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- Rancho Murieta Community Services District

January 22, 2020

Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Attn: Docket No. CEQ-2019-00

Dear Sir or Madam:

The Mountain Counties Water Resources Association (MCWRA) appreciates the opportunity to comment on the Council’s January 10, 2020 Notice of Proposed Rulemaking to update its regulations implementing procedures of the National Environmental Policy Act (NEPA).

MCWRA is an association of public agencies that provide drinking water, sewage treatment, electricity, and other vital public services to the Mountain Counties of Northern California, a 17,736-square mile region that is larger than the state of Maryland. We are responsible for operating, maintaining, and replacing pipelines, dams, treatment plants, roads, bridges and other critical infrastructure that our constituents rely on daily for their health, safety and prosperity. The millions of acres of federal lands, many prized environmental resources and significant need for federal funding assistance within our region have given MCWRA members an intimate working knowledge of the NEPA process.

In our experience, that process has bloated far beyond NEPA’s statutory purposes and indeed, beyond the bounds of common sense. Slowed by bureaucracy and haunted by fears of litigation, the NEPA process today often imposes lengthy delays and expenses upon badly needed infrastructure projects, without improving decision-making or the environment. We believe that reforms are urgently needed and can occur without compromising environmental quality. We therefore welcome this proposal to comprehensively update the 1978 NEPA regulations.

Shortening the ever-expanding length of NEPA review is critically important. With the average Environmental Impact Statement (EIS) now comprising 600 pages and taking 4.5 years to complete, critical infrastructure improvements languish. Lengthy delays increase project costs, threaten often-fragile project funding plans, cause state-mandated environmental studies to go stale, and can put public health and safety at risk in the interim. Less tangible, but equally real, is the corrosive effect on public opinion, as constituents wait years for needed projects to occur.

Most NEPA projects do not require an EIS; an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) suffices, or a Categorical Exclusion (CE) applies. But the current regulations provide insufficient guidance about when those alternative procedures are appropriate. Moreover, decades of NEPA implementation have likewise bloated the EA/FONSI process to unmanageable proportions. It is essential to re-focus federal agencies on determining whether a CE applies to a project and, if not, on preparing an EA that fulfills NEPA's purposes without the surplusage that likewise adds considerable delay and expense to projects without measurably improving decision-making or environmental outcomes.

The proposed regulations would further each of these vital goals. They would establish presumptive timelines and page lengths for environmental documents, clarify the process of determining when an EA/FONSI or CE is appropriate, and improve interagency NEPA coordination. These reforms would make no substantive changes to NEPA's legal requirements; they would simply scrape off four decades of encrusted bureaucracy and overly defensive, inefficient practices. Instead of delaying and hindering projects without providing commensurate benefits to agency decisions or the environment, these regulatory changes would restore NEPA to its original intent: ensuring that environmental considerations are raised, considered, and addressed before major federal actions occur.

On behalf of our member agencies, who must frequently navigate the NEPA process in order to deliver the high-quality infrastructure and services that the public demands and deserves, Mountain Counties Water Resources Association applauds the Council for undertaking this proposed rulemaking. We fully support its provisions.

Sincerely,



Mike Lee, President
Mountain Counties Water Resources Association

- c: Congressman Kevin McCarthy, House Leader (CA-23)
- Congressman Doug LaMalfa (CA-1)
- Congressman Tom McClintock (CA-4)
- William F. Crozer, Special Assistant to the President/Deputy Director,
 White House Office of Intergovernmental Affairs
- Board of Directors, Mountain Counties Water Resources Association
- John Kingsbury, Executive Director, Mountain Counties Water Resources Association