March 10, 2020

Mr. Edward A. Boling  
Associate Director for the National Environmental Policy Act  
Ms. Viktoria Z. Seale, Esq.  
Chief of Staff and General Counsel  
Council on Environmental Quality

Via email NEPA-Update@ceq.eop.gov and posting to Federal eRulemaking Portal: (https://www.regulations.gov)  
Via facsimile transmission to 202-456-6546


Dear Mr. Boling and Ms. Seale:

The undersigned Commenters hereby submit their comments and critiques of the captioned proposed rulemaking.

I. INTRODUCTION TO COMMENTS ON PROPOSED RULEMAKING, DOCKET NO. CEQ-2019-0003

A. Background

On January 10, 2020, the Council on Environmental Quality posted a “Notice of Proposed Rulemaking” (“Notice”) in which it stated that CEQ “is proposing to update its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA).” Fed. Reg. No. 2019-28106. According to the CEQ, “This proposed rule would modernize and clarify the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies in connection with proposals for agency action. The proposed amendments would advance the original goals of the CEQ regulations to reduce paperwork and delays, and promote better decisions consistent with the national environmental policy set forth in section 101 of NEPA. If finalized, the proposed rule would comprehensively update and substantially revise the 1978 regulations.”

The undersigned Commenters submit that the “comprehensive update and substantial revision” of the 1978 NEPA regulations is in actuality an attempt to repeal by promulgation of regulations the United States’ premier environmental regulatory law. Because of the broad wording of NEPA, regulations promulgated for its implementation have contributed to, and framed, 50 years of largely judge-made law and interpretation. Hence the rescission and replacement of 40 and 50-year-old regulations require a considerably greater exposition of proofs and justifications than CEQ has provided in its Notice.
The proposed action here is a “legislative” rulemaking. The federal Administrative Procedure Act (APA) generally requires that agencies provide notice of proposals to create, amend, or repeal a rule and an opportunity for interested persons to comment on the proposal. See 5 U.S.C. §§ 551(4)-(5), 553(a)-(c). “Rules issued through the notice-and-comment process are often referred to as legislative rules because they have the force and effect of law.” Perez v. Mortg. Bankers Ass’n, __ U.S. __, 135 S.Ct. 1199, 1203, 191 L.Ed.2d 186 (2015) (internal quotation marks omitted). “[S]ubstantive or legislative rules, pursuant to properly delegated authority, ha[ve] the force of law, and create[ ] new law or impose[ ] new rights or duties.” Children’s Hosp. of the King’s Daughters, Inc. v. Azar, (“CHKD”), 896 F.3d 615, 620 (4th Cir. 2018) (internal quotation marks omitted); see Nat’l Latino Media Coal. v. FCC, 816 F.2d 785, 788 (D.C. Cir. 1987) (“A valid legislative rule is binding upon all persons, and on the courts, to the same extent as a congressional statute.”). “To that end, a rule is legislative if it supplements a statute, adopts a new position inconsistent with existing regulations, or otherwise effects a substantive change in existing law or policy.” CHKD, 896 F.3d at 620 (internal quotation marks and alteration omitted).

Section 706 of the federal Administrative Procedure Act (5 U.S.C. § 706(2)) sets out the boundaries for proposed rules and rescissions of rules. The below Commenters maintain that the objectionable proposals of the Council on Environmental Quality listed herein are “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2) (C). The APA requires that executive action taken in the absence of statutory authority be declared invalid. See 5 U.S.C. § 706(2)(C). The CEQ proposals are objectionable in part because they comprise a subtle form of legislating by drastic rewriting and rescission of the current legislative regulations for NEPA found at Title 40, Chapters 1500 through 1508 of the Code of Federal Regulations. The CEQ, as an Executive Branch agency, is attempting via administrative changes and fiat to rewrite an Act of Congress. When the challenged action is not only unauthorized but also intrusive on power constitutionally committed to a coordinate branch, the action may violate the Constitution, specifically, its mandate for the separation of legislative from executive powers.

The CEQ is obliged to “examine the relevant data and articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made.”

---

1“(The reviewing court shall) (2) hold unlawful and set aside agency action, findings, and conclusions found to be—
(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
(B) contrary to constitutional right, power, privilege, or immunity;
(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
(D) without observance of procedure required by law;
(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.”
Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983). The giving of “adequate reasons” for an agency’s decision is “[o]ne of the basic procedural requirements of administrative rulemaking.” Encino Motorcars, LLC v. Navarro, __ U.S. __, 136 S.Ct. 2117, 2125, 195 L.Ed.2d 382 (2016). In a challenge under § 706(2)(A), “an agency’s action must be upheld, if at all, on the basis articulated by the agency itself.” Motor Vehicle, 463 U.S. at 50, 103 S.Ct. 2856; see Jimenez-Cedillo v. Sessions, 885 F.3d 292, 299 (4th Cir. 2018) (“[A] reviewing court may not speculate on reasons that might have supported a change in agency position [ ]or supply a reasoned basis for the agency’s action that the agency itself has not given.”). An agency satisfactorily explains a decision when it provides “enough clarity that its ‘path may reasonably be discerned.’” Jimenez-Cedillo, 885 F.3d at 297 (quoting Bowman Transp., Inc. v. Arkansas-Best Freight Sys., Inc., 419 U.S. 281, 286, 95 S.Ct. 438, 42 L.Ed.2d 447 (1974)). “[W]here the agency has failed to provide even that minimal level of analysis, its action is arbitrary and capricious and so cannot carry the force of law.” Encino Motorcars, 136 S.Ct. at 2125.

These principles apply with equal force to a change in agency position. Jimenez-Cedillo, 885 F.3d at 298. Thus, in changing policies, agencies “must ‘provide a reasoned explanation for the change.’” Id. (quoting Encino Motorcars, 136 S.Ct. at 2125). “At a minimum, an agency must ‘display awareness that it is changing position and show that there are good reasons for the new policy.’” Id. (quoting Encino Motorcars, 136 S.Ct. at 2126). The agency’s explanation must address the “facts and circumstances that underlay or were engendered by the prior policy,” including any “serious reliance interests.” Encino Motorcars, 136 S.Ct. at 2126 (quoting FCC v. Fox Television Stations, Inc., 556 U.S. 502, 515-16, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009)). “An ‘unexplained inconsistency’ in agency policy indicates that the agency’s action is arbitrary and capricious, and therefore unlawful.” Jimenez-Cedillo, 885 F.3d at 298 (quoting Encino Motorcars, 136 S.Ct. at 2125); Casa De Maryland v. U.S. Department of Homeland Security, 924 F.3d 684, 704-705 (4th Cir. 2019).

II. OBJECTION TO BREVITY OF PUBLIC COMMENT PERIOD; REQUEST FOR 180-DAY EXTENSION OF PUBLIC COMMENT PERIOD

Preliminarily, we object and demand a 180-day extension of the comment period until September 10, 2020. When converted to 12 pt. Times New Roman typeface, the Proposed Rulemaking runs 117 pages and is over 285,000 words in length. The Council on Environmental Quality’s (“CEQ”) proposal is a comprehensive revamping and evisceration and redirection of 50 years of court- and agency-made law and interpretation of NEPA, the nation’s premier environmentally-protective statute. Sixty days is a ridiculously short period of time for anyone to read, digest and meaningfully comment.

Agencies are required to provide the public with adequate notice of a proposed rule followed by a meaningful opportunity to comment on the rule’s content. Although the Administrative Procedure Act sets the minimum degree of public participation the agency must permit, the legislative history of the APA suggests that “[matters] of great importance, or those where the public submission of facts will be either useful to the agency or a protection to the
public, should naturally be accorded more elaborate public procedures.”

While there is no minimum period of time for which the agency is required to accept comments, in reviewing an agency rulemaking, courts have focused on whether the agency provided an “adequate” opportunity to comment – of which the length of the comment period represents only one factor for consideration. Additionally, Executive Order 12866, which provides for presidential review of agency rulemaking via the Office of Management and Budget’s Office of Information and Regulatory Affairs, states that the public’s “meaningful” opportunity to comment, “in most cases should include a comment period of not less than 60 days.” Exec. Order No. 12866, § 6(a), 58 Fed. Reg. 51735 (October 4, 1993). So the CEQ has granted the public the bare minimum recommended time to digest and respond to scores of rewordings, deletions, recombinations, reclassifications and rewrites, all of which are meant to alter the implementation of NEPA. There have been between 5,000 and 6,000 interpretations of NEPA by the federal circuit and district courts alone, and much of the case law provides the framework for interpretation. The current legislative regulations have also supplied the parameters for NEPA’s enforcement; the current regulations have the force and effect of the NEPA statute itself and deletion or modification of quasi-statutory regulations has the effect of legislating changes or additions to NEPA.

In sum, this is not a routine rulemaking for which public comment should be restricted to a mere 60 days. To the contrary, sixty days is a speciously short time to read, digest and meaningfully participate in the comment opportunity in light of the rampant changes proposed by the CEQ. These proposals have been in the offing for, literally, decades. They have been endlessly debated, focus-grouped and mulled over by compensated, full-time administrators, professional lobbyists and regulatory lawyers from public and corporate sectors. They represent years of strategizing, think tank wonkery, and the desires of special political interests. Following years of expensive promulgation, 100+ pages of complex legal transformation with implications for reversing half a century of evolved law has been dumped on the public for a 60-day, compressed anatomization. At a minimum, the thousands of communities and hundreds of millions of people affected by federal government decision making causing environmental intrusions deserve a fair chance to understand the import of the CEQ proposal and to respond intelligently.

Administrative Procedure Act: Legislative History, S. Doc. No. 248, at 259 (1946) [hereinafter APA Legislative History]; Charles H. Koch, Jr., 1 Administrative Law and Practice 329-30 (2010 ed.).

See N.C. Growers’ Ass’n v. UFW, 702 F.3d 755, 770 (4th Cir. 2012) (“Our conclusion that the Department did not provide a meaningful opportunity for comment further is supported by the exceedingly short duration of the comment period. Although the APA has not prescribed a minimum number of days necessary to allow for adequate comment, based on the important interests underlying these requirements ... the instances actually warranting a 10-day comment period will be rare.”). Some statutes require minimum comment periods. See, e.g., 42 U.S.C. § 6295(p)(2).
III. COMMENTS ON PROPOSED RULES

Without waiving the above objections and comment extension, the undersigned organizations provide their comments in detail below.

40 CFR § 1501.1

The draft regulation creates a “NEPA threshold applicability analysis” which empowers individual agencies with new powers to pre-screen projects out of NEPA coverage that are not contemplated by NEPA. Subsection (a)(4) opens the door to arbitrary ad hoc determinations at the agency to exclude a project from NEPA coverage where “compliance with NEPA would be inconsistent with Congressional intent due to the requirements of another statute.” What sort of “requirements” comprise “inconsistency”? It is well-established that agencies must comply with NEPA “to the fullest extent, unless there is a clear conflict of statutory authority.” Calvert Cliffs’ Coordinating Comm. v. U.S. Atomic Energy Comm., 449 F.2d 1109, 1115 (D.C. Cir. 1971). See also Limerick Ecology Action v. NRC, 869 F.2d 719, 729 (3rd Cir. 1989) (Atomic Energy Act-based safety review does not preclude or allow avoidance of NEPA compliance). This appears to be an attempt to use a regulation change to overrule court precedent that binds NEPA.

Subsection (A)(5) allows the agency to determine “that other analyses or processes under other statutes serve the function of agency compliance with NEPA.” Particularly in non-adjudicative agency circumstances, this comprises an improper delegation of discretion to the agencies. There is no limitation to what “analyses or processes” would serve as functional equivalence to NEPA. This proposal amounts to delegation of substantive discretion to agencies and is highly improper.

40 CFR § 1501.2

Changing “shall” to “should” commits wholly to agency discretion the decision of when to commence the NEPA process, meaning that most of the planning and pre-licensing steps can be concluded and the NEPA document poses a “done deal” to the public, with the attendant momentum carefully oriented toward project approval. The NEPA consideration of alternatives would be undermined and agency receptivity to alterations or critiques of the proposal will be compromised. Section (a)(4) appears to encourage pre-NEPA process meetings between private or non-federal project planners and the federal agency. This practice would require strict mandates for the keeping of agency minutes and records to be kept and that information being made readily available to the public.

---

4 All references to draft regulations use the CEQ’s proposed regulation numbering.

5“(4) Whether the proposed action is an action for which compliance with NEPA would be inconsistent with Congressional intent due to the requirements of another statute.”

6“(5) Whether the proposed action is an action for which the agency has determined that other analyses or processes under other statutes serve the function of agency compliance with NEPA.”
40 CFR § 1501.3
By substituting “area” for “context” the CEQ change separates long-range environmental effects from the nearby, short-range effects of the project. A power plant is site-specific but the downwind or downstream environmental effects of burning coal or gas, or damming a watercourse, compromise the environment dozens or hundreds of miles away, or even globally. This section suggests segmentation of geographically widespread environmental effects from the immediate, local project (for example, by not requiring analysis of the effects of using large quantities of building materials mined or harvested elsewhere, or not requiring recognition and quantification of expected anthropocene global warming effects of the construction and later, the operation, of project activities).

40 CFR § 1501.4
The effect of § 1501.4(b) is to create an Environmental Assessment/Finding-of-No-Significant-Impact (EA/FONSI) mimicking scenario and incorporate it into the agency’s determination of whether a proposal is categorically excluded. But this mini-EA/FONSI would be free of the EA requirements of interagency review and public notice. This change would further foreclose the opportunity to challenge an excluded project in court unless a challenger is extremely vigilant and the Freedom of Information mechanism of the federal agency works with unheard-of promptness. By allowing the agency to consider whether an “extraordinary” environmental effect can be mitigated, the Categorical Exclusion (CE) procedure would incorporate the environmental balancing that is presently a hallmark of the EA and Environmental Impact Statement (EIS) approaches while denying the public the benefit of information and disclosure associated with the two latter NEPA paths.

40 CFR § 1501.5
Imposition of a mandatory 75-page limit on Environmental Assessments, as opposed to the present recommended but not required page limitation, is arbitrary, imposes a one-size-fits-all straitjacket on project analysis, and accords vast discretion (and pressure) to the agency to leave out what might be highly relevant information which might otherwise compel an Environmental Impact Statement. The limitation is absurd because it will deny commenting agencies and the commenting public adequate descriptions and disclosures of some projects’ components or scientific and/or engineering basis. Meaningful explanation of technologically or administratively complicated projects will be relegated to the discretion of a single official who may deny an extended assessment, thus limiting the disclosures and cheat the ends of NEPA. The public could easily be left without recourse except for seeking FOIA information releases to understand or confirm whether the project description or analysis is complete. An arbitrary page limitation as a firm requirement will inhibit (or excuse) the agency from discharging its burden of taking a “hard look” at the environmental consequences of a proposed undertaking. Cf., Baltimore Gas & Elec. Co. v. Natural Resources Defense Council, Inc., 462 U.S. 87, 97, 103 S.Ct. 2246, 76 L.Ed.2d 437 (1983) (NEPA requires an agency to take a “hard look” at the potential environmental consequences of proposed projects before taking action).

40 CFR § 1501.9
Rather than requiring publication of a Notice of Intent to publish an EIS (NOI) as a
precondition to the scoping process, CEQ proposes to modify the current 40 CFR § 1501.7 “Scoping” section so that agencies can begin the scoping process informally and without notice to the public, but announce the commencement of scoping at a discretionary later time. The agency would be permitted to delay publication of the notice of intent to prepare an EIS to keep the early development of the project plan and some of the NEPA investigation away from the public, in turn delaying public knowledge, information gathering and early commenting on the project. CEQ implicitly admits that the change would empower the lead agency to do this with its caution in the Notice of Rulemaking that “agencies should not unduly delay publication of the NOI.”

40 CFR § 1501.10
The proposal to impose mandatory time limits on completion on an EA (1 year) and EIS (2 years) while junking the discretionary considerations presently contained in §1501.8 is arbitrary. The use of one-size-fits-all obligatory deadlines ignores the complexity of many projects and the management of EIS preparation and scheduling traffic. Nuclear Regulatory Commission licensing cases often involve novel scientific and engineering issues and requirements throughout planning and preparation, and technological retrofits throughout the design stage based on new concepts and information, and are not comparable to highway construction projects, which are straightforward. Some projects are gargantuan, such as the Nuclear Regulatory Commission-licensed Fermi 3 nuclear power plant ($20 Bn), or the proposed Yucca Mountain radioactive waste repository ($100 Bn). The NRC consistently overshoots its own internal recommended timelines for NEPA compliance. The present system reflects the inconsistencies of federal budgeting (notable for unexpected governmental shutdowns) and the technical challenges of various federal government involvements. Agencies with internal adjudicatory processes that encompass NEPA within their subject matter jurisdiction, such as the NRC and Federal Energy Regulatory Commission also require longer time frames to thrash out NEPA compliance, running into multiple years-length adjudication phases. Hard and unrealistic time frames for completion do not add quality to the NEPA document or the decision that must be made.

40 CFR § 1501.11
The CEQ proposes to “make clear, among other things, that site-specific analyses need not be conducted prior to an irretrievable commitment of resources, which in most cases will not be until the decision at the site-specific stage.” This expression of underlying intention signals all federal agencies that they can avoid site-specific environmental disclosures and analysis and public involvement by simply, and arbitrarily, creating a Record of Decision point earlier in the planning continuum so as to stake out the point at which (permissible) irretrievable resource commitments can be deemed to have been made. Projects will thus be approved without authentic or actual knowledge of economic costs or complete understanding of local environmental effects, directly countering NEPA’s expectation that a complete project will be covered by its requirements.

There are three criteria for reviewing the adequacy of an environmental impact statement: (1) whether the agency in good faith objectively has taken a hard look at the environmental consequences of a proposed action and alternatives; (2) whether the EIS provides detail sufficient
to allow those who did not participate in its preparation to understand and consider the pertinent environmental influences involved; and (3) whether the EIS explanation of alternatives is sufficient to permit a reasoned choice among different courses of action. Miss. River Basin Alliance v. Westphal, 230 F.3d 170, 175 (5th Cir. 2000). The CEQ’s revisions to tiering will thwart those ends and counter case law determinations of what NEPA means.

**40 CFR § 1501.12**

The CEQ proposed regulation on incorporation by reference, requiring that incorporated documents be “reasonably available” during the public comment period, is shallow and naive. It can be easily thwarted by the applicant’s insistence on proprietary confidentiality, and subsequent redactions of significant information that should not be redacted. The citizen who wishes to comment is left to pursue a lengthy Freedom of Information Act chase including the disputing of a claim of proprietary secrecy. The FOIA request and associated litigation will run months past the end of the comment period, or years. A federal court is quite unlikely to reverse a Record of Decision where public access to key information via FOIA was belatedly obtained because of agency obstinance, despite the “reasonably available” aspirational wording here.

**40 CFR § 1502.1**

The CEQ proposal for this section states that the EIS would contain “full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives,” instead of what NEPA requires, which is all environmental effects and all reasonable alternatives. NEPA at 42 U.S.C. § 4332(1)(C)(i-ii) requires a “detailed statement by the responsible official of (I) the environmental impact of the proposed action [and] (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented. . . .” There is no limitation imposed by NEPA justifying “significant” environmental impacts.

Also, existing CEQ regulations at 40 C.F.R. § 1502.14(a) require the agency to “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.” The proposed §1502.1, then, represents a noticeable retrenchment from the longtime regulation. The CEQ seeks to change course without any explanation for why the present analysis is faulty. FCC v. Fox Television Stations, Inc., 556 U.S. 502, 516, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009) (“[A] reasoned explanation is needed for disregarding facts and circumstances that underlay . . . the prior policy.”). The Notice of Rulemaking explanation disregards facts and circumstances underlying the prior policy and there is half a century’s reliance on the judicial interpretation policy that emerged.

**40 CFR § 1502.5**

The substitution of “shall” with “should” and “as soon as possible” with “as close as practicable” in the opening sentence of this section changes the meaning considerably, and negatively: “An agency should commence preparation of an environmental impact statement as close as practicable to the time the agency is developing or is presented with a proposal. . . .”

The federal lead agency is effectively granted discretion by these changes to choose a time, perhaps well after a proposal has been presented, to formally commence preparation of an
EIS. This creates conditions for a major project to be quickly sprung on the public with little opportunity for preliminary investigation by the interested public (including FOIA requests and access to Sensitive Unclassified Nonsafeguards Information (SUNSI) that may oblige the public to obtain clearance to gain access and line up experts).

**40 CFR § 1502.7**

The entirety of this section is objectionable. It is improper to arbitrarily impose a mandatory maximum length of 150 pages on EISs, with the possibility of up to only 300 pages. CEQ mentions the average length of EIS documents being nearly 500 pages and without any rational explanation imposes limitations. This will force editing for length (which already occurs), which in turn means that judgments unavoidably will need to be made as to the excision of important, perhaps key, information about environmental impacts. This provision, as does the limitation on length of Environmental Assessment, runs squarely into the obligation under NEPA to disclose “all” environmental effects and “all” reasonable alternatives. This provision commits considerable, unwarranted discretion to a single bureaucrat who may have an agenda that differs with official agency policy concerning a project proposal, and who may want to inhibit or cripple meaningful public understanding of the details required to be disclosed under NEPA. The triumph of form over substance is not an objective of NEPA compliance.

**40 CFR § 1502.13**

The existing section says “The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” CEQ proposes to delete the “to which the agency is responding” wording and substitute this statement: “When an agency's statutory duty is to review an application for authorization, the agency shall base the purpose and need on the goals of the applicant and the agency's authority.” This change is a bald attempt to get around repeated litigation obstacles such as, for example, gas megapiplines and relicensing of aged nuclear power reactors, where review of alternatives would oblige disclosure of non-pipeline or non-nuclear renewable energy competitors. Advocates urge a generalized consideration of alternatives along the lines of *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7th Cir.1986) (“[T]he evaluation of ‘alternatives’ mandated by NEPA is to be an evaluation of alternative means to accomplish the general goal of an action.”). An agency cannot restrict its analysis to those “alternative means by which a particular applicant can reach his goals,” *Van Abbema*, 807 F.2d at 638, cited in *Simmons v. United States Army Corps of Engineers*, 120 F.3d 664, 667 (7th Cir. 1997). The federal lead agency has “the duty under NEPA to exercise a degree of skepticism in dealing with self-serving statements from a prime beneficiary of the project.” *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 209 (D.C. Cir.1991) (Buckley, J., dissenting). It is axiomatic that the Corps need not examine every conceivable alternative because identifying, assessing and comparing alternatives costs time and money, *Metropolitan Edison v. People Vs. Nuclear Energy*, 460 U.S. 766, 776, 103 S.Ct. 1556, 1562, 75 L.Ed.2d 534 (1983). And, of course, an agency should focus its energies only on the potentially feasible, not the unworkable. 40 C.F.R. §§ 1502.14(a)-( c), 1508.25(b)(2). But “‘The existence of a viable but unexamined alternative renders an environmental impact statement inadequate,’” *Alaska Wilderness Recreation & Tourism v. Morrison*, 120 F.3d 670, 67 F.3d 723,
See also Kickapoo Valley Stewardship Ass'n v. U.S. Dept. of Transp., 37 Fed.Appx. 810, (7th Cir. 2002) (“The DOT must consider the alternative [route] plans in reference to the general goals of the project.”). Environmental requirements demand exploration of alternatives free of contractual arrangements and supposed statutory mandates of any particular federal permitting agency. The public interest in the environment – and especially in exploration of alternatives to destroying it irreparably -- must not be limited by private agreements.

40 CFR § 1502.14

CEQ proposes to delete “all” from the phrase “all reasonable alternatives,” claiming that the statutory language of NEPA provides no specific guidance concerning the range of alternatives an agency must consider for each proposal.7 The Commenters further object to the proposed conforming changes to 40 C.F.R. §§ 1502.1 and 1502.16.

The NEPA statute does, in fact, provide guidance in the words “alternatives to the proposed action.” 42 U.S.C. § 4332(2)(C). Read in pari materia with NEPA’s injunction that “the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act” (42 U.S.C. § 4332(1)) and the requirement of a “detailed statement” of “alternatives to the present action.” 42 U.S.C. § 4332(2)(C)(iii). Coupled with the statute is the existing 40 C.F.R. § 1502.14, a legislative regulation that has stood for more than 40 years and been subjected to considerable clarification by the courts as to the meaning of “all” and “reasonable.” Cf. Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council Inc., 435 U.S. 519, 551, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978) (observing that NEPA does not require discussion of alternatives that, “in view of basic changes required in statutes and policies of other agencies,” would become available, “if at all, only after protracted debate and litigation” (internal quotation marks omitted)); Friends of Richards-Gebaur Airport v. FAA, 251 F.3d 1178, 1189 (8th Cir.2001) (FAA was entitled to consider opinion of state government agency); Natural Res. Def. Council, Inc. v. Callaway, 524 F.2d 79, 93 (2d Cir.1975) (“there is no need to consider alternatives of speculative feasibility or alternatives which could only be implemented after significant changes in governmental policy or legislation”).

“Reasonableness of alternatives is further constrained by the bright-line principle that ‘The existence of a viable but unexamined alternative renders an environmental impact statement inadequate.’” Friends of Yosemite Valley v. Kempthorne, 520 F.3d 1024, 1038 (9th Cir. 2008) (quoting Alaska Wilderness Recreation & Tourism Ass'n v. Morrison, 67 F.3d 723, 729 (9th Cir. 1995)); Dubois v. United States Dept. of Agriculture, 102 F.3d 1273, 1288 (1st Cir. 1996). It is “absolutely essential to the NEPA process that the decision maker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives, a requirement that we have characterized as ‘the linchpin of the entire

---

7From Notice of Rulemaking: “Section 102(2)(C), provides only that an agency should prepare a detailed statement addressing, among other things, ‘alternatives to the proposed action.’ 42 U.S.C. 4332(2)(C). Section 102(2)(E) requires only that agencies ‘study, develop, and describe appropriate alternatives to recommended courses of action.’ 42 U.S.C. 4332(2)(E).”
impact statement.’” *NRDC v. Callaway*, 524 F.2d 79, 92 (2d Cir.1975) (citation omitted); *All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444 (10th Cir.1992) (holding that a thorough discussion of the alternatives is “imperative”).

The CEQ proposes to lift the affirmative requirement that alternatives beyond what the lead agency in its sole discretion considers to be “reasonable” must be factored into the propriety of a particular EIS. CEQ’s justification for these changes does not adequately address the “facts and circumstances that underlay or were engendered by the prior policy.” In particular, the CEQ ignores “serious reliance interests” built up over decades of precedence and practice. The courts have demarcated “reasonableness” to define discernible boundaries to guide agencies in ascertaining what comprises “all reasonable alternatives” in any particular situation. *Encino Motorcars*, 136 S.Ct. at 2126. (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009)). “An ‘unexplained inconsistency’ in agency policy indicates that the agency’s action is arbitrary and capricious, and therefore unlawful.” *Jimenez-Cedillo*, 885 F.3d at 298 (quoting *Encino Motorcars*, 136 S.Ct. at 2125); *Casa De Maryland v. U.S. Department of Homeland Security*, 924 F.3d 684, 704-705 (4th Cir. 2019).

40 CFR § 1502.18

By this changed section, if the decision maker for the lead agency certifies in the ROD “that the agency has considered all of the alternatives, information, and analyses submitted by public commenters for consideration by the lead and cooperating agencies in developing the environmental impact statement,” the agency is “entitled to a conclusive presumption that the agency has considered the information.”

The rationale CEQ gives for this is that “where agencies have followed the process outlined above, and identified and described information submitted by the public, it is reasonable to presume the agency has considered such information.” CEQ uses a rebuttable presumption to justify a dramatic conversion to the use of an irrebuttable, conclusive presumption, surely a memorable tautological misfire.

The objection to the CEQ’s surficially innocuous proposal is that no public challenge to the adequacy of the agency’s consideration of expert public opinions or comments submitted, or critiques of the consideration of alternatives, or identification of unconsidered environmental effects — once they are rejected by the agency as lacking validity, or just not reviewed at all — may be raised later under the Administrative Procedure Act because they are deemed to have been considered by the agency, merely because an official has “certified” that consideration took place. There are controversial projects that prompt tens of thousands of oppositional comments. Many of them detailed, *ad hoc* and deserving of serious consideration. But instead of reviewing and considering them, the agency gets shed of the whole bothersome process by simply having someone sign off that the agency has done the work. The conclusive presumption serves as a bulletproof finding that the agency has considered everything provided by the public. It is an unconstitutional invitation for the agency to ignore anything (or everything) raised in the public participation process by signing a certification that it has considered it all, and then blundering on with an ill-considered project approval. While this honest approach is breathtakingly confirmatory of what many believe agencies do anyway, it completely eviscerates the public participation aspirations within NEPA and existing regulations.

A conclusive or irrebuttable presumption is considered a rule of substantive law. *Michael
The rule with respect to irrebuttable or conclusive presumptions of law rests upon grounds of expediency or public policy so compelling in character as to override the fundamental requirement that questions of fact must be resolved in accordance with, and must be covered by, the proof. Amerada Petroleum Corp. v. 1010.61 Acres of Land, More or Less, Situate in Harris County, Tex., 146 F.2d 99, 102 (5th Cir. 1944).

Statutes creating permanent irrebuttable presumptions, which are neither necessarily nor universally true, are disfavored under both the Fifth and Fourteenth Amendments, because they preclude individualized determination of the facts upon which substantial rights or obligations may depend. Vlandis v. Kline, 412 U.S. 441, 93 S.Ct. 2230, 37 L.Ed.2d 63 (1973). For instance, in Cleveland Board of Education v. LaFleur, 414 U.S. 632, 94 S.Ct. 791, 39 L.Ed.2d 52 (1974), the Supreme Court invalidated a school board rule which presumed a pregnant teacher physically incapable of teaching for several months before and after the birth of her child; Vlandis v. Kline, supra, involved a statutory presumption of residency for purposes of college tuition; Stanley v. Illinois, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972), involved a statute which presumed an unwed father unfit to raise his own children. In Carrington v. Rash, 380 U.S. 89, 91-92, 85 S.Ct. 775, 13 L.Ed.2d 675 (1965), all servicemen not residents of Texas before induction to the armed services were forbidden “ever to controvert the presumption of nonresidence,” which the Supreme Court ruled “imposes an invidious discrimination in violation of the Fourteenth Amendment.” A statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment. Bailey v. Alabama, 219 U.S. 219, 238, et seq.; Manley v. Georgia, 279 U.S. 1, 5-6. “It is apparent,” the Court said in Bailey, “that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.” Heiner v. Donnan, 52 S.Ct. 358, 285 U.S. 312, 329, 76 L.Ed. 772 (1932).

The imposition via a regulation of a substantive rule of law which is neither mentioned within the statutory language of NEPA nor in any regulations promulgated pursuant to it for half a century is an unexplained departure from the historic use of rebuttable presumptions. CEQ’s proposed regulation is arbitrary, ineluctably unconstitutional, and may not be entertained.

40 CFR 1506.1

The proposed provision allowing agencies to authorize certain activities, including acquisition of fee simple interests in rights-of-way or conservation easements, is violative of the NEPA statute and existing regulation prohibiting irretrievable commitments of resources. To allow a non-federal entity, whether governmental or corporate, to commence right of way acquisition biases highway, transmission line and pipeline routes and renders the NEPA process
into an exercise of making a post hoc rationale for a predetermined route. Early “voluntary” acquisition campaigns prejudice property owners near the locations of acquisition, who may not be interested in voluntary sales of their interests in real properties, but find themselves compelled to sell when significant numbers of other owners have conveyed interests to the applicant. Clearance activities such as clearcutting, or property staking often are accompanied by warnings that crops planted on portions of farm fields will not be compensated. Acquisition may trigger shadow building permit prohibitions along the apparent route, and cause shadow financial redlining. The circumstances are especially egregious when plans for a project take years and residents who cannot sell their homes thereby cannot obtain the economic means to move elsewhere. And they sell short as a result, causing a windfall for the applicant.

40 CFR § 1506.6
There must be Federal Register notice and Regulations.Gov notice for all proposed actions involving or touching upon NEPA, not just matters of “national concern,” but including matters of “local concern.” The distinction between “national” and “local” concerns are not defined or explained, and there is no justification stated in the Notice of Rulemaking. This is an arbitrary and improper change.

40 CFR § 1506.9
NEPA compliance for agency regulatory measures must include an explicit means of timely public notification, via the Federal Register, Regulations.Gov and the notification procedures denoted in § 1506.6.

40 CFR § 1507.3
Commenters object to (c)(1), which authorizes agencies to unilaterally declare what comprise “non-major” actions if the determinations are to be made according to the objectionable guidance provided in the proposed 40 C.F.R. § 1508.1. This provision appears to create a new procedural device akin to “categorical exclusion” without labeling it that. While the proposed regulations would require agency procedures to specify when a CE finding is made, there is no similar proposed term that would require documentation or notice to the public as to when a finding of a “non-major” project has been made.

Commenters further object to (c)(5) “[a]ctions for which compliance with NEPA would be inconsistent with Congressional intent due to the requirements of another statute.” There are no criteria to guide what constitutes “inconsistency”. Agencies must comply with NEPA “to the fullest extent, unless there is a clear conflict of statutory authority.” Calvert Cliffs’ Coordinating Comm. v. U.S. Atomic Energy Comm., 449 F.2d 1109, 1115 (D.C. Cir. 1971). See also Limerick Ecology Action v. NRC, 869 F.2d 719, 729 (3rd Cir. 1989) (Atomic Energy Act-based safety review does not preclude or allow avoidance of NEPA compliance). This appears to be an attempt to use a regulation change to overrule court precedent that presently binds NEPA and is improper.

40 CFR § 1508.1(g) Revision of Definition of ‘Effects’
In redefining the meaning of “effects” in this section, the CEQ states (subsection (g)(2):
- that “A ‘but for’ causal relationship is insufficient to make an agency
responsible for a particular effect under NEPA;”
  ○ that “Effects should not be considered significant if they are remote in time,
geographically remote, or the product of a lengthy causal chain.”
  ○ that “Effects do not include effects that the agency has no ability to prevent due
to its limited statutory authority or would occur regardless of the proposed action.”
  ○ and that “Analysis of cumulative effects is not required.”

This represents a sweeping rewriting of the highly-developed legal principles of “indirect
effects” and “cumulative effects,” defined over half a century of regulations and court
interpretation.

NEPA at 42 U.S.C. § 4332(1)(C)(i-ii) requires a “detailed statement by the responsible
official of (I) the environmental impact of the proposed action [and] (ii) any adverse
environmental effects which cannot be avoided should the proposal be implemented. . . .” The
Act also specifies that the EIS should discuss “the relationship between local short-term uses of
man’s environment and the maintenance and enhancement of long-term productivity.” 42
U.S.C.§ 4332( C)(iv). The clear implication is that the scope of an EIS is meant not only to
consider the immediate effects of a project but also how it might impact the environment in the
long-term through indirect or cumulative effects with other projects.

While the precise terminology of “cumulative impacts” is not found in the legislative
hearings that preceded NEPA’s passage, the cumulative effects requirement represents some of
the core goals of NEPA: to consider long-term environmental effects, to look beyond
incremental decision-making, and to consider the effects of the actions of multiple actors. When
seen in concert with the sweeping environmental goals articulated in the statement of purpose
and § 101 of NEPA, the language in § 102, and the legislative history of NEPA, cumulative
effects analysis is a logical interpretation of the Act itself. Further, cumulative effects analysis
codified NEPA common law that had been established during the 1970s. When the regulations
for indirect and cumulative effects were included in the 1978 regulations, it was nothing new or
novel.

In changing policies, agencies must “provide a reasoned explanation for the change.”
Encino Motorcars, 136 S.Ct. at 2125. At a minimum, an agency must “display awareness that it
is changing position and show that there are good reasons for the new policy.” Id. at 2126. The
agency’s explanation must address the “facts and circumstances that underlay or were engen-
dered by the prior policy,” including any “serious reliance interests.” Id. at 2126 (quoting FCC v.
Fox Television Stations, Inc., 556 U.S. 502, 515-16 (2009)). An “unexplained inconsistency” in
agency policy indicates that the agency’s action is arbitrary and capricious, and therefore
unlawful.” Encino Motorcars, 136 S.Ct. at 2125; Casa De Maryland v. U.S. Department of

CEQ cannot adequately rationalize or justify this obvious attempt to overrule half a
century of administrative law, practice and jurisprudence.

40 CFR § 1508.1(q)

Commenters oppose the “major federal action” redefinition in this section. The
standard for Federal involvement should continue to include loans, loan guarantees, or other
forms of financial assistance where the Federal agency is the sine qua non of the project,
regardless of the size or amount of the Federal participation. The Fourth Circuit has held that “a
non-federal project is considered a ‘federal action’ if it cannot begin or continue without prior approval by a federal agency and the agency possesses authority to exercise discretion over the outcome.” Sugarloaf Citizens Ass’n v. Federal Energy Regulatory Comm’n, 959 F.2d 508, 513-14 (4th Cir. 1992) (internal quotation marks and citations omitted). The Tenth Circuit found that there is a major federal action when “the federal government has actual power to control the project.” Ross v. Federal Highway Admin., 162 F.3d 1046, 1051 (10th Cir. 1998) (internal quotation marks and citation omitted). The Eighth Circuit held in Ringsred v. City of Duluth, 828 F.2d 1305, 1308 (8th Cir. 1987) that “federal action [must be] a legal condition precedent to the [private event].” The Third Circuit has said that the federal agency's action must be a legal pre-condition that authorizes the other party to proceed with action. See NAACP v. Medical Ctr., Inc., 584 F.2d 619, 628 n.15 (3d Cir. 1978). The proposed wording “does not exercise sufficient control and responsibility over the effects of the action” is vague and will induce arbitrariness.

The exclusion in the proposal of farm ownership and operating loan guarantees by the Farm Service Agency pursuant to 7 U.S.C. 1925 and 1941 through 1949 and business loan guarantees by the Small Business Administration pursuant to 15 U.S.C. 636(a), 636(m), and 695 through 697f is not explained or justified and appears to have been promulgated merely to appease certain special interests.

CEQ has failed to justify these changes nor to provide “enough clarity that its ‘path may reasonably be discerned.’” Jimenez-Cedillo, 885 F.3d at 297, and the changes must be rejected.

**Comments On Proposed Elimination Of Legislative EIS Requirement**

CEQ invites comment on whether the legislative EIS requirement should be eliminated or modified because the President proposes legislation. It should not be. It is fatuous to argue that the “President is not a federal agency,” because the President implements policy through underlings who are affiliated with federal agencies, and NEPA would be violated. The legislative EIS requirement is statutory and obligatory. NEPA § 102(2)(C) (42 USC § 4332(2)(C)) (“all agencies of the Federal Government shall . . . include in every recommendation or report on proposals for legislation” an EIS). The statutory language requires “agencies” that “recommend or report” on legislation to undertake an EIS. Certainly the President can seek introduction of legislation and ignore the requirement, but the first exhortatory peep out of a federal agency in support of the proposal would trigger the EIS obligation.

If the President prefers to forswear control over the compilation of environmental consequences of a Congressional proposal in an EIS, members of Congress will be free to seek an EIS evaluation to be performed by the Congressional Research Service or Congressional Budget Office, which might not be so inclined to trivialize or rationalize environmental consequences as an Executive Branch agency interested in a legislative proposal’s passage would be.

**Comments On CEQ Refusal To Codify Climate Change Regulations**

The CEQ states in the Notice of Rulemaking that it “does not consider it appropriate to address a single category of impacts in the regulations” – meaning, the agency does not intend to address the effects of Anthropocene Global Warming (AGW) via regulation beyond a Guidance it proposed in 2019. But the proposed Guidance “does not change or substitute for any statutes, regulations, or any other legally binding requirement and is not legally enforceable. . . . This
guidance does not, and cannot, expand the range of Federal agency actions that are subject to NEPA.” In other words, the Guidance is a non-binding superficial option and not a requirement for identification and analysis of AGW effects in NEPA documents.

The dissenting judge in *Rose Juliana v. United States*, 18-36082 (9th Cir. January 17, 2020) said of AGW: “[T]he injuries experienced by plaintiffs are the first small wave in an oncoming tsunami -- now visible on the horizon of the not-so-distant future -- that will destroy the United States as we currently know it.” *Id.*, (Staton, D.J., dissenting) (Slip Op.). The *Juliana* plaintiffs’ experts further predict that a certain level of global warming will “lock in” this catastrophic damage. *Id.* “Put more starkly by plaintiffs’ expert, Dr. Harold R. Wanless, ‘[a]tmospheric warming will continue for some 30 years after we stop putting more greenhouse gases into the atmosphere. But that warmed atmosphere will continue warming the ocean for centuries, and the accumulating heat in the oceans will persist for millennia.’” *Id.*, (emphasis added). Another of the *Juliana* plaintiffs’ experts maintains that, “[t]he fact that GHGs [greenhouse gases] dissipate very slowly from the atmosphere . . . and that the costs of taking CO2 out of the atmosphere through non-biological carbon capture and storage are very high means that the consequences of GHG emissions should be viewed as effectively irreversible.”

The obviously catastrophic potential that will follow from uncontrolled AGW is motivation to require serious application of project-specific AGW knowledge and analysis to the discussion of alternatives in planned projects. Evaluation of alternatives lies at the “heart” of the EIS process. 40 C.F.R. § 1502.14. A required analysis of AGW issues within the NEPA document is obligatory for a meaningful – and credible – “hard look” at alternatives. “BLM cannot acknowledge that climate change concerns defined, in part, the scope of the RMP revision while simultaneously foreclosing consideration of alternatives that would reduce the amount of available coal based upon deference to earlier coal screenings that had failed to consider climate change. NEPA requires BLM to conduct new coal screening and consider climate change impacts to make a reasoned decision on the amount of recoverable coal made available in the RMPs.” *Western Organization of Resource Councils v. U.S. Bureau of Land Management*, CV 16-21-GF-BMM (D. Montana, Great Falls Division, March 26, 2018).

The AGW Guidance should be codified into new NEPA regulations and further, should include technical direction as to how it is to be identified, quantified and integrated into the NEPA component of all current ongoing and prospective NEPA projects.

The undersigned Commenters urge the Council on Environmental Quality to abandon this proposed rulemaking and instead, to affirm the authority of NEPA to require complete review of all major projects, undertake extensive consideration of alternatives, thoroughly analyze all relevant considerations including cumulative impacts and climate change, and to prompt meaningful public participation.

Thank you for your consideration.

---

For the Commenters,

/s/ Terry J. Lodge
Terry J. Lodge, Esq.
316 N. Michigan St., Suite 520
Toledo, OH 43604-5627
(419) 205-7084
Fax (419) 932-6625
tjlodge50@yahoo.com, lodgelaw@yahoo.com

Beyond Nuclear
Kevin Kamps
7304 Carroll Avenue, #182
Takoma Park, MD 20912
http://www.beyondboundnuclear.org/
kevin@beyondboundnuclear.org

Cape Downwinders
Diane Turco, Director
PO Box 303
South Harwich, MA 02661
capedownwindersinfo@gmail.com

Nuclear Information Resource Service
Diane D’Arrigo, Radioactive Waste Project Director
6930 Carroll Avenue, Suite 340
Takoma Park, MD 20912
dianed@nirs.org

Chesapeake Physicians for Social Responsibility
Gwen DuBois MD, MPH President
p.o. box 10445
Baltimore Maryland 21209
chesapeakeprsr.org
gdubois@jhsph.edu

A Call to Actions
Bobby Vaughn Jr., Investigative Journalist
3400 Avenue of the Arts
Costa Mesa, CA, 92626
https://www.acalltoactions.com

Citizens Awareness Network
Deb Katz
box 83
Shelburne falls, MA
www.nukebusters.org
deb@nukebusters.org

Alliance to Halt Fermi 3 (ATHF3)
Carol Izant, Secretary
PO Box 511001
Livonia MI 48151
www.athf3.org

Citizens’ Environmental Coalition
Barbara Warren, RN, MS,
Executive Director
422 Oakland Valley Rd.
Cuddebackville, NY 12729
warrenba@msn.com

Atlanta Grandmothers for Peace
Ms Bobbie Paul
227 Elizabeth St NE  Atlanta GA 30307
Mailing address: P.O. Box 922222
Norcross GA 30010
FACEBOOK: Atlanta Grandmothers for Peace
bobbiepaul711@gmail.co

Citizens for Alternatives to Radioactive Dumping
Janet Greenwald
112 1/2 State Rt. 580
Box 485, Dixon NM 87527
cardnm.org
Heart of America Northwest
Peggy Maze Johnson, Board Member
4500 9th Ave NE Suite 300
Seattle, WA 98105
http://www.hanfordcleanup.org/D
office@hoanw.org

Hudson River Sloop Clearwater, Inc.
Manna Jo Greene, Environmental Director
724 Wolcott Ave.
Beacon, NY 12508
www.clearwater.org
mannajo@clearwater.org

Indian Point Safe Energy Coalition
Marilyn Elie
7 John Dorsey Dr.
Cortlandt, NY 10567
www.ipsecinfo.org
eliewestcan@gmail.com

Lone Tree Council
Terry Miller, Chair,
P.O. 1251,
Bay City, Michigan 48706
terbar@charter.net

Multicultural Alliance for a Safe Environment
Susan Gordon, Coordinator
PO Box 4524
Albuquerque, NM 87196
sgordon@swuraniumimpacts.org
www.swuraniumimpacts.org

Nevada Nuclear Waste Task Force
Judy Treichel, Executive Director
4587 Ermine Court
Las Vegas, NV 89147
judyntwtf@aol.com

North American Water Office
Lea Foushee
George Crocker

3394 Lake Elmo Avenue North
PO Box 174
Lake Elmo, MN 55042
lfoushee@nawo.org
www.nawo.org
651-770-3861

Nuclear Age Peace Foundation
Alice Slater, Coordinator
446 E 86 St
New York NY 10028
212-744-2005
646-238-9000 (mobile)
www.wagingpeace.org
www.worldbeyondwar.org
alicejslater@gmail.com

Nuclear Energy Information Service
David Kraft, Director
3411 W. Diversey #13
Chicago, IL 60647
(773) 342-7650
neis@neis.org
www.neis.org

Nuclear Watch New Mexico
Scott Kovac
903 W. Alameda #325
Santa Fe, NM 87501
www.nukewatch.org
scott@nukewatch.org

Nuclear Watch South
Glenn Carroll, Coordinator
P.O. Box 8574
Atlanta, GA 31106
404-378-4263 | 404-432-8727 cell
http://www.nonukesvall.org

Nukewatch (WI)
Kelly Lundeen
740A Round Lake Rd
Luck, WI, 54853
nukewatchinfo.org
nukewatch1@lakeland
Occupy Bergen County
Sally Jane Gellert
210 Broadway
Woodcliff Lake, N.J. 07677
SJGUU@aol.com

On Behalf of Planet Earth
Sheila Parks, EdD
319 Arlington Street
Watertown, MA 02472
sheilaruthparks@comcast.net

Oak Ridge Environmental Peace Alliance
Ralph Hutchison, coordinator
P O Box 5743
Oak Ridge, TN 37831
www.orepa.org
orep@earthlink.net

Partnership for Earth Spirituality
Marlene Perrotte
1004 Major Avenue NW
Aalbuquerque, NM 87107
marlenep@swcp.com

The Peace Farm
Cletus Stein
5113 sw 16th
Amarillo, TX 79106
Cletusjg3@suddenlink.net

Peace Action of Staten Island
Eileen Bardel, Chair
110 Hamilton Avenue
Staten Island, NY 10301
eileenbardel@yahoo.com
peacesi.org

Physicians for Social Responsibility-Los Angeles
Denise Duffield, Associate Director
617 S. Olive Street, Suite 1100

Los Angeles, CA 90014
213-689-9170 ext. 104
310-339-9676 cell
dduffield@psr-la.org
www.psr-la.org

Portsmouth-Piketon Residents for Environmental Safety and Security (PRESS)
National Nuclear Workers for Justice (NNWJ)
Vina Colley, Coordinator
3706 McDermott Pond Creek
McDermott, OH 45652
vcolley@earthlink.net

Proposition One Campaign for a Nuclear-Free Future
Ellen Thomas, Exec Dir
401 Wilcox Rd
Tryon, NC 2782
et@prop1.org

Public Health and Sustainable Energy (PHASE)
Susan Hito Shapiro
75 North Middletown Road
Nanuet, NY 10954
susan@hitoshapirolaw.com

Redwood Alliance
Michael Welch
PO Box 293
Arcata, CA 95518
mwelch@redwoodalliance.org

San Luis Obispo Mothers for Peace
Molly Johnson, Board Member
P.O. Box 3608
San Luis Obispo, CA 93403
https://mothersforpeace.org/
mollypj@yahoo.com