

To: Environmental Planning, Office of Safety and
Environment, Management Directorate, Department of Homeland Security,
Washington, D.C. 20528

Mr. David Reese, Office of Safety and
Environment, Department of Homeland Security

Faxed: (202) 772-9749, July 12th, 2004

Subject: Department of Homeland Security draft directive
containing policy and procedures for implementing the National
Environmental Policy Act of 1969 (NEPA), as amended, Executive Order
11514, as amended, Executive Order 12114, and Council on Environmental
Quality (CEQ) regulations for implementing the procedural provisions of
NEPA (40 CFR parts 1500-1508).

From: Greg and Mary Tilford

We request to be contacted with further notices regarding this issue.

If finalized, this proposal would carve a major loophole in the 34-year-old
law which is the keystone of much modern environmental law — the National
Environmental Policy Act. NEPA required that the federal government
publicly disclose the environmental impacts of major federal actions before they
are taken.

The DHS initiative was published as a "proposed directive" in the Federal
Register of June 14, 2004 (pages 33043-33066). The proposal is currently
open for public comment; the deadline for submitting comments is July 14,
2004.

The directive applies only to DHS actions, but these actually cover a broad
array of topics that environmental reporters might cover. DHS jurisdiction
includes things ranging from oil spills (Coast Guard); hazmat and hazardous
transportation; flood plain designation (FEMA); and chemical plant security;
to standards for cleanup after a nuclear accident.

The directive would restrict access to part or all of some Environmental
Impact Statements (and Assessments). It includes provisions for
segregating the portions DHS does not want to publish and publishing
the rest. It also would allow DHS to redact (black out) the whole document if it chooses.

**The above proposed directive should NOT be implemented and Department of
Homeland Security should not interfere or change the way NEPA presently works.**

Sometimes the documents that support the conclusions and findings in an
EIS are as important as the EIS itself. The directive would apply to them, too.
Without them, it is often impossible for journalists or public to challenge
effectively the findings in an EIS.