



CQ473

September 20, 2002

NEPA Task Force  
P.O. Box 221150  
Salt Lake City, Utah 84122

Dear NEPA Task Force,

Enclosed are the comments of the Sequoia ForestKeeper (SFK) regarding the proposal to make weakening changes to the National Environmental Policy Act (NEPA).

Members of SFK have commented on hundreds of NEPA documents over the past years. The author of this letter has personally read about 100 NEPA documents from 1996 to 2002. It is very discouraging that the Bush Administration wants to weaken NEPA when it needs strengthening.

The SFK is against any changes that would weaken or increase flexibility for NEPA. Currently, due to lawless agencies, poorly informed courts, and administrative actions that subvert NEPA at every turn, including taking the President's Council on Environmental Quality (CEQ) and capturing it for those who have no interest in protecting the environment. We need a stronger NEPA and not a weaker one. This can be done in the following ways:

1) Require a specific cumulative impact analysis, assessment, and evaluation section in each Environmental Impact Statement (EIS), Environmental Assessment (EA), Categorical Exclusion (CE), and Finding of No Significant Impact (FONSI). Currently lawless agencies either do not include cumulative impacts or say they do but provide no quantitative information. Require both quantification and qualification of all proposals for cumulative impacts. Spell out the cumulative impacts so they include all past, present, and future foreseeable actions, no matter what the action was or who did the action in the project and surrounding areas.

2) Strengthen the CE definition (Section 1508.4) to limit the size, impact, and other features of an action so that only truly CE type actions are covered and not heavily impacting activities like logging, roading, wetlands destruction, mining, oil/gas activities, grazing, urbanization, etc. Some actions are damaging no matter what the level including those mentioned above. We need to focus on truly CE actions like erecting small signs, putting fiber optic cables in existing road right-of-ways, etc.

P.O. Box 2134  
Kernville, CA 93238-2134  
  
Phone: 760-376-4434  
866-KEEP TREES (533-7873)  
Fax: 760-376-4505  
[www.sequoiaforestkeeper.org](http://www.sequoiaforestkeeper.org)

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3) Require that each person who submits scoping comments receives a free copy of the environmental documents. The owners of the U.S. Government deserve service and not customer fees. Change Section 1506.6(f) to reflect the changes enumerated in this comment.

4) Require that a hard copy of environmental documents be given to a member of the public that requests it. Putting environmental documents on computer disk is only good for the 50% of the public who own computers and who can negotiate the often-complicated format in which the data is stored. But putting data on disk may not good enough to ensure that the other 50% of the public (who do not own computers) are able to obtain the information or do so without much difficulty. In addition, many programs either work poorly or not at all on certain computers. Agencies are essentially requiring each member of the public to invest \$1,000-2,000 in a computer, in some cases, so they can use the disk given to them. It costs a considerable sum to print out 500-1,000 pages documents on an individual's home printer. A hard copy can be easily used and carried to work so citizens can read and develop comments on their lunch hours and other free times. Stop assuming everyone has a computer. Putting a copy of an environmental document at a few local libraries in a town, city, or area to share is not sufficient for full public availability.

5) Make the CEQ independent of the political stresses that currently occur. Prevent any exemptions to NEPA that would remove the public review and comment period. For instance, during the Clinton Administration, for the first time ever, a logging project was granted an emergency EIS exemption under NEPA (Section 1506.11) with no public input. This exemption, in one case, allowed the logging of about 100 million board feet of public trees on tens of thousands of acres of National Forests with little NEPA analysis, assessment, and evaluation. . . and here was no emergency!

6) Require that all reasonable alternatives be covered an EIS/EA as stated in Section 1502.14(a). Currently, agencies often offer few, if any, reasonable alternatives. The "No action alternative", which NEPA requires in each EIS/EA and the preferred Alternative which proposes logging and roading, the actions wanted and ultimately approved by the agency, are often the only alternatives proposed and analyzed. This practice, which is common, certainly does not reflect the NEPA/CEQ requirement that "all reasonable alternatives" be considered.

7) Require that all CEQ rules that apply to the EIS, also apply to the EA. Since the EA plays the vital role of determining whether an EIS is required, it seems logical that the same rules in preparing an EIS should apply to preparing an EA. Otherwise agencies hide the impacts in an EA by not conducting the analysis.

8) Any delays that NEPA supposedly causes are usually caused by the agencies that do not implement NEPA as required by law, court cases, CEQ regulations, and the agency's own NEPA regulations. Agencies are sued because they have not implemented NEPA as required by law. Because lawless agencies invite lawsuits as the only alternative to get them to obey the law, they get those lawsuits. Strict CEQ regulations can prevent lawless agencies, thus preventing lawsuits!

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9) Require that the NEPA implementing regulations mirror CEQ regulations and do not re-interpret what NEPA and CEQ require.

10) Restore Section 1502.22 so the agencies are responsible for developing important information, if it can be developed in a reasonable timeframe. This worst case scenario analysis was weakened many years ago and needs to be reinstated and strengthened.

11) Require that projects cannot be segmented, ever. Remove Section 1502.4.

12) There is very little opportunity for most citizens to get involved in public decision-making because there are few laws at the local and state level which mandate citizen participation and involvement. NEPA allows a community to ask questions and hold officials accountable. Any change that reduces or lessens citizen participation under NEPA will weaken our democratic form of government. By emasculating NEPA the Bush Administration would take away one of the most citizen friendly involvement laws in existence.

13) Do not exempt fire fighting and fuel reduction projects, defense projects, mining projects, oil/gas projects, and other projects from NEPA. We need a more inclusive use of NEPA and not a less inclusive use. Fire fighting and fuel reduction projects need to be planned carefully to ensure they do not harm the very environment they purport to protect. Bulldozing fire lanes, clear-cut logging, destruction/damage to streamside zones, are all products of fire fighting and fuel reduction projects. Defense projects can damage the environment as massively as projects by other agencies. As prepared as our troops have shown themselves to be, it is a sham for the Defense Department to pretend that it is being held hostage by NEPA.

14) NEPA helps stop many wasteful taxpayer funded projects. By telling the truth NEPA allows citizens to shine the light of honesty and responsibility onto agencies and public officials. Since the public are the owners of their government and public lands the public has a right to an honest analysis, assessment, and evaluation of how these assets will be treated, environmentally, by proposals that often benefit private interests with subsidized public money.

We urge the Bush Administration not to destroy or wound the mother of environmental laws. NEPA truly is a remarkable document because all it requires an agency to do is tell the whole truth. It is the power of truth that keeps NEPA modern and effective. Do not change NEPA so that cynicism, falsehood, and deception are allowed to moderate, creep in, and take over the public's domain.

Do the right thing!

Sincerely,



Ara Marderosian,  
Executive Director  
ara@sequoiaforestkeeper.org