

Maryland State Highway Administration's comments on Citizen's Guide

Received by e-mail dated 3/27/2007

Dear Mr. Greczmiel,

The Maryland State Highway Administration (SHA) is pleased to provide comments on the CEQ's Draft Citizens Guide to NEPA.

Overall, the document should provide greater coherence between CEQ regulations and SAFETEA-LU. Information that clearly notes new requirements and opportunities for public input and participation under SAFETEA-LU Section 6002 should be provided. These areas include sharing of mandated agency coordination plans, and direct coordination with the public on project Purpose and Need and the range of alternatives for evaluation in the DEIS. Specifically, discussion provided on Page 7 (The Mechanics of the NEPA Process Demystified) that explains the concepts of "lead agency", "joint lead agency", and "cooperating agency", should also include a corollary explanation of the concept and role of the Participating Agency. On Page 12 (Draft DEIS) the document stipulates that the public comment period "is at least 45 days long" but SAFETEA-LU generally limits this comment period to 60 days. The public should be aware of this limitation as MD SHA expects most states will not be implementing the provisions for special exception.

The public should be directed to alternative sources for information when citing internet references and websites.

Page 5 (What is NEPA), 1st paragraph, last sentence: insert "would" between actions and have.

Page 9, continuing onto page 10 (Environmental Assessments): This paragraph is confusing in that it refers to an EA/FONSI prepared for a "type of action" as opposed to an EA/FONSI prepared for a proposed project. Two sentences later the requirement for Federal Register notification of a 30 day review for a FONSI is referenced, but it fails to describe what triggers this requirement. Additional information or rewording of these statements should be considered for purposes of clarification.

Page 9, 5th paragraph, last sentence: should read "The EA is either attached to, or summarized in, the FONSI."

Page 10, 3rd paragraph, 1st sentence: "(NOI) (Number 9 in Figure 1)" should be moved to follow "*Notice of Intent and Scoping.*"

Although noted in the discussion on scoping, the Guide should add a bullet to Page 11 to Identify all interested parties.

Page 13, 3rd paragraph, last sentence should read: "..., so when an EIS is prepared and economic, social, natural or physical environmental effects are interrelated, the EIS should discuss all of these effects."

Page 14, *Final EIS* section, 1st paragraph: Please provide clarification on what constitutes "substantive comments".

The Guide should consider adding the following sentence to the discussion of the Supplemental EIS on Page 15: "Where the deciding Administration is uncertain of the significance of the new impacts/change, it may be determined that an EA should be completed to determine the necessity for completing a Supplemental EIS".

Page 15, 2nd paragraph, 3rd sentence: insert "a" between "prepare" and "supplemental."

Page 17, last paragraph: please provide clarification on how a group could become involved in developing monitoring and mitigation plans, or with the actual monitoring and assessing the effectiveness of the mitigation.

Page 19, 1st paragraph under *How to Comment*: Add a period to the end of the 2nd sentence. Remove the "all" in the 4th sentence.

Page 21, 3rd paragraph: Combine the last 2 sentences to read "You may also call.....(see Appendix D for contact information) or CEQ for advice and assistance..."

Thank you for the opportunity to provide comments. Please do not hesitate to contact Mary Barse at (410) 545-2883 if you have any questions or require further assistance.

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