

Audubon Colorado Council (ACC), representing 25,000 supporters of birds and their habitats, is submitting comments in vehement opposition to the proposed rule changes to the National Environmental Policy Act (NEPA). ACC finds these proposed changes especially egregious: elimination of the analysis of cumulative impacts, private preparation of NEPA evaluations, and curtailment of public comments.

As citizens who are concerned about birds and their habitats, it's inconceivable that NEPA regulations would be loosened. NEPA is a bedrock environmental law that informs science-based, transparent, and accountable decision making. These proposed rules senselessly attack those vital standards.

NEPA, the “look before you leap” law, functions as a “Bill of Rights for the environment.” It’s been the gold standard for the last 50 years, emulated by other countries as an environmental guidepost. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences and take actions that protect, restore, and enhance the environment.

Prior to NEPA, many land management decisions were focused primarily on short-term economic considerations. And yet, taxpayers were expected to pay for cleanups after companies walked away from their responsibility or filed for bankruptcy. Companies made huge profits while taxpayers dealt with the aftermath. Policy experts say that because of NEPA federal and state governments and local communities have been spared huge sums of money in clean-up costs for industrial activities that resulted in environmental disasters.

The proposed NEPA regulatory changes are intended “to promote rapid development and expansion of fossil fuels and infrastructure, while removing the requirement to consider climate change when assessing projects.” That is, the federal government “should not hold up proposed developments based upon evidence or concerns they contribute to climate change.” ACC has serious concerns about removing the requirement to consider all types of impacts, including indirect and cumulative impacts of climate change. With three billion birds lost from North America in the last 50 years, and almost two-thirds at risk from climate change, this is no time to pretend that everything is fine (*Science* 2019).

*The Fourth National Climate Assessment (2018)* notes that climate change is expected to cause substantial losses to infrastructure and property and impede the rate of economic growth over this century, unless there are significant measures to mitigate climate trends. The current administration has shown a pattern of ignoring science in decision-making which undermines the country's ability to meet public health and environmental challenges. If science is dismissed, then what will be used to make sound management decisions?

The proposed rules specifically pertain to “environmental reviews of oil/gas drilling, mining, building of highways, activities that pertain to waters of the U.S., and any infrastructure project that has a connection to public lands, oceans, and air.” Local federal land managers can “of their own discretion, decide that more intense review isn't required, citizen involvement not allowable, and decisions unchallengeable.” ACC is extremely concerned about allowing companies to prepare their own analyses to justify their projects. Talk about the fox guarding the hen house!!

This is exactly what went on before there was NEPA, when rivers caught fire, wildlife was decimated, and pollution was widespread. Citizens should have the right to question and provide input on any project that affects the environment. It's irresponsible to reduce the ability to understand and to comment on the effects of projects that impact lands and wildlife.

Only in the current administration is it acceptable to pretend that climate change isn't happening, due diligence in assessing risky projects isn't necessary, and asking regulators to ‘look the other way and hope for the best’ is policy.

Those who would exploit public lands and ignore impacts on birds and other wildlife for personal or corporate gain should have to demonstrate that their proposals will do no harm. If companies aren't required to plan ahead, disaster will be the natural outcome. The precautionary principle is all about assessing the risk of doing something in order to avoid injury, illness, death, and unintended consequences to people and the environment.

Under the proposed rules, environmental impact statements, regardless of scale, “shall not be more than 150-300 pages” in order to reduce review to one year. It would be impossible to adequately assess cumulative effects of projects in this timeframe with the agency not fully staffed. Drastically reducing environmental analysis of projects and limiting public input may be good for extractive industries, but not for people, birds, other wildlife, biological resources, and the environment.

Does NEPA need to be improved? Yes, but not by pulling its teeth. There will always be political pressure brought to bear on government agencies, but NEPA is necessary. It prevents disasters. It saves species. It holds to account those who abuse the public trust. It makes sure corporations are held accountable. It considers what’s best for people, wildlife, and the environment in the future, not just in the here and now.

In summary, ACC is opposed to rule changes that eliminate the analysis of cumulative impacts, allow private preparation of NEPA evaluations, and curtail public comments.

Thank you for the opportunity to comment, which is and should continue to be, every citizen’s right.