



SUMMARY

EPN Comments on CEQ Proposed Revisions of NEPA

March 10, 2020

On March 10, 2020, EPN submitted [comments](#) in response to the Council on Environmental Quality's (CEQ) [proposal](#) to update regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). NEPA provides the foundation for national environmental policy. It directs and augments federal agency authority, where permitted, to consider reasonable alternatives to proposed actions in order to avoid harm or, if not, mitigate adverse impacts, enhance benefits, and consider the resource needs of future generations. It directs federal agencies to collaborate among themselves, state, local, and tribal governments to take a "hard look" at potential environmental (i.e., air, water, and other shared resources), social, and economic impacts for major federal actions with potential for significant impacts on the human environment before they approve, permit, license, lease or fund a project (such as a mine, timber harvest, oil/gas field or pipeline, renewable energy project, or resource management plan on public lands; dam construction; port expansions; and highway and transit projects, to name just a few).

EPN strongly opposes CEQ's proposed revisions, which are inconsistent with NEPA, congressional intent, and years of practice. The proposed changes would render NEPA a meaningless paper exercise, rather than the responsible force it was intended to be for integrating economic, environmental, and social concerns into federal government decision-making to protect the health and prosperity of future generations. Moreover, CEQ's stated purpose of reducing delays, costs, and uncertainty would certainly fail since it invites protracted litigation with proposals that overstep any reasonable bounds for interpreting what NEPA requires of federal agencies.

EPN raised concerns that the draft would:

- Remove NEPA's policy and mandate and limit the application of NEPA's environmental review requirements by changing key definitions and limiting alternatives, comments, and contributions by federal agencies to their statutory authority.
- Erode the integrity of federal agency environmental reviews, limit analysis to only information that is currently available, remove analysis of indirect and cumulative impacts, and remove conflict-of-interest prohibitions while expanding who can carry out the analysis for federal agencies.
- Ignore public and agency comments that do not come at the early stages of scoping and bypass required public comment periods by allowing agencies to adopt other agencies' environmental impact statements, findings of no significant impact, and categorical exclusions, also reducing both agency transparency and responsiveness to comments.
- Sacrifice quality for expediency by rigidly imposing one-size-fits-all page counts and schedules for both NEPA and authorizations.
- Weaken essential drivers for federal agencies to integrate environmental and long-term concerns into their decision-making. Referrals to CEQ for environmentally unsatisfactory or inadequate assessments would become closed-door complaint forums on behalf of project proponents based on costs of delay.
- Limit judicial review, especially citizen access to the courts, through agency self-certification and new requirements for bonds and stays favoring project proponents.

Background

Signed in 1970, NEPA requires federal agencies to use all practicable means and measures to secure harmony between the human and natural environment, to seek to reuse resources, to avoid irreparable harm or irretrievable use of resources in consideration of future generations. In addition, federal agencies must make decisions with consideration of environmental and long-term impacts of their proposed major actions with potentially significant impacts to the human environment before making decisions on such matters as permit applications, federal land management, and the commitment of federal funds for construction of highways and other publicly-owned facilities.