

1 Public Hearing, held at the location of:

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DEPARTMENT OF THE INTERIOR

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Washington, DC 20240

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1 P R O C E E D I N G S

2 MS. NEUMAYR: Good morning. My name is
3 Mary Neumayr and I am the chairman of the Council
4 on Environmental Quality. I would like to welcome
5 everyone to CEQ's second public hearing on its
6 proposed rule to update the regulations
7 implementing the National Environmental Policy
8 Act.

9 This event is part of a concerted effort
10 by CEQ to seek the public's views on its proposed
11 comprehensive update to the regulations, and the
12 first comprehensive update to the regulations in
13 over 40 years.

14 The National Environmental Policy Act,
15 or NEPA, is a procedural statute which ensures
16 that for major federal actions agencies consider
17 the environmental effects of their proposed
18 actions and inform the public about their
19 decision-making process.

20 Since the NEPA statute was enacted over
21 50 years ago the environmental review and
22 permitting process has become much more complex

1 and time consuming and can result in delays of
2 critical infrastructure projects for communities.
3 For example, the process for completing
4 environmental impact statements for highway
5 projects on average now exceeds seven years and
6 environmental impact statements across the federal
7 government average over 600 pages, and in some
8 instances are thousands of pages long. In many
9 cases it can take a decade or more before reviews
10 are completed, permits are issued, and
11 construction can begin.

12 NEPA has also been the subject of
13 extensive litigation and there is a substantial
14 body of case law that has developed over time.
15 The result is that implementation of NEPA can be
16 unpredictable and costly for communities depending
17 on the federal government to make timely,
18 efficient decisions.

19 CEQ's proposed updates to its NEPA
20 regulations aim to make the environmental review
21 process more timely, effective, transparent, and
22 predictable. The proposed rule would promote

1 better coordination and communication between
2 federal agencies and expand public participation
3 in the process. It also includes provisions to
4 ensure NEPA documents are concise and clear and
5 serve their purpose of informing decision makers
6 and the public regarding the environmental review
7 of proposed actions.

8 Nothing in the proposed rule would
9 eliminate or diminish the protections Congress has
10 enacted to safeguard our environment and the
11 American people such as the Clean Air Act and the
12 Clean Water Act.

13 Modernizing NEPA will not only help our
14 economy but also the environment. In fact, more
15 efficient implementation of NEPA will help our
16 nation build more sustainable infrastructure,
17 generate and distribute renewable energy, reduce
18 traffic congestion, efficiently store and
19 distribute fresh water, and conduct large scale
20 habitat and other environmental restoration.

21 For these reasons CEQ has proposed a
22 comprehensive update to modernize its regulations.

1 We began this process in 2018 by issuing an
2 advanced notice of proposed rulemaking and CEQ
3 received over 12,500 comments that helped inform
4 its proposal. We issued the proposed rule last
5 month and we have already received over 70,000
6 comments. It's important to note that all
7 comments, whether received electronically, via
8 mail, or provided at public hearings at this event
9 will be considered by CEQ. CEQ welcomes comments
10 from all interested members of the public.

11 Again, I want to thank each person in
12 this room for taking time to be here today to
13 listen or share your views on the proposed rule.
14 We know that NEPA is important to you and my team
15 will be listening closely to your suggestions and
16 concerns.

17 I also want to thank the Department of
18 the Interior and particularly Steve Hargrave and
19 his colleagues who have been very generous with
20 their time to help make this public hearing
21 successful.

22 Thank you again. I will now hand things

1 over to Stuart Levenbach, CEQ's Senior Advisor,
2 who will go through several details. Thank you
3 again.

4 MR. LEVENBACH: Good morning everybody.
5 Welcome. Thanks for coming. So, my name is
6 Stuart Levenbach. I'm a senior advisor at CEQ. I
7 just want to go through a few details here for the
8 morning session.

9 So, we're going to start the morning
10 session with a short presentation on the proposed
11 rule by my colleague Ted Boling. Mr. Boling is
12 the associate director for NEPA at CEQ. And this
13 presentation is also available online at
14 whitehouse.gov/ceq as well as nepa.gov. And the
15 website has a fact sheet and additional
16 information on the proposed rule. There are also
17 hard copies of some of this information in the
18 back if you want to help yourself to them.

19 So, and also we are joined on the panel
20 today by Michael Drummond, Deputy Associate
21 Director for NEPA, and Amy Coyle, Senior Counsel
22 at CEQ, and we are leading the review of the

1 public comments in developing the final rule.

2 So, I want to mention a few housekeeping
3 items. First, please silence your cell phones.
4 Restrooms, women's restroom as you walk out is on
5 the right. For the men's restroom though you need
6 to go out of the auditorium and then just ask the
7 guard, ask the security guard who will let you
8 through the gate and it's about halfway down the
9 corridor on the right. And then you have a
10 sticker that you are provided with that will let
11 you come back into the auditorium without going
12 through the magnetometers.

13 So emergency exits are located in the
14 back of this room and also in the front in case we
15 need them. Please don't bring food or beverages
16 into the room.

17 And now just a couple of details
18 about -- for those of you who are speaking to
19 ensure that all your voices are heard. So, first
20 off, please check in at the registration desk if
21 you are preregistered. If you are signed up to
22 speak but you haven't told anyone, please go back

1 there and make sure that you register so the staff
2 know you have arrived.

3 You're allotted a total of three minutes
4 for your remarks. Please keep to your time limit
5 again so everybody who is signed up today can be
6 heard.

7 So, all the speakers were assigned a
8 number at the registration table which is the
9 order in which you are speaking. So, we will call
10 up the numbers in sequence and when we call on you
11 to speak please state your name and spell it for
12 the transcriber, the stenographer who is recording
13 this public session. So, say your name, spell it,
14 and your comments will be recorded.

15 So, make sure you provide your remarks
16 directly into the microphone here, or up there,
17 I'm sorry, to make sure that we capture your
18 remarks. And then Mr. Boling here will be keeping
19 time and will display a yellow sign that says 30
20 seconds, and then another sign that says end. And
21 when end comes up it's time to stop and we will
22 have to interrupt you once you're over your

1 allotted time. Once again, we have exactly the
2 number of speakers for the time allotted for this
3 session so please be courteous to the upcoming
4 speakers.

5 When you're finished speaking, if you've
6 brought a written copy of your statement or
7 supplemental information that you would like
8 incorporated into the record, please let it in the
9 docket box located in the back of the room. So,
10 it should be on the table as you leave the
11 auditorium. And we will put any comments
12 submitted today in the official docket for the
13 proposed rule.

14 We also have comment cards available in
15 the back of the room and if you'd like to submit
16 additional written comments you can use those as
17 well. There's a box both in the back of the room
18 to receive them and also one at the registration
19 desk. If you want to submit comments later in
20 writing please submit them to [regulations.gov](https://www.regulations.gov).
21 Comments must be received by March 10th.

22 And then also for -- there's a waitlist

1 for speakers, so if we do have time permitting and
2 you would like to speak and you were not
3 previously signed up, please go to the
4 registration desk, ask for Kelly, and we will put
5 you on a waitlist then we'll call up people in
6 order. It will give you a letter and then we'll
7 call up people in order of the alphabet.

8 And let me assure you that CEQ will
9 consider all public comments we receive whether
10 submitted in writing or provided at events like
11 this one. And if you have any questions, please
12 go back to the registration desk. We'll be happy
13 to answer them.

14 So, with that, thank you again for
15 taking time to listen or to share your comments.
16 This session is scheduled to end at 12:00. We're
17 going to have a break around 10:25 and so with
18 that lets get started. I'm going to hand it over
19 to Ted Boling who will provide us a brief overview
20 of the proposed rule.

21 MR. BOLING: Okay. Thank you, Stu. And
22 good morning. Thank you all for being here. So,

1 my little presentation is going to provide you an
2 overview of our rulemaking process to date and
3 explanation of some of the proposed changes and
4 next steps for our public comment period.

5 Specifically, I'm going to start with a brief
6 background on the implementation of the current
7 CEQ NEPA regulations and of Executive Order 13807
8 which directed CEQ to take action to enhance and
9 modernize the federal environmental review and
10 authorization processes.

11 We're going to discuss the goals of this
12 rulemaking and the public input process to date,
13 but the majority of the presentation is going to
14 summarize the proposed rule and I'll conclude with
15 some information on how to provide comments and
16 additional public engagement opportunities.

17 So, first and foremost, as most of you I
18 hope know, Section 101 of NEPA sets forth a
19 national policy to use all practicable means and
20 measures, including financial and technical
21 assistance, in a manner calculated to foster and
22 promote the general welfare, to create and

1 maintain conditions under which man and nature can
2 exist in productive harmony, and fulfill the
3 social, economic, and other requirements of
4 present and future generations of Americans.

5 Section 102 of NEPA requires federal
6 agencies to consider that environmental policy as
7 they consider the environmental impacts of their
8 proposed actions as part of their decision-making
9 processes.

10 NEPA and the CEQ implementing
11 regulations are construed in light of a, quote,
12 "rule of reason", as the Supreme Court held in
13 Marsh v. Oregon Natural Resources Council back in
14 1989, which ensures that agencies determine
15 whether and to what extent to prepare an
16 environmental impact statement based on the
17 usefulness of that information to their decision-
18 making process.

19 CEQ initially issued guidelines for the
20 implementation of NEPA back of April of 1970,
21 shortly after it was created. And CEQ promulgated
22 its current NEPA regulations in 1978. It has

1 amended those regulations substantively only once.
2 In both instances the Supreme Court has found that
3 CEQ's regulations are entitled to substantial
4 deference.

5 The CEQ regulations provide for three
6 levels of environmental review to comply with
7 NEPA: categorical exclusions, environmental
8 assessments, and environmental impact statements.
9 Agencies can exclude categories of actions that
10 normally do not have significant effects which
11 allows agencies to review individual actions
12 expeditiously to ensure that the action fits the
13 applicable categorical exclusion or CE. That's the
14 vast majority of NEPA practice over 100,000 on
15 average per year.

16 Actions that are not covered by CE but
17 are not likely to have significant environmental
18 effects may be reviewed in a concise environmental
19 assessment, which we refer to as an EA. And
20 through the use of CEs and EAs agencies can then
21 focus their limited resources on those actions
22 that are likely to have significant effects and

1 require the, quote, "detailed statement", the
2 environmental impact statement required by NEPA.

3 So CEQ has analyzed the length of
4 environmental impact statements and the duration
5 of the EIS process. This information is reflected
6 in two reports that were issued by CEQ; the EIS
7 timeline report issued in December 2018, and an
8 EIS length report that was issued in June of 2019.
9 They're available on the nepa.gov website.

10 While the current CEQ regulations
11 recommend that an EIS page limit be normally less
12 than 150 pages or 300 pages for proposals of a,
13 quote, "unusual scope or complexity", CEQ has
14 found that most EISs take significantly longer and
15 that they take a long time to produce.

16 For example, the average EIS length for
17 Department of Transportation's Federal Highway
18 Administration is 645 pages and, as Mary Neumayr
19 noted, the average time for completion of an EIS
20 by FHWA from notice of intent to record of
21 decision is over seven years.

22 This slide shows the average time by

1 federal department that agencies took to complete
2 their EISs and issue their records of decision,
3 their ROD, for EISs completed between 2010 and
4 2017. This is the public -- based on the public
5 information with regard to 1,161 EISs for which a
6 notice of availability of the final EIS was
7 published between 2010 and 2017 for which a record
8 of decision was issued by June of 2018.

9 CEQ found that across all federal
10 agencies the average EIS completion time from
11 notice of intent to record of decision was four-
12 and-a-half years. The median is 3.6 years because
13 you have some very lengthy projects that tend to
14 drag out the average.

15 The CEQ report notes that even within an
16 agency EISs may vary widely in technical
17 complexity and other factors that influence the
18 length and timing of these documents. Those
19 factors may include changes in the proposed
20 action, funding issues, and community concerns.
21 Similarly, the EIS process for very large
22 infrastructure projects varied considerably from

1 those that are largely within agency control such
2 as rulemakings and land management planning
3 processes.

4 While CEQ has published federal
5 government-wide and agency specific data, we
6 haven't tried to subdivide EISs by sector or type
7 though approximately half of that 1,161 would be
8 considered infrastructure projects as defined by
9 Executive Order 13807.

10 So, we do have up for all the agencies
11 to see data on the average completion time in
12 years for EISs compiled by every department. This
13 is the Department of Transportation. While the
14 EIS may also involve other cooperating agencies or
15 co-lead agencies participating in the NEPA
16 process, for purposes of this data collection
17 we've only listed the lead agency.

18 So, in 2017 the president issued
19 Executive Order 13807 which established the One
20 Federal Decision, what we refer to as the OFD
21 policy, to expedite environmental reviews and
22 improve interagency coordination for

1 infrastructure projects that require an
2 environmental impact statement. EO 13807 also
3 directed CEQ to enhance and modernize the
4 environmental review and authorization processes
5 including updating CEQ's regulations.

6 Projects processed under the One Federal
7 Decision policy must comply with a two-year goal
8 for the completion of an environmental impact
9 statement. While the executive order goal is an
10 agencywide average, agencies have to on a project
11 specific basis develop schedules that are
12 consistent with the agency achieving the
13 agencywide goal and senior agency official
14 direction. The agency progress towards that goal
15 is tracked through an accountability system
16 managed by the Office of Management and Budget.

17 So, what we have here is a recommended
18 two-year timeline for achieving a two-year goal.
19 Under this schedule, if you start at the top of
20 the schedule there, at the time that an agency
21 publishes its notice of intent to start the formal
22 public scoping process the lead agency should have

1 a plan to prepare and publish its draft EIS within
2 14 months or have senior agency official approval
3 of a different schedule.

4 Then at the time that it publishes its
5 draft environmental impact statement for public
6 review the agency should have a plan to respond to
7 those public comments and publish its final
8 environmental impact statement within eight months
9 or have senior agency official direction and
10 approval of a different schedule.

11 And then at the time it publishes its
12 final environmental impact statement the lead
13 agency should have a plan to publish a record of
14 decision in coordination with all the other
15 agencies that will use that environmental impact
16 statement in their decision-making process within
17 two months, or again have senior agency official
18 approval of a different schedule.

19 So, given the length of time since CEQ
20 issued its regulations in 1978, CEQ published an
21 advanced notice of proposed rulemaking, as Mary
22 mentioned. ANPRM requested comments on 20

1 different topics and just generally how CEQ could
2 ensure a more efficient, timely, and effective
3 NEPA process. As noted, we received over 12,500
4 comments. Those comments came from a wide range
5 of stakeholders including states, tribes,
6 localities, environmental organizations, trade
7 associations, NEPA practitioners, and just
8 interest members of the public.

9 Most of the substantive comments
10 supported some degree of updating of the current
11 regulations. Many noted that overly lengthy
12 documents and the time required for the NEPA
13 process remain real and legitimate concerns
14 despite the current regulation's explicit
15 direction on reducing paperwork and delays.

16 So, the proposed rule is designed to
17 modernize and clarify the CEQ regulations to
18 facilitate more efficient, effective, and timely
19 NEPA reviews by federal agencies. The revisions
20 are intended to make the regulations easier to
21 read, understand, and follow. The proposed
22 changes would codify certain CEQ guidance and

1 Supreme Court case law. Much of this is reflected
2 in modern agency NEPA practice but not captured in
3 the existing regulations.

4 The proposed regulations are intended to
5 be consistent with the original goals of the 1978
6 regulations to reduce paperwork and delays and
7 promote better decisions. These goals are in turn
8 consistent with the National Environmental Policy
9 established by Section 101 of NEPA.

10 So, to summarize the proposed rule. As
11 I've noted, the Supreme Court has recognized that
12 agencies have limited time and resources and that
13 the scope of an agency's inquiries must remain
14 manageable if NEPA's goal of ensuring fully
15 informed decision making is to be accomplished.

16 CEQ proposes a number of changes to
17 modernize, simplify, and accelerate the NEPA
18 process and here's a bit of an overview starting
19 with the proposed rules direction to agencies to
20 complete their environmental impact statements
21 within two years and environmental assessments
22 within one year unless a senior agency official of

1 the lead agency approves a longer period in
2 writing and establishes a new time limit.

3 The environmental impact statement time
4 frame would be measured from the issuance of the
5 notice of intent to the date the record of
6 decision is signed. The environmental assessment
7 time frame would be measured from the date of the
8 agency's decision to prepare an environmental
9 assessment to the date of the publication of the
10 final EA.

11 The proposed rule would also make the
12 current page limits for EISs mandatory and would
13 establish page limits for EAs unless, again, a
14 senior agency official establishes a new page
15 limit. So specifically, the final EIS must be 150
16 pages or fewer. 300 pages or fewer for proposals
17 of unusual scope or complexity. The presumptive
18 page limit for EAs would be 75 pages.

19 And the proposal would codify aspects of
20 the One Federal Decision policy to ensure
21 coordinated and timely environmental reviews.
22 Lead agencies would be responsible for developing

1 a joint schedule for the environmental review in
2 consultation with the cooperating agencies, and
3 for resolving disputes and other issues that may
4 cause delays in the schedule. The regulations
5 would clarify that the lead agency is responsible
6 for determining the purpose and need and
7 alternatives in consultation with cooperating
8 agencies.

9 Federal agencies would be required to
10 evaluate proposals involving multiple federal
11 agencies in a single EIS and issue a joint record
12 of decision, or a single EA and joint finding of
13 no significant impact when practical.

14 CEQ is also proposing a number of
15 changes to clarify the meaning of certain terms
16 and the application and scope of NEPA reviews.
17 First, CEQ proposes to add a new section that
18 would provide for an agency determination of
19 whether NEPA applies to a particular activity
20 consistent with court decisions, the finding that
21 NEPA is inapplicable. This could include when an
22 agency is carrying out a nondiscretionary duty or

1 its statutory obligations clearly or fundamentally
2 conflict with NEPA compliance.

3 The regulations would begin the scoping
4 process before the agency publishes the notice of
5 intent to prepare an environmental impact
6 statement. So, this would have the effect of
7 expanding the process for agencies to request and
8 the public to submit all relevant information and
9 analysis early in the process so that the agencies
10 can consider that information in their decision
11 making.

12 Under the proposed rule agencies would
13 be required to provide more information in the
14 notice of intent to summarize public input in the
15 EIS and to seek comment on that summary in both
16 the draft and then again in the final EIS, and in
17 the record of decision the decision maker must
18 certify his or her consideration of that
19 information.

20 Turning to some of the proposed
21 definitions. CEQ proposes to define the term
22 reasonable alternatives as alternatives that are

1 technically and economically feasible. This is
2 consistent with longstanding CEQ guidance and
3 Supreme Court decisions. CEQ also proposes to
4 define reasonable alternatives as a, quote,
5 "reasonable range of alternatives", which would
6 codify CEQ's 1981 guidance known as the 40 Most
7 Asked Questions.

8 Other definitions. CEQ would,
9 consistent with the Supreme Court's decision in
10 Department of Transportation v. Public Citizen,
11 clarify the definition of effects to focus on
12 effects that are reasonably foreseeable and have a
13 reasonably close causal relationship to the
14 proposed action.

15 CEQ proposes to strike the terms direct
16 and indirect and also the separate definition of
17 cumulative impacts in order to focus agency time
18 and resources on considering whether an effect is
19 caused by the proposed action rather than
20 categorizing which of those three types of effects
21 the action fits within, or the effect fits within.

22 CEQ proposes a change in position to

1 states that analysis of cumulative effects as
2 defined in CEQ's current regulations is not
3 required. CEQ also proposes to clarify that
4 effects should not be considered significant if
5 they are remote in time, geographically remote, or
6 the result of a lengthy causal chain. This would
7 codify the Supreme Court rulings in Public Citizen
8 and in Metropolitan Addison where the Supreme
9 Court noted that effects may not fall within
10 Section 102 of NEPA if the causal chain is too
11 attenuated.

12 Further, CEQ proposes to codify a key
13 holding in Public Citizen to make clear that
14 effects do not include effects that the agency has
15 no authority to prevent or would happen even
16 without the agency action because those effects
17 would not have a sufficiently close causal
18 connection to the proposed action.

19 CEQ did not propose to add any
20 particular category of effects to its definition
21 of effects. If CEQ finalizes this proposed rule
22 CEQ would review its draft NEPA guidance on the

1 consideration of greenhouse gas emissions for
2 potential revisions consistent with those
3 regulations. CEQ also invites comment on whether
4 it should codify any aspect of CEQ's draft
5 greenhouse gas guidance on NEPA analysis and how
6 we should address that greenhouse gas emissions
7 guidance in the final regulations.

8 CEQ proposes a number of changes to the
9 definition of the statutory term "major federal
10 action". These include clarifying that an action
11 meets the definition if it's subject to federal
12 control and responsibility and it has effects that
13 may be significant.

14 Consistent with case law over the past
15 four decades, the definition would clarify that
16 the term does not include non-federal projects
17 with minimal federal involvement or minimal
18 federal funding where the agency cannot control
19 the outcome of the project.

20 For example, this could apply where a
21 small amount of federal funding is provided only
22 to help the design phase of an infrastructure

1 project that is otherwise funded entirely through
2 private or local funds.

3 Consistent with longstanding agency
4 practice, CEQ proposes to expand its provision for
5 the adoption of environmental impact statements to
6 provide for adoption of environmental assessments
7 and allow for agencies to adopt other agencies'
8 categorical exclusion determinations. CEQ also
9 proposes to allow agencies to establish a process
10 in their agency NEPA procedures to adopt another
11 agency's categorical exclusion.

12 Agencies would have more flexibility
13 under the proposed rules to allow project sponsors
14 to participate in the preparation of environmental
15 impact statements. The regulations would require
16 the agency decision-making official to provide
17 guidance, participate in the preparation of the
18 EIS, independently evaluate the environmental
19 document and take responsibility for its content.

20 With respect to limitations on
21 activities that can occur before the completion of
22 the NEPA process, the CEQ regulations propose to

1 clarify that certain activities by an applicant
2 can proceed if that activity is to support an
3 application for federal, state, tribal, or local
4 permits or assistance. This could include
5 acquisitions of interest in land such as rights-
6 of-way or conservation easements.

7 And as I noted earlier, the regulations
8 would require agencies to specifically solicit
9 comments in the notice of intent so that the
10 agencies can consider relevant information early
11 in the develop of a draft EIS. It's one of the
12 measures to enhance public participation.

13 Also, CEQ proposes to revise its
14 regulation on the specificity of comments and
15 information to explain that the purpose of these
16 public comments is to promote informed decision
17 making and further to clarify that comments should
18 provide sufficient detail for the agency to
19 consider the comment in its decision-making
20 process.

21 This would codify the Supreme Court's
22 ruling in Public Citizen and Vermont Yankee that

1 the NEPA -- while NEPA places on agencies an
2 obligation to consider every significant aspect of
3 the environmental impact for a proposed action,
4 it's still incumbent on the participants in that
5 process to structure their participation so it is
6 meaningful and it alerts the agency to the party's
7 position.

8 CEQ also proposes that comments should
9 explain why the issue raised is significant to the
10 consideration of potential environmental impacts
11 as well as alternatives to the proposed action and
12 other impacts affecting the quality of the human
13 environment.

14 This would codify the Supreme Court
15 ruling in the Vermont Yankee case that comments
16 must be significant enough to step over the
17 threshold requirement of materiality before any
18 lack of agency response or consideration becomes a
19 concern.

20 CEQ also proposes a new provision to
21 emphasize that comments on the submitted
22 alternatives and information and analysis section

1 should identify any additional alternatives,
2 information, or analysis not included in the draft
3 EIS and should be as specific as possible.

4 As I said, agencies would have greater
5 flexibility to design and customize the public
6 involvement to best meet the specific
7 circumstances of their proposed actions including
8 electronic media.

9 However, agencies may not limit
10 themselves to electronic communication when
11 actions take place in areas or affect people
12 without high speed internet access such as the
13 digital divide commonly known in rural locations.

14 The proposed regulations would encourage
15 agencies to use modern methods of electronic
16 communication both to publish important
17 environmental information, to structure their
18 public participation for greater efficiency and
19 inclusion of interested persons, and to solicit
20 comments in a manner designed to inform the
21 parties who are interested or affected by the
22 proposed action.

1 Consistent with those changes and
2 throughout the rule CEQ proposes to change paper-
3 based terms such as circulate or circulation of
4 the EIS with publish or publication which are
5 defined in technology neutral terms.

6 And finally, we propose a new section
7 that would require agencies to provide their NEPA
8 program information and information on ongoing
9 NEPA reviews and public access to agency records
10 related to NEPA reviews. This would provide for
11 greater transparency and efficiency in the NEPA
12 process, and improve interagency coordination,
13 streamline environmental review, and better
14 coordinate the development of environmental
15 documents for multi-agency decisions.

16 With regard to measures to enhance
17 coordination with states, tribes, and localities,
18 CEQ proposes to update its provisions for state,
19 tribal, and local environmental reviews to
20 encourage greater federal agency cooperation and
21 reduce duplicative reviews.

22 The current regulations limit the

1 recognition of the interest of tribes to
2 reservations. In response to comments on the
3 ANPRM supporting an expansion of the regulations
4 in recognition of the sovereign rights interests
5 and expertise of tribes, CEQ proposes to add the
6 word tribal to the phrase state and local
7 throughout the rule.

8 This is intended to ensure consultation
9 with tribal governments as reflected in current
10 NEPA practice to coordinate or consult with
11 affected tribal governments and agencies as
12 necessary and appropriate to the proposed action.

13 So, this is the second of two public
14 hearings that CEQ has scheduled. We are going to
15 make other opportunities for public engagement
16 available on our websites; nepa.gov and
17 whitehouse.gov/ceq. And the public comment period
18 runs through March 10th. The preferred method of
19 submitting comments is through regulations.gov
20 where we can just upload them, however we'll also
21 take -- we keep paper in the fax machine. We'll
22 take comments by fax and by mail, and then as Stu

1 noted, we will take written comments received here
2 today. And with that, we look forward to your
3 oral comments as well. Thank you.

4 Okay. So, our first three speakers I
5 have are -- we're going to start off with
6 Claiborne Walthall, and followed by Monica Nerz,
7 and then Jamie Rappaport Clark.

8 MR. WALTHALL: Thank you. Claiborne
9 Walthall from the New York Attorney General's
10 Office, C-L-A-I-B-O-R-N-E, Walthall is W-A-L, T
11 as in Tom, H-A-L-L. I appear on behalf of New
12 York Attorney General Letitia James to oppose
13 CEQ's proposal to overhaul the NEPA regulations.

14 First, we object to the extremely
15 limited public comment allowed. Three minutes
16 here and 60 days for written comments are
17 completely inadequate. Public input is a core
18 principle of NEPA, and these are the first major
19 revisions in decades. We repeat our request to
20 extend the comment period by at least 90 days.

21 Second, we object to CEQ's dismantling
22 of NEPA review by narrowing key terms, gutting

1 review of cumulative effects and alternatives,
2 imposing arbitrary time and page limits,
3 discouraging judicial review, and sweeping away
4 decades of guidance, practice, and precedent.

5 Under the proposed rule NEPA reviews
6 will ignore significant effects and increase
7 litigation, delays, and uncertainty. We intend
8 to submit comprehensive written comments, but in
9 my remaining time I'll focus on New York's
10 interest in ensuring the NEPA regulations
11 faithfully implement the statute.

12 NEPA gives states such as New York a
13 central role in environmental review, requiring
14 the federal government to act in cooperation with
15 states and local governments to evaluate
16 environmental impacts. NEPA is not simply a set
17 of boxes to check on a construction schedule, but
18 a framework for federal decision making to ensure
19 protection including of our state's significant
20 land, air, water, ecosystems, and other
21 resources, and the health and welfare of our
22 residents.

1 I'll highlight two ways the proposal
2 would adversely impact our interests. First, we
3 have a strong interest in preventing harm to
4 public health and environment. By narrowing NEPA
5 reviews the proposal would harm New Yorkers.
6 States are injured when their residents suffer
7 from environmental degradation including
8 cumulative impacts in environmental justice
9 communities.

10 We have an interest in ensuring robust
11 NEPA process particularly for infrastructure
12 projects that will exist for decades, but the
13 proposal truncates the NEPA process, blinding
14 reviews to indirect and cumulative effects of the
15 very projects where these effects often occur.

16 For example, comprehensive NEPA
17 analysis by FERC of proposed gas pipelines are
18 necessary to protect our interests. NEPA
19 requires careful consideration of state and local
20 laws relative to project impacts, particularly
21 where state environmental review may be
22 preempted, and FERC has sought to limit state's

1 review of these projects the NEPA regulations
2 lose their current strength. State environmental
3 review processes may be unable to compensate with
4 significant and lasting environmental
5 consequences.

6 Second, we have a strong interest in
7 vigorous NEPA reviews because our own State
8 Environmental Quality Review Act, or SEQRA, is
9 often implemented in conjunction with NEPA, most
10 commonly when there are both federal and state
11 components to an action. A robust NEPA process
12 ensures thorough and efficient review of actions
13 that affect our residents' health and welfare and
14 the environment.

15 For example, the SEQRA regulations
16 provide that a NEPA EIS that is sufficient for
17 the state agency to make its own environmental
18 findings generally obviates the need for a
19 separate state EIS, but the proposed revisions
20 that would limit the scope of effects and
21 alternatives considered will negatively impact
22 our ability to implement and enforce our own

1 environmental laws and likely require more state
2 EISs, burdening our resources and resulting in
3 lengthier reviews.

4 In summary, New York Attorney General
5 James strongly opposes CEQ's proposal, urges you
6 to withdraw it. We also repeat our multi-state
7 request to extend the comment period to afford
8 sufficient time. As our cornerstone
9 environmental statute, NEPA deserves nothing
10 less. Thank you.

11 MR. BOLING: Thank you.

12 MS. NERZ: Good morning. Monica Nerz,
13 M-O-N-I-C-A, and Nerz, N-E-R-Z. Good morning
14 again. My name is Monica Nerz. I currently
15 intern for Defend Our Future in D.C. who I will
16 be speaking on behalf of today.

17 As a young person this rollback is a
18 major concern to me. NEPA is a foundational
19 bedrock for America's environmental policies and
20 has served the nation's interests well in
21 ensuring there's an informed federal decision-
22 making process over the past 40 years.

1 NEPA requires federal agencies to
2 establish better decision-making processes by
3 taking environmental impacts into consideration
4 as a result of their actions such as mitigation
5 practices and possible alternatives.

6 The proposed technical changes in the
7 47 pages in the federal register not only
8 deserves but requires a longer public comment
9 period than the 60 days CEQ has allotted. Given
10 the significance of that NEPA process it deserves
11 more than two hearings as both Denver's public
12 hearing and today's hearing sold out in a matter
13 of minutes of the opening. The limited
14 opportunity for public participation here runs
15 counter to the fundamental purposes of NEPA to
16 inform the public and ensure agencies fully weigh
17 the impacts of their actions on the public.

18 The proposal seeks to exclude
19 requirements to evaluate cumulative effects and
20 potentially indirect effects as well. Both
21 cumulative and indirect effects play a vital role
22 in requiring federal agencies to take climate

1 impacts into consideration for their actions,
2 particularly in oil and gas leasing. This move
3 may be illegal which would run contrary to the
4 decades of practice and CEQ guidance in addition
5 to the case law interpreting the statute.

6 The proposal would in effect phase out
7 mandatory consideration of climate under NEPA
8 aiding to the percent of climate denialism.
9 Removing this requirement would not only be a bad
10 idea for public health and our environment`, but
11 it will ultimately cost taxpayers more for
12 projects that are not built to be resilient.

13 We cannot allow this proposal to move
14 forward as young people around the country will
15 disproportionately experience the effects of this
16 rollback in the future as a result. It is
17 critical that we have a voice in the review
18 process and for these reasons Defend Our Future
19 opposes the proposed changes to the rule. Thank
20 you.

21 MR. BOLING: Thank you, Monica.

22 MS. CLARK: Good morning. Jamie

1 Rappaport Clark, J-A-M-I-E,
2 R-A-P-P-A-P-O-R-T, C-L-A-R-K. I'm the president
3 and CEO of Defenders of Wildlife, a national non-
4 profit organization with 1.8 million members and
5 supporters dedicated to the protection and
6 restoring of our native species and habitats.
7 Prior to my tenure at Defenders I spent 20 years
8 in the federal government culminating and being
9 director of the U.S. Fish and Wildlife Service
10 from 1997 to 2001.

11 There's an overwhelming global
12 scientific consensus that we're facing a
13 biodiversity crisis with about a million species
14 at risk of extinction worldwide due to habitat
15 loss, overexploitation, and a rapidly warming
16 climate. Federal decisions regarding land
17 management, mining and drilling, and
18 infrastructure projects all have consequences for
19 wildlife, habitat, and the climate.

20 NEPA has for over 50 years served to
21 ensure that the federal government has thought
22 through the consequences of its actions, explored

1 alternative approaches to achieving its
2 objectives, and involve the public in its
3 decision making. It is unequivocally clear that
4 the proposed changes would undercut these
5 critical goals and purposes of NEPA.

6 While there are many problems with the
7 proposed regulations, I'll focus on those that
8 are particularly damaging for wildlife and
9 habitat, changes to the effects that are
10 analyzed, and the deletion of key parts of the
11 definition of the term "significantly".

12 Current NEPA regulations require
13 agencies to assess three kinds of effects:
14 direct, indirect, and cumulative. The proposed
15 regulations conflate direct and indirect impacts
16 creating a risk that federal agencies will not
17 adequately consider indirect impacts that are
18 triggered by their action but are removed in time
19 or geographic location.

20 The indirect effects of construction of
21 a road, for instance, may include inducing
22 secondary development that severely impact

1 wildlife and habitat. Even worse, the proposed
2 regulations explicitly state that analysis of
3 cumulative impacts -- cumulative effects is not
4 required.

5 Many species are declining on our
6 planet due to death by a thousand cuts via
7 multiple losses of habitat and populations. The
8 importance of looking at the effects of an action
9 not in isolation but in the context of the
10 additive impacts of other actions that can impact
11 a species has been a core concept of the NEPA
12 analysis for its entire history.

13 The new regulations invite agencies to
14 ignore the big picture of cumulative harm to
15 species and habitats, and the proposed rule adds
16 remoteness criteria that seems aimed at
17 preventing agencies from considering the real and
18 undeniable impacts of climate change.

19 Lastly, the proposed regulations gut
20 the definition of the term "significantly" by
21 deleting several key analysis criteria overtly
22 and intentionally abandoning the government's

1 commitment and responsibility to protect our most
2 vulnerable species from the adverse consequences
3 of federal actions.

4 Our wildlife and our communities
5 deserve better than this disastrous regulatory
6 agenda. With all the mounting challenges facing
7 our natural world, we urge the Trump
8 Administration to halt this rulemaking. Thank
9 you for considering my comments.

10 MR. BOLING: Thank you, Jamie.

11 All right. Next up I have Darrin Roth,
12 who will be followed by Christy Goldfuss, and
13 then Collin O'Mara.

14 MR. ROTH: Thank you for the
15 opportunity to speak. My name is Darrin Roth,
16 D-A-R-R-I-N, R-O-T-H. I am vice president of
17 Highway Policy for the American Trucking
18 Associations. We represent a broad cross-section
19 of the trucking industry, but all carriers have
20 one thing in common, they depend on a good
21 highway system to safely and efficiently
22 transport freight.

1 Trucking moves \$10 trillion worth of
2 cargo each year and when roads are in poor
3 condition or congested that adds costs that are
4 passed on to businesses and consumers. Every
5 minute that a truck sits in traffic adds a \$1.20
6 to the cost of that truck's operation. Industry-
7 wide that adds up to \$75 billion a year.

8 And that wasted time sitting in traffic
9 has environmental consequences as well.
10 Congestion caused the trucking industry to
11 consume an additional seven billion gallons of
12 fuel in 2016 representing 13 percent of the
13 industry's fuel consumption and resulting in 67
14 million metric tons of excess carbon dioxide
15 emissions.

16 Furthermore, poorly designed highways
17 have safety consequences. In nearly half of
18 highway fatalities the condition of the roadway
19 contributes to causing the crash.

20 When it comes to project approvals
21 we're in a race against time. Every day that a
22 project can be completed more quickly we save

1 money for manufacturers, farmers, consumers, we
2 avoid putting emissions in the air, and most
3 critically, we save lives.

4 The trucking industry has worked
5 closely with regulators to come up with vehicle
6 standards that have vastly reduced tailpipe
7 emissions in heavy trucks, and we support the
8 Phase II Greenhouse Gas EPA standards which are
9 expected to lower CO2 emissions by 1.1 billion
10 metric tons.

11 The trucking industry is doing its part
12 in making the investments that will continue to
13 drive down our criteria in GHG emissions, yet
14 those efforts are being stymied by the lack of
15 progress in rebuilding an aging and decrepit
16 highway system that causes us to waste billions
17 of gallons of fuel and park due to similarly
18 outdated NEPA rules.

19 As the industry responsible for moving
20 over 70 percent of America's freight, truckers
21 are well aware of the consequences of inaction
22 and it's time to make the reforms necessary to

1 accommodate the 20 percent increase in goods that
2 we'll be tasked with moving in the next decade.

3 ATA would like to thank the
4 administration for taking this important step
5 towards safer, cleaner, more efficient freight
6 transportation. We strongly support this
7 initiative and we encourage CEQ to quickly adopt
8 these important reforms to modify NEPA. Thank
9 you.

10 MR. BOLING: Thank you. Christy?

11 MS. GOLDFUSS: Good morning Stu, Ted,
12 Michael. So good to see you. My name is Christy
13 Goldfuss. I'll spell it for you. C-H-R-I-S-T-Y,
14 G-O-L-D-F-U-S-S. I know these guys know it. I
15 ran CEQ for the last two years of the Obama
16 Administration.

17 At my very first staff meeting I took
18 out a copy of the National Environmental Policy
19 Act and read it aloud to my team, and I'm just
20 going to repeat it because it's part of what Ted
21 started this whole conversation with. "The
22 Congress declares that it is the continuing

1 policy of the federal government to create and
2 maintain conditions under which man and nature
3 can exist in productive harmony and fulfill the
4 social, economic, and other requirements of
5 present and future generations of Americans."

6 The statute's intent is clear. This is
7 about protecting public health and the
8 environment now and for the future, yet this
9 administration is moving completely in the wrong
10 direction.

11 Mary Neumayr, who couldn't even stay
12 for the first few comments, your proposal to
13 undermine the NEPA regulations will not modernize
14 the statute as you continue to claim. No, this
15 proposal will ensure that communities will be
16 silenced. It will let fossil fuel companies move
17 forward with pipelines and other major dirty
18 projects without disclosing harmful public
19 health, environmental, and climate change
20 impacts. We know what's driving this, the trade
21 associations, FERC, others who want to lock in
22 fossil fuel development.

1 NEPA is there so we can look before we
2 leap. You all wrote those words so many times.
3 This proposal takes that away. Specifically,
4 there are three key harmful points in your
5 proposal that I would like to focus on today.
6 Others have already touched on them.

7 Cumulative impacts. First, I oppose
8 the removal of the requirement to analyze
9 cumulative impacts or effects. This change will
10 allow dirty fossil fuel projects to proceed
11 without analyzing how they would pollute over
12 time. This is the core of what we're talking
13 about with NEPA.

14 Conflicts of interest. This proposal
15 would allow companies to conduct their own
16 environmental review. It would allow blatant
17 conflicts of interest leaving the door open for
18 companies to engage in bald-faced self-dealing
19 that benefits no one but themselves. Shame on
20 you. How do you take out the conflicts of
21 interest clause?

22 Public input. Your proposal creates

1 concerning loopholes that would allow agencies to
2 ignore public comment. Your changes require
3 public comment to be specific and timely, and the
4 new exhaustion clause essentially expects the
5 public to be experts and lawyers. NEPA is the
6 people's environmental law. This change will
7 silence communities that could be harmed by the
8 federal government's actions. These are just
9 three of the comments I have for public. I will
10 put more in writing.

11 So, let me close. I want to point out
12 the failure of this process. You are only
13 holding two public meetings. Your boss can't
14 even stay to hear the public comments herself.
15 This hearing has cut out the rest of the country
16 as long as we've also got the one in Denver.

17 So, let me just close by saying this
18 process is like your regulations, designed to
19 ignore and silence the public. I truly believe
20 in the importance of NEPA and have faith that the
21 courts will reject this sloppy attempt to
22 disregard Congress' original intent.

1 MR. O'MARA: My name is Collin O'Mara.
2 I'm the president and CEO of the National
3 Wildlife Federation, the nation's largest member-
4 based conservation organization with six million
5 members and supporters, and 52 state (inaudible)
6 affiliates. All of them are united by their love
7 of wildlife and their passion for healthy
8 environment.

9 We are also an organization that helped
10 write the National Environmental Policy Act with
11 John Dingell nearly 40 years ago, and we worked
12 with every administration to make its
13 implementation more effective. On behalf of this
14 conservation army I would call on CEQ to withdraw
15 this misguided NEPA proposal and start over. It
16 is wrong on the science and it is wrong on the
17 law.

18 By requiring meaningful scientific
19 analysis and public input NEPA draws on the best
20 of our democratic values to ensure that projects
21 are undertaken with a benefit of communities in
22 mind. A fully functioning NEPA is also a

1 critical tool for overcoming the wildlife crisis
2 that we're in right now and ensuring that
3 wildlife can thrive in its rapidly changing
4 world. But the deeply flawed and illegal changes
5 proposed by CEQ would unravel this critical tool
6 and guarantee that NEPA will not function as
7 Congress intended.

8 NEPA has saved taxpayers tens of
9 billions of dollars in protected natural
10 resources from poorly designed projects for
11 decades. My hero and my mentor, Russell
12 Peterson, CEQ Director during the Nixon
13 Administration, said the EIS process continually
14 proves its worth over and over again. There are
15 six quick points that I would like to make for
16 changes we would like to see in the regulations.

17 First, we need to change the
18 definitions that are proposed for major projects.
19 Going back to the original definitions make much
20 more sense than what is proposed here.

21 We also have concerns about the
22 limitations of the review of health, environment,

1 and safety impacts particularly around climate as
2 we're facing climate chaos around this country,
3 and the loss of the ability to look at cumulative
4 impacts which are incredibly important for local
5 communities, particularly those on the frontline
6 that are facing the greatest environmental
7 injustices in this country.

8 We want to make sure that we allow
9 projects to go through -- that projects are not
10 allowed to go forward if they're missing
11 scientific technical analysis as this rule
12 proposes. We need to make sure we don't weaken
13 the review of alternatives which repeatedly have
14 proven better options for projects to go forward
15 in the past. We want to make sure that the
16 agencies are not able to ignore critical
17 community input, and we also want to make sure
18 that applicants, as Christy just said, are not
19 able to write their own EISs when they have clear
20 conflicts of interest.

21 This proposal could not come at a worse
22 time. We are facing a systematic decline of many

1 of the fish and wildlife populations in the
2 United States largely driven by habitat loss and
3 degradation. This is only going to get worse
4 with the climate crisis exacerbating before us.
5 We simply cannot afford to have ill-informed
6 decision making, which is exactly what this would
7 do. Instead of looking before you leap, this is
8 like leaping before you look.

9 This proposed rule would relegate the
10 public to a little -- the public health and the
11 environment to little more than an after thought
12 in the federal decision-making process. It would
13 completely exclude large swaths of projects from
14 environmental review and public input under NEPA,
15 and it would severely limit the scope of any
16 reviews that do continue to happen. This
17 proposed rule would silence the voices of those
18 communities most impacted by the projects,
19 especially those frontline communities.

20 And so, it is with great respect that
21 we ask the administration to completely rescind
22 this proposed rule and start over. Thank you

1 very much for your time.

2 MR. BOLING: Thank you, Collin.

3 Next up I have Chad Whiteman at number
4 seven. Number eight will be Elena Pelayo.

5 Apologies for pronunciation. And then Dr.
6 Patricia Boston.

7 MR. WHITEMAN: Hi. Good morning. Chad
8 Whiteman, C-H-A-D, Whiteman is W-H-I-T-E-M-A-N.

9 Thank you for the opportunity to speak today
10 regarding CEQ's draft proposed rule to update the
11 procedural provisions of the National
12 Environmental Policy Act. I'm Chad Whiteman,
13 Vice President for Environment and Regulatory
14 Affairs at the U.S. Chamber of Commerce.

15 With the growing population and
16 increasingly global economy there's a significant
17 and growing need for Americans to have fast,
18 reliable, resilient, and environmentally sound
19 ways of moving people, goods, energy, and
20 information. Increased economic growth will
21 depend in large part on investments to improve
22 and grow the quality of U.S. infrastructure.

1 The Chamber recognizes the need to
2 protect the quality of the environment. We
3 support the fundamental goals of NEPA to consider
4 the significant environmental impacts of
5 projects. However, the federal decision-making
6 process is getting progressively longer. Delays
7 are affecting economic growth, public safety and
8 welfare, national security, and the environment.

9 Multiple administrations have
10 recognized the importance of timely federal
11 permitting decisions for critical infrastructure
12 projects by issuing executive orders,
13 presidential memorandums, and Congress has
14 authorized legislation to expedite federal
15 decision making.

16 President Obama's 2012 executive order
17 recognized the need to improve the performance of
18 federal permitting and review of infrastructure
19 projects. He also signed the FAST Act into law
20 which created a permitting dashboard to
21 accelerate project reviews.

22 In 2001 President Bush issued an

1 executive order to expedite the review of energy
2 related permits while emphasizing the need to
3 maintain safety, public health, and environmental
4 protection.

5 Consistent with its environmental
6 mission, modernizing NEPA will accelerate
7 projects that deliver benefits across a wide
8 array of sectors. For example, updated roadways
9 and bridges will improve the efficiency of our
10 transportation and distribution systems thereby
11 reducing traffic congestion and associated
12 emissions.

13 Streamlined permitting will also spur
14 investment in renewable energy sources, in
15 electric transmission infrastructure which are
16 also subject to delays by current NEPA
17 procedures. And timelier decisions on forest and
18 water resources will help mitigate environmental
19 impacts such as damaging floods and wildfires.

20 NEPA updates will also serve to promote
21 public safety through new highway, railway and
22 airway designs, accelerating broadband

1 infrastructure to more rural communities will
2 increase the operability of emergency
3 communications vital to public safety.

4 These are just a few of the potential
5 benefits of modernizing NEPA's implementing
6 regulations. Increasing investor certainty for
7 these projects will unlock investment in American
8 infrastructure across the economy and put
9 Americans to work. Thank you.

10 MR. BOLING: Thank you.

11 MS. PELAYO: Good morning. My name is
12 Elena Pelayo. I'm with LCLAA, Labor Council for
13 Latin American Advancement. And I'm from San
14 Diego, California. It's E-L-E-N-A, Pelayo,
15 P-E-L-A-Y-O. I'm here today because this
16 administration is taking away one of the most
17 important shields we have against environmental
18 racism in this country, the National
19 Environmental Policy Act.

20 Before NEPA existed communities,
21 especially communities of color, were routinely
22 bulldozed to build federal highways and projects.

1 We see that in many areas. And in consequence
2 for throwing out cumulative effects, does that
3 mean we'll no longer have superfund sites that
4 were the product of cumulative effects?

5 We were told that these projects would
6 bring progress to our communities, but what they
7 brought was toxic pollution, smog, traffic, and
8 demolition. NEPA changed all this by giving us a
9 legal mechanism to identify problems with these
10 projects and hold our government accountable when
11 it failed to do the right thing.

12 In southern California pollution
13 burdened communities are making use of this law
14 to defend themselves from added harm. In San
15 Bernardino people who have suffered from some of
16 the worst air quality in the country are now
17 challenging attempts to build a new airport which
18 would increase their pollution.

19 People in our region have also used it
20 to improve projects like when the people of
21 several Los Angeles communities used it to
22 prevent the construction of a rail line in their

1 neighborhoods and instead offered a solution of
2 building the rail line in a more rural area that
3 would have less impact but would be a good thing
4 for all the community.

5 This law is one of the best ways that
6 communities like mine can have a say when the
7 federal government wants to build oil and gas
8 pipelines, waste incinerators, and toxic coal ash
9 sites on our doorsteps. The people out in front
10 of this building today are wearing tape over
11 their faces because you, the Trump
12 Administration, are trying to silence that voice.
13 Why? Do you have so little regard for our
14 health, for our lives that you would take this
15 away? We've seen what happens when the
16 government can sidestep this law and do as it
17 pleases with our environment and our communities.
18 We've seen people hurt.

19 The administration's waiver to build
20 the border wall means that more communities
21 throughout the borderlands will experience
22 flooding, destruction of habitats, harms to

1 wildlife, and the creation of an 18-foot high
2 monument to hate and division. These communities
3 can't even use NEPA to defend themselves, and
4 that's the standard that the Trump Administration
5 wants to extend to the entire country.

6 This law needs to be strengthened even
7 more, not gutted. You will not silence us. We
8 stand together, and you will not defeat us.
9 Thank you.

10 MR. BOLING: Thank you. Dr. Boston.

11 MS. BOSTON: My name is Dr. Patricia
12 Qasimah Boston. That's spelled P-A-T-R-I-C-I-A,
13 Qasimah is Q-A-S-I-M-A-H, and Boston like the
14 city. I'm a member of the Tallahassee Food
15 Network, the Moving Forward Network, and the We
16 Act for Environmental Justice. I bring greetings
17 to you today from the Gullah Geechee Cultural
18 Heritage Corridor, an area established by the
19 U.S. Congress, and I recognize the two queen
20 mothers from that corridor that are present this
21 morning.

22 I oppose CEQ's rule and attempt to

1 rollback and eliminate the National Environmental
2 Policy Act. These are my concerns. One, the
3 rollback will limit the opportunity for my
4 community to participate in governmental decision
5 making. Two, the rollback will limit my
6 community's voice on matters that pertain to
7 their own health and well-being. Three, the
8 rollback will limit the process for community to
9 learn about the health and environmental
10 consequences of proposed projects.

11 Forward ever, backwards never. This
12 rulemaking seems to send us backwards. The
13 United States is the most powerful nation on the
14 globe. We have the time, we have the money, and
15 we have the capacity to do whatever it is that we
16 want.

17 I had the pleasure of speaking with an
18 elder environmental justice lawyer only days ago.
19 He shared that he handled many environmental
20 justice cases in Tallahassee in which the EA and
21 EIS processes were used. He facilitated
22 community voices and concerns to be expressed and

1 heard. He shared that not all those cases were
2 won, however the NEPA process allowed the avenue
3 for the human spirit to have some level of
4 comfort because it provided an opening for voices
5 to be heard and expressed.

6 So, I say the back story is the front
7 story and it's full of value added. Don't forget
8 the people that worked really hard in the 50s to
9 ensure NEPA because there was no way to voice
10 concerns about highway expansion. Don't forget
11 the people living near the Cleveland River who in
12 the 70s where so much petroleum was spilled into
13 that river it caught on fire.

14 Don't forget the children of Columbia
15 Point in Massachusetts who had to live, play, and
16 grow on a toxic dump site. Don't forget the
17 fish in the Savannah Back River where people fish
18 regularly and they found tritium, which is a
19 really bad chemical, found in that river. Don't
20 forget the people of Smoky Hollow, an African
21 American community in Tallahassee, disrupted
22 because of urban renewal and highway expansion.

1 So, in conclusion, the back story is
2 really the front story and it's full of value
3 added. NEPA engages citizens and helps with
4 government accountability. We should not have to
5 fight for NEPA. CEQ's proposal will result in
6 more undisclosed and unmitigated pollution in my
7 community, and so again, I oppose this
8 rulemaking.

9 MR. BOLING: Thank you, Dr. Boston.

10 We're now at number ten. That would be
11 Latricea Adams followed by number 11, Hilton
12 Kelley, and then at 12 we have Mark Compton.

13 Ms. Adams.

14 MS. ADAMS: Good morning. My name is
15 Latricea Adams, L-A-T-R-I-C-E-A, A-D-A-M-S. I'm
16 the founder and CEO, president of Black
17 Millennials for Flint, the first and only
18 environmental justice and civil rights grassroots
19 organization founded by and led by black and
20 Latino leaders ages 40 and below. We, the
21 people, representing our sister cities, Flint,
22 Michigan; Memphis, Tennessee; Baltimore,

1 Maryland; and Washington, D.C. are honored to
2 speak with you today regarding the preservation
3 of our democracy, protecting the National
4 Environmental Policy Act, NEPA.

5 I'm a proud native and resident of
6 Memphis, Tennessee, known for some of the world's
7 best barbeque, however some of the most pervasive
8 and lethal environmental justice issues. While
9 many of us here today may be indifferent when we
10 hear the words Memphis Army Depot, just the
11 utterance of the depot, as we call it back home,
12 causes black Memphians in particular to cringe.
13 The depot was designated as an official superfund
14 site in 1992. The 632-acre area served as a
15 dumping ground for the U.S. military's chemical
16 weapons and other toxic materials since the
17 1940s.

18 I want to tell you a brief story today.
19 Memphis environmental justice heroine, Doris
20 Bradshaw, received a letter in the mail in 1994
21 implicating the dangers caused by the decades of
22 pollution near the depot. Three months after

1 receiving that letter Doris' mother was diagnosed
2 with cancer and passed way shortly thereafter.
3 She joined hundreds of my ancestors whose lives
4 were cut short from the plague of the depot.

5 It wasn't until approximately the mid-
6 90s that the U.S. Department of Defense finally
7 cleaned up the site. With the support of
8 activists, mothers, daughters like Doris
9 Bradshaw, the protection of NEPA helped Doris to
10 stand on the frontlines as the Memphis Army Depot
11 officially closed in 1997, and as her activism
12 continues she protects the people.

13 The impetus of this story is not to
14 invoke sympathy. It is an example of triumph and
15 the unrelenting desire for clean, toxic-free
16 communities, not just in Memphis, not just in
17 Flint, Michigan, not just in Baltimore, not just
18 in D.C., but for communities all across the
19 country. Working class people need more time to
20 organize and make public comment when federal
21 projects that may cause us harm attempts to
22 invade our communities. Our administration

1 wishes to reduce that.

2 My 84-year-old grandmother needs
3 educational awareness materials in hardcopy form
4 and face-to-face interaction. Our administration
5 wishes to shift to more virtual engagement. Our
6 non-English speaking families need to be
7 informed. We need to know the cumulative impact
8 if my seven-year-old goddaughter Alani is exposed
9 to toxic projects executed by taxpayer dollars.
10 NEPA requires it but yet and still the proposed
11 new rules prevent agencies from measuring or
12 considering Alani's health impacts.

13 We, the black and Latino millennials,
14 need protection of our democracy, protect our
15 environment, and protect NEPA. Thank you.

16 MR. BOLING: Thank you.

17 MR. KELLEY: Good morning.

18 MR. BOLING: Good morning.

19 MR. KELLEY: My name is Hilton Kelley.

20 I am the founder and director of the Community
21 Empowerment Development Association located in
22 Port Arthur, Texas on the Gulf Coast. My name is

1 spelled H-I-L-T-O-N, Hilton, Kelley, K-E-L-L-E-Y.

2 As founder and director of the
3 Community Empowerment Development Association I'd
4 like to urge you to not weaken NEPA, to not
5 expedite the process but lengthen the process.
6 The reason being, I live in a fence line
7 community. I live in a community where we have
8 more than seven oil refineries, about six
9 chemical plants, and one major chemical
10 incineration facility.

11 On an annual basis Port Arthur, Texas
12 received more toxic waste from the DOD than any
13 other state in the country for incineration.
14 We're talking about chemical weapon waste is
15 being transported across state lines which is
16 unheard of.

17 I would like to urge you all to think
18 about the lengthy process. What it does is give
19 communities like mine an opportunity to speak up
20 and be heard about the injuries that we are
21 dealing with on the fence line in Port Arthur,
22 Texas; Beaumont, Texas; the Deer Park area in

1 Houston, Texas.

2 You've heard the statistics from many
3 of the people who have gotten up to speak today,
4 but what I would like to do for just a moment is
5 just to show you what we're dealing with. This
6 is what you call an emission event in the city of
7 Port Arthur. This is some kids playing in the
8 shadows of those emission events.

9 This is another explosion or power
10 failure. This is what happens. Millions of tons
11 of toxic waste is just spewing into the air, and
12 right now it's so regular -- it happens so
13 frequently to where our kids are complacent.
14 They continue to play basketball. They continue
15 to go about their way whenever these kinds of
16 emission events take place.

17 This is a mother and a daughter who
18 have died from cancer within the last four years.
19 This is my classmate, Darlene Ford. This is her
20 mom. Year after year we lose many of our
21 residents to respiratory problems, to cancer due
22 to what we are breathing, which is large amounts

1 of benzene, 1,3-butadiene, hydrogen sulfide.

2 I'm pretty sure you all have heard
3 about the TPC explosion that happened in Neyland,
4 Texas. It was on CNN and every other major news
5 network. My house windows rattled when that
6 happened. This is how close I live to the TPC
7 plant. Many people are still trying to come back
8 from that explosion. This is the kind of sulfur
9 and particles that we wipe off our windowsills.
10 This is emissions. This is some of the
11 byproducts coming from the petroleum, oil, and
12 gas industries.

13 When you're talking about weakening
14 NEPA and expediting a process, this is what
15 causes that. When you expedite a process when
16 people's lives are at stake, you have explosions.
17 You have issues with human error. Don't lessen
18 the regulations. We must increase the
19 regulations. Don't silence our voices.

20 Remember, emissions do not just stay in
21 our communities. When you roll down the freeway
22 in your cars and you smell that sulfur odor, when

1 you smell benzine going down I-10, it's harming
2 your body as well and all the other unsuspecting
3 motorists that go through our communities. I
4 urge you, strengthen NEPA. Do not weaken it. Do
5 not expedite the process. Thank you.

6 MR. BOLING: Thank you, Mr. Kelley, and
7 we'll be happy to take your photographs and other
8 materials as part of our record.

9 MR. COMPTON: Hi. Mark Compton,
10 Executive Director of the American Exploration
11 and Mining Association. It's M-A-R-K,
12 C-O-M-P-T-O-N.

13 The American Exploration and Mining
14 Association applauds CEQ for this much needed and
15 long overdue proposal. NEPA is and always has
16 been a procedural law that creates a process to
17 seek public comments, consider alternatives, and
18 disclose impacts. Unfortunately, NEPA is broken.
19 It has become increasingly more cumbersome, time
20 consuming, and expensive with real world
21 consequences.

22 A couple of years ago we conducted a

1 survey of our member companies with projects
2 undergoing the federal permitting process. The
3 numbers we found were staggering. Among the
4 companies responding to the survey, nearly \$4
5 billion had already been invested with an
6 additional \$9.2 billion waiting to be spent.
7 More than 16,500 direct and indirect high-paying
8 jobs were waiting on the side lines. And \$5
9 billion in state and local taxes could be
10 generated by these projects. Unfortunately, an
11 inefficient permitting system is holding them
12 back, and in many cases the blame lies with the
13 broken NEPA process.

14 NEPA sponsor, Senator Henry Jackson,
15 thought an EIS would be six to eight pages. With
16 respect to most mining projects they've
17 mushroomed into thousands of pages. Who in the
18 public other than anti-mining groups are going to
19 take the time to read a 1,000 page or more EIS?
20 NEPA is no longer the planning tool it was
21 designed to be, nor does it inform or facilitate
22 meaningful input from the public. Rather, it has

1 become the tool used by obstructionist groups who
2 oppose responsible and lawful mineral development
3 on federal lands.

4 Therefore, we agree with the CEQ's
5 proposed revisions reaffirming the procedural
6 intent of NEPA, enhancing coordination of
7 environmental reviews by codifying key elements
8 of the One Federal Decision policy, clearly
9 defining the roles of leading and cooperating
10 agencies, establishing and adhering to strict
11 timelines and page limits, and creating senior
12 agency leadership accountability to ensure that
13 these requirements are met.

14 Focusing the scope of review on
15 significant issues, avoiding duplication, and
16 allowing for the application of the Functional
17 Equivalence Doctrine. And importantly,
18 increasing project proponent involvement in the
19 NEPA process.

20 Mining and environmental protection are
21 not mutually exclusive. Our members take great
22 pride in responsibility producing the minerals

1 America needs for the items we use every day, to
2 rebuild our infrastructure, to make conventional
3 and renewable energy possible, and to contribute
4 to our nation's economic and national security.

5 Reforming the NEPA process is critical
6 to the competitiveness of the domestic mining
7 industry, job creation, and decreasing our
8 reliance on foreign sources of minerals. We
9 thank CEQ for this thoughtful and practical
10 approach. Thank you.

11 MR. BOLING: Okay. Thank you.

12 So, at number 13 we have Sharon Buccino
13 to be followed by Belinda Joyner and Andres
14 Garcia. Sharon.

15 MS. BUCCINO: Good morning. My name is
16 Sharon Buccino. That's S-H-A-R-O-N,
17 B as in bold, U-C-C-I-N-O. I am a senior
18 attorney and the director of Public Land Work at
19 the Natural Resources Defense Council. As a
20 lawyer for the past 30 years I have worked with a
21 lot of laws. None is as eloquent as NEPA, the
22 National Environmental Policy Act. It speaks of

1 a vision of a world built on respect for animals,
2 for land, and for each other.

3 I'm going to speak to its substance.
4 NEPA has procedure and the procedure matters, but
5 that's not what it's all about. NEPA gives us
6 three things: integration, information, and
7 inclusion. When I measure the proposed changes
8 against NEPA's mandate they don't stack up.

9 First, integration. NEPA recognizes
10 the interrelatedness of air, water, land,
11 wildlife, and humans. It speaks of integration
12 across space as well as time. Yet the proposal
13 to eliminate the words cumulative and indirect
14 from the definition of effects puts agency heads
15 back in the sand. Ignoring problems doesn't make
16 them go away.

17 Second, information. NEPA requires
18 agencies to gather information and use it in
19 decision making. Again, the proposal moves us
20 backwards. The proposal explicitly excuses
21 agencies from undertaking new scientific and
22 technical research that might be needed.

1 Ignoring problems doesn't make them go away.

2 And third, inclusion. More than an
3 environmental law, NEPA is at the core of our
4 democracy. I agree with Ms. Goldfuss and the
5 many other people testifying today. NEPA is the
6 people's environmental law. It requires our
7 government to analyze the impacts of its proposed
8 decisions on each of us, on our health and
9 economic well-being, as well as on our natural
10 surroundings.

11 It gives people a say in decisions
12 about which they care passionately, like the
13 Forest Service decision whether to allow fracking
14 in the nearby George Washington Forest, or the
15 U.S. Army Corp's decision to allow the Dakota
16 Access Pipeline to cross Lake Oahe. The proposal
17 would shut people out rather than bring them
18 together. Ignoring problems or people doesn't
19 make them go away.

20 If CEQ wants to improve efficiency and
21 reduce delay it should help agencies engage in
22 meaningful outreach to all potential stakeholders

1 to get the most important issues on the table
2 early and focus on addressing them rather than
3 blowing past them. I'm not going to let go of
4 NEPA's vision of a world in which we can all
5 thrive, and I hope you don't either. Thank you.

6 MS. JOYNER: Good morning. I'm Belinda
7 Joyner, B-E-L-I-N-D-A, Joyner, J-O-Y-N-E-R, and I
8 am here from North Carolina, one of the most
9 impacted, unproportionate community I feel like
10 in the state of North Carolina. I live in
11 Garysburg, which if you're traveling down I-95
12 once you come across that Virginia state line
13 you're in North Hampton County.

14 We are home to industrial hog farms,
15 Enviva wood pellet plants, the Atlantic Coast
16 Pipeline compressor station. And I feel like all
17 this has happened because people did leap before
18 they looked. They came into a community, a tier
19 one community that was a poor community and took
20 advantage of what they saw there.

21 And as time out, you know, I employ you
22 all to listen to these impacted communities

1 because the people that come there and impact the
2 communities, they don't live there. They don't
3 want it in their community, so they bring it to
4 us. And we got to breathe it.

5 We got to, you know, get up -- I had
6 DEQ to come in last week to a lady that was 80
7 years old, born and raised, Enviva is right in
8 her backyard. Her nose constantly runs all day.
9 She cannot cook out because of the residue coming
10 from the pellet plant. She can't work in her
11 flowers because when she go out she can't
12 breathe.

13 We're impacted because people have
14 tried to limit us. Limit our voices and say we
15 can't do this because we don't have the money
16 that these big corporations have. And it's not
17 about need, it's about greed, because we are the
18 ones that are suffering.

19 So, I ask you all to -- you know, I've
20 been in public hearings and, you know, you act
21 like you're listening, and I'm not going to say
22 that you're not, but the results from these

1 public hearings is not for the people. And we
2 are the people. We pay taxes. We have a right.

3 We don't make as much money as these
4 big conglomerates do, but we have to live -- and
5 where they live, oh, I don't want this in my
6 community. It would depreciate my property. You
7 know, it's not healthy for us, but it's okay for
8 you to give it to me.

9 So, I'm asking you to keep this law
10 because even if you pass it you will not silence
11 me because I am a voice, and I will continue to
12 be a voice for my people. So, I ask you to do
13 what's right for the people. If everything that
14 they're doing is okay then they shouldn't have
15 any problem with people speaking out.

16 But then, like you say, when you leap
17 before you look it's not about concern of what
18 you're doing or who you're doing it to. It's
19 about what you want in your well-being and that's
20 not right.

21 So, I ask you all to listen to us as
22 well as these people that's got all this money

1 and feel like that they can buy whatever they
2 want wherever they want it at. We're tired.
3 We're tired. I'm tired. Thank you.

4 MR. BOLING: Thank you. And number 15
5 we have Andres Garcia and will be followed by
6 Mark Van Norman at number 16.

7 MR. GARCIA: Good morning Council. My
8 name is Andres Garcia. That's A-N-D-R-E-S,
9 G-A-R-C-I-A. I'm here on behalf of the Center
10 for Community and Environmental Justice and the
11 Moving Forward Network representing the Inland
12 Empire in California. I'm also a lifelong
13 resident of San Bernardino.

14 We don't have much time, so I'll get
15 straight to the point. The current law is good
16 because it works. The truth is the facts have
17 been misrepresented about NEPA. I'm here to
18 defend NEPA because it gives communities like my
19 hometown of San Bernardino, California the chance
20 to thoroughly review the findings of
21 environmental impact statements that should offer
22 pertinent information about both the health and

1 environmental risks that come along with
2 potential project.

3 NEPA is good because in San Bernardino
4 it had requirements to protect us that our local
5 government agencies and developers failed to
6 comply with. Our local airport authority and
7 development agencies tried forcing a project that
8 will see 500 more trucks and 26 flights per day
9 in an area already badly affected by pollution,
10 climate change, poverty, and municipal
11 corruption.

12 Favoring streamlined analysis processes
13 over comprehensive studies only provides for a
14 short-sighted assessment of the dangers posed by
15 rapid development. Over the course of the last
16 decade the Inland Empire has seen an accelerated
17 expansion of the logistics industry where
18 communities that used to be home to open fields
19 and mountain views have now seen a warehouse
20 fulfillment center go up quite literally next
21 door to their homes.

22 In San Bernardino there are schools

1 where almost half of the students suffer from
2 some type of respiratory related illness. It
3 also has left a generation of children with
4 reduced lung capacity and those parents of those
5 children are then burdened with the healthcare
6 costs and the constant stress of living with a
7 sick child. Unfortunately, I am also one of
8 those children that was born with asthma.

9 The county of San Bernardino is home to
10 some of the worst smog pollution in the nation
11 with neighborhoods in and around the city of San
12 Bernardino being in the 90th percentile for
13 carbon emissions and particulate matter. Despite
14 these findings, the warehouse industry has still
15 encroached on neighborhoods and schools affecting
16 some of the most vulnerable groups in our area.

17 If the proposed rule change goes into
18 effect this will only prove as a major setback
19 for transparency during the community input and
20 notification process. The truth is although NEPA
21 is currently in effect, developers and local
22 agencies still manage to skirt the law keeping

1 most of the community in the dark about the
2 incoming threats to their health. There's an old
3 saying, if it ain't broke, don't fix it. NEPA
4 works because I am here before you today. Thank
5 you.

6 MR. BOLING: Thank you.

7 MR. VAN NORMAN: Good morning. Thank
8 you. Mark Van Norman for Great Plains Tribal
9 Chairmen Association. We have 16 Indian Nations
10 in North Dakota, South Dakota, and Nebraska. In
11 our tradition Native Peoples received our life
12 and liberty from the creator together with the
13 sacred duty to protect Mother Earth. (Inaudible)
14 means water is life.

15 Projects often seek to minimize the
16 reality of impacts of their activities on the
17 environment. Industrial giants don't need help
18 to claim minimal impacts. Along the No DAPL
19 pipeline prairie dogs were poisoned. Eagles
20 preyed on the prairie dogs and endangered black
21 footed ferrets live in the area. The claim was
22 made that no more than 10,000 gallons of oil

1 would spill before pipeline sensors cut off any
2 spill, but the reality of the situation was shown
3 six months later when another pipeline spilled
4 hundreds of thousands of gallons and the
5 discovery was made when the cows that drank the
6 water from the river were dead.

7 The effects of the spills on the
8 environment are cumulative. After the No DAPL
9 pipeline was approved the Army Corp of Engineers
10 let us know that some staff did not believe that
11 a spill would be limited to 10,000 gallons. But
12 don't worry, they said, because the oil will sink
13 to the bottom and mix with the silt, degrade
14 slowly over time. But the river is our drinking
15 water. We don't need oil in the water. Millions
16 of people, Indian and non-Indian, live along the
17 river and drink the water. That's the highest
18 use.

19 In South Dakota we had the Homestake
20 Gold Mine in the Black Hills that dumped arsenic
21 in Gold Mine Creek, superfund site. Chemicals
22 flowed into the Missouri River and they are

1 forever in the river bottom in front of the dam.
2 They can't dredge the dam. No company process
3 discovered the pollution. It was discovered when
4 cows died from drinking the water. Nearby
5 homeowners were evacuated because their front
6 yards were polluted with arsenic.

7 We need more environmental review, not
8 less. Don't curtail NEPA's environmental
9 protections. NEPA should be strengthened, not
10 weakened. Human life should be protected.
11 Animal life should be protected. Mother Earth
12 should be protected. It's the only planet we
13 have. This proposal should be withdrawn and
14 started over to take into account the real
15 experience of Indian Tribes, states, local
16 governments, and the public from the beginning.
17 Thank you.

18 MR. BOLING: Thank you, sir. We have
19 time for about a five minute break. We're going
20 to resume at 10:35. So thank you for your
21 comments so far and we will start off with, well,
22 possibly Senator Carper.

1 (Break.)

2 MR. LEVENBACH: I got the one minute
3 sign, so I guess we're -- but if -- just a little
4 bit longer. Okay. I'd like to introduce Senator
5 Carper, ranking member of the Environment and
6 Public Works Committee.

7 Ranking Member Carper, welcome.

8 SENATOR CARPER: Please hold your
9 applause. Good morning everybody. How are we
10 doing? Thank you. Thank you all for inviting us
11 to join you today. I am Tom Carper. I'm a
12 senior democrat from Delaware in the Senate and I
13 am also senior democrat on the Environmental and
14 Public Works Committee. I welcome the
15 opportunity this morning to speak with all of
16 you.

17 Like our Constitution, NEPA is one of
18 the most imitated environmental laws in the
19 world. And like changes to our Constitution,
20 changes to NEPA regulations should be considered
21 seriously and sparingly. I've always said that
22 if something isn't perfect let's make it better.

1 And instead of doing so, sadly this proposal
2 chooses expediency over environmental protection.

3 This proposal would burden the public
4 with severe environmental and health consequences
5 by eliminating the requirements for agencies to
6 consider cumulative impacts and indirect effects.
7 Taking away those requirements would prohibit
8 agencies from considering the impact to air
9 quality or water quality from a proposed project.
10 And simply put, I think it makes little sense.

11 What's more, this proposal hands over
12 to the fox the keys to the hen house by allowing
13 companies to write their own environmental
14 protection impact statements and creates
15 loopholes to avoid environmental review and
16 public impact. It reminds me a little bit of a
17 self-graded, take-home exam.

18 Along with concerns about the policy I
19 must also mention CEQ's refusal to open this
20 notice of proposed rulemaking to greater public
21 participation. In response to repeated concerns
22 from more than 160 members of Congress and

1 literally hundreds of stakeholder organizations
2 I've heard CEQ state, and I quote, "engaging in
3 extensive public outreach including through
4 requests for public comment", two hearings and
5 other outreach.

6 Let me just be clear. Neither this CEQ
7 nor any CEQ gets extra credit for the mere act of
8 requesting public comment on regulations that
9 would change the implementation of a bedrock
10 environmental law, and certainly not for allowing
11 only 60 days review and comment on this massive
12 rollback of protection.

13 Further, the process CEQ is using to
14 develop its regulation is troubling. The idea of
15 constraining comments to a meager three minutes,
16 the idea of requiring tickets as if it's a prize
17 to participate in a democratic forum, and the
18 idea of CEQ failing to engage a single speaker in
19 Denver or in the first session of today's
20 hearings is not emblematic of an open process.

21 NEPA reminds us that our government is
22 one that is of the people, for the people, and by

1 the people, and sadly this proposal and its
2 process have been just the opposite. Like many
3 in this room and outside of this room I will
4 continue to fight to defend NEPA and the
5 democratic tools it provides to the American
6 people.

7 One of our witnesses, a Republican from
8 Wyoming recently said to us at his confirmation
9 hearing that bipartisan solutions are lasting
10 solutions. Think about that. Bipartisan
11 solutions are lasting solutions. NEPA was not
12 signed by a Democrat. It was signed by a
13 Republican. It was passed by a majority of
14 Democrats and Republicans in the House and the
15 Senate. It's a bipartisan solution, and my hope
16 is at the end of this process it will continue to
17 be a lasting solution. Thank you very much.

18 MR. LEVENBACH: Thank you, sir. Thank
19 you Ranking Member Carper. I also want to invite
20 Chairman Grijalva to the podium, Chairman of the
21 Natural Resources Committee.

22 CHAIRMAN GRIJALVA: Thank you very

1 much. We're all here today because the Trump
2 Administration is attempting to undermine the
3 Natural Environmental Policy Act, NEPA, through a
4 rulemaking process and last Thursday the
5 Committee forwarded to CEQ a request for all
6 documents related to this proposed rule and in
7 particular documentation related to the gas and
8 oil industry.

9 And I will quote from that letter that
10 was forwarded Thursday that rulemaking to update
11 the implementation of regulations of the National
12 Environmental Policy Act, of these records please
13 expedite the delivery of all records of
14 communications involving Exxon Mobile
15 Corporation, BP, PLC, the Phillips 66 Company,
16 Shell Oil Company, Chevron Corporation, the
17 American Petroleum Institute, and CGNCN Group.
18 In light of the expedited rulemaking schedule
19 currently being pursued by CEQ, please provide
20 the above documents as soon as possible but no
21 later than March 15th, 2020.

22 NEPA has been an essential

1 environmental law in this country. The proposed
2 rule would restrict opportunities for public
3 input and, importantly, the public's right to
4 know. Removing longstanding requirements that
5 agencies consider cumulative effects impacts of
6 projects which would purposely undermine the
7 consideration of climate change. And it would
8 also significantly limit the number and type of
9 projects that receive environmental review
10 putting our nation's air, water, environment, and
11 public health at risk.

12 The rule is a clear attempt to tear up,
13 misinterpret, ignore, and destroy important
14 public health and environmental protections
15 afforded under NEPA, all done to keep corporate
16 polluters happy and in control of the process.

17 NEPA is one of our nation's essential
18 environmental law that has helped protect our
19 nation's environment and public health for more
20 than half a century. NEPA has a basic but
21 critical purpose. It requires federal agency
22 identify and disclose the significant

1 environmental and public health impacts of major
2 federal actions before those major actions are
3 taken and requires a look before you leap
4 approach to federal decision making.

5 NEPA also gives the public a chance to
6 review and provide input on major projects before
7 building and development starts resulting in
8 better and a more democratic government decision
9 making.

10 I should also mention that NEPA is one
11 of the most important tools we have to fight the
12 climate crisis. The administration's effort to
13 gut NEPA through this proposal will make it
14 easier for corporate polluters to hide the
15 climate impacts of major projects including gas
16 and oil projects.

17 NEPA is also a critical civil rights
18 tool that gives all Americans a voice in federal
19 decision making by allowing communities to be
20 informed and weigh in on major proposed projects
21 affecting their communities. It is a fact that
22 poor, Indigenous, and communities of colors have

1 borne the disparate impact of pollution and
2 decision making by government regarding the
3 health and environmental concerns of those
4 communities.

5 When the NEPA process is cut short or
6 weakened, ill-conceived projects advance that can
7 have devastating public health and environmental
8 consequences for all Americans and in particular
9 to poor, Indigenous, and communities of color in
10 this country.

11 I also want to respond to claims that
12 the NEPA rule is simply about modernizing NEPA
13 through existing regulations. If that were true
14 the rule would focus on clarifying and
15 strengthening provisions that deal with climate
16 change. We certainly have a better understanding
17 of climate change now compared to when NEPA
18 regulations were last updated.

19 The recent case law clearly telling
20 federal agencies they must conduct robust climate
21 assessments under NEPA could also warrant updates
22 to existing regulations. Instead, the rule takes

1 us in the opposite direction on climate by
2 undermining existing provisions related to
3 climate like consideration of cumulative and
4 indirect impacts.

5 In closing, I oppose proposed rule
6 which would gut critically important
7 environmental and public health protections for
8 the American people that are legally required
9 under NEPA, and with that I yield back and thank
10 you.

11 MR. LEVENBACH: Thank you, Chairman
12 Grijalva. And so, I think we're going to move on
13 to our list of registered speakers.

14 MR. BOLING: Yes, and we should be at
15 number 17 and here I have Nick Goldstein as
16 number 17 followed by Jane Davenport at 18 and
17 Myisha Mitchell at 19.

18 MR. GOLDSTEIN: Thank you. Nick,
19 N-I-C-K, Goldstein, G-O-L-D-S-T-E-I-N. I'm vice
20 president of Regulatory and Legal Issues for the
21 American Road and Transportation Builders
22 Association. ARTBA, a 118-year-old national

1 organization with 8,000 entity members represents
2 all sectors of the U.S. transportation
3 construction industry which generates 500 billion
4 in U.S. economic activity and helps sustain more
5 than four million American jobs.

6 Let me start by stating that ARTBA
7 supports NEPA as an essential tool for protecting
8 the environment and ensuring meaningful feedback
9 from public and all stakeholders about projects,
10 but it has not been fundamentally updated in over
11 three decades. Adversaries have weaponized
12 NEPA's outdated review process to cause extensive
13 delay or even derail completely much needed
14 transportation improvement projects.

15 Needless delays and uncertainties can
16 add significant costs to these important projects
17 at a time when funding is already constrained
18 nationwide. These delays also keep the traveling
19 public from seeing the needed improvements in a
20 timely manner and impacting travel times and
21 quality of life.

22 Currently it takes an average of five

1 to seven years to complete the environmental
2 review process for a new federal aid project.
3 That's too long. And there are multiple examples
4 of projects with significantly longer delays.

5 In Washington, D.C. the purple line
6 rail project which was formally proposed in 2003
7 was delayed for 14 years. The environmentally
8 beneficial project will provide transit for an
9 estimated 70,000 daily riders and remove 17,000
10 vehicles from local roads.

11 Additionally, as a public-private
12 partnership or P3 project the delays that the
13 purple line has been subject to are an example of
14 uncertainties in the current NEPA process which
15 can cause bidders to either increase project
16 bids, a cost ultimately passed to the public, or
17 forego bidding on a project altogether.

18 Additionally, in Denver, the I-70
19 widening project, a \$1.2 billion project to
20 alleviate severe traffic congestion through the
21 expansion of 12 miles of highway has become an
22 infamous illustration of the need for NEPA

1 reforms. The NEPA process for this stretch of
2 highway took over 13 years to complete, involved
3 over 200 public meetings, and set a record for
4 length in the final document, almost 16,000
5 pages.

6 During this extended NEPA period the
7 DOT spent \$40 million on studies and over \$30
8 million on via duct repairs that should have been
9 spent on new construction. At the end of the
10 NEPA process with 148 different mitigation
11 commitments made to the public at a cost to the
12 DOT and taxpayers of another \$50 million the
13 project was still the recipient of five separate
14 legal actions. The I-70 story is the definition
15 of a broken NEPA process.

16 Finally, the St. Croix River Crossing
17 project connecting Houlton, Wisconsin and
18 Stillwater, Minnesota took a 2012 act of Congress
19 to proceed after being delayed for 40 years. The
20 project involved replacing a congested accident-
21 prone deteriorating two-lane Stillwater lift
22 bridge that had been identified as a priority as

1 early as the 1970s. That was actually shortly
2 before my parents identified me as a priority or
3 even a possibility.

4 NEPA modernization will not and should
5 not guarantee favorable decisions on projects,
6 but it will greatly improve the NEPA processes
7 reliability and timeline by resulting in a more
8 expeditious while still thorough review process
9 without impacting existing environmental
10 standards.

11 NEPA was never meant to be a statute
12 enabling delay but rather a vehicle to promote a
13 balance. Modernizing the NEPA process for our
14 nation's infrastructure is essential if we want
15 to fix our nation's infrastructure efficiently
16 and timely while not sacrificing necessary
17 regulatory safeguards. Again, thank you for
18 allowing us to present the view of our
19 membership.

20 MR. BOLING: Okay. All right. Thank
21 you. Jane.

22 MS. DAVENPORT: My name is Jane

1 Davenport, J-A-N-E, D-A-V-E-N-P-O-R-T, and I'm
2 the senior attorney at Defenders of Wildlife. On
3 behalf of Defenders' 1.8 million members and
4 supporters, I'm here to express our strong
5 opposition to this proposal to amend the
6 regulations implementing NEPA.

7 NEPA embodies two fundamental promises
8 our government made to ensure environmentally
9 informed decision making and to ensure
10 transparency and a public voice in those
11 decisions. If an agency breaks one or both of
12 these promises the federal courts are there to
13 ensure these promises are fulfilled.

14 In spending our federal taxpayer
15 dollars on federal projects and permits agencies
16 are obligated to make informed decisions about
17 the environmental impacts on our air, our air,
18 our neighborhoods and communities, our cultural
19 resources and historic sites, our public lands,
20 our wildlife, and our climate.

21 NEPA promises us that this informed
22 decision making will be a two-way street. The

1 agency must transparently inform the public of
2 what it has considered so that in turn the public
3 can inform the agency of what it has not
4 considered. This two-way communication is the
5 heart and soul of NEPA. NEPA is or should be
6 what government in the sunshine is all about,
7 accountability to the American people.

8 When federal agencies take their NEPA
9 obligations to heart, public comment and
10 community involvement result in better federal
11 decisions that accomplish project goals while
12 upholding community and environmental values.
13 When federal agencies run roughshod over their
14 NEPA obligations, ramrodding a project through
15 while ignoring public input, the public has a
16 right to turn to the courts to enforce the law
17 and call a halt to this scofflaw behavior.

18 The proposed regulations seek to gut
19 NEPA's informed decision making, transparency,
20 and accountability requirements. They seek to
21 heighten the standards for commenting to the
22 point where agencies will be entitled to ignore

1 any comment that lacks cross-references and
2 entire appendix of scientific citations.

3 In the name of efficiency, the
4 regulations will force agencies to rush to meet
5 short deadlines and tight page limits that may
6 not leave enough time or space for a thorough
7 analysis. The regulations will shorten comment
8 periods to a mere 30 days while attempting to bar
9 the courthouse door to any concerned citizen who
10 does not submit detailed comments in that time.

11 The regulations will empower federal
12 agencies to build additional regulatory hoops for
13 citizens to jump through before they can turn to
14 the court to protect their rights. And adding
15 gross insult to injury, the regulations will even
16 allow agencies to force citizens to put up their
17 own money in security bonds to prevent a taxpayer
18 funded project from going forward during review.

19 NEPA promises more than a set of rules
20 designed to spend our money while locking us out
21 of the discussion and out of the courtroom. We
22 demand the administration halt this reckless

1 rulemaking. Thank you for your time.

2 MS. MITCHELL: Good morning.

3 MR. BOLING: Good morning.

4 MS. MITCHELL: My name is Miaisha
5 Mitchell. I'm the co-founder of the Tallahassee
6 Food Network incorporated in Tallahassee, Florida
7 and the iGrow - Whatever You Like, a Frenchtown-
8 based youth empowerment and urban agricultural
9 project that's largely run by the youth
10 themselves. iGrow youth are responsible for the
11 first community garden at Second Harvest Food
12 Bank serving 14 counties in the panhandle of
13 Florida.

14 Tallahassee Food Network focuses on
15 food and security, community (inaudible),
16 community support and agricultural networks, and
17 food advocacy organizations and extend -- we ask
18 that you extend the comment period to allow us
19 time to coordinate it for effective participation
20 and action with our partners.

21 Our network of collaborators on health
22 equity and food justice recognizes that the

1 intersectionality of security and environmental
2 justice is critical. People who are living in
3 the 32304 Zip Code area, which is the highest
4 poverty city in the state of Florida, experiences
5 greater risk of food and security due to the
6 impact of intergenerational poverty. These
7 families face greater proportions of chronic
8 diseases and illnesses, hunger, depression,
9 infant mortality, mental health, violence,
10 incarceration, and other behavioral health
11 conditions.

12 Why is this important, you may ask.
13 How does this relate to NEPA? Well, justice
14 poverty can lead to adverse health outcomes. So
15 can environmental pollutants and man-made
16 disasters, impacting health and increase
17 disparities in economically segregated
18 communities, communities that are exposed to
19 toxic waste and dumping and exposed to lead
20 paint.

21 The dust from the Jacksonville Fairfax
22 Street wood treated sawmills has exposed many

1 communities to arsenic. The (inaudible) and the
2 flooding is compromising families who operate
3 generational fisheries in the Apalachicola Bay
4 are also at risk here. And so, there are many
5 sites and parks that have been involved in
6 (inaudible) exposure to risk from these
7 exposures.

8 Oversight by the corporative agreement
9 partners is essential to identifying and
10 evaluating public health risk assessments and
11 human exposure. NEPA must ensure these
12 regulations and laws continue to provide
13 actionable guidance to state, regional, and local
14 health partners. The environmental impact
15 statement is a preventative tool that can be used
16 to protect the lives of our most vulnerable, our
17 children, our women, our men, our elderly, and
18 the yet unborn.

19 The health consequences are unjust the
20 environmental disasters experienced by the
21 poorest of our people who are displaced and
22 homeless and continue to be overrepresented in

1 the environment to justice data is critical. We
2 must engage our people more.

3 NEPA is the enforcement arm of this
4 regulation and legislative actions that give
5 voice to the public participation in the
6 decision-making process. We owe this to all who
7 deserve clean air, water, housing, good food,
8 economic stability, and equal justice under the
9 law.

10 Can you imagine a place where children
11 can read by third grade without risk or
12 developmental delays, high graduation rates,
13 decreased delinquency, and targeting of criminal
14 justice systems due to poisoning and housing,
15 elimination of cancer and asthma in our
16 communities?

17 Extend the NEPA arms to neighborhood
18 and urban planning processes. Let us now take
19 charge. I ask you, what will you do today?
20 Today is the 25th, 2020. What examples will you
21 set for our young people? What difference will
22 you make? What will your actions do today to

1 create changes in the climate and environmental
2 injustices upon a vulnerable and marginalized
3 communities? I ask you to do the right thing.
4 That's Spike Lee. Thank you.

5 MR. BOLING: Thank you. I have next up
6 Quanda Michelle Smith followed by Dr. Nicky
7 Sheats and Heidi Dhivyaderthoud.

8 MS. SMITH: Good morning. My name is
9 Quanda Smith spelled Q-U-A-N-D-A, Michelle the
10 traditional way, Smith, S-M-I-T-H. Excuse my
11 voice. My name is Quanda Smith and I'm an
12 environmental educator, scientist, and organizer
13 for the West Atlanta Watershed Alliance. WAWA is
14 a community focused, impact-driven, non-profit
15 organization that is dedicated to growing a
16 cleaner, greener, healthier, more sustainable
17 west Atlanta.

18 We support the innate desire for under-
19 resourced and underserved communities throughout
20 west Atlanta to self-determine and define
21 communities for themselves by providing direct
22 assets to decision-making (inaudible) that

1 ultimately impact the quality of life within
2 their communities.

3 WAWA's mission is to improve the
4 quality of life in the three watersheds that we
5 serve, Proctor, Sandy, and Utoy, by protecting,
6 preserving, and restoring the surrounding
7 communities' ecological and human assets. We are
8 the Vanguard of black scientists, urban
9 environmental educators, and community leaders
10 who work collectively to achieve and maintain
11 optimal community health supported by just and
12 sustainable environments that allow all to
13 equitably share property, power, prosperity
14 within the bill of natural environment.

15 On January 9th, 2020 the Trump
16 Administration launched a destructive assault on
17 our nation's environmental and public safeguards.
18 This proposed overhaul will have significant
19 impacts on under-resourced and underserved
20 communities of color across the nation,
21 especially in the southeast region.

22 Today I will share two concerns WAWA

1 has in regard to proposed changes to NEPA that
2 impact us and primarily the communities that we
3 serve in Atlanta like Bush Mountain and Oakland
4 City, which Bush Mountain is one of the oldest
5 historical black communities in Atlanta that
6 survived Civil War, segregation, and now
7 gentrification.

8 Public participation. When you guys
9 move the projects comment period from 45 days to
10 30, it just won't work. As a young person myself
11 working three jobs, going to school, and
12 educating, moving documents nearly entirely
13 online rather than circulating hard copies places
14 within communities is a disadvantage to
15 meaningful participants and voice their concerns.

16 Public participation is an integral
17 part of NEPA that has reduced litigation and
18 costs to projects across the country by allowing
19 communities to assist federal agencies, identify
20 deficiencies, and plan and consider harm
21 reduction and migration of strategies.

22 The cumulative impacts. As a community

1 partner organization and a federal urban waters
2 program I understand cumulative impacts is
3 critical to climate justice, especially in the
4 southeast region that continues to bear climate
5 injustices disproportionately. The changes
6 proposed by the Council will have significant and
7 detrimental effects on the communities that
8 historically have and continue to bear the
9 burdens of injustices due to erroneous
10 environmental decisions. Please consider this as
11 you guys move and make your decisions. But we
12 want things that work for us not only for right
13 now but in the future. Thank you for this
14 opportunity.

15 MR. BOLING: Thank you. Dr. Sheats.

16 DR. SHEATS: Good morning. My name is
17 Nicky Sheats. I'm the director of the Center for
18 Urban Environment at Thomas Edison State
19 University. I'm here representing my center and
20 also the New Jersey Environmental Justice
21 Alliance. I'm also a member of the Moving
22 Forward Network and the Environmental Justice

1 Leadership Forum.

2 I want to focus my comments this
3 morning on what I consider the most troubling
4 suggestion in changing the NEPA regulations.
5 Other people have commented on it. The last
6 person did, the last speaker did, and that's the
7 suggestion that cumulative impact analysis should
8 be removed from the NEPA process.

9 Cumulative impacts goes to the heart of
10 environmental justice because it addresses
11 multiple sources of pollution and many, if not
12 most, environmental justice communities suffer
13 from multiple sources of pollution. For that
14 reason, addressing cumulative impacts has often
15 been called, especially in the permitting context
16 but just in general, addressing cumulative
17 impacts has often been called the Holy Grail of
18 the environmental justice movement.

19 And in fact, you cannot do an
20 effective -- you cannot do an effective
21 environmental justice analysis without
22 considering cumulative impacts, and that's for

1 two reasons. The one is what I've just
2 mentioned. So many EJ communities -- when I say
3 EJ communities I mean communities of color and
4 low-income communities. So many EJ communities
5 suffer from multiple sources of solution.

6 And I don't think this has been
7 mentioned yet, cumulative impacts is
8 really -- cumulative impacts analysis is really
9 the only tool we have that takes into account all
10 the detrimental impacts on communities. So, it
11 takes into account all source of pollution, but
12 it also takes into account any social
13 vulnerabilities that environmental justice
14 communities may be suffering from.

15 So if you remove cumulative impacts
16 from NEPA you won't be able to do an effective
17 environmental justice analysis under NEPA, and
18 you will also hamper the implementation of the
19 EJ -- of the federal EJ Executive Order number
20 12898 because the accompanied memorandum to that
21 order suggests that in many contexts NEPA should
22 be used to implement the executive order. So, if

1 you can't do an effective environmental justice
2 analysis you really can't implement the EJ
3 executive order.

4 By removing cumulative impacts from
5 NEPA you are making NEPA ineffective for
6 environmental justice communities and you are
7 leaving these communities without protection from
8 large projects. You're also sending a signal
9 that environmental justice is not a priority for
10 this administration.

11 And in fact, environmental justice is
12 not very important for this administration at
13 all. And I don't think that's the message you
14 want to send. This administration has said that
15 environmental justice is important to it. At
16 least EPA has said that. I think CEQ agrees with
17 that. You have reports talking about
18 environmental justice and NEPA, and cumulative
19 impacts and NEPA.

20 But let me finish by saying, and I'm
21 going to try not to mess this up, let me finish
22 by paraphrasing something I heard on TV the other

1 day. You can say that protecting environmental
2 justice communities is important to you, but in
3 this case your actions that you're proposing,
4 taking cumulative impacts out of NEPA, is
5 speaking so loudly it's drowning out your words.
6 In other words, your actions are speaking louder
7 than your words.

8 Please, don't remove cumulative impacts
9 analysis from NEPA. Please, don't leave -- don't
10 fail environmental justice communities. And
11 please remember that the decision you
12 make -- please remember that lives in
13 environmental justice communities may very well
14 depend on the decision that you make. Thank you.

15 MR. BOLING: Thank you, Dr. Sheats.
16 Next up at 22, Heidi Dhivyaderthoud.

17 MS. DHIVYADERTHOUD: Good morning. Hi.
18 My name is Heidi Dhivyaderthoud. That's
19 H-E-I-D-I, D-H-I-V-Y-A-D-E-R-T-H-O-U-D. I'm the
20 secretary of Friends of Buckingham, a grassroots
21 organization founded to oppose the proposed
22 Atlantic Coast Pipeline and the Buckingham

1 Compressor Station, the second of three
2 compressors of the over 600-mile project now in
3 its sixth year of process.

4 If not for the NEPA regulations our
5 voices would not be heard. In fact, FERC and
6 industry, Dominion in particular, erased and
7 ignored our clearly environmental justice
8 community. We had to do a household study of
9 Union Hill that no census review could yield that
10 the immediate compressor station location is 86
11 percent African American and a low-income
12 community. In fact, we had to go to court to
13 successfully vacate the air permit due to the
14 shoddy work of industry, FERC, local and state
15 government.

16 We need stronger regulations that are
17 actually followed, not rollbacks to fast-track
18 behemoth corporate interests that have only their
19 self-serving bottom line in mind and not our
20 common good. Good government takes care of her
21 people, her animals, air, water, land, culture,
22 history, and climate.

1 We, the people, had to work hard and
2 fast to educate ourselves about frack, gas
3 pipelines, compressor stations. Industry and
4 government lied about the promise of jobs,
5 revenue, low environmental impacts. We asked for
6 a proper review of cumulative impacts. We asked
7 our local health department to do a baseline
8 health assessment of the compressor neighborhood
9 and we're told to ask the regional health
10 department who pointed us to the DEQ who were
11 not -- who initially were annoyed with the ask.

12 As project manager of baseline studies,
13 I consulted with Eric Faisst, Director of the
14 Madison County New York Health Department, who
15 was able to create the only public health
16 baseline studies of a compressor station on the
17 planet.

18 The Environmental Health Project of
19 Pennsylvania that we partnered with, and we did
20 our own baseline testing of air, health, and
21 water. Our extended allies, Allegheny Blue Ridge
22 Alliance trained us in stream monitoring and

1 created a compliance surveillance initiative to
2 report construction violations. Virginia
3 citizens reported over 300 violations on the
4 Mountain Valley Pipeline which contributed to the
5 work stoppage.

6 Mike Dodd, Director of the Virginia DEQ
7 Air Department, which is underfunded,
8 understaffed, said to me that he's envious of our
9 mapping system and our trained observers. We,
10 the people, should be seen as partners and as
11 resource instead of enemies. We, the people,
12 should not have to do what good government would,
13 should, and could. Let's do it. We are all in
14 this together. We are all Standing Rock and we
15 are all Union Hill. Thank you.

16 MR. BOLING: Thank you, Heidi.

17 Okay. Next up I have at 23 Russell
18 Chisholm followed by Chase Adams and Adam
19 Carlesco.

20 MR. CHISHOLM: Good morning. I'm
21 Russell Chisholm, Co-chair of the Protect Our
22 Water Heritage Rights Coalition and project

1 manager of the Mountain Valley Watch Volunteer
2 Pipeline Construction Monitoring Program. Our
3 members oppose these changes and join the request
4 for extended comments.

5 I live in Newport, Virginia in a rural
6 community that directly relied on protections
7 under NEPA to try to prevent the now ongoing
8 harms from the Mountain Valley Pipeline Project
9 to farmland, streams, and a growing outdoor
10 recreation economy. Many of my neighbors only
11 became aware of the proposed 300-mile, 42-inch
12 diameter gas pipeline after being contacted by
13 land agents or surveyors.

14 Before environmental impact statements
15 were even completed our communities were told MVP
16 was inevitable and landowners were advised by
17 predatory pipeline representatives to sign
18 easements or ultimately have their land seized by
19 the out-of-state corporation behind the project.

20 Since obtaining FERC certification and
21 beginning construction MVP has become a case
22 study in the type of disaster that will unfold

1 when expert local input is excluded or ignored.
2 So far we've seen and documented recurrent
3 landslides and mudslides, hundreds of failures of
4 best management practices, over 40 notices of
5 violation in West Virginia, 300 violations of
6 Virginia environmental law, ongoing investigation
7 into violations of federal environmental law, and
8 four sets of vacated, suspended, or stayed
9 federal permits due to shoddy and inadequate
10 reviews.

11 Why then does CEQ seek to further tip
12 the scales in favor of the industries behind the
13 projects like MVP with a "build first, ask
14 questions later" approach? MVP is \$2 billion
15 over budget already. What happens to places like
16 Newport when MVP collapses financially because
17 FERC ignored or failed to properly assess
18 cumulative risks and harms from this massive
19 project? Shifting greater control of the
20 permitting process to the builders themselves
21 reinforces glaring conflicts of interest while
22 assigning the social, environmental, and

1 financial burden onto silenced residents.

2 While industry officials blame federal
3 court challenges for ongoing delays to projects
4 like MVP, gutting one of bedrock environmental
5 laws is not the solution. It would be far more
6 efficient to have a robust environmental review
7 with meaningful public input before projects are
8 allowed to proceed. This would prevent now half-
9 finished projects from being put on hold for
10 years while the shoddy review is redone under
11 court mandate.

12 Doing a good review once with true
13 public participation is more efficient than doing
14 a bad review twice. Even more efficient than a
15 bad initial review would be a meaningful
16 consideration of a no-build option, so we don't
17 end up with these unneeded projects sitting half-
18 completed while builders run billions over budget
19 trying to fix the mess they created for
20 themselves.

21 As for the question of who reads
22 thousands of pages of EIS, Maury Johnson, a West

1 Virginia farmer reads them. Carolyn Givens, a
2 retired nurse here today to witness this attempt
3 to gut the law reads them. They deserve to be
4 heard. You and industry should actually start
5 listening to them. We agree that NEPA needs to
6 be modernized but the current proposed changes
7 are a step in the wrong direction. Thank you.

8 MR. BOLING: Thank you. Next up is
9 Chase Adams.

10 MR. ADAMS: Good morning. I'm Chase
11 Adams, common spelling, with the American Sheep
12 Industry Association, represent the nation's
13 100,000 sheep farmers, family farmers and
14 ranchers located across the United States.

15 NEPA has had a tremendous impact on our
16 industry. Nationally it's the basis of
17 litigation for over a decade, has sought to close
18 our primary agricultural research station in
19 Dubois, Idaho, and it's been abused in an effort
20 to curtail predator control activities undertaken
21 by wildlife services.

22 Regionally, our western producers are

1 intimately familiar with the NEPA reviews
2 undertaken on their federal grazing permits.
3 This well-intentioned regulation has become a
4 costly endeavor for our members, creating the
5 endless opportunity for more litigation, more
6 intimidation, and the de facto judicial
7 management of our natural resources.

8 To that end, the American Sheep
9 Industry Association commends the Council on
10 Environmental Quality on this proposed rule which
11 we believe would add clarity while keeping NEPA's
12 original intent in place. The imposition of time
13 and page limits is a positive step in signaling
14 the urgency of a review to the agencies. The
15 current grazing permit renewal process is bogged
16 down and it currently takes an average of four-
17 and-a-half years to complete an EIS. Bringing in
18 a presumptive two-year limit will significantly
19 reduce the delay and burdens to our producers.

20 We also commend CEQ on their efforts to
21 further reduce delays by the use of categorical
22 exclusions and finding of no significant impact

1 where it's appropriate. For the vast majority of
2 our industry, their use of the land hasn't
3 changed for generations. In some cases, it's
4 pre-dated the federal agencies that regulate
5 them.

6 We have long urged the agencies to
7 utilize these options and we believe this
8 proposed rule will go a way toward helping
9 determine the appropriate level of NEPA review.
10 We also applied to inclusion of economic benefits
11 for a proposed action by the agencies. Providing
12 a full picture of the impact of government action
13 is critical in our industry where livestock
14 grazing reduces fuel loads and invasive plant
15 species at no cost resulting in an economic
16 benefit over mechanical methods.

17 The incorporation of comments from and
18 in collaboration with states, local governments,
19 and tribes is also greatly welcome, as is notice
20 to and engagement with stakeholders in the
21 process. These actions will ensure that local
22 voices are heard and included while avoiding

1 duplication of existing resources.

2 Defending against frivolous NEPA claims
3 has cost our industry hundreds of thousands and
4 the government agencies that we work with
5 millions. NEPA decision making should be driven
6 by actual impact, not the fear of litigation.

7 The modification of the remedies section helps to
8 make that clear. Again, we commend CEQ on their
9 efforts to modernize NEPA and we believe that the
10 effect to family farmers and ranchers will be
11 significant. Thank you.

12 MR. BOLING: Thank you. Okay. Next up
13 we have Adam Carlesco followed by Natalie Pien.

14 MR. CARLESCO: Hi there. I'm Adam
15 Carlesco with Food and Water Watch,
16 C-A-R-L-E-S-C-O. After 50 years of agency
17 implementation and common law interpretation,
18 NEPA has become the primary arm of environmental
19 law and it's a model that's been replicated
20 worldwide since then. This is why the Trump
21 Administration's radical reinterpretation of this
22 hallmark law is do beyond the pail.

1 Given the tight time limit, the largest
2 overarching issue with this rulemaking is that it
3 illegally reinterprets the entire purpose, scope,
4 and intent of NEPA through the use of overly
5 extended categorical exclusions, reduced scrutiny
6 of mitigated findings with no significant
7 impacts, overly narrow restriction of cumulative
8 impacts review, and efforts to restrict public
9 engagements, CEQ seeks to completely undermine
10 the 50 year understanding of NEPA's reasoned
11 agency decision making and not to fulfill
12 environmental policies of federal law but to
13 undermine that reasoned agency decision making,
14 and to place a finger on the scale in favor of
15 polluting projects such as a fossil fuel
16 infrastructure and large concentrated animal
17 feeding operations that will have broad and long-
18 term environmental consequences to environmental
19 communities and the broader populace as a whole.

20 Furthermore, the legislative history
21 and a half century of common law have shown that
22 the administration's re-reading of NEPA is so far

1 outside the scope of reasoned agency decision
2 making. The legislative history of NEPA clearly
3 demonstrates that Congress expressly intended for
4 the review of cumulative impacts both domestic
5 and international, both near term and long-term,
6 both geographically far and near.

7 The legislative reporters of 1969, a
8 half century ago, even addressed climate change
9 directly, something that the government was fully
10 aware of during this era as evidenced by the
11 recent U.S. House members hearing and the
12 oversight committee back in October where they
13 discussed Exxon Mobile's purposeful propaganda
14 campaign to suppress climate science that they
15 themselves were aware of during this time. The
16 very idea that the act was to provide information
17 to decision makers to take a long-term look at
18 governmental actions and to ensure a habitable
19 planet for future generations.

20 CEQ's role as proposed completely
21 disregards those intentions by curtailing review
22 considerations to favor (inaudible) projects and

1 intentionally blind to government from seeing the
2 repercussions of its actions as it relates to
3 fossil fuel use.

4 It appears that CEQ failed to even read
5 the legislative history of NEPA before drafting
6 this rule. Concern about climatic impacts was
7 specifically raised in congressional testimony by
8 the National Council on Marine Resources and
9 Engineering Development. Its representative went
10 on to discuss climate and greenhouse gas
11 emissions where he said, quote, "CO2 content
12 could reduce the size of the Arctic and Antarctic
13 ice masses, raise sea levels, and elevate oceanic
14 temperature." In 1969.

15 He further explained why Congress'
16 passage of NEPA's broad review authority is
17 important in that this problem, global climate
18 change, transcends the marine environment. It is
19 best attacked from a broader viewpoint. NEPA was
20 intended to supply that broader viewpoint.

21 While political appointees and industry
22 representatives may argue that NEPA sponsors

1 never anticipated such a statutory scheme that
2 something as widespread as man's impact on global
3 climate change, the legislative record and
4 contemporary governmental agency reports are
5 clear that the release of greenhouse gases and
6 the resulting impacts to the atmosphere and
7 climate change were well within the minds of
8 experts and legislation drafters.

9 As such, it is clearly strongly
10 susceptible, this rulemaking, to judicial
11 reversal upon inevitable legal challenges that we
12 and many others will bring forth against CEQ if
13 they finalize this misguided and irresponsible
14 rule as proposed.

15 MR. BOLING: Okay. Natalie, you're
16 next up, followed by Elizabeth Branch. Thank
17 you.

18 MS. PIEN: Hello. My name is Natalie
19 Pien from Leesburg, Virginia. I am a mother of
20 two young women and a member of Moms Clean Air
21 Force. I'm a retired public school teacher with
22 over 20 years experience. Before that, I was an

1 environmental scientist. I am opposed to the
2 proposed rollbacks to the National Environmental
3 Policy Act, NEPA.

4 NEPA is one of the most significant
5 laws guiding federal decision making to reduce
6 greenhouse gas pollution and account for a
7 project's direct, indirect, and cumulative
8 impacts on climate change. We are facing a
9 climate crisis and are already seeing its impacts
10 across the country in the forms of extreme
11 weather, more flooding and droughts, dangerous
12 wildfires, and poor air quality. Today's
13 children will face the worst impacts of climate
14 change while contributing to it the least and
15 will inherit a world where our life-sustaining
16 ecosystems are rapidly deteriorating.

17 As a teacher I had the honor of
18 teaching science to over 2500 middle school
19 students. In both my classroom and ecology club
20 I nurtured connecting, respecting, and protecting
21 nature. In the field we conducted ecosystem
22 studies. In the classroom we observed the

1 miracle of metamorphosis by raising trout from
2 eggs and raising monarch butterflies from
3 caterpillars. These experiences illuminated the
4 wonders of nature and this delicate balance.

5 As an environmental scientist I see
6 that nature's balance is already in jeopardy and
7 climate change has a significant role. I've
8 noticed the change in insect populations as have
9 other scientists. Studies tell us that
10 pollinators necessary for 75 percent of the food
11 we eat are in danger -- are decreasing in both
12 abundance and diversity. The situation is so
13 dire that researchers are developing drones to
14 pollinate plants.

15 Last May the global assessment report
16 on biodiversity and ecosystem services reported
17 that one million species may be pushed to
18 extinction in the next few years with serious
19 consequences for human beings as well as the rest
20 of life on earth. Sandra Diaz, one of the co-
21 chairs of the report, explained that, The
22 tremendous variety of living species create

1 ecosystems which make up our life-supporting
2 safety net by providing our food, clean water,
3 clean air, energy, and more.

4 Weakening NEPA will threaten
5 ecosystems. Now is not the time to remove the
6 indirect and cumulative considerations of climate
7 change pollution and environmental impacts from
8 proposed projects. NEPA has helped protect
9 children and ecosystems for the last 50 years.
10 We cannot abandon this important role now when it
11 is needed the most. On the contrary, NEPA must
12 be strengthened.

13 You must preserve our planet and all
14 its ecosystems, our life-supporting safety net,
15 for people today and for our children's future.
16 Thank you.

17 MR. BOLING: Thank you.

18 MS. BRANDT: Hi. My name is Elizabeth
19 Brandt. Thanks for listening to my testimony
20 today. I'm a mom to Valencia Natalia. That's
21 why I'm a climate advocate. I'm also a regional
22 field manager with Moms Clean Air Force. We are

1 an organization of more than one million parents
2 across America who are taking action against air
3 pollution and climate change. Our more than 1.5
4 million members are opposed to the proposed
5 changes to NEPA because they aggregate our right
6 to understand how major projects impact our kids'
7 health and to intervene to protect our families
8 as we need to.

9 As parents our top job is making sure
10 kids grow up to be healthy adults. We feed our
11 kids veggies, we take them for check-ups, but
12 that only gets you so far. What about the kids
13 our air breathe? Will they have a healthy
14 climate when they're 35? No parent can control
15 these major factors in their child's health on
16 their own.

17 Love for our children makes us natural
18 advocates for strong environmental policies. We
19 know that when a new industrial project comes to
20 our neighborhood we need to ask questions. What
21 is the true impact of the freeway spur next to
22 the new YMCA? What is the impact of the pipeline

1 next to our children's school? We need to know.

2 NEPA ensures that community members are
3 informed of threats to their health posed by
4 large development projects. Community members
5 have the opportunity to offer alternatives. For
6 low-income communities and communities of color
7 which are often disproportionately impacted by
8 the health problems associated with poorly
9 planned projects, NEPA is an important tool that
10 provides local communities the ability to weigh
11 in on projects impacting their health and safety.

12 It is imperative that NEPA require
13 federal agencies to study and disclose its
14 proposed actions direct, indirect, and cumulative
15 impacts on climate change including the
16 anticipated carbon footprint and eventual
17 contribution to climate change. Limiting
18 greenhouse gas pollution will help reduce the
19 impacts of climate change and has a benefit of
20 improving air quality and public health.

21 If Trump's NEPA proposal is finalized,
22 ignoring cumulative effects could also mean

1 ignoring the numerous polluting industries that
2 have already setup shop near low-income
3 communities and communities of color.

4 I'm originally from the top corner of
5 Washington State. It's a beautiful area with
6 strong Indigenous communities. In our area the
7 Lummi Tribe used NEPA -- the NEPA process to
8 protect their land and fishing rights when
9 proposed development of a coal export terminal
10 threatened them. The closest hearing on the
11 changes to NEPA that are proposed was held 1400
12 miles from the Lummi Reservation. The CEQ has
13 not offered a reasonable opportunity for impacted
14 people to comment on the proposed changes to
15 NEPA.

16 Climate change and air pollution poses
17 a particular threat to children, older adults,
18 and pregnant women. Pollution of our air and
19 climate stands in the way of parents raising
20 healthy kids. The proposed rollback to the
21 National Environmental Policy Act by the Trump
22 Administration is an attempt to deny climate

1 science, weaken the environmental review process,
2 and restrict public participation on federal
3 projects. Thank you.

4 MR. BOLING: Thank you, Heidi.

5 So next up I have Alfredo Gonzalez Ruiz
6 followed by Erica Kane-Capetillo and Carlos
7 Pelayo.

8 MR. RUIZ: Hello. My name is Alfredo
9 Gonzalez Ruiz and I live in Los Angeles,
10 California. I'm here on behalf of East Yard
11 Communities for Environmental Justice and as a
12 member of the Moving Forward Network. I am
13 testifying today because pollution presents the
14 greatest public health and environmental
15 challenge in my community. I oppose CEQ's
16 proposed rule and attempt to rollback NEPA.

17 My community depends on NEPA to learn
18 about and approve proposed projects. NEPA is one
19 of the only laws that gives us a say in projects
20 that could impact our health. CEQ's proposed
21 rule favors polluters. It values faster,
22 cheaper, and less thorough environmental studies

1 over transparency, public participation, and
2 community health.

3 My community is not very different than
4 the average community in L.A. There's a park a
5 few blocks away, Pete's Mini Market on the
6 corner, and a church that always plays music too
7 early on Sunday mornings. The only difference is
8 that within a mile there are multiple sources of
9 pollution.

10 Just down the block there's a railyard,
11 the Intermotive facility, one of the largest in
12 the country. You can hear the train horns
13 blaring at random hours of the day. There's
14 trucks, eighteen-wheelers idling right outside my
15 porch.

16 There's a rendering plant that always
17 gives off the smell of burnt rotten meat at
18 night, around 6:00 p.m. every night. And less
19 than 100 feet there's the 710 freeway with the
20 proposed expansion that has been threatening to
21 completely bulldoze my neighborhood and
22 neighboring communities.

1 Communities like mine face multiple
2 sources of pollution which combine to create
3 significant health risks like asthma, cancer, and
4 premature death. If CEQ eliminates the
5 requirement for agencies to study a project's
6 cumulative effects, federal agencies will approve
7 project after project in communities without
8 considering the totality of harm that these
9 projects create.

10 I oppose CEQ's attempt to eliminate
11 consideration of cumulative effects in NEPA. The
12 proposed rule will harm communities like mine and
13 CEQ has failed to consider this. I oppose CEQ's
14 attempt to reduce public participation and
15 elevate industry interest in development decision
16 making. CEQ's proposal will result in more
17 undisclosed and unmitigated pollution in
18 communities like mine. I oppose CEQ's proposed
19 rule and attempt to rollback NEPA.

20 MR. BOLING: Thank you.

21 Erica. There you are. Hi.

22 MS. KANE-CAPETILLO: I won't let you

1 try to say my last name. I'm Erica
2 Kane-Capetillo. I am from Lansing, Michigan. I
3 am with LCLAA, Labor Council for Latin American
4 Advancement. I am a first generation college
5 graduate as well.

6 I am here today because this
7 administration is putting my health and my
8 community in danger. In Michigan too many
9 communities have little to no meaningful say over
10 the decisions that affect our health, our
11 communities, and our environment. We are often
12 disrespected by our state and our local
13 governments and ignored when offered serious
14 concerns regarding toxic pollutants in our air
15 and water. We are left to defend ourselves
16 against the poisons that cause cancer and birth
17 defects. This administration's proposal to gut
18 the National Environmental Policy Act would make
19 it even harder for us to have a voice to speak
20 out against these injustices happening in our
21 backyard.

22 The 2014 Flint Water Crisis is a clear

1 example of what happens when our government
2 refuses to take responsibility for the outrageous
3 and racist consequences of its own actions. In
4 Flint, the people who were appointed as the so-
5 called emergency managers to clean up a mess
6 created by decades of environmental racism were
7 people who did not live in the community. They
8 were no accountable to the community. No one in
9 the community elected them. The emergency
10 managers just assumed they knew what was best for
11 the people of Flint.

12 They didn't just leave behind a legacy
13 of pollution and suffering. They left behind a
14 legacy of psychological trauma. To this day the
15 people of Flint will not listen to the government
16 assurances about how clean the water is. And why
17 would they? They trust themselves, not the
18 people that were put in power for them.

19 These are the real human impacts of a
20 government that is neither drawn nor accountable
21 to its citizens. And these will be the costs if
22 this administration completes its assault on

1 NEPA. This is a law that gives the people of
2 Flint, the people of Detroit, and other people of
3 this entire country a chance to hold their
4 government accountable. It is a law that gives
5 people a chance to say no to more pollution and
6 no to cancer causing chemicals on their
7 doorsteps. It gives the people a chance to
8 propose better alternatives to their health and
9 their environment.

10 If you allow this proposal to go
11 through you will silence the voices of Latinos,
12 African Americans, Native American communities,
13 and even more that have already been silenced.
14 For nearly half a century we've used this
15 critical tool to speak out and you cannot silence
16 us now. Thank you.

17 MR. BOLING: Thank you, Erica.

18 The next -- Carlos, welcome.

19 MR. PELAYO: My name is Carlos Pelayo.
20 I'm from San Diego, California living in the
21 Kumeyaay Nation, but first I need to acknowledge
22 original peoples of this land, the (inaudible),

1 the Piscataway, and the (inaudible) from here.
2 I'm here in a respectful way and honor you in the
3 spirits of this land.

4 I come here today from San Diego as a,
5 excuse me, as a member of LCLAA, the Labor
6 Council of Latin American Advancement in San
7 Diego, Imperial counties, (inaudible) and the
8 Change of Wind Federation I'm here to express my
9 support for the National Environmental Protection
10 Act which for the past 50 years has served as a
11 voice for communities across our nation.

12 This administration's attempt to
13 undermine our right to have a say on the impacts
14 that public projects have on our environment and
15 communities represent a direct attack on workers,
16 people of color, and the most vulnerable sectors
17 of our population.

18 I vehemently believe that I should have
19 a say on the construction of a border wall in a
20 city that I call home. This wall is being
21 promoted as a solution to a manufactured
22 immigration crisis and a way to end drug

1 trafficking, yet this \$10 billion nefarious
2 construction funded by taxpayers' money has thus
3 far failed to do anything but to endorse
4 segregation, bigotry, and hatred. So far this
5 administration has waived 41 environmental,
6 natural resource, and land management laws to
7 pursue its infamous structure. This wall will
8 inevitably divide communities.

9 This is the case of the Tohono O'odham
10 Nation which has historically already been
11 subject to arbitrary division. Today 32,000 of
12 its members live in Arizona and 2,000 in Mexico.
13 They share the longest international border out
14 of any Native American tribe in our nation. The
15 other border tribes also include the Kickapoo,
16 the Cocopah, and the Kumeyaay Nations. I ask
17 you, why should their voices not be heard in the
18 decision-making process and that would ultimately
19 harm and jeopardize land, culture, and existence,
20 destroying sacred sites and burial grounds?

21 The existing wall has already proven to
22 play a devastating role in many border

1 communities. In the case of the 2000 steel fence
2 that -- mile-long steel fence that divides
3 Nogales and Arizona on the U.S. side from
4 Nogales, sorry, on the Mexican side, in 2008 this
5 part of the fence blocked crucial draining during
6 the storm causing major flooding on both sides.
7 So far this administration has said little about
8 how they are planning on managing potential risks
9 like flooding, threatening and destroying fragile
10 and vulnerable environment, blocking critical
11 wildlife corridors. Thank you very much for
12 allowing me to speak in support of NEPA. Thank
13 you.

14 MR. BOLING: Thank you, Carlos.

15 And next up Juan Parras. To be
16 followed by Mark Lopez. And it looks like we
17 might have some time for some of the alphabet
18 listed speakers.

19 MR. PARRAS: Good morning honorable
20 members of the Council of Environmental Quality.
21 Good morning. I am Juan Parras, Director of
22 Texas Environmental Justice Advocacy Services, a

1 local non-profit organization located in
2 Houston's east end, home to the largest petro
3 chemical corridor in our nation. Our mission
4 focuses on addressing environmental justice for
5 all. I am also a member of the Moving Forward
6 Network whose members strongly oppose any changes
7 made to NEPA in the interest of speeding up and
8 relaxing environmental requirements for
9 developers and industry.

10 I am here today to address NEPA's
11 rollbacks on cumulative impact analysis and also
12 risk management plan, probably known as the
13 chemical security policy. These are two key
14 components of NEPA's regulations that should not
15 be rolled back. These two components of NEPA are
16 vital in addressing the environmental justice
17 policies that will have huge impacts on fence
18 line communities bordering Houston's ship
19 channel.

20 CEO's (sic) proposal will limit public
21 participation in government decision making, my
22 neighborhood included, and others will be

1 severely impacted by the cancer-causing air
2 toxins in these rollbacks if implemented. You
3 offer us no protection or remedies to address the
4 environmental air toxins from industrial
5 polluters and other sources of pollution, and you
6 deny our existence to live in a clean, healthy
7 environmental. Is this now the new national norm
8 and not just an inconsiderate and non-justifiable
9 environmental policy of United States of America?
10 These CEQ changes favor polluters and developers.

11 Environmental justice communities are
12 already facing multiple results on their health
13 and the environmental. Take for instance
14 Houston, Texas. We know about Houston, Texas.
15 Numerous studies and research has been conducted
16 over the years on the environmental exposure to
17 air toxins. What do you we know about cumulative
18 impacts? Well, let me tell you. In Houston
19 alone scientific studies have concluded that
20 Houston's east end is exposed to 12 hazardous air
21 pollutants, seven of which are carcinogen.

22 The scientific researchers reports are

1 not necessarily in order of when the studies were
2 conducted in harm's way. Who is in danger?
3 Houston Area Research Center, the City of Houston
4 School of Public Health, Double Jeopardy, and
5 others. The scientific research has been
6 documented, documented and confirmed. The
7 evidence is clear. These researchers have
8 concluded that cumulative impact exposure
9 analysis are real and that it is impacting
10 Houston's east end residents, including the
11 community of Manchester.

12 These cumulative impacts are not
13 surprising. If you live in a ten-mile radius of
14 the Houston ship channel there is a 59 percent
15 probability of contracting childhood leukemia.
16 Is this our mission now to have a blind eye to
17 what is self-evident?

18 In the community of Manchester
19 (inaudible) levels of human carcinogen benzine
20 were so high that one scientist said living there
21 would be like sitting in traffic 24/7.
22 Additionally, Texas benchmark for carcinogens are

1 among the most lenient in the country and the
2 toxic air levels found would be considered a
3 serious health risk in other states.

4 I would also like to mention that in
5 the last year we have numerous plant explosions
6 injuring first responders, workers, and
7 residents. So please, don't close your eyes and
8 change the NEPA regulations to actually support
9 and increase what industries and polluters are
10 doing. Thank you for your time.

11 MR. BOLING: All right. Thank you,
12 sir. Mark Lopez.

13 MR. LOPEZ: Hi. My name is Mark Lopez
14 and I'm from the east side of Los Angeles. I'm
15 with the East Yard Communities for Environmental
16 Justice in east L.A., southeast L.A., and Long
17 Beach, as well as the Moving Forward Network in
18 port and rail communities across the country.

19 Usually around -- maybe around 9:00
20 p.m. at night it smells like shortcake, like
21 strawberry shortcake in my neighborhood, which is
22 really a challenge when you're trying to run in

1 the neighborhood, right? But it's a nice smell
2 that comes in that we appreciate because about
3 four hours earlier, around 5:00, we get a smell
4 that can only be described as (inaudible), which
5 translate to burnt butthole basically, right?

6 And this is terrible, and we need to
7 fix that, but what concerns me more is when I can
8 smell the chrome plater. It's when I can smell
9 industrial paints and solvents. It's when I can
10 smell the chemical drum processing plant. It's
11 when I can smell diesel particulate matter from
12 the major roadways and the rail line that runs by
13 my house. Because I can smell those things the
14 rest of the day when I don't smell (inaudible)
15 and strawberry shortcake. Because all of that
16 exists on one block, all of that and more.

17 This is the issue of cumulative impact.
18 My community has been here before the freeways,
19 before those railyards, before all of these
20 facilities, before NEPA. And sometimes it feels
21 like we're drowning and NEPA is our only gasp of
22 air. It's our only opportunity. Through

1 mandated disclosure and public participation,
2 we've been able to secure protections for our
3 communities as facilities have expanded, as
4 facilities have upgraded, as new facilities have
5 come in.

6 We've also stopped and shutdown some of
7 the worst polluters this world has ever seen.
8 It's not just about the aesthetic. It's not just
9 about whether we can see the San Gabriel
10 Mountains or not. It's about life protection.
11 That's what NEPA is about.

12 It's not too burdensome. It's not too
13 much time. It's not too much money. It's
14 democracy. That's what it is. None of this is
15 easy. It's not easy for any of us here to give
16 our lives to come and be with you all, but we
17 know it's necessary.

18 In my community seven million pounds of
19 lead were dropped on 100,000 residents over a
20 series of decades. That's 70 pounds of lead per
21 person put into the air, landing in our
22 communities. Why did this happen? Because the

1 environmental regulations wasn't followed by the
2 company or the state agency. How did it get
3 shutdown? U.S. EPA and the Department of Justice
4 stepped in to support our communities.

5 Cumulative impact. We don't design
6 windows for a single gust of wind. We don't
7 design roofs for a single rain event. Please do
8 not redesign NEPA as if our communities are not
9 in the middle of a toxic hurricane. My family,
10 our communities, we oppose the proposed rule and
11 the attempt to rollback NEPA because we're just
12 trying to breathe. Thank you.

13 MR. BOLING: Thank you, sir.

14 We have time for a couple more speakers
15 and we would like to start with Elvin Windubois.
16 Elvin, if you're here and ready to go. Okay. If
17 Elvin is not here then we'll move onto John
18 Allen.

19 MR. ALLEN: Hello. John Allen,
20 citizen. John, J-O-H-N, Allen, A-L-L-E-N. I'd
21 like to start with a quote. "We chose to go to
22 the moon not because it's easy but because it's

1 hard, because that goal will serve to organize
2 and measure the best of our energies and skills,
3 because that challenge is one that we are willing
4 to accept." And that's a quote from a truly
5 great president and that quote resonates today
6 and has direct application to the rulemaking
7 being proposed and being considered by CEQ over
8 the next few weeks.

9 The delivery of an EIS process is done
10 because an action proposed by a project proponent
11 has the potential to cause significant adverse
12 impact to the surrounding communities of human,
13 physical, and natural environmental. Now
14 considering .1 percent of all federal actions
15 warrant analysis under the EIS process or require
16 an EIS, in considering that the residents with
17 which the action will be placed will have to live
18 with that action beyond the foreseeable future,
19 50, 100 years, then it goes without saying the
20 EIS process is hard, and it should measure the
21 best of our energies and skills.

22 Under this pretext difficulties and

1 challenges in the EIS process is actually the
2 norm. It's supposed to be hard. But alas, it
3 seems the challenge put in front of the American
4 citizens in 1961 is a thing of the past. The
5 rulemaking before CEQ is indicative of a new era
6 of leadership. If it's hard, even if it's
7 fundamentally right, let us cave to those who
8 spend time complaining instead of learning and
9 making the task seemingly easy by avoidance. Let
10 us do this at the detriment of future generations
11 and hope that we will not have to answer to them.

12 At just over six pages in length, NEPA
13 is an amazing piece of federal legislation.
14 Unfortunately, it's one of the most misunderstood
15 pieces of legislation and consumptive economic
16 powers in the country have spent the last 50
17 years trying to tear down something that's
18 magnificent instead of trying to do it better and
19 following it well.

20 Imagine if we had spent the last 50
21 years just trying to follow the policy better
22 each time, a policy that gives decision makers

1 and project designers an easy to follow,
2 predictable, repeatable process leading to
3 defensible project decisions each and every time.

4 NEPA is based on a simple and beautiful
5 premise. Let's make sure we understand and
6 consider how our actions today affect our kids
7 and grandkids and their future. It says in
8 essence think before you act. NEPA values
9 critical thinking and its purest form aspires
10 decision makers to strive to make projects a part
11 of the human, physical, and natural communities
12 instead apart from those communities. The rule
13 changes infer we are more responsible today as a
14 citizenry, that we are better stewards. The
15 truth is we are simply not.

16 So, is NEPA perfect? No. But no law
17 is. However, it's undeniable that NEPA has led
18 to countless social benefits across the United
19 States and much better projects as a result,
20 benefits the CEQ has failed to recognize in
21 defending the logic of the rule changes. NEPA is
22 considered the Magna Carta of environmental law

1 and if it were such a problematic law why would
2 over 80 other countries adopt environmental
3 policy that mimics NEPA?

4 The rulemaking infers that NEPA has
5 limited job creation and adversely affected the
6 American economy. Right now, the Trump
7 Administration claims we are in the greatest
8 economic conditions ever experienced and more
9 jobs being created every day. You can't have
10 both. This is the most evident of falsified
11 claims in the proposed rulemaking. Quite
12 arguably, the proposed changes will lead to job
13 loss.

14 In 2016 the environmental industry was
15 a \$370 billion on revenue industry, almost three
16 percent of the U.S. gross domestic product,
17 employing over 1.73 million people. So obviously
18 what is the impact to that industry through the
19 deregulation of NEPA? Thank you.

20 MR. BOLING: Thank you, John.

21 I'd like to offer the opportunity again
22 to Elvin Windubois if he's in the room. Okay.

1 Then we'll go to Liz Cramp. She's got letter C.
2 And Ted Weber, letter D. We might be able to fit
3 you in as well.

4 MS. CRAMP: Good morning. My name is
5 Liz Cramp and I'm a citizen of Virginia, a
6 landowner in Maine, a former teacher, and most
7 importantly a mom, and I am opposed to the
8 proposed changes to NEPA.

9 The sweeping language of NEPA, the NEPA
10 statute, asserts the federal governments duty to
11 use all practical means to fulfill the
12 responsibilities of each generation as trustees
13 of the environment for succeeding generations. I
14 am here for -- I am here representing my
15 generation, my children's generation, and my
16 future grandchildren's generation.

17 I am the citizen that you probably have
18 determined does not have substantial comments,
19 but my comments come from a place of love for my
20 children, my grandchildren, and the healthy land,
21 water, air, and wildlife that is ours. I am a
22 citizen that is here not as an anti-mining, anti-

1 drilling, anti-livestock, anti-infrastructure, et
2 cetera, but I care about what they are trying to
3 do, and I am also the citizen that is not really
4 concerned that these and other profit hungry
5 industries are having to spend time and money to
6 ensure that America's environment and American's
7 health are protected.

8 The changes to NEPA are proposed to get
9 rid of regulation. My families coastal summer
10 cottage in Maine has had to deal with
11 environmental regulations since the 70s. It has
12 been personally costly and burdensome at times,
13 but when I know that the seafood from the water
14 is healthy, when I see the variety of shore
15 birds, osprey, and bald eagles returning to the
16 shoreland I know it is worth the thoughtful
17 decisions made by our government to protect our
18 land, water, air, wildlife, and health. I see
19 the positive cumulative impacts from regulation.

20 Following important and thoughtful
21 regulation should be the same for profit seeking
22 industries which are the only benefactors of

1 these NEPA changes. The changes are not being
2 made to benefit the communities who own these
3 precious areas of development.

4 I am here today because the present
5 administration cannot pass any laws that support
6 deregulations of protections over our
7 environment, especially during this time of
8 climate change catastrophes. So, like a hidden
9 cancer they are stealthily inserting pro-industry
10 people in our agencies and quietly making
11 sweeping changes to our bedrock environmental
12 laws including NEPA.

13 In regards to NEPA, we must consider
14 climate change because it is demonstrated in a
15 present impact on our land, water, air, wildlife,
16 and especially our public safety. We must
17 consider cumulative effects because it's heard
18 today so many communities, especially those of
19 lower economic means and of color, have shown
20 terrible polluting effects on their health. And
21 you must give citizens like me a voice for my
22 sake and for the sake of my fellow citizens for

1 whom I, unlike this administration, truly care
2 about.

3 I oppose the changes to NEPA. Thank
4 you for letting me have a voice for myself and
5 for the future of our nation's children and
6 grandchildren.

7 MR. BOLING: Thank you for your
8 testimony, Liz.

9 And Ted, you've got three minutes, and
10 then we'll take a break.

11 MR. WEBER: Hello. My name is Ted
12 Weber, W-E-B-E-R. I'm an ecologist with more
13 than 20 years of experience including working on
14 habitat conservation plans for large projects
15 under NEPA. So, I supplied some written comments
16 and I wasn't planning to speak, but I wanted to
17 touch on a couple of things that haven't been
18 mentioned yet.

19 First, if the Trump Administration is
20 concerned about the speed of NEPA reviews, rather
21 than subverting the law to the greatest degree
22 possible, they could provide adequate funding for

1 Fish and Wildlife and other agencies to perform
2 the reviews. More biologists, ecologists, and
3 other professional staff are needed. These are
4 exactly the positions that are not being
5 advertised on federal job boards these days. The
6 Trump Administration has cut budgets and staff.
7 Fish and Wildlife scientists have cited limited
8 staff capacity as well as negative influences
9 from political appointees as the greatest
10 barriers to science-based decisions in the
11 agency.

12 And the second thing I'd like to
13 mention that a GAO analysis found that less than
14 one percent of NEPA analyses are for
15 environmental impact statements, and those that
16 tend to be high-profile and large with a lot of
17 potential environmental impacts. These are the
18 ones that we do need to be looking at carefully
19 for their substantial impact on the environment.
20 So, this rollback is based on a red herring. And
21 once again, Fish and Wildlife could use more
22 money for their biologists. Thank you.

1 MR. BOLING: All right. Thank you.

2 That brings us to the end of our
3 speakers for speaking sessions one and two.
4 We're going to reconvene at 1:00, speaking
5 session three, and so we look forward to seeing
6 you and hearing from you then. Thank you. Bye-
7 bye.

8 (Break.)

9 MR. LEVENBACH: -- on Environmental
10 Quality. Thanks for coming today. So, I want to
11 welcome you. This is CEQ's second public hearing
12 on the proposed rule to update the regulations
13 implementing the National Environmental Policy
14 Act, or NEPA, and this is part of a concerted
15 effort that CEQ is making to seek the public's
16 views on the first proposed comprehensive update
17 to the regulations in over 40 years.

18 So, I'm just going to go over a couple
19 of details here. We're going to -- we had a
20 presentation on the rule in the morning, but for
21 this session we're going to launch right into
22 public comments.

1 So, I'm joined by Ted Boling. Ted is
2 the associate director for NEPA at CEQ, and
3 Michael Drummond on the end. Michael is the
4 deputy associate director for NEPA at CEQ, and
5 then Amy Coyle between them who is the senior
6 counsel at CEQ, and they are leading the review
7 of public comments and developing the final rule.

8 So, a few housekeeping items. If you
9 could just silence your cell phones. For the
10 restrooms, the women's room as you walk out is on
11 the right-hand side. For the men, you need to go
12 out into the lobby there and just ask a security
13 guard and they will open up the gates because the
14 restroom is halfway down the corridor on your
15 right. Emergency exits are both in the back and
16 the front of the auditorium to each side. Please
17 don't bring food and beverages in here.

18 And then let me just also go over a few
19 details for those who are speaking to ensure that
20 everybody gets their voices heard. We have
21 exactly the number of slots, you know, as
22 registered to fill out the session, and so if you

1 are planning to speak and you haven't registered
2 yet, please do so. You can just go to the
3 registration desk out in the lobby and please
4 tell them that you are here, so we know that.

5 And you're allotted three minutes to
6 speak. Please keep to your time limit so that
7 all of today's speakers can be heard. And each
8 speaker was assigned a number at the registration
9 table. That's the number we're going to call you
10 up to the podium right here. So, we'll call them
11 in sequence and then when we call on you to
12 speak, please state your name and spell it for
13 the stenographer who is over here behind the
14 pillar so that he gets your name accurately. And
15 then please speak directly into the microphone so
16 that we can transcribe them.

17 So, Mr. Boling here is going to keep
18 time. He's going to display a yellow sign that
19 says 30 seconds and then a pink one when time is
20 up. So again, we have exactly the number of
21 speakers for the time allotted for the session so
22 please be courteous to the upcoming speakers.

1 Yes?

2 UNIDENTIFIED SPEAKER: When you spell
3 your name does that count into your three
4 minutes?

5 MR. LEVENBACH: Well, if you spell very
6 slowly we might but -- so I'd say if you run over
7 a couple seconds it's okay. It's not the Gong
8 Show. We're not going to haul you out.

9 We also have comment cards available at
10 the back of the room and there's also a box in
11 the back of the room to put those comment cards.
12 You can deposit them also at the registration
13 desk. And then if you want to comment in writing
14 later you can submit them to [regulations.gov](https://www.regulations.gov).
15 The deadline for comments is March 10th.

16 So also, there is -- we may end a
17 little bit early. We were able to fit in a
18 couple people on our waitlist, so if you're not
19 registered to speak but you'd like to, just go
20 out to the registration desk, ask for Kelly, and
21 they'll give you a letter, and then once we get
22 through all the numbers then we'll call up people

1 in alphabetical order, and we were able to get a
2 couple in in the morning session.

3 And let me just assure you that CEO
4 will consider all public comments. Whether
5 they're written or verbal, they're considered the
6 same. So, with that, if you have any questions
7 you can ask the people in the lobby. They're
8 happy to help you. And thanks again for taking
9 the time today to share your comments or to
10 listen to the public comments. So, this session
11 is scheduled to end at 4:00, and with that we
12 will get started.

13 MR. BOLING: And we will get started
14 with Jesse Marquez, number one, followed by Rich
15 England at two, and then Jordan Crenshaw at
16 three. Mr. Marquez.

17 MR. MARQUEZ: My name is Jessie,
18 J-E-S-S-E, middle initial N, Marquez,
19 M-A-R-Q-U-E-Z. I am the founder and executive
20 director for the Coalition for a Safe
21 Environment. We're an environmental justice
22 organization headquartered in Wilmington,

1 California.

2 The number one largest container port
3 in the United States is the Port of Los Angeles
4 which is located in Wilmington. The second
5 largest container port in the United States is
6 the port of Long Beach. It is our neighbor in
7 Wilmington. The Alameda Rail Transit corridor is
8 in Wilmington. The Union-Pacific Railroad
9 Interval facility is in Wilmington.

10 I am 67 years old and for the last 20
11 years I've had the pleasure to (inaudible) and
12 exercise my citizen rights to participate in
13 public comment. I have public commented on every
14 port of L.A., port of Long Beach project that's
15 ever been conceived in the last 20 years and I'm
16 proud of that fact. I'm here to state that our
17 organization has 12 other organization members
18 that's part of our coalition, as well as
19 predominantly made up of residents. We oppose
20 any changes at this time to NEPA.

21 And I'd like to share with you why NEPA
22 has been a success. Currently, it requires an

1 EIS to be prepared which is a comprehensive
2 overview and that is what's been done. It
3 represents all the different various
4 environmental factors that can affect a community
5 as well as public health, as well as biological
6 factors. We have always respected that. And by
7 and large 90 percent of the time they have been
8 effective in identifying and addressing and
9 mitigating the facts. The proposed changes will
10 not allow that to happen.

11 Currently, NEPA also requires a
12 cumulative impact assessment. Well, the changes
13 are trying to change that because, as you heard
14 me mention, it's not just a project. We have
15 multiple projects. We have major industries that
16 are also in my community of Wilmington.
17 Wilmington is five miles square and the
18 population 55,000. Also in Wilmington are three
19 major oil refineries. So, if you're going to
20 introduce a new project or you're going to expand
21 an existing project, having an appropriate
22 cumulative impact assessment is necessary.

1 The other thing about NEPA is that it
2 has been a fair process. All members of the
3 public, all stakeholders have an opportunity to
4 weigh in. What's being proposed will take away
5 some of those rights and put other extreme
6 limitations on us that are not necessary.

7 Another great point, the NEPA cost of
8 preparing an EIS is less than one-tenth of one
9 percent. That is cheap. An EIS takes and can be
10 completed in one year once it's released to the
11 public. The reason it has taken longer than that
12 and challenged is because of the failure to
13 address everything properly. Thank you.

14 MR. BOLING: Thank you, sir.

15 MR. ENGLAND: Hello, my name is Richard
16 England, R-I-C-H-A-R-D, E-N-G-L-A-N-D. Thank you
17 to CEQ for holding this public hearing and of
18 course the Department of the Interior for hosting
19 it. As I said, my name is Richard England. I'm
20 the vice president of Government Affairs for the
21 National Ocean Industries Association, or NOIA.

22 We are the only trade association

1 representing all segments of the offshore energy
2 industry. NOIA members are engaged in
3 traditional oil and natural gas exploration and
4 production as well as the burgeoning offshore
5 wind energy prospects along the Atlantic coast.
6 Our member companies are proud that they
7 contribute to America's energy security and we
8 want to continue providing that service in a way
9 that protects our environment and the health and
10 safety of communities across the country.

11 As they do this work virtually every
12 step of the process is impacted by the National
13 Environmental Policy Act. NEPA is of course the
14 bedrock of modern environmental law and has been
15 for four decades. However, it is also true that
16 the NEPA of 2020 is cumbersome and seemingly
17 tailormade for delay.

18 In general, our members working on
19 America's coasts deal with DOI on the NEPA front.
20 According to data CEQ released alongside this
21 proposed reform, the average time from a notice
22 of intent to a record of decision at Interior is

1 one of the lengthiest, pushing five years.

2 While the oil and gas industry is at
3 least familiar with NEPA, and Interior's Bureau
4 of Ocean Energy Management is better than many
5 regulators, these are uncharted waters for the
6 wind industry. That is why these proposed
7 reforms are coming at such an important moment.

8 According to 2019 estimates, we have
9 nearly \$70 billion in capital investment expected
10 for America's coasts for offshore wind in the
11 next ten years. That means clean reliable energy
12 in places like New England and New York where
13 infrastructure development onshore is famously
14 difficult.

15 Building offshore wind will also offset
16 the Russian gas that has periodically been
17 shipped into Boston Harbor to provide electricity
18 to my home, Commonwealth of Massachusetts.
19 Offshore wind is an incredible opportunity for
20 American consumers, our environment, and the
21 climate. However, wind developers are already
22 facing the pain of a broken NEPA process.

1 Despite the best efforts of DOI, the first large
2 scale wind farm in the Atlantic called Vineyard
3 Wind is now years behind schedule because of a
4 lengthy supplemental EIS process.

5 We also know that opponents of offshore
6 wind are looking to use NEPA as a weapon to block
7 development of clean energy. Every extra month
8 of delay means delaying American investment and
9 American jobs. While critics will say that this
10 reform threatens our environment, we not only
11 disagree with that basic premise, but we also
12 hope you keep in mind that a broken NEPA process
13 hurts our ability to provide not only traditional
14 fuels like oil and gas but also 21st century
15 clean energy that's desperately needed across
16 this country. Thank you very much.

17 MR. CRENSHAW: Hi. My name is Jordan
18 Crenshaw, C-R-E-N-S-H-A-W, and I'm executive
19 director of policy council of the Chamber of
20 Technology Engagement Center at the U.S. Chamber
21 of Commerce. I'd like to thank you for the
22 opportunity to speak today regarding CEQ's draft

1 proposed rule to update the procedural provisions
2 of the National Environmental Policy Act known as
3 NEPA.

4 The Chamber fundamentally supports the
5 goals of NEPA and believes that it is critical
6 for the environmental protection and economic
7 growth that the review process be streamlined.
8 Since NEPA was last comprehensively updated in
9 the late 1970s the time it takes to complete
10 environmental reviews has increased to four-and-
11 a-half years on average. The NEPA review process
12 has become so overly broad requiring exhaustive
13 analyses of issues without regard to
14 environmental significance.

15 CEQ recently reviewed 500 projects
16 requiring environmental impact statements that
17 were finalized from 2013 to 2017 and found the
18 average EIS length of analysis was over 1200
19 pages. Cumulatively, the federal government
20 amassed almost one million pages of NEPA
21 documentation for these projects. The cost
22 burdened to taxpayers of these voluminous

1 analyses has been estimated by some to be in the
2 billions of dollars each year, not counting the
3 delay in public benefits of projects.

4 With increasing globalization and
5 economic growth, the demand for highly efficient
6 communications infrastructure is even more
7 important. The cloud has transformed
8 telecommunications industry sparking an enormous
9 need for faster internet and 5G networks. This
10 has spurred the development of innovative
11 technologies that demand higher rates of data
12 transfer to perform speech recognition, navigate,
13 enable digital assets and assistants who use
14 virtual reality to name a few. The Chamber found
15 that if rural small businesses had access to
16 digital tools they could utilize these
17 innovations to add nearly \$47 billion to U.S. GDP
18 and add nearly 300,000 jobs.

19 These growing data needs can only be
20 supported if new and upgraded broadband
21 infrastructure is put in place. This
22 infrastructure can take the form of wire line

1 connections as well as wireless equipment mounted
2 on towers, buildings, and other structures.

3 The federal government owns or
4 administers close to 30 percent of all land in
5 the U.S. as well as thousands of buildings and
6 fund states and local transportation
7 infrastructure. Improved processes for broadband
8 deployment would increase broadband facilities
9 servicing rural communities, improve service in
10 urban areas, enhance public safety by providing
11 improved emergency communities, spur competition
12 between broadband providers, and multiply the
13 public benefits of existing federal
14 infrastructure investments.

15 We support the proposed NEPA update to
16 increase transparency and predictably to improve
17 coordination among federal agencies to eliminate
18 unnecessary barriers to prevent or delay the
19 implementation of critical projects. Improved
20 regulatory predictability would allow businesses
21 to plan and invest with confidence while
22 enhancing economic productivity and efficiency.

1 Thank you.

2 MR. BOLING: Thank you. And four, I
3 have Mildred McClain followed Teresa Pierno and
4 Leah Pilconis and I don't know who number seven
5 is. So, number seven, if you would put yourself
6 in position.

7 MS. MCCLAIN: My name is Dr. Mildred
8 McClain, M-I-L-D-R-E-D, M-C, capital C, L-A-I-N.
9 I am here from the city of Savannah, the state of
10 Georgia, but I'm representing voices as far as
11 North Carolina and all the way down to Florida.
12 I'm representing the Harambee House and Citizens
13 for Environmental Justice and I am a member of
14 the Moving Forward Network and We Act For
15 Environmental Justice.

16 But most of all, I am representing my
17 children, my grandchildren, my godchildren, my
18 aunts and uncles, and thousands of citizens
19 across this country who have used NEPA for a very
20 long time to assist them in addressing
21 environmental racism and environmental injustice.

22 We as a local community have used NEPA

1 for over 30 years. We started with the fact that
2 the Department of Energy and the Savannah River
3 site wanted to bring and did bring and is
4 bringing 15,000 spent nuclear fuel rods to the
5 Savannah River site in Aiken, South Carolina back
6 from Europe.

7 In addition, they wanted to and is
8 doing disposing of 50 metric tons of surplus
9 grade, weapons grade plutonium, and it was
10 through NEPA that our communities were able to
11 weigh in on both of those processes through the
12 environmental impact process. Please do not take
13 this from us.

14 As a local community we also used it
15 when the Georgia Ports Authority was going to and
16 did dredge the river to widen it so that we could
17 accommodate larger container ships coming from
18 the Panama Canal. We are one of the busiest
19 ports in the country and because of NEPA we were
20 able to weigh in on that as well.

21 As the senator said this morning, we
22 are a nation of, by, and for the people, and I

1 want to remind you, with the people. I want to
2 go right straight to a couple of things because I
3 know that yellow card is going to come up right
4 quick.

5 We do not support any rollbacks of any
6 regulations in NEPA. Yes, it is not perfect, and
7 it can be improved, but those improvements need
8 to be made with the voices of the people at the
9 table. This is a democracy and we must protect
10 our rights, our democratic rights.

11 If you do what you're trying to do you
12 are essentially assigning harm and potential
13 death to many environmental
14 justice -- environmental injustice communities
15 throughout this country. And excuse me for being
16 a little emotion. Strengthen the environmental
17 justice analysis. Transparency must include
18 community engagement. Measure twice, cut once.
19 Streamlining cannot replace taking our time.

20 And you cannot take out the cumulative
21 analysis section because our communities have
22 been exposed to many things over a long period of

1 time and with proposed projects that will
2 continue. Thank you.

3 MR. BOLING: Thank you, Dr. McClain.

4 I next have up Theresa Pierno.

5 MS. PIERNO: My name is Teresa Pierno,
6 T-H-E-R-E-S-A, P-I-E-R-N-O, and I am president
7 and CEO of the National Parks Conservation
8 Association. The revisions proposed to the
9 National Environmental Policy Act are an insult
10 to the original law. And in just three minutes
11 it is not possible to address all of the
12 appalling changes that would harm frontline
13 communities and our public lands. And none of us
14 testifying today should have to ask our own
15 government to use science when making decisions
16 that impact the entire country.

17 Climate change is causing catastrophic
18 damage to our environment and that is a fact.
19 Stripping one of our best tools is just
20 inconceivable. And it's more than 100 years of
21 history that climate change has been the greatest
22 threat to our national park system. Parks are

1 melting, they are burning, they are drying as our
2 country's dependence on fossil fuels pollute our
3 landscapes and harm our communities.

4 One of the many victims is our world-
5 renowned Everglades National Park. It's pristine
6 beauty from mangrove forests to sawgrass plains
7 have been ravaged by fluctuations in annual
8 temperature and extreme weather events. Rare or
9 endangered species such as sea turtles and
10 Florida panthers are being pushed from their
11 native habitats and are risking their very
12 survival. Sea level rise, storm surges are
13 collapsing these already very vulnerable
14 ecosystems.

15 And it's not just the Everglades. Dire
16 situations are developing across the entire park
17 system. Biscayne in Florida has lost 80 percent
18 of its coral reef. Four glaciers have melted in
19 the north Cascades just since 1984. And Joshua
20 Tree National Park will likely see it's last
21 Joshua Tree in the next 80 years. These losses
22 are a direct consequence of a rapidly changing

1 climate caused by human activity.

2 Our park system is the canary in the
3 coal mine. Unless we act immediately and with
4 purpose there will no longer -- they will no
5 longer exist the way we know them today. I
6 cannot say this strongly or clearly enough, MPCA
7 opposes these revisions to NEPA.

8 Analyzing how a federal project through
9 potential cumulative impacts could degrade the
10 environment is fundamental to NEPA process. If
11 these changes go through the federal government
12 will no longer be obligated to consider how the
13 latent effects of an action could threaten the
14 health of our public lands, visitors, and
15 surrounding communities.

16 In the past using NEPA we avoided
17 unnecessary environmental damage, increased
18 carbon dioxide emissions downstream, pollutant
19 damage around vulnerable communities. From oil
20 pipelines to wildlife management, the public
21 deserves to know their government is protecting
22 their national parks. Climate is happening now.

1 Ignoring it will not stop it. Now is not the
2 best time to abandon science. We must embrace
3 it. The American public and our national parks
4 deserve better.

5 MR. BOLING: Thank you, Ms. Pierno.

6 MS. PILCONIS: Good afternoon. Leah
7 Pilconis, L-E-A-H, P-I-L-C-O-N-I-S. My name is
8 Leah Pilconis and I am here on behalf of
9 Associated General Contractors of America
10 representing the commercial construction
11 industry. Our members build everything but
12 single-family homes and many of their projects
13 require a federal review before they can get to
14 work. Reforming the NEPA process is an essential
15 first step to providing the American people with
16 cleaner water, safer roads and bridges, and a
17 more reliable energy system.

18 Let's be clear, under CEQ's proposal
19 AGC contractors would still have to comply with
20 every substantive environmental requirement
21 currently in place. AGC supports these five
22 important ways the proposal would improve the

1 overly complex review process.

2 One, it would clarify the boundaries of
3 NEPA. Proposals with minimum federal funding or
4 involvement, especially where the agency cannot
5 influence the outcome in any way that would
6 change the project's environmental effects, would
7 not warrant a NEPA analysis under the proposal.
8 This makes sense.

9 Two, it would simply the range of
10 effects considered during NEPA reviews. We need
11 to stop the excessive speculation. The proposal
12 codifies Supreme Court case law and simplifies
13 the definition of effects to those that are both
14 reasonably foreseeable and that have a close
15 causal relationship to the proposed action or
16 alternatives. Again, this makes sense.

17 Three, it would refine the range of
18 reasonable alternatives. NEPA's goals are
19 satisfied when an agency analyzes reasonable
20 alternatives. The proposal would exclude
21 alternatives outside of the lead agency's
22 jurisdiction or statutory authority. It's a

1 waste of agency resources to analyze alternatives
2 that are not economically and technically
3 feasible.

4 Four, it would reduce duplication. The
5 proposal would ensure that the environmental
6 documentation collected during the NEPA process
7 would satisfy the federal environmental permits
8 and approvals that are related to that process.
9 It would stop wasting time and money redoing the
10 analysis or recreating existing data.

11 Five, it would limit needless
12 construction delays. In addition to process
13 efficiencies the proposed revision seeks to
14 resolve allegations of NEPA non-compliance or
15 deficiencies as expeditiously as possible to
16 prevent delays and stop work orders.

17 We can't build a better and greener
18 future if projects designed to make our economy
19 more efficient and resilient are stuck in never-
20 ending federal reviews. Thank you for this
21 opportunity.

22 MR. BOLING: Thank you. Now I don't

1 seem to have a name assigned to number seven. If
2 there's a number seven out there please come
3 forward. Otherwise, we'll hear from Frank
4 Szollosi, followed by Dorothy Canter.

5 MR. SZOLLOSI: I thought she was seven.
6 I'm eight. My name is Frank Szollosi,
7 S-Z-O-L-L-O-S-I. I serve as climate policy
8 director for the National Wildlife Federation
9 based in Michigan. I'm proud to represent
10 millions of hunters, anglers, bird watchers,
11 boaters, kayakers, other outdoorists. I'm
12 calling on White House CEQ to withdraw this
13 dangerous proposal to rewrite NEPA regulations.

14 For generations in the Great North
15 Woods we've hosted family canoe trips, ice
16 fishing for ancient species of sturgeon. The
17 land up there provides outstanding deer and
18 upland bird habitat. It's Jack Pine forests are
19 a critical habitat for Kirtland's Warbler, once
20 listed as vulnerable to extinction but because of
21 environmental restoration has been upgraded to
22 simply near threatened status.

1 Northern Michigan is also home to trout
2 fishing's holy waters including the Au Sable
3 River, the Rifle, the Pigeon, the Black, among
4 others. The previous generation of
5 conservationists engaged NEPA's public input
6 process and the mechanisms to insist on a full
7 reckoning of impacts that would have compromised
8 that habitat. They and the NEPA process bequeath
9 to us today a landscape not shattered by needless
10 four-lane highways.

11 The proposed rewrite of NEPA is a
12 direct threat to the \$12.2 billion generated
13 annually by Michigan's 600,000 hunters, 1.1
14 million anglers, and lesions of birders who fuel
15 rural economies and jobs for Michigan's small
16 towns.

17 Rest assured we will communicate to
18 every duck blind, every deer stand, every fishing
19 lodge in Michigan, Minnesota, Wisconsin, anywhere
20 hunters and anglers gather that their ability to
21 meaningfully engage in federal decision making
22 that impacts hallowed hunting, fishing, and

1 birding grounds is being short-changed by the
2 Trump Administration.

3 NEPA offers transparency and
4 accountability for projects to meet standards
5 that protect wildlife, human communities, and
6 habitat. NEPA also drives corporations and
7 public servants to work harder to protect our
8 resources and communities. We believe these
9 proposed rollbacks would make it easier for
10 companies to write their own environmental
11 reviews and we believe there's major downside
12 risk to that.

13 Look at Enbridge Line 5, a pipeline
14 that's nearly 70 years old at the tip of
15 Michigan. Enbridge wants to drill a tunnel under
16 the Straits of Mackinac. On either side is Lake
17 Michigan or Lake Huron. It's a source of
18 drinking water for millions of people. How can
19 we endorse a proposal that weakens the
20 consideration of impacts for projects like this?
21 It doesn't make sense. So, consider local
22 impacts. We strongly oppose these proposed

1 changes. Thank you very much.

2 MR. BOLING: Thank you, Frank.

3 Dorothy Canter, who will be followed by
4 Rachel Macias and Faith Lewis.

5 MS. CANTER: My name is Dorothy Canter,
6 D-O-R-O-T-H-Y, C-A-N-T-E-R. I am a 31-year
7 volunteer for the National Parks Conservation
8 Association. I served for nine years on its
9 board and I continue to serve in a number of
10 capacities. I have visited 320 national parks
11 and I believe the national parks are among the
12 best representatives of our American democracy.
13 They preserve our natural and cultural treasures
14 and tell the uniquely American story.

15 I'm going to deviate from my written
16 remarks because some of the things I've heard.
17 I've had experience with one particular project,
18 Dominion wanting to build and having built
19 Dominion Power, a huge transmission line over the
20 James River with towers as tall as the Statue of
21 Liberty. We opposed it and they refused to do an
22 environmental impact statement.

1 So, for years this went on and on and
2 finally the Trump Administration allowed them to
3 go forward. The Corp of Engineers gave them a
4 permit. So MPCA and other organizations sued and
5 eventually, although they were allowed to build
6 it, the court ruled on the appellate level that
7 they have to do an environmental impact
8 statement.

9 So, I would like to say to the people
10 here who are saying that it takes so long, keep
11 in mind that often it takes so long because the
12 forces of industry want not to do what they have
13 to do to follow the law. So, they need to be
14 better citizens. Okay.

15 So, I'll get back to my script. In
16 1916 Congress passed the Organic Act which
17 established the National Park Service within the
18 Department of Interior. The law recognized that
19 the scenery, wildlife, and cultural history
20 distinctive to our nation's public lands are
21 worth preserving and should be managed to remain
22 unimpaired for the enjoyment of future

1 generations.

2 You've heard from the president of MPCA
3 what's happening to our environment. The
4 National Park Service is the only federal agency
5 with such a unique and protective directive. For
6 over 100 years the National Park Service has
7 upheld that mandate to the highest degree.
8 Whether they're navigating massive budget
9 shortfalls or recovering from devastating natural
10 disasters, the service has consistently overcome
11 obstacles to ensure that our iconic and historic
12 parks remain a gift to the world.

13 The revisions that are proposed to NEPA
14 present one of the greatest threats to upholding
15 this mission. These proposed changes would
16 undermine one of the best federal planning
17 processes utilized by the Park Service and pose a
18 direct threat to our natural and cultural
19 resources.

20 Comprehensive analysis of proposed
21 federal actions such as the EIS, as I mentioned,
22 or environmental assessments allow federal

1 experts to consider how a site can be affected by
2 future changes to the lands and landscapes.

3 While these assessments vary among sites, they
4 guarantee that every project triggers a NEPA
5 review.

6 CEQ's proposed revisions could change
7 the scope of projects that trigger analysis under
8 NEPA, decrease the alternatives to a project that
9 the federal government must consider, and even
10 allow permitting of certain projects without
11 undertaking an environmental analysis altogether.
12 Any one of these revisions can cripple the
13 National Park Service's ability to fulfill its
14 mandate to protect the future.

15 Our national park system has helped to
16 make and keep America great. American's and
17 people from around the world love visiting them
18 and want to protect them. My father always said,
19 If it ain't broke, don't fix it. That applies to
20 NEPA. Don't mess with a 50-year success story.
21 Thank you.

22 MR. BOLING: Okay. Thank you, Dorothy.

1 Rachel?

2 MS. MACIAS: Hi. Rachel Macias,
3 R-A-C-H-E-L, M-A-C-I-A-S. My name is Rachel
4 Macias. I'm a construction worker from Chicago,
5 Illinois. I'm here today because I believe our
6 government has the moral and ethical
7 responsibility of looking after the well-being of
8 underserved and vulnerable communities.

9 For the past 50 years the National
10 Environmental Policy Act has played the role of
11 our nation's conscience regarding the
12 construction and implementation of federal
13 projects. It has done so by requiring agencies
14 to fully engage in a transparent review process
15 with the purpose of identifying not only the
16 environmental impacts that certain proposals
17 might have but also by indicating the potential
18 dangers that workers such as myself and my
19 brothers and sisters are exposed to. We want to
20 go home, and we want to go home healthy.

21 This was the case of the 2009
22 demolition of Building 330 at Argonne National

1 Laboratory in my home state which included the
2 removal and transportation of radioactive and
3 toxic waste. Bringing down this site involved a
4 thorough analysis and process that kept the
5 public, surrounding community, and environment
6 safe from exposure to radioactive materials.
7 Demolition workers had to wear respirators and
8 other protective equipment to ensure their
9 security.

10 For Latino and immigrant communities
11 NEPA is a powerful tool to demand transparency so
12 that we can make educated decisions that can help
13 keep us safe while we work, our neighborhoods
14 free from dangerous pollutants, and our kids
15 healthy.

16 The proposed changes to NEPA represent
17 a dangerous threat to our democratic right to
18 participate and maintain a voice regarding
19 decisions that may impact our communities.
20 Frankly, it is unfathomable that we are here
21 today having to explain the importance of having
22 a voice, justifying our right to live and work in

1 an environment free of pollutants, and yes, it's
2 shameful that in this nation where we uphold the
3 values of equality, freedom, and justice
4 vulnerable communities are being robbed of their
5 right to speak.

6 The proposed changes to NEPA suggest
7 cutting corners allowing the federal government
8 to act recklessly, holding no one accountable for
9 the potential nefarious impacts that will have,
10 and neglecting the fact that those affected will
11 be those whose voices are silenced.

12 I am here today because I refuse to sit
13 back and watch this happen. I refuse to stand
14 back and leave my daughter, my son, and future
15 generations the nation that will come if these
16 proposed changes go through. Thank you.

17 MR. BOLING: Thank you. Thank you,
18 Rachel.

19 So next up we have Faith Lewis to be
20 followed by Ellie Bell, number twelve.

21 MS. LEWIS: Good afternoon. My name is
22 Faith Lewis, F-A-I-T-H, L-E-W-I-S. I am a senior

1 in environmental studies and economics double
2 major at American University. In the fall I will
3 enroll in law school to advocate for the right of
4 all peoples, most predominantly Indigenous
5 Americans, low-income individuals, and people of
6 color to live work and play in a healthy
7 environment.

8 This rollback will not result in a
9 healthy environment for the public. It is simply
10 an egregious act of violence against the people
11 in the United States. This rollback will result
12 in unhealthy environments. It will silence the
13 voices of those most adversely impacted by
14 environmental degradation, and ultimately it will
15 increase costs for U.S. taxpayers.

16 First, the rewrite of implementing
17 rules for this landmark legislation would harm
18 the environment and those within it by
19 restricting climate change-based evaluations of
20 major federal actions.

21 In addition, this change will also
22 obstruct our right to comment on federal actions

1 thereby diminishing our capacity to participate
2 in public works that will affect the lives of
3 ourselves and those that we love.

4 Third, this change to NEPA will make
5 our infrastructure less secure and economically
6 costly. The burden of these costs will fall on
7 the taxpayer and it will most heavily on those
8 with low incomes thereby exacerbating preexisting
9 economic inequalities.

10 If this administration moves forward
11 with this rollback then they're indicating to us
12 that the lives of marginalized people in this
13 country, the lives of those who most depend on
14 this bedrock environmental law do not matter. So
15 if this move will diminish the life outcomes of
16 the people that the government has sworn to
17 protect, if it will block access to common sense
18 and science-based reviews of federal projects, if
19 it will silence the voices of community members
20 who are disproportionately adversely impacted,
21 and increase costs for U.S. taxpayers then why
22 would we do it? Who would benefit?

1 And it's polluting corporations.
2 Polluters who would be enabled to conduct their
3 own environmental reviews and evaluations
4 regarding the effects of their projects. They
5 could downplay the hazards or even avoid
6 acknowledging adverse effects on the environment
7 and human life, and this is a conflict of
8 interest.

9 To move forward with this action would
10 be unconscionable and I recommend that instead we
11 would like to keep the requirement that ensures
12 that major federal actions analyze cumulative
13 impacts. We should keep the original definitions
14 of key terms within NEPA such as major federal
15 action effects, reasonable alternatives as they
16 were in the original NEPA rulings and rules.

17 I've had the opportunity to learn about
18 necropolitics which is essentially the study of
19 how governments make choices about who lives and
20 who dies within their borders. When we evaluate
21 this administration's actions within that context
22 it is very clear to see which lives and

1 livelihoods this administration is privileging
2 above all others. So, I implore you to
3 reconsider this action and stand with those who
4 would suffer under reduced protections. Thank
5 you.

6 MR. BOLING: Thank you, Faith.

7 Next up, Ellie Bell followed by Chelsea
8 Tu.

9 MS. BELL: Hello, my name is Eleanor
10 Bell, E-L-E-A-N-O-R, B-E-L-L, and I am here today
11 as a member of Moms Clean Air Force. I have a
12 Bachelor of Science in Soil Science and I'm
13 working on a Master of Arts in Science Education.

14 I oppose the weakening and elimination
15 of crucial National Environmental Policy Act
16 protections. I live in Snowshoe, West Virginia
17 where I have seen firsthand how important the
18 NEPA process is to give my community the right to
19 know and the right to comment on how local
20 projects directly, indirectly, and cumulatively
21 impact our health, our safety, our economy, and
22 our environment.

1 Through the NEPA process we have the
2 opportunity to voice concerns and educate the
3 federal government about how a proposed
4 underground mine safety research facility for the
5 National Institute of Occupational Safety and
6 Health, or NIOSH, would impact our community.
7 Currently, we are in the middle of working with
8 NEPA through this project as a community.

9 I will give you some examples from this
10 project that would not be protected with the new
11 proposed rollbacks to NEPA. It is critical to
12 consider indirect and future impacts that
13 projects will have to our community. So, in my
14 community caves, fissures, and underground rivers
15 underly the entire region of that area of West
16 Virginia. It's like swiss cheese. So, water is
17 moving openly and quickly for miles at a time
18 underground in these underground rivers.

19 The proposed project would include an
20 underground mine for explosion experiments that
21 would be -- this mine would be excavated into the
22 limestone where our water travels. Fire

1 suppression chemicals and diesel fuel will then
2 be used in the underground mine galleries.

3 Dewatering of wells or pollution of
4 wells or drinking water from springs could happen
5 miles away from the project due to the connection
6 of these underground rivers. This dewatering and
7 pollution could happen immediately, or it could
8 happen years from now. It could happen to the
9 next generation when this facility is being used.
10 So, it could happen later due to the use of the
11 facility with the vibrations from the explosions
12 finally shifting rock features nearby. Who knows
13 how many explosions it will take to change a
14 river, but to me it seems clear that it will
15 change the movement of water within our
16 community.

17 So, this major issue would no longer be
18 considered under the proposed rollbacks of NEPA
19 because it would be considered an indirect or
20 future impact of the project. This would mean
21 hundreds of people are at risk of losing their
22 drinking water in a county that has the largest

1 economic income for recreation in the state of
2 West Virginia. So, this is a -- this would be a
3 huge burden on the recreation economy.

4 It's also imperative to consider
5 cumulative impacts. The other risk of this NIOSH
6 project is the proximity of this explosion
7 laboratory to the nearby Atlantic Coast Pipeline.
8 Our community is fearful of the potential leaks
9 of natural gas from the pipeline in such close
10 proximity to the explosions from the underground
11 mine safety facility. With the elimination of
12 cumulative impacts under the proposed NEPA
13 rollbacks this life-threatening interaction
14 between projects would go without consideration.

15 This doesn't -- what I have said
16 doesn't even cover the effects of the cumulative
17 impacts on climate change that need to be
18 addressed through NEPA and would be rolled back
19 with the proposed rollbacks.

20 The NEPA review process has served to
21 help protect our families and communities for the
22 last 50 years. So please withdraw the proposed

1 rollbacks to NEPA and commit to protecting
2 families in America. Thank you.

3 MR. BOLING: Thank you, Ms. Bell.

4 So next up we have Chelsea Tu followed
5 by Sydney Hearst and Nayyirah Shareef.

6 MS. TU: Chelsea Tu, C-H-E-L-S-E-A,
7 T-U. Good afternoon. My name is Chelsea Tu.
8 I'm a senior attorney with the Center on Race,
9 Poverty, and the Environment, CRPE. CRPE is an
10 environmental justice organization based in
11 California's Central Valley. The Central Valley
12 is home to expansive agricultural operations, oil
13 and gas facilities, and suffers from some of the
14 worst air quality in the nation along with
15 contaminated drinking water, and people are
16 living next to all of these things as one of the
17 superfund sites.

18 For the last 30 years we've partnered
19 with low-income communities of color in the
20 Central Valley to address pollution impacts from
21 local to federal projects in order to improve
22 their environmental health and well-being. We

1 are deeply concerned about the Council of
2 Environmental Quality's proposed proposal to
3 weaken NEPA and I will highlight just two of
4 these many concerns that we have.

5 First, the CEQ proposes to no longer
6 require agencies to conduct a robust analysis of
7 all reasonable alternatives in the environmental
8 impact statement. This change will effectively
9 allow lead agencies to arbitrarily choose to
10 analyze a few alternatives they want to analyze
11 and allows them to potentially ignore
12 environmentally superior alternatives.

13 Agencies as well as communities in
14 which the proposed action could take place must
15 be able to learn and compare the environmental
16 impacts of all of the possible paths forward for
17 the proposed action. Everyone, especially
18 environmental justice communities, need to know
19 exactly what these tradeoffs are when the final
20 action is taken.

21 A decision that does not weigh all
22 reasonable alternatives would not only gut NEPA

1 at is core but also would defy the fundamental
2 purpose of this law to ensure informed decision
3 making.

4 Second, although NEPA currently
5 requires lead agencies to evaluate the
6 environmental as well as interrelated social and
7 economic effects of proposed actions, the CEQ now
8 proposes to delete this important requirement as
9 well. This proposal would allow agencies then to
10 pretend that people are not part of the
11 environment and environmental impacts do not
12 impact people.

13 It is an insult to communities that pay
14 for the consequences of pollution from projects
15 such as oil and gas pipelines and highways,
16 communities who pay for pollution with health,
17 with their health and their lives. Do you really
18 want to, quote/unquote, "streamline" and build
19 efficiencies around NEPA at the cost of people's
20 lives?

21 Agencies must continue to be able to
22 and to be required to evaluate environmental,

1 social, and economic effects of all proposed
2 actions. And so, on behalf of the Center on
3 Race, Poverty, and the Environment, I urge you to
4 withdraw these proposed rules. Thank you.

5 MR. BOLING: Thank you, Ms. Tu.

6 Sydney Hearst who will be followed by
7 Nayyirah Shareef and Byron Barber.

8 MS. HEARST: Good afternoon. My name
9 is Sydney Hearst, S-Y-D-N-E-Y H-E-A-R-S-T. I'm
10 the digital advocacy manager for the Animal
11 Welfare Institute. I feel incredibly privileged
12 to have this opportunity to highlight the
13 importance of NEPA especially considering the
14 public was only provided two hearings in a mere
15 60 days to comment on regulations that would
16 drastically alter the implementation of one of
17 our country's bedrock environmental laws.

18 I was raised in the beautiful Blue
19 Ridge Mountains of southwest Virginia. I have
20 always been inclined to enjoy, respect, and
21 preserve the natural environment around me
22 largely due to the influence of my late

1 grandfather. At one point during the several
2 decades he spent working for the National Forest
3 Service he saw the potential of an old abandoned
4 road that is now regularly visited and more
5 commonly known as the Virginia Creeper Trail, a
6 rails to trails project in the National
7 Recreation Trail inventory.

8 Many years after this rural development
9 funded the installation of a 12 million gallon
10 per day water intake and pump station as well as
11 the transmission line to the treatment plant in
12 Washington County, Virginia. Had it not been for
13 the implementation of the NEPA process in the
14 planning stages mitigation actions necessary to
15 protect the Virginia Creeper Trail as well as the
16 archaeological remains of two Native American
17 camps would not have been identified. I'm
18 thankful to NEPA for protecting my grandfather's
19 legacy, and this is just one of the endless
20 examples of NEPA safeguarding our health, homes,
21 history, and environment.

22 Prompted in part by communities whose

1 members felt their views had been ignored during
2 infrastructural development, NEPA has empowered
3 citizens and demanded government accountability
4 for more than 40 years guaranteeing the public a
5 voice to speak up on issues that affect their
6 safety and security, NEPA epitomizes democracy in
7 action.

8 Thanks to NEPA hundreds of millions of
9 Americans have participated in important federal
10 decisions. In many cases NEPA gave citizens
11 their only opportunity to voice concerns about a
12 project's impact in their own community. Because
13 informed public engagement often produces ideas,
14 information, and even solutions that the
15 government might otherwise overlook, NEPA leads
16 to better decisions and better outcomes for
17 everyone.

18 The Trump Administration's attempted
19 attacks on this democratic process cut out the
20 public's voice and silenced the communities these
21 projects directly affect. To ensure equitable
22 development communities absolutely must have

1 mechanisms in place to have a voice in whether
2 dangerous and dirty projects are put in their
3 very own backyards.

4 These proposals put industries desire
5 to maximize profits before the public's health
6 and safety needs ignoring the means to find a
7 path for these to coincide. These proposals
8 allow corporations to speed up their development
9 without a requirement to disclose conflicts of
10 interest, consider environmental impacts, or
11 offer alternative approaches.

12 While corporate polluters cut corners
13 during the development process, we taxpayers foot
14 the bill to pay for and repair projects that fail
15 to adequately consider climate change, extreme
16 weather, and other events. We absolutely must
17 reject these proposals that threaten to diminish
18 NEPA.

19 Further, the public deserves a longer
20 comment period to fully grasp and respond to how
21 these proposals affect every single American.
22 Thank you for your consideration of these

1 comments.

2 MR. BOLING: Thank you very much. We
3 have -- oh, here we are. Thank you.

4 MS. SHARIFF: I am Nayyirah Shariff.
5 That's N-A-Y-Y-I-R-A-H, last name S-H-A-R-I-F-F.
6 I'm a director at Flint Rising and a member of
7 the Environmental Justice Leadership Forum. I
8 stand in solidarity with numerous frontline
9 communities across the country in vehement
10 opposition to the proposed changes to the
11 National Environmental Policy Act. If these
12 changes go into effect then you all should
13 probably change the name of this law to the
14 corporate interest protection act.

15 These changes will further enrich the
16 profits of the corporations at the expense of the
17 health, safety, and primacy of residents having a
18 say in the types of industries located in their
19 communities. Shrinking the public comment period
20 by 15 days and moving documents to an online only
21 platform does not create more efficiency.

22 I live in a community where efficiency

1 was created through the loss of democracy and we
2 had an opaque government. With the imposition of
3 Michigan's Emergency Manager law, decisions
4 weren't made in the public space. The outcome of
5 that efficiency-laden and profit-driven model was
6 the Flint Water Crisis.

7 In 2,132 days later since the
8 catastrophic switch to the Flint river, we are
9 still grappling with the legacy of those opaque
10 decisions. The dreams parents had for their
11 children have been denied. An untold number of
12 people have died from complications from drinking
13 toxic and bacteria-laden water. The health of
14 multiple generations of Flint residents have been
15 compromised and over 100,000 people have been
16 poisoned. With the implementation of these new
17 policies you will be creating more Flints, not
18 preventing more Flints from occurring.

19 Our government should be creating more
20 platforms and avenues for public participation.
21 Like Leslie Odom in the musical Hamilton said, I
22 want to be in the room where it happens.

1 Residents deserve to have in-person meetings,
2 documents in hardcopy, and mandatory
3 environmental assessments and cumulative impact
4 studies.

5 Instead of opening windows and doors
6 and putting more seats at the table, you are
7 making it more burdensome for black and brown
8 communities to participate in their own
9 liberation. I too am America. I too deserve to
10 drink clean water and breathe clean air just like
11 the wealthy white communities do. I'm not sure
12 if you all even feel the same.

13 NEPA not only deserves to be maintained
14 but strengthened. It does not deserve to be
15 slaughtered under the shameless veneer of
16 democracy that's really hypocrisy. Thank you.

17 MR. BOLING: I have next up at 16,
18 Byron Barber, followed by Ashly Marie at 17.

19 MR. BARBER: Good afternoon. My name
20 is Byron Barber. That's B-Y-R-O-N, B-A-R-B-E-R,
21 like barbershop. My pronouns are he/his. I am
22 here on behalf of Kentuckians for the

1 Commonwealth, KFTC, and the Environmental Justice
2 Leadership Forum to speak out against the Trump
3 Administration's proposed rollbacks to NEPA
4 protections.

5 I give honor to my ancestors and the
6 Indigenous People of this land who for centuries
7 lived sustainably with this planet prior to white
8 supremacists capitalism's disruption of that
9 global understanding. I'm here to highlight why
10 the proposed rollbacks are bad for all of
11 humanity and future generations, and why they
12 deserve a much better world than the one that the
13 proposed rollbacks would leave for them.

14 Not only should we reject the way the
15 NEPA rollback silences Americans in favor of the
16 financial interest of the wealthy few, but we
17 should always seek to expand the people's power
18 in the decision-making process.

19 Escalating expanding -- I'm sorry.
20 Expanding access to the process will reduce
21 litigation and associated financial and social
22 costs created by institutions rushing the

1 approval process. Equitably and ethically
2 collaborating, not just communicating, with the
3 public is key to our survival as a people.

4 Not only should we reject the NEPA
5 rollbacks to the consideration of cumulative
6 impacts of multiple sources of pollution, but we
7 should expand current protections for the public
8 and the workers at risk.

9 The rollback would make it okay for
10 industries to not add up the collective amounts
11 of pollution created by neighboring manufacturing
12 plants and facilities. Current NEPA laws could
13 even be expanded to consider how the stress and
14 trauma of racism, classism, sizeism,
15 heterosexism, ableism, masochiny, how they all
16 compound to magnify environmental impacts. And
17 we're not even looking at that yet, so to even
18 consider rolling back where we are now is
19 ridiculous.

20 This very Black History Month black and
21 Indigenous People are still leading the fight
22 against racist proposals like the one proposed by

1 the Trump Administration and supported by
2 Kentucky's own Mitch McConnell. NEPA was born
3 out of the Civil Rights Movement due to the
4 actions of black and brown organizers protesting
5 the expansion of highways and white flight that
6 ultimately made way for the gentrification
7 occurring right now in west Louisville under
8 democratic leadership.

9 Organizations like React in Louisville
10 are still fighting for environmental justice in a
11 state where environmental health and impact
12 assessments are only deemed necessary if they
13 don't conflict with the financial interests of
14 developers of billion dollar industries. This
15 remains the bipartisan legacy of an
16 environmentally racist history that we refuse to
17 confront and explicitly address.

18 Trump and McConnell claim to be
19 champions of Kentucky communities impacted by
20 coal, but they are doing the exact opposite in
21 silencing Martin County residents in their fight
22 to have clean water. Better enforcement of

1 current NEPA protections could have prevented
2 this crisis.

3 Harlan County miners and their families
4 and their communities suffer because corporations
5 avoid responsibilities and believe poor and
6 working class communities are disposable. But we
7 are not disposable. We are Kentuckians. We are
8 human beings. The world is counting on this
9 council, the world, to emphatically reject this
10 racist rollback. Thank you.

11 MR. BOLING: Thank you, Mr. Barber.

12 And number 17 I have Ashly Marie and Tom
13 Osborne all written on the same -- okay. So, you
14 know who we're talking about.

15 MS. OSBORNE: It's my full name.

16 MR. BOLING: Okay. There you go.
17 Ashly Marie Tom Osborne. Thank you.

18 MS. OSBORNE: Hello. I am Ashly Marie
19 Tom Osborne, A-S-H-L-Y, M-A-R-I-E, T-O-M,
20 O-S-B-O-R-N-E. I am Ashly Osborne, the Moapa
21 Band of Paiutes Tribal Council secretary.

22 Our concerns for the proposed NEPA

1 changes are illustrated best by the current
2 situation we face with the U.S. Air Force Nellis
3 test and training range expansion. The Air
4 Force, the Department of Energy, and the
5 Department of the Interior should have chosen to
6 work with the Southern Paiute tribes primarily
7 impacted by the proposed expansion deeper into
8 the Southern Paiute Salt Song Trail lands and the
9 Salt Song Trail genesis of the Southern Paiute
10 language, beliefs, and culture.

11 Instead, these agencies used tactics of
12 the U.S. calvary of the 1800s. They hire Indian
13 trackers from opposing tribes and pay them off to
14 do so to do their bidding. The Nuwuvi Group and
15 the Consolidated Group of Tribes and
16 organizations are funded by the U.S. government
17 to provide the desired outcomes for the NEPA
18 studies and to authorize the daily operations
19 that compromise our cultural sites and natural
20 resources.

21 These bought and paid for DOD, DOE, DOI
22 surrogates come from the tribes as far as North

1 Dakota with no understanding of our culture from
2 the tribes that once captured the southern
3 Paiutes to sell them as slaves to the Spanish and
4 from the tribes that have historic land disputes
5 with the Southern Paiute Tribes.

6 The Southern Paiute have a
7 representation in these groups but are typically
8 outvoted by the ratio of nine to one, so our
9 concerns don't make it into the NEPA process.
10 Our people are rarely hired as cultural and
11 environmental monitors to our own traditional
12 lands on the range. The results? They divert
13 water and kill off the essential plant and animal
14 life.

15 A recent visit of the watering hole
16 fenced from access with animal carcasses decaying
17 outside of it. The range EIS talks of
18 cannibalism among the small animals due to the
19 reduced food and water sources. They trap our
20 sacred animals, the big horned sheep, and send
21 them to other states the same way they used to
22 take our children and send them far off to Indian

1 schools through the late 1970s.

2 The Air Force has failed to protect the
3 most sacred cultural sites from the bombs and
4 looters. Paiute Water Cave and the creation of
5 the Moapa Band of Paiutes Heritage has unexploded
6 bombs embedded in the cliff face and the size of
7 the cave in January 2019 is one-third of its size
8 observed in 1980. The interior is blackened by
9 explosions, cave art is destroyed, the artifacts
10 missing from both the cave and the trail leading
11 to it.

12 This modern systematic extermination of
13 the southern Paiute language, history, beliefs
14 and culture by the U.S. Air Force and their
15 federal co-conspirators. Our solution is simple.
16 We propose that the Southern Paiute and Cultural
17 National Resource Council to be formed to manage
18 the lands, the waters, and the access of regions
19 encompassed by the Southern Paiute Salt Song
20 Trail. If such a model is not included in the
21 NEPA process revisions the U.S. government will
22 continue to suppress and impact the tribal

1 nations to ensure the extermination of the native
2 culture on federal lands.

3 Finally, we put the CEQ on notice that
4 the Moapa Band of Paiutes disputes the findings
5 presented in the NTTR final EIS. However, we
6 have a reasonable plan that will allow a fully
7 timely expansion required by the Air Force for
8 the NTTR if only someone would ask us.

9 (Inaudible) which means I am a proud Moapa Paiute
10 Indian, respect and love my people. Thank you.

11 MR. BOLING: Thank you. The last
12 numbered speaker we have is Francois Alexandre
13 and then we'll go into the letters. Francois.

14 MR. ALEXANDRE: Good afternoon. My
15 name is Francois Alexandre, F-R-A-N-C-O-I-S,
16 A-L-E-X-A-N-D-R-E. Hello, my name is Francois
17 Alexandre. I'm from Ti Ayiti, Miami. Thank you
18 for the opportunity to share my story.

19 I was born in Ayiti and raised in
20 Florida. I graduated with a bachelor's degree in
21 international relations, minor in communications.
22 I've become an environmental activist since

1 Hurricane Irma, but my activism life started way
2 before that.

3 Seven years ago, on June 21st, 2013
4 while walking home from a celebration, the Miami
5 Heat Championship win over the San Antonio Spurs,
6 I was viciously attacked and brutally beaten by
7 Miami Police Department officers for protecting a
8 woman who was ferociously knocked down and
9 choked. The verdict is still out.

10 Four years later within the same city I
11 co-founded Conscious Contractors Incorporated, a
12 Miami-based small business created out of
13 necessity before, during, and after Irma on
14 September 10th, 2017. We're a consulting company
15 striving to build a construction cooperative that
16 works to serve the best interest of all
17 disadvantaged people.

18 We are committed to the ongoing
19 development of Kocher Arts and Science
20 initiatives for the revitalization and prosperous
21 redevelopment of our community, Ti Ayiti. Our
22 team aims to combat climate gentrification by

1 constructing greener adaptable affordable
2 housing, beautifying communities through
3 landscape designs, and renovation of properties
4 while providing at-risk youth with job training
5 skills.

6 The effects of intense climate change,
7 strong winds, and flood from Irma proved that
8 locally in south Florida the global warming upon
9 those identified as marginalized would be
10 devastating. The community of (inaudible) has
11 been identified as the fastest gentrification
12 community in the country. This area is 10 to 12
13 feet higher above the future sea level rise than
14 the low lying flooding areas such as Miami Beach,
15 downtown Miami, and (inaudible).

16 The displacement of working class
17 (inaudible) have become common in the last ten
18 years. The phenomenon of climate change has
19 distracted urbanists, reporters, and policy
20 makers from the biggest problem afflicting TIET,
21 concentrated poverty. There has been plenty
22 written, discussed, and agreed upon on how

1 affordable housing has a special role in the
2 process of defeating climate gentrification. We
3 cannot win against climate gentrification without
4 addressing and defeating poverty.

5 The Council on Environmental Quality
6 was established in 1969 to coordinate federal
7 environmental efforts in the United States and
8 the world closely with agencies and other White
9 House offices in the development of energy policy
10 and initiatives.

11 We believe that the CEQ has the duty to
12 protect the daily lives of all our citizens.
13 This council has the responsibility to protect
14 the natural environment of the individual,
15 organizations, and government. It's objective
16 are to conserve natural reserves and the existing
17 natural environment where it's possible to repair
18 damages and reverse trends. Climate
19 gentrification and all forms of climate change
20 displacement must be declared as a climate change
21 emergency in America. Human lives, community
22 destructions, and economic woes await all of us

1 if the country leadership does not recognize its
2 responsible to each person.

3 The stakes are not high. Human life
4 over death and displacement must be the battle
5 this Council takes on. Human life is the great
6 American way. This country has been in the
7 forefront of social change. The CEQ has the
8 moral power and duty to call out the conscience
9 of all Americans, elected officials, and
10 citizens. They must stop climate gentrification
11 and save the lives of communities throughout this
12 great country. Thank you very much.

13 MR. BOLING: Thank you for your
14 testimony, Mr. Alexandre.

15 We have time to hear from Vicki Wheaton
16 followed by Joelle Novey.

17 UNIDENTIFIED SPEAKER: We have numbers.

18 MR. BOLING: I'm sorry?

19 UNIDENTIFIED SPEAKER: We have numbers.

20 MR. BOLING: Oh. Please, tell me what
21 your numbers are.

22 UNIDENTIFIED SPEAKER: 26.

1 MS. PUROHIT: I was 12 and now I'm 18.

2 UNIDENTIFIED SPEAKER: So those come
3 (inaudible).

4 MR. BOLING: Okay. So those will come
5 after the break. That's session four. Did I
6 hear you say you have 12?

7 MS. PUROHIT: I was originally 12 but
8 they made a mistake and so they gave me -- now
9 I'm number 18 but previously I was 12.

10 MR. BOLING: Okay. All right. Sorry.
11 What's your name?

12 MR. PUROHIT: Sandra Purohit. They
13 acknowledged the mistake out front as opposed to
14 --

15 MR. BOLING: Oh. Okay. All right.
16 Sandra, please come forward.

17 MS. PUROHIT: My name is Sandra
18 Purohit. That's S-A-N-D-R-A, P-U-R-O-H-I-T.
19 Good afternoon. I'm Sandra Purohit, Director of
20 Federal Advocacy for E2, a national non-partisan
21 group of more than 7,000 business leaders,
22 investors, and other professionals who support

1 policy that is good for our economy and good for
2 our environment.

3 E2 members have founded or funded more
4 than 2,500 companies, created more than 600,000
5 jobs, and managed more than 100 billion in
6 venture and private equity capital. Many E2
7 member companies have undergone NEPA review and
8 can relate to the urgency of timely approvals,
9 but their businesses also depend on the
10 government making environmentally and
11 economically sound decisions.

12 We support constructive efforts to make
13 NEPA more effective and more efficient.
14 Unfortunately, this rule does neither and we must
15 urge that it be withdrawn. Instead of improving
16 NEPA this rule creates uncertainty, increases
17 financial risk, and undermines the right and
18 interests of businesses and investors across the
19 country. It also weakens environmental
20 safeguards that we all rely on.

21 The rule fails to address the key
22 drivers of project delay including the capacity

1 crisis within the government for conducting
2 effective NEPA. Indeed, it's controversial
3 changes will likely contribute to delay. Project
4 owners rushing to get important technologies to
5 market will be mired down as every federal agency
6 rewrites its implementing regs and decades of
7 settled NEPA case law is upended and re-
8 litigated.

9 E2 objects to the removal of the
10 requirement that the government consider climate
11 risk when thousands of businesses confront
12 extreme losses from climate-driven droughts,
13 floods, and wildfires every year. These events
14 do not just impact revenue but supply chain
15 integrity, investor confidence, market access,
16 and competitiveness.

17 By ignoring climate impacts the
18 government risks increasing emissions and
19 community conflict and undermining mitigation and
20 infrastructure resilience. To be clear, the
21 economy needs the exact opposite to thrive.

22 E2 is deeply concerned with the

1 numerous rule provisions that weaken review,
2 analysis, transparency, and public accountability
3 of projects. We urge CEQ to recall the Deep
4 Water Horizon oil disaster in the Gulf of Mexico.
5 BP was categorically excluded from a NEPA review.
6 As a result, the impact of a blowout was never
7 considered. Gulf businesses and communities
8 continue to pay the price for that omission ten
9 years on. In the wake of that disaster it is
10 untenable that this rule expands the use of CEs,
11 compresses review timelines, blocks agencies from
12 raising reasonable concerns, and weakens
13 protections against conflicts of interest.

14 We also object to the proposal that
15 requires businesses and others to put up a bond
16 before they can access the courts to pause a
17 government decision that violates the law. It
18 will effectively bar businesses operating on a
19 thin margin from protecting their interests.

20 The problems with this rule are
21 pervasive. For the benefit of the economy and
22 the environment we urge the Council to withdraw

1 it. CEQ could instead address the inefficient
2 bottlenecks including insufficient agency
3 personnel, training, and other resources needed
4 to implement NEPA in a more timely and effective
5 manner. Thank you for your time and
6 consideration.

7 MR. BOLING: Thank you, Sandra.

8 Okay. Now I believe we're ready for
9 Vickie Wheaton who is letter B to be followed by
10 Joelle Novey, letter C. Okay.

11 MS. WHEATON: Good afternoon. My name
12 is Vicky Wheaton, W-H-E-A-T-O-N. I'm from Nelson
13 County, Virginia, and I'm grateful to have the
14 opportunity to speak before you today.

15 I've been a nurse for over 40 years and
16 it's my passion for the public's well-being that
17 brings me before you today. Please listen
18 closely and heed my warnings. If NEPA is rolled
19 back the health of the environment that gifts us
20 with life and all that we cherish will surely
21 unleash unfathomable suffering onto those that
22 NEPA is beholden to protect, including your loved

1 ones and countless more.

2 Inexhaustible desires for economic
3 growth instead of finding a way to bring healthy
4 balance between humans, their environments, and
5 the countless species that share their
6 environment with them is what's on the table
7 here.

8 There's an ongoing obsession in our
9 country to rally behind actions that catalyze and
10 provoke the masses and win elections yet leave
11 concealed that which is beyond all other
12 concerns, the availability of clean water, food,
13 soil, and air. No one has the time or energy to
14 be concerned with profits, what is human versus
15 inhuman, what is justice versus injustice, which
16 political party you tout yourself to be and so on
17 when there is no clean water to drink nor food to
18 eat.

19 If you family only had a liter of water
20 a day, and it may not even be clean, what would
21 you do? I know it's hard for you to imagine
22 Americans succumbing to such conditions, but we

1 know this has happened on our planet, is
2 happening, and will continue to happen to all
3 that go beyond the caring capacities of their
4 environment.

5 I suggest that each of you go to any
6 location where these conditions currently exist.
7 Take your loved ones with you. Stay for a month.
8 Live and limit yourselves with the confines of
9 these families resources. Study their history
10 and you will soon realize that what I am trying
11 to bring to light here is true beyond any
12 argument.

13 When the needs of the few are valued
14 more than the needs of the many it never bodes
15 well and eventually even the few that initiated
16 the situation can succumb to the same fate.

17 The root of all these extreme types of
18 suffering is the inability of past and current
19 governing bodies to embrace humanities
20 interdependence on the environment and the
21 species that share the planet with, and instead
22 cling to the beliefs that they can just carry on

1 business as usual when things are burning,
2 flooding, and suffering all around them, and
3 common sense clearly indicates things are
4 worsening.

5 It's not easy to place and enforce
6 regulations onto the powers of those that provide
7 services and goods to Americans. They pay wages,
8 heat and cool homes, provide transportation, and
9 so on. However, just like the children need to
10 be told no and have boundaries in order to have
11 healthy and happy lives, so do those that use the
12 collective's resources to generate their profits,
13 especially when there's already evidence that
14 extensive and irreparable damage already exists
15 and will proliferate if NEPA is rolled back.

16 It seems whenever it gets to this point
17 providing jobs, loss of profits, and many other
18 arguments are brought up by industry as
19 justifications to rolling back or dissolving
20 regulations. This is what is currently happening
21 with NEPA. The pressure is now on to deregulate
22 because current regulations are preventing

1 industries from making enough profit, holding up
2 projects, and so on. They want it easier for the
3 few to tap into the collective's resources with
4 fewer consequences to their profits and motives.
5 Damage to the collective environment seems to be
6 regarded as a necessary and acceptable risk for
7 the welfare of the public.

8 Industry's insatiability for collective
9 resources is blatantly evident yet here we find
10 ourselves considering rollbacks that will only
11 increase their appetite. I find it hard to
12 believe that this is even on the table when you
13 consider the evidence at hand, yet here we are
14 debating exactly that. Thank you.

15 MR. BOLING: Thank you.

16 MS. NOVEY: My name is Joelle Novey.
17 I'm here with Interfaith Power and Light, a
18 network of faith communities around the country
19 that are coming together to address climate
20 change. I will be submitting our written
21 testimony which repeats many of the concerns that
22 you heard articulated by the previous testifiers

1 in detail. But I think sometimes it's the job of
2 faith voices at these kinds of proceedings just
3 to step up and tell the truth, especially when
4 matters of right and wrong are concerned.

5 NEPA was created with purposes that
6 were good, and I looked up from the preamble of
7 the actual legislation. NEPA is designed to
8 prevent or eliminate damage to the environment
9 and the biosphere, and to stimulate the health
10 and welfare of man, in the old legislation, but I
11 would say of people. Those are good purposes,
12 but nobody here, not one of you and no one in
13 this room, actually thinks that any of the
14 proposed changes to NEPA are in service of its
15 good purpose either to prevent environmental
16 damage or to enable community input.

17 Rather, these proposed changes kneecap
18 the capacity of the NEPA process to prevent
19 environmental damage and do thorough review and
20 it curtails the capacity of communities to give
21 input on proposed projects. Rather, it enables
22 corporate interests to prevail who regard these

1 safeguards as an inconvenience. So, let's get
2 real. Let's call this what it is. It's wrong
3 and it stinks.

4 MR. BOLING: Thank you, Joelle.

5 And last one, we have time for Lakshmi
6 Fjord.

7 MS. FJORD: My name is Lakshmi Fjord,
8 L-A-K-S-H-M-I, F-J-O-R-D, and I'm here in my
9 capacity as a doctor of anthropology who has
10 worked on environmental racism projects. In
11 particular I want to talk specifically about the
12 Atlantic Coast Pipeline in which all of the
13 things that we're talking about are illustrated,
14 and I'd like to bow to your -- the conversation
15 and very good points about the actual cost to our
16 growth and businesses in a world in which we want
17 to live, meaning the cost that fossil fuels have
18 played in preventing the kinds of renewable or
19 wind or other energies that wouldn't be causing
20 the kind of pollution.

21 So I am a Physicians for Social
22 Responsibility, Climate, and Health ambassador,

1 and part of what concerns the Physicians for
2 Social Responsibility about fracked gas is that
3 the expertise, the independent science about the
4 health impacts that are already being experienced
5 through fracking projects is not even being
6 looked at in any reviews of, say, the Atlantic
7 Coast Pipeline.

8 The reason why you have that data that
9 talks about how long it takes is not because of
10 the people, it's because the applicants and the
11 agencies are not actually performing the NEPA
12 reviews, therefore they're giving you industry-
13 sponsored data. The agencies are just letting
14 the industries give that.

15 In science I'm not allowed to not state
16 who pays me, what my interests are if I'm paid
17 to -- bioscience is not allowed in medicine
18 except we know what happens when industry-
19 sponsored data by the opioid manufacturers, by
20 the tobacco industry, and now we're all paying
21 for it. Taxpayers are paying for it. Families
22 are paying for it.

1 So NEPA -- what NEPA provides through
2 the public comment period is public of every
3 sort. It's the people themselves who are experts
4 in their history, in their Freedman history,
5 which is the case in the work that I did in Union
6 Hill/Buckingham, Virginia where the applicant,
7 Dominion, and the FERC agency presumed to say
8 that no one lived there, that they had no
9 historic significance. People living where their
10 ancestors were enslaved literally on the
11 plantations that were there. That population was
12 erased. It required the NEPA process of hearings
13 for me -- excuse me, I'm upset about this -- to
14 do the door-to-door research with the people
15 themselves to actually count the people.

16 Now that has been part of the Fourth
17 District Circuit Court's decision in federal
18 court that you can't just say we did
19 environmental justice review, check off a box,
20 because they said no one lived there. That was
21 their box.

22 So instead what we want is for NEPA to

1 actually take place. We believe that if it
2 actually takes place it would get projects
3 through far, far sooner because you would put
4 these studies into the NEPA review. They would
5 actually do what the guidelines say which is go
6 into the communities, talking to the leaders,
7 looking into the history, allowing that time.

8 We wouldn't be -- and do you know that
9 project is over two years delayed not because of
10 us. We put all that information into the
11 literature and all the families talked about the
12 farming that they weren't going to be able to do,
13 the air that would be changed. All those people
14 did that in a timely way, but because the
15 agencies did not include those things in their
16 NEPA review now we have eight of the Atlantic
17 Coast Pipeline permits were vacated. We were
18 doing our part. The companies did not, nor did
19 the agencies that are responsible for
20 implementing NEPA.

21 So instead of rolling back we ask you
22 it would be far cheaper if you would -- and

1 shorter and all of the things that you seek to
2 actually do NEPA reviews and then things will be
3 done in a timely way.

4 And finally, in the last seconds I
5 have, you cannot rollback cumulative impacts.
6 Okay. I'm an anthropologist. I talk about the
7 history. I'm talking to people about their
8 health impacts, their pre-existing conditions,
9 but these are pipelines where there would be an
10 intersection of one pipeline, a new one, with
11 three existing ones. You can't not talk about
12 the three existing ones that are intersecting
13 under the ground in the only place. You can't
14 leave that out.

15 You can't leave out that there are
16 water impacts in a place, that 100 percent of the
17 drinking water is from wells that are in 150 feet
18 underground with those intersections, that they
19 want to transmit gas at the fastest, the most
20 pressurized, sorry, the degrees of pressure
21 you're allowed to do in pipelines at that
22 location where people are living within 150 feet

1 of that interaction where you're going to then
2 increase the changes of explosion. I'm sorry.

3 So, there are many intersecting
4 cumulative effects that all have to be
5 considered, not just this permit looks at air,
6 this permits at water, this permit looks at, you
7 know, dividing it up. We beg you, please
8 reinforce what's already there. Do not take away
9 any of these protections. Thank you.

10 MR. BOLING: Okay. Thank you, Dr.
11 Fjord. And you have the last word as far as
12 session three is concerned. We'll start session
13 four at 2:35. We'll just take a little break.
14 Thanks.

15 (Break.)

16 MR. BOLING: Okay. Thank you all for
17 coming back. We'd like to start off with
18 Katherine Palomares and then followed by James
19 Burg who is number 24 and Sharee Williamson who
20 is number 25. Is Katherine out there? Ah, there
21 she is. Please, go ahead.

22 MS. PALOMARES: Thank you. Good

1 afternoon. My name is Katherine Palomares. Do
2 you need the spelling? No?

3 MR. BOLING: Okay. Yeah.

4 MS. PALOMARES: So I've been listening
5 to a lot of the testimonies and definitely have
6 been in agreement with a lot of the messages
7 about NEPA being really crucial for our
8 environmental protection, but I think I want to
9 share this -- use this time to share a little bit
10 of my personal story and why I feel compelled to
11 be here.

12 So, I grew up in and I live now in what
13 is known as the Inland Empire in California, San
14 Bernardino and Riverside counties, east of Los
15 Angeles County, but too often overlooked. I'm
16 privileged enough to be here on behalf of CCAJ,
17 the Center for Community Action and Environmental
18 Justice in the Inland Empire, and also as a
19 member of now the Moving Forward Network.

20 However, this privilege of being here
21 to advocate in support of NEPA as it currently
22 stands and its future betterment in my opinion

1 should be a right, but it does feel like a
2 privilege for myself.

3 And I say this because I come from a
4 family of six. I'm the youngest of four. I'm
5 the only of my siblings to attend college and
6 access a lot of these spaces where I get to speak
7 and share my voice. And I do think that this is
8 something that is a right that we all have, and
9 we all deserve to have be more accessible. So, I
10 feel disappointed in that this process, these two
11 hearings that have taken place, and also the
12 public commenting period and also the rollbacks
13 that are being proposed are going to limit
14 further what should be a right, should be
15 accessible to everybody that these decisions may
16 impact.

17 So, to share a little bit about how
18 this impacts me personally. My father is a truck
19 driver. He has been working as a truck driver
20 for the past 30 years or so. My siblings are
21 also in logistics as well. As I said, I'm the
22 only one to have attended college and seen these

1 spaces so I know that the impacts that we have
2 faced as a family are very difficult.

3 It's difficult to stand up here because
4 I did actually lose my brother a couple of months
5 ago and that's something that I just want to
6 emphasize is that we are here speaking out and
7 we're here having to be in mourning for our loved
8 ones and be courageous, be brave for those who
9 cannot be here and push through these moments as
10 difficult as they may be.

11 So, I just want to emphasize that we
12 need NEPA. We need it to be stronger and better
13 and more accessible to everybody who deserves a
14 voice and deserves to understand what's going on
15 and what's really happening to their families.
16 What's really happening because I lost my brother
17 two months ago and it's hard to understand why.
18 It was sudden. We didn't -- we didn't know why.
19 We still don't. And I know that the environment
20 that we grew up in, it has played a role.

21 So, I just want to share my support for
22 keeping NEPA and improving, expanding our

1 protection of our environment which is so closely
2 tied to our health. Thank you.

3 MR. BOLING: Thank you for your
4 testimony. Next up, James Burg please.

5 MR. BURG: Good afternoon, Council.
6 I'm James Burg, J-A-M-E-S B-U-R-G. I'm founder
7 and president of James Burg Trucking Company near
8 Detroit and also a board member of the American
9 Trucking Association. My company is a regional
10 flatbed carrier which primarily hauls steel and
11 construction material for the automotive steel
12 manufacturing and construction industries. It is
13 celebrating its 35th year in business. I am here
14 today to speak on behalf of my company, my
15 industry, and all consumers of this great nation.

16 The NEPA permitting process needs to be
17 efficient. Waste and political bias in the
18 process needs to be eliminated. It's what
19 private companies do, it's what the government
20 needs to go.

21 I'm fortunate to have a unique
22 perspective of transportation with 1.2 million

1 miles of truck driving experience and managing a
2 company currently operating five million miles
3 annually.

4 As example, when I was driving it was
5 easy to haul two loads a day in a driving shift.
6 Since the mid-1990s congestion on this route has
7 increased dramatically to the point only one load
8 is possible. Hauling the second load will put us
9 in violation of the hours of service regulations.
10 I'm sure this example is not unique. If you
11 spoke to many truck drivers and company
12 executives across the nation you would hear
13 similar stories.

14 We need to improve, I'll say restore,
15 transportation efficiency in this nation. The
16 cost of congestion has reached in excess of \$120
17 billion annually. This is waste which the
18 consumer, manufacturer, and commuter bears. The
19 permitting process is antiquated and needs to be
20 streamlined. We cannot afford for projects to be
21 delayed by months or years. Each month a project
22 is delayed more emissions are emitted to the

1 atmosphere, more crashes occur, and more time is
2 wasted.

3 Here are a few projects from my home
4 state of Michigan which need to be completed
5 immediately. The reconstruction of interstates
6 I-94 and I-75. The new designs of these projects
7 will improve safety, efficiency, and reduce
8 emissions.

9 The encasement of Line 5 Pipeline in
10 the Straits of Mackinac under Lake Michigan, this
11 project will nearly guarantee no oil spillage
12 into the Great Lakes while still providing
13 necessary movement of energy between the
14 peninsulas.

15 And finally, the Soo Locks are in
16 desperate need of investment. They are located
17 between Lake Superior and the lower Great Lakes
18 where the water level has dropped 21 feet from
19 Superior to the St. Mary's River. The current
20 expansion was approved by the U.S. Congress in
21 1986. It will create a second lock equal in size
22 to the Poe Lock which currently carries 85

1 percent of all vessel traffic. To underline the
2 significance of this project, if the Poe were to
3 be closed for six months the U.S. economy would
4 plunge into recession costing 15 million jobs.
5 Phase one begins this spring and phase two and
6 three are being designed. This project cannot be
7 further delayed.

8 Let me close by saying from my personal
9 perspective I believe the NEPA process should be
10 reviewed, updated, and streamlined to the extent
11 possible so that we call as conscious
12 environmental stewards don't create law or
13 processes to allow bureaucracy and/or special
14 interests to unnecessarily and reasonably delay
15 the delivery of significantly important economic
16 and strategic public and private partnerships
17 that would serve to benefit the nation, region,
18 and state. I thank the CEQ for the hearings on
19 this important matter.

20 MR. BOLING: All right. Thank you.

21 And next up, Sharee Williamson. And
22 following Sheree we have number 26, Marian

1 Dombroski, followed by Ann Mesnikoff at 27.

2 MS. WILLIAMSON: My name is Sharee
3 Williamson. It's S-H-A-R-E-E,
4 W-I-L-L-I-A-M-S-O-N. I am associate general
5 counsel for the National Trust for Historic
6 Preservation. The National Trust's mission is to
7 save historic -- America's historic places.
8 Places that tell stories that help all people see
9 themselves in our nation's history.

10 We were founded by Congress to
11 facilitate public participation in this work. We
12 work with a network of partners to advocate for
13 preservation as a fundamental value at all levels
14 of government. We often use NEPA to accomplish
15 this work because NEPA is a powerful tool for
16 disclosing and managing the impacts of
17 development proposals on cultural resources.

18 From historic main street communities
19 to works of art in architecture to archaeological
20 sites on our public lands to Native American
21 traditional places, NEPA requires the federal
22 government to consider impacts to historic

1 resources in its decision making. The rule
2 changes proposed by CEQ would significantly
3 undercut NEPA's effectiveness.

4 The National Trust is particularly
5 concerned about how the rule changes would
6 negatively impact the ability of the public to
7 weigh in on federal actions. One of NEPA's key
8 roles is to ensure that the public is aware of
9 the likely impacts of development proposals and
10 that there is a forum for the public to share
11 concerns with the government. Time and again we
12 have seen that when members of the public
13 participate in decisions that impact their
14 communities outcomes are improved.

15 In just one example, in south Pasadena,
16 California NEPA helped the local government and
17 the local community to persuade the highway
18 agencies to stop a misguided freeway proposal.
19 The 710 Highway project would have demolished
20 almost 1,000 homes and 6,000 trees in a six mile
21 area. It would have displaced 2400 people and
22 cut through the heart of four historic

1 neighborhoods. It would have cost billions of
2 dollars and the only benefit was that traffic
3 would go about one mile an hour faster.

4 NEPA provided the information that
5 enabled the public and ultimately the government
6 decision makers to decide to shelve that project.
7 Sometimes the environmental impacts of a project
8 are simply too great and not worth the price.

9 The National Trust is also very
10 concerned about the rulemakings proposal to
11 remove cumulative impact reviews. This review is
12 where federal government has the responsibility
13 to consider climate effects. The National Trust
14 strongly opposes these rule changes because the
15 effects of climate change are already threatening
16 historic places and communities and these threats
17 are increasing.

18 Climate change related impacts like
19 coastal erosion, catastrophic wildfires,
20 increased flooding, and rising sea levels are
21 damaging resources around the country. Historic
22 downtowns like Charleston, South Carolina, which

1 serve as major economic engines for communities,
2 are facing repeated flooding events, harming
3 small businesses and local economies.

4 Irreplaceable architectural treasures like Mies
5 van der Rohe's modernist Farnsworth House faces
6 repeated incidents of flooding. Sites within the
7 national park system, iconic places, places like
8 Mesa Verde and the Statue of Liberty are also
9 facing climate threats.

10 Put simply, preserving cultural and
11 historic sites is a climate issue and CEQ's
12 proposal to cut climate impacts out of review
13 under NEPA would be devastating for America's
14 historic places and communities.

15 There are far more problems in CEQ's
16 proposal than can be addressed in three minutes
17 and the National Trust does acknowledge that
18 there may be ways to improve NEPA's regulations
19 to ensure that it meets its purpose and speeds
20 project reviews. However, CEQ's current proposal
21 would not achieve that goal. These rules should
22 be withdrawn. Thank you.

1 MR. BOLING: Thank you. All right.

2 Thank you, Sheree.

3 And Marian.

4 MS. DOMBROSKI: Before I start I just
5 wanted to say that I've been really moved at the
6 distances a lot of people have come to be here
7 and thanks.

8 MR. BOLING: Likewise.

9 MS. DOMBROSKI: My name is Marian,
10 M-A-R-I-A-N, Dombroski, D-O-M-B-R-O-S-K-I, vice
11 chair of the Anacostia Watershed Community
12 Advisory Committee and coach for the Washington
13 Rowing School. AWCAC is comprised of steward
14 groups, non-profit organizations active in the
15 Anacostia Watershed and serves as the major
16 advisory board of the restoration partnership.

17 We oppose unreasonable limitations
18 within the proposed rule and request that experts
19 in environmental protection, justice, and health
20 be engaged in the crafting of any modification to
21 these rules. The proposed changes amount to
22 striking the environment from NEPA.

1 Our communities have been subject to
2 significant health and economic damage and
3 inflicted by inadequate consideration of the
4 impacts of infrastructure projects, many pre-
5 dating environmental protection. Recent
6 improvement of our river has resulted from a
7 partnership of public servants and community
8 members alike reversing the unintended
9 consequences of poor land use decisions. Our
10 development community has benefited greatly
11 through their participation and the regeneration
12 of the Anacostia and its communities.

13 We use NEPA as vehicles for
14 stakeholders to exchange and disseminate
15 information. We are willing to make the long-
16 term investments of time required to inform
17 projects with significant environmental
18 consequences.

19 Unbalanced valuation of monetary costs
20 and deference to private interests devalue human
21 life and put our commonwealth up for auction.
22 Our right to seek remedies must not be limited by

1 placing the burden on ordinary citizens to
2 provide extensive documentation of impacts and
3 alternatives. These proposed changes support
4 obsolete industries well aware of the impacts as
5 usual.

6 Appropriate public notice and outreach
7 are key to beneficial projects. Anyone who has
8 attempted to introduce their grandmother to the
9 wonders of modern cell phones or helped a
10 neighbor navigate a government website knows that
11 the extent to which these rules depend on
12 electronic communications is unreasonable.

13 It is not public engagement that delays
14 the NEPA process. It is accepting for
15 consideration projects with known obvious adverse
16 impacts. It is allowing private interests to
17 abuse this process and attempt to extract
18 exemptions to the law which protects our rights.
19 It rewards some interests for punting their
20 homework. I'm a mom.

21 The Washington Rowing School and the
22 Anacostia river keeper who would like you to know

1 that within five years the Anacostia is going to
2 be swimmable invite the Council to come row with
3 us to see and hear the stories of the hard work
4 of those using the NEPA process and are here to
5 protect -- are here to protect it. We depend on
6 the Council to protect the rights of all
7 Americans to a safe and prosperous future. Let
8 the public help you write the rules.

9 MR. BOLING: Thank you. At number 28 I
10 have Tyrone Ortiz to be followed by Cheryl
11 Wasserman. Oh, I'm sorry. I'm sorry. I jumped
12 the gun. Ann, please, go ahead, yes. Yes.

13 MS. MESNIKOFF: Thanks.

14 MR. BOLING: So, Tyrone, you're on
15 next.

16 MS. MESNIKOFF: I'm Ann Mesnikoff.
17 It's Ann, A-N-N. Mesnikoff, M-E-S-N-I-K-O-F-F.
18 I'm the federal legislative director for the
19 Environmental Law and Policy Center. ELPC works
20 across the Midwest and Great Lakes states. ELPC
21 appreciate the opportunity to testify in strong
22 opposition to CEQ's proposed changes to NEPA

1 regulations. The current regulations are
2 thoughtful, well-designed, and provide for
3 successful implementation of NEPA. They have
4 provided important guidance to federal agencies
5 for decades.

6 First, CEQ should afford the public
7 more opportunities for public hearings and more
8 time to comment. ELPC and 54 Great Lakes groups
9 representing a broad range of interests submitted
10 a letter asking for more time to comment, and
11 more hearings, including one in the Great Lakes
12 region.

13 Our groups share the urgency of
14 protecting the Great Lakes which contain 20
15 percent of the world's fresh water supply and
16 provide drinking water to over 40 million people
17 and supporting billions in fishing, tourism, and
18 commercial uses.

19 The voice of the public is central to
20 NEPA and it should be central and valuable to CEQ
21 as it undertakes dramatic weakening changes.
22 Tickets for this hearing went within two seconds.

1 Public concern for protecting NEPA runs deep.
2 CEQ should not constrain the public voice in a
3 process that will ultimately limit public
4 participation in the NEPA process itself if these
5 proposed changes are finalized.

6 Second, NEPA reviews should give full
7 and fair consideration to cumulative
8 environmental impacts to informed decision
9 making. Climate change is a significant threat
10 to the Great Lakes ecosystem and the surrounding
11 communities and economies that rely on them.

12 ELPC issued a report by leading
13 Midwestern University experts detailing the way
14 climate change is already affecting the lakes
15 from water levels, the spread of invasive
16 species, and causing toxic alga blooms.

17 Cumulative and indirect impacts are of
18 great significance and in many circumstances may
19 reflect even greater harm than direct impacts.
20 The tools to assess and analyze cumulative
21 impacts on climate, also clean air and water, are
22 available and they should be used. Protecting

1 our environment including our climate for our
2 children and future generations should not be
3 short circuited. It should be central to NEPA.

4 Third, the proposed regulations would
5 limit the alternatives that agencies consider in
6 environmental reviews. This undermines the heart
7 of NEPA. Robust consideration of alternatives
8 can improve projects and ensure that the public
9 whose dollars are being invested are best served
10 by the outcome.

11 For example, limiting Federal Highway
12 Administration to consider highways and not
13 alternatives are outside its narrow jurisdiction
14 is harmful and short-sighted, and when matched
15 with limiting cumulative analysis could result in
16 avoidable harm to public health, our environment,
17 and the climate.

18 I have testified against this
19 administration's rollbacks of protections under
20 the Clean Water Act and the Clean Air Act
21 including standards to reduce climate pollution
22 and safeguards to protect the public and Great

1 Lakes from toxic mercury pollution. EPA's own
2 science advisory board has found that
3 justifications for these are deeply flawed and
4 inconsistent with science. Their clear
5 preference for this administration to put bad
6 policy first is misguided. This is the case with
7 CEQ's proposal and the rush to move it forward.
8 It is as if CEQ is attempting to rename the law
9 the national expediting permitting act. That is
10 not what it is called.

11 We ask you to withdraw this proposal.
12 If you will not, please honor our requests for
13 more time to comment and for additional hearings
14 including one in the Great Lakes region. The
15 voice of the public and NEPA should not be
16 constrained. Thank you.

17 MR. BOLING: Thank you. Mr. Ortiz.

18 MR. ORTIZ: Hello. My name is Tyrone
19 Ortiz. I am a councilman with the Pueblo of San
20 Felipe, a Native American Tribe in New Mexico.
21 We gave a statement in Denver, but to ensure you
22 know how important this is to us we have traveled

1 here to Washington, D.C. to speak to you again.

2 Pueblo culture remembers that we come
3 from the earth and we treat the land as sacred.
4 There are limits placed on what we can do and
5 cannot do. This limit preserves the land and our
6 value. For American culture it seems that money
7 is valued the most and there is no limit on what
8 government, corporation, and individuals will do
9 for a quick money.

10 In the 1970s there was so much
11 environmental pollution that the eagle, our
12 nation's symbol, was in danger of extinction.
13 Congress through NEPA recognized that each person
14 has the right to enjoy a good environment, that
15 each person has a responsibility to preserve
16 their environment for future generations. Today
17 our federal leaders is one-by-one destroying
18 protections of clean air and water, and now NEPA.

19 In 2004 this body, the CEQ, established
20 a mission statement to ensure Native American
21 Tribes has a stronger role in NEPA. Before
22 dismantling NEPA we ask that you preserve

1 mission -- previous mission to be accomplished.

2 Environmental justice has been
3 disregarded. Native American and people of color
4 are burdened -- bearing the burden of their
5 wealth, energy, and defense of the nation. We
6 see the injustice daily when our voices are not
7 heard, and our people suffer disease at
8 disproportionate rates. One day we will all
9 return to earth and we must consider what we
10 leave behind for our future generation. We ask
11 the CEQ, the White House, to remember the long
12 outstanding responsibilities to tribes and to
13 place that responsibilities before corporate
14 interest.

15 The Pueblo of San Felipe strongly
16 protests against to weaken NEPA. We are
17 requesting formal government-to-government
18 consultation with the Pueblo of San Felipe on the
19 proposed changes, and for the tribes to have a
20 stronger role in NEPA. Thank you.

21 MR. BOLING: Thank you, sir.

22 Cheryl Wasserman to be followed by

1 Stephen Buckley.

2 MS. WASSERMAN: Hello. Thank you. My
3 name is Cheryl Wasserman, C-H-E-R-Y-L,
4 W-A-S-S-E-R-M-A-N. I am a retired EPA veteran of
5 43 years. I head the Environmental Protection
6 Network's NEPA team. EPN offers bipartisan
7 expertise of former EPA career level staff and
8 confirmation level appointees. Detailed written
9 comments will be posted. We strongly object to
10 these proposed regulations.

11 First, the call for modernization rings
12 hollow. Lack of resources has been the major
13 cause for delay, but agency resources budgets
14 have been slashed.

15 Second, these regulatory changes will
16 not reduce delay. They are so inconsistent with
17 NEPA congressional intent and years of practice
18 is reasonable to expect protracted litigation.

19 Third, these changes are consequential.
20 We stand to lose the value NEPA uniquely offers
21 to address some of our most pressing
22 environmental challenges like building

1 resilient -- climate resilient infrastructure,
2 stewarding resources, and restoring community
3 prosperity -- economic prosperity, all of which
4 require the very careful design collaboration,
5 interdisciplinary balancing, intergovernmental,
6 and public process that NEPA requires for
7 agencies to use all practicable means and
8 measures, not just their statutory authority.

9 In so many ways this proposal fails the
10 American people by removing NEPA's mandates,
11 severely reducing its application, and limiting
12 alternatives and contributions to federal agency
13 statutory authority.

14 It fails the American people by eroding
15 the integrity of environmental reviews, relying
16 solely on current information, removing
17 consideration of indirect and cumulative impacts,
18 removing the word assess, using only consider,
19 when NEPA clearly asks for study and courts ask
20 for a hard look. And it removes conflict of
21 interest prohibitions while expanding who can
22 carry out the analysis for federal agencies.

1 It fails the American people by
2 ignoring public and agency comments that do not
3 come at the early stages of scoping and reducing
4 transparency and agency responsiveness. And it
5 fails the American people by sacrificing quality
6 by rigidly imposing one size fits all page counts
7 and schedules for both NEPA and permitting.

8 Fourth, drivers for NEPA compliance are
9 undermined. Referrals to CEQ would become a
10 closed door complaint forum on behalf of project
11 proponents based on cost of delay. It introduces
12 a new agency self-certification for NEPA
13 compliance to which the judiciary will likely
14 defer. And new requirements for bonds and stays
15 in favor of project proponents, both of which
16 will make citizen redress more difficult.

17 50 years of NEPA progress, a national
18 and international treasure would be shredded.

19 Thank you.

20 MR. BOLING: Thank you.

21 MS. WASSERMAN: If I had another moment
22 I would say I am a reformer. I always have been

1 throughout my government career. This is not how
2 to reform, and I'd be happy to help.

3 MR. BOLING: Thank you. Thank you,
4 Cheryl.

5 MR. BUCKLEY: Hello. My name is Steve
6 Buckley, and it's S-T-E-P-H-E-N, B-U-C-K-L-E-Y,
7 and I'm a former NEPA specialist at five federal
8 agencies. I started -- I'm retired. I started
9 during the Carter Administration. Shows you how
10 old I am. Back then it was just the CEQ
11 guidelines but the next year CEQ came out with
12 regulations and so I saw the difference between
13 guidelines and regulations. One said should and
14 the other one said shall. However, because a lot
15 of my work was environmental compliance you had
16 to check on people who were complying with your
17 agency's -- all the various environmental laws.

18 And so anyway, I understand that CEQ
19 does not -- has oversight but is probably too
20 thinly staffed -- I know that they're too thinly
21 staffed to actually do some deep and broad
22 checking on NEPA compliance and the various

1 agencies and has to rely upon basically the NEPA
2 compliance officers of each agency to tell them
3 what's going on instead of talking to the
4 practitioners, the soldiers if you will, for
5 what's going on and what's going right.

6 I know my last job at the Department of
7 Energy they sent -- I was working in the \$6
8 billion a year clean up program and it came to a
9 halt, virtual halt, \$6 billion a year, because
10 all the categorical exclusions were being sent to
11 headquarters. And if you're sending categorical
12 exclusions to headquarters then they're not
13 categorical exclusions. We're talking about
14 stuff that should be paving the parking lot, not
15 environmental clean up sites. Just one example
16 there.

17 Second example is that I used to do
18 environmental assessments that were ten pages
19 long. Short and sweet. They can be done. Short
20 and sweet. And I think everybody likes short and
21 sweet. Nobody likes boring, distasteful, and
22 extended, you know, at any level.

1 Anyway, Cape Cod Canal is owned by the
2 Army Corp of Engineers who recently issued a
3 draft environmental assessment last fall, just
4 last fall, and said that 400-page environmental
5 assessment with a draft conclusion, finding
6 draft -- finding of no significant impact, 400
7 pages. 800 pages of appendices. 1200 pages
8 total. And they said we don't think there's
9 going to be any environmental impact from this.
10 The next bridge is -- I'm sorry, it was
11 bridges -- three times as wide as the old bridges
12 were going to get rid of congestion, but nobody
13 more would come to Cape Cod in the summertime
14 once the congestion had gone away, which is
15 incredibly thinking.

16 Anyway, can't find the basis for it.
17 Even with 800 pages of appendices there's no
18 basis for the fact that wider bridges will not
19 increase the number of people who come to Cape
20 Cod in the summertime, which if you've been
21 there, it's crowded already.

22 Anyway, and the other part is that -- I

1 think the president has said that he recognizes
2 that there are forgotten people, and this
3 actually is a public involvement act, a public
4 involvement process. It's not really an
5 environmental one so much, I mean it is, but it's
6 really for people to be involved in the decisions
7 that affect their lives, and if you want to build
8 more trust in government this is a golden
9 opportunity for people to actually feel, with the
10 technology, that it's something that can build
11 trust and not -- but if it's done wrong it will
12 sow more distress. Thank you very -- oh, and I'm
13 trans-partisan on Twitter if anybody wants to
14 follow me. Thanks. Bye.

15 MR. BOLING: Okay. All right. Thank
16 you, Mr. Buckley.

17 Next up we have, let's see, Bethany
18 Cotton to be followed by Toby Mac, and then
19 Manuel Ayala.

20 MS. COTTON: Good afternoon. I'm
21 Bethany Cotton, B-E-T-H-A-N-Y, C-O-T-T-O-N. I'm
22 an environmental attorney and the terrestrial

1 wildlife director for the Animal Welfare
2 Institute.

3 I am from rural southern Oregon where
4 my grandfather was a logger, and my dad lives
5 within the newly expanded borders of the Cascades
6 Siskiyou National Monument. My 80-year-old
7 father, like so many directly impacted Americans,
8 was not able to attend a hearing on this broad
9 attack on NEPA because none was held within 1250
10 miles of where he lives, and because he was not
11 able to get a ticket in the few seconds it took
12 for them to sell out. CEQ provided only one
13 speaking slot per 2.63 million Americans.

14 CEQ must, at minimum, hold hearings in
15 every region where relevant federal agencies have
16 offices, completely answer all outstanding
17 Freedom of Information Act requests, and extend
18 the public comment period to allow for the public
19 to fully understand the proposal. The bitter
20 irony of you limiting hearings and input on the
21 very law designed to ensure public participation
22 is not lost on any of us.

1 NEPA is a decade older than I am.
2 Corporate America and federal agencies have had
3 my entire lifetime to learn to comply with the
4 straightforward requirements of the law and its
5 implementing regulations in the interest of
6 transparency, public engagement, and
7 environmental protection.

8 As an attorney I have to complete
9 continuing legal education credits to retain my
10 license because that helps ensure the integrity
11 of the legal community. Likewise, corporations
12 that propose projects with a federal nexus must
13 engage in a process that informs the public about
14 the potential impacts of that project and
15 identifies means of minimizing and addressing
16 those impacts to ensure the integrity of our
17 shared environment.

18 That fundamental part of doing business
19 was determined necessary by a nearly unanimous
20 bipartisan Congress that recognized the necessity
21 of the government prioritizing the health of the
22 commons, our air, waters, wildlife, and wild

1 lands.

2 If a corporate project cannot withstand
3 the disinfectant effect of the NEPA process, that
4 business plan is deeply flawed. If the
5 government is too afraid to disclose the impacts
6 of a proposed project to public scrutiny, that
7 project is unlikely to be in the public interest.

8 CEQ wielded a chainsaw when a scalpel
9 is called for to achieve the purported purposes
10 of the proposed regulatory changes. CEQ claims
11 its purpose is to streamline NEPA. Instead, your
12 actions throw into uncertainty long-settled
13 agency processes.

14 The changes will undoubtedly result in
15 increased litigation as the courts address not
16 only the legality of the changes themselves, but
17 the impact to 40 years of established NEPA
18 jurisprudence that has provided certainty to the
19 business community and the public for decades.

20 If the administration truly wants to
21 improve NEPA implementation it can take far less
22 extreme steps. Fully fund the agencies

1 implementing the law. Provide better training to
2 relevant agency staff. And actually enforce NEPA
3 making it clear to corporations it is in their
4 best interest to comply with the law. Such
5 changes would decrease NEPA litigation since
6 public attorneys like myself do not bring cases
7 when companies and the government adequately
8 follow the law.

9 CEQ's attempts to silence public input,
10 ignore climate impacts, overlook cumulative
11 impacts, limit the number of alternative actions,
12 further disempower frontline communities by
13 discounting environmental injustice, and allow
14 corporations and contractors with conflicts of
15 interest to conduct key analyses is inherently in
16 conflict with the text and purpose of NEPA and
17 against the public interest. I urge you to
18 rescind the proposal.

19 MR. BOLING: Thanks. All right.

20 MR. MACK: Good afternoon. I am Toby
21 Mack, T-O-B-Y M-A-C-K, President of the Energy
22 Equipment and Infrastructure Alliance. We

1 represent companies and workers who supply
2 construction, equipment, materials, and services
3 essential to building the physical infrastructure
4 that produces, transports, delivers, and delivers
5 reliable, abundant, and affordable energy to
6 American consumers, businesses, and industry.

7 Our members hail from 60 different
8 industries and trades operating throughout all 50
9 states. The infrastructure they build provides
10 the essential physical platforms that now power
11 American energy independence, enhance national
12 security, increase global manufacturing
13 competitiveness, countless new jobs, historically
14 low consumer and industry energy costs, all this
15 while American greenhouse gas emissions are
16 declining faster than anywhere else in the world.

17 We strongly support the fundamental
18 goals of NEPA to carefully consider environmental
19 impacts when federal agencies evaluate and
20 decision whether to sanction infrastructure under
21 their jurisdiction, but the processes for making
22 those decisions have over time become

1 unnecessarily cumbersome, long, and expensive
2 without advancing the goal of ensuring that the
3 potential environmental impacts of projects are
4 known and considered when deciding if they
5 conform to National Environmental Policy.

6 The result is higher costs, fewer jobs,
7 impaired returns on investment, and less of the
8 essential infrastructure needed to support
9 American economic growth, higher wages, and
10 standards of living.

11 In the absence of clear guidelines for
12 timeliness and scope, agency NEPA reviews have
13 grown into time consuming exhaustive analyses of
14 often inconsequential or insignificant issues
15 having little impact on the environment.

16 The resulting uncertainties in the
17 permitting process have added unnecessary risks
18 and otherwise burdened investments and essential
19 infrastructure without adding any environmental
20 benefits. As a result, the projects are delayed
21 or cancelled, jobs are lost, and investments in
22 construction, equipment, materials, and other

1 resources are either stranded or not made.

2 We urge the Council on Environmental
3 Quality to move forward with its proposed
4 revisions that will implement a more effective,
5 efficient, timely, and predictable process for
6 environmental review and permitting of
7 infrastructure essential to American jobs and
8 prosperity while keeping essential environmental
9 protections in place. Thank you for the
10 opportunity to present our views on this
11 critically important matter.

12 MR. BOLING: All right. Thank you.

13 And so, at number 33 I've got Manuel
14 Ayala.

15 MR. AYALA: For the record my name is
16 Manuel Ayala, M-A-N-U-E-L, A-Y-A-L-A. I am from
17 Las Vegas, Nevada. I am a Sierra Club volunteer
18 and also the student body vice president for the
19 College of Southern Nevada, the largest post-
20 secondary institute in the state representing
21 45,000 students or Nevadans as well. I'm here to
22 speak in opposition to Donald Trump's and the

1 Council of Environmental Quality's proposed
2 rollbacks to the National Environmental Policy
3 Act.

4 When people found out that the Bureau
5 of Land Management -- or this if for Nevada
6 specifically -- but when people found out that
7 the Bureau of Land Management was selling parcels
8 of state land to the highest bidder Nevadans took
9 action with Sierra Club efforts. We testified,
10 wrote letters, and had deliberate actions taken
11 to have our voice heard. That's specifically
12 because of NEPA.

13 The thing is our government owns 79.6
14 percent of all land in the state which is about
15 55.9 million acres. We do not have the luxury to
16 depend on city councils or state legislators to
17 manage the majority of our state. We
18 specifically go through the federal government
19 for the majority of our land. Erasing NEPA will
20 attack how we as Nevadans are able to have a say
21 in our own state.

22 If the administration were to rollback

1 NEPA we will see communities of color
2 disproportionately affected. These people are
3 students that I represent, voters that care about
4 the environmental, care about their health, and
5 care about their voice being heard.

6 With the cutting of key elements of
7 NEPA we will see the surge of dangerous, rushed,
8 or poorly planned projects that Americans won't
9 be able to testify on that will directly impact
10 their community and their health.

11 We will see corporations do their own
12 environmental (inaudible) that would allow them
13 to ignore a cumulative impact and basically pick
14 and choose what kind of things they would like to
15 report.

16 We cannot allow our voices to be
17 silenced. This bill was enacted to give us
18 power, and these proposed rollbacks completely
19 desecrate the spirit of the law. I urge CEQ to
20 protect the National Environmental Policy Act and
21 abandon these radical anti-public interest
22 changes to the law. If not for the 45,000

1 students I represent, if not for the two million
2 Las Vegas residents, if not for the millions of
3 voices that would be silenced, do it to protect
4 our health and our democracy. Thank you guys so
5 much.

6 MR. BOLING: Thank you.

7 Okay. At number 34 I have Dena Adler,
8 to be followed by number 35, Paulo Lopes.

9 MS. ADLER: Good afternoon and thank
10 you for the opportunity to speak. My name is
11 Dena Adler and I'm a legal fellow at the
12 Environmental Defense Fund. I'm here today on
13 behalf of EDF and our over two-and-a-half million
14 supporters whose well-being is threatened by the
15 increased pollution, climate change impacts, and
16 environmental degradation this proposal would
17 enable.

18 Today we face a growing climate crisis
19 where raging wildfires, devastating floods, and
20 record breaking temperatures are becoming the new
21 normal. In 1970 Congress responded to another
22 era of environmental crisis by enacting NEPA,

1 explicitly noting that it is the continuing
2 responsibility of the federal government to use
3 all practicable means to carry out NEPA to
4 fulfill the responsibilities of each generation
5 as trustee of the environment for succeeding
6 generations, and to assure for all Americans
7 safe, healthful, productive, and aesthetically
8 and culturally pleasing surroundings.

9 The proposed regulatory changes to NEPA
10 would abdicate these responsibilities, contradict
11 NEPA's statutory purpose, and radically depart
12 from CEQ's prior interpretation of NEPA,
13 longstanding agency practice, and established
14 case law.

15 Especially in this moment of climate
16 crisis CEQ has a responsibility to ensure that
17 the more than 100,000 federal actions annually
18 subject to NEPA are carefully evaluated for their
19 impacts on greenhouse gas emissions and climate
20 change, and adequately account for future impacts
21 of climate change like flooding and sea level
22 rise on the actions.

1 Instead, the proposal does exactly the
2 opposite. Potentially allowing major federal
3 projects and actions to move forward without
4 adequate climate change consideration or
5 disclosure while frustrating public access to
6 information.

7 I want to now focus on three aspects of
8 the proposal that pose particular concern for
9 consideration of climate change under NEPA.

10 First, CEQ must not eliminate requirements to
11 evaluate cumulative effects or indirect effects.

12 Such changes contradict the Supreme Court's
13 recognition that agencies must consider
14 cumulative effects as part of NEPA's statutory
15 mandate and procedural requirements and run
16 contrary to court decisions requiring federal
17 agencies to account for project's indirect and
18 cumulative climate change effects.

19 Second, CEQ should abandon its proposed
20 re-definitions of effects and the significance of
21 environmental impacts which could constrain
22 consideration to only direct effects or effects

1 with a reasonably close causal relationship.
2 This change rests on a fundamental misapplication
3 of law and could lead agencies to arbitrarily
4 disregard important climate related impacts.

5 Third, CEQ should not limit the
6 consideration of alternatives to a proposed
7 action which would arbitrarily curtail sound
8 decision making and frustrate NEPA's objectives.
9 For these reasons EDF strongly opposes the
10 proposed rule and urges CEQ to extend the period
11 for written public comments and provide
12 additional opportunities for public testimony.
13 Thank you.

14 MR. BOLING: Thank you, Dena.

15 And at number 35, Paulo.

16 MR. LOPES: My name is Paulo Lopes,
17 P-A-U-L-O, L-O-P-E-S. I'm an attorney at the
18 Center for Biological Diversity. We oppose the
19 Trump Administration's rollback of our nation's
20 most important environmental safeguard which
21 would decimate a half century of bipartisan
22 implementation of the National Environmental

1 Policy Act.

2 This rule will harm our most vulnerable
3 citizens across the country, to spoil our natural
4 heritage, and only benefit special interest
5 polluters. We are deeply concerned by the myopic
6 and absurd narrowing of the scope of projects
7 that would require environmental review, which
8 will ignore most impacts that a federal agency
9 action might cause.

10 Let me give you one example of how NEPA
11 benefited citizens, the environment, and the
12 agency itself under the existing rules. In
13 Michigan there was a proposed project with
14 financial assistance provided by DOE to construct
15 a vehicle battery manufacturing facility and
16 through the NEPA process it was discovered the
17 project was going to contaminate the air at a
18 nearby daycare. The project would have disturbed
19 soil that had already been contaminated with
20 dioxin, a highly toxic carcinogen that also
21 causes developmental brain problems in children.

22 Fortunately, the NEPA review process

1 uncovered the problem and provided the
2 opportunity for simple adjustments to the project
3 that protected children's health while allowing
4 the factory to go forward.

5 This project was just one of the more
6 than 192,000 projects completed under the
7 American Recovery and Reinvestment Act of 2009,
8 which provided about 300 billion to help jump
9 start the U.S. economy from the worst recession
10 since the Great Depression. All projects went
11 through environmental review under NEPA, allowed
12 for judicial review of each project, and nearly
13 all projects were completed on time helping the
14 U.S. economy recover from the Great Recession.

15 This rulemakings misguided obsession
16 with undermining time tested safeguards for no
17 reason. Every time it has been studied by
18 inspector generals or the GAO the reality is that
19 the lack of public funding, not the NEPA review,
20 is the overarching reason for projects delay.
21 This entire rulemaking is based on myths.

22 I urge CEQ to scrap this misguided

1 rulemaking which will put entire communities and
2 our environmental at risk. Thank you.

3 MR. BOLING: Thank you.

4 MS. GADDY: All right. Number 36, we
5 have Kim Gaddy. My name is Kim Gaddy, K-I-M,
6 G-A-D-D-Y, and I live in the city of Newark, New
7 Jersey. I am here on behalf of Clean Water
8 Action and as a member of the Moving Forward
9 Network. I am testifying today as a mother of
10 three asthmatic children who can't escape from
11 the pollution that challenges their health and my
12 communities health each and every day. I oppose
13 CEQ's proposal rule and any attempt to rollback
14 NEPA.

15 Newark and all environmental justice
16 communities rely on NEPA to allow our voices to
17 be heard in projects that impact our health. My
18 community and all frontline communities must be
19 given the opportunity to speak for ourselves,
20 participate and determine what their communities
21 look like.

22 NEPA provides a public process to

1 identify and address health and environmental
2 harms from proposed projects in EJ communities.
3 CEQ's proposal will rollback these protections.
4 In addition, CEQ's proposed rules will limit
5 public participation in government decision
6 making.

7 CEQ's proposal will also harm EJ
8 communities by eliminating cumulative impacts
9 analysis, and you heard from one of my
10 colleagues, Dr. Nicky Sheats, as well.

11 My community that I live in is adjacent
12 to the third largest port. 18,000 trucks come in
13 and out the port daily. 4500 of those trucks
14 stay on our local roads spewing pollution sources
15 into the South Ward neighborhood. This Dayton
16 Street neighborhood is located on Frelinghuysen
17 Avenue and is about ten blocks long.

18 4500 residents live in Newark Housing
19 Authority property, and over 600 families as well
20 as residents and homes. There is one superfund
21 site, several recycling facilities, a metals
22 company, one of the largest in the world, truck

1 repair and paint shops, and port container
2 facilities to just name a few, as I stated, in a
3 ten block radius.

4 These sources have multiple impacts on
5 my health and the quality of life of residents in
6 the Dayton Street neighborhood of Newark. Many
7 of the residents suffer from asthma, cancer,
8 respiratory, and cardiovascular disorders. I
9 experience the health and quality of life concern
10 with my family as well.

11 Weequahic Park is the second largest
12 park in the city of Newark, and it is located on
13 Frelinghuysen Avenue. I frequently take my
14 children there for recreational activities,
15 concerts, and just to walk in the park.
16 Unfortunately, some days we can't even enjoy this
17 due to the pollution sources that surrounds this
18 park. This park is located between several
19 highways, railroad tracks, Port of Newark, Newark
20 Airport, multiple polluting sources, and again, a
21 superfund site.

22 I oppose CEQ's attempt to eliminate

1 consideration of cumulative impacts in NEPA.
2 Eliminating the analysis will allow project
3 proponent and our federal governments to hide
4 project's real world effects since communities do
5 not experience a project's pollution in
6 isolation, which you heard over and over again
7 today.

8 CEQ's proposal elevates industry
9 interests by allowing project applicants to
10 prepare their own environmental impact statements
11 and relaxing conflict of interest policies for
12 federal contractors.

13 I oppose CEQ's attempt to reduce public
14 participation and elevate industry interest in
15 government decision making. This rulemaking
16 process has shut out EJ voices. CEQ only noticed
17 two hearings, as you heard from our Congressman
18 and several other speakers, in Denver and now in
19 D.C. I live in Newark. This is during the day,
20 during the week where other individuals cannot
21 participate, so I have to be here to lift their
22 voices up for them because they're at work.

1 CEQ's proposal will result in more
2 undisclosed and unmitigated pollution in my
3 community. I oppose CEQ's proposed rule and
4 attempt to rollback NEPA. We speak.
5 Environmental justice now. Thank you.

6 MR. BOLING: Thank you. Okay. Next up
7 we have Andy Winkler to be followed by James
8 Coleman and then Maria Van Core. Andy.

9 MR. WINKLER: Good afternoon and thank
10 you for the opportunity to speak today. My name
11 is Andy Winkler. I am the associate director of
12 housing and infrastructure policy at the
13 Bipartisan Policy Center.

14 NEPA reform is a bipartisan aspiration
15 and desperately needed. As CEQ looks to finalize
16 its proposed rule to update NEPA implementing
17 procedures I ask you to consider three important
18 points. First, unnecessary delays in the
19 permitting process are costly for both the public
20 and private sectors. Direct costs can go up if
21 the cost of materials, supply, and labor rise
22 during a delay. There is also a public cost to

1 delaying needed infrastructure improvements
2 including the adverse effects of prolonged
3 inefficiencies, and the unnecessary pollution
4 generated from existing outdated infrastructure.

5 Second, making the environmental review
6 and permitting process more efficient,
7 predictable, transparent, and timely has a long
8 history of bipartisan support, particularly when
9 focused on incremental and common sense
10 improvements.

11 Every president since Jimmy Carter has
12 sought to improve NEPA and get projects build
13 more efficiently and at less cost. And Congress
14 on a bipartisan basis has folded reforms into
15 transportation reauthorization bills passed in
16 1998, 2005, 2012, and 2015.

17 CEQ can and should build on these
18 efforts, prioritizing the elements of the
19 proposed rule that will empower key decision
20 makers to resolve disputes, expand transparency,
21 make simultaneous reviews the norm, and provide
22 for more predictable coordinated schedules while

1 avoiding overreaches that will result in more
2 litigation.

3 Finally, reviewing NEPA regulations is
4 a critical part of a national climate strategy.
5 Everyone that appreciates the essential steps
6 that must be taken to transition to a low carbon
7 economy should champion any effort to review NEPA
8 regulations and make the process work better.
9 Science and politics are converging on a 2050
10 target of net zero greenhouse gas emissions. To
11 do so will demand massive investments to build
12 out, replace, modernize, and decarbonize energy,
13 transportation, and other infrastructure systems.

14 With hundreds, if not thousands, of
15 individual projects costing trillions of dollars
16 must be done in time we don't have. CEQ's
17 proposed rule with appropriate safeguards could
18 go a long way toward improving a process that too
19 often increases the length and costs of project
20 development without improving environmental
21 outcomes. Thank you.

22 MR. BOLING: Thank you. Next up

1 please.

2 MR. COLEMAN: Hi. I'm James Coleman.
3 I'm a law professor. So, it's just J-A-M-E-S,
4 C-O-L-E-M-A-N. So, there's bipartisan agreement
5 on two points. One is that NEPA is important for
6 considering the environmental impact of federal
7 projects, but the second is that NEPA reviews
8 take too long. Five years is just too long to
9 spend reviewing a single project.

10 Now repeated bipartisan majorities in
11 Congress and the last three presidents have all
12 tried to figure out ways to speed up permitting.
13 President Obama liked to talk about his
14 frustration with trying to build new
15 infrastructure. We need those shovel-ready
16 projects to build our country and boost our
17 economy.

18 President Obama and President Bush both
19 passed laws and issued orders trying to
20 streamline those NEPA reviews, but the NEPA
21 reviews keep taking longer. At the end of
22 President Bush's term, they took three-and-a-half

1 years on average, and by the end of President
2 Obama's term they took over five years. I think
3 President Obama's regulatory czar Cass Sunstein
4 said, you know, NEPA is the blob and the blob is
5 willing.

6 So, I support this bipartisan concern
7 and for that reason I'm here to support changes
8 to speed up NEPA reviews. It's important to
9 consider the environmental consequences of big
10 federal projects, but in a month or two you know
11 most of those impacts and it makes sense to take
12 a year to review big projects. Maybe for the
13 biggest projects you need even two years to look
14 at the environmental consequences. But there are
15 diminishing returns. So how much benefit do we
16 get from a third year of review, a fourth, or a
17 fifth? It's just five or six year reviews are
18 really hurting our economy. And America's
19 current energy revolution means we need NEPA
20 reform soon. So, we have new technologies that
21 will produce cleaner sources of energy at lower
22 prices; wind power, natural gas, solar power,

1 even offshore wind, and these energy booms can
2 clean up our environment if we can get it to the
3 consumers that need it so that they can replace
4 costlier, dirtier sources of energy. But to do
5 that we need to build new projects; powerlines,
6 pipelines, offshore wind farms that need federal
7 permits. But why would you invest in that kind
8 of American infrastructure if you know you won't
9 get your permit for most of a decade, and if
10 after that you may have it invalidated in the
11 courts? These proposed NEPA regulations take
12 some positive first steps to simplify the process
13 for investors, agencies, and the courts. Most
14 importantly, they make clear there's only one
15 standard for what kind of effects NEPA reviews
16 consider and it's the Supreme Court standard and
17 it's borrowed from tort law which is something
18 that courts use all the time. You have to have
19 effects that are reasonably foreseeable that have
20 a reasonably close causal relationship. That's a
21 huge improvement because right now the
22 regulations have three poorly defined standards;

1 direct, indirect, and cumulative, and unlike the
2 Supreme Court's reference to tort law, those
3 aren't standards of causation that we use all
4 over other areas of the law. So, scholars keep
5 saying this is leading to tangled, confusing, and
6 incoherent case law and so simplifying this
7 standard will help speed up and make -- give us
8 clearer reviews which is our common goal.

9 MR. BOLING: All right. Thank you.

10 Okay. Next up, Maria Van Core.

11 MS. VAN CORE: Yes. Good afternoon.

12 My name is Maria Van Core. Maria, M-A-R-I-A.
13 Van Core, capital V, A-N, space,
14 capital C, O-R-E. And I live in the greater
15 Lansing area in Michigan and I am speaking today
16 on behalf of the Labor Council for Latin American
17 Advancement, LCLAA.

18 The community that I live in day in and
19 day out is a life in changes and it's pretty much
20 in danger of what's going on. In Michigan we
21 consider ourselves lucky. We have 3,288 miles of
22 freshwater coastline, 242 streams, 11,000 lakes

1 and ponds. Not only are these beautiful, but
2 they represent a way of life that happens to
3 support communities and jobs in the region. But
4 now more than 11,000 sites are contaminated with
5 P-phos chemicals that have been linked to cancer
6 conditions which affect the liver, thyroid,
7 pancreas, and also these chemicals are
8 responsible for preeclampsia in pregnant women
9 and have a negative impact in the learning
10 process of the children.

11 In 2014 Flint residents face a terrible
12 health crisis because they were exposed and drank
13 polluted water. To this day people who live in
14 Flint do not trust officials that they have that
15 the water is safe. They're still drinking water
16 out of a bottle because the water demand is so
17 high over there and they're just unsure whether
18 it's safe or not, so they go to bottled water.

19 Just a couple hours from Flint is
20 Garrison where you will find the most polluted
21 Zip Code in the state. 48127 is home to an
22 estimated 7,000 residents who are day in and day

1 out exposed to chemicals emanating from steel
2 mills, coal plant, salt mines, and a wastewater
3 treatment plant. They're a predominately black
4 and Hispanic population that's constantly exposed
5 to harmful pollutants which have made people
6 sick, have cancer, brain damage, heart disease,
7 respiratory problems, miscarriages, and other
8 birth defects are some of the ailments that
9 people in Garrison are suffering from.

10 The practice of dumping pollutants in
11 communities of color is real, and it has been
12 allowed to happen far too long. Although racism
13 is not legal in our nation, when we look at
14 pollution producing industries and structures
15 such as incinerators, power plants, pipelines,
16 and toxic waste sites are located, it cannot be
17 ignored that they are found in Afro American,
18 Latino, and Native American communities. This is
19 environmental racism.

20 For the past 50 years NEPA has served
21 as a tool to fight environmental racism. Latino
22 communities have used this public disclosure

1 mandate to learn how projects might impact our
2 families, as well as public comments,
3 opportunities to fight for safer and healthier
4 workplace and communities. This administration's
5 attacks on NEPA are an affront to our democracy,
6 to our right to express our concerns, grievances,
7 and ultimately a direct aggression towards our
8 vulnerable community. Thank you very much.

9 MR. BOLING: Thank you, Maria.

10 Next up we have Howard Feldman, number
11 40, followed by Kim Gaddy, I'm sorry, Javier
12 Garay, sorry, and then Sarah Greenberger at 42.

13 MR. FELDMAN: Good afternoon. My name
14 is Howard J. Feldman. I'm senior counselor at
15 the American Petroleum Institute. API is the
16 only national trade association representing all
17 facets of the oil and natural gas industry which
18 supports 10.3 million U.S. jobs and nearly eight
19 percent of the U.S. economy.

20 API's more than 600 members include
21 large integrated companies as well as exploration
22 and production, refining, marketing pipeline and

1 marine businesses, and service and supply firms.
2 They provide most of the nation's energy and are
3 backed by a growing grassroots movement of
4 millions of Americans.

5 The members of API are dedicated to
6 continuous efforts to improve the compatibility
7 of their operations with the environment while
8 economically developing energy resources and
9 supplying high quality products and services to
10 consumers. Our members recognize their
11 responsibility to work with the public, the
12 government, and others to develop and use natural
13 resources in an environmentally sound manner
14 while protecting the health and safety of our
15 employees and the public.

16 I would like to make two key points
17 today. First, let me state clearly that we
18 support the CEQ's proposal and would like to
19 commend CEQ for its efforts to date on NEPA
20 reform which has long overdue and critical to the
21 improvement of basic U.S. public and private
22 facilities. In the energy sector this will

1 facilitate the construction of more wind and
2 solar and other renewable capacity as well as
3 clean burning natural gas infrastructure.

4 Even casual observers note that the
5 original intent of NEPA has been stretched to a
6 breaking point. Thanks to endless litigation in
7 over a dozen venues, decision that point in
8 different directions and novel interpretations of
9 key statutory language, NEPA has an
10 insurmountable hurdle for project developers who
11 risk billions of dollars and their marketplace
12 reputations to build the need infrastructure only
13 to potentially have it delayed or halted after a
14 final investment decision.

15 There is simply no way to
16 responsibility plan for agency and judicial
17 review for major infrastructure in this current
18 state of flux, and this uncertainty significantly
19 chills or even stops investment, an outcome never
20 conceived of by Congress when NEPA was drafted
21 over 50 years ago.

22 Second, for these and other reasons API

1 has long supported programmatic NEPA reform at
2 the CEQ and individual agency levels and the
3 proposed rule is a vital next step in that
4 ongoing process. Among the most critical reforms
5 proposed by CEQ are those that give needed
6 guidance to reviewing courts that have been left
7 without discretion from the expert agency for too
8 long.

9 Briefly stated, CEQ's proposed changes
10 to the definition of effects and the new
11 requirements related to agency alternatives will
12 help clear up some of the most confusing NEPA
13 questions being litigated today and in years to
14 come.

15 In closing, we strongly urge CEQ to
16 finalize this rule as soon as possible. NEPA
17 reviews will continue under the proposal, but by
18 accelerating government permitting for new
19 infrastructure NEPA reform stands to advance the
20 long delayed construction of critical roadways,
21 bridges, airports, and energy developments across
22 the U.S. which is a win for all citizens. Thank

1 you.

2 MR. BOLING: Thank you. And next up I
3 have Javier. There you are.

4 MR. GARAY: Hello. My name is Javier
5 Garay, J-A-V-I-E-R, G-A-R-A-Y. I want to thank
6 you for the privilege of being able to give this
7 testimony because apparently, you know, for such
8 an act that could impact communities nationwide
9 you need to fight tooth and nail to be here.

10 So, I want to start off by saying that
11 I am from Los Angeles. I am here on behalf of
12 Eastern Communities for Environmental Justice,
13 and as a member of the Moving Forward Network. I
14 am testifying today because in our community we
15 live in an area of overlapping pollution that
16 presents challenges to our health and
17 environment. I am here to oppose CEQ's proposed
18 rule and attempt to rollback NEPA.

19 Our community depends on NEPA to learn
20 about and improve proposed projects. NEPA is one
21 of the only laws that gives us a say in projects
22 that could impact our health. CEQ's proposed

1 rules will limit the information NEPA provides on
2 how projects will affect my health, community,
3 and climate.

4 Our community lives with the pollution
5 of the railyards, manufacturers, and interstate
6 freeways. Our community is at the forefront of
7 the environmental impacts. Without NEPA our
8 community would have been displaced for a freeway
9 expansion, and the remainder of that community
10 would have increased pollution exposure. That
11 means more asthma cases, more heart diseases,
12 more cancer, more birth defects. CEQ's proposal
13 will fill our lungs with even more pollution. I
14 oppose CEQ's attempt to eliminate consideration
15 of cumulative impacts in NEPA.

16 CEQ's proposal attempts to reduce
17 public participation in our community while
18 elevates industry interests in government
19 decision making. It is transparent that this
20 rulemaking process has little interest to hearing
21 the voices of the most impacted. Two hearings in
22 Denver and D.C. with no notification during the

1 work week, really?

2 I had to travel over 2,000 miles to be
3 here today to represent my community and I'm
4 doing them justice, and best believe if you come
5 to southeast L.A. this room would have been
6 filled with community members to oppose this.
7 So, I'm here speaking for them. Thank you.

8 MR. BOLING: All right. Thank you,
9 sir. Thank you for being here. Sarah
10 Greenberger.

11 MS. GREENBERGER: Hi. My name is Sara
12 Greenberger. That's S-A-R-A-H,
13 G-R-E-E-N-B-E-R-G-E-R. And I'm senior vice
14 president for policy at the National Audubon
15 Society. Our mission is to protect birds and the
16 places they need today and tomorrow.

17 And thanks to the National
18 Environmental Policy Act our more than 1.7
19 million members and so many others get a chance
20 to weigh in on how projects are developed, and
21 our public lands are managed. NEPA gives
22 citizens a voice in decision making and requires

1 we consider how our individual actions add up to
2 affect the common good. It guards against a
3 tragedy of the commons and allows us to balance
4 our short term needs with our generational
5 responsibility to protect and conserve our air,
6 water, land, and wildlife.

7 In fact, NEPA sets out a national
8 policy to fulfill the responsibilities of each
9 generation as trustee of the environment for
10 succeeding generations, and to attain the widest
11 range of beneficial uses of the environment
12 without degradation or undesirable and unintended
13 consequences.

14 Unfortunately, the proposed changes to
15 NEPA would undermine the ability to deliver on
16 this fundamental purpose. The proposed revisions
17 include removing requirements to take into
18 account indirect and cumulative effects,
19 narrowing the definition of effects, and limiting
20 the range of alternatives an agency can even
21 consider.

22 These changes are antithetical to NEPA.

1 Without looking at the full extent of the effects
2 of a proposed action and considering other
3 approaches we cannot avoid degradation and
4 undesirable and unintended consequences.

5 Ignoring or avoiding analysis and tough questions
6 doesn't make them go away. It makes them
7 potentially even bigger, which is why Congress
8 passed NEPA to begin with.

9 A recent Audubon report found that two-
10 thirds of North American birds are at increasing
11 risk of extinction from climate change, and a
12 Cornell study found that three billion birds,
13 nearly one in three, had vanished in the last
14 half century.

15 This is no time to ignore new science
16 as is likely based on revisions to Section
17 1502.24. Or to ignore the direct, indirect, and
18 cumulative effects of climate change as a result
19 from the revisions to Section 1508.1, and other
20 proposed deletions. These concepts, considering
21 likely environmental consequences, evaluating
22 alternatives, and seeking to avoid harm, are not

1 just words. They have real meaning for birds and
2 our environment.

3 As CEQ notes, the basic structure of
4 these regulations has been in place for decades.
5 Agencies have developed procedures. Removing the
6 most basic terms and requirements that have
7 ensured proposals are appropriately vetted will
8 neither modernize nor clarify regulations. It
9 will sow confusion and ultimately undermine NEPA.
10 Audubon opposes the rule and asks that it be
11 withdrawn. Thank you.

12 MR. BOLING: Thank you. Okay. That's
13 our numbered speakers. Is anyone else out there
14 holding a number? I have a couple letters to
15 call. Okay. Heidi Lara at letter A. Thank you.
16 My time is up. Heidi available to speak? Yeah.
17 Okay. And after Heidi we'll have -- I think
18 we'll have time for Dr. Charlotte Keys.

19 MS. LARA: Sorry. I was a bit confused
20 because they gave me letter E so that's why I was
21 like --

22 MR. BOLING: Okay.

1 MS. LARA: Okay. Give me a second. So
2 good afternoon. My name is Heidi. So, I'm going
3 to spell it. H-E-I-D-I, L-A-R-A. And I'm a
4 member of East Yard Communities for Environmental
5 Justice.

6 So, I was raised in southeast L.A.,
7 specifically Belle Gardens. Down the street from
8 my home is a railroad and I'm a neighbor to the
9 710 freeway. Additionally, I currently attend UC
10 Riverside therefore I consider Riverside a second
11 home. Here too I have been able to witness the
12 lack of representation and pollution threats
13 these communities face. It is my first time
14 visiting Washington. It's unfortunate that the
15 reason for my visit is to emphasize a need for
16 NEPA.

17 NEPA protects the health of my
18 communities and essentially their survival. If
19 NEPA -- if the CEQ allows a rollback of NEPA they
20 are removing -- you are removing the communities'
21 voice for a better environment.

22 Many industries promote their business

1 as a helping source for job or as a boost for
2 economy, however it's important to know what is
3 at stake. Who is benefiting from these profits?
4 Most of the time it's not our community. So, to
5 those polluting industries who are hungry for
6 their businesses to grow, I hope that they
7 starve. I will not allow environmental harm to
8 be normalized in our communities. We need to
9 protect our communities and we need NEPA. Thank
10 you.

11 MR. BOLING: Thank you.

12 MS. KEYS: Good afternoon, everyone. I
13 am Dr. Charlotte Keys, and you spell that
14 C-H-A-R-L-O-T-T-E, middle initial L, K-E-Y-S.
15 The first thing I would like to do is give honor
16 to God and the Environmental Justice Leadership
17 Forum, Global Green Development Group Consortium
18 that I'm a part of, and all the environmentalists
19 and climate justice activists that God have
20 chosen to speak against the gutting and
21 dismantling of NEPA for corporate greed.

22 Jesus People Against Pollution is a

1 faith-based environmental climate justice
2 organization based in Columbia, Mississippi. I'm
3 here to speak to represent every poor and
4 voiceless person that was not able to be here
5 today to fight against the gutting of NEPA.

6 As a pastor and environmentalist in
7 this corrupt and wicked world, I want the world
8 to know that God have set in place a solid
9 foundation to govern the whole earth and
10 humanity. Psalms 24:1 says the earth is the
11 Lord's and the fullness thereof. The world
12 invade that dwell therein. Numbers 35 and 33
13 verse states, So shall ye not pollute the land
14 wherein ye are for blood defileth the land and it
15 cannot be cleansed. Exodus give us the Ten
16 Commandments and one of them specifically state,
17 Thou shall not kill.

18 NEPA is one of the major foundation
19 policies that help govern planet earth,
20 instituted by some of the greatest minds that had
21 respect for loving God's earth and the people
22 that he gave to all of us to steward over.

1 NEPA is one of the best rule of law on
2 the book to help EJ communities to have public
3 input with decision making with big corporations
4 that want to poison our land, air, water, health,
5 and all the poor and people of color communities.
6 It gives us -- gives EJ communities a voice to
7 stop the dumping of poisoning into our
8 communities.

9 NEPA helped keep planet earth and the
10 people with a balance from the destruction of our
11 environment. Therefore, we are seeking for the
12 Council of Environmental Quality to give their
13 undivided attention to all of the comments. No
14 man or woman is an island to him or herself, and
15 we must realize that we need God and one another.

16 It was in the beginning God created
17 heaven and earth, not man. After which he
18 created male and female in the likeness of his
19 image to give them stewardship over all of his
20 creation. But greed of big corporations, corrupt
21 and wicked political leadership have nearly
22 destroyed everyone's health for the love of

1 money, which is the root to all evil.

2 We're asking for this presidential
3 administration to leave NEPA in place and, if
4 anything, add to protect everyone's health and
5 the environment. This is the whole duty of man
6 from God's law. Stop the gutting of NEPA and all
7 the environmental policy and laws of the land,
8 and most of all God's law.

9 Agape love is the greatest gift given
10 to man. Love God, love God's people, and love
11 our planet earth that we all have been made
12 stewards of. If it ain't broke, don't fix it,
13 leave NEPA alone. And I pray that God give
14 everyone of you a spirit of conviction to protect
15 human health and our environment. Thank you.

16 MR. BOLING: Thank you, Dr. Keys.

17 I think we have time for the last
18 reserved speaker and that would be Justin
19 McCarthy. And with you, Justin, we will have
20 heard from everyone for session four.

21 MR. MCCARTHY: Thank you. My name is
22 Justin McCarthy, J-U-S-T-I-N, M-C-C-A-R-T-H-Y.

1 I'm here to read a statement on behalf of former
2 General Counsel Dinah Bear, D-I-N-A-H, B-E-A-R.

3 My name is Dinah Bear. I served as
4 CEQ's deputy general counsel for approximately
5 one year and general counsel for 24 years. In
6 that capacity I spent the most significant
7 percentage of my time on the administration and
8 oversight of the National Environmental Policy
9 Act. These comments are made in my personal
10 capacity.

11 The proposal that is the subject of
12 today's hearing is tragic and the process is
13 pathetic. What we are dealing with here is this
14 country's premier environmental law affecting all
15 federal agencies and all of our citizens,
16 wildlife, land, and water.

17 Many speakers at today's hearing will
18 be discussing particular problems embedded in
19 this proposed sweeping revision of NEPA's
20 regulations. There is much to discuss. The
21 proposal fundamentally mischaracterizes the
22 purpose of NEPA, proposes multiple pathways to

1 reduce its applicability, discourages new
2 scientific and technical work, substantially
3 reduces analysis of effects, creates roadblocks
4 to public involvement, narrows the requirement to
5 analyze reasonable alternatives, eliminates all
6 conflict of interest considerations, and attempts
7 to limit or eliminate judicial review.

8 Yes, there are some improvements that
9 could and should be made to CEQ's regulations.
10 Namely, equitable treatment for tribal
11 governments, additional detail regarding
12 environmental assessments including public
13 involvement, integration of modern technology
14 into the process, and some modest reorganization
15 of the regulations. Some of those elements are
16 indeed in the proposed revision, but they are
17 buried under a tsunami of terrible proposals that
18 if finalized will reduce NEPA to a shadow of the
19 law.

20 Under this proposal 50 years of law and
21 practice would be tossed out based on little more
22 than general statements about simplifying

1 requirements. At its heart the NEPA process asks
2 agencies to analyze impacts of a proposed action
3 and reasonable alternatives to a proposed action
4 in a manner that comes reasonably close to
5 reality.

6 The requirement to assess cumulative
7 impacts, excuse me, cumulative effects is the
8 best attempt in the regulatory world in my view
9 for reflecting how the world actually works.
10 There can be no reality and no hard look when
11 agencies are told not to assess cumulative
12 effects.

13 There could be no predictability and
14 thus no efficiency when agencies are invited to
15 substitute any number of processes for the NEPA
16 process. And there will be no path to fulfilling
17 the responsibilities of, quote, "each generation
18 as trustee of the environmental for succeeding
19 generations" in the words of NEPA if these
20 regulations become final. They should be
21 withdrawn. Thank you.

22 MR. BOLING: Thank you.

1 Thank you. And with that we're
2 adjourned until 5:00 and we'll be starting
3 session five then, 5:00 to 6:25, and then we'll
4 take a brief break and then go on until 8:00.
5 Thank you.

6 (Break.)

7 MR. LEVENBACH: All right. Good
8 evening everyone. Welcome. Thanks for coming.
9 My name is Stuart Levenbach and I'm a senior
10 advisor at CEQ. And on behalf of Mary Neumayr,
11 the chairman of CEQ, welcome to the second public
12 hearing on the update to the regulations
13 implementing the National Environmental Policy
14 Act.

15 So, this event is part of a concerted
16 effort by CEQ to seek the public's views on the
17 first proposed comprehensive update to the
18 regulations in over 40 years. And so, what I'm
19 going to do is -- we're going to jump into the
20 public comment's right away. I want to go over a
21 couple of details for all of you.

22 So, joining me on the panel today we

1 have Michael Drummond. He's the deputy associate
2 director for NEPA at CEQ. To his left is Amy
3 Coyle who is senior counsel at CEQ. And then we
4 have Ted Boling who is the associate director for
5 NEPA at CEQ.

6 And a couple of housekeeping items.
7 Please silence your cell phones. The restrooms,
8 the women's restroom is on the right-hand side as
9 you walk, but it's in the auditorium here. The
10 men's room, you have to go outside into the
11 lobby. Ask the guard who will open up the gate
12 and then you go about halfway down the hall and
13 it's on the right-hand side.

14 Emergency exits are located both in the
15 back and then also in the front of the auditorium
16 on both sides. Please don't bring food and
17 beverages into the room. And let me just go
18 through a couple of details for the people that
19 are speaking.

20 So first please just make sure you
21 checked into the registration desk so that we
22 have you listed. If you preregistered then we

1 know you're here. You're allotted three minutes
2 for your remarks, and please keep that time limit
3 so that all of today's speakers can be heard
4 because we have all the slots filled.

5 And then if you are a speaker you were
6 assigned a number at the registration table and
7 we're going to call you up in that order. So,
8 Michael here will call you up and then when you
9 come up to the podium please state your name and
10 spell it because we have a transcriber who is
11 recording all of this and it goes into the record
12 for the rulemaking. So please state your name,
13 spell it, speak into the microphone please so
14 that we can capture all of your remarks.

15 So, Michael will be keeping time and
16 display a yellow sign when you have 30 seconds
17 left, and then a pink one when your time is up,
18 and please end when your time is up, so we don't
19 have to interrupt you when you're over your
20 allotted time. And please be courteous to the
21 upcoming speakers and end at the three minutes.

22 So, when you're finished speaking, if

1 you brought a written copy of your statement or
2 supplemental information and you would like it
3 incorporated into the record, there is a box in
4 the back of the auditorium that you can deposit
5 it in. There are also comment cards in the back.
6 There's literature on the rule also on the back
7 table.

8 But if you -- anyway, if you have
9 written comments you can put it in that box. If
10 you want to fill out a comment card you can do
11 that. There's also a box at the registration
12 table for comments. So, you may also submit
13 comments in writing later. Please submit them by
14 the deadline of March 10th.

15 So, if we do go through all the
16 registered speakers, we'll have a little
17 waitlist. You can go and ask for Kelly at the
18 registration desk and put your name on the
19 waitlist and then we'll just go through in
20 alphabetical order for those people presuming we
21 have time.

22 And let me assure you that whether

1 you're providing comments in writing or speaking
2 in a form like that that your comments are all
3 equally considered. So, with that we are going
4 to -- this session ends at 8:00, and with that
5 we'll get started.

6 So, Michael, if you want to call up the
7 first three people.

8 MR. DRUMMOND: Sure thing. Thanks Stu.

9 So first we have Anthony Victoria
10 Midence. And that will be followed by Bruce
11 Strouble and Bishop Carroll Baltimore, if you
12 want to be prepared to come up afterwards. Thank
13 you.

14 MR. MIDENCE: Good evening. My name is
15 Anthony Victoria Midence. That's A-N-T-H-O-N-Y,
16 Victoria, V-I-C-T-O-R-I-A, Midence,
17 M-I-D-E-N-C-E. And I'm with the Center for
18 Community Action and Environmental Justice and
19 also with the Moving Forward Network, and I'm out
20 of Riverside, California.

21 I come from a community that
22 experiences some of the worst smog and ozone

1 pollution in the nation. I've lived in
2 neighborhoods where people get sick and die as a
3 result of the direct exposure to harmful air
4 quality. Last year we had over 100 days where we
5 saw the federal standard for ozone pollution
6 violated by the logistics industry.

7 It's important as we address the issues
8 with pollution associated with the massive
9 warehouse development in our area in the Inland
10 Empire that we have a critical tool like the
11 National Environmental Policy Act to provide the
12 public the ability to discuss the environmental
13 and health impacts that they are concerned about.

14 In Riverside and San Bernardino County
15 developers are often skirting the law and rushing
16 through projects. However, the power of NEPA is
17 allowing community members in San Bernardino the
18 ability to demand alternatives that not only
19 prioritizes the air but also prioritizes good
20 jobs. Helping developers and industry rush the
21 process of approving projects is actually more of
22 an injustice than it is a benefit to working

1 class families.

2 I ask that -- I ask you this question.

3 If it was your neighborhood, would you want a
4 project that could have an impact for the next
5 three to four decades to be rushed through simply
6 because it's more beneficial to one side? I
7 wouldn't. I'm sure you wouldn't, right?

8 If NEPA is rolled back my community
9 will bear the brunt of thousands of trucks that
10 pass through our corridors daily. We're talking
11 about over 30,000 trucks a day sometimes on some
12 highways. You will see more children contracting
13 childhood asthma, like some of my peers discussed
14 earlier, and you'll see more parents, like my
15 mother who just passed away not too long ago,
16 prematurely die because of unchecked actions.

17 I have hope. I really do. I have hope
18 that our democracy can still work for the people
19 that need it the most, and that's frontline
20 communities. But if we're serious about a
21 sustainable future for both workers and their
22 families then you must act now to protect NEPA.

1 Thank you.

2 MR. DRUMMOND: Thank you. And Bruce
3 Strouble. Is Bruce here? Or anyone with a
4 number two speaking slot? No. All right. We'll
5 move onto number three, Bishop Carroll Baltimore.

6 MR. BALTIMORE: My name is Carroll A.
7 Baltimore, Bishop Carroll A. Baltimore. Carroll,
8 C-A-R-R-O-L-L, Baltimore, same as the city. I am
9 the vice president of Creation Justice Ministries
10 representing the policies of more than two dozen
11 Christian denominations that join together to
12 protect, to restore, and share God's creation.
13 Through our membership we serve approximately
14 100,000 churches and 35 million people. We have
15 grave moral concerns regarding potential changes
16 to NEPA policy act.

17 Proposed revisions to NEPA are
18 inconsistent with your central purposes. Among
19 those purposes are three that people of faith
20 hold very special and that is one government
21 should be a trustee of the earth and its natural
22 resources for the benefit of future generations.

1 Two, consider impacts on lower income minorities
2 and rural communities. And three, projects
3 should encourage meaningful participation in
4 government decisions by communities affected.

5 By loving our God creator, we show
6 respect for what God has made. We're entrusted
7 with the care of creation for our short lifetimes
8 and to ensure the gift of God's creation can
9 sustain life for our children and generations to
10 come. NEPA helps our society evaluate how
11 development will impact God's creation.

12 The NEPA process gives us an
13 opportunity to love your neighbor as yourself.
14 It requires project planners to listen to those
15 who could be more impacted by proposed projects
16 including the most vulnerable, and if a project
17 will hurt neighbors by making it hard for them
18 breathe, to drink safe water, grow food, catch
19 fish, freely practice their religious faith. It
20 is our shared moral responsibility to show love
21 for our neighbor by preventing harm from a
22 project.

1 As Christian communities we find
2 ourselves on the frontlines of response to
3 emergencies and rerouting resources with
4 compassion to respond to devastating
5 circumstances, and some of the most devastating
6 emergencies in our recent ministries related to
7 short circuiting or undermining of the NEPA
8 process.

9 And with that I guess I must close, but
10 we stand with all the Indigenous groups of like-
11 minded -- and there's a statement that caught my
12 attention that's found in your document of the
13 NEPA document where it said NEPA is the voice of
14 the people. It is a foundation of reason,
15 balance, and transparent for our environment.
16 That reminds me of we, the people. God bless
17 you.

18 MR. DRUMMOND: Thank you. Bruce -- is
19 Bruce Strouble in the house yet? All right.
20 Going onto number four, Kaitlin Schmidtke. Up
21 next would be Ernie Reed. Thanks.

22 MS. SCHMIDTKE: Hi. Kaitlin Schmidtke,

1 K-A-I-T-L-I-N, S-C-H-M-I-D-T-K-E, and I'm the
2 director of policy and campaigns for the Consumer
3 Energy Alliance, the leading consumer energy
4 advocate in the nation. CEA advocates for
5 families, seniors, and small businesses across
6 our growing nation.

7 Since NEPA was last updated in the late
8 1970s the United States population has grown by
9 over 100 million people. We've gone through
10 seven presidential administrations. The
11 (inaudible) and the iPhone were invented. And
12 technology is now helping us harness more
13 productivity across more industries than ever
14 before, but what's not changed has been NEPA.

15 As Americans our lives move quicker and
16 quicker. It is important that our critical
17 infrastructure is able to modernize and move just
18 as quickly as we do. American infrastructure
19 includes roads, bridges, energy projects,
20 airports, and water projects that are becoming
21 more costly and harder to complete given
22 burdensome and outdated regulations.

1 Anti-development groups will say that
2 traditional energy would be the winner. That's
3 not true. With new streamlined regulations the
4 biggest winners would be our communities and our
5 wind and solar developers that will rely on
6 consistent processes that meet their rapid
7 deployment schedules and the renewable
8 integration that states are now demanding.

9 The proposed updates to NEPA will not
10 only modernize a regulatory process but also
11 create certainty in the place of delay while
12 still protecting the environment during the
13 implementation of projects. These new guidelines
14 provide clear timelines for environmental review
15 that ensure a thorough yet prompt process. We
16 must not equate faster and more predictable with
17 less thorough.

18 The proposed rules also ensure the
19 government is seeking community input and
20 organizational guidance early in the permitting
21 process so the reviewing agency can consider
22 scientific information, alternatives, and other

1 useful information from the public in early
2 stages in the process to avoid project delays
3 caused by excessive legal actions that arise
4 following a decision.

5 This brings clarity to the subjective
6 meanings of what cumulative and reasonable
7 impacts are to address climate change by properly
8 defining a standard that allows the government to
9 partner with companies to efficiently conduct in
10 earnest environmental reviews prevent litigious
11 action later at the expense of the taxpayers.

12 With technology constantly evolving and
13 as American needs continue to grow there is no
14 time better than to modernize our nation's
15 infrastructure. It will not only support
16 economic development and jobs, but it will also
17 ensure that our communities are safe and have the
18 energy, infrastructure, and environmental
19 protection they need. We hope that you approve
20 the proposed guidelines and regulations and show
21 our nation's communities that we care about them.
22 Thank you.

1 MR. DRUMMOND: Thank you. And Ernie
2 Reed.

3 MR. REED: Good evening. My name is
4 Ernie Reed. I live at 971 Rainbow Ridge Road in
5 Faber, Virginia. I have chaired two
6 organizations, Heartwood and Wild Virginia who
7 have extensively commented on projects using NEPA
8 over the last 40 years, so I have significant
9 experience in this. And also, actions by other
10 federal agencies.

11 Strong relations are needed for
12 implementing NEPA. Overall the existing CEQ rule
13 has implemented NEPA well and no major changes
14 are necessary. Each of the dozens of projects in
15 which I have been involved have been improved and
16 impacts lessened because of NEPA.

17 The CEQ has identified, quote, "matters
18 of concern in NEPA implementation". I believe
19 most of these matters stem from agencies having
20 insufficient funds, resources, and personnel to
21 do the necessary work. As budgets are cut more
22 responsibilities fall upon fewer federal

1 employees.

2 Like the effectiveness of early
3 childhood education, a focus on the initial steps
4 can lessen and eliminate significant problems
5 that may arise later. Staff need to be available
6 to advise applicants as to process and content so
7 that the major burden falls upon the applicant
8 and not the agencies. The agencies can then
9 focus on giving the proposals the attention they
10 deserve.

11 The time to design projects and
12 identify impacts is most efficiently and
13 effectively implemented before actions are taken.
14 This is the time when accurate scientific
15 analysis, expert agency comments, and public
16 scrutiny is most effective to achieving the goals
17 and objectives of NEPA. Sufficient time must be
18 allowed for agency review, public review, and
19 public comment. Identifying controversy in
20 assessing potential significant impacts is both
21 useful and necessary.

22 One of the most important parts of NEPA

1 is the need for analysis of cumulative impacts.
2 As the CEQ has duly noted, quote, "Perhaps the
3 most significant environmental impacts result
4 from the combination of existing stresses on the
5 environment with the individually minor but
6 cumulatively major effects of multiple actions
7 over time.

8 Just because determining cumulative
9 impacts can be difficult or at the end of a,
10 quote, "lengthy causal chain" it makes them no
11 less significant. In fact, it makes them even
12 more significant since they may not be obvious to
13 the applicant. And in the world of natural
14 resource management impacts from past, present,
15 and future projects are almost always greater
16 than the sum of their parts. This includes
17 comments to include climate change which must
18 also be evaluated through NEPA.

19 It takes time to do things right and
20 due diligence. Currently there have been many
21 expedited NEPA schedules that have lots of
22 problems legally with the NEPA analysis that was

1 done. Currently I'm involved in the NEPA
2 analysis for the Atlantic Coast Pipeline, the
3 proposed Atlantic Coast Pipeline, and there are
4 so many flaws in the NEPA document that it is
5 unlikely that it will withstand legal scrutiny.

6 In conclusion, many of the proposed
7 changes to NEPA implementation are either
8 unnecessary, inappropriate, or ill-conceived.
9 Please consider my comments in your decision
10 making. Thank you.

11 MR. DRUMMOND: Thank you. Next we have
12 Pierson Siow and following that will be Pamela
13 Goddard.

14 MR. SIOW: Good evening. My name is
15 Pierson Siow. That's P-I-E-R-S-O-N, last name
16 Siow, S-I-O-W. I am the first lieutenant
17 governor for the Pueblo of Acoma. On behalf of
18 the All Public Council of Governors representing
19 the collective voice of 20 member Pueblo Nations
20 of New Mexico and our sister pueblo, Ysleta del
21 Sur in Texas I am submitting the following
22 testimony.

1 While many of our member pueblos
2 appreciate the desire of the CEQ to increase
3 efficiencies in NEPA environmental reviews, we
4 want to ensure that the proposed NEPA revisions
5 fully honor and respect mandatory government-to-
6 government consultation with pueblo and tribal
7 governments concerning the effects to tribal
8 culture resources in compliance with Executive
9 Order 13175, and to ensure that the regulatory
10 revisions do not in any way negate the
11 requirements for agencies to comply with Section
12 106 of the National Historic Preservation Act.

13 Both NEPA and NHPA share the goal of
14 developing of more informed decisions with
15 respect to environmental consequences of proposed
16 federal actions including the effects of
17 historical and cultural properties and need to be
18 completed prior to decisions being made. APCG
19 urges the CEQ to amend specific provisions
20 regarding determination for categorical
21 exclusions in consultation with pueblos and
22 tribes in accordance with Executive Order 13175.

1 As an example, ensuring proper
2 government-to-government consultation with tribes
3 about the presence of religious or cultural site
4 is required by Executive Order 13175 and
5 therefore should be explicitly referenced in the
6 CEQ's NEPA regulations regarding the process for
7 making determinations about the appropriateness
8 of a CE.

9 The proposed rules list as one of the
10 resource conditions to be considered whether
11 there are American Indian or Alaska Native
12 religious or cultural sites. For APCG and our 20
13 member pueblos, our pueblo culture resource
14 experts possess unique knowledge about our
15 cultural resources and sacred sites and
16 landscapes that are integral to our identity,
17 spirituality, and survival as people and that are
18 simply not known by archaeologists and cannot be
19 ascertained from literature reviews, including
20 the requirement of consultation with tribes on
21 this key element of determining the
22 appropriateness of any CE is extremely important

1 given the proposed rules' warning that the CEQ's
2 responsible official must determine whether the
3 presence of a resource condition rises to the
4 level of being an extraordinary condition
5 precluding a NEPA CE. Moreover, such
6 consultation is required by Executive Order
7 13175.

8 The determination by the responsible
9 federal official of whether the presence of an
10 American Indian religious or cultural site rises
11 to a level of precluding a CE qualifies as a
12 policy with tribal implications, that triggers
13 the consultation requirements of Executive Order
14 13175 because such a determination could have
15 substantial direct effects on the tribe or
16 cultural sites in the area at issue and the
17 regulatory provision in the proposed rule could
18 effect the distribution of power and
19 responsibilities between the federal government
20 and Indian tribes.

21 Tribal call stations should occur in
22 various regions throughout Indian country such

1 that the tribal concerns are broadly reflected
2 and the rulemaking process to that end. APCG
3 also requests at least 60 day extension to
4 current March 10th comment deadline. This
5 additional time will ensure that pueblo nations
6 have time to consider and respond to the proposed
7 rule. Thank you for consideration.

8 Respectfully, First Lieutenant Governor Pierson
9 Siow.

10 MR. DRUMMOND: Thank you. And is Bruce
11 Strouble here? All right. Thank you.

12 MR. STROUBLE: Good afternoon, or good
13 evening I should say. I'm Dr. Bruce Strouble.
14 I'm from Tallahassee, Florida. I am here on
15 behalf of Citizens for Sustainable Future and the
16 Moving Forward Network. I was sent here by my
17 community and other communities that I represent
18 to simply deliver a message about our distain and
19 just being very upset by this proposed rule
20 change.

21 Our communities are already burdened by
22 several issues; poverty, failing infrastructure,

1 increasing health disparities, and for this rule
2 change to come at this time, it shows a grave
3 lapse of judgment on the part of the
4 administration and the people who would think of
5 such a thing and it makes us wonder what are your
6 true intentions.

7 I mean ultimately I hope you understand
8 that the consequences of such action and the rule
9 changes being proposed could result in loss of
10 life, further degradation of the environment
11 which could halt production in the environment
12 and cause all kinds of unforeseen consequences
13 that we can't even account for yet because people
14 are looking to expediate a process that was put
15 in place to make sure that we're covering all
16 corners and making sure that we're doing what's
17 best for our communities and for our environment.

18 So, I just want to say to you all that
19 you all have influence, you all have privileges
20 that everyone here doesn't have, and it would be
21 your duty as American citizens to make sure that
22 the people of this country are protected. I

1 don't see how anyone could look out specifically
2 for private industries interest against the will
3 of the people and what's in the best interest of
4 the American people. I mean how would you
5 justify that to yourself? How would you justify
6 that to your children? How will you justify that
7 to future generations?

8 These rule changes -- just think about
9 it for a second. Who would propose to not look
10 at cumulative impacts? Why would we look at
11 things in isolation? In no scientific study, no
12 where do you look at things in isolation. This
13 is basic systems thinking. This is basic
14 science. If we look at things in simply
15 isolation we would never be able to find what
16 true problems are likely to occur if we made
17 changes for any developments.

18 So again, I just want to reiterate that
19 I've been sent here by several communities, and
20 had you had these hearings with more time so that
21 people could be here, we would have been able to
22 pack this area. There would have been multiple

1 people in here all expressing how upset they were
2 and how hurt they were that people would propose
3 such a harmful rule change that could threaten
4 their lives.

5 Particularly the vulnerable
6 communities. These are black, African American,
7 Latino communities. These are the places that
8 are going to be most exposed to the hazards that
9 are allowed if you move forward with these rule
10 changes. And at the end of the day what we're
11 talking about is racism. It's a disregard for
12 people of color. It's a disregard for women and
13 children and people who are impoverished. And
14 it's your duty to make sure that those people are
15 protected. They are Americans and we just ask
16 that you do your best. Thank you for your
17 consideration.

18 MR. DRUMMOND: Thank you. And Pamela
19 Goddard next. Following, that would be Anne
20 Bradbury. Thank you.

21 MS. GODDARD: Good evening. My name is
22 Pamela Goddard, P-A-M-E-L-A, G-O-D-D-A-R-D. I am

1 the senior program director for the Mid-Atlantic
2 region for the National Parks Conservation
3 Association, and I've worked in conversation for
4 over 30 years in our national parks, forests, and
5 wildlife refuges.

6 The National Parks Conservation
7 Association was created by the first park service
8 director over 100 years ago because he needed
9 someone to advocate for our national parks, to
10 work to protect them and enhance them for present
11 and future generations.

12 Our over 400 national parks were
13 established to celebrate natural beauty like the
14 Grand Canyon in Arizona or Florida's Everglades.
15 Some parks were created to honor our fallen
16 heroes like Flight 93 in Pennsylvania. And
17 others were created to commemorate our history
18 like Colonial National Historic Park in Virginia.

19 The National Park System was created
20 with the establishment of the Organic Act to make
21 sure that these lands and resources were managed
22 unimpaired for present and future generations.

1 The National Environmental Policy Act
2 is a fundamental tool to protect and preserve our
3 national parks by requiring critical analysis of
4 any proposed federal action that could impact our
5 parks. The National Environmental Policy Act
6 requires -- it recognizes park values and it
7 establishes a process for federal managers to
8 take a hard look at what a project could do to
9 our parks.

10 When a massive transmission line was
11 proposed to be built at Colonial National
12 Historical Park several issues arose to require
13 the permitting agency to complete an
14 environmental impact statement to thoroughly
15 analyze the impacts of the park.

16 First, multiple park sites were
17 involved, Colonial National Historic Park and the
18 Captain John Smith Chesapeake National Historic
19 Park.

20 Second, several endangered species live
21 in the project area, including the Atlantic
22 sturgeon that fed the original inhabitants of the

1 Jamestown settlement and kept them alive hundreds
2 of years ago.

3 And finally, there was a high level of
4 public controversy over putting 295-foot tall
5 towers in this historic landscape. After quite a
6 bit of back and forth, today the Army Corp of
7 Engineers is conducting an environmental impact
8 statement to truly look at the impacts of this
9 project.

10 Our national parks were created to
11 celebrate and preserve all that makes our country
12 exceptional; stunning natural beauty, honor for
13 our heroes, and critical history lessons are all
14 found at our national parks. The National
15 Environmental Policy Act ensures that these
16 special places are protected by requiring full
17 consideration of the impacts of any federal
18 action.

19 The National Environmental Policy Act
20 works. It allows appropriate development while
21 protecting our cherished sites. We urge the
22 Council on Environmental Quality to reframe from

1 rewriting this very important statute. Thank
2 you.

3 MR. DRUMMOND: Thank you, Pamela.

4 And next, Anne Bradbury.

5 MS. BRADBURY: Thank you. Good
6 evening. My name is Anne Bradbury and I'm with
7 the American Exploration and Production Council.
8 Chairwoman Neumayr and members of the panel,
9 thank you for the opportunity to testify today
10 about the importance of modernizing the National
11 Environmental Policy Act, or NEPA. Modernizing
12 and clarifying the NEPA review process will
13 create a more efficient permitting process,
14 increase consistency across federal agencies, and
15 clarify longstanding regulations.

16 This is a pivotal time in our country
17 for American energy. American energy companies
18 adhere to the most stringent regulations in the
19 world and often go above and beyond legal and
20 regulatory requirements. The administration's
21 modernization of NEPA removes bureaucratic
22 barriers to allow for continued energy production

1 in a safe and environmentally protective way.

2 I'm here today on behalf of AXPC, the
3 national trade association representing 25 of
4 America's largest independent oil and gas
5 exploration and production companies. The truth
6 is that we are seeing positive environmental
7 outcomes while our economy grows. Technological
8 advances from American innovators like us
9 combined with implementation of the Clean Air
10 Act, the Clean Water Act, and the Safe Drinking
11 Water Act have improved the protection of our
12 waters and dramatically improved air quality in
13 the U.S.

14 In addition to complying with extensive
15 federal, state, and local regulations, our
16 members develop and implement industry standards,
17 share best practices, and work with regulators to
18 ensure their operations responsibility protect
19 air and water resources.

20 As you all know, CEQ last updated NEPA
21 in 1978, the same year that Annie Hall was the
22 best picture. As of 1978, Mayor Pete wasn't

1 born, Bloomberg had not been founded, Apple was
2 two years old, and the internet had not been
3 invented. Needless to say, a lot has changed
4 since 1978.

5 AXPC members routinely engage in NEPA
6 reviews as part of their business and this
7 extensive experience allows AXPC to provide a
8 perspective that is particularly relevant to
9 project level NEPA analyses for development
10 projects that are vital to the economy and the
11 national security of the United States. Defining
12 the limits of NEPA analysis within the context of
13 an agency's regulatory and jurisdictional
14 authority will provide significant regulatory
15 certainty for businesses, particularly for oil
16 and gas development projects.

17 AXPC supports updating the regulations
18 to codify long established legal precedent that
19 NEPA is a procedural statute that does not
20 mandate substantive environmental outcomes. NEPA
21 regulations should codify legal precedent that
22 instructs agencies to give greater weight to a

1 prior project's goals, and NEPA should provide
2 more clarity regarding the role and participation
3 of the project proponent.

4 In our written comments we will outline
5 specifics around proposed revisions to update the
6 purpose, policy, and mandate of NEPA, NEPA agency
7 planning, environmental impact statements, and
8 the definitions defined in the modernized
9 proposal. In conclusion, AXPC appreciates CEQ's
10 consideration of these comments. Thank you.

11 MR. DRUMMOND: Thank you. Next up we
12 have Kym Hunter, and following that, that would
13 be Monique Harden.

14 MS. HUNTER: Good evening. I'm Kym
15 Hunter, a senior attorney with the Southern
16 Environmental Law Center. I've represented
17 groups through the NEPA process from across the
18 southeastern United States for the best part of a
19 decade.

20 Since its foundation 50 years ago NEPA
21 has served to make government decision making
22 better. Not only does NEPA ensure that all

1 environmental consequences, near term, far
2 distant, long-ranging, and immediate are fully
3 disclosed, it does more. NEPA forces the
4 government to take a bead and ask why are we
5 doing this big action? Why is it necessary?
6 What are we really trying to accomplish here?
7 And then after carefully thinking about the why,
8 NEPA forces the government to think about the
9 how. What are the different ways to get there?
10 What are the pluses and minuses of each? Does
11 the public have other ideas? Do other agencies?

12 The proposed regulations would undercut
13 all of this. Rather than modernize and
14 reinvigorate the NEPA to make our decisions even
15 more thoughtful, it would turn it into a largely
16 meaningless paper exercise. What is worse, the
17 proposed rulemaking looks to create confusion,
18 chaos, and the types of delays that it asserts to
19 seek to avoid.

20 Nothing demonstrates this better than
21 the example given by the president when the
22 rulemaking was announced. The president invoked

1 North Carolina's Mark Basnight Bridge of an
2 example of how NEPA causes long delays. That is
3 wrong. Unlike the president, I have spent a lot
4 of time with communities on the outer banks of
5 North Carolina and have been intimately involved
6 in that project.

7 The complex nature of a shifting set of
8 barrier islands that is frequently hit by large
9 storms and hurricanes requires thoughtful
10 planning. A solution that is more than a band-
11 aid requires significant funding. And for many
12 years the different political entities simply
13 couldn't agree on the best path forward given the
14 physical and fiscal constraints. Those were the
15 factors that caused delays, not NEPA.

16 In fact, the NEPA process helped the
17 different decision makers air out exactly what
18 solutions would work best in that complex
19 environment. NEPA helped agencies come together
20 to meet their different needs and
21 responsibilities. NEPA helped the public to have
22 a voice.

1 In the end, NEPA there worked as it
2 should, a compromise was reached, and not only
3 has the first bridge been replaced but work is
4 underway for another one further down the island
5 setting in a long-term solution that will make
6 for safe long-term travel as well as protections
7 for wildlife in one of our most treasured
8 refuges.

9 NEPA then ensures that our decisions
10 are well thought out and can withstand the test
11 of time. Setting in place arbitrary page limits,
12 rewriting definitions, and replacing current
13 process and procedures with new different ones
14 will not improve the speed of project delivery.
15 All it will mean is that the public is left in
16 the dark about important consequences that affect
17 our futures.

18 If we truly want to speed the delivery
19 of essential projects, and we need to, we should
20 invest more heavily in our research agencies,
21 give them the tools they need to do essential
22 reviews. We should invest in infrastructure

1 necessary to the environmental challenges we
2 currently face. We should ensure pathways are in
3 place so that all the best ideas have the chance
4 to be aired and considered. What we shouldn't do
5 is rewrite an important law that has stood in
6 place for over 50 years. Thank you.

7 MR. DRUMMOND: Thank you. And next,
8 Monique Harden. Following would be Melissa
9 Miles.

10 MS. HARDEN: My name is Monique Harden.
11 First name, M-O-N-I-Q-U-E. Last name,
12 H-A-R-D-E-N. I am the assistant director of law
13 and policy at the Deep South Center for
14 Environmental Justice in New Orleans, Louisiana.
15 And yes, today is Mardi Gras but I'm here to
16 defend our city having more Mardi Gras in the
17 future.

18 The Center provides a wide-range of
19 research and education. It undertakes community
20 and student engagement for policy and systems
21 change, and we conduct health and safety training
22 to prepare people for environmental careers. The

1 Deep South Center for Environmental Justice is a
2 member of the Environmental Justice Leadership
3 Forum which is coordinated by We Act For
4 Environmental Justice.

5 I am here because the Council on
6 Environmental Quality's proposed rollback is a
7 (inaudible) to the National Environmental Policy
8 Act. NEPA upholds the right we all have to be
9 heard on a proposed federal project that affects
10 our human environment. Your proposed changes
11 undermine a free and democratic society.

12 These changes also attack the
13 contributions made by African Americans,
14 Indigenous Peoples, Latinx, Asian Pacific
15 Islanders in the environmental justice movement.
16 It is our movement that has improved NEPA, after
17 1978, during the 1990s, and have made it stronger
18 and more protective of people and every living
19 thing in this country.

20 If your proposed changes to NEPA were
21 in effect before 1997 a nuclear uranium
22 enrichment facility would have been licensed to

1 operate in the center of two historic African
2 American communities of Forest Grove and Center
3 Springs in northern Louisiana. The residents
4 would be suffering mightily from the facility's
5 generation of massive amounts of nuclear
6 radioactive waste.

7 Your proposed restrictions on public
8 participation would have denied them the right to
9 meaningfully and effectively have their voices
10 heard and their scientific research reviewed in
11 the licensing proceeding that was before the U.S.
12 Nuclear Regulatory Commission.

13 Your proposed restrictions would have
14 made it impossible for that U.S. Nuclear
15 Regulatory Commission to set the national
16 precedent that it did in 1997 which was to deny
17 the license for the first time on environmental
18 justice grounds.

19 The fight for environmental justice is
20 typically called a David and Goliath battle.
21 NEPA is an important slingshot that we Davids
22 have against the Goliath of environmental racism

1 that has metastasized into climate change. We
2 will defeat your efforts to gut this important
3 law.

4 MR. DRUMMOND: Thank you. Melissa
5 Miles.

6 MS. MILES: Good evening. My name is
7 Melissa Miles and I'm a resident of the city of
8 Newark, New Jersey, the environmental justice
9 manager of the Iron Bound Community Corporation,
10 and an advisory board member of the Moving
11 Forward Network. I'm the co-chair of the Air
12 Committee of the Environmental Justice Advisory
13 Board of the New Jersey Department of
14 Environmental Protection, and a member of the
15 Climate Justice Alliance, and the Global Alliance
16 for Incinerator Alternatives. Thank you for
17 allowing me to speak today on behalf of my
18 family, my community, and affiliates.

19 New Jersey is one of the most densely
20 populated states in the country and Newark is its
21 most densely populated city. As we all know, New
22 Jersey's metropolitan areas are far from

1 pristine. In fact, New Jersey is home to many
2 polluting industries that make it possible for
3 the tri-state area to function.

4 I live in a neighborhood called the
5 Iron Bound in Newark which is widely known as the
6 epicenter of New Jersey's environmental
7 dysfunction. It is five square miles that is
8 home to a great deal of transportation
9 infrastructure including several major highways,
10 a rail port, and Newark International Airport.
11 It is host to the east coast's largest bulk goods
12 seaport, the Port of New York and New Jersey,
13 which brings hundreds of diesel burning trucks
14 through our community every day.

15 The region's largest trash burning
16 incinerator is less than a mile from my family's
17 home, as is the region's largest wastewater
18 treatment facility. The Iron Bound is hundreds
19 of brown fields and two superfund sites including
20 the nation's longest, the Passaic River. Lead
21 has been found in levels hundreds of times
22 greater than actionable levels in the air, soil,

1 and water in Newark.

2 We have a chunk of the region's waste
3 and energy infrastructure in the port, but we are
4 aware and actively working to change this unfair
5 reality. This is what makes us an environmental
6 justice community.

7 Although I moved to Newark 15 years
8 ago, I didn't know about any of these issues
9 until I became a member of the Iron Bound
10 Community Corporation. One of the first actions
11 I took with them as a resident activist was to
12 testify before the EPA about the clean up of the
13 Passaic River. With resident activism as the
14 foundation of the campaign, the community won the
15 largest superfund settlement to date for the
16 clean up of the Passaic River. We could not have
17 done that without NEPA.

18 Two years ago, the Coalition for
19 Healthy Ports, of which I'm a steering committee
20 member, tried and failed to prevent the raising
21 of the Bayonne Bridge to allow for the transit of
22 post-Panamax ships into the Port of Newark.

1 Although unsuccessful, NEPA provided the
2 framework through which we could pushback against
3 this project on the basis that they did not
4 conduct an adequate environmental impact
5 statement in the impacted community.

6 Five years ago, the city of Newark
7 passed a cumulative impacts ordinance that was
8 modeled in part after NEPA. In fact, NEPA is the
9 bedrock of cumulative impact laws around the
10 country. However, there is a limit to what we
11 can impact at the state level -- at the municipal
12 level. Sorry. There is nothing similar at the
13 state level in New Jersey, so the state considers
14 every air permit individually as if there isn't a
15 multitude of polluting industries sited within
16 yards of each other in our community.

17 Without NEPA we would be left extremely
18 vulnerable to the forces of well-resourced
19 industries that build out at the expense of our
20 health. We need transparency about these
21 projects. We need to have input on these
22 projects, and we need our voices to be heard.

1 NEPA has been part of the process that
2 allows peoples like me to weigh in on important
3 decisions that impact the health and well-being
4 of my family, my neighbors, and myself.

5 Protection NEPA is not just about my community,
6 it's about protecting democracy. Thank you for
7 your attention.

8 MR. DRUMMOND: Thank you. Next would
9 be speaker 12, Brynae Riggins. Followed by that
10 would be Paulina Nicole Torres, number 13.

11 MS. RIGGINS: Good evening. My name is
12 Brynae Riggins, B-R-Y-N-A-E, R-I-G-G-I-N-S. I'm
13 a third year law student from north New Jersey
14 studying wildlife law, and a current intern at
15 the Animal Welfare Institute.

16 I came into law school bright-eyed and
17 bushy-tailed thinking that I was going to save
18 the world one butterfly, one polar bear, one
19 elephant at a time, but I have since realized
20 what a frustrating task environmental advocates
21 have. We're here trying to convince a body of
22 lawmakers that putting the needs and desires of

1 industry before the health of our planet is bad,
2 something that should seem readily apparent. I
3 believe that God gave humankind dominion over the
4 earth. However, such a responsibility is no
5 small feat and requires humanity to exercise
6 diligent stewardship.

7 Our current NEPA regulations, while
8 there is room for improvement, is a close attempt
9 at exercising such due diligence. However, these
10 proposed regulations bring us further away from
11 proper stewardship, not closer. They fail to
12 consider the long-term effects of humanity's use
13 of earth's resources. Each generation owes to
14 the next a duty to leave the environment in a
15 secure and sustainable condition.

16 CEQ has stated that their goal is to
17 expedite the process of environmental reviews.
18 While I do empathize with those frustrations
19 regarding the lengthy process of completing
20 environmental reviews, I would like to remind
21 everyone in this room that NEPA stands for the
22 National Environmental Policy Act, which means

1 that implementation of all rules and regulations
2 should share the same common nucleus, that being
3 putting environmental health at the top of the
4 priority list, not making it an ancillary
5 decision.

6 The process of environmental review may
7 be time consuming, but if we are truly concerned
8 about environmental health then it's worth it.
9 Environmental protection should not be about what
10 is more convenient or efficient. Our priority
11 should be taking time to fully and thoroughly
12 consider how agency actions will impact the
13 world.

14 Likewise, these new changes will not
15 make navigating NEPA any easier. The proposed
16 regulations attempt to rollback 50 years of
17 judicial and administrative precedent which will
18 undoubtedly create interpretive and applicative
19 challenges for litigators, judges, and agencies.

20 I don't have time to mention each
21 grievance I have with the proposed regulations,
22 but there are several which I find particularly

1 unsettling. First, it is counterproductive to
2 allow corporations to conduct their own
3 environmental impact reviews. Such regulation
4 takes away sound non-biased review and would
5 permit corporations to conduct their impact
6 statements essentially on an honor system with
7 little to no accountability and that, my friends,
8 is unfair.

9 Secondly, it's completely irrational
10 for the National Environmental Policy Act to
11 eliminate the requirement that federal agencies
12 consider the climate change effects of their
13 proposed projects. If we're not considering
14 climate change then what are we even doing?

15 Lastly, eliminating the requirement
16 that federal contractors preparing an
17 environmental review disclose conflicts of
18 interest is yet another example of putting
19 corporations above the goal of NEPA which should
20 be, first and foremost, environmental protection.

21 The bottom line is that these new
22 regulations will negatively affect environmental

1 and therefore human health long-term. It is
2 imperative that we hold federal agencies
3 responsible for considering the full range of
4 ramifications to the environmental before making
5 decisions that will have lasting effects. I urge
6 you to consider rescinding the proposed
7 regulations. Thank you for considering my
8 comment.

9 MR. DRUMMOND: Thank you, Brynae.

10 Next is Paulina Nicole Torres.

11 Following that will be Stephanie Klein.

12 MS. TORRES: Good evening. My name is
13 Paulina Torres, P-A-U-L-I-N-A, Torres,
14 T-O-R-R-E-S. I'm a staff attorney at the Center
15 on Race, Poverty, and the Environment, an
16 environmental justice organization that provides
17 legal organizing and technical support to
18 community groups in California's Central Valley,
19 particularly in the southern San Joaquin Valley.

20 For those who are unfamiliar with the
21 San Joaquin Valley, it is home to some of the
22 worst air pollution in this country. It is

1 arguably the most polluted air base in the United
2 States with the majority of its residents people
3 of color and low-income communities. Pollution
4 sources include refineries, oil and gas wells,
5 pesticides, dairies, mobile sources, industrial
6 facilities. You name it, the Central Valley is
7 unfortunately probably suffering from it.

8 I provide this context because
9 environmental justice organizations and the
10 communities we represent rely on the National
11 Environmental Policy Act to protect our fence
12 line communities, the very communities that many
13 of the projects subject to NEPA are sited, often
14 times located in close proximity to our
15 backyards, our schools, our daycares, our
16 churches, and our hospitals.

17 While our communities voice many
18 concerns about the proposed regulations, of most
19 significance is elimination of requirements
20 protecting public participation and the narrowing
21 of the range of project alternatives that must be
22 considered.

1 One of the most significant aspects of
2 NEPA is that it gives the public a voice in the
3 decision-making process. It gives the very
4 communities who will bear the environmental
5 burdens of a given project the opportunity to
6 weigh in. However, these proposed regulations
7 restrict our communities' ability to do so.

8 Limiting the public comment period from
9 45 to 30 days, eliminating the required
10 dissemination of materials, and eliminating the
11 requirement for agencies to respond to comments
12 individually are just a few of the examples of
13 these regulations stripping our communities'
14 ability to meaningfully and successfully engage
15 in the NEPA process.

16 Furthermore, the existing NEPA
17 regulations state that alternatives are the heart
18 of the environmental impact statement and require
19 agencies to consider reasonable alternatives not
20 within the jurisdiction of the lead agency. This
21 has led to greater protection for our
22 environmental justice communities. Absent a

1 robust analysis of alternatives we are left
2 without options that would create safer and
3 healthier communities.

4 In addition, with the limitation of the
5 alternatives requirement, hundreds of polluting
6 projects could be fast-tracked without the true
7 engagement of the communities most impacted by
8 these projects.

9 These regulations undermine the very
10 purpose of the National Environmental Policy Act
11 and we urge the rejection of these proposals.
12 Thank you.

13 MR. DRUMMOND: Thank you. And
14 actually, next we have Louis Finkel. I think
15 there was a mix up in the ordering that I got.
16 Thanks.

17 MR. FINKEL: Good evening. My name is
18 Louis Finkel, L-O-U-I-S, F-I-N-K-E-L. I'm the
19 senior vice president of government relations for
20 the National Rural Electric Cooperatives
21 Association. Thank you for the opportunity to
22 lend NRECA's support to CEQ's proposed rule to

1 modernize NEPA.

2 NRECA is the national trade association
3 for nearly 900 rural electric cooperatives
4 responsible for keeping the lights on for one in
5 eight Americans across 48 states. Electric
6 co-ops provide power to many rural and suburban
7 communities and serve 92 percent of America's
8 persistent poverty counties.

9 Co-ops were built by and belong to the
10 communities they serve, so each cooperative is
11 different depending on their communities specific
12 needs, but each co-op shares a common goal and
13 responsibility for delivering affordable and
14 reliable electricity to their member consumers.

15 Collectively, electric cooperatives own
16 and maintain 2.6 million miles or 42 percent of
17 the nation's electric distribution lines. NRECA
18 members are often subject to the NEPA process as
19 they work to provide reliable, affordable, and
20 responsible power. This includes efforts like
21 modernizing the aging electric grid and
22 diversifying their energy portfolios.

1 As co-ops continue responding to
2 consumer needs and enabling a better future for
3 their communities, we expect our members to
4 continue to need federal permits and approvals
5 that will undergo NEPA review. Over the last
6 four decades NEPA environmental reviews have
7 continually expanded requiring more time, more
8 money than originally intended to complete needed
9 infrastructure projects. This has a direct
10 negative impact on electric cooperative
11 communities that are served by these projects.

12 Many times delays for linear
13 infrastructure projects such as transmission and
14 distribution lines as exacerbated as the projects
15 must be navigated through multiple federal
16 agencies for environmental reviews and permitting
17 processes. Each agency has separate decision-
18 making authorities and often conflicting
19 viewpoints.

20 It is important to NRECA and its
21 members across the country that NEPA reforms are
22 appropriately streamlined to reduce these

1 burdens. NRECA greatly appreciates CEQ's efforts
2 to comprehensively amend the rule and provide
3 robust opportunities for the public to
4 participate in the rulemaking process. If
5 finalized, the proposal will modernize and
6 clarify the NEPA regulations to facilitate a more
7 efficient, effective, and timely environmental
8 review and approval process by federal agencies.
9 I'd like to highlight a few of these changes.

10 First, NRECA supports greater applicant
11 involvement in the NEPA process. Developing an
12 agreed upon project purpose and needs statement
13 given the applicant's goals will facilitate a
14 transparent and collaborative review. Project
15 applicants have specific knowledge of details and
16 will be better informed for decision makers.

17 Second, NRECA supports the presumptive
18 limits on pages and time limits for NEPA
19 documents. And lastly, NRECA supports the
20 expanded use of categorical exclusions.

21 In closing, NRECA fully supports the
22 fundamental goals of NEPA and CEQ's efforts to

1 improve this important permitting process and we
2 thank you for the opportunity.

3 MR. DRUMMOND: Thank you, Louis.

4 Next we have Stephanie Klein.

5 Following that would be Mark Magana.

6 MS. KLEIN: Good evening. My name is
7 Stephanie Klein spelled S-T-E-P-H-A-N-I-E,
8 K-L-E-I-N. I live here in Washington, D.C. I am
9 the mother of two school-aged kids and I'm the
10 D.C. field consultant for Moms Clean Air Force.
11 Our mission is to protect children from air
12 pollution and climate change, and we envision a
13 safe, stable future where all children breathe
14 clean air.

15 I'm also a former career employee of
16 the U.S. Environmental Protection Agency and I
17 can say from my dual perspective as an
18 environmental policy professional and a mom that
19 the proposed rollbacks to NEPA are bad for our
20 kids and our communities.

21 The Trump Administration is proposing
22 to exclude climate change considerations from

1 NEPA reviews, but considering the impacts of
2 federal development projects on the climate is
3 critical. According to a report released by
4 United Nations scientists in 2018, we have only
5 ten years to reduce greenhouse gas emissions if
6 we want to prevent catastrophic climate change.
7 And we are already seeing the negative impacts of
8 climate change in our daily lives: decreasing air
9 quality, extreme heat, increases in extreme
10 weather events, and an extended allergy season,
11 all affecting our public health.

12 NEPA is one of the most significant
13 pieces of legislation guiding federal decision
14 making to reduce carbon pollution and account for
15 a federal project's impacts on climate change.
16 Rolling back NEPA rules would make it easier for
17 polluting projects to get the green light
18 regardless of the impact they may have on the air
19 our children breathe or the climate impacts our
20 children will inherit.

21 NEPA also provides local communities
22 the ability to weigh in on federal projects

1 impacting their health and safety and gives the
2 affected community the opportunity to offer
3 alternatives. And for low-income and communities
4 of color which are often disproportionately
5 impacted by health problems associated with
6 poorly planned projects, NEPA is a critical tool
7 for civic engagement.

8 Everyone has the right to live, work,
9 learn, and play in healthy communities where air
10 is safe to breathe and water safe to drink. NEPA
11 rules have helped keep our children safe for the
12 last 50 years, and were originally created with
13 bipartisan support. We cannot abandon them now
14 when are kids need them the most.

15 Please withdraw the proposal to
16 rollback NEPA and commit to protecting America's
17 children from dangerous pollution. Our children
18 are counting on you. Thank you for your
19 consideration.

20 MR. DRUMMOND: Thank you. And next,
21 Mark Magana followed by Jessica Loya.

22 MR. MAGANA: Good evening. My name is

1 Mark Magana, M-A-R-K, M-A-G-A-N-A. I'm president
2 and CEO of Green Latinos. We are a national
3 network of Latino environmental and conservation
4 advocates who are committed to addressing the
5 national environmental natural resources and
6 conservation issues that significantly affect the
7 health and welfare of the Latinx community in the
8 U.S. We believe that every community deserves to
9 live, work, and play in healthy communities with
10 clean air, clean water, access to our coasts and
11 public lands that are safe from the impacts of
12 climate change.

13 The National Environmental Policy Act,
14 NEPA, provides tools, vital tools to stop the
15 threats to our communities from proposed projects
16 that would pollute our air, our waters, and
17 continue to contribute to the climate crisis. It
18 is for these reasons that we adamantly oppose the
19 proposed changes to this critical law that
20 protect public health and safety and ultimately
21 save lives.

22 The majority of U.S. Latinos live in

1 areas that have experienced devastating impacts
2 of climate change already. Changes in climate
3 and extreme weather are hitting our communities
4 hard and magnifying the existing vulnerabilities
5 that Latinos already face such as environmental
6 degradation and the poisoning of our land, our
7 air, our water, and our food leading to
8 disproportionate exposure to toxins, pollutants,
9 and environmental hazards at home and in the
10 workplace.

11 The proposed removal of NEPA's
12 requirements that federal agencies analyze is
13 proposed project's indirect and cumulative
14 impacts on climate change is negligent and is a
15 single from the federal government that they do
16 not care for the lives and well-being of our
17 Latino communities. I do not say this lightly.
18 Climate change is killing us and our environment.
19 The cumulative impacts of climate change is a
20 matter of life and death and that is why we must
21 ensure that proposed projects undergo the
22 comprehensive analysis that is currently required

1 in the NEPA process.

2 Analysis of the indirect and cumulative
3 impacts of climate change is undeniably in the
4 purview of the original mandate of NEPA to
5 promote the general welfare of present and future
6 generations when science is telling us that we
7 must take expedited action to address the climate
8 crisis.

9 We are already seeing rising sea
10 levels, disappearing coastal communities, extreme
11 weather events such as Hurricanes Irma and Marie
12 in Puerto Rico, longer and stronger wildfires
13 like those in California and the Amazon, and
14 historical droughts and heat waves in places like
15 Texas and Oklahoma, and flooding in the Midwest,
16 all of which have had deadly impacts on these
17 already vulnerable communities.

18 These rollbacks put corporate polluters
19 first allowing for dangerous conflicts of
20 interest to override the needs of healthy
21 families and communities. We must do everything
22 in our power to combat the climate crisis that

1 includes demanding that these revisions to NEPA
2 not go into effect. Thank you.

3 MR. DRUMMOND: Thank you, Mark.

4 Next we have Jessica Loya followed by
5 Diana Umpierre.

6 MS. LOYA: Thank you. Good evening.
7 My name is Jessica Loya, J-E-S-S-I-C-A, L-O-Y-A,
8 and today I am here representing not just myself
9 but the 20 other members of the Next Generation
10 Advisory Council of the National Parks
11 Conservation Association.

12 The Next Generation Advisory Council is
13 a group of inspiring young professionals from
14 across the country who, although different in
15 lived experience, all share the same passion and
16 love for our nation's national parks and public
17 lands. Our passion for our parks and public
18 lands have led us to be leaders in ensuring their
19 protection for the enjoyment and benefit of
20 future generations, and it is in this vein that
21 we oppose the proposed changes to the National
22 Environmental Policy Act, NEPA.

1 NEPA was created to, and I quote,
2 "Promote the general welfare to create and
3 maintain conditions under which man and nature
4 can exist in productive harmony and fulfill the
5 social, economic, and other requirements of
6 present and future generations of Americans."
7 And the proposed changes would drastically
8 inhibit the law's ability to be successful in its
9 original mandate.

10 First, the current NEPA process is one
11 that seeks to provide the opportunity for fair
12 discussion between all stakeholders no matter the
13 political influence and power that one might
14 yield. It allows the perspectives, priorities,
15 and value of small business owners such as those
16 in the gateway communities of our national parks
17 and park enthusiasts like myself to be heard by
18 the federal government.

19 The revisions seek to remove the
20 opportunities for public input that communities
21 and important stakeholders use to communicate
22 openly with the federal government about how

1 projects will impact our lives. These changes
2 are especially concerning as our national parks
3 represent the democratic principles of by and for
4 the people. It's what gave them the nickname
5 America's best idea.

6 Second, the proposed changes would
7 impact the National Park Service ability to
8 complete its own mandate under the Organic Act to
9 provide for fair use and enjoyment in such a
10 manner and as such means would leave them, our
11 national parks, unimpaired for future
12 generations.

13 The proposed removal of NEPA's
14 requirement to analyze a project's indirect and
15 cumulative impacts on climate change would leave
16 our National Park Service unable to prepare for
17 the impacts of climate change that is having on
18 our parks currently and will continue to have on
19 our parks in the future.

20 If we do not address climate change at
21 all levels including proposed projects near or on
22 federal lands then we will surely not leave them

1 unimpaired for future generations.

2 In short, these proposal are
3 undemocratic. They are silencing communities,
4 and your intention of only holding two public
5 hearings is disgraceful. You are silencing
6 Americans. And I hope that you take these
7 comments into consideration and you do not push
8 forward these revisions. Thank you.

9 MR. DRUMMOND: Thank you, Jessica.

10 And next we have Diana Umpierre and
11 following that will be Emma Haydocy. Thank you.

12 MS. UMPIERRE: Okay. I have to lower
13 this. Thank you. I know you guys are tired and
14 I appreciate you still being here and listening.

15 I am here representing the work of and
16 the interest of restoring the Everglades,
17 America's Everglades. The Comprehensive
18 Everglades Restoration Plan, called CERP, is a
19 prime example of how any rollback of NEPA
20 requirements will be devastating to the
21 protection of human health, property rights,
22 local economies, and the natural environment.

1 In south Florida decision makers have
2 put the water needs of for-profit corporations
3 ahead of the health of people and the ecosystems
4 that support that human population and wildlife.
5 As a result, time and time again our water crisis
6 make headlines. We're exposed again and again to
7 harmful algae bloom toxins in the air and water
8 because of a broken Everglades and the
9 mismanagement of our land and our water.

10 These proposed changes would make it
11 even harder for us to ensure that our federal
12 agencies, the people that are supposed to protect
13 us, consider human health impacts when evaluating
14 alternatives.

15 My office is in a low-income community
16 with the Herbert Hoover Dike that surrounds Lake
17 Okeechobee in their backyard. The same dike that
18 the Army Corp of Engineers has said is in danger
19 of failure where residents live in homes that
20 were built where thousands of farm workers died
21 with another hurricane with another dike that
22 broke in 1928 due to a hurricane, a dike that was

1 constructed when there was no NEPA, no public
2 process.

3 This year marks the 20th Anniversary of
4 CERP. Again, a multi-billion dollar effort
5 between the state and the federal government to
6 try to fix the actions taken before NEPA
7 regulations were in place. The catastrophic
8 replumbing of an entire vast Everglades ecosystem
9 that now needs to be reversed and mitigated
10 proceeded without accounting of both direct and
11 indirect adverse effects, without public
12 participation, without accounting for cumulative
13 impacts on people and wildlife, without
14 consideration of climate crisis we're now facing,
15 without consideration of effects that you might
16 now call remote in time and geography.

17 CERP must now fix those mistakes so we
18 can restore water flows, protect coastal
19 communities, habitats, estuaries, and adapt to a
20 climate crisis. Without an intact NEPA we will
21 not be able to meet the goals of CERP.

22 The proposed changes to NEPA are going

1 in the wrong direction. NEPA's timelines are
2 actually shorter at times than we would like them
3 to be. Current 45-day periods sometimes are just
4 not long enough. Just yesterday I had to turn in
5 comments for a CERP project EIS with the complex
6 documents that had very important information
7 that of course will take several pages. Review
8 of that material is sometimes difficult for
9 regular people and even many NGOs that don't have
10 consultants and lawyers to do their work.

11 A NEPA rollback would also impact the
12 ability to do meaningful public hearings in this
13 largely low-income community agricultural rural
14 area that CERP encompasses leaving whole
15 communities out of this public process.

16 Also, allowing applicants to assume a
17 greater role in preparation of environmental
18 assessment will lead to untold environmental
19 disaster including the extinction of the Florida
20 panther. In the western Everglades 12 landowners
21 have applied to take, that is to harm, hunt,
22 kill, for 50 years 19 listed species including

1 our Florida panther, our state animal, within an
2 area that's 174,000 acres. Allowing applicants
3 to evaluate the impacts of their own extinction
4 plan goes against the very idea of what
5 environmental policy is about. The fox guarding
6 the hen house is not strong enough analogy in
7 here.

8 NEPA also happens to be the only
9 federal policy that we have that takes into
10 account the cumulative impacts of something that
11 many don't consider in their projects which is
12 light pollution from bad lighting in our highways
13 that threatens not only urban ecosystems but even
14 our national parks.

15 NEPA is supposed to be democracy at
16 work. Democracy is more labor intensive. It is
17 more onerous hard work, more than dictatorship.
18 But who here, who among you in the Council, who
19 among you in the audience would chose
20 dictatorship over democracy? Who? Thank you.

21 MR. DRUMMOND: Thank you. Next we have
22 Emma Haydocy and then Jackie Antalan.

1 MS. HAYDOCY: Good evening. My name is
2 Emma Haydocy, E-M-M-A, H-A-Y-D-O-C-Y. I am the
3 director of Florida Bay Forever, a non-profit
4 representing the voices of the Florida Keys out
5 of Tavernier, Florida. Thank you for this
6 opportunity to offer comment.

7 NEPA is a critical environmental and
8 civil rights law that protects communities like
9 mine from dangerous, rushed, or poorly planned
10 projects and gives the public voice to comment on
11 major federal infrastructure projects. The
12 proposed changes to the public input process
13 eliminates the ability for small communities like
14 mine to weigh in on situations that impact our
15 environment and health.

16 In the case of the Florida Keys, our
17 livelihood and well-being is at the mercy of a
18 massive federal infrastructure and ecosystem
19 restoration project. This past week I used my
20 voice to make public comment at a meeting in our
21 village where the United States Army Corp of
22 Engineers presented the draft EIS for the

1 operations plan that should bring the freshwater
2 we so desperately need to Florida Bay. My
3 community is entirely dependent on the health of
4 Florida Bay and the infrastructure projects of
5 Everglades restoration, and without NEPA we lose
6 our opportunity to voice our comments and
7 concerns about what impacts us most.

8 NEPA is also of critical concern to me
9 as a resident of the Florida Keys where we live
10 the reality of climate change and sea level rise.
11 While this administration may still use the term
12 "when" to address the impacts of climate change,
13 where I live when is now.

14 This past fall, Black Water Sound, a
15 community just up the road from my home, was
16 inundated by the sea for more than 100 days.
17 What we in the Florida Keys once considered to a
18 100-year flood is now an annual reality. Climate
19 change and sea level rise are in my backyard
20 right now and the current proposed changes to
21 NEPA threaten the fate of my community.

22 This administration's plans to

1 disregard carbon and greenhouse gas emissions dan
2 the cumulative impacts of new projects is a
3 flagrant entrenchment of climate denial and the
4 Florida Keys community will not survive the
5 coming decades without the original provisions of
6 the National Environmental Policy Act and robust
7 recognition of climate change as a global
8 reality.

9 I urge CEQ to protect the National
10 Environmental Policy Act and to abandon these
11 radical climate denying changes to the law. They
12 will only result in less transparency and
13 dangerous consequences for those of us who are
14 already threatened by climate change. Thank you.

15 MR. DRUMMOND: Thank you. Next we have
16 Jackie Antalan followed by Katie Murtha.

17 MS. ANTALAN: Good afternoon. Jackie,
18 J-A-C-K-I-E, Antalan, A-N-T-A-L-A-N. To Ted and
19 Lori and -- your name, sir? I can't see it.

20 MR. DRUMMOND: I'm Michael.

21 MS. ANTALAN: Pardon?

22 MR. DRUMMOND: Michael.

1 MS. ANTALAN: And Michael.

2 MR. DRUMMOND: Uh-huh.

3 MS. ANTALAN: And Stu. As citizens of
4 the United States of America, we, the people,
5 believe that NEPA saves lives. I'm here to
6 amplify our experience from the Gulf Coast. If
7 anyone or any meeting should have been held,
8 meetings should have been held in the Gulf Coast,
9 the northern Gulf of Mexico, the entire Gulf
10 Coast area.

11 We are impacted by all of the above.
12 Without NEPA -- cumulative impact, we are the
13 true definition of cumulative impact. We have
14 health risks. We have offshore drilling, onshore
15 drilling, coal, coal ash, coal handing
16 facilities. We have the railroads bringing coal
17 and coal ash all through black communities.

18 We have no voice. And when I say
19 voice, it's not the community not having
20 information. It's that voice is actual
21 historical knowledge. That is what we are
22 appealing for. That is what NEPA gives us. It

1 allows us to provide to you who have the duty,
2 the duty to protect and serve the public. You
3 cannot know everything, but we know our
4 neighborhood. We know our community. We know
5 what's happening over there with the water. We
6 know what's happening over here with the coal
7 ash. We know what's happening with the toxins
8 that's in our water. We know that there is
9 mercaptan in our water.

10 We know that clean water, clean air in
11 our neighborhoods, our doctors call that
12 environmental health issues. Have you ever heard
13 of environmental health issues? Our community
14 medical field almost has been bought out by large
15 corporations. They won't even identify the
16 toxins that has been put in our waters in our
17 communities by the corporations that,
18 quote/unquote, say that they want to expedite the
19 process. Really? You want to expedite the
20 process for what?

21 NEPA saves lives. The whole idea of
22 NEPA is to save lives and protect our land, our

1 water, and our air. All of that is life. It is
2 important. It is core to your duty. It is core
3 to your mission to take into consideration the
4 cumulative impacts.

5 I'll give you an example. Right across
6 the street from a superfund there's a school.
7 And then someone wants to come back -- I will
8 even go as far to say as a rural cooperative will
9 want to come in and say now we want to put more
10 poles in this community, but we're going to help
11 your community. We're going to give you access
12 to this.

13 Do you know that NEPA is as important
14 as the Voting Rights Act for our community? It
15 gives us a, not the voice again, it gives us the
16 opportunity to inform for greater decision-making
17 process. I am appealing -- I am appealing
18 sincerely to this body to rescind this proposal.
19 Thank you.

20 MR. DRUMMOND: Thank you. And next we
21 have Katie Murtha.

22 MS. MURTHA: Hello. Thank you for

1 allowing me the chance to speak. My name is
2 Katie Murtha, K-A-T-I-E, M-U-R-T-H-A. I am
3 currently the vice president of federal
4 government affairs for Environment America and
5 the U.S. Public Interest Group. I have been in
6 this position for approximately three years and
7 in this capacity I continue to work on
8 environmental and public interest issues.

9 Prior to this position I had the
10 distinct honor, privilege, and pleasure of
11 spending 17 years working for my hometown
12 congressman, Representative John D. Dingle.
13 Congressman Dingle was known for many things
14 including being a true conservationist and I was
15 lucky enough to work on conservation issues in
16 his office.

17 Congressman Dingle used to say he was
18 happy to serve on a little committee called the
19 Merchant Marine and Fisheries Committee. The
20 reason, it was from this place that he was able
21 to write some of our major environmental and
22 conservation laws. Notably, this included NEPA.

1 Congressman Dingle worked with Senator Henry
2 "Scoop" Jackson and on February 17th, 1969
3 Congressman Dingle introduced the House companion
4 bill to Jackson's Senate version.

5 This year we're celebrating the 50th
6 Anniversary of NEPA. Back then this bill as a
7 no-brainer. The House Committee report pointed
8 out that no witnesses testified in opposition to
9 the bill and it passed overwhelmingly on the
10 House floor with 372 votes in favor, and in the
11 Senate it passed unanimously.

12 The bill was signed into law by
13 President Richard Nixon on January 1st, 1970 and
14 during that signing he said, "The 1970s must
15 absolutely be the years when America pays its
16 debt to the past by reclaiming the purity of its
17 air, its waters, and our living environment. It
18 is literally now or never."

19 It is particularly fitting that my
20 first official act in this new decade is to
21 approve the National Environmental Policy Act.
22 Although you've heard about many of NEPA's

1 important qualities, I would be remiss if I
2 didn't reiterate some of its comprehensive
3 pieces.

4 For every federal project the
5 completion of an environmental assessment
6 determines whether it is likely to have a
7 significant impact on the environment. For those
8 projects likely to have a significant impact the
9 completion of a detailed environmental impact
10 statement must be made available to the public
11 for review. This ensures a public comment period
12 which gives citizens the opportunity to voice any
13 concerns about the project and identify problems
14 or missions in the EIS.

15 More broadly, it established the
16 Council on Environmental Quality within the
17 executive office of the president which helps
18 developmental initiatives and coordinates
19 environmental efforts throughout federal
20 agencies.

21 All of this is substantively essential
22 for protecting the environmental and must be

1 front of mind. That said, to fully understand
2 this bill I want to account a story about my
3 conservation hero, my former boss, Congressman
4 Dingle.

5 One day very early in my employment I
6 had heard some grouching about NEPA. I went
7 straight to the source and said, Hey, Chief, do
8 you have a few minutes? As always Mr. Dingle
9 said, Sure, Katie. Sit down. Be comfortable.
10 What do you got? I said, Chief, NEPA. You wrote
11 the House version of NEPA. How would you explain
12 it because I'm hearing a lot of complaints about
13 it.

14 He said, Well, it's actually really
15 quite simple. For federal projects it requires
16 the government to look before it leaps. For
17 example, if the government is building a bridge,
18 road, port, building, or drilling they simply
19 have to provide an environmental impact statement
20 which lays out things like will it go through
21 endangered species territory, or is an area right
22 for pollinators to breed? If so, the

1 environmental impact statement could proposed
2 alternative locations thereby -- that don't have
3 the same issues.

4 It further allows people the right to
5 have a say in what's going on. It doesn't stop
6 anything. It doesn't prevent anything. It
7 simply says we want to know about these things
8 and if there is a palatable alternative we ought
9 to consider it.

10 This was imminently fair and gave me a
11 response to anybody who questioned moving
12 forward. With this in mind, I will end my
13 comments by requesting two things. At a minimum,
14 before any decision is made by the
15 administration, in the spirit of NEPA I would ask
16 that the comment period be extended by 60 days to
17 120 days.

18 Secondly, I would ask the
19 administration to reconsider its proposal to
20 weaken NEPA. The changes would allow federal
21 agencies to completely ignore potential climate
22 impacts under its review and is simply absurd to

1 think in this day in age that climate change is
2 not significant enough to warrant an
3 environmental review.

4 In addition, the new non-major project
5 category (inaudible) creates a category exempt
6 from review. The new rules are unclear as to
7 what will qualify as a non-major project. This
8 would open up endless loopholes and lead to
9 exactly what -- the delays that people are
10 talking about today. I thank you for your time
11 and I will be submitting my comments online.

12 MR. DRUMMOND: Thank you. All right.
13 So this is the conclusion of our speaking session
14 five. Any waitlist speakers that we have we
15 should be able to accommodate at the end of
16 speaking session six. Right now we'll take a ten
17 minute break and reconvene at 6:35. Thank you.

18 (Break.)

19 MR. DRUMMOND: All right. Thank you
20 everyone. If you don't mind taking your seats so
21 we can get started with the last session of the
22 day, our speaking session six. So our first

1 speaker for speaking session six will be
2 Congresswoman Dingle.

3 So Congresswoman, when you're ready.
4 Thank you.

5 CONGRESSWOMAN DINGLE: Good evening. I
6 know it's been a long day, and I want to thank
7 you for allowing me to testify before the Council
8 on Environmental Quality to provide comments on
9 the proposed rule you are considering related to
10 the National Environmental Policy Act.

11 I flew back to get here today because
12 it's important to our nation's communities and
13 environmental heritage. This is a long -- 50
14 years ago that this law was passed, and it has
15 done tremendous good over those periods of time.

16 I want the record to show I strongly
17 oppose this administration's proposal because it
18 would weaken NEPA which is a landmark law and
19 this action would undermine the law's decades
20 long track record of success.

21 NEPA passed overwhelmingly and was
22 enacted on a bipartisan basis, and President

1 Richard Nixon signed it. Think of those days
2 when people came together to do what was right.
3 And it has maintained a broad-based support for
4 decades for a simple reason, it's been an
5 unqualified success. The law has effectively
6 provided communities across the country
7 meaningful input on major actions or projects
8 that have a potentially significant impact on the
9 environment in their area. It provides a common
10 sense look before you leap approach to federal
11 decision making that has helped to protect clean
12 air, clean water, and public health in
13 communities across the country.

14 The administration's proposed actions
15 would damage this very successful framework. By
16 limiting the major federal actions covered by
17 NEPA the proposed changes would effectively
18 silence the ability of communities to provide
19 meaningful input on pipelines or other major
20 public work projects that directly affect them.
21 The public has got a right. Those communities
22 have a right to have a say. It would also narrow

1 NEPA's mandate to require federal agencies to
2 consider the cumulative impact of a project,
3 limit the geographic scope of review, and allow
4 action to be taken before the NEPA process has
5 been completed.

6 Let us be clear, these proposed changes
7 don't serve the American interest or the public
8 at large. Instead, they prioritize a narrow set
9 of special interests who will disregard the
10 environmental well-being of the American people
11 if it meets their short term financial needs.

12 All Americans deserve the ability to
13 have a voice in federal decision making, and I
14 urge the Council on Environmental Quality to
15 reject these proposed changes to NEPA that would
16 silence communities across the country and weaken
17 our ability to protect the air, the water, and
18 public health.

19 I just want to tell a quick story. You
20 know, one of the reasons you've heard who
21 originally wrote this bill -- I didn't even know
22 him then. But the Rouge River caught on fire.

1 People don't think -- they only think about the
2 Ohio River. This fall -- and that river was one
3 of the dirtiest rivers in the country and it had
4 a lot of industry around it.

5 The 50th Anniversary of that fire,
6 Rashida Tlaib and I, this was one of -- we
7 kayaked. Yes, we can both kayak, but nobody
8 believed it. And to go down that river and to
9 see the Rouge auto plant, the AK Steel, but bald
10 eagles, herrings, painted turtle, that's what
11 NEPA has done. It has cleaned up communities and
12 given them a say. Don't rollback something
13 that's worked and was really done on a bipartisan
14 basis. Thank you for letting me testify. Thank
15 you.

16 MR. DRUMMOND: Thank you,
17 Congresswoman.

18 Our next speaker will be Megan Kimball
19 followed by Ernest Muhammad.

20 MS. KIMBALL: Good evening. My name is
21 Megan Kimball. That's M-E-G-A-N, K-I-M-B-A-L-L,
22 and I'm with the Southern Environmental Law

1 Center. We work with and represent community
2 groups across the southeast including 185
3 environmental groups that have expressed concern
4 about this rulemaking.

5 For 50 years NEPA has helped keep the
6 southeast the special place we know and love
7 today. In the south we cherish and celebrate the
8 land. In the south we are grounding in our sense
9 of place, our sense of community, and our
10 fellowship.

11 When the government comes in with big
12 projects that would disturb our communities we
13 want to understand why. We want to have a voice.
14 We want to know how decisions will affect our
15 future and we want to know what the alternatives
16 are. NEPA protects these values.

17 When offshore drilling was proposed off
18 the southeastern coastline NEPA gave a voice to
19 the voiceless. NEPA ensured that the government
20 would disclose both the near-term and long-term
21 consequences of drilling. NEPA ensured that
22 communities up and down the coastline, rich,

1 poor, republic and democrat, could all come out
2 to voice their opposition to the drilling and
3 protect their communities, their livelihoods, the
4 special places they call home.

5 When massive projects like the Atlantic
6 Coast Pipeline and the Mountain Valley Pipeline
7 are set to plow through communities, NEPA ensured
8 that all who might be affected are put on notice
9 of the decision and given a chance to speak up.

10 NEPA requires that the government
11 consider the cumulative impact of a project in
12 conjunction with others like the incremental
13 effect a project might have on chronic flooding
14 as trees are ripped down and impervious surfaces
15 take over.

16 NEPA requires the government to look at
17 alternative solutions and pathways and to
18 consider in a transparent and open way if a
19 project is needed at all.

20 NEPA also helps ensure sound fiscal
21 responsibility, another key southern value. When
22 a billion dollar toll road was proposed outside

1 of Charlotte, North Carolina the in-depth NEPA
2 review brought to light what a wasteful
3 investment the highway would be. Rather than
4 increase jobs for the local community, it would
5 send jobs out of state. Rather than improve
6 traffic, it would increase congestion. Rather
7 than improve air quality, it would make pollution
8 worse. Ultimately the project was scrapped to
9 the relief of taxpayers and the majority of
10 citizens who were opposed to it.

11 CEQ's proposed regulations are set to
12 undercut many of these longstanding protections
13 that have benefited communities in the southeast
14 and across the nation. CEQ's proposal will take
15 the voice away from our communities. The
16 opportunity to submit a comment online is not the
17 same as standing up and speaking in your local
18 community center surrounded by your friends and
19 neighbors.

20 The proposed regulations will take away
21 from thoughtful informed long-term decision
22 making. The impacts of our actions today last

1 long into the future and do not happen in a
2 vacuum. The holistic long-term look currently
3 required by NEPA must remain.

4 CEQ's proposal will undercut what has
5 long been the heart of NEPA, the alternatives
6 analysis. NEPA is not just a paper exercise to
7 justify pre-determined decisions. It is a true
8 exploration into what is best for our
9 communities. That starts with a thoughtful look
10 at why something needs to be done at all and
11 follows with the careful consideration as to what
12 actions and alternatives might meet that need.
13 The rulemaking would destroy this essential
14 purpose.

15 For all these reasons we ask that the
16 rulemaking not go into effect. Thank you very
17 much for your time and the ability to comment.

18 MR. DRUMMOND: Thank you, Megan.

19 And Ernest Muhammad followed by Kevin
20 Lynn.

21 MR. MUHAMMAD: Thank you. My name is
22 Ernest Muhammad. Ernest, E-R-N-E-S-T. Muhammad,

1 M-U-H-A-M-M-A-D. I appreciate the opportunity to
2 speak before you this evening. I am the
3 executive director for a non-profit in north
4 Charleston, South Carolina called the Low Country
5 Alliance with Model Communities.

6 This organization was started because
7 of a NEPA project and our organization represents
8 seven low-wealth communities in the city of north
9 Charleston, communities that were hole sites, and
10 still is, of over 100 toxic release inventory
11 sites within two miles of those communities.

12 These communities are sandwiched
13 between an interstate, a port operation, a
14 intermodal facility, a railyard. And an exit
15 bisects the community. One community, it bisects
16 that community, splitting that community in half
17 where one side is disconnected from the other.
18 And this was pre-NEPA.

19 These communities also deal with
20 cumulative impacts of transportation of goods
21 through their communities from the port, from
22 rail, and the highway. These communities are

1 slated, scheduled to also host the expansion of a
2 bus rapid transit route which is undergoing NEPA.
3 It is also -- will be impacted by the expansion
4 of I-526.

5 So NEPA allows these communities to
6 provide their concerns about a project. These
7 projects not only impact the environment, but
8 they impact the residents quality of life. They
9 impacts their housing. The expansion of 526
10 alone is going to remove over 100 homes in a
11 community that cannot afford to lose 100 homes
12 because the homes in the area that we live in are
13 unattainable. They're unaffordable for folk who
14 live on fixed income. So, these are real life
15 impacts on people quality of life, their ability
16 to be able to provide for their families.

17 In addition to that, our communities
18 are cumulatively impacted by these projects. So,
19 it's just not one project. It is many projects
20 over generations that are having substantial
21 impact in these communities.

22 So, I really encourage you all to look

1 at positive changes that -- because NEPA is not
2 perfect, and look at positive changes that can
3 occur with NEPA. Increasing the amount of time
4 that the community has to respond and also
5 including health impact assessments into NEPA
6 because right now currently it only evaluate risk
7 assessment which we feel does not do an effective
8 job at looking at the health impact in
9 communities. Thank you.

10 MR. DRUMMOND: Thank you. And next we
11 have Kevin Lynn followed by Julie Axelrod.

12 MR. LYNN: Members of the panel, fellow
13 citizens, my name is Kevin Lynn, K-E-V-I-N,
14 L-Y-N-N, and I am the executive director of
15 Progressives for Immigration Reform, a non-profit
16 that deals with immigration population,
17 stabilization, environmental, and labor issues.
18 And before I get into the crux of what I am going
19 to say tonight I would just like to posit two
20 things.

21 What if this administration could
22 accomplish all of its major goals, keep all of

1 the campaign promises it made in 2016 without
2 having to change or alter NEPA in any way? In
3 fact, what if instead of deluding federal
4 authority it was actually made more powerful and
5 more capable and the majority of the citizens
6 supported this? And that's kind of what I'm
7 going to talk about tonight. So, without any
8 further ado, and I'm going to keep right to the
9 script because there is a time limit here.

10 Mass immigration and ever growing
11 population it fuels leads to increased sprawl and
12 destruction of the ecosystems we rely on for our
13 very existence and very survival. The
14 consequence of maintaining current immigration
15 levels, roughly 1.2 million people a year, will
16 be an increase from now is 330 million people to
17 roughly 524 million by the year 2100.

18 The U.S. also has the second highest
19 per capita carbon footprint in the world, but if
20 we wanted to we can stabilize our population
21 strictly by restricting the number of people we
22 allow into the country each year.

1 A significant part of the reason why
2 environmentalists have been able to turn away and
3 ignore the environmental consequences of our mass
4 immigration policies is because of the failure of
5 all federal agencies implementing our immigration
6 policies to follow the mandates set forth by
7 NEPA. The environmental effects of immigration
8 are a significant issue relevant to the public
9 and decision makers.

10 My organization strongly urges the CEO
11 to clarify that all agencies implementing
12 immigration programs must incorporate analysis
13 and environmental effects caused by mass entry
14 and settlement of foreign nationals into the
15 United States when it updates NEPA's implementing
16 regulations.

17 Our federal immigration programs
18 clearly have significant effects on the
19 environment because of the effect of population
20 growth. As immigration has national impacts, a
21 programmatic environmental impact study, a PEIS,
22 of the collective and cumulative impacts of our

1 nation's immigration programs, which include
2 family-based immigration, employment-based
3 immigration, diversity visas, long-term non-
4 immigrant visa programs, asylum and refugee
5 programs, as well as amnesty programs, and
6 deferred action for childhood arrivals would be
7 one way to being the process of finally
8 implementing PEIS.

9 Though federal agencies have never done
10 any kind of environmental analysis of
11 immigration, in 2016 my organization conducted an
12 environmental impact study on immigration-fueled
13 population growth. Because of the impacts
14 associated with immigration on the natural
15 environmental are both collective and cumulative,
16 I urge the CEQ to reframe from striking the terms
17 indirect and cumulative from NEPA.

18 Moreover, the impact of immigration on
19 the growth of a population is reasonably
20 foreseeable as are its consequences. As such, I
21 urge you to not gut NEPA, rather use it to
22 restore reasonableness to our immigration policy.

1 Thank you.

2 MR. DRUMMOND: Thank you. Next I have
3 Julie Axelrod followed by Aimee Delach.

4 MS. AXELROD: Hello. My name is Julie
5 Axelrod, J-U-L-I-E, A-X-E-L-R-O-D. I'm the chief
6 litigation counsel for the Center of Immigration
7 Studies.

8 While it may be appropriate for the
9 first major overhaul of NEPA to look at ways
10 implementation can be streamlined and modernized,
11 no significant reform should fail to look at the
12 previous gaps in NEPA compliance as well.

13 There is one very important gap in NEPA
14 compliance as it has been carried out since it
15 was past. No agencies have analyzed the policies
16 that cause population growth, yet NEPA itself was
17 explicitly concerned with population growth. In
18 fact, population growth is its first concern
19 mentioned in NEPA's congressional declaration of
20 National Environmental Policy.

21 I quote, "The Congress, recognizing the
22 profound effect of man's activity on the

1 interrelations of all components of the natural
2 environment, particularly the profound influences
3 of population growth, high-density urbanization,
4 industrial expansion, resource exploitation, and
5 new and expanding technological advances, and
6 recognizing the further critical importance of
7 restoring and maintaining environmental quality
8 to the overall welfare and development of man,
9 declares that it is the continuing policy of the
10 federal government to create and maintain
11 conditions under which man and nature can exist
12 in productive harmony and fulfill the social,
13 economic, and other requirements of present and
14 future generations of Americans."

15 Yet federal agencies completely ignore
16 the environmental impacts of the mass movement
17 and settlement of people from around the world to
18 this nation, and yet they cause tremendous
19 population growth.

20 According to the Pew Research Center a
21 few years ago, immigrants and their descendants
22 accounted for 72 million people in U.S.

1 population growth between 1965 and 2015, mostly
2 after NEPA was passed. If current policies are
3 not changed the census projects our population
4 will increase from about 327 million now to 404
5 million in 2060, a nearly 80 million increase in
6 four decades. 96 percent of that projected
7 increase to the U.S. population by 2060 will be
8 due to future immigration.

9 NEPA aims to give the public a voice in
10 governmental decisions that impact their daily
11 lives and the environment they live in. It was
12 designed to prevent policies with an
13 environmental cost to the public at large and to
14 future generations being thoughtlessly imposed by
15 distant bureaucrats in the Capitol and those with
16 the resources and connections to influence them.

17 Immigration policy is one of the best
18 examples where such a public voice is needed, and
19 it has been completely absent. Thank you.

20 MR. DRUMMOND: Thank you. Next we have
21 Aimee Delach followed by Phoebe Gooding.

22 MS. DELACH: Good evening. My name is

1 Aimee Delach, A-I-M-E-E, D-E-L-A-C-H, and I am
2 senior policy analyst at Defenders of Wildlife, a
3 national non-profit conservation organization
4 dedicated to the protection of all native plants
5 and animals in their natural communities. We
6 proudly represent more than 1.8 members and
7 support -- 1.8 million members and supporters
8 nationwide.

9 There is overwhelming global scientific
10 consensus that we are facing a sixth mass
11 extinction and that climate change is a
12 significant driver of this biodiversity crisis.
13 Last spring an intergovernmental body
14 representing 130 member countries including the
15 U.S. delivered a stark and alarming scientific
16 consensus. Biodiversity is declining faster than
17 at any time in human history and warns that
18 climate change is accelerating and exacerbating
19 the threats of other threats like habitat loss
20 and overexploitation.

21 The intergovernmental panel on climate
22 change has issued similar consensus warnings

1 about the effects of climate change on lands,
2 oceans, and ice. In short, climate change is
3 here, it's happening now, and it is already
4 threatening species across the nation and the
5 world.

6 As the most significant piece of
7 federal legislation guiding environmental
8 analysis and decision making, NEPA clearly has a
9 role to play in how projects with a federal nexus
10 prepare for climate change. Since climate change
11 is one of the most important environmental issues
12 to emerge in the past few decades and promises to
13 remain so for the foreseeable future, it is
14 increasingly critical for agencies to
15 thoughtfully and thoroughly consider climate
16 change both in emissions and adaptation
17 standpoint as part of NEPA analysis, particularly
18 in environmental impact statements.

19 A responsible and scientifically
20 grounded updated NEPA regulations would clearly
21 layout how agencies should undertake these
22 considerations. Instead, the CEQ's proposed

1 regulations would cripple agencies considerations
2 of climate change.

3 First, the proposal removes cumulative
4 effects. The most commonplace climate change is
5 currently discussed in EISs. Furthermore, the
6 proposed changes would exclude effects that are,
7 quote, "remote in time, geographically remote, or
8 the product of a lengthy causal chain" or effects
9 that, quote, "the agency has no ability to
10 prevent due to its limited statutory authority or
11 would occur regardless of the proposed action."

12 This statement seems to be specifically
13 drafted to preclude climate change analyses and
14 it would prevent agencies from discussing, one,
15 the impacts of climate of the greenhouse gas
16 emissions from their projects such as coal
17 mining, oil and gas drilling pipeline
18 construction and the side effects of those
19 climate changes.

20 Two, the impacts of climate change on
21 the project itself. For instance, coastal
22 infrastructure will be vulnerable to the effects

1 of sea level rise and storm surge.

2 And three, the ways that climate change
3 could magnify the damaging impacts of a proposed
4 action on vulnerable species, ecosystems, and
5 human communities. In one notable ongoing
6 example, the border wall will likely threaten
7 species by cutting off their ability to shift
8 their ranges in response to climate change.

9 If adopted in the current form, the
10 regulations would codify inadequate analyses and
11 bad decisions guaranteeing wasted money, species
12 extinctions, and a worsening climate crisis. Our
13 wildlife and communities deserve better than this
14 disastrous deregulatory agenda. We urge the
15 Trump Administration to halt this rulemaking.
16 Thank you for considering these comments.

17 MR. DRUMMOND: Thank you, Aimee.

18 Next we have Phoebe Gooding followed by
19 Samantha Gentrup.

20 MS. GOODING: Thank you. Good evening.
21 My name is Phoebe Gooding, P-H-O-E-B-E,
22 G-O-O-D-I-N-G. I am with the Environmental

1 Justice Health Alliance for Chemical Policy
2 Reform, known as EJHA, and the Environmental
3 Justice Leadership Forum. EJHA is a national
4 network of affiliated grassroots groups from over
5 13 states working for environmental and economic
6 justice. I'm reading a statement on behalf of
7 our affiliate members, Christina and Delma
8 Bennett from Mossville Environmental Action Now.

9 As we are unable to be with you today
10 in Washington, D.C. and there are no additional
11 public meetings scheduled we are sharing this
12 statement to express our strong opposition to the
13 Trump Administration's proposed rollback of the
14 regulations for the National Environmental Policy
15 Act. Our names are Christine and Delma Bennett,
16 long-time residents of Mossville, Louisiana.

17 Mossville is a town founded in 1790 by
18 formerly enslaved people. When our families
19 first got here they lived on the land. They
20 fished, hunted small game, and farmed. There was
21 no outside industry. We had clean water and the
22 land and earth hadn't been tampered with. It was

1 beautiful.

2 In the 1950s the Conoco plant came in
3 and became the new eastern neighborhood of
4 Mossville. They bought 690 acres of land for
5 pennies. And that's what kept happening over and
6 over again. Conoco, Arco, Citgo, West Lake
7 Chemical, Sasol, Biolab, Firestone, PPG, Olan,
8 and on and on. There are now at least 18
9 industrial facilities that surround Mossville
10 like a donut and the pollution came with it
11 poisoning the residents of Mossville.

12 The cumulative impacts of these plants
13 together polluting day in and day out has been
14 devastating to our community. We have more than
15 three times the amount of dioxin in our blood
16 than the average American and that's just the
17 beginning. Asthma, respiratory problems, kidney
18 problems, cancer.

19 When our niece was 15 years old she
20 went in for an asthma problem. They went into
21 her nasal passage, found cancer, and had to
22 remove half of her face at 15 years old.

1 It's the cumulative impacts of these
2 plants, refineries, factories on top of racism.
3 Today's proposal to undermine NEPA takes away the
4 requirement that companies have to consider how
5 much their pollution added to the pollution of
6 the plant next door impacts us. Each of those
7 plants on their own pollutes a significant amount
8 of toxins and together that's why we're
9 suffering.

10 The NEPA passage in the 70s was
11 historic. The point was for the government to
12 start to think about people like us, about the
13 impact that you can have before building a major
14 project. This proposal is appalling and the
15 exact opposite of the direction we need to be
16 going in.

17 We want to be made whole. We don't
18 want to lose the policies that protect from these
19 injustices happening in the first place. We want
20 no community to ever be left behind like us. We
21 want justice for Mossville. Thank you for your
22 time.

1 EJHA strongly opposes the proposed
2 changes to NEPA, and I would also like to flag
3 that this hearing today was scheduled on the same
4 day as the NEJAC public comment session in
5 Jacksonville, Florida, the National Environmental
6 Justice Advocacy Council. Many environmental
7 justice advocates had booked travel to Florida
8 before registration for this hearing even opened.
9 This is not what meaningful community involvement
10 looks like. Thank you.

11 MR. DRUMMOND: Thank you, Phoebe.

12 And Samantha Gentrup followed by
13 Chandra Farley.

14 MS. GENTRUP: Good evening. My name is
15 Samantha Gentrup, S-A-M-A-N-T-H-A, G-E-N-T-R-U-P.
16 I'm from Venice, Florida. I'm a public school
17 teacher and also the founder of a grassroots
18 environmental movement called Hands Along the
19 Water. I'm here to speak on behalf of coastal
20 towns as well as represent the youth of America.
21 I'd like to begin with a brief background on what
22 brought me, a teacher, into this environmental

1 arena.

2 In 2018, due to cuts and regulations in
3 funding, overdevelopment, and monetary corruption
4 in our county government southwest Florida saw
5 the worst red tide it experienced in decades.
6 Hundreds of sea turtles and manatees were killed,
7 dozens of dolphins, millions of fish, and even
8 whale sharks died as a result of this toxic
9 algae. Our economy was destroyed with hotels
10 operating at less than 20 percent occupancy and
11 family businesses closed their doors after
12 decades.

13 Instead of allocating our tax money to
14 preserve and protect wetlands, address nutrient
15 pollution, which is what feeds red tide, and
16 conserve Florida's flora and fauna as we, the
17 people, overwhelmingly voted for, overdevelopment
18 continues. Money is wasted and the can gets
19 kicked down the road while it's we, the people,
20 that continue to suffer and foot the bill.

21 In a state like Florida unhealthy
22 ecosystems not only harm human health, they also

1 harm our economy. Combine these issues plaguing
2 coastal towns like mine with others such as
3 deforestation, increases in greenhouse gases, oil
4 spills, the loss of over 60 percent of earth's
5 species, spraying of carcinogens, K-PHOS dumping
6 nutrient pollution from billions of confined farm
7 animals all along our largest watersheds creating
8 dead zones in our oceans it's clear what we need
9 is more safeguards, not fewer.

10 Which brings me to my specific request
11 and that is to ensure that the protection of NEPA
12 so that we have the full ability to evaluate the
13 impacts and effects of proposed projects as well
14 as continue to give voice or input opportunities
15 to the public.

16 The facts and evidence and everywhere,
17 so I'd like the focus the remainder of my time on
18 my students, their curiosity, innocence, empathy,
19 and their hope. They know I'm here tonight to
20 speak to you and I want them to be proud and feel
21 like I brought their voices here with me. I
22 speak for them, for the hundreds I have this

1 year, and for the thousands I've been blessed to
2 spend my days with over my decades as a public
3 school teacher.

4 They want to stop losing the trails
5 that they hike on. They tell me so. They want
6 to be able to play in the water with their
7 families. They tell me so. They want to be able
8 to see birds, butterflies, fireflies, owls,
9 snakes, and all of the other wildlife they've
10 grown up with. They tell me so. They want to
11 stop losing the woods that they've played in
12 soaking up those last few minutes of daylight.
13 They tell me so. I could go on and on with what
14 they cherish and want to hold onto in a world
15 where greed is winning and the very soil on which
16 they walk seems to be sold right out from under
17 them.

18 I've spent today listening to testimony
19 from builders, developers, and fossil fuel
20 conglomerates as they support these NEPA changes,
21 and on the other side I've listened to
22 environmental groups oppose these changes. It

1 deeply saddens me that those who are here
2 opposing NEPA changes, who are defending children
3 and the earth, have to do so by begging, using
4 monetary examples of how much value our
5 environmental has. Surely that cannot be what
6 our nation has sunk to. Surely you find value in
7 the planet dollar figures like I do.

8 In my final seconds here with you
9 tonight I ask that you be like a child again. I
10 know it's hard with the demands of adult life but
11 try as hard as you can to look through a child's
12 eyes and feel with a child's heart and hope with
13 a child's innocence. What kind of world would
14 you want?

15 I feel like the luckiest person in the
16 world being able to spend my days with children,
17 but the most difficult thing is to look into
18 their eyes and see sadness and despair. I
19 promised them everything would be okay. I gave
20 them my word that I would fight for them. I urge
21 CEQ to listen to the overwhelming majority here
22 today and protect NEPA and abandoned these anti-

1 public interest changes to the law. Thank you
2 very much.

3 MR. DRUMMOND: Thank you, Samantha.

4 Next we have Chandra Farley followed by
5 Lena Moffitt.

6 MS. FARLEY: My name is Chandra Farley,
7 C-H-A-N-D-R-A, Farley, F-A-R-L-E-Y. I'm the just
8 energy director at the Partnership For Southern
9 Equity based in Atlanta, Georgia, the cradle of
10 the Civil Rights Movement.

11 At the Partnership For Southern Equity
12 I lead our energy equity and climate justice
13 work. I'm also a graduate of the EPA's Region 4
14 Environmental Justice Academy and the current
15 president of our Environmental Justice Academy
16 Alumni Association, a group of 60 grassroots
17 leaders armed with the knowledge and skills we
18 need to be more effective in identifying and
19 addressing the cumulative environmental and
20 public health challenges in our communities.

21 You have heard from some of my fellow
22 alumni today, and we are proud to stand in

1 solidarity with fellow members of the
2 Environmental Justice Forum convened by We Act
3 and the larger grassroots environmental justice
4 movement, raising our voices in defense of the
5 National Environmental Policy Act.

6 We are here today because the National
7 Environmental Policy Act, a key defense of
8 environmental justice, is under attack. That
9 means that environmental justice is under attack.
10 And if environmental justice is under attack,
11 environmental justice communities across this
12 nation are under attack, and the people's voice
13 is under attack.

14 Called the people's environmental law,
15 the National Environmental Policy Act requires
16 federal agencies to assess environmental justice
17 concerns and honors community voice with the
18 power to challenge a federal agency when it
19 doesn't do its job. In many cases the National
20 Environmental Policy Act is the only law that
21 provides environmental justice communities the
22 ability to weigh in on federal projects like

1 highways, bridges, pipelines that directly impact
2 our health and our safety.

3 Black communities, Indigenous
4 communities, rural communities, and communities
5 of color are already bearing an inequitable
6 proportion of life or death health impacts,
7 safety concerns, environmental stressors, and
8 displacement pressure due to irresponsible
9 development and inequitable allocation of public
10 resources.

11 In this era of climate change and rapid
12 energy transition we know that these systemic
13 disparities will be amplified even more. The
14 National Environmental Policy Act is a critical
15 provision for environmental justice communities
16 to pushback on these injustices particularly as
17 they are generally the least represented in the
18 planning and decision making processes that drive
19 inequitable outcomes in energy policy and climate
20 regulation.

21 Our environmental justice communities
22 know all too well how policies absent of

1 community voice and input can negatively impact
2 their household economic stability and impinge
3 upon the overall quality of our air, water, and
4 other natural resources that affect our health
5 and well-being. If the National Environmental
6 Policy Act is stripped of its requirement to look
7 at the incremental and cumulative effects, where
8 is the communities ability to sound the alarm on
9 the unacceptable health and safety risks made
10 worse by the worsening impacts of climate change?

11 Cumulative impacts like those
12 associated with our changing climate are often
13 life or death impacts for already overburdened
14 communities. Without the National Environmental
15 Policy Act that gives a voice in the planning of
16 infrastructure developers have a green light to
17 elude the environmental review process
18 altogether. Where is the climate justice in
19 that?

20 Through a statement quoted in the New
21 York Times, Dan Schneider, Spokesman for the
22 Council on Environmental Quality said that the

1 National Environmental Policy Act was overdue for
2 an update and that the Trump Administration has
3 focused on improving the environmental review and
4 permitting process while ensuring a safe,
5 healthy, and productive environmental for all
6 Americans.

7 Help me understand how you ensure a
8 safe, healthy, and productive environmental for
9 all if you don't include all communities in the
10 decision-making process. Help me understand how
11 you ensure a safe, healthy, and productive
12 environment for all when you strip overburdened
13 communities of their ability to effectively and
14 fully raise their voice in decision making that
15 directly affects them, their families, and their
16 community. Without the National Environmental
17 Policy Act, you don't.

18 The Council on Environmental Quality
19 should reject this discriminatory rulemaking
20 masked as modernization. Defend the National
21 Environmental Policy Act. Defend environmental
22 justice. Thank you.

1 MR. DRUMMOND: Thank you, Chandra.

2 Next we have Lena Moffitt followed by
3 Rachel Jones.

4 MS. MOFFITT: Good evening. Thank you
5 for being here for so long. My name is Lena
6 Moffitt and I'm a senior campaign director with
7 the Sierra Club based here in Washington, D.C.,
8 and I'm here today to speak in strong opposition
9 to the proposed changes to one of our most
10 important bedrock environmental laws, the
11 National Environmental Policy Act.

12 I'm here on behalf of Sierra Club, as I
13 mentioned, the nation's oldest and largest
14 grassroots environmental organization to speak
15 for our nearly four million members and
16 supporters across the country, but I'm also here
17 personally as a mother, as an outdoor enthusiast,
18 as a climate activist, environmental justice
19 activist, and frankly, a concerned citizen who
20 cares about the future of our planet.

21 Again, I want to reiterate that the
22 Sierra Club and our members are strongly opposed

1 to these latest attacks on our communities and
2 our environmental. These changes are so clearly
3 designed to suppress the public interest in favor
4 of corporate profits. To let industry regulate
5 themselves so that they can get away with
6 poisoning more communities with impunity,
7 particularly the black and brown communities that
8 have borne the lion's share of environmental
9 racism that this country was built on as you've
10 heard from so many incredibly inspiring speakers
11 today.

12 These changes are aimed at cutting
13 communities out of the decisions that will impact
14 their very lives. And I have to say it's pretty
15 disappointing that Chairwoman Neumayr isn't here.
16 I'm sorry that you all have to be here sitting in
17 her place representing these changes. So many of
18 my friends and colleagues have traveled I think
19 thousands of miles, some of them, to be here, and
20 she couldn't make the time to be here. It's
21 truly disappointing.

22 NEPA was originally passed because our

1 country understands that healthy environments
2 lead to healthier, more prosperous communities.
3 And the people have a right to know about the
4 decisions that will impact them directly. That
5 decision makers -- surprise, surprise -- make
6 better choices when they have full information.
7 And yet again, these proposed changes run counter
8 to the very spirit of the law.

9 Specifically, the Sierra Club takes
10 issue with the proposed narrowing of the scope of
11 projects that would be subject to review, and
12 with the timeline and page limitations applied to
13 those projects that would still be subject to
14 review. And of course, we're dismayed, but not
15 surprised, at the removal of the requirement that
16 agencies consider the impacts of climate change.

17 These changes are clearly designed to
18 ensure that communities have no recourse against
19 industrial polluters threatening their
20 neighborhoods, designed to help industry hide the
21 real impacts of their actions, and to shut the
22 public out of the process, prioritizing corporate

1 profits at the expense of transparency, science,
2 and good governance.

3 I have to say, it's been really
4 inspiring to see so many community leaders come
5 out today and during the rally this afternoon
6 where we had hundreds of people in the park to
7 speak up for the fact that they want their voices
8 heard in this government. And I want to say that
9 these changes and many of the proposals that this
10 administration is putting forward will not stand.
11 We are going to be fighting these things in the
12 streets and in the courts to ensure that our
13 public and our voices is protected. Thank you.

14 MR. DRUMMOND: Thank you, Lena.

15 Next we have Rachel Jones followed by
16 Brea Childs. Thank you.

17 MS. JONES: Stu, Michael, Amy, Ted, and
18 everyone here who has stuck with it for this
19 marathon day, thank you for your time. My name
20 is Rachel Jones, R-A-C-H-E-L, J-O-N-E-S. I am an
21 environmentalist, a member of the Sierra Club, a
22 lifetime member of the Potomac Appalachian Trail

1 Club, and I'm here today representing the
2 National Association of Manufacturers.

3 In the eyes of America's manufacturers,
4 it's time to act on climate, and the real
5 question for policy makers now should not be
6 whether to act on climate but how to do so
7 effectively, fairly, and quickly.

8 On behalf of the 14,000 manufacturers
9 we represent, small and large in every industrial
10 sector in all 50 states, and the 12.8 million men
11 and women who make things in America, the NAM
12 appreciates the opportunity to assist CEQ as it
13 strengthens and modernizes NEPA implementing
14 regulations.

15 Great things can happen when labor,
16 business, and government work together with
17 shared purpose, goals, and outcomes. That's what
18 manufacturers support. NEPA modernization is a
19 critical piece to solving America's
20 infrastructure challenge and tackling climate
21 change.

22 For too long our nation has relied on

1 infrastructure inherited from previous
2 generations. Special interest groups and
3 bureaucratic red tape have blocked critical
4 projects and slowed the development of 21st
5 century infrastructure. Simply put, a slow and
6 ineffective regulatory system is holding back
7 revitalization that is long overdue. American's
8 deserve better.

9 Understanding this and taking action to
10 fix it will create jobs, spur domestic
11 investment, improve public safety, and protect
12 the environment. A cooperative NEPA framework is
13 the type of logical common sense approach that
14 manufacturers have long called for. This
15 proposal will not shutout communities. It will
16 help bring all stakeholders in at the beginning.

17 It will empower communities to see the
18 science rather than allowing trial lawyers to
19 endlessly delay roads, dams, and other facilities
20 and projects. This proposal will help us improve
21 our environment faster. We desperately need this
22 kind of permitting modernization if we are

1 serious about tackling climate change and building
2 a more inclusive future.

3 The NAM's Building to Win
4 Infrastructure Plan called for exactly this type
5 of modernization because our effort should not be
6 wasted on mountains of paperwork and endless
7 delays. It should be focused on building the
8 future Americans desperately need.

9 Manufacturers are excited that you're
10 listening to us and working to ensure that 21st
11 century highways, bridges, powerlines, cell
12 towers, and more that we need can get built. Our
13 hope is that these improvements will harmonize
14 infrastructure permitting so we can get more
15 shovels in the ground and even more manufacturers
16 to work.

17 And manufacturers will continue keeping
18 our promise to reduce our environmental footprint
19 through innovation and sustainable practices
20 because we know that environmental stewardship
21 and economic growth must go hand-in-hand.
22 Manufacturers don't want to throw out NEPA and

1 we're glad you aren't proposing that. We believe
2 in making it work better for people and our
3 environment. Thank you and we look forward to
4 commenting further and building a more inclusive
5 future together.

6 MR. DRUMMOND: Thank you, Rachel.

7 Next we have Brea Childs followed by
8 Vernice Miller-Travis.

9 MS. CHILDS: Hi. My name is Brea
10 Childs. It's spelled B-R-E-A, C-H-I-L-D-S, and I
11 live in Los Angeles, California. I'm here on
12 behalf of my organization, Earthjustice. We're
13 the largest environmental organization in the
14 nation, and I'm also a member of the Moving
15 Forward Network, which is a coalition of
16 community members, attorneys, researchers, all
17 united towards fighting pollution from the
18 movement of goods that disproportionately impacts
19 EJ communities which you've heard several times
20 this evening. I want to uplift a love that EJ
21 communities have already spoken.

22 And yeah, like I'm testifying today

1 because large environmental organizations like
2 mine, Earthjustice, Sierra Club, NRDC also known
3 as Big Green, we have a social responsibility to
4 uplift what EJ communities are saying
5 particularly when their rights are being harmed
6 which is essentially what rolling back NEPA will
7 do.

8 I regularly work with communities that
9 face multi-layered environmental harms and public
10 health issues. On a personal note, I was
11 inspired to work at Earthjustice on air pollution
12 that caused my father's asthma in Los Angeles.
13 And I just want to say that we oppose the CEQ's
14 proposed rule and attempts to rollback NEPA.

15 One of the main points I want to make
16 is that EJ communities and Big Greens rely on
17 NEPA. At Earthjustice we use NEPA and its state
18 law versions to uphold the rights of communities
19 and challenge the goods movement industry. We
20 are able to do a way better job of representing
21 communities when they're involved in the NEPA
22 public process because it allows communities to

1 identify the health and environmental harms from
2 proposed projects that we will later bring up
3 again in court during our litigation proceedings.

4 Another important point I want to
5 highlight is that this proposal is going to harm
6 EJ communities by reducing public participation
7 in the public decision-making process, which I
8 strongly oppose. Oftentimes the first step in a
9 NEPA case involves hiring an expert to produce a
10 report on the environmental impacts of a project.
11 The proposal is going to reduce the length of
12 time for the environmental study. This runs the
13 risk of prioritizing fast and cheap reviews
14 rather than using quality reviews that take more
15 time. These changes have the potential to
16 misinform the litigation process.

17 In conclusion, the proposal will result
18 in more undisclosed and unmitigated pollution in
19 EJ communities. Once again, I oppose this
20 proposed rule and attempt to rollback NEPA. And
21 one more thing I just want to say quickly is kind
22 of what other folks have said. Having a hearing

1 in D.C. and Colorado like is not a great way of
2 reaching EJ communities. We might as well had
3 this hearing underneath a rock. And yes, that's
4 it. Thanks. Bye.

5 MR. DRUMMOND: Thank you, Brea.

6 Vernice Miller-Travis followed by Amy
7 Gilbert. Thanks.

8 MS. MILLER-TRAVIS: Good evening. My
9 name is Vernice Miller-Travis. That's spelled V
10 as in Victor, E-R-N-I-C-E, Miller, M-I-L-L-E-R,
11 hyphen, T-R-A-V-I-S. I am the co-founder of We
12 Act For Environmental Justice, and the executive
13 vice president of the Metropolitan Group for
14 Environmental and Sustainability.

15 I have been working in this space on
16 environmental justice for more than 35 years and
17 one of the things that we predicated a lot of the
18 work that we've done to build this field and
19 build this space has been on the promise of the
20 National Environmental Policy Act.

21 Though that promise is yet to be fully
22 realized by most communities of color, more

1 tribal communities, most poor and working class
2 communities in the United States, when their
3 interests are pitted against the interests of
4 development, particularly from development that
5 are major federal projects or have federal
6 interests, their interests are trampled every
7 single time, and I'll give you one example.

8 At the passage of NEPA, and then the
9 passage of the Clean Water Act, the city of New
10 York was required to begin to put in place and
11 build water infrastructure, wastewater treatment
12 infrastructure to process the millions and
13 hundreds of millions of gallons of raw sewage and
14 wastewater that the city was pumping into its
15 streams and waterways.

16 One of those infrastructure projects
17 was the North River Sewage Treatment Plant which
18 was originally to be built on the middle west
19 side right near the Riverside South Development
20 that Donald Trump owns, the President of the
21 United States, but instead of building that
22 facility there they decided to build it north of

1 there in Harlem, New York without telling or
2 informing the people who live there, the 250,000
3 people who lived across the street from this
4 plant.

5 Though NEPA required an environmental
6 impact assessment, none was done. No public
7 comment was ever taken. No public information
8 was ever shared. No environmental
9 infrastructure. No pollution control systems
10 were put in place on a facility that treated 180
11 million gallons of raw sewage a day.

12 We paid with our lives when that plant
13 went online. When we began to build We Act For
14 Environmental Justice we would stumble into
15 information that showed we had the highest rate
16 of incidents of asthma in the United States and
17 the highest premature death rate of any community
18 in the United States from asthma because of the
19 concentration of particulate and ambient air
20 pollution sources, including from the sewage
21 treatment plant, including from the marine
22 transfer station, including from the bus depots,

1 none of which were in compliance with NEPA or
2 were required to have environmental impact
3 statements. EPA Region 2 gave a total of six
4 findings of no significant environmental impact
5 for those projects and so they never were
6 required to do environmental impact assessments.

7 This is what happens. This is what has
8 happened. This is what continues to happen in
9 our communities. Streamlining NEPA so that we
10 don't have to do those environmental impact
11 assessments, so that we don't have to quantify
12 what the impacts are on communities is a death
13 sentence for our communities.

14 So, I just want to tick off these last
15 few things. The importance of strong public
16 participation provisions in NEPA is a fundamental
17 requirement for public participation in democracy
18 in our country.

19 The need for a full environmental
20 justice analyses of these impacts of these
21 changes to comply with the executive order on
22 environmental justice cannot be washed away by

1 the desire to streamline the development process.

2 The exclusion of climate related
3 impacts flies in the face of science and can take
4 important effects critical for low-income
5 communities and tribal communities and
6 communities of color vulnerable to climate change
7 completely off the table. Who will determine
8 then how are lives are to be preserved?

9 And eliminating the requirement to
10 consider cumulative impacts flies in the face of
11 science and the intent of Congress for the
12 promulgation of the National Environmental Policy
13 Act.

14 There's so much more I could say. The
15 last thing I want to say, in the 50 year history
16 of NEPA only one community of color in the United
17 States have received a financial mitigation plan
18 for the adverse impacts of NEPA. You heard from
19 Mr. Muhammad from north Charleston. They are the
20 singular community of color in the United States
21 in half a century to receive the promise of NEPA
22 and to do that they had to litigate and struggle

1 and fight to get that. That is not what the
2 National Environmental Policy Act requires. We
3 deserve more. And streamlining would streamline
4 us out of existence. Thank you so much.

5 MR. DRUMMOND: Thank you, Vernice.

6 Amy Gilbert followed by Ramsey Sprague.

7 MS. GILBERT: Hello. Good evening. My
8 name is Amy Gilbert, A-M-Y, G-I-L-B-E-R-T. I am
9 a former National Park Service employee and the
10 current executive director of the Coalition to
11 Protect America's National Parks. I am
12 presenting this testimony on behalf of the
13 coalition.

14 Our group is comprised of over 1700
15 retired, current, and former employees of the
16 National Park Service. Collectively, we
17 represent over 40,000 years of experience
18 managing and protecting America's most precious
19 natural and cultural resources.

20 Current NEPA procedures have long
21 provided a critical mechanism for ensuring that
22 the National Park Service fulfills its mission to

1 conserve parks unimpaired for the enjoyment of
2 future generations. During the past 50 years an
3 important factor in making good decisions is that
4 we protect parks through a robust public
5 participation encouraged under the NEPA process.

6 One of our greatest concerns with the
7 proposed rule is that it will make public comment
8 opportunities more flexible. This supposedly
9 means at the discretion of the agency, but in our
10 experience usually means optional or less
11 certain.

12 In contrast to the broad flexibility
13 CEQ proposes for soliciting public comments or
14 not, the rule would impose very specific
15 presumptive page and time limits on the
16 preparation of NEPA documents. The proposed
17 limits are much shorter than the average
18 preparation time and page length of environmental
19 assessments and environmental impact statements
20 as CEQ reports in the preamble.

21 The predictable effects of these
22 arbitrary and capricious limits are that, one,

1 agencies will be under pressure to cut corners in
2 the preparation of NEPA documents. Two, the
3 quality of the environmental analysis will
4 suffer. And three, agencies will inevitably
5 abbreviate or eliminate public comment
6 opportunities in order to meet these unrealistic
7 presumptive targets.

8 The proposed changes to NEPA may be
9 beneficial to developers and the oil and gas
10 industry, but it will certainly hinder public
11 involvement and put the continued protection of
12 our natural and cultural resources at risk.

13 In our view, encouraging robust public
14 participation in the NEPA process is far more
15 beneficial and important to making good
16 management decisions than streamlining the NEPA
17 process through arbitrary page and time limits.

18 To address this highly questionable
19 contrast, we propose the following presumptive
20 lengths for public comment periods to be added to
21 the rule. First, for environmental assessments
22 we propose a scoping period and a document review

1 of not less than 30 days. For scoping for
2 environmental impact statements, we propose a
3 public comment period of not less than 30 days.
4 For environmental impact statements we propose a
5 public comment period of not less than 60 days.

6 We will submit additional comments in
7 written form. Thank you for the opportunity to
8 express these concerns at today's hearing.

9 MR. DRUMMOND: Thank you, Amy.

10 Ramsey Sprague followed by Kerene
11 Taylor.

12 MR. SPRAGUE: Good evening. Ramsey
13 Sprague. My name is Ramsey Sprague and I live in
14 Mobile, Alabama. I'm here on behalf of the
15 Mobile Environmental Justice Action Coalition and
16 as a member of the Moving Forward Network. I'm
17 testifying today because my neighbors in the
18 historic Africa Town community who formed, MEJAC,
19 the Mobile Environmental Justice Action
20 Coalition, live in a place where pollution
21 presents challenges to their health and the
22 environment.

1 The Africa Town community of Mobile,
2 Alabama is famous for its residents who decent
3 from the ingenious and talented shipmates who
4 arrived on the last slave ship brought to North
5 America, the Clotilda. It is also regionally
6 notorious for its high concentration of heavy
7 polluting industry.

8 We all stand together opposed to the
9 proposed rule changes to NEPA. Environmental
10 justice communities depend on NEPA to learn about
11 and improve proposed projects. NEPA is one of
12 the only laws that give us a say in projects that
13 could impact our health.

14 CEQ's proposed rules will limit public
15 participation in government decision making by
16 limiting the information that NEPA provides on
17 how projects will affect public health, our
18 communities, the climate in ways that favor
19 polluters by elevating faster, cheaper, and less
20 thorough environmental studies over transparency,
21 public participation, and the health of our most
22 vulnerable communities.

1 EJ communities are already facing
2 multiple assaults on their health and
3 environmental and increasingly shut out of
4 government decision-making processes. CEQ's
5 rollbacks perpetuate underrepresentation of EJ
6 voices in decision making in ways that can be
7 interpreted as only reinforcing structural
8 barriers around the expression of human rights to
9 clean air, water, and soil.

10 NEPA has never been a perfect tool for
11 us to do our parts as the public and directly
12 affected community stakeholders to improve public
13 outcomes with respect to proposed projects and
14 that just makes the CEQ's proposed rollback that
15 much more galling.

16 The deep ties that bind residents and
17 visitors into the rich social tapestries of
18 community in places like Africa Town form from a
19 love of place despite the challenges of living
20 where multiple sources of pollution pose life-
21 threatening harms when they're combined.
22 Chemical refineries, paper mills, railyards, port

1 terminals, above-ground petro chemical storage
2 tanks, timber treatment facilities, warehouses,
3 trucking logistic industries, and more often make
4 quality of life for the residents of Africa Town
5 disgraceful at best.

6 Noise, visual industrial blight,
7 noxious odors, brown fields, roads destroyed by
8 heavy trucks, trains moving at all hours of the
9 day, refineries and petro chemical storage tanks
10 belching, all these contribute to a dangerous mix
11 that is outrageously under considered and that's
12 why we oppose CEQ's attempt to eliminate the
13 consideration of cumulative impacts in NEPA
14 because the proposed rule change will pave the
15 way for more polluting projects to be sited in
16 already overburdened EJ neighborhoods.

17 The proposed rule will harm EJ
18 communities like historic Africa Town and the CEQ
19 has either objectively failed to consider this or
20 is intent on furthering harm.

21 We oppose CEQ's attempts to reduce
22 public participation in government decision

1 making. Regardless of the complexity and size of
2 the project, CEQ's proposed rule elevates faster
3 and cheaper reviews of quality, transparency, and
4 public participation. Why does CEQ want to
5 increase barriers to public participation when
6 time and time again P2 creates dynamic project
7 possibilities to mitigate harms and make projects
8 better in the public interest.

9 The length of the NEPA process or
10 related environmental studies shouldn't be
11 limited simply to prioritize quick and cheap
12 reviews, but CEQ's changes will make it easier
13 for regulators to rubberstamp ill-informed
14 permits at the expense of EJ communities.

15 Industry interests are proposed to be
16 further served by allowing applicants to prepare
17 their own environmental impact statements and by
18 shockingly relaxing conflict of interest policies
19 for federal contractors.

20 We oppose CEQ's attempts to reduce
21 public participation and elevate industry
22 interests in government decision making. The

1 public comment on these rule changes is far too
2 short given their sweeping scale as it impacts
3 almost every branch of the federal government.
4 CEQ held no meetings in EJ communities anywhere
5 in the nation despite EJ communities facing the
6 brunt of the impacts of the proposed rule changes
7 and the hearings were scheduled during the day,
8 during the week mostly, in Denver and Washington,
9 D.C., effectively leaving out environmental
10 justice stakeholders and residents from
11 participating to their full abilities to
12 represent all the community interests that exist.

13 CEQ's proposal will result in more
14 undisclosed and unmitigated pollution in
15 environmental justice communities and for that
16 and the many other reasons we've heard throughout
17 today I and my organization and our community
18 oppose CEQ's proposed rules and the attempt to
19 rollback NEPA.

20 MR. DRUMMOND: Thank you, Ramsey.

21 Kerene Tayloe followed by Charles Mudd.

22 MS. TAYLOE: Good evening. My name is

1 Kerene Tayloe, K-E-R-E-N-E, last name
2 T-A-Y-L-O-E. I am We Act For Environmental
3 Justice, and the Environmental Justice Leadership
4 Forum.

5 The environmental justice movement is
6 intentional about grinding what we do in the
7 democratic process. The (inaudible) principles
8 which bring structure and order to our individual
9 and collective work is rooted in democratic
10 theory. We have a chant that we regularly use
11 when we rally. We say something like, Tell me
12 what democracy looks like. People respond, This
13 is what democracy looks like. But I'm here to
14 tell you that this NEPA process in terms of these
15 hearings and these suggested rollbacks do not
16 look like democracy.

17 Our work at We Act For Environmental
18 Justice is centered on building healthy
19 communities by ensuring that our neighbors in our
20 communities that we advocate for around the
21 country have seat at the planning table when
22 government and industry are making decisions that

1 will impact where we live, work, and play.

2 Last month the Trump Administration
3 took its attacks on laws that protect our air,
4 health, land, quality of life and water to new
5 heights by proposing changes to the National
6 Environmental Policy Act. If adopted, these
7 changes will make NEPA useless and give industry
8 the green light to pollute and bulldoze our
9 neighborhood with little accountability.

10 Since enacted in 1972, NEPA has
11 required federal agencies to consider our
12 interests and include us in the planning for
13 large scale projects, or when giving industry
14 permission to set up shop outside of our doors.

15 Now, NEPA is not perfect in any way,
16 but I would like to recommend that we look at
17 some recommendations that came out in March 2016
18 in the document Promising Practices for EJ
19 Methodologies and NEPA Reviews, which was a
20 report of the Federal Interagency Working Group
21 on Environmental Justice and NEPA Committees.

22 The first specific step in that

1 document was to consider conducting early and
2 diligent efforts to meaningful engage potentially
3 affected minority populations, low-income
4 populations, and other interested individual
5 communities and organizations. Does that reflect
6 what we've been doing so far? No, it does not.
7 Instead, there are a myriad of dangerous and
8 severe changes to NEPA that are being proposed.
9 But we can sum it up in one sentence. Work is
10 being done on behalf of polluters to silence us.

11 This administration and unfortunately
12 the White House CEQ appears to be disinterested
13 in hearing from us even when it comes to
14 receiving feedback on their own efforts to gut
15 NEPA. Already with nearly 50 pages of proposed
16 changes and a very limiting 60-day comment period
17 on the oldest environmental law with only two
18 public hearings, one in Denver where 72 seats
19 went away in less than an hour, and here in
20 Washington, D.C. where we had to fight diligently
21 to get EJ leaders here, we're seeing a concerted
22 effort to silence communities and we say loud and

1 clear that this is not what democracy looks like.

2 So, what we demand is more time, more
3 hearings, and more opportunities to share what is
4 being proposed and allow us to have clear, clear
5 opportunities to meaningfully engage with the
6 communities because that is what's demanded when
7 we talk about environmental justice. If we are
8 to fulfill the promises of NEPA we must do those
9 things now and slow this process down to be
10 inclusive and to have an opportunity for
11 communities to have their say.

12 We oppose everything that's proposed,
13 and we will stop at nothing to make sure that
14 communities have their say. Not only will we
15 organize here, but we will join up and sue where
16 needed and we will pushback against these changes
17 that you are recommending. Thank you for your
18 time.

19 MR. DRUMMOND: Thank you, Kerene.

20 And Charles Mudd.

21 MR. MUDD: Good evening. My name is
22 Charles Mudd, Jr. C-H-A-R-L-E-S, M-U-D-D, of

1 Mudd Law from Chicago, Illinois. I'm here today
2 as a citizen, father, attorney, principal in my
3 firm, Mudd Law, and Eagle Scout, and amateur
4 astronomer. I want to thank the Council on
5 Environmental Quality for the opportunity to
6 speak as well as the Department of Interior for
7 hosting and I certainly will supplement my
8 testimony with more detailed written comments.

9 While I agree that the existing
10 regulations do need amending, I join many of the
11 speakers today here in opposing the current
12 proposed amendments to those regulations. In
13 particular, I'd like to refer to Senator Tom
14 Carper of Delaware's comments as well as Sandra
15 Pruitt's of E2.

16 But where others have focused on what's
17 problematically included in the proposed amended
18 regulations, I'd like to focus on one item that's
19 excluded. For all the talk of modernization of
20 the CEQ regulations, there's no discussion or
21 inclusion of astronomical space or dark sky
22 concerns in the environmental scope or

1 definition.

2 This past May we all may realized or
3 have learned -- remember the photos where SpaceX
4 launched its first set of 60 Starlight
5 satellites. Now, I'm an Elon Musk fan. I like
6 SpaceX. I think it's amazing technology. But
7 nonetheless, a photo from the Netherlands with
8 the satellite streaking across the sky prompted
9 concerns within the astronomy community, both
10 optical and radio astronomy, discussion of space
11 debris, and the dark sky concerns.

12 But mega constellations in context,
13 there are around 5,000 -- just above 5,000
14 satellites in orbit. 2200 of those are actually
15 functional. SpaceX has authorization from the
16 FCC for 12,000 satellites and has the FCC
17 advocating on its behalf for another 30,000
18 before the International Telecommunications
19 Union.

20 How did this happen? The FCC
21 application asks for a satellite as whether
22 there's a significant environmental impact

1 pursuant to 47 CFR Section 1.1307 which is very
2 limited and has absolutely no space concerns.
3 Now Section 1.307 is a 1986 regulation
4 implementing the CEQ regulations. At the time
5 the FCC stated, "Based on the Commission's
6 experience we determined that the
7 telecommunications industry does not generally
8 raise environmental concerns. Thus, we have
9 categorically excluded most Commission activities
10 from environmental processing requirements."

11 The Commission limited it to three
12 particular areas where facilities located in
13 sensitive areas -- where the facilities are
14 located in sensitive areas high-intensity
15 lighting such as in a residential area, radiation
16 exposure. So, for a commission and agency that
17 authorizes the launch of satellites there was no
18 discussion or effect relating to space.

19 Whether that was right or wrong then,
20 in an era of commercial space growth and mega
21 constellations it's wrong now and I advocate that
22 it must change. And indeed, despite licensing

1 satellites, again, there are no inclusion of
2 space concerns.

3 The agencies take NEPA guidance from
4 you from the CEQ. CEQ needs to amend its
5 regulations to include space in environmental
6 definitions. In an age of fascinating
7 discoveries including gravitational waves, images
8 of black holes, exoplanets, it's our obligation,
9 your obligation to protect the dark sky and
10 exploration of space for generations to come.

11 So, I'd ask that you amend the
12 regulations in that regard. Don't adopt the
13 current regulations that you're proposing, the
14 amendments. And as we leave here tonight and
15 look to the dark sky, our sky, the stars, let's
16 remember that it's an often forgotten aspect of
17 our environment. Thank you. Have a good night.

18 MR. DRUMMOND: Thank you, Charles.

19 So that is the last speaker that I have
20 on my list so unless there's anyone else who
21 would like to speak I think we'll conclude
22 session six and thank you all for coming out

1 today.

2 (End of audio.)

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CERTIFICATE OF COURT REPORTER

I, DUSTIN THOMASON, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Dustin Thomason, Court Reporter

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I, DEBRA MCCOSTLIN, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



DEBRA MCCOSTLIN

MARCH 9, 2020

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