



# NCEL

National Caucus of  
Environmental Legislators

March 10, 2020

Mary B. Neumayr  
Chair  
Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503

**Re: Docket No. CEQ-2019-0003, Notice of Proposed Rulemaking, Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

Dear Ms. Neumayr:

On behalf of undersigned state legislators, we are writing to you in response to the Council on Environmental Quality's (CEQ) proposal to amend the regulations for implementing the procedural provisions for the National Environmental Policy Act (NEPA). Please accept these comments on behalf of 178 state legislators representing hundreds of thousands of constituents from 35 states around the country who stand to be adversely affected by this Notice of Proposed Rulemaking (NPRM).

We believe the proposed changes by CEQ to NEPA would stifle both public input and science-based decision making in the federal environmental review process. They would put industry and developer interests before public health and safety, and before the health of our natural environment. State and local governments are already shouldering huge fiscal and human costs of environmental damages, and will be forced to shoulder increasing costs in decades to come. Ignoring the significant role that federal agencies have in mitigating these impacts through the NEPA process is counterproductive to the state-federal partnership and dangerous to the well-being of the public.

The proposed deadline changes for the preparation of Environmental Assessments and Environmental Impact Statements will also make it difficult for states to participate effectively in NEPA processes, as it could take multiple years of data collection to understand long term impacts. This will not only hurt the outcome of the NEPA process and state citizens, it will also directly limit a state's ability to effectively participate in the review process.

As state legislators, many of us have also previously served in other positions of public

trust, we know that the overwhelming barrier to project completion is not NEPA but adequate funding and technical support from the federal government. For decades, Congress and the federal government have not provided adequate support to state and local governments to carry out our co-regulatory work. CEQ's existing NEPA regulations already explicitly require coordination and synchronization. CEQ should focus its efforts on better enforcement of existing regulations and improving training for agency staff and NEPA practitioners who are unaware of available tools and expediting procedures in existing NEPA regulations.

States value the role that NEPA plays in fostering transparency and ensuring coordination and cooperation with our federal agency partners. Weakening the regulations is likely to make such cooperation and coordination less effective and less meaningful and increase the potential for conflict between state and federal agencies.

NEPA is a critical tool for saving lives and protecting the environment for the health, safety, and well-being of future generations. The existing CEQ regulations effectively implement NEPA's action forcing procedures that include giving the public a voice in federal decisions that affect the environment, carefully reviewing the environmental impacts of proposed actions, and investigating less environmentally harmful alternative actions. Reviews carried out under the current regulations have exposed the true cost of environmentally damaging proposals, leading to better solutions and substantial savings for federal taxpayers.

In closing, we wish to strongly emphasize that CEQ's regulations already provide a well-crafted, comprehensive framework for implementing the procedural provisions of NEPA. CEQ's proposed rollbacks would only serve to make it easier to and limit the number of federal actions subject to environmental review and public input and approve permits for ill-advised federal actions that run contrary to the public interest. This sweeping overhaul will only further disenfranchise low-income, rural, and minority communities from government decision-making.

We urge CEQ to withdraw the NPRM and retain the existing NEPA implementing regulations that have effectively served the nation for more than 40 years. We urge CEQ to instead work to increase funding and training for staff across federal agencies responsible for NEPA compliance. The single most important key to efficient and effective NEPA reviews is competent, trained, and adequate staff in agencies to implement the regulations.

Sincerely,

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Representative Louise Stutes  
*Alaska*

Senator Scott Kawasaki  
*Alaska*

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