

March 9, 2020

RE: CEQ-2019-0003

Thank you for the opportunity to comment on the Council on Environmental Quality (CEQ) regulations proposed revisions. I am a resident of Colorado, a state in which 36% of the land is national public lands. These federally managed lands support our state, regional and local economies through agriculture, tourism, hunting, and recreation. These landscapes also ensure our water supplies, purify our air, sequester carbon, build soils, provide habitat for species abundance preserving biodiversity, and offer tranquil places to rejuvenate. I cannot stress enough the quintessential value of these natural resources to myself personally and to our communities.

During my decades of residency in Colorado, I have attended public hearings and commented (through the NEPA process) on USFS forest plan revisions, BLM Resource Management Plans and Travel Management Plans, and numerous agency projects from vegetation treatments to trail construction to extraction lease sales to grazing. I am currently engaged in our Grand Mesa-Uncompahgre-Gunnison National Forest Plan revision. My past and current participation along with my privilege to write these comments today is authorized and guaranteed by the CEQ regulations. That privilege would be severely curtailed if the proposed revisions to the CEQ regulations were adopted. I vehemently oppose any regulations that would limit public participation in the NEPA process.

Fundamental to the very purpose of the National Environmental Policy Act (NEPA) and the CEQ regulations are 1.) the democratic process ensuring public participation, 2.) science-based evidence ensuring that the best available scientific research informs decisions and 3.) preservation of environmental values ensuring ecosystem integrity not just for current and future generations but also for the intrinsic values and ecosystem services these landscapes afford. All three of these fundamental principles are undermined by the proposed revisions to the CEQ regulations and therefore I urge you to not adopt these changes.

Some of the most egregious proposed changes are highlighted below. This list is by no means exhaustive as there are additional offensive changes that I oppose.

In the proposed regulations:

1. **Analysis of cumulative impacts is not required.** It is essential that projects be analyzed for the compounded effects over time including past, present and anticipated future projects. Only with this encompassing perspective can impact be truly assessed.
2. **Scope of geographic review is limited.** Critical to any analysis is attention to the site and project under review in the context of adjacent lands, the larger landscape, and human communities. Watersheds, wind currents and wildlife migration corridors (including air, water and land migration paths) do not adhere

to human imposed boundaries. These natural values outside the boundaries of the project along with nearby human communities are still impacted by the project and must be considered to truly discern effects of any one project.

3. **Conflict-of-interest requirements are removed.** It is unconscionable that a proponent of a NEPA project would be allowed to write the Environmental Impact Statement (including the environmental consequences of the proposal) and state their desired goal as the purpose of the proposal. As a result, the contractor's goal cannot be disputed and the environmental analysis is guaranteed to be biased. This unfathomable condition is akin to the fox guarding the hen house and undermines the very intent of NEPA.
4. **Actions are allowed before the NEPA process is complete.** The NEPA process (including public comment) must be finished before a project is permitted to begin. NEPA prohibits the "irreversible and irretrievable commitment of resources" before required environmental review is completed. Courts have consistently refused to allow projects to proceed when violations of NEPA have occurred. Furthermore, courts have issued preliminary injunctions to terminate agency action during evaluation of NEPA violation claims.
5. **Expert-level, technical comments are expected.** To expect this level of expertise coupled with the requirement to provide economic and employment impacts supported by data sources virtually eliminates public participation. Many of us who value and intimately know the landscapes being analyzed neither have the expertise nor time and resources to submit technical comments; nevertheless our comments are invaluable to the process. More than once during my participation in a NEPA process, I have raised awareness among agency staff and applicants regarding natural resource values and community impacts that had not been known or considered.
6. **An agency's regulation can be substituted for CEQ regulations.** No federal agency regulations should be allowed to supersede CEQ regulations. Requirements for environmental review and public participation must comply with CEQ regulations regardless of agency policies and procedures.
7. **Imposition of a bond or other financial responsibility by an agency on an entity who claims a NEPA violation is encouraged.** Placing a financial burden on one or more challengers to a NEPA decision is unacceptable and obviously is intended to curtail any claims or suits against the agency. Once again this undermines public participation and the very foundation of the CEQ regulations that were written to ensure a democratic process infused with multiple opportunities and avenues for feedback and input.

Again, this list of regulation changes that I oppose is not exhaustive, but identifies my major concerns. Thank you again for consideration of my comments and please do not adopt these proposed changes that undermine the National Environmental Policy Act.

Respectfully,
Robyn Cascade

