



# SOUTH CAROLINA WILDLIFE FEDERATION

*An affiliate of the National Wildlife Federation*

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**Transmitted via e-mail and U.S. Mail**

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NEPA Draft Report Comments  
c/o NEPA Task Force  
Committee on Resources  
1324 Longworth House Office Building  
Washington, DC 20515

**To: House Resource Committee NEPA Task Force**

The South Carolina Wildlife Federation ("SCWF") submits these comments on the December 21, 2005 report *Initial Findings and Draft Recommendations* from the National Environmental Policy Act Task Force in response to your invitation. SCWF is an outdoors organization comprised primarily of hunters, anglers, birders, hikers, and gardeners who are concerned about adequate protection of wildlife habitat from environmentally destructive projects. We are opposed to many recommendations by the NEPA Task Force that would weaken the National Environmental Policy Act in profound and fundamental ways here in South Carolina and across the nation.

The only tool available for our organization to learn about and participate in many proposed federal actions that may impact the environment is NEPA. NEPA is also the best tool available to the federal government for examining the impact of proposed projects, collecting the public concerns, and considering alternatives. Access by the public to all information and public participation at all stages in the decision-making are critical to well designed and implemented proposals and the successes of NEPA.

The *Initial Findings and Draft Recommendations* acknowledges that public participation is central to NEPA's success, yet made recommendations to dramatically limit who, when, and how the public can participate in all levels of the NEPA process. We strongly oppose recommendations that would limit public participation.

Limiting public involvement will not avoid controversy nor will it improve projects. Limiting our right to challenge harmful projects will not avoid controversy nor will it improve projects. Reducing adequate review of major projects will not avoid controversy nor will it improve projects. NEPA saves time and money in the long run by reducing controversy, building consensus, and ensuring that a project is done right the first time.

**Our Comments on NEPA Task Force Recommendations:**

We are concerned that many of the recommendations would reduce the access to information that enables us to participate in a meaningful way in reviewing Corps of Engineers projects.

SCWF Comments on Recommendation 1.2: Amend NEPA to add mandatory timelines for the completion of NEPA documents.

SCWF opposes the NEPA Task Force recommendation to create an arbitrary statutory timeframe of eighteen months for completion of an Environmental Impact Statement and nine months for an Environmental Assessment. Such a time limit will encourage the delay of NEPA obligations and allow inadequate analysis to be deemed complete at the conclusion of the allotted time. Allowing inadequate analysis to be declared complete can lead to no release of NEPA documents, no review of alternatives, and no meaningful public participation.

Many federal actions are complex, affecting natural resources for many citizens in with varying ecological impacts in depending on the locale of the proposed project. Instituting an arbitrary timeline for all projects is a poorly designed solution.

Rather than instituting arbitrary time limits for the “completion” of NEPA documents with few exceptions and occasional limited time extension, agencies should be provided with necessary resources to effectively and efficiently evaluate the environmental impacts of proposed projects. Cutting staff, funding, and resources leads to delays. The recommendation to stop delays in the NEPA process should look to the heart of the issue and provide adequate agency funding.

SCWF Comments on Recommendation 1.3: Amend NEPA to create unambiguous criteria for the use of Categorical Exclusions (CE), Environmental Assessments (EA) and Environmental Impact Statement (EIS).

SCWF opposes the NEPA Task Force recommendation to categorize proposed projects for “clear differentiation between the requirements for EA’s and EIS’s.” Such categorizing can result in many projects escaping scrutiny. The NEPA Task Force example of “temporary activities or other activities where the environmental impacts are clearly minimal to be evaluated under a CE” will lead to increased ecological destruction without a review of alternatives or public input. Many temporary activities have much longer lasting impacts than non-temporary activities.

SCWF Comments on Recommendation 2.1: Direct CEO to prepare regulations giving weight to localized comments.

SCWF opposes the NEPA Task Force recommendation to require that “issues and concerns raised by local interests should be weighted more than comments from outside groups and individuals who are not directly affected by that proposal.” This recommendation implies that the legitimate interests of our members are eclipsed by the interests of local interests. In far too many cases, proposed projects only are viewed by local interests as a ticket for investing federal funds in developing local resources where the primary benefits will accrue locally. South Carolina also faces the issue where local interests propose projects on federally owned public lands for local benefit such as in the Sumter National Forest and US Army Corps Lake Thurmond. NEPA applies to federal actions, more often than not involving federal public resources that belong to all Americans. To exclude, explicitly or implicitly public participation by making certain participation less important risks the agency not adequately considering potentially critical information.

SCWF Comments on Recommendation 3.2: Direct CEO to prepare regulations that allow existing state environmental review process to satisfy NEPA requirements.

SCWF opposes the NEPA Task Force recommendation that would permit state environmental reviews to satisfy NEPA requirements where the state reviews are “functionally equivalent” to NEPA requirements. South Carolina’s environmental agency is already overburdened and under funded. In addition, the state agency should not be required to make decisions regarding the use of federal resources and funding and the impacts on the environment that may affect all Americans.

SCWF Comments on Recommendation 4.1: Amend NEPA to create a citizen suit provision.

SCWF opposes the NEPA Task Force recommendation that would place significant restrictions on a citizen’s ability to participate in the public process and to challenge an agency’s decision-making process. Recommendation 4.1 completely shifts the burden of proof in any challenge to a NEPA analysis, and requires a citizen seeking to challenge a NEPA analyses to meet an up front burden that is not required by any other citizen suit provision. These recommendations would unfairly tip the balance in favor of business interests rather than keeping the playing field even for all concerned parties, and place an inappropriate burden on citizens seeking to ensure that the federal government is complying with the law. The draft recommendations do nothing to enable the public to participate in and enforce NEPA and do everything to restrict who, when and where the public can hold decision-makers accountable.

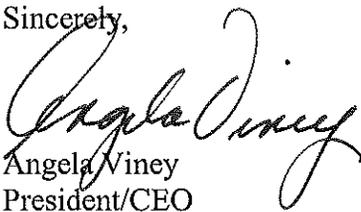
**Conclusion:**

At its most basic level NEPA enables citizens to participate in an informed way in decisions of their government. This is the essence of democracy. NEPA is the guarantee that our organization and other Americans affected by a major federal proposal will get the best information about its impacts on land and water resources in our community, a choice of good design alternatives to minimize damage, and the right to have our voice heard before a final decision is made. NEPA ensures balance, common sense and openness in federal decision-making.

The recommendations to amend NEPA and embark on drastic regulatory changes that reduce public participation should be rejected. However, thoughtful analysis and review of NEPA have long recognized that there is a need to improve NEPA implementation. Requiring monitoring of project impacts after the fact and making mitigation promises mandatory are good examples of areas where agencies have failed to implement NEPA. Strengthening NEPA implementation – without amending the law or its rules – would help protect natural resources.

We strongly urge the NEPA Task Force to reconsider its recommendations.

Sincerely,



Angela Viney  
President/CEO