



Shawnee Trails



<http://www.sierraclub.org/illinois/shawnee>

March 2020 – May 2020 QUARTERLY

Sierra Club – Shawnee Group

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Trump's National Environmental Policy Act Overhaul

By Sabrina Hardenbergh

In 1969, Congress passed the National Environmental Policy Act (NEPA), and on New Year's Day, 1970, Republican President Richard Nixon signed NEPA into law. The [Act's](#) goal was to create and maintain conditions under which man and nature can exist in productive harmony and to "assure for all Americans safe, healthful, productive, esthetically and culturally pleasing surroundings." [NEPA](#) requires Federal executive branch agencies to prepare Environmental Impact Statements (EIS) before making decisions. NEPA also established the Council on Environmental Quality (CEQ) to advise the President. On July 9, 1970, President Nixon also announced a plan to create the Environmental Protection Agency (EPA) to protect human health and the environment, which Congressional subcommittees approved. Five decades later, both the environmental and federal political climate has changed. Republican President Donald Trump's August 15, 2017 [Executive Order 13807](#) directed CEQ to draft a pared down NEPA Rule. [Trump announced the final draft of CEQ's Rule](#) on [January 9, 2020](#), followed by a notice in the [Federal Register](#) on January 10, 2020 outlining directions for public comments, which must be **received by March 10, 2020**.

Currently, NEPA regulations apply when a project is entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies, or "[major federal actions significantly affecting the quality of the human environment](#)." In Illinois, the NEPA regulations and EIS have been important in decisions regarding [FutureGen2.0](#), [Cretaceous Hills Ecological Restoration Project](#), and many [highways, power plants, and other infrastructure](#) near Chicago. Elsewhere, many NEPA and EIS reviews have occurred, including the [Arctic National Wildlife Refuge](#), [Pebble Mine](#), [Rulemaking for Alaska Roadless Areas](#), [Keystone XL Project](#), [Bears Ears National Monument](#), [Next National Geospatial-Intelligence Agency West Campus in the Greater St. Louis Metropolitan Area](#), [Midwest Wind Energy Multi-Species Habitat Conservation Plan](#), [Navajo Generating Station-Kayenta Mine Complex Project](#), and the [Outer Continental Shelf Oil and Gas Leasing Program](#).

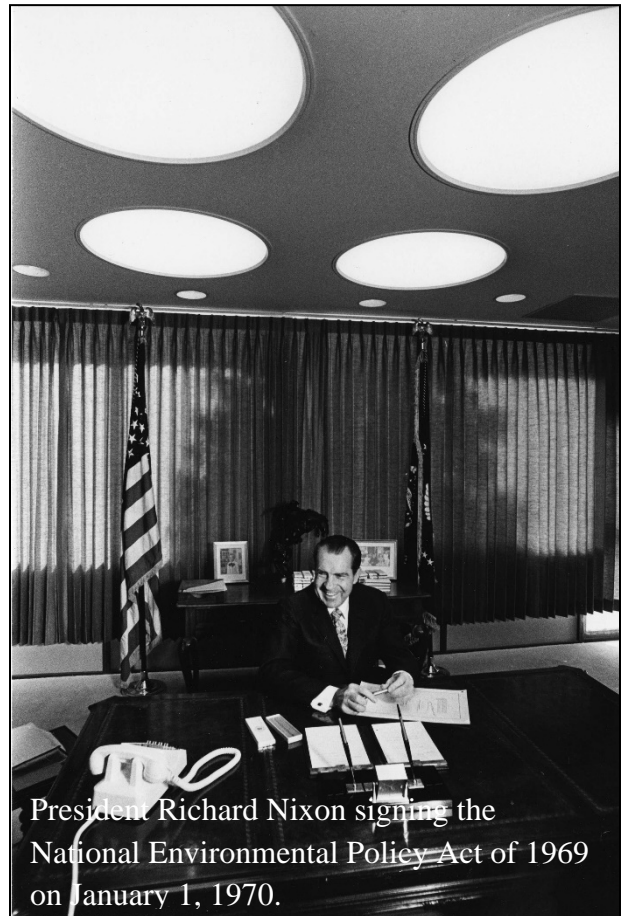
Opponents may use NEPA as a scapegoat when infrastructure projects are not able to secure enough funding. The U.S. Department of the Treasury commissioned a [2016 study](#) which found a "lack of public funding is by far the most common factor hindering the completion of transportation and water infrastructure projects." Studies by the [American Society of Civil Engineers](#), (Continued on Page 2)

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[American Water Works Association](#), and [National Waterways Foundation](#) indicate lack of funding—not environmental review or permitting—to be a major barrier to infrastructure development. The recent federal administration also cut permitting agency funding (e.g., Environmental Protection Agency, U.S. Army Corps of Engineers), slowing the NEPA review process.

CEQ’s proposed [Rule](#) purports to “facilitate more efficient, effective, and timely NEPA review process.” If approved, agencies would only be required to analyze impacts that are immediate, local and direct. The proposed Rule would:

- 1) Modify the definition of “major federal action” to exclude nonfederal projects with minimal federal funding or minimal federal involvement (Yet, the proposed rule [does not set a dollar threshold](#) for what constitutes a large federal footprint, a factor that could allow major mining, drilling and other projects to avoid environmental assessments).
- 2) Not consider effects “significant” if they are remote in time, geographical space, or the result of a lengthy causal chain (Note: global warming or climate change aren’t specifically mentioned, but climate impacts of a project can be deemed “geographically remote” or the result of a “lengthy causal chain”—such as an oil and gas project release of methane, a factor in greenhouse effect—wherein they can be deemed “not significant” and therefore disqualified from a NEPA review.).
- 3) Remove the requirement to consider the cumulative effects and indirect effects of a project.
- 4) Constrain the range of reasonable alternatives that an agency needs to consider under NEPA.
- 5) Allow companies to conduct their own EIS (under supervision of an agency).
- 6) Set arbitrary timelines and page limits for environmental impact assessments, thus limiting the evidence considered (e.g., restricting an EIS to two years and an environmental assessment to one, similar to a recent Interior Department directive limiting Interior agency reviews to 150 pages and one year to decide on all but the most complex projects).
- 7) Hinder communities from meaningfully engaging with the NEPA process.



CEQ is rewriting regulations in direct response to successful [litigation](#) against projects, including Keystone XL pipeline which was invalidated by a Montana federal court, where cumulative and indirect effects of the project on greenhouse gas emissions were not considered by the State Department. NEPA and litigation helped Oglala Sioux [prevent uranium mining](#) from contaminating their sacred Black Hills. Cumulative impacts occur where several sources of pollution overlap, which are disproportionately likely in minority communities, an [environmental justice](#) issue.

If the Rule is finalized, hundreds of polluting projects could be fast-tracked around the country that pose a significant risk to public health and the environment. Communities most impacted by the projects—often low-income communities or communities of color—would be limited to slow or stop them. *(Continued on Page 3)*

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[NRDC](#) labels NEPA as democracy in action, but the current federal administration is attempting to shift power from the people to polluting industry in its proposed changes to NEPA.

The new regulations will likely face legal challenges if finalized. Because [CEQ doesn't have power to issue binding regulations](#), courts give the agency's rulemakings less deference. Judges may not completely turn away from legal precedent. The impact of the NEPA overhaul depends on how quickly CEQ finalizes the Rule and whether President Trump has a second term in office. CEQ must finalize the Rule before the summer to avoid a Congressional Review Act reversal if Democrats seize control of Congress and the presidency.

["I think you are going to have a relatively small window of time in which courts are really going to grapple with this unless the Trump administration wins reelection, in which case there could be a robust role for the courts to figure out whether what the administration has done is legal."](#)

--Nathaniel Shoaff, Sierra Club

Submit a Public Comment on the Proposed NEPA Rule by March 10th, 2020

Only two public hearings for the NEPA Rule were scheduled at inconvenient times for workers, February 11th in Denver, Colorado, and February 25th in Washington, DC. The Denver hearing was [well attended](#), and the February 25th tickets are all taken.

However, on January 10, 2020, the CEQ's Proposed Rule, and the public comment and hearing schedule notice was posted to the [Federal Register](#), wherein CEQ must **receive** comments by 60 days later, **due March 10, 2020**. Submit comments, identified by docket number **CEQ-2019-0003**, by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-456-6546.
- *Mail:* Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Do not submit electronically any information you consider to be private, Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Edward A. Boling, Associate Director for the National Environmental Policy Act, or Viktoria Z. Seale, Chief of Staff and General Counsel, 202-395-5750, NEPA-Update@ceq.eop.gov.

Sierra Club's president, Michael Brune, also explains an easy method to submit a public comment on the CEQ's new NEPA Rule [here](#), and in the linked [petition here](#).

SPRING 2020 SIERRA CLUB PROGRAMS:

Note: Access Carbondale Township Hall (217 E. Main) via REAR entrance, a green door in the alley, across from Rock Hill Baptist Church (at Monroe and Marion Streets). The front door is locked! FREE and open to the public. Refreshments and socializing before and after meeting.

Thursday, March 19, 2020 Program, 7 pm

Title: Co-creating Resilient Forests to Alleviate Accelerated Climate Forcing

Presenters: SIU forestry professor Logan Park & SIU forestry students Grant Depoy & Jacob Bolton

Location: Carbondale Township Hall, 217 E. Main Street

5 pm Dinner: Location TBA

Sunday, April 26, 2020 Triple Header Event, Giant City State Park, 12-4 pm

- Spring Community Picnic Potluck
- “A Fireside Chat with Aldo Leopold” presented by Curt Carter
- Wildflower Hike, Trillium Trail

Location: Giant City State Park, Shelter #1 & Trillium Trail (Details upcoming in member emails, Shawnee Group of the Sierra Club Facebook Event Page & website).

Thursday, May 14, 2020 Program, 7 pm

Video, Talk & Discussion: “[The Story of Stuff](#)”: The Cycle of Consumable Stuff & How We Can Build a Healthier Planet

Discussion Presenters/Leaders: Sarah Heyer & Tasis Karayiannis

Location: Carbondale Township Hall, 217 E. Main Street

5 pm Dinner: Location TBA



Volunteers Needed to Help Protect Shawnee National Forest

Protecting Shawnee National Forest involves frequent communication with the Forest Service, research on issues, and educating others about those issues. We especially need help in keeping oil and gas wells out of the forest - including fracking wells. Please contact Barb at babitaji@aol.com if you are interested in helping in any way.

Concerned about fracking?

Contact Barb McKasson at babitaji@aol.com if you are interested to help. Bills to support in Springfield, include [HB282](#) (fracking transparency bill) and [HB1562](#) ([People’s Property Protection Act](#), concerning subsurface trespass), so do contact your legislators. However, Barb can alert you of many action, outreach and planning opportunities that come up.

FYI, to receive more timely alerts from the Illinois Chapter of the Sierra Club, sign up online at their state website: https://secure.sierraclub.org/site/SPageNavigator/Chapter/il_newsletter_signup.html?jsessionid=84420F4C49A5A8CD264E1E3C3F131E25.app205a

Call for articles and photographs for Shawnee Trails! The next issue will be published in February. Please send your Word, PDF or JPG files to sabrina@midwest.net by **Monday, May 4th**.

SPRING 2020 SHAWNEE GROUP SIERRA CLUB OUTINGS

Cove Hollow Trail/Cedar Lake Hike; Sunday, March 8, 2020

Meet at the trailhead before 9:30 am (remember to change from daylight savings time), or at the Murphysboro Hardee's parking lot before 8:30 am to carpool. To get to the trailhead, go south from Murphysboro on 127, turn left on Boat Dock road (across from Pomona Road), then go approximately another mile. This will be a moderate hike of about 4.4 miles. Wear appropriate hiking shoes. Bring water and lunch. Jon Womack is leading the hike. You must call Jon at 815-263-9625 to sign up for the hike **BEFORE NOON ON SATURDAY, MARCH 7th**. Jon is happy to meet folks at Hardee's parking lot, but if **NO ONE** calls to meet there, he will not drive there (to save fuel); he will meet everyone at the trailhead.

Snake Road Wildflower Hike; Saturday, April 18

Meet by 12:30 at the big sign at Murdale Shopping Center in Carbondale or at Winters Pond parking lot at LaRue- Pine Hills by 1:30pm. Bring water. Wear close toed shoes. We will take a guided wildflower hike down Snake Rd., which is a premier wildflower area. If it is warm, there may be some snakes coming out of hibernation, but do not fear. Jean Sellar will help with identifying the flowers. Call Barb at 618-549-9684.

Jackson Hole Hike; Sunday, April 19, 2020

We will hike to Jackson Hole, a natural area through the Greater Shawnee Hills. We will see cliffs, valleys, and waterfalls. The 3-mile hike will be moderate in difficulty. Meet at the Marion Rural King parking lot before 10:00 am (near the trailers/farm implements). Bring water, a snack, possibly a hiking staff, and wear appropriate shoes. You must call Kevin Rohling at 618-694-8150 in order to go on the hike.

Ferne Clyffe Hike; Sunday, May 3, 2020

We will hike scenic Ferne Clyffe State Park. This will be a moderate hike of 4 miles. Wear appropriate hiking shoes and bring water. Meet at the Ferne Clyffe Lake parking lot before 10 am. You must call Bob Mulcahy at 618-942-6342 to go on the hike. If you are interested in carpooling from Murdale Shopping Center in Carbondale, call Steve Eberhart at 618-967-8690 and meet before 9:15 am.

Service Outings – Help Save High Quality Natural Areas

Shawnee Group is committed to helping rid high-quality natural areas of non-native invasive plants (NNIS) that are threatening to crowd out our native plant communities at La-Rue Pine Hills Research Natural Area (Snake Road) and at Fern Rocks Nature Preserve (Trillium Trail) in Giant City State Park.

Sunday, February 23, 2020 – Invasives Pull at Snake Road – Meet at the big sign at Murdale Shopping Center in Carbondale to carpool by 10:30am or at the LaRue Road parking lot by 11:30am. Bring water and work gloves (we can provide) and wear close toed shoes. We will work for about 2 hours. Call Barb at 618-549-9684.

Sunday, March 1, 2020 – Invasives Pull at Trillium Trail in Fern Rocks Nature Preserve in Giant City State Park in Makanda. Meet at the Visitors Center at 1:00, finish by 3:30pm. Bring water and work gloves (we can provide) and wear close toed shoes. Call Barb at 618-549-9684.

Piasa Palisades Group Outings Chair:

Carol Klinger, 618-288-5506, ciklinger@yahoo.com
<http://www.sierraclub.org/illinois/piasa-palisades>

Eastern Missouri Group Outings Chair:

Doug Melville, 636-288-1055
douglas.k.melville@gmail.com
<http://sierraclub.org/missouri/eastern-missouri>

Future Outings TBA:

Updates listed on our or Illinois Chapter websites:
<http://www.sierraclub.org/illinois/shawnee>
<https://www.sierraclub.org/illinois/events-calendar>
Other short notice outings and events may be announced on our Facebook page:
<https://www.facebook.com/SierraClubShawnee>

**HELP ILLINOIS LEAP INTO RENEWABLE ENERGY AND
AVOID TRUMP’S FOSSIL FUEL TRAP!
CONTACT YOUR ILLINOIS REPRESENTATIVE AND SENATOR!
HELP PASS SB2132 & HB3624**

Illinois is poised to make a giant leap to cut carbon emissions. In order to do this, we must persuade our state legislators to take the leap by passing CEJA – the Clean Energy Jobs Act. It is vitally important that we pass CEJA this spring in order to prevent the Trump Administration from implementing an order from Trump’s FERC (Federal Energy Regulation Commission) that would force a large part of Illinois into an expensive fossil fuel energy capacity market. **WE NEED YOUR HELP NOW!!!**

Thanks to the Future Energy Jobs Act of 2016 (FEJA), the clean energy industry is booming in Illinois. Now we have an opportunity to act to further ramp up renewable energy development in Illinois by passing CEJA, which would put Illinois on a path to 100% renewable energy by 2050, cut carbon from the power sector by 2030, reduce gas and diesel vehicles from the transportation sector, and create jobs and economic opportunity. Gov. Pritzker and dozens of legislators are committed to that goal because they understand that doing so will spur additional economic growth and reduce energy bills for Illinois consumers. Plus, the force of hundreds of groups (environmental, health, faith-based, businesses, etc.) from across Illinois that belong to the Illinois Clean Jobs Coalition is pushing the “son of FEJA” – the bigger and better CEJA – the Clean Energy Jobs Act. Now we need YOU!

“We saw the effects of climate change right here in Illinois last year with a polar vortex, devastating floods, record lake levels and emergency declarations in more than a third of Illinois’ counties.” “It’s time to put consumers and climate change first.”
–*Illinois Governor JB Pritzker*

CEJA would power more than 4 million homes and lower bills, while pushing back against harmful federal attacks on clean energy. CEJA creates more than \$30 billion in new private investment in Illinois – more than 4X what we accomplished in FEJA – by building more than 40 million solar panels and 2,500 wind turbines across Illinois by 2030. It expands “Solar for All”, ensuring low income populations benefit. It expands goals for Energy Efficiency on the electric and gas side, to lower costs. It also expands access to clean energy careers, building community wealth, and improves air and water quality, leading to healthier communities.

CEJA creates a new beneficial electrification initiative to incentivize electric vehicle charging and electric buses, and supports the creation of low-income electric vehicle car-sharing and “last-mile” electric shuttles to serve transit deserts.

CEJA creates Clean Energy Empowerment Zones to support communities and workers who are economically impacted by the decline of fossil-fuel generation. It also directs Illinois EPA to prioritize carbon reductions in impacted communities and to reduce pollution from power plants to zero by 2030. It directs the IPA (Illinois Power Agency) to procure clean energy and capacity resources to achieve customer savings and expands renewables investment. It also empowers communities to develop Community Energy and Climate Plans.

HOW TO HELP: Call your state representative and urge them to co-sponsor [HB3624](#) (Williams) and your senator to urge them to co-sponsor [SB2132](#) (Castro). Tell them you want them to pass these bills because they will spur Illinois’ economic growth, reduce energy bills, cut carbon pollution and promote economic and environmental justice. Find the contact information for your representative and senator in this newsletter. If you do not know who your legislators are, go to: <http://elections.il.gov/ElectionOperations/DistrictLocator/AddressFinder.aspx> and type in your address, then scroll down to find your legislators and their contact information.

NEXT LEVEL ACTION: Join us for Clean Energy Lobby Day on Wednesday, March 4th in Springfield. Go to the Illinois Environmental Coalition website to sign up for lobby day at <ilenviro.org>.

GRANTSBURG SWAMP ECOLOGICAL AREA CLEAN UP

February 22

Meet before 11:30 am at the Murdale sign in the Murdale Shopping Center in Carbondale to carpool. Or you may drive to Dixon Springs Ag. Center, 354 State Hwy 145N, Simpson, IL.

12:30 pm – Ag. Center, for coffee or chocolate

1:00 pm – Carpool to work area

1 – 4 pm – Clean up

4:00 pm -- Return to Ag. Center

5:00 pm – Carbondale

Wear work clothing and boots or shoes. Gloves, bags and grabbers are available.

Contact Kevin Rohling to Participate at 618-695-3386. Patty Weyhrich will carpool from Carbondale (pweyhrich711@hotmail.com).

Illinois Legislative Contacts: CALL YOUR LEGISLATORS TODAY!

State Dist. 109 - Rep. Darren Bailey: 618-665-4109 or 217-782-2087; <http://www.ilhousegop.org/contactbailey>
State Dist. 115 - Rep. Terri Bryant: 618-242-8115; 217-782-0387; staterepterribryant@gmail.com
State Dist. 116 - Rep. Jerry Costello II: 618-282-7284; 217-782-1018 Staterepcostello@gmail.com
State Dist. 117 - Rep. Dave Severin: 618-440-5090; 217-782-1051; www.ilhousegop.org/contactseverin
State Rep. 118 – Rep. Patrick Windhorst: 618-294-8703; 217-782-5131; www.ilhousegop.org/windhorst_contact
Senate Dist. 55 - Senator Dale Righter: 217-235-6033; 217-782-6674; dalerighter.com/Contact
Senate Dist. 58 - Senator Paul Schimpf: 618-684-1100; senshimpf58@gmail.com
Senate Dist. 59 - Senator Dale Fowler: 618-294-8951; 217-782-5509; senatorfowler59@gmail.com
Governor JB Pritzker: 217-782-6830; <https://www2.illinois.gov/sites/gov/contactus/Pages/default.aspx>
Speaker of the House Mike Madigan: 217-782-5350; 773-581-8000; mmadigan@housedem.state.il.us
Senate President John Cullerton: 217-782-2728; 773-883-0770; jcullerton@senatedem.illinois.gov

Congressional Contacts: CALL YOUR CONGRESSMEN TODAY!

Senator Dick Durbin: 618-351-1122; 202-224-2152; <http://www.durbin.senate.gov/>
Senator L. Tammy Duckworth: (202) 224-2854; <https://www.duckworth.senate.gov/>
Representative Mike Bost: 618-457-5787; 202-225-5661; <https://bost.house.gov/>
Representative John Shimkus: 618-252-8271; 202-225-5271; <https://shimkus.house.gov/>

Has Your Email Address Changed?

To receive notification when the latest Shawnee Group newsletter is posted online, be sure to inform the Group when you change your email address. Send email address updates to: crusso1957@yahoo.com.

Read current and past newsletters on our website: <http://www.sierraclub.org/illinois/shawnee>. The website also lists information on upcoming local programs and outings, plus state and national Sierra Club issues.

Leadership Opportunities

Run for the Board! We need a few good women and men. Join the board of directors (the executive committee, also known as the ExCom) in overseeing the Shawnee Group's strategic direction and economic health. Board members meet monthly for about 2 hours. Board terms are for two years. We are always interested in potential candidates.

We need Hospitality team members

Provide refreshments for one monthly meeting each year (2nd Thursday). Be the Hospitality Chair to organize refreshment providers and greeters OR Act as a greeter for a monthly meeting or welcome and assist our speaker OR Select and make reservations at a local restaurant for our monthly "Dinner Before the Meeting." Contact Jane Cogie, 618-549-4673, jane.cogie@gmail.com.



Shawnee Group Sierra Club T-Shirts for Sale!

Show your support for our local group's activities. For sale during our monthly meetings.

Color: White logo on blue T-Shirt

\$15 Medium Large or X-Large

Sierra Club Native Plant Sale

Saturday, May 2, 2020

10:00 – 2:00

Carbondale Town Square Pavilion

121 N. Illinois Ave.

Carbondale, IL

Southernwood Gardens out of Alto Pass will have a huge variety of Native plants for your buying pleasure. They have been growing many plants to assure they have enough for the community to purchase. Come take a look at some plants to make your yard a haven for honey bees, one to save water, and a yard to be good for the environment!