

July 14, 2020

The Honorable Lisa Murkowski
Chairwoman
Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Work
456 Dirksen Senate Office Building
Washington, DC 20510

Cc: Majority Leader McConnell, Minority Leader Schumer

Re: Outdoor Recreation Community Support for the National Environmental Policy Act

Dear Chairpersons,

We, the undersigned organizations, strongly support the fundamental intentions of the National Environmental Policy Act (NEPA) and are greatly concerned about the current administration's initiatives to weaken the implementation of NEPA, which will clearly result in damages to our environment and public lands. These actions include, but are not limited to, the Council on Environmental Quality's (CEQ) revision of the regulations guiding NEPA implementation, rulemaking by the Forest Service to revise that agency's NEPA regulations, and Executive Order 13927. We request that the Committees hold a hearing to examine these actions and the effects they will have on public health, public lands, and federal agencies' ability to comply with the spirit and original intention of NEPA.

Our organizations represent human-powered outdoor recreationists from across the country who value public lands and waters for the myriad and meaningful ways in which they enrich our lives. Our community takes its role as public land owners seriously, engaging with the agencies charged with managing public lands and waters at all levels and through a variety of processes. NEPA, as currently implemented, is one of the most meaningful ways by which we, and the public more broadly, participate in federal land and water management. NEPA also enables us, and others, to be engaged in actions that affect public health and safety within our local communities. It's not just a critically important law protecting public lands and waters, and the recreation opportunities that are dependent on environmental integrity, it is a critical law for protecting public health and achieving environmental justice for all.

The National Environmental Policy Act was enacted to shine light on government decision-making processes, and it ensures that agencies make informed decisions. Public involvement and participation is an integral component to informed decision-making and our community engages in the NEPA process on an almost-daily basis. Our organizations routinely ask our members to comment on proposed actions in order to improve agency decisions and protect public land and water resources. NEPA also improves the quality of the human environment by ensuring that agencies rely on sound science to assess and mitigate harmful environmental impacts.

Since the announcement of the “energy dominance” mandate, the current Administration has sought to undercut NEPA, avoiding public involvement, science-based decision making, and transparency in order to fast-track industrial development across the nation. Whether directing agencies to bypass NEPA completely (Executive Order 13927) or changing the implementing regulations to weaken the law from within (CEQ and Forest Service rulemaking), the result is to disenfranchise the public and elevate corporate interests over environmental responsibility and sustainability. These actions go against both the letter and intent of the law that Congress passed with strong bipartisan agreement half a century ago.

We are not averse to improving the efficiency of the NEPA process in alignment with its core values. However, the actions of the current Administration gut the intent of NEPA rather than streamline its implementation.

CEQ’s revised NEPA regulations include changes that cut stakeholders—including our organizations—out of agency decision making processes that significantly affect the public lands and waters that support outdoor recreation. The rule change also effectively excludes climate change impacts from consideration under NEPA. Given the climate crisis affecting the planet, such a proposed change is both foolhardy and hostile to the public interest. Overall, CEQ’s Rule seeks to change NEPA from a meaningful process that yields improved federal decisions to a cursory paperwork exercise. Meanwhile, the Forest Service’s proposed Rule will dramatically reduce opportunities for public engagement in Forest Service decision making, a change that would ultimately be at cross-purposes with the agency’s objectives of ensuring high-quality, durable decisions with broad community and stakeholder support.

Finally, and perhaps most egregious of all, the President’s Executive Order 13972 blatantly overrides NEPA altogether, directing agencies to exempt certain projects from NEPA “to the fullest extent possible.” Of all these actions, however, CEQ’s revisions will have the longest-lasting and farthest-reaching effects, as the President’s Executive Order will only last as long as the current economic emergency, and the CEQ regulations guide NEPA implementation across all federal agencies.

Millions of Americans weighed in with opposition to both the CEQ and Forest Service proposed Rules, but the Administration is charging ahead with finalizing their rulemaking with few, if any, changes in response to public comment. Indeed, CEQ spent only two and a half months considering the 172,661 public comments received on their draft rule before finalizing the Rule and sending it to the Office of Information and Regulatory Affairs for final review. It is inconceivable that CEQ considered, much less responded, to the public input they received.

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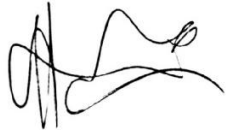
NEPA puts the environment and public health and safety on an equal footing with economics and other factors during decision-making processes regarding America’s public lands. The importance of this principle cannot be overstated, and it must remain the bedrock upon which any changes to NEPA regulations and implementation of the law are built. Furthermore, informed and transparent decision making is at the heart of NEPA, and we strongly believe that the public must continue to play an important role in government decision-making, especially with regard to actions that affect our environment.

It is imperative that Congress exercise its oversight responsibilities on this matter. We respectfully request that your Committees hold a hearing to examine the current administration’s

actions to undermine the National Environmental Policy Act and the effect these actions will have on our environment.

We appreciate your attention to this matter.

Sincerely,



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On behalf of

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