

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

September 14, 2020

The Honorable Mary B. Neumayr
Chairman
Council on Environmental Quality
730 Jackson Pl, NW
Washington, DC 20506

The Honorable David Bernhardt
Secretary
Department of the Interior
1849 C St NW
Washington, DC 20240

The Honorable Sonny Perdue
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Chairman Neumayr, Secretary Bernhardt, and Secretary Perdue:

We are writing to express our strong opposition and grave concerns regarding your systemic efforts to weaken the fundamental protections provided under our nation's bedrock environmental laws.

The National Environmental Policy Act (NEPA) gives the public a voice in federal decision-making in order to protect human health and the environment. Environmental reviews under NEPA can help ensure access to clean air and water, help mitigate and adapt to climate change, and foster environmentally-sound and more equitable development by ensuring that frontline and fenceline communities have a say in federal decisions. However, numerous actions underway at the direction of the Trump Administration would collectively erode our bedrock environmental laws and limit access to the courts, seemingly to no end except to elevate monied special interests above the public interest in almost all regards.

The NEPA attacks from this administration have come big and small—through Executive Orders, Secretarial Memorandums or Orders, Agency Rulemakings, Budget Proposals, and other questionably legal actions pending judicial review—but the intent is the same, to inherently weaken environmental protections in any way possible. The recently finalized NEPA implementation regulations from the Council on Environmental Quality (CEQ) are certainly the most far reaching, but they are consistent with this administration's ongoing effort to elevate polluters over people.¹

¹ Council on Environmental Quality (CEQ) Rulemaking on NEPA implementing regulations at 40 CFR (85 Fed. Reg. 1,684; January 10, 2020) <https://ceq.doe.gov/laws-regulations/regulations.html>

Other examples of efforts to dismantle environmental protections include the U.S. Forest Service Proposed Rule on NEPA Compliance² and rulemaking on oil and gas resources³; Secretary Perdue's recent memo to the Chief of the Forest Service⁴; Secretarial Orders 3372⁵ and 3355⁶; Bureau of Land Management resource management planning⁷, grazing⁸, salvage⁹, vegetation removal¹⁰ and protest¹¹ rulemakings; and Executive Orders 13867, 13855, and 13807.^{12,13,14} Our public lands should be managed for the benefit and enjoyment of all Americans, but the cumulative impact of these actions, which include numerous new large acreage categorical exclusions, is to make it significantly easier for special interests to have their way, while limiting public accountability and transparency. Keeping communities in the dark about potential impacts will undermine collaborative efforts to protect clean water, wildlife habitat, and healthy ecosystems, while failing to meet the public's expectation that our public lands be managed to maximize access for recreation, hunting, and fishing, all of which contribute to a multi-billion-dollar recreation economy. Notwithstanding the administration's failed response to the COVID-19 pandemic, the

² U.S. Forest Service Proposed Rule, National Environmental Policy Act (NEPA) Compliance (84 Fed. Reg. 27,544, June 13, 2019) <https://www.fs.fed.us/emc/nepa/revisions/index.shtml>

³ U.S. Forest Service Advanced Notice of Proposed Rule Makings on Oil and Gas Resources (83 FR 46458; September 13, 2018) <https://www.federalregister.gov/documents/2018/09/13/2018-19962/oil-and-gas-resources>

⁴ Secretarial Memorandum to the Chief of the Forest Service (June 12, 2020)

<https://www.fs.usda.gov/news/releases/secretarial-memorandum-chief-forest-service>

⁵ SO 3372 January 2, 2019 Reducing Wildfire Risks on Department of the Interior Land Through Active Management

https://www.doi.gov/sites/doi.gov/files/elips/documents/so_3372_reducing_wildfire_risks_on_department_of_the_interior_land_through_active_management.pdf

⁶ SO 3355 Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807 (August 31, 2017) https://www.doi.gov/sites/doi.gov/files/elips/documents/3355_-_streamlining_national_environmental_policy_reviews_and_implementation_of_executive_order_13807_establishing_discipline_and_accountability_in_the_environmental_review_and_permitting_process_for.pdf

⁷ Bureau of Land Management Resource Management Planning Proposed Rulemaking (1004-AE62; Fall 2019): <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201910&RIN=1004-AE62>

⁸ Bureau of Land Management Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Revision of Grazing Regulations for Public Lands (85 FR 3410; January 21, 2020) <https://www.federalregister.gov/documents/2020/01/21/2020-00849/notice-of-intent-to-prepare-an-environmental-impact-statement-for-the-proposed-revision-of-grazing>

⁹ National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (85 Fed. Reg. 33,697; June 2, 2020) "Salvage Categorical Exclusion (CE)" <https://www.blm.gov/press-release/blm-proposes-expedited-review-timber-salvage-projects>

¹⁰ National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (85 Fed. Reg. 14700; March 13, 2020) <https://www.federalregister.gov/documents/2020/03/13/2020-05095/national-environmental-policy-act-implementing-procedures-for-the-bureau-of-land-management-516-dm>

¹¹ Bureau of Land Management Forest Management Decision Protest Process and Timber Sale Administration ("Protest rulemaking") <https://www.blm.gov/press-release/blm-proposes-modernizing-forest-management-rules>

¹² EO 13867, Issuance of Permits with Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States (April 10, 2019) https://ceq.doe.gov/laws-regulations/executive_orders.html

¹³ EO 13855, Promoting Active Management of America's Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risk (December 21, 2018) <https://www.whitehouse.gov/presidential-actions/eo-promoting-active-management-americas-forests-rangelands-federal-lands-improve-conditions-reduce-wildfire-risk/>

¹⁴ EO 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure (August 15, 2017) https://ceq.doe.gov/laws-regulations/executive_orders.html

last several months have served as an important reminder that public lands are essential to our physical and mental health.

Undoubtedly, our country is confronting many shared challenges, including the pandemic, climate change, environmental and racial injustice, biodiversity loss, and the need for a more equitable society, but efforts to suppress the voice of the public, deliberately exclude disclosure of harm in environmental analyses, and limit access to the courts are the opposite of what our country needs right now. In this time of ongoing health, economic, and wildlife extinction crises, the administration is continuing to waive environmental regulations to benefit polluters and extractive interests over the public interest. Executive Order 13927, “Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities” was a disappointing and opportunistic re-iteration of the same anti-environmental efforts undertaken since the early days of this administration.¹⁵

Congressional intent is important to the execution of the laws so let us be clear, we need stronger protections for public health, public lands, and the environment, not more industry carve outs. Contrary to your efforts, the House Natural Resources Committee in the 116th Congress has undertaken a historic collaborative effort to elevate environmental justice in federal policy. The introduction of the Environmental Justice for All Act by Rep. A. Donald McEachin and Chair Raúl M. Grijalva would update the National Environmental Policy Act to empower environmental justice communities. Representative Debbie Dingell has also introduced H.Con.Res.89 - Encouraging the Trump Administration to maintain protections under the National Environmental Policy Act and reverse ongoing administrative actions to weaken this landmark law and its protections for American communities.

We submit this letter as formal comment in opposition to the NEPA revisions proposed by this administration. We find them lacking in justification, driven by poor intentions, and legally indefensible. Because of their collective potential to fundamentally erode our laws and significantly impact our public lands, we urge you to immediately suspend implementation of all efforts intended to weaken NEPA.

The people of our nation are demanding to be heard at all levels of decision-making. Please don’t silence their voice.

¹⁵ Executive Order signed on June 4, 2020 titled, “EO on Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities”
<https://www.whitehouse.gov/presidential-actions/eo-accelerating-nations-economic-recovery-covid-19-emergency-expediting-infrastructure-investments-activities/>

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Debra Haaland
Vice Chair
House Committee on Natural Resources



Debbie Dingell
Member of Congress



Pramila Jayapal
Member of Congress



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Congressional Signatories:

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CC: Mr. William Perry Pendley
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Ms. Victoria Christiansen
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