



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 6, 2006

NEPA Draft Report Comments
c/o NEPA Task Force
Committee on Resources
1234 Longworth House Office Building
Washington, DC 20515

Dear NEPA Task Force Members:

Thank you for the opportunity to comment on the *Initial Findings and Draft Recommendations* for improving and updating the National Environmental Policy Act (NEPA). The Task Force members should be commended for the work that has been done to evaluate the NEPA process and their efforts to present the range of perspectives and information that was gathered.

Washington State has a State Environmental Policy Act (SEPA) that was initially modeled after NEPA with almost identical purpose and intent statements and similar review processes. The Department of Ecology has been implementing SEPA for over thirty years and has used NEPA experiences and guidance documents to help develop SEPA requirements.

We believe some of the Task Force recommendations will undermine the main objectives of NEPA. We are particularly concerned about the proposed changes to the selection and analysis of alternatives. Identifying the range of reasonable alternatives should be based on the likely effect to the environment and human health, not on economic feasibility. Limiting the alternatives with an economic feasibility litmus test will prevent decision-makers from weighing and balancing economic, environmental, social and other trade-offs.

We are also concerned about the proposed changes to cumulative impact analysis. A key aspect of a cumulative effects analysis is to understand the long-term consequences of the proposal in context with other actions, both past and future. Limiting the analysis of past actions or future projects will not provide an accurate analysis of the likely effects of the proposal on environmental resources.

Specific comments on the Task Force recommendations are enclosed. Also enclosed are detailed comments from the Department of Ecology's Nuclear Waste Program. This program has had extensive experience working with NEPA and SEPA at the Hanford Nuclear Waste Site and has provided some good insights into the NEPA process. Comments from the Washington State Department of Fish and Wildlife are also enclosed for your consideration.



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Again, thank you for the opportunity to comment on the draft report. We look forward to future opportunities to participate in the NEPA Task Force's activities. If you have any questions, please call Barbara Ritchie at 360-407-6922.

Sincerely,

A handwritten signature in cursive script that reads "Polly Zehm".

Polly Zehm, Deputy Director
Washington State Dept. of Ecology

Enclosures (3)

cc: See attached list

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cc: U.S. Representative Jay Inslee
U.S. Representative Rick Larsen
U.S. Representative Brian Baird
U.S. Representative Doc Hastings
U.S. Representative Cathy McMorris
U.S. Representative Norm Dicks
U.S. Representative Jim McDermott
U.S. Representative Dave Reichert
U.S. Representative Adam Smith
U.S. Senator Maria Cantwell
U.S. Senator Patty Murray
Keith Phillips, WA State Governor's Office
Armand Minthorn, Confederated Tribes of the Umatilla Indian Reservation
Scott Harris, Confederated Tribes of the Umatilla Indian Reservation
Russell Jim, Confederated Tribes and Bands of the Yakima Nation
Ken Niles, Oregon Dept. of Energy
Laura Cusack, WA Dept. of Ecology
Barbara Ritchie, WA Dept. of Ecology
Teresa Eturaspe, WA Dept. of Fish and Wildlife
Carol Lee Roalkvam, WA Dept. of Transportation
Cynthia Pratt, WA Dept of Natural Resources
Jeanie Loving, US Dept. of Energy