

**NATIONAL CAPITAL PLANNING COMMISSION
NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS
RESPONSE TO PUBLIC COMMENTS**

Submitter	Comment	Response
1. The General Services Administration (GSA)	a. § 601.5(3): Amend this section to allow the Lead Agency the discretion to determine whether to invite "interested parties" to participate as a Cooperating Agency. GSA does not extend role to most "interested parties".	This section has been revised to delete the term "interested parties" as CEQ does not include this term in its definition.
	b. § 601.5(13): GSA questions NCPC's authority to make a final determination as to whether the Lead Agency's NEPA document requires updating. It maintains NCPC has only two options: adopt Lead Agency NEPA document or prepare its own.	In addition to preparing its own NEPA document, the National Capital Planning Commission (NCPC or Commission) has the option of declining to entertain the application if it believes an agency's NEPA document is stale. This would not be NCPC's preference, but it is an option. Language of referenced section has been changed to reflect this fact.
	c. § 601.7(a)(6): Does not support concept of NCPC co-signing Lead Agency FONSI or ROD. Recommends language "At the Lead Agency's discretion".	The ability to co-sign another agency's FONSI or ROD is discretionary as indicated by the use of the word "may". However, if both agencies agree on the contents of a FONSI or ROD, it makes no sense for NCPC to prepare a duplicate document for NCPC to sign. Obviously, if the two agencies have different reasons for reaching a FONSI or ROD, co-signature is not an option, and each agency will need to prepare and sign its own document. Co-signature is also not an option if there is disagreement over the ability to reach a FONSI or ROD. This disagreement points to problems with the NEPA document that must be resolved before the project can be presented to the

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		Commission. Finally, GSA's resistance to the approach does not advance the Administration's goal of streamlining the regulatory process especially NEPA.
	d. § 601.3: Use of the term "Public Scoping" is confusing. Recommends use of the defined term "Scope" in definition section to avoid confusion.	NCPC disagrees that the term "Public Scoping" is confusing. The term has been retained.
	e. §§ 601.9(b)-(c): Initiating the Public Scoping process at concept site review is too early. Public scoping process should be concluded prior to concept design review. Recommend addition of language indicating applicant will advise NCPC of conclusion of the scoping process prior to concept design review of the preferred site.	For a commemorative works application, the NEPA scoping process for a commemorative work is conducted in two stages: scoping for site selection and scoping for design of the commemorative work. Public Scoping for the site is not too early at the concept site review stage.
	f. § 601.16(b): Same comment as (c) above. Recommend addition of language "at the Lead Agency's discretion" at the end of the first sentence in the paragraph.	See response to 1.c above.
	g. § 601.25(d): Same comment as (c) and (f) above. Recommend addition of language "at the Lead Agency's discretion" in the first sentence.	See response to 1.c above.

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2. The Department of Interior and the National Park Service (NPS)	a. Commends NCPC for moving the timing of NEPA completion to coincide with final approval.	No response required.
	b. Advised NPS policies prohibit co-signing of FONSI's.	See response to 1.c above.
	c. § 601.12(m): Supports NCPC use of another agency's CATEX when NCPC lacks an applicable CATEX.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.
3. NASA Goddard (NASA)	Asked general questions about Master Plan preparation process.	No response required. Staff agreed to speak off-line with NASA regarding the Master Plan Process.
4. Smithsonian Institution	a. § 601.3: Replace the term "Federal Agency" and "Non-federal Agency" with "Executive Agency" and "Non-executive Agency" to avoid confusion.	NCPC disagrees with changing the term as suggested. The use of the term "Executive Agency" and "Non-executive Agency" is inconsistent with the terminology of the National Capital Planning Act (40 U.S.C. § 8701 et seq.) which consistently uses the term "federal" to refer to federal agencies. However, changes have been made to the definition of Non-federal Agencies to indicate this designation only applies for purposes of NCPC's NEPA regulations.
	b. § 601.3: 601.5(b): Supports the concept of a Memorandum of Understanding (MOU).	No response necessary. Note: The term MOU has been replaced with the term "Memorandum of Agreement" (MOA) as part of the revisions

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		made following closure of the public comment period. NCPC believes the term MOA is more indicative of a binding agreement.
	c. § 601.7(c): Indicates it would not be cost efficient to require NCPC retention of a contractor funded by Smithsonian to undertake NEPA work. A contractor working outside Smithsonian's A&E team adds unnecessary complexity, is likely to delay projects, increases project costs, and strains the resources of both Smithsonian and NCPC staffs.	The referenced provision has been eliminated. The revised treatment of Non-federal Agency applications (described in 8.j below) eliminates the need for a NCPC-retained contractor funded by the Smithsonian.
	d. § 601.11(b): The ability to apply a CATEX in circumstances where the Section 106 process has resolved significant impacts suffers from a timing defect. It may not be possible to resolve impacts on historic resources at the stage when a decision on a CATEX must be made (Concept Review per Submission Guidelines). Suggests adding language to the section so it reads as follows: "A reasonable likelihood of significant impacts on sensitive resources unless the impact has been or is reasonably likely to be resolved through another process to include, without limitation, Section 106 of the NHPA . . . "	The recommended change has been made albeit in slightly revised form to address a CEQ comment.

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5. Washington Metropolitan Transit Authority (WMATA)	a. §§ 601.7(a)(6), 601.16(b), and 601.25(d): WMATA relies on the sponsoring agency to undertake NEPA and NHPA section 106 processes. It cannot advise on sponsoring agency's position on co-signing FONSI's or RODs.	NCPC understands WMATA's inability to commit to this approach. However, please see response to 1.c above.
	b. § 601.7(c): Raised the issue of NCPC's expectations regarding technical and financial resources contributed by Non-federal Agency.	When WMATA undertakes projects on a federal agency's property, the federal agency is responsible for preparation of the NEPA document. When WMATA submits an application to NCPC pursuant to its organic authority (D.C. ST § 9-1107.01.14(a)), NCPC's role is advisory. An advisory role does not trigger NEPA.
	c. Questioned how to coordinate NEPA and the National Historic Preservation (NHPA) Section 106 process. Frequently sees alternative development not reflected in Section 106 process.	NCPC has declined to reference NHPA regulations in its NEPA regulations. For information on how to coordinate the two processes, WMATA is advised to visit the Advisory Council on Historic Preservation's (ACHP) website where there is a guidance document on integrating NEPA and Section 106 of the NHPA.
6. National Trust for Historic Preservation	a. §§ 601.5 and 601.7: Generally agrees with elimination of NHPA regulations except it recommends adding language that makes the Lead Agency for NEPA also the Lead Agency for the Section 106 process and a Cooperating Agency for the NEPA process also a Consulting Party for the Section 106 process.	NCPC believes it is inappropriate to assign NHPA Section 106 roles in its NEPA regulations. This is not where impacted parties and members of the public would look for guidance on NHPA Section 106 roles.

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	b. Notes a discrepancy between the number of CATEX referenced in the section-by-section analysis of the Federal Register notice (10) and a list of 18 CATEX in the proposed regulations. Requests clarification.	The number of CATEXs in the Notice of Proposed Rulemaking is 18. The reference to 10 in the Preamble of the Federal Register Notice is a typographical error. However, in the final regulations, the number has been reduced to 13 as all CATEXs relying on the CATEX of another agency have been deleted. See response to 6.c below.
	c. § 601.12(e): Recommends deletion of this CATEX. Reliance on a District EA as the basis for applying a CATEX may allow massive District projects to proceed without the benefit of a stringent environmental review.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.
	d. § 601.12(j): To ensure that all the standards for applying the applicable CATEX apply, use the word "and" between each condition. Also, replace the phrase "at the Facility" with a reference to "traffic in the surrounding area."	Language to the introductory paragraph has been added stating the CATEX only applies "when all of the following apply." (Note: All of the CATEXs have been renumbered using numerals versus alphabetic letters to accommodate the introductory paragraph.) The term "at the Facility" has been replaced with the phrase "in the vicinity of the facility" at the recommendation of CEQ.

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	<p>§ 601.11(b)(2): Objects to this extraordinary circumstance that negates the ability to apply a CATEX when "there is a reasonable likelihood of significant environmental impacts unless the impacts have been resolved through another process to include...Section 106." Resolution is a regulatory term under Section 106 and refers to a MOA or PA which in no way ensures elimination of significant environmental impacts on sensitive resources. Also, the existence of a signed MOA or PA in itself may not be sufficient to resolve effects under Section 106 regardless of the magnitude of harm or destruction to historic resources caused by the project. Recommend replacing the word "resolve" with "negated" or "reduced to an insignificant level."</p>	<p>The Word "resolved" has been eliminated and phrase "avoided, minimized, or mitigated" used instead. Also, the comment reflects a misunderstanding of how this section works. If one of the enumerated environmentally sensitive resources is present, a CATEX cannot be applied. The one exception is historic resources. If these are the only environmentally sensitive resources implicated, and impacts can be avoided, minimized, or mitigated through the Section 106 process, then a NEPA CATEX may be applied. The idea is to streamline the NEPA process and avoid duplication.</p>
	<p>f. § 601.19(d): The list of characteristics that indicate significant impacts requiring an EIS should be separated by the word "or" to ensure each item by itself characterizes a significant impact.</p>	<p>The phrase "at least one" has been inserted to make clear that each item itself is sufficient to trigger an EIS.</p>
<p>7. The Committee of 100 on the Federal City (Committee of 100)</p>	<p>a. Suggests elimination of NHPA procedures adversely impacts the interconnectedness between NEPA and historic preservation and sends a message that NEPA and NHPA are separate, sequential processes. Where possible, underscore the connection between the two.</p>	<p>NCPC's decision to eliminate NHPA references is not intended to slight the historic preservation process. Section 601.2(d) articulates a clear policy of integrating NEPA and NHPA. Further, this section includes an endnote to a reference to ACHP's guidance document on integrating NEPA and NHPA.</p>

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	b. The proposed rule is silent on NCPC's administrative processes, criteria, and procedures for triggering a CATEX. No indication of level at which decision is made, how the decision is made and how or if the public is involved. Better approach is to spell process out.	Among the Commission's official delegations is one conferring administrative responsibility for NEPA on the Executive Director. In the future, owing to a redesign of NCPC's website, the delegations will be listed on the website. The Executive Director's decision, how and when it is made, and how the public is notified of the decision is set forth in §§ 601.11(c) and 601.12(b).
	c. The proposed regulations are silent on goals, criteria, and processes for a meaningful public role. Encourage incorporation of meaningful public participation policy and goals.	NCPC believes there is ample opportunity for public involvement in the NEPA process incorporated into the regulations. See, §§ 601.2(h), 601.15(b)-(d), 601.16(c), 601.23(a)-(c), 601.24((b), and 601.25(b).
8. Unaffiliated Member of the Public	a. § 601.2(d): Add reference to CEQ Handbook on integrating NEPA and NHPA.	Although an end note referring parties to the ACHP website was originally added, CEQ recommended its deletion.
	b. § 601.2: Add new paragraph in the referenced section as follows: "use where helpful and appropriate NEPA guidance documents".	Although an end note referring parties to the CEQ website was originally added, CEQ recommended its deletion.
	c. § 601.2(h): Add the following language at the end of the sentence "and assure orderly and effective NCPC decision-making." as this is another important purpose of NEPA.	The recommended language has been added.

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	d. § 601.3: The definition of a CATEX should be revised to state that if there are extraordinary circumstances present, a CATEX cannot be applied.	The definition of a CATEX has been revised in response to the recommendation. The definition of extraordinary circumstances has also been revised to reflect this fact. Further, § 601.11 has been revised to state a CATEX may not be applied if an extraordinary circumstance applies.
	e. § 601.3: Certain of the agencies defined as Non-federal are considered Federal Agencies for some purposes and Non-federal Agencies for others. To avoid confusion, the regulations should specify NCPC considers them Non-federal for purposes of NEPA.	The recommended language has been added.
	f. § 601.3: NCPC should maintain on its website an on-going list of Non-federal Agencies for the purposes of NEPA. This will keep the public informed of what agencies NCPC is treating as Non-federal Agencies.	NCPC believes it has defined all Non-federal Agencies. The language "without limitation" was added as a safeguard. In the event new Non-federal Agencies are identified in the future, NCPC will provide website notification.
	g. § 601.3: NCPC should commit to make all NOAs available on the NCPC website in addition to publication in the Federal Register.	The recommended reference was not made in response to a CEQ recommendation. However, as a practical matter, the NOA will be placed on the NCPC website.

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	h. NCPC should provide notice on its website of an NOI with a link to the Federal Register site for the NOI.	Reference to website posting added to §§ 601.15(c) and 601.23(b)(2).
	i. § 601.3: Add a definition of "purpose and need" to the regulations since this informs evaluation of alternatives and selection of the acceptable alternatives. Recommended language (which deviates slightly from CEQ definition) "the underlying purpose and need to which the agency is responding in proposing the project and alternatives including the proposed action; what the agency hopes to accomplish by the action."	The CEQ definition of purpose and need has been added to the definition section with a slight revision requested by CEQ.
	j. § 601.7(c): The cited section designates a Non-federal Agency as a Cooperating Agency. This is contrary to CEQ regulations. NCPC must reconsider how it wants to treat Non-federal Agencies.	Two identified Non-federal Agencies - the District of Columbia Government and the Maryland National Capital Parks and Planning Commission - are eligible for Cooperating Agency status pursuant to 40 C.F.R. § 1508.5. The comment is correct that other identified Non-federal Agencies do not qualify for this status. Accordingly, NCPC proposes to revise its approach for these non-qualifying agencies to enter into a MOA (renamed from a MOU) with NCPC. The MOA will specify, among others, what information the Non-federal Agency must provide to NCPC and the timing for the submission. NCPC will use this information to produce its NEPA document.

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	k. §§ 601.5 and 601.7: All materials regarding Lead and Cooperating Agencies should be grouped together. This requires changes to the referenced sections.	Due to the change in the treatment of Non-federal Agencies, materials regarding Lead and Cooperating Agencies are now grouped together.
	l. §§ 601.5(a)(11) and 601.5(b)(3): Reports on mitigation measures should be placed on NCPC's website.	The recommended change has been made.
	m. Cites the following provisions as inconsistent with NCPC's approach to serving as Lead Agency for Non-federal Agency applications: allowing an MOU between NCPC and a Non-federal Agency; allowing the Non-federal Agency to serve as a Cooperating Agency; allowing the Non-federal Agency to participate in selection of a contractor to prepare a NEPA document; and in the event of contractor preparation of a NEPA document, failing to state NCPC's need to comply with certain review standards. Notes it is also incorrect to state NCPC is serving as Lead Agency on behalf of a Non-federal Agency.	Changes made to address all concerns. See response to 8.j above.

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	n. § 601.5(b)(1): Recommends addition of the following language: "The request to enter into a project specific MOU shall be made after a determination that the project does not meet the terms of an NCPC Categorical Exclusion and that extraordinary circumstances are not present and applicable."	The need to determine the non-applicability of a CATEX before embarking on the preparation of a MOA is already referenced. See § 601.5 (b)(1) (proposed regulations) and § 601.5 (b)(2) (final regulations).
	o. § 601.7(c): Because Non-federal Agency funding of an EIS and assistance in selection of a contractor to prepare an EIS is inconsistent with CEQ Regulations (40 CFR 1506.5), these references must be eliminated.	See response to 8.j above.
	p. §§ 601.6(a) and 601.6(b): In the former section change "escalating" to "elevating" and in latter section change "CEQ's determination" to "CEQ's recommendation."	The first recommended changes was made, but CEQ objected to the second. Thus, the word "determination" remains.
	q. § 601.7(a): Revise to read: "NCPC shall be given the opportunity to act as Cooperating Agency" to afford it discretion to serve as a Cooperating Agency.	The recommended change has not been made because, as pointed out by CEQ, CEQ regulations require NCPC to be a Cooperating Agency.
	r. § 601.7(a)(2): Revise the reference in the first sentence regarding signature of a MOA to read "NCPC will sign a MOA when it agrees to terms satisfactory to NCPC."	The recommended change has been made.

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	s. § 601.7(a)(2): Revise the last sentence of the section to read, "The request to enter into a project specific MOU shall be made after a determination that the project does not meet the terms of an NCPC Categorical Exclusion and that extraordinary circumstances are not present and applicable."	See response to 8.n above.
	t. § 601.7(b): Revise the last sentence of the referenced section with language in comment 8.p above.	The recommended change has been made.
	u. § 601.8: There are problems with this section. It should be divided into two separate sections -- one for Federal Agency applicants and one for Non-federal Agency applications. The legal inaccuracy is language regarding Non-federal Agency satisfaction of NEPA obligations when a Non-federal Agency has no such obligation.	The restructuring of the relationship between NCPC and a Non-federal Agency applicant eliminates the need for a two section approach. Clarifying language in various sections regarding relationship between NCPC and Non-federal Agency applicants responds to concerns.
	v. § 601.8(c): Under a two section approach recommended in 8.u above, this section should expressly state scoping is conducted by the Federal Agency with NCPC as a Cooperating Agency and reference Subpart B (Lead and Cooperating Agencies).	The two section recommendation was determined to be unnecessary. Therefore, the recommended reference is not needed.
	w. § 601.8(c): This section requires documentation of a CATEX determination, but it	The language of § 601.9(a) has been revised to clarify only GSA and NPS are applicants under the cited section.

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	is not clear if the Federal Agency is making the determination.	
	x. Related to the above comment, concern is expressed about NCPC's use of another agency's CATEX. As this is not permitted by CEQ, the regulations must address how the NEPA responsibility will be handled when a federal agency has a CATEX but NCPC does not.	Language that the Lead Agency shall prepare an EA under the circumstances outlined has been added to § 601.5(a)(6).
	y. § 601.8(e): The reference to Lead Agency is contrary to all previous references to applicant in § 601.8, and comment on completion of Section 106 is inconsistent with NCPC approach to not interrelate NEPA and NHPA policies.	The referenced section has been revised to use the word "applicant" and the reference to NHPA has been eliminated.
	z. Reiterates recommendation of two separate sections addressing the submission requirements for Federal Agencies and NCPC.	The restructuring of relationship between NCPC and Non-federal Agency applicant eliminates the need for this approach.
	aa. § 601.8(f): Finds this section confusing and inconsistent with CEQ requirements. Suggests way to revise section to ensure compliance with CEQ requirements.	Since NCPC embarked upon revisions to its NEPA Regulations, CEQ issued additional guidance on environmental review of proposed agency emergency response actions under NEPA. The commenter points out the new recommended language for Agency NEPA

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		regulations, and it has been incorporated into the document.
	bb. § 601.9: Recommends this section be revised to improve clarity to include who is responsible for the scoping process, indicate GSA or NPS must include NCPC as a Cooperating Agency, and whether GSA or NPS has a CATEX, but NCPC does not.	Clarification has been added on Scoping. NCPC disagrees reference is needed to inclusion of NCPC as a Cooperating Agency. Lead and Cooperating Agency status is determined in §§ 601.4(a) and 601.7(a). Issue of CATEX is moot. Section 601.14(d) identifies a CWA application as typically requiring an EA. The likelihood that a CWA project would qualify for a CATEX is virtually nil.
	cc. § 601.9(c)(2): The text should require the applicant to address conditions referenced in its EA or EIS.	Clarifying language has been added.
	dd. §§ 601.8(e) and 601.9(e): Commission request for changes at final approval could result in inconsistency between the final ROD and FONSI and the revised project. Commission changes will need to be incorporated into a revised final ROD/FONSI.	CEQ expressed a similar concern regarding the submission of a signed FONSI or ROD. In response, §§ 601.7, 601.8(e), 601.9(e), 601.16(a) and (e), and 601.25(b), (d) and (f) have been revised. Pursuant to the revisions, in the event a ROD or FONSI is signed prior to Commission final action, if the Commission's final action necessitates changes to the signed document, the appropriate party will revise the document.

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	ee. § 601.10: Suggests generalized standards listed in this section can be problematic and lead to application of a CATEX even if the action is not among those listed as eligible for a CATEX. Suggests qualifying language.	Clarifying language has been added to § 601.12(a).
	ff. § 601.1: Finds the unique circumstances listed in this section appropriate but recommends addition of a catchall provision and provides recommended language.	The recommended language has been added.
	gg. Approach to CATEX is inconsistent with CEQ guidance because there is no indication of an administrative record and NCPC includes the ability to rely on federal agency applicants CATEX when NCPC lacks one that is applicable.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEX. NCPC has complied with this request.
	hh. § 601.12(d): Not self-evident how adopting an element of the Comprehensive Plan does not have significant effect on the environment.	The policies of the Comprehensive Plan lack specificity to evaluate their precise impact utilizing the NEPA process. Further, NCPC provided an administrative record to CEQ for all enumerated CATEX. Based on this record, CEQ approved the subject CATEX.
	ii. § 601.12(e): Relies on the CATEX of another agency which is prohibited by CEQ. Also exempts from environmental review actions within the Central Employment Area. This means NCPC is relying on a non-existent environmental assessment to permit application of a CATEX.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.

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	jj. § 601.12(f): Relies on the findings of another agency without an independent assessment by NCPC. Inconsistent with CEQ guidance that permits use of another agency's expertise but with independent evaluation by the action agency.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.
	kk. § 601.12(g): Similar comment to 8.ii and jj above. Also inconsistent with Lead Agency approach specified in the proposed regulations.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.
	ll. § 601.11(h): Specifies appropriate conditions but then relies on provision of District of Columbia statute which does not require an environmental assessment to apply CATEX.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.
	mm. § 601.11(j): Not clear if this CATEX applies to both federal and District projects; lumps new construction building improvements together without reference to an administrative record that demonstrates they are equal; unusual to consider community controversy as an environmental issue.	This CATEX applies to both federal and District Government projects. Clarifying language has been added. NCPC provided an administrative record to CEQ for all enumerated CATEX. Based on this record, CEQ approved the subject CATEX. Qualifying language has been added to specify, among others, community controversy must relate to environmental concerns.
	nn. § 601.11(k): Cannot locate referenced statute. Should assure statute is still valid and applicable.	The statute cited is incorrect due to a typographical error. The correct citation is 8124.

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	oo. § 601.11(m): CEQ prohibits agencies from relying on the CATEX of another agency to support a decision not to prepare an EA or an EIS.	Based on comments received objecting to this approach, CEQ advised NCPC to delete this and other similar CATEXs. NCPC has complied with this request.
	pp. § 601.12(a): Delete the word "include" in the opening paragraph of the CATEX section as this implies there may be other CATEX not on the list, whereas only listed CATEX may be utilized.	The recommended change has been made.
	qq. § 601.15(a): Add the word "purpose" to the phrase "need for the proposed action."	The recommended change has been made.
	rr. § 601.15(d): Add the word "minimum" before the number of days for the public comment period to allow flexibility.	At CEQ's request, the reference to a time period has been deleted as public scoping and a public scoping meeting is an optional requirement for an EA. This means NCPC can determine what it believes to be the appropriate length of time for advance notice of a public comment period and public meeting notice for EA scoping.
	ss. § 601.16: Because NCPC must evaluate the adequacy of the EA as well as the FONSI, this section should be reworded to reflect the dual evaluation.	Section 601.16 addresses the FONSI prepared by NCPC. When NCPC serves as Lead Agency, there is no need to evaluate its own FONSI. Sections 601.7(5) and (6) address NCPC's obligations regarding a Lead Agency's NEPA document and FONSI/ROD when NCPC serves as a Cooperating Agency.

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	tt. § 601.17(a): A supplement should be considered if either (1) or (2) pertains. Change word "and" following (1) to "or."	The recommended change has been made.
	uu. § 601.18: Use of phrase "on behalf of" is incorrect.	The phrase "on behalf of" has been replaced with the word "for."
	vv. § 601.19(d)(1): Any change to the monumental core is serious. Recommends changing the word "substantial" to serious.	The recommended change has been made.
	ww. § 601.19(d)((d): Join the three clauses with the word "or" as the presence of any one of the three factors generally triggers an EIS	Recommended change made. See response to 6.f above.
	xx. § 601.23(b)(2): In addition to the Federal Register, an NOI should be placed on NCPC's website with a link to the Federal Register site where the NOI can be found. Language to this effect should be added to the regulations.	The recommended change has been made.
	yy. § 601.25(c): Consider whether it is appropriate to add an exception to the requirement that decisions must be made at a public meeting for national security sensitive projects.	NCPC's Classified Material Policy addresses how the Commission review and decision-making process are altered when classified and controlled unclassified material are submitted as part of the application. This policy would

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		control under the circumstances stated in the comment.
	zz. § 601.26(a): Subsections (1) and (2) should be joined by an "or" not "and".	The recommended change has been made.
	aaa. § 601.28: Change the words "shall resort to mediation" to "shall participate in mediation".	CEQ advises mediation is only an option if the parties mutually agree. This means NCPC cannot compel another federal agency to participate in mediation. Instead of the recommended change, a change more responsive to CEQ's comment has been made. .
	bbb. Suggest a careful proof of final document before final notice of rule is published.	Agree.
9. Multiple Unaffiliated Members of the Public	General comments in similar form supporting environmental protection and protection of federal land.	No response necessary.

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RESPONSE TO PUBLIC COMMENTS**

Submitter	Comment	Response
10. Louis Berger Group and Jacobs	Asked how NEPA would work for a two stage planning process where a federal agency prepares a general development plan and completes NEPA, and then after a ROD is issued by the federal agency, a developer prepares a detailed development plan. Asked if additional NEPA work would be required at the second stage. Indicated a flow chart addressing the NEPA process for this type of scenario be incorporated into the regulations.	The question was based on a hypothetical example. NCPC prefers to deal with this issue when it arises in the context of a particular application.