
February 8, 2019

The Honorable Mary Neumayr
Chair and Managing Director
Council on Environmental Quality
730 Jackson Place, N.W.
Washington, D.C. 20503

Dear Chair Neumayr:

Congratulations on your appointment to lead the Council on Environmental Quality (CEQ). Western Governors look forward to working with you to create more efficient federal environmental reviews without shortening timelines for state input and consultation, or compromising natural resource, wildlife, environmental quality, or culture values.

Because states manage environmental and natural resources within their borders, Governors are necessary partners in federal permitting and environmental reviews potentially affecting those resources. Early, meaningful and substantive federal consultation with states and the use of state expertise can reduce duplication and conflict, rendering these reviews more efficient and effective. Accordingly, we urge CEQ to strengthen the partnership between federal agencies and state governments on permitting and environmental review.

The proposed revisions to CEQ's National Environmental Policy Act (NEPA) and Freedom of Information Act (FOIA) regulations, as well as implementation of the One Federal Decision Policy, provide important opportunities for CEQ to work with Governors to promote a more functional state-federal relationship. In response to CEQ's request for comment, the Governors have provided specific recommendations for improving NEPA procedures. In addition, the Governors submitted questions to CEQ and other Administration officials seeking clarity regarding the One Federal Decision policy and other infrastructure plans. We have not received any response from CEQ regarding these recommendations and questions.

These communications and others, as well as the Governors' policy statements on environmental review, include:

- [An October 10, 2018 letter to CEQ and other Administration officials regarding the One Federal Decision Policy and other infrastructure plans.](#)
- [An August 3, 2018 letter to CEQ regarding potential revisions to CEQ's NEPA procedures.](#)
- [A November 28, 2017 letter to CEQ regarding recommendations for modernizing the environmental review process \(to which CEQ provided a brief response on April 13, 2018\).](#)
- WGA Policy Resolution [2018-05](#), *Modernizing Western Infrastructure*.
- WGA Policy Resolution [2017-08](#), *State Wildlife Science, Data, and Analysis*.

- [The Western Governors' National Forest and Rangeland Management Initiative June 2017 Special Report.](#)

In the Fall 2018 Unified Agenda, CEQ identified plans to revise its FOIA regulations in 2019 ([RIN 0331-AA02](#)). Western Governors encourage you to use this opportunity to improve CEQ's procedures regarding the disclosure of information provided by state governments. States share their data and expertise with federal agencies to strengthen federal decision-making and reduce duplication. Congress has recognized the value of state fish and wildlife data and directed federal agencies to fully utilize state fish and wildlife data and analyses as a primary source to inform land use, planning, and related resource decisions.¹ This information – particularly non-aggregated raw data – can be sensitive and is subject to differing levels of statutory protection under various state laws on open records and disclosure.

Nevertheless, CEQ, along with many other federal agencies, does not have procedures for engaging in early and substantive consultation with states to establish data sharing protocols and assess whether sensitive state data, if shared, may be liable to publication through application of FOIA. Western Governors request that CEQ consider including such procedures in its revisions to its FOIA regulations.

Western Governors urge CEQ to capitalize on these opportunities to improve the state-federal relationship and consult with states on the Council's proposals. States are eager to collaborate on these critical issues and to help make federal environmental decision-making more efficient and effective. Thank you for your consideration of our requests as you step into this important role.

Sincerely,


David Ige
Governor of Hawai'i
Chair, WGA


Doug Burgum
Governor of North Dakota
Vice Chair, WGA

¹ [164 Cong. Rec. No. 50- Book II, at H2609 \(2018\); 163 Cong. Rec. No. 76- Book II, at H3874 \(2017\); H. Rept. No. 114-632, at 6 \(2016\); H. Rept. No. 114-170, at 6 \(2015\); H. Rept. No. 113-551, at 7 \(2014\).](#)