
Appendix A



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

January 30, 2002

MEMORANDUM FOR THE HEADS OF FEDERAL AGENCIES

FROM: JAMES CONNAUGHTON
Chair

SUBJECT: COOPERATING AGENCIES IN IMPLEMENTING THE PROCEDURAL
REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT

The purpose of this Memorandum is to ensure that all Federal agencies are actively considering designation of Federal and non-federal cooperating agencies in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), and to ensure that Federal agencies actively participate as cooperating agencies in other agency's NEPA processes.¹ The CEQ regulations addressing cooperating agencies status (40 C.F.R. §§ 1501.6 & 1508.5) implement the NEPA mandate that Federal agencies responsible for preparing NEPA analyses and documentation do so "in cooperation with State and local governments" and other agencies with jurisdiction by law or special expertise. (42 U.S.C. §§ 4331(a), 4332(2)). Despite previous memoranda and guidance from CEQ, some agencies remain reluctant to engage other Federal and non-federal agencies as a cooperating agency.² In addition, some Federal agencies remain reluctant to assume the role of a cooperating agency, resulting in an inconsistent implementation of NEPA.

Studies regarding the efficiency, effectiveness, and value of NEPA analyses conclude that stakeholder involvement is important in ensuring decisionmakers have the environmental information necessary to make informed and timely decisions efficiently.³ Cooperating agency status is a major component of agency stakeholder involvement that neither enlarges nor diminishes the decisionmaking authority of any agency involved in the NEPA process. This

¹ Cooperating agency status under NEPA is not equivalent to other requirements calling for an agency to engage another governmental entity in a consultation or coordination process (e.g., Endangered Species Act section 7, National Historic Preservation Act section 106). Agencies are urged to integrate NEPA requirements with other environmental review and consultation requirements (40 C.F.R. § 1500.2(c)); and reminded that not establishing or ending cooperating agency status does not satisfy or end those other requirements.

² Memorandum for Heads of Federal Agencies, Subject: Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, dated July 28, 1999; Memorandum for Federal NEPA Liaisons, Federal, State, and Local Officials and Other Persons Involved in the NEPA Process, Subject: Questions and Answers About the NEPA Regulations (NEPA's Forty Most Asked Questions), dated March 16, 1981, published at 46 Fed. Reg. 18026 (Mar. 23, 1981), as amended.

³ E.g., *The National Environmental Policy Act – A Study of its Effectiveness After Twenty-Five Years*, CEQ, January 1997

memo does not expand requirements or responsibilities beyond those found in current laws and regulations, nor does it require an agency to provide financial assistance to a cooperating agency.

The benefits of enhanced cooperating agency participation in the preparation of NEPA analyses include: disclosing relevant information early in the analytical process; applying available technical expertise and staff support; avoiding duplication with other Federal, State, Tribal and local procedures; and establishing a mechanism for addressing intergovernmental issues. Other benefits of enhanced cooperating agency participation include fostering intra- and intergovernmental trust (e.g., partnerships at the community level) and a common understanding and appreciation for various governmental roles in the NEPA process, as well as enhancing agencies' ability to adopt environmental documents. It is incumbent on Federal agency officials to identify as early as practicable in the environmental planning process those Federal, State, Tribal and local government agencies that have jurisdiction by law and special expertise with respect to all reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires NEPA analysis.

The Federal agency responsible for the NEPA analysis should determine whether such agencies are interested and appear capable of assuming the responsibilities of becoming a cooperating agency under 40 C.F.R. § 1501.6. Whenever invited Federal, State, Tribal and local agencies elect not to become cooperating agencies, they should still be considered for inclusion in interdisciplinary teams engaged in the NEPA process and on distribution lists for review and comment on the NEPA documents. Federal agencies declining to accept cooperating agency status in whole or in part are obligated to respond to the request and provide a copy of their response to the Council. (40 C.F.R. § 1501.6(c)).

In order to assure that the NEPA process proceeds efficiently, agencies responsible for NEPA analysis are urged to set time limits, identify milestones, assign responsibilities for analysis and documentation, specify the scope and detail of the cooperating agency's contribution, and establish other appropriate ground-rules addressing issues such as availability of pre-decisional information. Agencies are encouraged in appropriate cases to consider documenting their expectations, roles and responsibilities (e.g., Memorandum of Agreement or correspondence). Establishing such a relationship neither creates a requirement nor constitutes a presumption that a lead agency provides financial assistance to a cooperating agency.

Once cooperating agency status has been extended and accepted, circumstances may arise when it is appropriate for either the lead or cooperating agency to consider ending cooperating agency status. This Memorandum provides factors to consider when deciding whether to invite, accept or end cooperating agency status. These factors are neither intended to be all-inclusive nor a rote test. Each determination should be made on a case-by-case basis considering all relevant information and factors, including requirements imposed on State, Tribal and local governments by their governing statutes and authorities. We rely upon you to ensure the reasoned use of agency discretion and to articulate and document the bases for extending, declining or ending cooperating agency status. The basis and determination should be included in the administrative record.

CEQ regulations do not explicitly discuss cooperating agencies in the context of Environmental Assessments (EAs) because of the expectation that EAs will normally be brief, concise documents that would not warrant use of formal cooperating agency status. However, agencies do at times – particularly in the context of integrating compliance with other environmental review laws – develop EAs of greater length and complexity than those required under the CEQ regulations. While we continue to be concerned about needlessly lengthy EAs (that may, at times, indicate the need to prepare an Environmental Impact Statement (EIS)), we recognize that there are times when cooperating agencies will be useful in the context of EAs. For this reason, this guidance is recommended for preparing EAs. However, this guidance does not change the basic distinction between EISs and EAs set forth in the regulations or prior guidance.

To measure our progress in addressing the issue of cooperating agency status, by October 31, 2002 agencies of the Federal government responsible for preparing NEPA analyses (e.g., the lead agency) shall provide the first bi-annual report regarding all EISs and EAs begun during the six-month period between March 1, 2002 and August 31, 2002. This is a periodic reporting requirement with the next report covering the September 2002 – February 2003 period due on April 30, 2003. For EISs, the report shall identify: the title; potential cooperating agencies; agencies invited to participate as cooperating agencies; agencies that requested cooperating agency status; agencies which accepted cooperating agency status; agencies whose cooperating agency status ended; and the current status of the EIS. A sample reporting form is at attachment 2. For EAs, the report shall provide the number of EAs and those involving cooperating agency(s) as described in attachment 2. States, Tribes, and units of local governments that have received authority by Federal law to assume the responsibilities for preparing NEPA analyses are encouraged to comply with these reporting requirements.

If you have any questions concerning this memorandum, please contact Horst G. Greczmiel, Associate Director for NEPA Oversight at 202-395-5750, Horst_Greczmiel@ceq.eop.gov, or 202-456-0753 (fax).

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Factors for Determining Whether to Invite, Decline or End Cooperating Agency Status

1. Jurisdiction by law (40 C.F.R. § 1508.15) – for example, agencies with the authority to grant permits for implementing the action [federal agencies shall be a cooperating agency (1501.6); non-federal agencies may be invited (40 C.F.R. § 1508.5)]:

- Does the agency have the authority to approve a proposal or a portion of a proposal?
- Does the agency have the authority to veto a proposal or a portion of a proposal?
- Does the agency have the authority to finance a proposal or a portion of a proposal?

2. Special expertise (40 C.F.R. § 1508.26) – cooperating agency status for specific purposes linked to special expertise requires more than an interest in a proposed action [federal and non-federal agencies may be requested (40 C.F.R. §§ 1501.6 & 1508.5)]:

- Does the cooperating agency have the expertise needed to help the lead agency meet a statutory responsibility?
- Does the cooperating agency have the expertise developed to carry out an agency mission?
- Does the cooperating agency have the related program expertise or experience?
- Does the cooperating agency have the expertise regarding the proposed actions' relationship to the objectives of regional, State and local land use plans, policies and controls (1502.16(c))?

3. Do the agencies understand what cooperating agency status means and can they legally enter into an agreement to be a cooperating agency?

4. Can the cooperating agency participate during scoping and/or throughout the preparation of the analysis and documentation as necessary and meet milestones established for completing the process?

5. Can the cooperating agency, in a timely manner, aid in:

- identifying significant environmental issues [including aspects of the human environment (40 C.F.R. § 1508.14), including natural, social, economic, energy, urban quality, historic and cultural issues (40 C.F.R. § 1502.16)]?
- eliminating minor issues from further study?
- identifying issues previously the subject of environmental review or study?
- identifying the proposed actions' relationship to the objectives of regional, State and local land use plans, policies and controls (1502.16(c))?

(40 C.F.R. §§ 1501.1(d) and 1501.7)

6. Can the cooperating agency assist in preparing portions of the review and analysis and resolving significant environmental issues to support scheduling and critical milestones?

7. Can the cooperating agency provide resources to support scheduling and critical milestones such as:

- personnel? Consider all forms of assistance (e.g., data gathering; surveying; compilation; research.
- expertise? This includes technical or subject matter expertise.
- funding? Examples include funding for personnel, travel and studies. Normally, the cooperating agency will provide the funding; to the extent available funds permit, the lead agency shall fund or include in budget requests funding for an analyses the lead agency requests from cooperating agencies. Alternatives to travel, such as telephonic or video conferencing, should be considered especially when funding constrains participation.
- models and databases? Consider consistency and compatibility with lead and other cooperating agencies' methodologies.
- facilities, equipment and other services? This type of support is especially relevant for smaller governmental entities with limited budgets.

8. Does the agency provide adequate lead-time for review and do the other agencies provide adequate time for review of documents, issues and analyses? For example, are either the lead or cooperating agencies unable or unwilling to consistently participate in meetings in a timely fashion after adequate time for review of documents, issues and analyses?

9. Can the cooperating agency(s) accept the lead agency's final decisionmaking authority regarding the scope of the analysis, including authority to define the purpose and need for the proposed action? For example, is an agency unable or unwilling to develop information/analysis of alternatives they favor and disfavor?

10. Are the agency(s) able and willing to provide data and rationale underlying the analyses or assessment of alternatives?

11. Does the agency release predecisional information (including working drafts) in a manner that undermines or circumvents the agreement to work cooperatively before publishing draft or final analyses and documents? Disagreeing with the published draft or final analysis should not be a ground for ending cooperating status. Agencies must be alert to situations where state law requires release of information.

12. Does the agency consistently misrepresent the process or the findings presented in the analysis and documentation?

The factors provided for extending cooperating agency status are not intended to be all-inclusive. Moreover, satisfying all the factors is not required and satisfying one may be sufficient. Each determination should be made on a case-by-case basis considering all relevant information and factors.

**Sample Report to the Council on Environmental Quality
on Cooperating Agency (CA) Status
March 1, 2002 to August 31, 2002**

I. Environmental Impact Statements:

	1.	2.	etc.
EIS	(Title of EIS)		
Potential CA	(Name of potential CA)		
Invited CA	(Name of potential CA and basis – identify the jurisdiction by law or special expertise)		
Agency Requesting CA Status	(Name of potential CA and basis – identify the jurisdiction by law or special expertise)		
CAs	(Name of CA engaged in the EIS)		
CA Status not Initiated or Ended	(e.g., name of agency – reason status was not initiated or was ended – see examples listed below)		
Status of EIS	(e.g., begun on mm/dd/yy; DEIS published mm/dd/yy; FEIS published mm/dd/yy; ROD published mm/dd/yy)		

Examples of reasons CA status was not initiated or why it ended:

1. Lack of special expertise – identify the expertise sought by the lead agency and/or offered by the potential cooperating agency).
2. State, Tribal or local entity lacks authority to enter into an agreement to be a CA.
3. Potential CA unable to agree to participate during scoping and/or throughout the preparation of the analysis and documentation as necessary and meet milestones established for completing the process.
4. Potential or active CA unable or unwilling to identify significant issues, eliminate minor issues, identify issues previously studied, or identify conflicts with the objectives of regional, State and local land use plans, policies and controls in a timely manner.
5. Potential or active CA unable or unwilling to assist in preparing portions of the review and analysis and resolving significant environmental issues in a timely manner.
6. Potential or active CA unable or unwilling to provide resources to support scheduling and critical milestones.
7. Agency unable or unwilling to consistently participate in meetings or respond in a timely fashion after adequate time for review of documents, issues and analyses.

8. CA unwilling or unable to accept the lead agency's decisionmaking authority regarding the scope of the analysis, including authority to define the purpose and need for the proposed action or to develop information/analysis of alternatives they favor and disfavor.
9. Agency unable or unwilling to provide data and rationale underlying the analyses or assessment of alternatives.
10. Agency releases predecisional information (including working drafts) in a manner that undermines or circumvents the agreement to work cooperatively before publishing draft or final analyses and documents.
11. Agency consistently misrepresents the process or the findings presented in the analysis and documentation.
12. Other. Identify the other:

Environmental Assessments:

	Total
Number of EAs started during the reporting period	
Number of EAs involving potential CAs	
Number of EAs where agencies were invited to participate	
Number of EAs where agencies requested CA status	
Number of EAs where a CA status was not initiated or was ended for the reasons identified	
Number of EAs involving CAs begun and ongoing during the reporting period	
Number of EAs involving CAs begun and completed during the reporting period	

Appendix B



CHAIRMAN

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

April 10, 2002

MEMORANDUM

TO: JAMES L. CONNAUGHTON
Chairman, Council on Environmental Quality

FROM: HORST G. GRECZMIEL
Associate Director for NEPA Oversight

SUBJECT: APPROVAL OF NATIONAL ENVIRONMENTAL POLICY
ACT TASK FORCE

Request you approve the CEQ National Environmental Policy Act Task Force description, items it will examine and projected products.

Description:

The CEQ NEPA Task Force (NEPA TF) 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. In addition to technology and information security issues, the NEPA TF will focus on the implementation of NEPA with regard to intra- and inter-governmental collaboration and the roles of lead, joint-lead, and cooperating agencies. As it focuses on implementing NEPA, the NEPA TF will specifically examine the relationship of programmatic and tiered analyses. The NEPA TF will examine opportunities for using programmatic analyses; for example, examining performance based alternatives to facilitate decisional outcomes that provide flexibility in selecting alternatives that implement performance standards. The NEPA TF will also examine opportunities to employ adaptive management during program/project/activity implementation and explore opportunities where greater clarity in the regulations or guidance could afford greater efficiencies in analysis and documentation.

The Task Force will examine:

1. Current best practices and opportunities for technology to enhance the process (e.g., data collection, electronic communication with stakeholders, GIS based management, visualization in documentation).
2. Current best practices and protocols to identify and address information security concerns (e.g., handling sensitive infrastructure and operational scenarios) at various stages in the process (assembling administrative record;

- scoping; initial studies and analyses; preparation of draft documents for circulation; receiving and responding to comments; preparation and distribution of final documents).
3. Current best practices and opportunities to improve the NEPA process by examining the use of programmatic analyses to identify and support decisions that provide flexibility, including adaptive management and using environmental management systems, when implementing policy/program/activity decisions.
 4. Current best practices and opportunities to improve intragovernmental and intergovernmental (Tribes, States and local governmental entities) collaboration, by examining how agencies establish:
 - Joint lead agency status.
 - Cooperating agency status.
 - Agency NEPA project preparation teams (e.g., IDT's).
 5. Opportunities to modernize NEPA practices and procedures regarding
 - Establishing categorical exclusions.
 - Management of public comments.
 - Scope of environmental assessments and environmental impact statements.

Projected Products:

The Task Force will provide recommendations for either revising NEPA procedures or developing additional guidance, and develop a best practices publication and forum. The projected products include:

1. Proposed guidance on using technology.
2. Proposed guidance on addressing information security concerns.
3. Recommendations to modernize NEPA practices and procedures that address intra- and inter-governmental collaboration, to include:
 - Relationships between lead, joint-lead, and cooperating agencies;
 - Collaboration without cooperating agency status; and
 - NEPA preparation teams.
4. Recommendations to modernize NEPA practices and procedures regarding:
 - Programmatic analyses and tiering;
 - Performance based alternatives;
 - Adaptive management;
 - Scope of environmental impact statements and assessments;
 - Management of public comments; and
 - Establishing categorical exclusions.
5. Best Practices Publication (pamphlet & web-based) that includes:
 - Technology to facilitate the NEPA process and analyses;
 - Information security (handling sensitive information in NEPA analyses and documentation);
 - Examples of intra- and inter-governmental collaboration;

- Examples of programmatic and tiered analyses that focus on performance based alternatives; and
 - Examples of adaptive management during program/project/activity implementation.
6. Prioritized list of issues that merit further consideration.

Approved: 
James L. Connaughton
Chairman, Council on Environmental Quality

Appendix C



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About the CEQ NEPA Task Force

Horst Greczmiel, the Council on Environmental Quality's Associate Director for NEPA Oversight, is the Director of the Task Force. At CEQ, he is responsible for overseeing and implementing the NEPA and CEQ mandates to ensure that federal agencies integrate environmental values into decision-making. Prior to joining CEQ in 1999, he was an environmental law attorney with Coast Guard Headquarters and the United States Army. In his fourteen years experience with NEPA, he has worked as an EIS team leader and reviewer, and was responsible for policy development and litigation involving environmental planning compliance responsibilities. He has an AB in Government and Law, a JD, and an LLM in Environmental Law.

Anne Norton Miller, Director of the Environmental Protection Agency's (EPA) Office of Federal Activities (OFA), is an agency representative serving part-time with the Task Force as Deputy Director. At EPA, her office is responsible for working with other federal agencies and coordinating EPA's reviews of major federal actions for their potential environmental impact under NEPA and Section 309 of the Clean Air Act. OFA also oversees EPA's own compliance with NEPA and related cross-cutting laws such as the National Historic Preservation Act and the Endangered Species Act, administers the official NEPA filing system for the Council on Environmental Quality, and coordinates the agency's international enforcement and compliance program. In her over thirty year career she has been involved with a number of environmental programs at the field, regional and headquarters levels including wetlands protection, sole source aquifer designation and field investigations. She has an AB in Biology and an MSc in Microbiology.

Rhey Solomon was detailed to CEQ from the U.S. Forest Service, Department of Agriculture where he is the Assistant Director for Ecosystem Management Coordination. He served as Assistant Director of the Task Force until December 31, 2002 and retired from federal service on January 3, 2003. He had twenty-eight years experience with the Forest Service at all levels of the agency: District, Forest, Region, and National Headquarters. Rhey worked as a hydrologist, planner and environmental coordinator at the field level and has lead interdisciplinary teams preparing EISs for projects, programs, and broad agency policies. Rhey also teaches environmental policy and environmental impact analysis at Johns-Hopkins University. He holds both a BS and an MS in Watershed Management.

Mark Colosimo is an agency representative from the Planning and Policy Division at Headquarters, U.S. Army Corps of Engineers. Mark has thirteen years of experience working with NEPA and environmental review processes in the Corps of Engineers Regulatory, Civil Works and Military Programs. Mark's undergraduate degree is in Biology, and he has an MA in Environmental Planning focussed on GIS, an MS in Environmental Science and Policy, and a PhD in Environmental Engineering.

Mary Gary is an agency representative from Environmental Protection Agency's (EPA) Office of Federal Activities, responsible for project support. Since 1994 she has assisted in organizing international and domestic conferences on Environmental Impact Assessment. Prior to joining EPA, Mary was a customer service representative and administrative assistant to the Vice-President of AOL Time Warner Cable TV in New York City.

Patricia E. Haman is an agency representative from the Environmental Protection Agency's Office of Federal Activities (OFA). During her sixteen years with the EPA, Patricia has performed program evaluations, worked on air quality issues and, for the past ten years, served as OFA's liaison to the Department of Transportation in the NEPA Compliance Division. Patricia also serves as the EPA's Historic Preservation Officer. She has a BA in Public Policy and a Masters Degree in Public Administration.

Lee Jessee is a part-time agency representative from the Department of Energy (DOE). At DOE, she is a senior environmental protection specialist in the Office of Environment, Safety and Health, NEPA Policy and Compliance. She has twenty-two years of experience in environmental issues, the last twelve years focusing on NEPA guidance and EIS reviews of highly complex energy research projects. Lee is one of the creators and the site administrator of CEQ's NEPAnet. She previously served on the White House Environmental Technologies Task Force. Lee is administering the NEPA Task Force website and focusing on information management issues to enhance the efficiency and effectiveness of NEPA. Lee holds an AS in Technology (Engr.), BA Public Affairs and graduate studies in Information Systems.

Matthew McMillen is an agency representative from the Department of Transportation's Federal Aviation Administration. He joined the Task Force on July 5, 2002. He is currently an environmental protection specialist with the Federal Aviation Administration's Office of Environment and Energy, developing policy and guidance for the agency's NEPA and other environmental programs. He has twenty years experience as a senior scientist in the private sector directing, managing, performing, and reviewing environmental impact analyses prepared pursuant to NEPA, and preparing NEPA-related guidance. He holds a BS in Environmental Science and an MS in Natural Resource Development.

Michele McRae is an agency Representative from the Department of Interior's U.S. Geological Survey. As a geographer at the USGS for the past six years, Michele specializes in the use of geographic information systems (GIS) for collection, management, and analysis of geospatial data for diverse, interdisciplinary projects. Michele will be working with the task force to explore opportunities for GIS to improve how agencies identify, validate, and analyze environmental data; and to better communicate that information to stakeholders and the general public. She has BS in geology.

Jordon Pope is an agency representative from the Department of Interior's Bureau of Land Management (BLM). He is a senior Planning and NEPA Analyst with BLM, and has worked at all levels of the agency: area; district; state; Denver service center; and national headquarters. Jordon has also worked at the Forest Service and Fish and Wildlife Service. At BLM, he has served as a wildlife management biologist and management specialist, natural resources manager and international affairs chief, and manager at the district and state offices. In his thirty plus year career, Jordon has experience as a resource specialist, supervisor, and manager, and has worked with BLM and other agencies to develop national policies and policy guidance. He has both a BA and a BS in Chemical, Biological and Physical Sciences, and graduate studies in geology.

Ramona Schreiber was an agency representative from the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) until October 11, 2002. At NOAA, she is the environmental protection specialist and NEPA coordinator in the Office of Strategic Planning. Her focus includes national policy implementation, regional project development, and agency training curricula. Ramona brings a comprehensive understanding of environmental policy, coordination, strategic planning and habitat

conservation to the organization. Prior to joining NOAA in 1998, Ramona supported national implementation of marine resource protection policies for the National Marine Fisheries Service since 1993. Ramona has a BA in Biology and MS in Marine Science.

Focus Issues / Team Members

White House | Council on Environmental Quality | CEQ NEPAnet

To submit questions and comments regarding the operation of the NEPA Task Force website, please use the NEPA Task Force Feedback System.



Appendix D

COUNCIL ON ENVIRONMENTAL QUALITY**National Environmental Policy Act Task Force**

AGENCY: Council on Environmental Quality.

ACTION: Notice and request for comments.

SUMMARY: The Council on Environmental Quality (CEQ) has formed a National Environmental Policy Act (NEPA) task force (Task Force) composed of representatives from a variety of Federal agencies. The purpose of the NEPA Task Force is to seek ways to improve and modernize NEPA analyses and documentation and to foster improved coordination among all levels of government and the public. Federal agencies' planning and decision-making processes (analyses conducted and documents produced) using NEPA can obtain higher levels of efficiency, clarity and ease of management through the improved use of existing authorities; better information management; improved interagency and intergovernmental collaboration; and the use of new technologies. CEQ invites comments on the proposed nature and scope of NEPA Task Force activities identified in this notice and solicits examples of effective NEPA implementation practices to develop a publication of case studies including examples of best practices.

DATES: Written comments should be submitted on or before August 23, 2002.

ADDRESSES: Electronic or facsimile comments are preferred because federal offices experience intermittent mail delays from security screening. Electronic written comments can be sent to the NEPA Task Force through the NEPA Task Force link on the CEQ web site at <http://www.whitehouse.gov/ceq>. Written comments may be faxed to the NEPA Task Force at (801) 517-1021. Written comments may also be submitted to the NEPA Task Force, P.O. Box 221150, Salt Lake City, UT 84122. Public comments received by the NEPA Task Force will be available via the NEPA Task Force link on the CEQ web site at <http://www.whitehouse.gov/ceq> after the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Rhey Solomon at (202) 456-5432.

SUPPLEMENTARY INFORMATION: On May 20, 2002, CEQ established a NEPA Task Force to review the current NEPA implementing practices and procedures in the following areas: Technology and information management; interagency

and intergovernmental collaboration including joint-lead processes; programmatic analyses and subsequent tiered documents; and adaptive management. In addition, the NEPA Task Force will look at other NEPA implementation issues such as the level of detail included in agencies' procedures and documentation for promulgating categorical exclusions; the structure and documentation of environmental assessments; and implementation practices that would benefit other agencies. CEQ envisions the information gained and disseminated by the NEPA Task Force will help federal agencies update their practices and procedures and better integrate NEPA into federal agency decision making. At the end of six months, the NEPA Task Force will prepare a publication highlighting case studies and any best practices that prove worthy of broad dissemination. Additionally, the NEPA Task Force will make recommendations to CEQ regarding potential guidance and potential regulatory changes based upon the information collected. Any regulatory changes would require public notice and comment and be published in the Federal Register.

To further the work of the NEPA Task Force, CEQ requests public input on certain aspects of Federal agencies' implementation of the National Environmental Policy Act. To make the best use of comments and further refine the initial topic areas on which the Task Force will focus, please respond to the following questions to help the NEPA Task Force identify current best practices and specific opportunities to enhance the NEPA process. If you are submitting a proposed case study or best practice, please provide a short description of the case or practice and how it responded to the relevant questions below. If you are sending attachments or supporting documents with your comment, please send a hard copy of the documents or an e-mail with them directly attached to ensure delivery and receipt. While URL and web-site links are helpful, please provide the information in your comment and do not rely on URL and web-site links alone. To facilitate managing the comments, please identify the question number(s) to which you are responding in study areas A through F below.

A. Technology, Information Management, and Information Security: The NEPA Task Force will explore opportunities for utilizing information management technologies to enhance the effectiveness and efficiency of the

NEPA process. Specific examples of innovative technical approaches to the assessment and communication of potential environmental impacts are sought. Examples include use of geographic information system (GIS) software, document creation and comment management systems. The handling of sensitive infrastructure and operational information will be reviewed. The Task Force seeks your input on this topic and requests responses to the following questions.

1. Where do you find data and background studies to either prepare NEPA analyses or to provide input or to review and prepare comments on NEPA analyses? The information may include scientific and statistical information in printed or electronic form. Examples include but are not limited to species or wetlands inventories, air quality data, field surveys, predictive models, and trend analyses.

2. What are the barriers or challenges faced in using information technologies in the NEPA process? What factors should be considered in assessing and validating the quality of the information?

3. Do you maintain databases and other sources of environmental information for environmental analyses? Are these information sources standing or project specific? Please describe any protocols or standardization efforts that you feel should be utilized in the development and maintenance of these systems.

4. What information management and retrieval tools do you use to access, query, and manipulate data when preparing analyses or reviewing analyses? What are the key functions and characteristics of these systems?

5. What are your preferred methods of conveying or receiving information about proposed actions and NEPA analyses and for receiving NEPA documents (e.g., paper, CD-ROM, web-site, public meeting, radio, television)? Explain the basis for your preferences.

6. What information management technologies have been particularly effective in communicating with stakeholders about environmental issues and incorporating environmental values into agency planning and decision making (e.g., web sites to gather public input or inform the public about a proposed action or technological tools to manage public comments)? What objections or concerns have been raised concerning the use of tools (e.g., concerns about broad public access)?

7. What factors should be considered in balancing public involvement and information security?

B. Federal and Inter-governmental Collaboration: The NEPA Task Force

will identify current best practices with regard to collaboration among Federal agencies and on an inter-governmental basis with Tribal, State and local governing entities in developing environmental analyses and participating in the NEPA process. The Task Force seeks your input on this topic and requests responses to the following questions (when answering the following questions, please indicate your role and experiences with NEPA).

1. What are the characteristics of an effective joint-lead or cooperating agency relationship/process? Provide example(s) and describe the issues resolved and benefits gained, as well as unresolved issues and obstacles. Such examples may include, but are not limited to, differences in agencies' policies, funding limitations, and public perceptions.

2. What barriers or challenges preclude or hinder the ability to enter into effective collaborative agreements that establish joint-lead or cooperating agency status?

3. What specific areas should be emphasized during training to facilitate joint-lead and cooperating agency status?

C. Programmatic Analysis and Tiering: Opportunities to facilitate timely planning and decision-making to reduce or eliminate redundant and duplicative analyses through the use of programmatic and tiered analyses will be explored. To date, Federal agencies have used programmatic analyses to address a range of issues from facility and land use planning to broad categories of actions, or to sequencing or staging actions. All of these analyses may have subsequent tiered analyses. The Task Force seeks your input on this topic and requests responses to the following questions.

1. What types of issues best lend themselves to programmatic review, and how can they best be addressed in a programmatic analysis to avoid duplication in subsequent tiered analysis? Please provide examples with brief descriptions of the nature of the action or program, decisions made, factors used to evaluate the appropriate depth of the analyses, and the efficiencies realized by the analysis or in subsequent tiers.

2. Please provide examples of how programmatic analyses have been used to develop, maintain and strengthen environmental management systems, and examples of how an existing environmental management system can facilitate and strengthen NEPA analyses. Examples of an environmental management system may include but are not limited to systems certified under ISO 14001 (further information on ISO 14001 can be found on the Web at <http://es.epa.gov/partners/iso/iso.html>).

D. Adaptive Management/Monitoring and Evaluation Plans: The CEQ report, "The National Environmental Policy Act: A Study of Its Effectiveness After Twenty-five Years", recognized that by incorporating adaptive management into their NEPA analyses, agencies can move beyond simple compliance and better target environmental improvement. An adaptive environmental management approach can respond to uncertainty and the limits of knowledge and experience in making decisions. Such an approach allows for approval of an action with uncertain outcomes by establishing performance-based environmental parameters or outcomes and monitoring to ensure that they are achieved. When those parameters or outcomes are not met, corrective changes would be triggered, for instance to ensure that significant environmental degradation does not occur. The Task Force seeks your input on this topic and requests responses to the following questions.

1. What factors are considered when deciding to use an adaptive management approach?

2. How can environmental impact analyses be structured to consider adaptive management?

3. What aspects of adaptive management may, or may not, require subsequent NEPA analyses?

4. What factors should be considered (e.g., cost, timing, staffing needs, environmental risks) when determining what monitoring techniques and levels of monitoring intensity are appropriate during the implementation of an adaptive management regime? How does this differ from current monitoring activities?

E. Categorical Exclusions: Agencies can identify categories of actions that do not individually or cumulatively have a significant effect on the human environment and which, therefore, do not require preparation of an Environmental Assessment or an Environmental Impact Statement. The NEPA Task Force will consider the bases and process for establishing categorical exclusions. The Task Force seeks your input on this topic and requests responses to the following questions.

1. What information, data studies, etc., should be required as the basis for establishing a categorical exclusion?

2. What points of comparison could an agency use when reviewing another agency's use of a similar categorical exclusion in order to establish a new categorical exclusion?

3. Are improvements needed in the process that agencies use to establish a new categorical exclusion? If so, please describe them.

F. Additional Areas for Consideration: In addition to the topics described above, the NEPA Task Force will consider comments on NEPA practices that would improve and modernize NEPA implementation.

For example, the NEPA Task Force requests public comment on the appropriate utility of and structure of format for environmental assessment documents.

The NEPA Task Force will use the information and comments it receives to identify, evaluate, and make recommendations on improving NEPA implementation and to prepare case studies that include examples of best practices.

Public comments are requested by August 23, 2002.

Dated: July 2, 2002.

James L. Connaughton,
Chairman, Council on Environmental Quality.

[FR Doc. 02-17082 Filed 7-8-02; 8:45 am]

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Appendix E

COUNCIL ON ENVIRONMENTAL QUALITY**National Environmental Policy Act Task Force****AGENCY:** Council on Environmental Quality.**ACTION:** Notice extending comment period.

SUMMARY: By Federal Register notice of July 9, 2002 (67 FR 45510-45512), the Council on Environmental Quality (CEQ) notified interested parties it had formed a National Environmental Policy Act (NEPA) task force (Task Force) and invited comment on the proposed nature and scope of NEPA Task Force activities. The Task Force seeks ways to improve and modernize NEPA analyses and documentation and foster improved coordination among all levels of government and the public, and solicits examples of effected NEPA implementation practices to develop a publication of case studies including examples of best practices.

Interested parties have requested that CEQ extend the public comment. The deadline for comments was August 23, 2002. By this notice, CEQ is extending the public comment period to September 23, 2002. Although the time for comments has been extended, CEQ

requests that interested parties provide information about examples of effective NEPA implementation practices and examples of best practices as soon as possible.

DATES: Written comments should be submitted on or before September 23, 2002.

ADDRESSES: Electronic or facsimile comments are preferred because federal offices experience intermittent mail delays from security screening. Electronic written comments can be sent to the NEPA Task Force through the Web site at <http://ceq.eh.doe.gov/ntf/> which provides a form for responding to questions posed in the July 9, 2002, notice as well as a direct electronic mail link to ceq_nepa@fs.fed.us. Written comments may be faxed to the NEPA Task Force at (801) 517-1021. Written comments may also be submitted to the NEPA Task Force, P.O. Box 221150, Salt Lake City, UT 84122.

FOR FURTHER INFORMATION CONTACT: Rhey Solomon by phone at (202) 456-5432.

SUPPLEMENTARY INFORMATION: On July 9, 2002, CEQ published notice in the Federal Register requesting public comment on current NEPA implementing practices and procedures in the following areas: technology, information management, and

information security; federal and intergovernmental collaboration; programmatic and tiered analyses; and adaptive management and monitoring and evaluation plans. In addition, it was announced that the NEPA Task Force would look at other NEPA implementation issues such as the level of detail included in agencies' procedures and documentation for promulgating categorical exclusions, the utility and structure of format for environmental assessment documents, and implementation practices that would benefit other agencies.

A number of interest groups and individuals have requested that CEQ extend the public comment period. The Council believes that by extending the comment period a better collection of best practices can be assembled and greater in-depth responses will result to the questions posed in the Federal Register notice of July 9, 2002 (67 FR 45510-45512). Therefore, the comment period is being extended by 30 days.

Public comments are requested by September 23, 2002.

Dated: August 14, 2002.

James L. Connaughton,
Chairman, Council on Environmental Quality.

[FR Doc. 02-21038 Filed 8-19-02; 8:45 am]

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