To: National Environmental Policy Act Task Force
Committee on Resources, House of Representatives

From: Lorraine M. Fleming

Thank you for accepting comments on the NEPA Task Force's December 21, 2005, draft report. I am retired from a long career with a Delaware environmental organization and serve on several state advisory bodies. The recommendations in the report raised a number of concerns for me. I enumerate some of them below.

- The National Environmental Policy Act (NEPA) is the keystone in the legal framework of the nation's environmental protections. It has served admirably for 35 years, and there is no compelling reason to alter the letter of this law. The recommendations of the House of Representatives Committee on Resources NEPA Task Force would mainly serve to weaken the existing law and should be given further consideration before any action is undertaken.

- In particular I am opposed to any changes that would in any way impede the valuable public participation that is an integral part of the prescribed environmental review process. Public input over the years has had the significant benefit of adding new information to that gathered in agency assessment, of altering the design of projects to mitigate environmental harm, and of stopping projects that have a higher cost in environmental damage than any benefits warrant. In Delaware a number of U.S. Army Corps of Engineers' and Department of Transportation projects have been amended beneficially by the NEPA process.

- I oppose the recommendation that analysis of "reasonable" project alternatives be limited to those that can be supported by feasibility and engineering studies. This is strongly counter to the spirit of the law in that it will mandate taking into account only economic factors, not environmental factors as is clearly intended. Further, the "no action" alternative must always be a part of a project's environmental review.

- As a part of each environmental review, cumulative impacts to the environment resulting from a project must be analyzed as completely as possible beginning with the oldest available data as a baseline to enable prediction of future impacts.

- Finally, no law is perfect, and long experience with NEPA has revealed that some refinements can be made by administrative order or rulemaking (not a change in the law) that will improve NEPA's efficacy. I suggest consideration of the following: (1) proposed/promised mitigation of the adverse environmental impacts from a project should become a binding, enforceable commitment through contractual arrangements; (2) project monitoring should be enhanced to clearly and promptly identify adverse impacts; and, (3) agency personnel training in NEPA compliance should be improved.