



State of Utah

**Department of
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February 3, 2006

NEPA Draft Report Comments
C/o NEPA Task Force
Committee on Resources
1324 Longworth House Office Building
Washington, DC 20001

Re: Comments on the Initial Findings and Recommendations of the Task Force on Improving the National Environmental Policy Act and Task Force on Updating the National Environmental Policy Act (NEPA)

To Whom It May Concern:

The Utah Division of Oil, Gas and Mining provides the following statements concerning the Initial Findings and Recommendations of the Task Force on Improving the National Environmental Policy Act and Task Force on Updating the National Environmental Policy Act (NEPA). The comments focus primarily on the Draft Recommendations of the initial report.

GROUP 1 - Addressing Delays

- a. Amend NEPA to define major federal action.
- b. Amend NEPA to add mandatory timelines for the completion of NEPA documents.
- c. Amend to create unambiguous criteria for CE, EA and EIS.
- d. Amend to address supplemental NEPA documents.

COMMENTS

- a. Delay could be eliminated in certain agencies such as the Forest Service if a major federal action was clearly defined. But for many agencies this might not be appropriate such as the FHA.
- b. Mandatory time lines could help as long as there was a provision to add time to the review process when most or a majority of parties agree it is necessary.
- c. No comment.
- d. No comment.

GROUP 2 - Enhancing Public Involvement

- a. Direct CEQ to give weight to localized comments.
- b. Amend to codify EIS page limits.

COMMENTS

- a. This is a long running public lands policy debate, and the real issues and questions will arise in determining how such prioritization will be carried out.
- b. Page limits are a good idea in concept, but there are instances where a mandated page limit could prove unworkable and exception provisions should be included.

GROUP 3 – Better Involvement for State, Local and Tribal Stakeholders

- a. Amend to grant state, local and tribal stakeholders cooperating agency status.
- b. Direct CEQ to prepare regs that allow existing state env review process to satisfy NEPA.

COMMENTS

- a. Precautions should be taken that increasing the number of cooperating agencies does not lengthen the process. This sounds noble, but may be practically unfeasible.
- b. No comment.

GROUP 4 - Addressing Litigation Issues

- a. Amend to provide Citizen Suit provision.
- b. Amend to add pre clear process.

COMMENTS

- a. Citizens already have ample opportunity to file suit at this time. It should be made clear with this recommendation that the intent is to clarify and limit the filed suits to only clearly applicable and relevant issues.
- b. No comment.

GROUP 5 – Clarifying Alternative Analysis

- a. Amend to limit reasonable alternatives to those technically and economically feasible.
- b. Amend to clarify that NO ACTION must be included.
- c. Direct CEQ to make mitigation mandatory.

COMMENTS

- a. Most agencies already have this provision in their rules. It could help to require that all agencies use this criterion.
- b. Same as comment on a.
- c. If mitigation with a binding commitment were required to be included in the proposed action, it would streamline the process. This could be workable.

GROUP 6 - Better Federal Agency Coordination

- a. Direct CEQ to encourage more consultation with stakeholders
- b. Amend to codify CEQ regulations regarding lead agencies

COMMENTS

- a. Better federal agency coordination should require agencies to cooperate to eliminate duplication and delay. State, local and tribal stakeholders should not be held captive by bureaucratic delays caused when federal agency rules contradict each other. However requiring agencies to “periodically consult in a formal sense with interested parties throughout the NEPA process” may only increase delay.
- b. No comment.

GROUP 7 - Additional Authority for CEQ

- a. Amend to create NEPA Ombudsman within CEQ.
- b. Direct CEQ to control costs.

COMMENTS

No comments – these could be useful.

GROUP 8 – Clarify Cumulative Impacts

- a. Amend to clarify how agencies assess effects of past actions cumulative impacts.
- b. Direct CEQ to make clear which type of future actions should be considered under cumulative impact analysis.

COMMENTS

No comments – these could be useful.

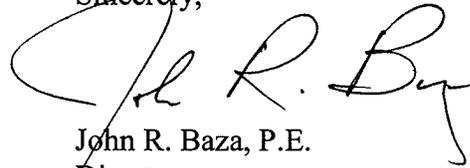
GROUP 9 - Studies

- a. CEQ study of NEPA's interaction with other environmental laws:
 - a. Interaction.
 - b. Amount of duplication/overlap – how to eliminate.
- b. Current federal agency NEPA staffing issues.
- c. CEQ study of NEPA's interaction with state NEPA's.

COMMENTS

No comments – these could be useful.

Sincerely,



John R. Baza, P.E.
Director