

**Alaska Wilderness League * American Rivers * Center for Biological Diversity
Citizens for Global Solutions * Clean Air Task Force * Clean Air Council
Clean Water Action * Conservation Colorado
Conservatives for Responsible Stewardship * Defenders of Wildlife * Earthjustice
EDF Action * Environmental Law and Policy Center
Epic – Environmental Protection Information Center * Energy Action Coalition
Friends of the Earth * Gulf Coast Center for Law & Policy * Green Latinos
Kentucky Heartwood * Klamath Forest Alliance
Klamath Siskiyou Wildlands Center * KyotoUSA * League of Conservation Voters
Los Padres ForestWatch * Marine Conservation Institute
Montana Environmental Information Center * National Parks Conservation
Association * Natural Resources Defense Council * New Energy Economy
New Jersey Sierra Club * Oceana * Ocean Conservation Research * Public Citizen
Rachel Carson Council * Safe Climate Campaign * San Juan Citizens Alliance
Sierra Club * Southern Environmental Law Center
Southern Oregon Climate Action Now * SustainUS * Union of Concerned Scientists
Western Environmental Law Center * The Wilderness Society**

September 17, 2015

Dear Representative:

On behalf of our millions of members and activists, we are writing to urge you to **oppose** **H.R. 348**, the misleadingly named “Responsibly and Professionally Invigorating Development Act of 2015.” Instead of improving the permitting process, the bill will severely undermine the National Environmental Policy Act (NEPA) and, consequently, the quality and integrity of federal agency decisions.

The National Environmental Policy Act plays a critical role in ensuring that projects are carried out in a transparent, collaborative, and responsible manner. NEPA simply requires federal agencies to assess the environmental, economic, and public health impacts of proposals, solicit the input of all affected stakeholders, and disclose their findings publicly *before* undertaking projects that may significantly affect the environment. Critically, NEPA recognizes that the public – which includes industry, citizens, local and state governments, and business owners – can make important contributions by providing unique expertise. NEPA also gives a voice to the most impacted and underrepresented, especially to the most vulnerable communities who usually have to bear the most burden of where federal projects are proposed in the first place. However, H.R. 348 strikes at these core purposes of NEPA by systematically prioritizing speed of decisions and project approval over the public interest.

Studies on the causes of delay in the permitting process reveal that the primary cause of delay is not the NEPA process. Rather, as multiple studies by the Government Accountability Office and the Congressional Research Service have pointed out, the principal causes of delay in permitting rest outside the NEPA process entirely and are attributable to other factors such as lack of funding, project complexity, and local

opposition to the project. The RAPID Act ignores the true causes of delay, and instead, focuses on institutionalizing dangerous “reforms” that restrict public input, limit review of the environmental and economic impacts of projects, and that create more, not less, bureaucracy. Provisions in the RAPID Act, such as the following, will create more delays in permitting, result in less flexibility in the process, and tilt the entire permitting process towards shareholder interest, not the public interest. For example, the bill:

- Places Arbitrary Limitations on Environmental Reviews – Section 560(i) of the bill threatens to undermine NEPA’s goal of informed decision-making and the agency’s role of acting in the public interest. It sets arbitrary deadlines on environmental reviews of permits, licenses, or other applications– regardless of the possible economic, health, or environmental impacts. Consequently, it puts communities at risk by promoting rushed and faulty decisions.
- Limits Consideration of Alternatives – Section 560(g) strikes at what CEQ regulations describe as “the heart of the NEPA process” by restricting the range of reasonable alternatives to be considered by an agency.
- Creates Serious Conflicts of Interests – Section 560(c) blurs the distinct roles of private entities and agencies in agency decisions by allowing private project sponsors with stakes in the decision to prepare environmental review documents which creates inherent conflicts of interest and thus jeopardizes the integrity of the decision-making process.
- Leading to Unanticipated Delays – The bill forces stakeholders into court preemptively simply to preserve their right to judicial review. The bill also limits the public’s judicial access to challenge and address faulty environmental reviews which in turn is likely to increase the controversy and the amount of litigation derived from the permitting process which in turn could add to project delays.
- Denies the Impacts of Climate Change – Section 560(k) of the bill prohibits any considerations of the Social Cost of Carbon (SCC), which the EPA and other federal agencies use to estimate the economic damages associated with specific projects and their related carbon dioxide emissions. The tool is critical for the public to understand the true benefits and costs of a project. Ignoring climate change puts critical infrastructure, tax payer dollars, and local communities at risk.

Provisions such as these and many more in the RAPID Act will only serve to increase delay and confusion around the environmental review process. We believe compromising the quality of environmental review and limiting the role of the public is the wrong approach.

Far from being broken, the National Environmental Policy Act has proven its worth as an invaluable tool. It ensures that the public, developers, and agencies have a reliable template for consistent and fair proposal assessment for major projects that may impact federal resources. The RAPID Act contradicts and jeopardizes decades of experience gained from enacting this critical environmental law. Further, it tips the balance away from informed decisions and public oversight, jeopardizing the public's ability to participate in how public resources will be managed. Please oppose this unnecessary and overreaching piece of legislation and **vote "no"** on the RAPID Act.

Although no amendment would remedy the problems with the underlying bill, we make the following vote recommendations on amendments offered to the RAPID Act.

VOTE NO on Goodlatte (R-VA) #1 – This amendment would prompt ill-informed decisions by limiting the role of cooperating agencies in the environmental review process. It would also severely limit the public's ability to use the courts their rights by requiring eventual plaintiffs to participate in drastically shortened comment periods and administrative proceedings that, in many cases, agencies do not provide.

VOTE YES on Peters (D-CA) #2 – This amendment ensures that the true impacts of climate change are considered by allowing agencies to consider the social costs of carbon when conducting environmental reviews. Agencies should be free to incorporate the social cost of carbon into the agency decision making process, which will result in better informed and responsible decisions that safely invest taxpayer dollars by taking into account climate change, the fundamental environmental issue of our time.

VOTE YES on Jackson Lee (D-TX) #3 – This amendment will undo one of the more pernicious provisions in the H.R. 348 which, in cases where an agency fails to meet arbitrary deadlines prescribed by the bill, projects are simply deemed approved – regardless of their economic, health, or environmental impacts. The bill, without this amendment, puts communities at risk by green-lighting projects without fully considering environmental impacts or the opinions of those who will be impacted the most.

VOTE YES on Jackson Lee (D-TX) #4 – This amendment maintains national security by undoing hasty shortcuts in the permitting process and rightly ensuring a full review for projects that could be potential targets for terrorist attacks. This amendment wisely ensures that shortcutting critical federal review of projects does not apply those projects that most need informed decisions because of the tremendous impacts they may have on our national security.

VOTE YES on Johnson (D-GA) #5 – This amendment rightly ensures that nothing in the bill will limit input of affected stakeholders, local governments, private property owners, or business owners.

VOTE YES on Dingell (D-MI) #6 – This amendment would prevent project approvals under the arbitrary timelines set forth in the bill if the project under consideration would

limit access to or opportunities for hunting or fishing or would impact threatened or endangered species. According to the U.S. Fish and Wildlife Service, wildlife related recreation contributes more than \$140 billion dollars to the U.S. economy and supports thousands of jobs connected to fishing, hunting, and the observance of wildlife.

VOTE YES on Gallego (D-AZ) #8 – This amendment preserves meaningful input by local governments and tribal officials on projects affecting their communities by allowing them to request extensions of the arbitrary deadlines in the bill.

VOTE YES on Grijalva (D-AZ) #9 – The shortcutting of meaningful public input and review of a project’s impacts under the RAPID Act could potentially lead to disproportionate impacts on low-income communities and communities of color. This amendment ensures such impacts are carefully addressed during the review of project alternatives.

VOTE YES on Lowenthal (D-CA) #10 – The truncated review procedures under the RAPID Act would potentially apply to construction projects of enormous size, scope, and complexity. Climate change poses severe threats to the health, safety, and economies of local communities through the increased risks of floods, fire and severe weather. This amendment ensures federal agencies consider these impacts and construct projects that are resilient to the impacts of climate change.

VOTE NO on Gosar (R-AZ) #11 – This amendment would broaden one of the most damaging provisions of the bill which prevents Federal agencies from considering the true costs of climate change, putting communities and tax-payer dollars at risk.

Whatever the outcome of these amendments, **we urge a no vote on final passage.**

Sincerely,

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