

# NEPA rule updates bring lawsuits two years closer

Environmental advocates are howling over the Trump administration's proposed update of rules that govern the National Environmental Policy Act — the first since its implementation in 1978.

The update is long overdue and undoubtedly will be the subject of litigation.

NEPA requires environmental reviews of projects and activities on federal land, including grazing, farming and logging. The reviews evaluate the benefits and impacts of a proposed project and of any alternatives available to achieve the desired goal.

It was meant to promote informed, transparent decision making and to give the public an opportunity to provide input. Over the past 40 years, the reviews have grown too long and too complicated, according to a White House statement.

The new regulations limit Environmental Impact Statements to 300 pages and set a two-year deadline for their completion. Environmental assessments, for projects without a significant environmental impact, must be done in one year.

The new rules clarify that federal agencies must make broad use of state, tribal and local studies and decisions. They also incorporate the interpretations of Supreme Court decisions from relevant NEPA litigation.

When the original rules for review under NEPA were implemented in 1981, regulators estimated that even the most demanding analysis could be completed within 12 months. It turns out that was wildly optimistic.

The Council on Environmental Quality, the agency in charge of making the rules, says today the average time

is 4.5 years, and that doesn't count the years of inevitable litigation challenging the validity of the final product.

CEQ acknowledges that about a quarter of the reviews take less than 2.2 years. A quarter of them take more than six years. Federal Highway Administration projects take an average of seven years.

And with more time comes more volume, much of which adds little meaningful insight.

President Jimmy Carter signed NEPA into law. In 1977 he warned that to be useful documents had to be concise and readable.

"We do not want (EISs) that are measured by the inch or weighed by the pound," he said.

In 1978 regulators contemplated that a thorough Environmental Impact Statement would take 150 pages. Today the average EIS dresses out at 661 pages, not including appendices. In its background on the changes, CEQ says that padding is an attempt by agencies to avoid the lawsuits often filed that claim the documents are not complete. By that measure, the extra verbiage nearly always falls short of its mark.

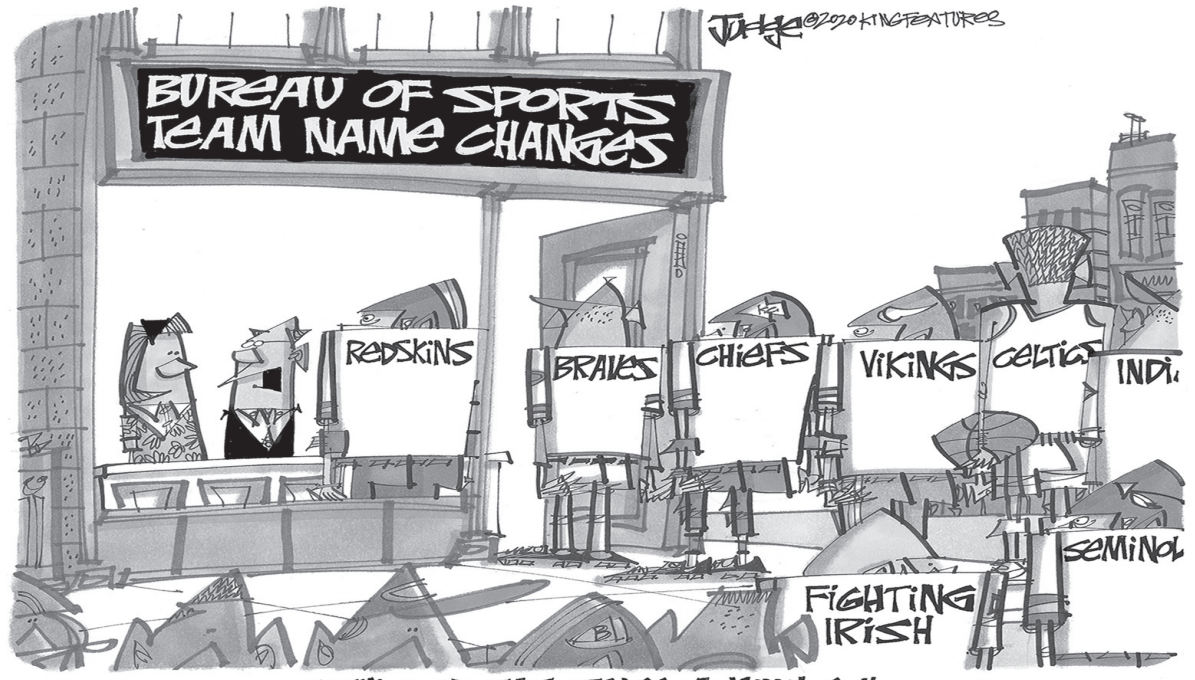
Environmentalists say the new rules are intended to rush questionable projects through the process, denying marginalized communities the opportunity to comment.

We are fans of tight, concise writing. We also have a hard time describing two years as a "rush."

The original framers of NEPA never intended for the process to produce inertia as the default state of affairs.

If nothing else, the proposed rules bring any project two and a half years closer to the inevitable lawsuit and the slow slog of judicial review.

We will take progress where we find it.



"THIS MIGHT TAKE A WHILE."

## OFF THE BEATEN PATH

# Plant hunting — Wuhan, China, and beyond



Jean Ann Moultrie

A few years ago, I wandered through the Shanghai airport, clutched my backpack and wondered what in the world I'd been thinking when I agreed to join a plant hunting excursion to China with a leader and 10 fellow travelers I'd never met.

The Plan: The owner of a plant nursery, an experienced traveler, agreed to lead a plant hunting trip to China. A food corporation paid him and an interpreter along with seed company researchers to search for unique, edible plants.

The leader also invited a few "tag-alongs." We paid our own way. I'm an amateur gardener who loves plants, and I have no Chinese language skills.

Preparation: I'd studied up on Kunming in the Yunnan district in southwest China, a botanically rich area for our proposed travel.

At the Shanghai airport, the leader announced, "We are heading west instead to an area previously closed to foreigners."

For the rest of the trip, I felt as if I was in a travel fog, not knowing the lay of the land. Our leader was blunt: "I am not your travel agent."

Food: With spotty refrigeration, we stuck to a vegetarian diet. During the day, I subsisted on packaged coconut-flavored crackers and tangerines. An occasional noodle shop in remote villages provided noodles and vegetable soup.

For dinner, we stopped at mom

and pop eateries, sometimes overwhelming the family with a dozen customers. We pitched in to help peel winter squash, cut up beans and broccoli, and chop greens. Sometimes I added

twigs to the wood burning stove to keep the woks hot for stir fry. A favorite dish: stir fried, freshly harvested Shiitake mushrooms.

Travels: Our journey took us to valleys hot and muggy where the air felt like the insides of a laundromat dryer. In cloud-capped mountains, I shivered while wrapped in my coat and curled into my sleeping bag.

We traveled in a van, on buses, on a train, on a workman's boat up the Yangtze River, on a rickety tram and in a "sleeper" bus that consisted of sheets of plywood layered above the seats. I grabbed my sleeping bag and climbed onto my "extra-firm" bed. I felt like merchandise on a shelf in a hardware store. A lap belt kept me from being pitched onto the floor during the nighttime drive on a pot-hole-riddled road.

We circled past cities to reach hillside farms. In the shadow of skyscrapers, someone mentioned the name of a city we passed — Wuhan, a name I'd never heard of. I never imagined that in years to come, Wuhan would headline international news.

As we traveled, we collected samples from arboreturns, town parks, remote farms, roadsides, woodlands and around Taoist temples — with permission.

At night, we cleaned seeds and labeled them. How does one determine the genus and species of a jewel-looking seed pod the farmer identifies as, "Snake bite cure?"

While others in the group chatted with farmers, I often looked for families with children and grandparents to engage with. Photos don't show how delightful the children are and the deep, multi-generational bonds within families.

Great Find for One Who Has Lagged in Seed Collecting: A farmers' store with hundreds of packets of commercially packaged vegetable seeds. Pictures of the vegetables on the cover, instructions in Chinese. All cleaned and labeled.

I cleared customs with no problems.

When I returned from traveling overseas, I scrubbed and disinfected travel gear including boots. I wondered if I appreciated the blessings of clean drinking water.

Family stopped by to welcome me home.

"Where's Mom?" asked a family member.

"In the kitchen hugging her water faucet and fridge," answered another.

Moultrie is a freelance writer in Grant County.

## LETTERS TO THE EDITOR

### An imperfect man perfect for the time

To the Editor:

At times in the history of our great republic imperfect men have come forward who were perfect for the time and challenge. General Patton comes to mind. He was not a perfect man, but among his imperfections was the perfect ability to lead men in bloody conflict and defeat the German and Italian war machines. He was perfect for the time. I recently read that President Donald Trump is too imperfect to vote for because "he lies, he contradicts himself and doesn't make sure he has his facts straight." If the writer hadn't named Trump I would have assumed she was generalizing about politicians. Our republic is in a battle for its life. As Charles Krauthammer predicted in an article Oct. 11, 2017, we are now being invaded by "The Enemy Amongst Us," and we daily watch the growing insurrection, violence and chaos he accurately predicted in our major cities. The coordinated attacks on these cities cannot be a coincidence. And sadly, these activities are allowed and supported by state and locally elected "leaders." Many of us in Grant County confirmed by oath to defend and protect the Constitution of our great republic. None that I know of have renounced that oath. We the people are ready to push back against the destruction of our country and our way of life, but we are all looking for the person to lead this effort. Bestselling author Ben Shapiro describes Trump in his latest book: "His serious character flaws simply become secondary concerns when the future of the nation is at stake." Trump's actions during his first term convince me that he is the perfect man to lead us through this national crisis. I submit to you that we should not let our great republic become history while we stubbornly seek that "perfect leader." I think we have that imperfect

man who is perfect for the time! Proud and blessed to be an American.

Kenneth Delano  
Mt. Vernon

### 'Lawless order alive and well'

To the Editor:

This letter is in reference to the editorial "Oregon ranchers face tough choice" (vis-a-vis wolves) in the July 8 Blue Mountain Eagle. The issue was local law enforcement, rather than Oregon Department of Fish and Wildlife biologists checking out a carcass, are influenced by the rancher's diagnosis of "certain wolf kill." Not so. In my experience, neither Grant County Sheriff's Office nor Oregon State Police are persuadable even by the evidence.

My pet buffalo was belly shot, through and through. None of the applicable agencies came out, escaping like Phaedrus between the horns of the beast. Hunting season had just started.

More recently, I found the near-intact skeleton of a young steer with skin evenly pulled down over the leg bone and cleanly cut. Do wolves carry knives in Grant County? Verdict: inconclusive.

The same for fresh carcasses of deer on my property, despite a clearly visible round hole in the side. A total of two bucks and four does were killed on my property that winter — in my opinion, a planned cull.

I returned with a load of hay one evening late, road blocked by a vehicle. I barely squeezed by. That vehicle then followed me and sat in my driveway for some time, blocking it. The next day, a week-old calf was dead. By week's end, a young Jersey died. GCSO's report omitted my statement totally. It was a lost dog someone was looking for.

A cow pregged at eight-plus

months "left" the corral after dark. The next day, I found tracks leading to a boundary fence, through it and off into the snow. GCSO called two days later when the snow had melted. Photos don't count. I have not seen a report. She did come back, alone.

And prior to all this, after just having moved here, my young daughter and I stood by the pond when a shot from the rimrock zinged over our heads aimed at a few mallards (hopefully!) who rested there before moving on.

No peace for the weary here, but lawless order alive and well!

Vega Nunez  
Ritter

### A compromise

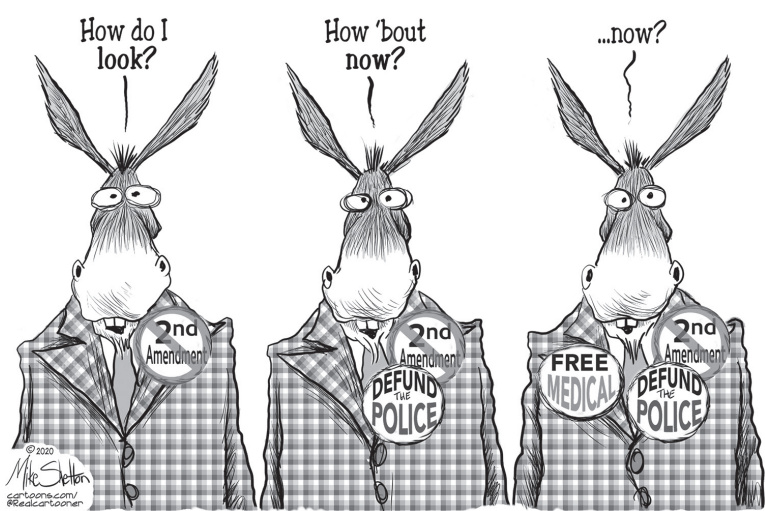
To the Editor:

I have been thinking about signs on businesses that say "no shoes, no shirt, no service." People obey those signs. I am not sure why stores and restaurants have that policy. To my knowledge, bare feet and a bare chest are not known to be a health hazard. Well, maybe if someone uses their bare feet to eat instead of their hands, that would be a health hazard to that person.

But, I have never heard anyone declaring that they have a right to be barefooted or shirtless when they shop or eat, or seen anyone marching into a business shirtless or shoeless to show their independence. But, during a pandemic, a bare mouth, out of which an invisible, deadly virus can spew and infect others? "No mask, no service?" Revolt! Recall the governor! Storm the Capitol!

If the sign, during a pandemic, said, "Wear a shirt and pull it over your nose and mouth when you enter, or hold a shoe over your mouth and nose when you enter, or no service" that might be the compromise that will save lives.

Nancy Nickel  
John Day



## WHERE TO WRITE

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