

Alaska Inter-Tribal Council * Alaska Wilderness League
Center for Biological Diversity * Center for Water Advocacy
Clean Ocean Action * Conservation Law Foundation * Defenders of Wildlife
Earthjustice * Environment America * Environmental Protection Information Center
Friends of the Earth * Food & Water Watch * Klamath Forest Alliance
The Lands Council * League of Conservation Voters * Los Padres ForestWatch
Natural Resources Defense Council * Northern Alaska Environmental Center
Oceana * Ocean Conservation Research * San Juan Citizens Alliance
Sierra Club * Southern Environmental Law Center * Wilderness Workshop
The Wilderness Society

March 04, 2014

Dear Representative:

On behalf of our millions of members and online activists, we are writing to urge you to **oppose H.R. 2641**, the “Responsibly and Professionally Invigorating Development Act of 2013.” Instead of improving the permitting process, the RAPID Act 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 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. Also crucial for informed government decisions, NEPA mandates the consideration of alternative ways of achieving a proposed action, thus ensuring decision-makers and developers are fully informed before proceeding with a project.

Proposed changes in the RAPID Act such as the following will significantly undermine this bedrock environmental law by:

Placing Arbitrary Limitations on Environmental Reviews – The bill threatens to undermine NEPA’s goal of informed decision-making and the agency’s role of acting in the public interest by setting arbitrary deadlines on environmental reviews with default approval of permits, licenses, or other applications in cases of delay – regardless of the possible economic, health, or environmental impacts.

Limiting Consideration of Alternatives – The bill strikes at what CEQ regulations describe as “the heart of the NEPA process” by restricting the range of alternatives to be considered by an agency.

Creating Serious Conflicts of Interests – The bill blurs the distinct roles of private entities

and agencies in agency decisions by allowing project sponsors 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 would both restrict judicial review and force stakeholders into court preemptively simply to preserve their right to judicial review.

Provisions such as these in the RAPID Act will only serve to increase delay and confusion around the environmental review process. Additionally, the bill threatens to weaken property rights for those subject to eminent domain by projects. The bill severely limits the time and opportunity that such landowners have to comment or offer alternatives to proposals. We believe compromising the quality of environmental review and limiting the role of the public is the wrong approach. A far more sensible approach that would improve the efficiency of the process is to urge agencies to use the existing, but underused, flexibilities that exist within NEPA, and were detailed last year by the Council on Environmental Quality (CEQ). The guidance released by CEQ, “Improving the Process for Preparing Efficient and Timely Environmental Reviews Under NEPA,” provides additional measures that can be implemented to ensure that an environmental review process can be conducted in a timely and efficient manner.

Far from being broken, the National Environmental Policy Act has proven its worth as an invaluable tool to ensure that the public, developers, and agencies have an agreed upon template that consistently and fairly assesses proposals 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, jeopardizing the public’s right 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.

Sincerely,

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