



County Surveyors Association of Indiana

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March 3, 2020

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

Re: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ-2019-003)

Chair Neumayr:

As Indiana businesses, labor, and local government committed to rebuilding our local infrastructure and investing in future innovation and progress, we write in support of the Council on Environmental Quality's (CEQ) efforts to modernize the National Environmental Policy Act (NEPA) for the first time in over 40 years. While CEQ's current regulations were intended to ensure that federal agencies evaluate the environmental impact of proposed major Federal actions, the NEPA process has increasingly been used to block infrastructure development and investment in key projects. The review process has become unnecessarily complex, unreasonably time-consuming, and uncertain. Updating NEPA will improve our infrastructure, spur economic growth, and increase our stewardship of the environment. For those reasons, I ask that you finalize this important proposal that will benefit all Americans.

- In Indiana, one of our top issues is infrastructure and investment in projects that will move our county forward. These NEPA reforms will create local jobs, bring investment dollars back home, and reinforce our civic pride.
- As we seek to address the global challenge of climate change, NEPA reform is vital to allowing speedy construction of infrastructure that supports lower-carbon energy options and future clean-energy innovations. Streamlining environmental reviews will spur the development of new renewable and other cleaner energy sources, desperately needed roads and bridges, and telecommunications to rural areas. These investments are critical to protecting the environment, connect generation to the grid, update water resource infrastructure and connect remote areas of Indiana.
- Despite the many benefits these reforms will bring to our economy, we are concerned about the misinformation being spread about this proposal. In line with the intended purpose of NEPA, CEQ's proposal still requires federal agencies to consider environmental impacts of a proposed action, including ecological, natural resources, aesthetic, and health effects. It creates no new environmental review exceptions for any projects. The reforms also reaffirm the current processes providing for robust public participation.
- As you know, NEPA is only a procedural statute. It was not intended to dictate the outcome of specific project proposals. Yet through years of repetitive review, burdensome mitigation requirements, and the use of protracted litigation by interest groups and the NIMBY crowd, our current NEPA process can too easily bar desperately needed infrastructure development and replacement.

- NEPA litigation doesn't just cost big businesses; it also costs the local communities where projects are built, in the form of lost jobs and lost tax revenues. Not to mention the millions in federal tax dollars spent every year to defend frivolous NEPA claims brought by well-heeled interest groups based in Washington.
- We have heard some people say that the proposed rule would prohibit agencies from considering greenhouse gas emissions in NEPA reviews. Nothing in the proposed rule says that. According to the rule, agencies still need to consider "ecological," "natural resources," and "health effects," as long as those effects are related to the project under review. That just seems like common sense. And it definitely doesn't mean that agencies will stop looking at the impacts of greenhouse gases.
- NEPA's purpose is to provide information to policymakers to help them make more informed decisions about projects that may affect our environment. That's why it's encouraging to see new provisions in the proposed rule that require agencies to specifically seek certain types of information, summarize that information in their reviews, and make clear that issues raised outside of the normal public comment period aren't fair game to be used to second-guess final decisions later on down the road. That's frankly part of good government 101 and will help cut down on unnecessary and costly litigation.
- CEQ's proposal cuts through government red tape by imposing reasonable time and page limits on environmental reviews. This will help Indiana communities with economic planning and help reduce bureaucracy and government waste.
- I'm extremely encouraged to see CEQ propose to add cost estimates into the text of their environmental review documents. In Indiana, we call this transparency, accountability, and being good stewards of public resources.
- NEPA reform isn't about favoring industry over other interests. It's about a rising tide to lift all boats. NEPA reviews touch almost every part of our economy – from highways to railroads, grazing to timber, manufacturing to energy, airports to seaports. It even touches parts of the economy yet to be fully tapped, including renewable energy like wind and solar. We can't let other countries beat us to the punch. We've got to get out of our own way. That's what this rule does.

The time for these reforms is now so that we can move this country forward. We encourage CEQ to maintain the existing comment period deadline and finalize a rule that returns the implementation of NEPA to its core procedural and informational purposes.

Sincerely,

Jarrod Hahn, CFM
Wells County Surveyor,
President of CSAI