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09/23/02 05:49 PM

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Subject: ATTN CEQ NEPA Task Force --comment letter attached

September 23, 2002

Dear Members of the NEPA Task Force of the Council on Environmental
Quality:

Attached please find a letter from the Sierra Club-JohnMuir Chapter
(WI) on behalf of our 13,000 Wisconsin members.

If you have any difficulty opening the attachment, please contact me
with your fax number and I will be happy to fax you a copy.

Sincerely,

Caryl Terrell

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John Muir Chapter

CQ 553

September 23, 2002

Council on Environmental Quality
NEPA Task Force
P.O. Box 221150
Salt Lake City, UT 84122

Dear Sir/Madame:

We appreciate the opportunity to submit comments on behalf of the 13,000 Wisconsin members of the Sierra Club-John Muir Chapter (WI) for inclusion in the public record on efforts to reform the National Environmental Policy Act (NEPA).

As frequent participants in the NEPA process, Sierra Club relies upon information developed and provided by Federal agencies within the context of fulfilling the requirements of NEPA. We urge your support of this essential tool for public participation in the federal decision-making process.

In 1972, Wisconsin adopted a law that parallels NEPA in many aspects, the Wisconsin Environmental Policy Act. Before joining the Sierra Club, I served as the WEPA Coordinator, a state position, for five years. I can speak from personal experience of the valuable information that NEPA and WEPA documents provided to both government decision-makers as well as the public.

The following are specific comments on implementation of NEPA.

1. Compliance with NEPA is essential for providing the public with a minimum base of knowledge on projects using Federal taxpayer funding. Without the information provided in NEPA documents, the public simply cannot participate in important decisions affecting their 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, as perceived by proponents of projects and activities affected by NEPA.

2. Delays in project implementation associated with NEPA, when present, are often the result of failure to comply with NEPA requirements by responsible agencies. For years, agencies have avoided taking hard looks at environmental impacts of projects as they prepare NEPA documentation. Too often, Environmental Assessments (EA) and Environmental Impact Statements (EIS) are substitute mere verbiage for real analysis. This pro-forma compliance serves neither the agency nor the public.
 - a. This situation is particularly problematic within the Forest Service where numerous EA and EIS documents 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. Forest Service personnel refer to use of such boilerplate wording in NEPA documentation as "NEPA Light". When challenged to produce real, on-the-ground data regarding spatial juxtaposition of historical and upcoming cutting units, spatial distribution of wildlife habitats, locations of wildlife travel corridors, hydrological data from associated aquatic ecosystems, relevant road density calculations, distribution of fragmenting features (e.g. power lines, pipelines, roads, etc.), or any number of other essential components to a cumulative effects analysis concerned citizens are too often provided with little to nothing in the way of supporting documentation. Assertions, yes. Scientific support and empirical documentation, no.
 - b. Thus, the 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. In the case of the Forest Service, NEPA compliance would be more efficient and more substantive if sufficient resources were dedicated to developing the long-term data sets and analysis techniques essential for proper cumulative effects analysis. Unfortunately, in the upper Midwest, as well as other regions, priority is given to logging and associated activities when planning and budgeting decisions are made. When it comes to proper and scientifically supportable documentation of environmental impacts for NEPA, the Forest Service has a long way to go. 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.
 - c. We urge CEQ to recognize the fact that decisions regarding 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 toward 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. Datasets 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 resource extraction as primary components.

In conclusion, we oppose any effort to reduce or remove NEPA requirements for Federal agencies. We urge members of the CEQ to support this essential tool for public participation in the federal decision-making process.

Sincerely,

Caryl Terrell, Chapter
Sierra Club-John Muir Chapter

John.muir.chapter@sierraclub.org or cterrell@execpc.com

Cc: SC-JMC Chapter Chair
SC-JMC Conservation Chair
SC-JMC Forest Committee