March 6, 2020

Mr. Edward A. Boling
Associate Director for the National Environmental Policy Act
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503


Dear Mr. Boling,

The Preservation League of New York State is New York’s statewide nonprofit focused on investing in people and projects that champion the essential role of preservation in community revitalization, sustainable economic growth, and the protection of our historic buildings and landscapes. Our work statewide has illuminated how our communities capitalize on their historic resources to the benefit their residents, the region, and encourage economic development and tourism.

The Preservation League of New York State joins with our preservation partners in our deep concern of the Notice of Proposed Rulemaking announced by the White House Council on Environmental Quality (CEQ) in January. We believe these proposed rule changes would place both historic and natural resources in jeopardy.

The far-reaching impacts of these changes will undoubtedly place beloved historic resources at risk in New York State and would carry the following negative implications:

• Creating a public participation barrier limiting public to only comment on completeness of the review, not the actual project, restricts the community’s voice;

• Limiting the scope of impact to “a reasonably close causal relationship to the proposed action,” with no analysis of impacts that may be “remote in time, geographically remote, or the product of a lengthy causal chain,” excluding indirect impacts such as traffic, noise, and tourism impact on a historic district. Under current regulations, direct, indirect, and cumulative impacts of a project are reviewed;

• Allowing for the immediate categorization of project impacts as minimal, without proper consideration likely leads to less federal agency NEPA compliance;
• Constraining proposal of alternatives to those that are "technically and economically feasible" weakens the review process;

• Creating a barrier to enforcement by making it more difficult to bring legal challenges under NEPA by requiring submission of comments at multiple steps in the NEPA process, precluding lawsuits alleging noncompliance with NEPA, or requiring a monetary bond before litigation can proceed.

Further, it is concerning that there has been little opportunity for public/stakeholder comment regarding these proposed changes and that formal tribal consultation did not occur in the manner this rulemaking requires. We believe these proposed changes to NEPA will have sweeping consequences for historic resources across New York State and ask that further consideration of these proposed changes be withdrawn.

Sincerely,

[Signature]

Jay DiLorenzo
President