

November 22, 2021

Brenda Mallory  
Chair  
Council on Environmental Quality  
730 Jackson Place NW  
Washington, D.C. 20503

**Re: National Environmental Policy Act (NEPA) Implementing Regulations Revisions**

Dear Ms. Mallory,

Founded in 2017, the [Environmental Protection Network](#) (EPN) harnesses the expertise of more than 550 former Environmental Protection Agency (EPA) career staff and confirmation-level appointees from Democratic and Republican administrations to provide the unique perspective of former regulators with decades of historical knowledge and subject matter expertise.

We thank the Council on Environmental Quality (CEQ) for the opportunity to provide comments on its proposal to modify certain aspects of its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) to generally restore regulatory provisions that were in effect for decades before being modified in 2020.

As stated in our [October 2021 testimony](#), EPN supports CEQ's proposed Phase 1 revisions, particularly as they would restore consideration of indirect and cumulative impacts in assessments and allow agencies to base purpose and need for their actions on a variety of factors, not just the goals of the applicant. As noted in our testimony, removing these categories of impacts would, for example, focus highway impact assessments only on "noise from construction and ignore the noise from subsequent traffic, induced development along its route and consideration of resilience to climate change achieved through careful design and location alternatives. The 2020 rules also would forego the opportunity to support rather than bypass rural towns or invigorate rather than destroy low income-minority urban communities in their path." Both examples were provided in our oral testimony and are the very types of concerns that NEPA was intended to address.

EPN's [prior comments](#) on CEQ's 2020 then-proposed revisions to NEPA implementation outlined the numerous concerns we had with the revisions, which were inconsistent with NEPA, congressional intent, and years of practice. We recommend that any revisions to NEPA made by CEQ in a second proposed rulemaking go further to restore the purpose and goals of NEPA that were limited by the 2020 NEPA regulations. Our testimony particularly urged CEQ to "restore integrity to the application of categorical exclusions, environmental assessments, and tiering programmatic reviews by providing transparency, clear analytical basis, and enforceability of actions identified as necessary to avoid significant impacts." **In particular**, schedules are important to provide greater discipline and certainty for proponents and stakeholders alike; however, the one-size-fits-all page and time limits, which are **fine as overall goals**, are problematic when applied equally to all projects and project types.

Thank you for your kind attention to these comments. The members of EPN look forward to continuing to share our expertise and experience with CEQ as it completes work on Phase 1 and moves on to Phase 2. We recognize the importance of finding ways to implement this important law in an efficient manner, including the use of tiering and programmatic assessments, which can better guide the issuance of individual permits for grazing, logging, and mining on federal lands, raised as problems during the public hearings. We also recognize that without implementation of NEPA as intended, we will repeat or even exacerbate problems created by past practices and fail to meet the challenges of today, including both climate change and environmental justice.

Sincerely,

Michelle Roos  
Executive Director  
Environmental Protection Network

This letter was prepared by EPN's NEPA and Infrastructure team.