From: Christopher Lish [lishchris@yahoo.com]
Sent: Saturday, August 07, 2004 1:13 AM
To: ADMIN-S&E
Subject: Don't undermine NEPA protections

Department of Homeland Security
Environmental Planning, Office of Safety and
Environment
Washington, D.C. 20528

August 6, 2004

Dear Secretary Ridge and Homeland Security staff,

I have recently learned about a new directive proposed by the Bush administration that would grant broad environmental exemptions to numerous government agencies under the guise of national security. It would also exclude the American public from decisions that can have long-term health and environmental consequences. I strongly oppose this directive and any attempts to exempt government agencies from environmental laws or the Freedom of Information Act (FOIA) and I strongly oppose the Department of Homeland Security's current proposal for implementing the National Environmental Policy Act (NEPA). These proposals would allow too many exclusions from NEPA and FOIA and could close off government activities that have previously operated in the public eye.

Under this new directive for carrying out NEPA, agencies such as the Coast Guard, Border Patrol, Federal Emergency Management Agency and many others would be given "categorical exemptions" from following federal environmental regulations if they invoke reasons of national security. Such exclusions would enable agencies to conduct activities in secret that could have serious implications for public safety - such as using or storing hazardous chemicals in close proximity to residential areas and schools without letting citizens know about their risk of exposure.

The directive would also allow the degradation of public resources -- such as the building of new roads through national forests for use by the Border Patrol -- with no input from the public whatsoever. While these agencies would still have to conduct environmental reviews before taking action, those reviews would not be subject to public scrutiny or public comment.

One of NEPA's purposes is to allow public review of agency actions that may adversely affect the environment. The department's proposal would impede that purpose with its overly broad use of categorical exclusions. While categorical exclusions are useful for

exempting routine activities that pose no risk of environmental harm, some of the proposed exclusions involve types of activities that could cause significant harm. For example, construction of fences and barriers by the Border Patrol could impede wildlife migration and degrade wilderness values, while ground patrols in border areas could destroy or damage critical habitat for endangered species. Some proposed categorical exclusions, such as logging and disposal of waste and hazardous material, should be completely abandoned, while many other items should be narrowed in scope.

Also, the breadth of the undefined categories of information that would be withheld from public view is a tremendous expansion of the current policy that allows only classified information to be withheld from NEPA documents, and is unwarranted for protecting national security. Information, such as analysis of a gas pipeline's potential for leaks and explosions, is critical to the public's ability to protect itself and should not be withheld. The proposal should be more specific so as to minimize withheld information and maximize transparency.

The proposal goes well beyond what is necessary to protect national security, and risks destroying the very democratic ideals that the Department of Homeland Security was created to protect. I urge you to limit the use of categorical exclusions and the withholding of information as narrowly as possible.

There are legitimate reasons to keep some information secret, but such reasons should be narrowly defined. The fact that the Border Patrol is blazing a road through a national forest does not need to be kept secret.

The federal government need not sacrifice the environment nor the public’s right to know what the government is doing in our name to protect us from terrorists. Please reject this and any other directive/ proposal that would increase secrecy of government business. Openness in government is not a threat to national security, or a concession to political opposition, it is the foundation of the nation’s political way of life and the source of much of its strength.

Thank you for your consideration of my comments. Please let me know how you intend to proceed on this issue. I look forward to your response. Please respond by e-mail if possible.

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