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cc:
Subject: NEPA comments

CQ555

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NEPA Task Force
P.O. Box 221150
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Dear NEPA Task Force -

These comments are submitted on behalf of Virginia Forest Watch. Over the years, VAFW and its member groups in Virginia have commented on hundreds of NEPA documents, assisting various federal agencies in correcting and reviewing environmental problems. We opposed to weakening NEPA in any way, and will suggest ways in which this fundamental and critical environmental law might be strengthened to make it more effective.

Virginia Forest Watch opposes broadening the use of Categorical Exclusions, limiting public involvement, or increasing flexibility for NEPA. We also adamantly request that the NEPA requirement be maintained which states that the presence of extraordinary circumstances for an action that could normally be CE'd requires at least an EA. In addition, NEPA was not intended to be strictly a procedural statute that does not require an agency to choose environmentally superior alternatives, but instead, was intended to be a statute that actually was meant to require environmental improvement. We hope to see NEPA operate that way in the future. 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 with conclusory statements 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.

- 3) Require that each person who submits scoping comments receives a free copy of the environmental document. If it is less expensive, provide CD copies to those citizens who can utilize them. When high costs are charged for environmental documents, it ensures that few citizens will be able to afford to pay for the very document that their tax dollars create and that assesses how their tax dollars will be spent. 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 document be given to members of the public that request them. Provide some sort of method for citizens to request that the agency provide them with a hard copy, CD/disk, or web access to electronic documents.
- 5) Make the CEQ independent of the political stresses that currently occur. 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. Pressure was applied to staff so that an illegal waiver of the EIS requirements was granted. This 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. There was no emergency period!
- 6) Require that all reasonable alternatives be covered in EIS/EA as stated in Section 1502.14(a). Currently, agencies often offer few if any reasonable alternatives. All too often in Forest Service documents, the agency will consider only one or two action alternatives, all of which require substantial levels of logging, and with a no action alternative, call that a full range of alternatives. Rarely if ever does the Forest Service consider reasonable alternatives that do not involve logging, or that may require a change of law, as NEPA allows and encourages.
- 7) Require that all CEQ rules that apply to EIS, also apply to EA. Since EA play the vital role of determining whether an EIS is required it seems logical that the same rules in preparing an EIS should apply to an EA. Otherwise agencies hide the impacts in an EA by not conducting the analysis.
- 8) Please understand that 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. The number of lawsuits is not nearly as large as it could be because citizens cannot afford to go to court everything a federal agency violates NEPA.
- 9) Require that agency NEPA implementing regulations mirror CEQ regulations and do not re-interpret what NEPA and CEQ require.
- 10) Restore Section 1502.22 so the requirement that 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) By emasculating NEPA the Bush Administration will take away one of the most citizen

friendly involvement laws in existence. 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 in Virginia which mandate citizen participation and involvement. NEPA allows a community to ask questions and hold officials accountable. *Anything which reduces or lessens citizen participation under NEPA will weaken our democratic form of government.* When a developer, bureaucrat, or politician gets too greedy or arrogant, the power of NEPA can slap them down and require them to tell the truth. In this way NEPA offers citizens the opportunity to force these negative forces "to do the right thing." Without NEPA citizens will only be able to tell their employees (public servants and elected officials) not to do something bad, instead of actively working to get something good accomplished.

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 to that cynicisms, falsehoods, and deceptions are allowed to moderate, creep in, and take over the public's domain.

Sincerely,
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