Ms. Mary Neumayr, Chairman
Council on Environmental Quality
730 Jackson Place, N.W.
Washington, D.C. 20503

August 26, 2019

ATTENTION: DOCKET NO. CEQ-2019-0002

On behalf of our members and supporters, the Environmental Law & Policy Center (ELPC), the Alliance for the Great Lakes, the Committee on the Middle Fork Vermilion River, Friends of the Chicago River, Holy Spirit Missionary Sisters, USA-JPIC, Hoosier Environmental Council, Huron River Watershed Council, Illinois Council of Trout Unlimited, Illinois Environmental Council, Milwaukee Riverkeeper, and Save Our Sky Blue Waters respectfully urges the Council on Environmental Quality (CEQ) to withdraw its proposed “NEPA Guidance on Consideration of Greenhouse Gas Emissions,” published in the Federal Register on June 26, 2019. This proposed Guidance amounts to a denial of climate science and the tools available to federal agencies to evaluate direct and indirect impacts from climate pollution. It will encourage federal agencies to pledge taxpayer dollars, grant regulatory approvals, and authorize exploitation of public lands without addressing or giving the public readily available information about reasonably foreseeable climate impacts. That is contrary to the letter and spirit of NEPA, and therefore this proposed Guidance should not be adopted.

As groups concerned with protecting the Great Lakes and the region, we submit these comments to focus on the particular damage this proposed Guidance could do to the Great Lakes and the Great Lakes region.

The Great Lakes have incalculable ecological, cultural, and economic value. They contain nearly 90% of the surface freshwater of the United States, and 20% of the surface freshwater of the world. They are the source of drinking water for 42 million people. The Great Lakes support diverse and rich populations of fish, wildlife, and plants over a very large geographic range, and they support a $62 billion economy based on fishing, boating, and recreational activities. They are critical to U.S. agriculture and U.S. industry.

The threat posed by climate change is particularly acute for the Great Lakes and the people who live near them. ELPC and the Chicago Council on Global Affairs recently released a study by 18

- Temperature increases in the Great Lakes region have been significant and have outpaced global trends. The number of extremely hot days has been rapidly increasing, and the number of extremely cold days has been rapidly declining;
- Precipitation increases in the Great Lakes region have been more than double the national average, with most of the additional precipitation coming from large weather events;
- Flooding and delays in planting due to wet conditions are becoming typical for the agricultural sector, and have been disastrous this year. By mid-century, these changes will reduce corn and soybean yields by 15 to 40% in the southern part of the Great Lakes basin;
- Precipitation events are overloading wastewater infrastructure and treatment facilities located near the Great Lakes, and the untreated runoff is causing increases in water-borne pathogens in local rivers and streams and the Lakes themselves.
- Increasing agricultural runoff from increased precipitation is leading to toxic algal blooms in the Great Lakes, and higher temperatures are elevating bacterial counts. Beach closures for e. coli and similar contamination are becoming routine.
- Climate change is leading to massive changes in lake levels, high in years like 2019, lower in likely drought years, which interfere with shipping and navigation, and with recreational opportunities.

In other words, the Great Lakes and the Great Lakes region are suffering from disproportionately large negative impacts from climate change. For the people who live, work, and play near the Great Lakes, then, it is even more crucial to use every available tool to limit greenhouse gas emissions and reduce the effects of climate change.

Unfortunately the proposed Guidance takes away one of those tools—meaningful environmental review of federal agency programs and proposed projects to assess potential greenhouse gas emission impacts, to evaluate available alternatives, and to consider ways to mitigate the problems that are likely to occur. The proposed Guidance will give federal agencies broad discretion to largely ignore greenhouse gas emissions and their impacts, at a time when climate questions need to be at the center of the policymaking process.

First, the Guidance grossly understates the severity of the climate crisis. Federal agencies are expressly advised that they “need not give greater consideration to potential effects from GHGs than other potential effects on the human environment.” This flies in the face of the overwhelming evidence that climate change—and its implications for natural resources, the built environment, public lands, wildlife, livability, human health, and the economy—is indeed the overarching environmental issue of this century, and should get correspondingly thorough treatment in the environmental review process.

Second, the Guidance deliberately ignores the extensive scientific evidence and measurement tools available to federal agencies to predict GHG and climate change impacts under different scenarios. There has been tremendous development in climate science in the last couple of
decades, including widely available quantification tools such as the social cost of carbon now in use by state and local governments, in the international community, and by the private sector, including the oil and gas industry. To allow federal agencies to ignore climate impact issues because there is no accurate way to assess climate impacts is simply factually baseless.

Third, the Guidance gives agencies permission to ignore cumulative impacts. The Guidance accurately states that “GHG emissions are inherently a global cumulative effect,” but then draws the non sequitur conclusion that “therefore a separate cumulative effects analysis is not required.” The 2016 Guidance likewise acknowledged that “[c]limate change results from the incremental addition of GHG emissions from millions of individual sources” and that “the totality of climate change impacts is not attributable to any single action.” But the lesson the 2016 Guidance drew from those facts was that agencies could not avoid the issue just by declaring that a proposed federal action would only represent a small fraction of global emissions. Instead, because of the incremental nature of climate pollution, it was considered particularly important that agencies analyze upstream and downstream emissions reasonably anticipated from a proposed program change or project, and then analyze the impacts in the context of global emissions. Our groups submits that NEPA requires no less.

Fourth, the proposed Guidance omits discussion of the need to analyze climate resilience and adaptation. Some level of climate change and its impacts are here to stay—regardless of the efficacy of efforts to slow down greenhouse gas emissions. Given that reality, environmental review under NEPA must include, not only mitigation opportunities to reduce GHG emissions, but also an evaluation of adaptation and resiliency strategies and opportunities.

Fifth, the proposed Guidance downplays the critical role of the public in the environmental review process. Contrary to the draft, environmental review is not just to educate agencies about potential environmental impacts and then explain at the end to the public how the agency reached its decision. Rather, one of the key purposes of environmental review is to engage the public throughout the decisionmaking process, and in particular to give the public the information they need as early as possible to be effective advocates for their own interests. Truly informed decisionmaking requires agencies and the public to proceed from the same set of facts, in this case about a proposal’s GHG emissions and the climate change implications.

These problems will have particularly acute effects on the environmental review of projects in the Great Lakes region. The infrastructure, both public and private, in the Great Lakes area is aging rapidly, and, for the foreseeable future, decisions will need to be made about what to do with old coal or nuclear power plants, with deteriorating oil and gas pipelines, with old crude oil refineries, with aging chemical plants, and so on. Should major investments of consumer and taxpayer dollars be made to extend the life of those facilities? Should they be retired and replaced with new, but similar, facilities, or should they be replaced with completely different approaches to delivering energy or needed materials?

Federal agencies will be involved in those decisions, and environmental review under NEPA will be a central component. If greenhouse gas and climate impacts in future EAs and EISs are dismissed as being unmeasurable, or for being trivial in the context of global climate change, or as being just one of several environmental issues to address, those decisions will not be fully
informed, useful alternatives will not be considered, the public will have little opportunity to take action to protect themselves, and NEPA’s goals will not be served.

This proposed Guidance is a major step backward from the 2016 Guidance. It is a thinly veiled effort to give federal agencies a blank check to ignore greenhouse gas emissions and climate impacts in their environmental review processes. What is needed is direction from CEQ that tells the agencies that climate impacts cannot be ignored, that available measurement and quantification tools like the social cost of carbon must be used, that there must be lifecycle GHG impact analyses both upstream and downstream from proposed projects, and that alternatives that would reduce GHG emission levels always be seriously evaluated. Ignoring the problem will not make it go away. Ignoring the problem will lock in poor agency decisions that will cost us dearly in the not too distant future.

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