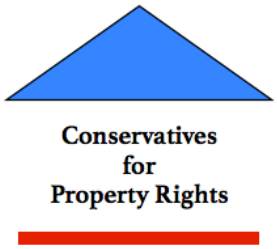

February 28, 2020

Council on Environmental Quality
730 Jackson Place, N.W.
Washington, DC 20503

RE: CEQ-2019-0003-0001

To whom it may concern:

Conservatives for Property Rights (CPR), a coalition of policy organizations representing millions of Americans, strongly supports the proposed rule to update regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA).

Government regulation, whether substantive or procedural, can be used and abused as a means of effectively taking someone's property, denying him or her the ability to develop, use, enjoy, or commercialize physical property. Such regulatory takings assault private property rights without compensating the owner as required under the Fifth Amendment. Moreover, on large projects delayed or blocked by inordinate, unreasonable procedural actions including excessive paperwork and bureaucratic overlap, such takings have multiple adverse effects on reasonable and beneficial human activity.

NEPA should balance legitimate environmental considerations with legitimate human economic needs. As the Notice of Proposed Rulemaking (NPRM) says, "NEPA does not mandate particular results or substantive outcomes." Rather, NEPA requires "[f]ederal agencies to consider environmental impacts of proposed actions as part of agencies' decision-making processes" (at I(A)). The procedural provisions were meant to provide more uniformity across federal agencies and ensure reasonable time, length, and cost of reviews. However, NEPA reviews have come unhinged over four decades.

NEPA's procedures can become tantamount to a tool for regulatory takings. That runs contrary to NEPA itself, which was intended in part to reduce paperwork and delays while satisfying appropriate environmental concerns. Its evolving and expanding amount of paperwork and delays has paralyzed worthy, environmentally responsible projects, notably much-needed infrastructure projects (NPRM at I(D)), which have been and remain a bipartisan priority.

As the Council on Environmental Quality (CEQ) has found and recites in the notice of proposed rulemaking (NPRM at I(B)(3)), environmental impact statements (EISs) that should take no more than a year average more than 4.5 years. And draft EISs that should run 150 pages or up to 300 pages in exceptional cases actually average 586 pages. This is not even to speak of the adverse environmental and economic impacts of such long delays and the exorbitant resulting costs. From a property rights perspective, regulatory review delayed is property rights denied.

Thus, CPR wholeheartedly supports the proposed rule. In the interest of protecting private property rights alongside reasonable environmental review, CPR concurs with "align[ing] the regulations with the text of the NEPA statute, including revisions to reflect the procedural nature [of NEPA]," thus shucking away layers of bureaucratic overreach and red tape. We applaud streamlining NEPA reviews by making them "consistent with the One Federal Decision policy" of E.O. 13807, reducing duplicative agency efforts, and other proposed measures intended for expeditious, efficient, timely processes. The presumptive deadlines for completing NEPA reviews and presumptive page limits are warmly welcomed. Interjecting elements to promote transparency and accountability also are meritorious. Enabling the lead agency to move along other agencies involved in a review in order to manage and expedite the process is simply good project management practice and much needed in the federal government, particularly where property rights are involved. And clarifying terms in ways that promote practicality and remove bureaucratic "how many angels can dance on the head of a pin" exercises where NEPA review processes are concerned is also a breath of fresh air.

We support and urge CEQ to implement the reforms as proposed.

Respectfully,

James Edwards
Executive Director
Conservatives for Property Rights

Matthew Kandrach
President
Consumer Action for a Strong Economy

C. Preston Noell III
President
Tradition, Family, Property, Inc.

Kevin L. Kearns
President
U.S. Business & Industry Council

Norman Singleton
President
Campaign for Liberty

Dick Patten
President
American Business Defense Council

Rick Manning
President
Americans for Limited Government

Tim Andrews
Executive Director
Taxpayers Protection Alliance

George Landrith
President
Frontiers of Freedom

Seton Motley
President
Less Government