



American Association of
State Highway and
Transportation Officials

Victor Mendez, President
Director
Arizona Department of Transportation

John Horsley
Executive Director

March 30, 2007

Mr. Horst Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, DC 20503

Re: AASHTO Comments on the Proposed Council on Environmental Quality Publication, "A Citizen's Guide to the National Environmental Policy Act-Having Your Voice Heard"

Dear Mr. Greczmiel:

The American Association of State Highway and Transportation Officials (AASHTO) is grateful for the opportunity to comment on the proposed Council on Environmental Quality Citizen's Guide to the National Environmental Policy Act. Notice of the availability of the proposed Guide for public comment was published in the February 21, 2007 Federal Register (FR Doc.E7-2854 Filed 2-20-07) and comments are requested by March 30, 2007.

General Comments

1. We commend the Council on Environmental Quality (CEQ) and its National Environmental Policy Act Task Force for preparing the Guide to explain the National Environmental Policy (NEPA) and the various types of environmental analyses federal agencies conduct and document prior to making federal decisions. Our member organizations conduct thousands of NEPA and related analyses for transportation improvement projects each year and welcome such a guide to help them explain to citizens how to effectively participate in the environmental review process.
2. The Guide is easy to read and understand. We suggest that some technical editing be done to enhance its overall quality and readability. The generic NEPA Process Flow Chart and references to the chart in the text make it easy to see the major steps of the Categorical Exclusion (CE), Environmental Assessment (EA), and Environmental Impact Statement (EIS) analyses and documentation. The footnotes and sidebars provide key information to enhance the citizen's understanding of the NEPA process. The internet website references enable the citizen's to easily locate NEPA and related information from a wide range of organizations.



3. Although we commented above that the Guide is easy to read and understand, we believe that a supplemental document in the form of a fold-out brochure version of the Guide would be used far more by citizens than the Guide itself. A brochure version of the Guide could include a color-coded NEPA process chart and identify the keys to meaningful and effective citizen involvement in the NEPA process. The brochure version of the Guide could be downloadable and printed in large quantities much more economically than a 35 to 40 page document. We suggest that consideration be given to producing a brochure version of the Guide.
4. The Appendices to the Guide enhance its usefulness by providing readily accessible information to supplement the contents of the Guide in key areas.
5. The Guide offers some excellent public involvement principles such as: effective involvement, getting involved early; not considering comments on a proposal a "Vote"; and making comments that are "clear, concise, and on-point and relevant to the analysis of the proposed action". Also, the Guide offers useful tips on what to do if the citizen's involvement in the NEPA process is not going well.
6. The Guide supports the AASHTO Context-Sensitive Solutions (CSS) initiative by encouraging citizens to be proactive in: understanding the project purpose and need; providing information on the human and natural environment; and making comments that are solution oriented and contribute to developing alternatives that effectively address purpose and need. Via the CSS approach, citizens can help shape alternatives to protect and enhance their environs.
7. The Guide promotes the use of integrated or concurrent permitting and NEPA processes. The AASHTO member organizations and their regulatory and resource agency partners have worked extensively together to develop and implement integrated or concurrent decision-making processes such as: NEPA/Section 404, NEPA/Section 106, NEPA/Section 4(f), and NEPA/Endangered Species Act.
8. The Guide supports the AASHTO Environmental Management System initiative by informing citizens of Executive Order 13148, "Strengthening Federal Environmental, Energy, and Transportation Management." Several AASHTO member organizations are voluntarily developing and implementing Environmental Management Systems to continuously improve and sustain their business and environmental performance.
9. The Guide encourages early involvement in the NEPA process, but does not mention early involvement in pre-NEPA decision-making processes that occurs before NEPA requirements apply. For example, many decisions are made as part of land use, land management, and transportation planning before the NEPA process is initiated. These pre-NEPA decisions often set the stage for the NEPA process in identifying the proposal purpose and need, the range of reasonable alternatives, important environmental issues, areas of potential public controversy, and the conceptual mitigation strategies. When citizens are involved in the pre-NEPA decision processes, the NEPA process can benefit by building on the earlier decisions made in the planning phase which address citizen concerns. In the transportation sector, the statewide, metropolitan, and rural area planning activities are excellent opportunities for citizens to get involved in proposals before they enter the NEPA process. We suggest that language be added to describe the pre-NEPA decision-making processes and how citizens get involved in these processes.

10. As a possible reference in the Guide, we would like to call your attention to the AASHTO Practitioner's Handbook 05-Utilizing Community Advisory Committees for NEPA Studies published in December 2006. The Handbook defines a Citizen Advisory Committee as a public participation technique that can be employed to gain stakeholder feedback, identify and resolve local concerns, and build community support during the pre-NEPA and NEPA decision-making processes. The Practitioner's Handbooks are produced by the AASHTO Center for Environmental Excellence. They provide practical advice on a range of environmental issues that arise during the planning, development, and operation of transportation projects. They are easily accessed on the Center website at: <http://environment.transportation.org>.

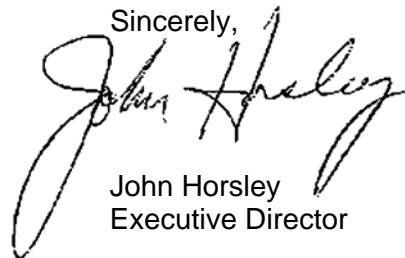
Section-by-Section Comments

1. Purpose of the Guide, Background on NEPA, Page 1, Paragraph 2, Sentence 2-We suggest adding the words, "and mitigation" in the sentence after the words, "environmental effects." We believe that it is important for citizens to offer their thoughts on the mitigation as well as the effects.

2. When and How to Get Involved, Other Processes that Require Public Involvement, Page 18, Paragraph 2-This section does not describe the local and state NEPA-like processes that are implemented in parallel to the federal NEPA process. For example, the California Environmental Quality Act (CEQA) and other similar state legislation require environmental analysis and citizen involvement for federal and non-federal actions. We suggest that language be added to describe the existence of the state NEPA-like processes and their relationship to the NEPA process.

3. When and How to Get Involved, How to Comment, Page 20, First Full Sentence 1-We suggest that this sentence read, "In drafting comments, try to focus on the purpose and need of the proposed action, the proposed alternatives, the assessment of the environmental impacts of those alternatives, and the proposed mitigation."

Thank you again for the opportunity to provide these comments. Please do not hesitate to contact Shannon Eggleston at (202) 624-3649 if you have any questions or would like to discuss these comments further.

Sincerely,

John Horsley
Executive Director