Footnote 49, substitute “on” for “for”: “There are many reference books *on* how to research issues
14. P. 21: Eliminate two spaces after <http://www.NEPA.gov>
15. P. 26: Eliminate a comma in the following passage:

The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives *[delete comma]* that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts

16. P. 30: Add quotation marks around two words in Section 1508.18:

"Major Federal action" includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. "Major" reinforces but does not have a meaning independent of "significantly" (Sec. 1508.27).

17. P. 34: eliminate a space after the hyphen in “site- specific” in the following passage:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a *site-specific* statement or analysis.

Again, this booklet is useful, clear, and informative. Can you post the various comments on your website? I would learn from the comments of others.

Sincerely,

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