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Via email and regular U.S. Mail

Council on Environmental Quality
NEPA Task Force
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To Whom It May Concern:

I am submitting comments for inclusion in the public record on CEQ's attempts to "reform" the National Environmental Policy Act (NEPA). I oppose any reforms of the current system which would reduce the opportunities for citizens or "speed up" the development of a project as a consequence of reduced citizen involvement.

As a frequent participant in the NEPA process, I rely upon information developed and provided by Federal agencies within the context of fulfilling the requirements of NEPA. NEPA is an essential tool for public participation in the federal decision-making process. I offer the following specific comments:

1) Compliance with NEPA is essential for providing the public with a minimum base of knowledge on projects relying upon Federal taxpayer funding. Without the information provided in NEPA documents, the public simply cannot participate in important decisions affecting the environment in a meaningful fashion. Compliance with NEPA has resulted in avoidance of huge economic and environmental costs across the nation and has protected environmental quality and human health in a variety of ways. However, these benefits are impossible to fully quantify since they represent costs that are never incurred. Thus, conventional cost/benefit analysis will miss these benefits and instead focus only on the costs complained of by proponents of projects and activities which NEPA affects.

2) Delays in project implementation associated with NEPA, when they occur, often result from the responsible agency's attempts to circumvent the law, only to lose in court. Too often, Categorical Exclusions (CE's), Environmental Assessments (EA's) and Environmental Impact Statements (EIS's) are comprised of little more than verbiage substituted for real analysis, and amount to only a grudging *pro forma* compliance with this essential statute. In highway projects I've worked on, the NEPA documents frequently either ignore cumulative effects or fail to address them at a minimum acceptable level. When cumulative effects are mentioned, the "analysis" consists of little more than a rehash of generalizations, assertions and discussions cut

and pasted from previous NEPA documents.

Thus, delays in the NEPA process occur when concerned citizens exercise their rights to insist that responsible public officials fulfill the minimum requirements of NEPA documentation and end up having to file lawsuits. Suggesting that NEPA is merely a delaying tactic for opponents of projects ignores the wealth of documented failure of many agencies to comply with the letter and spirit of the law.

I hope CEQ will recognize that environmentally damaging projects often benefit from added analysis in response to public concerns. Reducing or removing requirements of NEPA will result in more wasteful and inefficient projects and actions, since the public will have fewer options for assessing such activities prior to their initiation.

3) Requiring reviews of significant projects by independent scientific panels convened for such purposes should strengthen NEPA. Independent review of agency proposals would go a long way towards opening up bureaucracies that tend to ignore the wealth of information available to them.

4) NEPA documentation should be accompanied by full, accurate bibliographic citations in a generally accepted format.

5) Requiring all documentation to be available on the world wide web via internet should strengthen NEPA. Data sets for agency decisions should be made available for public use.

6) All federal agencies should use a set of common data pertaining to each jurisdiction.

7) NEPA should not be circumvented by use of categorical exclusions in projects that involve new highway routing or construction, or significant changes (i.e., as where a 1400' causeway is planned to replace a bridge).

8) In the same spirit, supplemental EIS's should be required, with implementation of more stringent criteria for when they are triggered. The aforementioned 1400' causeway was a redesign following the passage of more than a year in a highway planning project; it was calculated to replace a planned, not built, bridge.

9) Delegation of lead agency responsibility to a state agency should be avoided whenever possible, with authority retained by the federal oversight agency instead. Ohio's Department of Transportation has made an ongoing enterprise of circumventing NEPA requirements.

The purpose of NEPA is to make a better project. The more conscientious state and federal agencies, use NEPA as an affirmative opportunity to include the public in the planning process. NEPA affords a common citizen the chance to participate in decision making which affects the environment where he or she works, lives or plays. I oppose any effort to reduce or remove NEPA requirements for Federal agencies.

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Thank you.

Very truly yours,

Terry J. Lodge