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NEPA Task Force
P.O. Box 221150
Salt Lake City, UT 84122

Subject: Suggestions to Improve the NEPA Review Process - Need to Accept, Promote and Utilize Third-Party Experts/Professionals

NEPA Task Force Members:

This letter is in response to the Council on Environmental Quality (CEQ's) July 9, 2002 *Federal Register* Notice and Request for Comments requesting comments and/or recommendations to improve the NEPA Review Process.

As a former USEPA Region 2 employee and an active Environmental Professional in the private sector (with over 27 years of direct experience), I offer the following comments and/or recommendations for your consideration:

Third-party experts/professionals should be used as extensions of agency review staffs

As both the federal and state sectors reduce their work forces there is a risk that resource agencies will be caught short-handed and without an adequate number of experts/professionals to review projects. In the Commonwealth of Pennsylvania we have such a growing problem. Our local US Army Corps of Engineers District anticipates retiring three senior level employees this year and losing two positions through budget caps. Our local US Fish and Wildlife Service office has only four people to review over 4,000 actions per year. As the agency responsible for protection of endangered and threatened species it will be extremely difficult for these four people to provide adequate, responsive protection.

On the other-hand, there are numerous private sector professionals with nationally or state recognized credentials capable of evaluating project sites and conducting project reviews.

I do not believe there is anything contained in NEPA that precludes and/or restricts a Federal agency from accepting, promoting or utilizing qualified third-parties as part of the NEPA evaluation and review process. A Federal authority must make the ultimate NEPA determination but why can't the Federal Agencies be encouraged to rely upon and utilize recognized third-party experts/professionals?

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As more senior level Federal and state workers retire, there is an ever increasing pool of qualified professionals to help improve the NEPA review process. This pool is well supported by private sector professionals who also have documented experience and credentials. Why can't Federal agencies take advantage of this growing private sector resource?

I have talked to many public agencies, landowners and developers who are experiencing increasing project delays as a result of NEPA requirements in the various regulatory permit and grant programs. These public agencies and land owners/developers understand that resource agency staffs are being pushed to their limits. With sincere concerns for the protections of the environmental and particularly threatened and endangered species habitat, they agree that some form of formal recognition for third-party experts and professionals is appropriate. Retaining a third-party professional to conduct the initial site screening and project reviews, could take a major burden off of the federal resource agencies, thereby reducing project review time and potential project delays. Using third-party experts/professionals would also free limited staffs so that they can concentrate on habitat protection and negotiating mitigation plans.

Another benefit of utilizing sector professionals, is that important habitat areas can be identified very early during the project development phases. Steps can then be taken by the property owner/developer to avoid and minimize impacts. If the project developers know that the determinations and recommendations of their third-party professionals are equivalent to and will be accepted by the regulatory community they are more willing to accept such determinations.

Recommendation

NEPA should be clarified to allow Federal agencies to accept, promote and utilize recognized third-party experts/professionals during the NEPA evaluation and review process. Reliance upon third-part professionals should be encouraged at every Federal level from Findings Of No Effect, to Categorical Exclusions, to Environmental Impact Statements, and to the issuance of grants, permits and other authorizations.

Conclusion

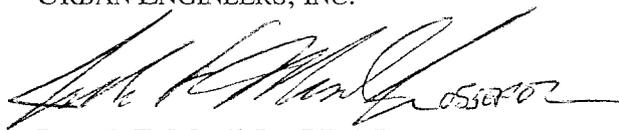
There are many ways of improving the NEPA Review Process without decreasing the importance and value of sound environmental planning. Implementing the above recommendations would help to expedite and simplify NEPA reviews. It is important to note that NEPA reviews are not limited to Federal or Federal EIS projects. NEPA affects almost every level and degree of development taking place in America and it extends all the way down to local level NEPA-delegated permits and approvals.

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If you have any questions on the above or would like additional information on NEPA review problems, please feel free to contact me at 1-215-922-8080 x 1266.

Sincerely,

URBAN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Joe F. Musil Jr.", with a date "05/27/02" written at the end of the signature.

Joseph F. Musil Jr., PE, PP
Environmental Project Manager