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Please Vote No on H.R. 4776

§4321 (b) States that NEPA is strictly procedural and should not result in any specific outcome. However, Sec. 4331 the Congressional declaration of national environmental policy makes clear that Congress, in fact, intended for NEPA to result in positive environmental outcomes, stating:

"...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

We are opposed to Sec. 4321 (b) and recommend it be deleted. We further recommend that to implement Sec. 4331, a mitigation process be added that ensures essential environmental values will be conserved, and available mitigation options assessed during analysis.

4336. Procedure for determination of level of review creates new exceptions where no environmental reviews would be required including for actions covered by agency process that have a similar function as NEPA, or that have been the subject of state or tribal consultation. We oppose 4336 (5) and (6) and urge that they be deleted.

Under 4336 (b) Levels of review the definition of (2) Environmental assessment is changed from "does not" to "is not likely to" have a reasonably foreseeable significant effect. This could potentially raise the bar for when an environmental assessment could be completed instead of an EIS. Recommend this definition change be deleted.

(c) Scope of Review includes language allowing agencies to forgo consideration of reasonable and foreseeable effects. Given the state of science, it is possible to determine consequences and cumulative effects, and to identify potential mitigations that could ameliorate or eliminate those effects. Recommend this section be deleted.

(d) Certainty would prevent a Federal agency from changing any environmental documents unless ordered by a court. This is irresponsible because it would require agencies to ignore new information, and emerging needs and opportunities. Recommend this section be deleted.

§4336e. Definitions (14) Reasonably foreseeable narrows the assessment of cumulative impacts that could allow for significant impacts to be ignored. Recommend this definition be deleted.

Sec. 113 would add numerous limitations on judicial review and court-imposed remedies, as well as the types of environmental processes that are eligible. Claims would have to be filed within 150 days, and there would be 60 days to appeal. (f) FINAL AGENCY ACTIONS would have a particularly significant impact because EAs, EISs, findings of no significant impact, and determination to categorically exclude an action would not be considered a final agency action and therefore no longer subject to judicial review.

We strongly recommend that section 113 and (f) be deleted.