



# THE OSPREY

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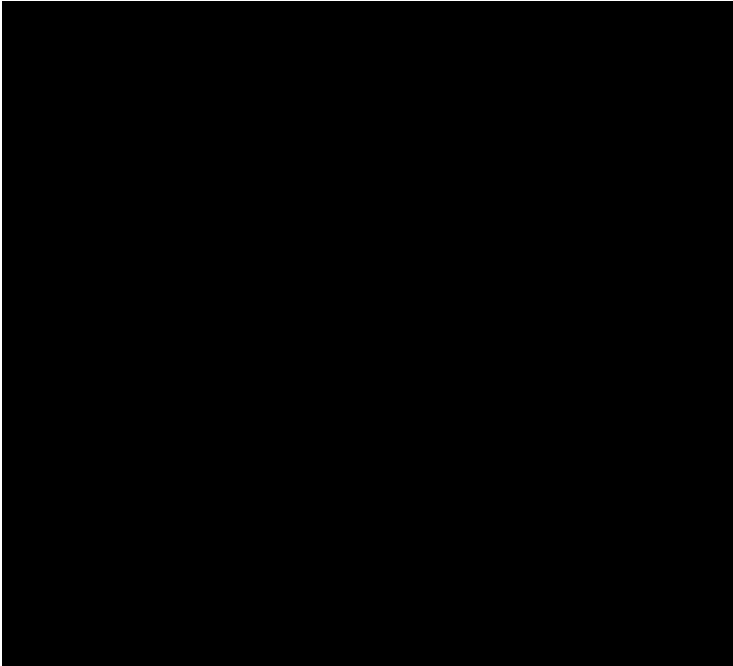
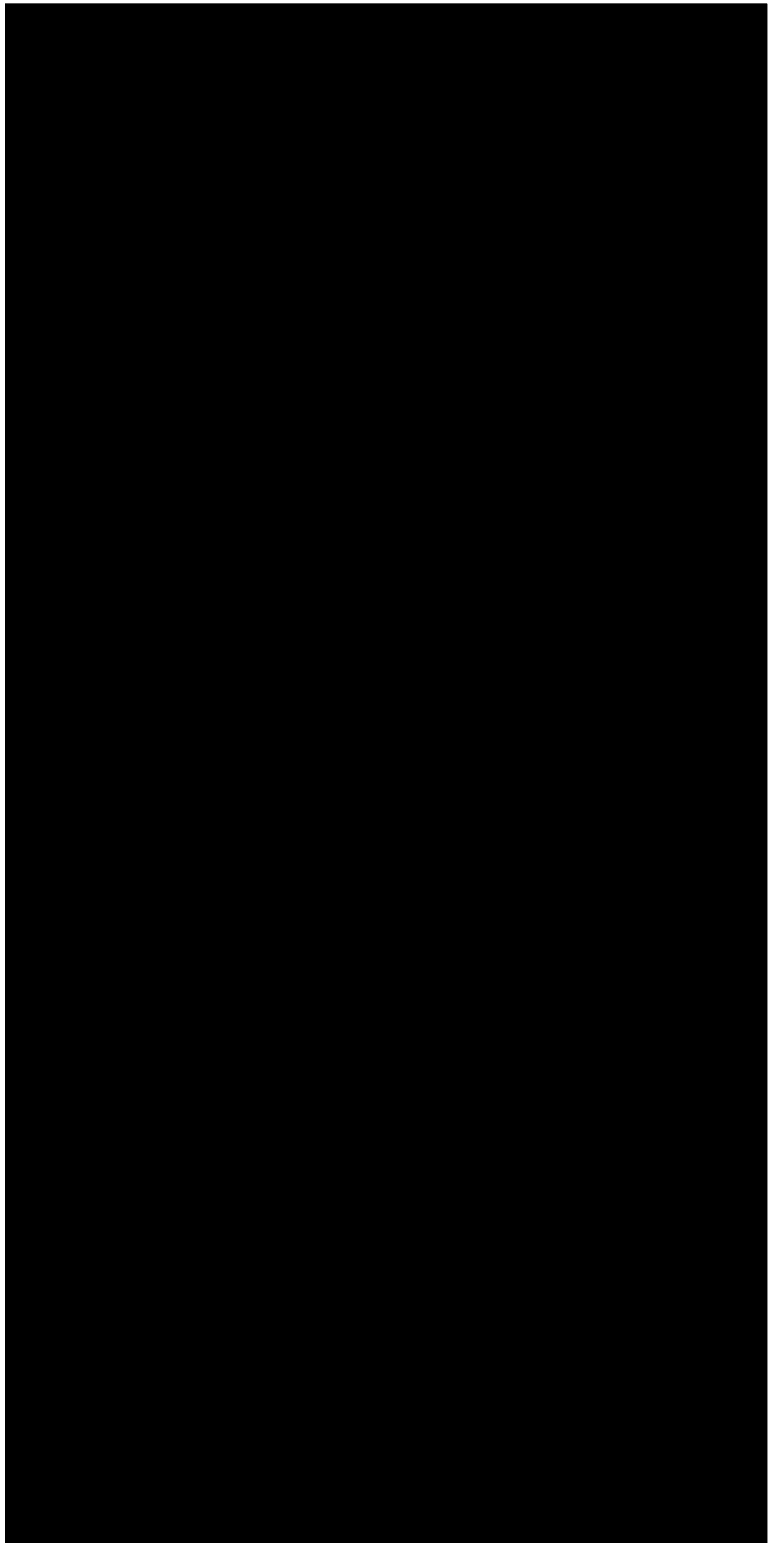
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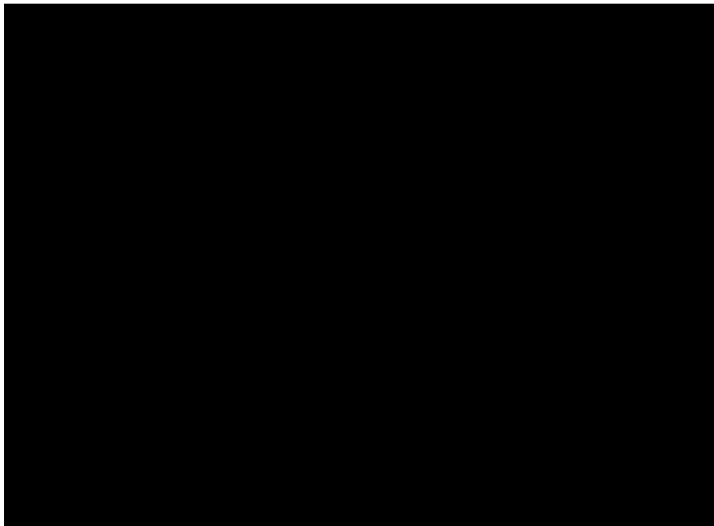
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## Protect the People's Environmental Law

Ruth Heil

**Americans support laws that make sense. And we can make sense of laws with clear names. For instance, the title of the Clean Water Act clearly describes its intent. You can easily imagine what the Clean Air Act defends. One can safely assume the Endangered Species Act protects endangered species, and the Migratory Bird Treaty Act protects migratory birds. As a result, we know to react swiftly when a maverick threatens one of these bedrock environmental laws. But what happens when one tries to rewrite something called the National Environmental Policy Act (NEPA)? The reaction is not as swift, but the consequences are even more dire.**

The environmental defense organization, EarthJustice, calls NEPA the People's Environmental Law. It demands we be heard before the federal government builds or contracts a freeway, pipeline, reservoir, power plant, incinerator, railway, or any other "major federal action." NEPA also declares that the government must act as trustee of the environment for succeeding generations. Now, the same law that gave voice to the people needs the people to speak in its defense.

Why? Because President Trump is overhauling NEPA. In July 2020, his administration published the details of a complete update. He is making good on his campaign promise to slash the web of "needless bureaucracy." This just might be the holy grail in terms of a planned gift to profiteers who care less about people or planet. Conservationists across the nation agree that the changes, unless blocked, will take away the best leverage we have to prevent environmental

destruction. And they will exploit the vulnerable: the black-, brown-, and red-skinned or low-income and sparsely populated communities that lack the tools needed to fight.

**STRONG  
ENVIRONMENTAL  
REVIEWS  
PROTECT  
US ALL**



### A Time Before NEPA

The article, "How 'Freeway Revolts' Helped Create the People's Environmental Law," summarizes the history of how NEPA came to be. (Search for it at [ProtectNEPA.org](http://ProtectNEPA.org)) In short, after World War II, federally sponsored domestic and military construction programs caused widespread land degradation, air and water pollution, and habitat destruction. Further, large urban planning projects were proposed, such as a 10-lane freeway in Washington, D.C., that would cut right through the middle of vibrant-but-disfranchised neighborhoods. Intense opposition from people whose communities would have been devastated as well as strangers who cared about the injustice were dubbed the Freeway Revolts. After a decade of public activism, NEPA was created. It forced the federal licensing and regulatory authorities to consider the potential consequences of federal, state, and local projects. Historians say that NEPA marked the beginning of the environmental era in the United States.

NEPA makes three demands: be transparent; be informed; and listen. First, the federal government must disclose plans to build or fund a large project. Second, it must perform an Environmental Assessment to understand the potential effects. If significant environmental or community harm is possible, an Environmental Impact Statement shall dig deeper into the understanding. Lastly, it must arrange for and listen to public comment after the study is drafted. NEPA does not require advice be taken, but it does demand every project be analyzed for alternatives that would reduce harm. Some might argue that, in the time since it was passed more than 50 years ago, NEPA has done more to protect the quality of life in America than any other environmental law.

Meanwhile, NEPA has become so woven into the fabric of federal policy that we take for granted the actions it dictates. For instance, you might

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assume the government, being in the role of ensuring domestic tranquility, would consider the environment and the people before allowing such things as the construction of the world's largest jetport in the Greater Florida Everglades. But without public involvement, such logic would not prevail. Before NEPA, the consequences were not thoroughly considered. The public was never asked for input. In fact, the federal government didn't even have to tell us what it planned to do.

Since its passage in 1969, NEPA has accrued some fantastic successes. Centuries old trees still stand in the Tongass National Forest thanks to NEPA. Plans to build the destructive Atlantic Coast natural gas pipeline have been scrapped thanks to NEPA. And the Delaware River still flows free, because NEPA-related actions protected it from the once-proposed Tocks Island Dam.



*Paddling by the Mendenhall glacier and Tongass National Forest. Photo by Joseph on flickr CC BY SA 2.0.*

It's easy to see why President Trump and his insatiable allies hate NEPA. Foremost, fairness takes time. And development is often stalled when the cumulative impacts are tricky to understand, especially when climate change is considered. Plus, NEPA's scope applies to every federal agency and every major action, thus it is very broad. And finally, if your idea of great is ornate, bombastic, and reckless, NEPA is not your friend.

Attempts to soften the law over the years have been relentless. They were often hidden inside larger bills or given deceitful titles such as the Advancing Conservation and Education Act. You can find the legislative threats from the 116th Congress alone at [ProtectNEPA.org](http://ProtectNEPA.org). But none ever went so far as to overhaul the rules entirely.

### **Lawsuits Filed**

The National Audubon Society, EarthJustice, Friends of the Earth, the National Wildlife Federation, and many other environmental justice, outdoor recreation, public health, and conservation organizations, have sued the Council

on Environmental Quality, a branch of the Executive Office of the President that oversees NEPA. The lawsuit says the overhaul, "impairs Audubon's ability to achieve its mission by frustrating the activities it carries out in furtherance of its mission, as well as by causing it to divert resources to counteract the harms caused by the rule."

Various lawsuits allege that the overhaul breaks the rules of NEPA itself. Meanwhile, elected officials such as Senator Bob Casey and Representative Madeline Dean have vowed to defend it. However, they won't succeed without the public's support. [EarthJustice.org](http://EarthJustice.org), like many others, provide easy tools for contacting your officials about the matter.

Now that you know what the name means, please speak out to protect NEPA, so that NEPA can continue to protect you.

# # #

*Ruth Heil blogs about being outside at [www.TodaysWalkOutside.com](http://www.TodaysWalkOutside.com). Email her at [ruth@thewritebeat.com](mailto:ruth@thewritebeat.com).*

