



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

CQ660

Memorandum

Date: September 25, 2002
To: Rhey Solomon, Council on Environmental Quality
From: Katie Shulte Joung, Associate Planner
Re: SCH # 2002084002
NEPA (National Environmental Policy Act) Task Force

Attached please find the entire set of comment letters received by OPR from State Agencies regarding the above referenced document. These letters were received prior to your review end date of September 23, 2002 but were erroneously omitted from the closing letter sent to your agency on September 24, 2002.

Please consider these comments a timely response to your comments. We apologize for any inconvenience this omission may have caused.

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SEP 26 2002



Gray Davis
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STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

September 24, 2002

CQ660

Rhey Solomon
Council on Environmental Quality
NEPA Task Force
P.O. Box 221150
Salt Lake City, UT 84122

Subject: NEPA (National Environmental Policy Act) Task Force
SCH#: 2002084002

Dear Rhey Solomon:

The State Clearinghouse submitted the above named Federal Other Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 23, 2002, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2002084002
Project Title NEPA (National Environmental Policy Act) Task Force
Lead Agency Council on Environmental Quality

09660

Type FOT Federal Other Document
Description The NEPA Task Force will focus on modernizing the NEPA process. Rapid advances in technology and information security concerns following the events of September 11, 2001 are the most recent factors highlighting the need to reassess NEPA practices. Federal agencies' environmental processes (analyses conducted, documents produced, and operational implementation and management) under the NEPA planning umbrella continue to raise questions over the efficiency, effectiveness and management of the NEPA process in the 21st century.

Lead Agency Contact

Name Rhey Solomon
Agency Council on Environmental Quality
Phone 202 456-5432 Fax 916 323-3018
email state.clearinghouse@opr.ca.gov
Address NEPA Task Force
P.O. Box 221150
City Salt Lake City State UT Zip 84122

Project Location

County
City
Region
Cross Streets
Parcel No.
Township Range Section Base

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues

Reviewing Agencies Caltrans, Division of Aeronautics; Air Pollution Control Dist./Air Quality Mgmt. Dist.; Air Resources Board, Airport Projects; Air Resources Board, Transportation Projects; Air Resources Board, Major Industrial Projects; San Francisco Bay Conservation and Development Commission; Department of Boating and Waterways; Caltrans, District 1; Caltrans, District 2; Caltrans, District 3; Caltrans, District 4; Caltrans, District 5; Caltrans, District 6; Caltrans, District 7; Caltrans, District 8; Caltrans, District 9; Caltrans, District 10; Caltrans, District 11; Caltrans, District 12; California Highway Patrol; California Coastal Commission; Colorado River Board; Department of Commerce; Department of Conservation; Department of Corrections; Delta Protection Commission; Department of Water Resources; California Energy Commission; Department of Fish and Game, Region 1; Department of Fish and Game, Region 2; Department of Fish and Game, Region 3; Department of Fish and Game, Region 4; Department of Fish and Game, Region 5; Department of Fish and Game, Region 6; Department of Fish and Game, Region 6 (Inyo & Mono Region); Department of Fish and Game, Marine Region; Department of Fish and Game, Headquarters; Department of Food and Agriculture; Department of Forestry and Fire Protection; Department of General Services; Department of Health Services; Office of Historic Preservation; Department of Housing and Community Development; Integrated Waste Management Board; Native American Heritage Commission; Office of Emergency Services; Other Agency(ies);

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

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Department of Parks and Recreation; Public Utilities Commission; Reclamation Board; Regional Water Quality Control Board, Region 1; Regional Water Quality Control Board, Region 2; Regional Water Quality Control Board, Region 3; Regional Water Quality Control Board, Region 4; Regional Water Quality Control Bd., Region 5 (Fresno); Regional Water Quality Control Bd., Region 5 (Redding); Regional Water Quality Control Bd., Region 5 (Sacramento); Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Regional Water Quality Control Bd., Region 6 (Victorville); Regional Water Quality Control Board, Region 7; Regional Water Quality Control Board, Region 8; Regional Water Quality Control Board, Region 9; Resources Agency; Santa Monica Mountains Conservancy; State Clearinghouse; State Lands Commission; State Water Resources Control Board; Statewide Health Planning; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Delta Unit; State Water Resources Control Board, Division of Loans and Grants; State Water Resources Control Board, Division of Water Quality; State Water Resources Control Board, Division of Water Rights; Tahoe Regional Planning Agency; Department of Toxic Substances Control; Caltrans, Division of Transportation Planning; California Department of Justice, Attorney General's Office

Date Received 08/02/2002 *Start of Review* 08/02/2002 *End of Review* 09/23/2002

CQ 660

2002084002

note: comment period extended
to 9/23/02

August 2, 2002

POC
Title
Agency 1
Agency 2
Address 1
Address 2
City, State Zip

Subject: NEPA Task Force
Request for Comments

Dear POC:

Attached please find an announcement published in the Federal Register on July 9, 2002 from the Council on Environmental Quality (CEQ) for the National Environmental Policy Act (NEPA) Task Force (Task Force). CEQ seeks "ideas and examples of opportunities to improve and modernize the federal environmental analysis process, and comments on ways to improve NEPA implementation."

As the state, single-point of contact for NEPA documents pursuant to Presidential Executive Order 12372 (Intergovernmental Review of Federal Programs), the State Clearinghouse requests that you forward any comments by August 23, 2002 to the following:

State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044
(916) 323-3018 FAX

Additional information about the task force may be found on the internet at:
<http://ceq.eh.doe.gov/ntf/>

Sincerely,

Terry Roberts
Director, State Clearinghouse

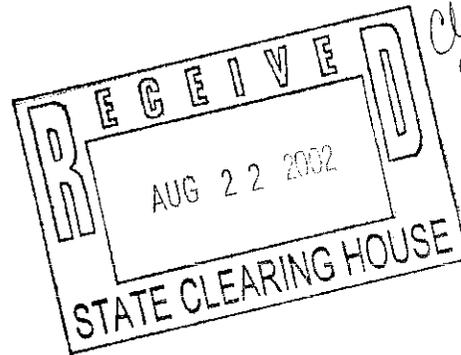
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING - MS 32
1120 N STREET
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
Telephone (916) 653-9689
Fax (916) 653-1447



2002084002

August 22, 2002

Ms. Terry Roberts
Director, State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

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CQ660

Subject: California Department of Transportation Response to the National Environmental Policy Act (NEPA) Task Force Request for Comments

Dear Ms. Roberts:

Thank you for the opportunity to respond and comment on this NEPA Task Force request. The California Department of Transportation (Department) has reviewed the materials and request by the NEPA Task Force for suggestions on how the federal environmental analysis process and NEPA implementation might be improved. I did not receive this request until August 12, 2002. Therefore the Department's response and comments are not as thorough as they might have been. The Department's District 9 office in Bishop and its headquarters intergovernmental review program did respond with the following comments:

- (2) Federal and Intergovernmental Collaboration -There is a critical need for a standardized procedure that requires processing NEPA environmental documents consistently through each state's environmental quality clearinghouse. In California the Governor's Office of Planning and Research, State Clearinghouse processes environmental documents. Federal agencies and their cooperating partners are most inconsistent in how they distribute their NEPA environmental documents. Sometimes they use the State Clearinghouse and others they do not. The problem is those of us that work hard to coordinate preliminary project development with these federal agencies and their partners do not see the environmental assessment, categorical exclusions, findings of no significant impact, draft environmental documents or final environmental documents even though we have worked hard on feasibility studies and other preliminary studies. We either are ignored or some other party/branch/unit (sometimes the Department's environmental units) in our departments receives these documents and does not get them to us. By requiring the routing of environmental documents and their preliminary and feasibility studies, etc., consistently through the state clearinghouse, the documents would have a much better chance of getting to the appropriate intergovernmental reviewing units.

The following represents the collective comments from the D-9 Planning and Environmental Departments for your use in creation of the State Clearinghouse response.

- A. Technology, Information Management, and Information Security - The Task Force should consider encouraging the sharing of data sets required for the review and comment of NEPA analyses. As the effective review of environmental analyses, if done using GIS technology, often requires the same datasets, the Task Force should examine the development of standardized datasets for specific information. This could include federally listed threatened and endangered species and other relevant environmental data. This data should be readily available from a secure source, and referenced in the environmental analysis.

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Standards should be developed for electronic document submittal. Included in these standards should be the requirement that the text included in the submittal be searchable. Scanned images of the pages of the document, or PDF format files that are not created in such a way as to be searchable are of less use than paper copies.

- B. Federal and Intergovernmental Collaboration - **THIS IS AN AREA WHERE the DEPARTMENT'S WORK ON ENVIRONMENTAL STREAMLINING SHOULD BE HIGHLIGHTED**
- C. Programmatic Analysis and Tiering
- D. Adaptive Management/Monitoring and Evaluation Plans - The implementation of adaptive management in NEPA brings NEPA closer to CEQA, which currently provides for mitigation plans. The key is to provide for periodic assessments of the effectiveness of the monitoring plan. Too often, impressive monitoring plans are put in place, and then essentially ignored.
- E. Categorical Exclusions - **THIS IS AN OPPORTUNITY FOR OUR ENVIRONMENTAL SECTION TO SUGGEST ADDITIONAL CATEGORICAL EXCLUSIONS OR EXPANDED DEFINITIONS OF EXISTING EXCLUSIONS.**
- F. Additional Areas for Consideration -

While reviewing documents we sometimes find that small projects or projects being contemplated by entities not experienced in environmental document preparation are inadequate, often times totally missing areas of major concern to the Department.

[RE: NEPA and CEQA] Native American Tribes and School Districts often do not know or believe they have to do anything, the Department is sometimes asked to assist.

In some cases, the Corps of Engineers, Fish and Game, the Bureau of Indian Affairs and other groups have not required any environmental analysis or have certified incomplete environmental documents, allowing projects to be constructed prior to adequate environmental review. If the Department or any other agency says anything, the project could be stopped (many agencies may feel reluctant to do this). There seems to be no apparent penalty for the project proponent or lead agency.

Federal Government Agencies should utilize the State Clearinghouse to route their documents to ensure all possibly affected parties are notified.

If you have any questions concerning these comments and this response, please e-mail me at Bill.Costa@dot.ca.gov or call me at (916) 653-9689.

Sincerely,



William J. Costa, Manager
Intergovernmental Review Program
Department of Transportation

- cc: Ron Helgeson, HQ IGR
Richard Felkins, HQ IGR
Gayle Rosander, D-9, IGR
Brad Mettam, D-9, Trans. Plng.