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February 24, 2020

Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503  
Attn: Docket No. CEQ-2019-0003

**RE: NEPA Modernization**

Dear Council on Environmental Quality:

Regarding the Council of Environmental Quality's (CEQ) proposal to modify its National Environmental Policy Act (NEPA) regulations, the City of Aspen and Pitkin County appreciate the opportunity to have our public comments considered.

Formal public comment during any federal action is essential, and NEPA is no exception. Pitkin County is comprised of over 80% public lands with its county seat located in the city of Aspen. Given the amount of federal lands in our region, changes to NEPA process not only affect the public lands, but directly impacts our local community, economy and environment. Without substantive public comment in NEPA, our community, our workers and our tourists all lose a voice on their public lands. Due to our substantial concerns about the proposed changes to NEPA regulations listed below, we ask the CEQ to withdraw its proposed update to NEPA regulations.

The National Environmental Policy Act (NEPA) has been vital to our community in ensuring coordination of local, state and federal jurisdictions with the public and engaged stakeholders for the last half-century. From decades-long transportation projects such as the Entrance to Aspen, to habitat protection such as Hunter Creek, public engagement in these actions has been critical to creating balanced and fair approaches to our federal lands. As a local jurisdiction, we have been on both sides of a NEPA action, as both an applicant and the concerned stakeholder. We know firsthand how public comment can slow down a project. However, we also have experienced firsthand how public comment has also provided valuable input to better mitigate the impacts of projects and often result in a better project than initially considered. Public comment in NEPA is more than just a slowed process. NEPA ensures that any action on federal property requires a 'look before they leap' approach - using the best available science to consider not just the environmental, but the social, cultural and economic impacts of, and alternatives to, proposed actions. The NEPA process is not what is broken. The lack of funding for adequate staffing to review projects is what needs to be fixed.

When a proposal is deemed to be less than a 'major' Federal Action, the elimination of public process will prevent the recognition of the impacts of these projects on the community and environment. The effect is creating NEPA loopholes where projects are approved with limited or nonexistent review by both the public, engaged stakeholders, cooperating stakeholders and subject matter experts will deeply affect our county and public trust in critically important federal agencies.



We disagree with the proposal to eliminate analysis of cumulative effects. Analyzing cumulative is the fabric of NEPA review. NEPA, and specifically cumulative impacts, limits the ability of any one project to be completed in isolation, but rather to look at the larger landscape. One communication site may not be a 'major' federal action, but with five communication sites in the region, each one has a cumulative impact. Cumulative effects of projects, such as contributions to climate change, air, water pollution, and the dislocation of animal habitat, may harm public health and reduce the overall resilience of natural systems outside of a reasonably close causal relationship to the proposed action.

The independence of Federal agencies is an important element in maintaining public trust. We strongly disagree with allowing agencies to establish procedures for adopting other agencies' categorical exclusions (CEs). Landscapes are not homogenous or interchangeable. It is nonsensical to enable infrastructure projects to adopt 'generic' categorical exclusions, or to disallow involvement of differing federal agencies (Fish and Wildlife, Bureau of Reclamation, Forest Service, EPA) through the CE process.

Furthermore, by allowing applicants and/or contractors to assume a greater role in preparing environmental impact statements (EISs), rather than independent third-party professionals, there is a greater risk the information is distorted. Accurate, reliable and trustworthy analysis by qualified subject matter experts is important for local and federal decisionmakers.

The City of Aspen and Pitkin County support some degree of NEPA modernization. For example, requiring earlier solicitation of input from the public to ensure informed decision making by Federal agencies will lead to better outcomes for all involved parties, provided an appropriate allotted amount of time. But as stated earlier, we believe adequate federal funding for these agencies is the best approach to modernize NEPA and address the long delays, not removing public comment. And we agree with promoting the use of modern technologies for information sharing and public outreach for a more effective process. All changes that can be instituted without weakening the existing protections of the general public's health, safety and general welfare in NEPA should be considered.

The proposed update of NEPA as it currently stands is regressive and will have detrimental impacts to the taxpayers' voice in community and environment. We urge the Council on Environmental Quality withdraw the proposed update of NEPA regulations, and rather pursue adequate funding for staffing NEPA reviews.

Sincerely,

Steven F Child  
Chair  
Pitkin County Board of Commissioners

Torre  
Mayor  
Aspen City Council

cc: Senator Bennet  
Senator Gardner  
Representative Tipton  
White River Forest Supervisor Scott Fitzwilliams  
U.S. Department of Agriculture's Forest Service Chief Vicki Christiansen