

February 6, 2006
Fax – 2 pages plus 4 pages of attachments.

NEPA Draft Report Comments
c/o NEPA Task Force
Committee on Resources
1324 Longworth House Office Building
Washington, DC 20515
fax: 202-225-5929
nepataskforce@mail.house.gov

Re: Initial Findings and Draft Recommendations from National Environmental Policy Act Task Force.

Dear House Resource Committee NEPA Task Force:

These comments on the Initial Findings and Draft Recommendations from the National Environmental Policy Act Task Force (NEPA Task Force) are submitted on behalf of the Siskiyou Project and its members. Siskiyou Project is a grass roots conservation organization based in the small community of Cave Junction, Oregon, though we have a nationwide membership. We are writing to express our support for the National Environmental Policy Act (Act) as it stands and because we feel that the recommendations of the NEPA Task Force will seriously weaken the Act by restricting or limiting citizens' ability and/or opportunity to review and participate in actions proposed by the federal government thus affecting all current and future generations.

We are not alone in this concern. Thousands of other citizens across the nation have testified before or written to the Task Force about the importance of NEPA to their ability to participate in federal actions proposed by land and resource management agencies. Congress, when it passed the Act in 1969, knew what it was doing by calling for greater public participation in governmental decisions. It wanted to spark debate and sharpen values to unify this country in efforts that would secure both a prosperous future and a wholesome quality of life. Back then Congress held that every citizen should have a voice in decisions about how public resources – land, air and water – were to be used. In other words, Democracy.

NEPA took an old ethic, stewardship, and made it a national policy. Stewardship is a culture of responsibility and balance, of taking care of the land so that future generations may enjoy the bounty and beauty as we have. It means putting something back into the land, and sometimes leaving it alone. It means wise use, with the emphasis on wise. The language of NEPA is the language of stewardship. The Act speaks eloquently of the need to “fulfill the responsibilities of each generation as trustee of the environment for succeeding generations”. It asked federal agencies to not just measure everything with benefit-cost ratios but to broaden their views of the amenities and values provided by our land, air and water.

Congress in passing NEPA intended to provides a forum for public debate and to require government agencies to “look before they leaped” into an action that might be irreversible and to take a closer look at where incremental decisions were taking society. This public forum and its educational aspects are two of the most valuable and enduring legacies of NEPA.

While the NEPA Task Forces Report acknowledges that public participation is key to NEPA's success, it makes recommendations that significantly limit who, when, and how the public can participate in all levels of the NEPA process. Restricting public involvement and the public's right to challenge

harmful federal actions or reducing adequate review of major projects will not avoid controversy or improve federal proposals. It will do the opposite.

We are specifically concerned with the following parts of the Task Force's recommendations that:

- add mandatory timelines for the completion of NEPA documentation and only allow for occasional extensions,
- place significant restrictions on a citizen's ability to participate in the public process and to challenge an agency's decision-making process, which would unfairly tip the balance in favor of business interests rather than keeping the playing field even for all parties concerned, and
- require that "reasonable alternatives," including those proposed by individual citizens or community groups, be supported by "feasibility and engineering studies." Hardly any ordinary citizen and few organizations have the technical or financial resources to prepare such studies. The industry, on the other hand, has ample resources to do so, and would clearly receive favored treatment under this requirement.

The Task Force's or any other recommendations to amend NEPA and to initiate any regulatory changes that limit, restrict or reduce public participation must be rejected. We ask that you heed the advice of 10 former members of the Council of Environmental Quality who attest to the fact that NEPA does not need legislative change that lessens the public ability to participate in and review proposals that affect the public's land, air and water.

What is needed instead is improvement of NEPA implementation. In other words, requiring the monitoring of project impacts, improving management oversight and providing agency personnel with adequate training and resources, and making mitigation promises mandatory are all good ideas that should be considered and do not require amending NEPA or its regulations.

A real time example of the need for improving the implementation of NEPA projects can be found with the USDA Forest Service's Biscuit Fire Recovery Project, which resulted in wrongfully logging within a Congressionally designated Wilderness Area, the logging of seventeen acres within the Babyfoot Lake Botanical Area and logging of Riparian Reserves and green trees, along with other violations. See attached documents.

In conclusion, we urge the Task Force to reconsider its recommendations.

Sincerely,

Barbara Ullian
Siskiyou Project – Grants Pass Office
P.O. Box 1976
Grants Pass, Oregon 97527
(541) 474-2265

Attachments: USDA Forest Service Press Release on Babyfoot Botanical Area Logging (8/24/05)
USDA, Office of Inspector General's letter to Congressman Peter A. DeFazio (11/8/05)
US Department of Justice's Letter to Judge Michael R. Hogan (8/30/05)