



# WEST VIRGINIA RIVERS

March 10, 2020

Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503

Attn: Mary B. Neumayr, Chair

Re: Docket No. CEQ-2019-0003, Notice of Proposed Rulemaking, Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NPRM)

Dear Chair Neumayr:

West Virginia Rivers Coalition, on behalf of our members, respectfully submit the following comments on the Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA). We respectfully request that you withdraw the proposal to revise NEPA and retain the existing Council on Environmental Quality (CEQ) regulations that effectively and appropriately implement NEPA.

For major federal actions significantly affecting the environment, NEPA requires “Federal agencies to prepare a detailed statement on: (1) the environmental impact of the proposed action; (2) any adverse effects that cannot be avoided; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action.” NEPA ensures the federal agencies consider the significant environmental consequences of their proposed actions and that the public has input in their decision making process. For more than 50 years, the nation’s health, safety, and environment have depended on NEPA to serve as the foundation for reasonable, balanced and transparent decision-making processes on federal projects that impact the environment and surrounding communities. The proposed revisions to NEPA would severely undermine public input on major federal actions and weaken environmental protections for wildlife and people.

NEPA ensures that the government will consider the environmental impacts of its decisions, disclose those impacts to those affected, and gives the public a voice throughout the process. We are opposed to the revisions that provide sweeping changes to the projects that require environmental review. Often a project needs to go through an environmental review to determine that environmental impacts will not be significant, that is the foundation of NEPA. Using categorical exclusions (CatEx) and finding of no significant impacts (FONSI) to exempt projects from NEPA under the guise of reducing paperwork and preventing delays, undermines the true purpose of NEPA.

WV Rivers is adamantly opposed to restricting time limits for environmental reviews. Detailed and thorough analysis of the affected environment and the potential impacts of a project takes time. Setting a time limit for completion of the NEPA process would rush the process and potentially hamper the environmental impact analysis and cause critical information to be overlooked. We are adamantly opposed to restricting page limits on environmental assessments and environmental impact statements. Restricting the length of these important documents will result in the omission of important information.

WV Rivers is adamantly opposed to the revisions in **§ 1502.24 Methodology and scientific accuracy** that prohibit collecting new scientific and technical research to inform an analysis. If a project is proposed in an undeveloped location, it is often necessary and imperative that new information be collected on the potential environmental impacts at that proposed location. Prohibiting the collection of new data undermines the original intent of NEPA. New information must be gathered to fully analyze the impacts of a proposed project.

NEPA is an essential tool that provides communities opportunities to make their voice heard on environmental policy. It is fundamental to sound stewardship of our national resources and public lands. NEPA ensures the public a say in federal actions that can have a profound impact on their lives and livelihoods. It also plays a key role in giving vulnerable communities a voice when federal projects may disproportionately impact them.

We are adamantly opposed to the revision to **§ 1506.6 Public involvement** that states, "Agencies may conduct public hearings and public meetings by means of electronic communication except where another format is required by law." Many rural residents in WV do not have access to high-speed internet in their homes and the nearest library may be an hour away. Therefore, they would be excluded from participating through electronic communication since another format is not required by law. "Electronic communication" is not an adequate format of public hearing or meeting to satisfy the requirement of public involvement.

WV Rivers is adamantly opposed to the revision that removes all references to analyzing cumulative effects or impacts from consideration under NEPA. In 1997, CEQ published "*Considering Cumulative Effects Under NEPA*." This guidance document states that "Generally, it is also critical to incorporate cumulative effects analysis into the development of alternatives for an EA and EIS. Only by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided or minimized. Considering cumulative effects is also essential to developing appropriate mitigation and monitoring its effectiveness." Considering the efforts that CEQ took in defining how to analyze cumulative effects, it is unfathomable why the agency would take such a drastic reversal in policy. Given the current crisis with greenhouse gas emission role in accelerating climate change, removing the requirement to analyze cumulative impacts of federal projects prevent agencies from analyzing projects' contribution to climate change, which will have

devastating effects on the health of our planet and the future of our civilization.

NEPA has successfully protected West Virginia's rivers and streams. The environmental impact statement (EIS) developed under NEPA for Mingo-Logan Coal's Spruce No. 1 mine exposed the project's devastating impacts on the surrounding community. After extensive scientific study, a public hearing, and more than 50,000 public comments, it became clear that the environmental repercussions of disposing mining waste into surrounding streams would be so great that alternatives must be explored.

NEPA has been effective in protecting endangered fish species in West Virginia. Because of findings during the NEPA process, the US Forest Service withdrew a logging proposal in the Monongahela National Forest after determining that the project would significantly impact the endangered Candy Darter. Without NEPA, this project may have moved forward and the sensitive fish species would have moved closer to extinction.

It was during the NEPA process, that the Atlantic Coast Pipeline route was found to have significant impacts on the endangered Cheat Mountain Salamander. The pipeline was then re-routed to protect the critical habitat of this important species that is found nowhere else on earth. Without NEPA, the Atlantic Coast Pipeline would have devastated the salamanders' habitat pushing the species to the brink of extinction.

Without NEPA's strong environmental policy, streams would be damaged beyond repair, critical habitats would be destroyed, endangered species would be on the brink of extinction and communities wouldn't have a voice. Please, consider the voices of Americans in environmental policy decisions, don't undo 50 years of environmental progress by limiting public engagement and environmental protections under NEPA.

Thank you for the opportunity to comment.

Signed,

Angie Rosser  
West Virginia Rivers Coalition