

The Council on Environmental Quality
ATTN: Horst Greczmiel
Associate Director for National Environmental Policy Act Oversight
722 Jackson Place NW
Washington, DC 20503

Re: Haile Gold Mine, Inc.'s Comments on Draft Guidance "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act"

Dear Associate Director Greczmiel:

This letter provides comments on the draft guidance released by the Council on Environmental Quality (CEQ) on December 7, 2011, titled, "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act" (hereinafter "Draft Guidance"). We appreciate the opportunity to provide these comments.

Haile Gold Mine, Inc., owned by Romarco Minerals, Inc., is planning to bring 21st century gold mining to the South Carolina community, which has a rich history of gold mining. The Haile Gold Mine site has been mined for gold, off and on, since the 1800's. Our proposed mining would use contemporary ore processing and water management to minimize environmental impacts. Our project would also bring significant employment opportunities to a depressed local economy, among many other socio-economic benefits. Following a decision by the United States Army Corps of Engineers in July 2011 that our proposed mining had the potential to significantly affect the quality of the human environment, the preparation of an Environmental Impact Statement (EIS) began. As mining cannot begin until the EIS process is completed, Haile Gold Mine, Inc. (Haile) has a vested interest in ensuring that the NEPA environmental review process is conducted in as efficient and timely a manner as possible.

Haile applauds the CEQ's efforts, as part of CEQ's Plan for Retrospective Review of Existing Regulations to implement Executive Order 13563, Improving Regulation and Regulatory Review (January 21, 2011), to identify and promote more efficient ways to do effective environmental reviews and to expedite the NEPA review process. Increasing efficiency and expediency in the NEPA review process is critical to ensuring the continuation of natural resource development and projects in this country, which support a significant portion of the economy. While the Draft Guidance is helpful in drawing attention to these important issues, more remains to be done in order to alleviate the heavy burden that NEPA currently places on private industry.

Haile agrees that the nine strategies identified in the Draft Guidance to: (1) create concise NEPA documents; (2) integrate NEPA early in the planning process; (3) utilize the scoping process to plan collaboration with other governments, assign responsibilities, and develop the planning and decision making schedule; (4) ensure inter-Governmental coordination; (5) coordinate reviews and documents under other applicable laws; (6) consider adopting another agency's EA when the EA or a portion thereof addresses the proposed action; (7) incorporate

materials by reference, where appropriate; (8) provide a reasonable and proportionate response to comments received on a draft EIS; and (9) establish clear timelines for NEPA reviews, should be a routine component of every NEPA review. The Draft Guidance, however, ultimately leaves too much discretion to individual agencies to adopt or reject these measures.

To be effective, NEPA guidance needs to provide specific direction to the agencies on how to reduce delay and increase efficiency in the review process.

Although NEPA's purpose "is not to generate paperwork – even excellent paperwork – but to foster excellent action,"¹ it is questionable whether this aspirational goal is regularly achieved. The NEPA process remains time consuming and often leads to lengthy litigation challenging federal permits for private projects, which only adds further delay.

Costs imposed by the NEPA review process (both in terms of time delays and response costs) are borne by the project applicant. Given the proliferation of environmental regulations and public participation in the environmental review process since NEPA was enacted, these costs have been steadily increasing over the years. Increased efficiency and expediency are necessary to keep these costs from preventing natural resource development and projects that fuel our economy.

Agencies that fail to take advantage of measures designed to increase efficiency, particularly when such measures are specifically requested by the project applicant, or agencies that expand the scope of their review beyond that contemplated by NEPA should be held accountable for their actions. CEQ should explore serious avenues for agency accountability in its Plan to make NEPA more efficient.

Among other available tools to increase efficiency and expediency under NEPA, the Administration could also issue Executive Orders to the agencies, emphasizing the importance of natural resource and project development, and providing specific direction on how to encourage such activities. The Administration could also call for Congressional action to limit the range of litigation or the power of the courts, as prolonged and costly NEPA litigation has become a hallmark of the NEPA process. Litigation results in far too much analysis and review of NEPA decisions after they have already undergone a lengthy agency review process.

In sum, we are gratified that CEQ has proposed steps to make NEPA more efficient and timely. We urge the Administration to go further than currently proposed, to assure accountability of agencies and to limit prolonged NEPA proceedings and litigation.

Sincerely,



Johnny Pappas
Director of Environmental Affairs
Romarco Minerals, Inc.

¹ Andrus v. Sierra Club, 442 U.S. 347, 358 (1979).