August 19, 2018

Ms. Mary Neumayr

Chief of Staff

Council on Environmental Quality

730 Jackson Place, N.W.

Washington D.C. 20503

RE: Advance Notice of Proposed Rulemaking

DOCKET No. CEQ-2018-0001

Dear Ms. Neumayr:

We write separately to address a number of comments being sent to CEQ regarding NEPA’s applicability to immigration to the United States. The specific requests in these comments vary but many of them carry the stench of racism disguised as concern about the environment. We categorically reject the notion that immigration leads to environmental degradation.

Some comments ask CEQ to perform legally impossible acts – for example, suspending all immigration. Others ask that the NEPA regulations be revised to reflect the need to consider impacts on population of federal actions. But the CEQ regulations already require agencies to assess, “growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate and related effects on air and water and other natural systems, including ecosystems.” 40 C.F.R. § 1508.8.

NEPA, of course, applies only to federal agencies in the executive branch of the government. The President and the Congress are actually responsible for many of the kinds of actions which appear to upset the commentators. Further, NEPA does not apply to civil or criminal enforcement actions. 40 C.F.R. § 1508.18

We urge CEQ to uphold longstanding principles of NEPA, which give a voice to all stakeholders including people of color, low-income, tribal membership as well as immigrants. As extremist and hate-filled groups look to mischaracterize NEPA applications and mandates, CEQ must recognize that NEPA is an inclusive process meant to build consensus. At its core, it is a law meant to empower communities to speak for themselves and use their expertise to make our national infrastructure more resilient and inclusive. Using it to attack vulnerable populations runs against the spirit of the law.

Finally, we will take this opportunity to point out that the only NEPA exemption related to this issue is the waiver of NEPA and all environmental laws for the construction of the border wall and associated infrastructure, such as roads and lighting. The border wall has significant adverse impacts on communities, public lands, wildlife and habitat and local economies. We strongly urge the administration to disavow the use of the waiver and fully comply with all environmental laws for border infrastructure.

Sincerely,