

Center for Biological Diversity * Defenders of Wildlife * Earthjustice
Environmental Defense Fund * The International Center for Technology Assessment
The Lands Council * League of Conservation Voters * National Audubon Society
National Parks Conservation Association * National Wildlife Federation
Natural Resources Defense Council * Pew Environment Group * Sierra Club
Southern Environmental Law Center * Southern Utah Wilderness Alliance
Union of Concerned Scientists* The Wilderness Society

The Honorable Nancy Sutley
Chair, White House Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

September 10, 2009

Dear Chair Sutley:

As the Council on Environmental Quality (CEQ) helps move the nation toward greater reliance on clean energy, the undersigned organizations seek to draw your attention to continued assaults on the National Environmental Policy Act (NEPA) with regard to the development and siting of renewable energy facilities. As illustrated by recent efforts from several members of Congress, opponents of this steadfast environmental law are cloaking their anti-environment agendas beneath a veil of renewable energy. Our organizations recognize the critical importance of deploying renewable energy technologies, and believe that NEPA can be carried out in an efficient and timely manner. NEPA is a bridge—not a roadblock—to ensuring that renewable energy development on public lands is carried out in a transparent, responsible manner.

It is critical that we evaluate the environmental impacts of installing large-scale industrial renewable energy facilities, such as solar and wind generating stations and geothermal plants, along with considering the important reductions in global warming pollution that such facilities offer. It is imperative that this information be incorporated into siting decisions. One of the strongest legal tools to ensure that the development of renewable energy infrastructure is carried out in an informed and responsible manner is NEPA. NEPA provides a safety net to ensure that the pros and cons of proposed federal government actions will be thoughtfully considered and informed by the best available scientific and factual information. It ensures appropriate involvement by state, local, and tribal governments. It also provides the means for consideration of alternative ways of achieving an agency's goals and provides an effective mechanism for public involvement and input into agency decisions.

NEPA review is important because, although renewable energy projects may have a smaller cumulative “life-cycle” impact on lands, air, water, and wildlife than fossil fuel

energy production, these facilities (like all commercial energy development) will have effects that must be accounted for in making siting determinations. For example, solar energy projects require analyses of water consumption impacts, surface disturbance, and habitat fragmentation. Wind development may have significant avian impacts including the disruption of bird and bat migration corridors, and geothermal energy development may involve surface and groundwater impacts. NEPA allows federal agencies, stakeholders, and the public to weigh in on these decisions in order to achieve optimal results that both protect natural and cultural resources and move the nation toward a clean energy future.

Secretary of the Interior Ken Salazar has committed to prioritizing renewable energy development on the public lands. In doing so, he has championed the need for the analysis NEPA requires. As he recently stated in a speech:

We must be thoughtful, though, in how we develop this new energy frontier, and take care not to damage our landscapes, wildlife, or traditional ways of life.

For this reason, Interior is working with states, stakeholders, local communities, and other federal agencies to maximize renewable energy production while minimizing impacts to the environment...

... We are also assigning high priority to completing the appropriate environmental review and permitting of transmission corridors and right-of-way applications that are necessary to deliver renewable energy to consumers.¹

Unfortunately, those interests long-opposed to NEPA are hiding behind the public's overwhelming support for clean, renewable energy in an attempt to shortcut, shortchange, or scuttle NEPA's core provisions. They put forth a false choice of either protecting our public lands or building renewable energy quickly. We urge you to reject this shortsighted view. We know we can do both. For example, the Department of the Interior is in the process of designating solar energy study areas intended to avoid the most sensitive wildlands and wildlife habitat through an open, transparent public process. At the same time, the federal agencies continue to timely process applications for renewable energy facilities in compliance with NEPA. We urge CEQ to not only protect NEPA from the growing number of assaults, but continue to improve the renewable energy permitting processes by enhancing coordination between agencies and the public while still maintaining NEPA's essential safeguards.

It is important that renewable energy projects are subject to scrutiny under NEPA in order to ensure that the best alternatives are considered, all potential impacts are fully known, and the public can have confidence that its government is proceeding in a manner that is transparent. We do not need to sacrifice our most sensitive treasured public lands in the transition to a cleaner energy future.

¹ Remarks of Secretary of the Interior Ken Salazar to the American Wind Energy Association. Chicago, Illinois. May 5, 2009. Available at http://www.doi.gov/secretary/speeches/050509_speech.html

Thank you,

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CC: Secretary of the Interior Ken Salazar
Secretary of Agriculture Tom Vilsack
Secretary of Energy Steven Chu
Administrator Lisa Jackson, EPA
Secretary of Transportation Ray LaHood
Speaker of the House Nancy Pelosi
Senate Majority Leader Harry Reid