



National Association of Conservation Districts

November 22, 2021

Chair Brenda Mallory
Council on Environmental Quality
730 Jackson Place NW
Washington, D.C. 20503

Submitted electronically via [regulations.gov](https://www.regulations.gov)
Docket CEQ-2021-0002

Dear Chair Mallory,

The National Association of Conservation Districts (NACD) represents America's 3,000 locally-led conservation districts, working with millions of landowners and operators to help them manage and protect land and water resources on private and public lands. Established under state law, conservation districts share a single mission: to work cooperatively with federal, state and local resource and land management agencies and private sector interest groups to provide technical, financial and other assistance to help landowners and operators apply conservation to the landscape. Because conservation districts were created to be the link between the federal government's various natural resource agencies and local communities across the country, conservation districts work hand in hand with all levels of government to ensure that local resource needs help inform major decisions. In turn, conservation districts can help lend credibility to decisions made at the federal level because the public knows that their needs and inputs were considered by local leaders.

NACD provided comments on the 2020 NEPA regulations supporting efforts by CEQ to reduce the protracted timelines that many NEPA reviews currently take and supporting specific direction to lead agencies that they should work to be as concise as possible. We also noted many conservation districts already have their capacity and resources stretched thin, and long and drawn-out NEPA reviews that are inefficient limit the ability for these conservation districts to not only participate in the process, but even provide input to ensure local needs are considered.

CEQ's notice on the proposed new rules continually uses theoretical conjecture on what the 2020 NEPA regulations "may" do if not revised. The 2020 NEPA regulations should be allowed to work to better and fine-tune any changes needed. We are concerned with many of the stated "potential" outcomes of the 2020 NEPA regulations because any NEPA rule is still grounded within the sideboards of longstanding and voluminous case law related to NEPA itself, regardless of implementing regulations. We believe the 2020 NEPA regulations can be successful in streamlining review and consideration of projects without sacrificing the actual outcomes of the environmental review itself. For these reasons, we believe CEQ should focus on



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the outcomes of the NEPA reviews rather than the outputs, which seem to be the focus of the new NEPA regulations' targeted changes.

NACD supports the 2020 NEPA regulation definition of “effects” as those that are reasonably foreseeable and clearly linked to the proposed action, without the need to make this connection through unneeded and complex analyses. This is in line with common sense and jurisprudence. Many of our member conservation districts have experienced cumulative impact analyses within environmental reviews being overly expansive and burdensome as they require analysis often beyond the jurisdiction and means of the agency, and can delay review and increase cost while proving no real concrete value to decision making. NACD does believe that the underlying purpose and value of cumulative impact analysis has merit, as it can help prevent potentially harmful effects of projects otherwise overlooked if considered in a vacuum. To that end, NACD supports retaining the “reasonable foreseeability” standard as a rule of reason and therefore retaining some limited cumulative impacts analysis.

NACD supports the 2020 NEPA regulations tying the purpose and need to the applicant's or proponent's proposal. We do not agree with CEQ's assertion that this limits the ability of agencies to properly develop and weigh other alternatives. We believe this current definition assists in narrowing the scope and outcomes of analysis to what is truly informative and important. Purpose and need are imperative in defining what are truly reasonable alternatives. Some alternatives may preclude or prevent projects from moving forward because they do not meet the proponent's purpose and need. This needs to be discovered during the NEPA analysis in order for assurance and regulatory certainty to be disclosed to all, including project's proponents.

The federal government's intent should always be to provide local agencies and governments, including conservation districts, every opportunity to have a seat at the table, and we would encourage CEQ and other federal agencies to keep this in mind as this proposal is reviewed and, if finalized, implemented across the federal government. We appreciate having the opportunity to comment on this proposed revision to NEPA regulations and welcome the opportunity to continue engaging on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Michael Crowder".

Michael Crowder
President, National Association of Conservation Districts