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



Tal Finney
Interim Director

CQ661

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.

CAET RECEIVED

SEP 10 2002



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



Tal Finney
Interim Director

September 24, 2002

CO 661

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

CQ 661

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

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

09/23/02

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

CEQ 661

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

District 1 – P O Box 3700
 PHONE (707) 441-3937
 FAX (707) 441-5869
 TTY (916) 654-4086



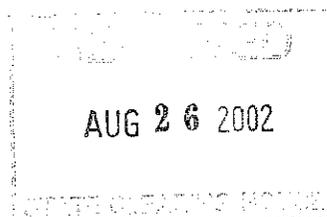
*Flex your power!
 Be energy efficient!*

August 21, 2002

2002084002

NEPA Task Force
 Public Comment

Terry Roberts
 Director, State Clearinghouse
 1400 Tenth Street
 P.O. Box 3044
 Sacramento, CA 95812-3044



Dear Mr. Roberts:

The California Department of Transportation District 1 is taking this opportunity to forward comments with respect to the NEPA Task Force, pursuant to the request for input published in the Federal Register, Volume 67, No. 131 on July 9, 2002.

Item B(1): What are the characteristics of an effective joint-lead or cooperating agency relationship/process? Different Resource Agencies have different and conflicting definitions of what constitutes a wetland. Federal determinations of a wetland seem to rely on the presence of all of three factors being present: hydrophytic vegetation, periodic inundation, and soil saturation in the root zone. California agencies define a wetland when only one of these factors is present. Marginal, degraded wetlands are afforded protections that may be reserved for only the most productive, contiguous wetlands. The federal Cooperating Agency directives are therefore diluted, as some federal agencies will participate in early consultation/cooperation on federal issues while knowing a proposal will have problems with state interpretations.

Item D(1) Adaptive Management/Monitoring and Evaluation Plans. Providing for environmental improvement by evaluating functional equivalency of an environment will move us away from piecemeal, incremental, non-contiguous mitigation efforts to identification, creation, and management of productive habitats. Federal Agencies should be tasked with creation of various habitats and managing and monitoring these to the benefit of the resource and the public. Agencies that require mitigation of a resource from applications without direct guidance of how to mitigate, when to mitigate, and where to mitigate and without overall plans on how to create contiguous tracks of habitat leads to postage stamp sized mitigation sites that can be considered barely effective and frequently fail in offsetting the impacts. Federal employees with the knowledge and expertise in the affected resource should be involved in creating mitigation sites that development interests can participate in by contributing money or purchasing additional contiguous areas to the improved sites. An environmental impact analysis could be developed to identify the affected resource and in most cases offset the impact by the requirement of an in-lieu fee to be used to manage and improve federally developed sites.

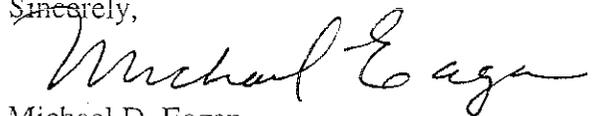
The factors that should be considered when deciding to use adaptive management approaches to resources include the staff time of all agencies in reviewing proposals, the cost to the

CQ 661

development interest in identifying, permitting, developing, and monitoring a new site, and possible remediation of failed sites, as well as the marginal effectiveness of discontinuous sites. A large site developed and managed for success by a federal agency should be used to offset development impacts on a resource.

Thank you for the chance to provide input. If you have any questions, please feel free to contact Joel Canzoneri of my staff at (77) 445-6398.

Sincerely,



Michael D. Eagan
Chief, Office of System and Community Planning
District 1