August 3, 2004

Office of Safety and Envir
Management Directorate
Dept of Homeland Security
Washington, DC 20528

Dear Office of Safety and Envir,

Proposed Management Directive 5100.1, Environmental Planning Program 69 Fed. Reg. 33044

The Department of Homeland Security's (DHS) proposed directive regarding implementation of the National Environmental Policy Act (NEPA) would erode the environmental protection policies as well as curtail public participation and disclosure provisions currently required by NEPA. Changes to the directive are needed to ensure citizens and policymakers are fully informed of potential health and safety issues that could affect their quality of life as well as viability of wildlife habitat. Please strike the language that would allow for the broad use of categorical exclusions and eliminate the provision that would allow for the withholding of NEPA documents as classified or protected information.

Categorical exclusions (CEs) under NEPA are for activities that by their nature do not impact the environment. DHS's proposal, however, would give CE status to activities that can have significant adverse effects on the environment and communities, such as waste disposal; emergency response training; aircraft operations; barriers and fences; remote video surveillance; and logging. Public review of these and other activities should occur before these activities proceed in order to determine their potential adverse impacts. They should not, as DHS proposes, be removed completely from the review and public participation that NEPA requires.

Sincerely,

Jonathan Vestal