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To: "ceq\_nepa@fs.fed.us" <ceq\_nepa@fs.fed.us>  
cc:  
Subject: NEPA Comments

09/23/02 07:34 PM

To Whom It May Concern:

We have tried several times to send this information to you via facsimile with no success. We will try again tomorrow. In the meantime, please accept our comment letter via email. If you have any question, please do not hesitate to contact me at the number below. Thank you. Anita Canovas

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September 23, 2002

BY FAX 801-517-1021

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

Re: Council on Environmental Quality Notice and Request for Comments

Dear Sir or Madam:

On behalf of the National Trust for Historic Preservation, we appreciate the opportunity to submit these comments to the NEPA Task Force regarding the solicitation of public views on ways to improve and modernize NEPA analyses and documentation. The National Trust has worked with NEPA for a number of years and is pleased to see that Task Force is inviting comments to make recommendations to the Council on Environmental Quality.

**Interests of the National Trust.** The National Trust for Historic Preservation has a strong interest in the preservation of our nation's historic and cultural resources. Congress chartered the National Trust in 1949 as a private charitable, educational, and nonprofit organization to "facilitate public participation in the preservation of sites, buildings and objects significant in American history and culture," and to further the purposes of federal historic preservation laws. 16 U.S.C. §§ 461, 468. The National Trust has grown to include more than 250,000 individual members and approximately 3,500 member organizations. In addition to our headquarters in Washington, D.C., the Trust operates seven regional and field offices around the country, as well as 21 historic sites open to the public.

**Recommendations:**

**1. Impacts to historic properties and cultural resources should be assessed earlier in the environmental review process.** All too often, cultural resources are not given adequate consideration under NEPA. In many instances, the review process under NEPA overlaps with review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f. Although coordination of Section 106 and NEPA responsibilities is encouraged under the Section 106 regulations issued by the Advisory Council on Historic Preservation, 36 C.F.R. Part 800, this coordination is often lacking. Federal agencies too frequently review the impacts of their undertakings on historic properties occurs very late in the NEPA process, or indeed, sometimes *after* the NEPA review, once an alternative has been already selected. These two statutes need much better integration and coordination. We urge the Task Force to work with the Advisory Council on Historic Preservation in developing recommendations to address this serious problem.

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**2. Indian Tribes should be given a greater role in the NEPA process.** The Task Force should include representation from the Native American community. Indian tribes work closely with the NEPA process when attempting to protect areas that have religious and cultural significance to the tribes. These sacred areas are often on federal lands, and are threatened by a variety of proposed activities resulting from both private entities and federal management decisions. Federal agencies often do not adequately recognize the sovereign status of Tribal nations. Under NEPA, Tribes are often treated as analogous to non-governmental organizations, rather than as governmental stakeholders. NEPA procedures should require proactive efforts to identify Indian tribes with interests in a particular project, and tribes should be included early in the decision making process as cooperating parties, similar to the status that state and local governments currently enjoy under NEPA regulations.

The National Trust appreciates the opportunity to provide these preliminary comments to the NEPA Task Force. If we can provide you with additional information or otherwise be of assistance through this process, we will be happy to do so.

Sincerely,

Anita Canovas  
Assistant General Counsel

cc: National Association of Tribal Historic Preservation Officers  
National Congress of American Indians  
United South and Eastern Tribes