

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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March 10, 2020

**VIA ELECTRONIC FILING**

The Honorable Mary B. Neumayr  
Chair of the Council on Environmental Quality (CEQ)  
730 Jackson Place, NW  
Washington, DC 20506

**RE: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 Fed. Reg. 1,684 (January 10, 2020); Docket No. CEQ-2019-0003**

Dear Chair Neumayr:

The U.S. Chamber of Commerce (“the Chamber”) appreciates the opportunity to comment on the Council on Environmental Quality’s (CEQ) proposed revisions to National Environmental Policy Act (NEPA) implementing regulations.

The Chamber and its members are strong supporters of NEPA, and recognize its critical role in facilitating a process to consider potentially significant environmental impacts of projects related to federal permits and approvals. However, the decision-making process under NEPA is widely regarded as broken and in need of reforms that can enhance infrastructure as well as environmental stewardship.

In the more than 40 years since CEQ promulgated its initial NEPA regulations, the length, complexity and delays associated with project reviews has steadily grown. These delays are affecting economic growth, public safety and welfare, national security, and the environment. The Chamber supports CEQ’s interest in revising the NEPA regulations to ensure a more efficient, timely, and effective process consistent with NEPA’s important purpose and mission.

In today’s increasingly competitive and globalized economy, the need for efficient development of American infrastructure is paramount. Investments in transportation, energy, communications, and other projects would improve the quality of our infrastructure to help move goods in a faster, more reliable, and more resilient manner, providing both immediate and long-term economic benefits to communities across the country.

## **I. We Support CEQ’s Revisions that Restore Agency Focus to Analysis of Information that is Meaningful and Significant**

Such direction will help restore NEPA reviews to the original intent of the statute to provide meaningful insight to agencies and the public on those environmental impacts that are truly significant. CEQ’s final regulations from 1978 state that “NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.”<sup>1</sup>

NEPA’s purpose is to establish a framework by which federal agencies can understand the environmental impacts of their decisions, allowing them to consider actions that might mitigate such impacts. Agencies can only achieve this purpose if the information considered meaningfully informs the agency’s action. An analysis is only meaningful if the information is relevant to the agency’s decision-making discretion within the bounds of the action statute. The action statute authorizes the major federal action that triggers the NEPA review.

The action statute prescribes the parameters for agency decision-making and thus limits the agency’s discretion to act. NEPA “imposes only procedural requirements” to ensure that agencies are well informed under the action statute.<sup>2</sup> NEPA does not expand the parameters of the agency’s decision-making beyond consideration of information the agency has the discretion to act on.

## **II. We Support CEQ’s Presumptive Page Limit Proposal to Restore the Original Intent of NEPA Analyses to be “Concise, Clear and to the Point”**

NEPA provides important safeguards to ensure that major federal actions and approvals carefully consider environmental impacts. However, the scope of NEPA analysis should be focused on information specifically related or consequential to the federal action at hand, as opposed to an overly broad and exhaustive analysis of all issues, without regard to significance.

CEQ’s final regulations promulgated in 1978 stated that “Environmental Impact Statements shall be concise, clear, and to the point...”<sup>3</sup> Those regulations go on further to say that “NEPA’s purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action.”<sup>4</sup> Moreover, they direct agencies to “us[e] the scoping process, not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the EIS process accordingly.”<sup>5</sup> Unfortunately, over time, agencies have increasingly failed to adhere to these foundational NEPA principles.

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<sup>1</sup> 40 C.F.R. § 1500.1(b)

<sup>2</sup> *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 756 (2004) (citing 42 U.S.C. § 4321) (NEPA “was intended to reduce or eliminate environmental damage and to promote ‘the understanding of the ecological systems and natural resources important to’ the United States.”).

<sup>3</sup> 40 C.F.R. § 1500.2(b)

<sup>4</sup> 40 C.F.R. § 1500.1(c)

<sup>5</sup> 40 C.F.R. § 1500.4(g)

To support CEQ's original intent, a CEQ question and answer guidance document originally issued in 1981 and then amended in 1986 stated that "the Council has generally advised agencies to keep the length of EAs to not more than approximately 10-15 pages. Some agencies expressly provide page guidelines (e.g., 10-15 pages in the case of the Army Corps)."<sup>6</sup> These page count goals envisioned fifteen years after NEPA was signed into law focused on limiting the analysis to what was necessary for Federal decision-making. The 1986 guidance's page count limit make CEQ's proposal for agencies to limit their EAs to 75 pages seem expansive.

In 2019, a CEQ 2019 report that examined over 500 projects requiring EISs from 2013 to 2017 and found the average length of analysis was over 1,200 pages per EIS including the appendices.<sup>7</sup> For these same 500 projects, the federal government amassed almost a million pages of NEPA documentation.

These voluminous analyses not only incur significant cost burdens on project developers and reviewing agencies, they lead to incalculable costs due to delayed private and public benefits of the projects. For three NEPA reviews approved in 2015 by DOE, the estimated cost for preparing the NEPA reviews was about \$7,500 dollars per page of analysis.<sup>8</sup> The cost burden of these analyses on taxpayers is high. In 2017, the American Action Forum assessed 148 projects and estimated that the review process costs were almost \$230 billion.<sup>9</sup>

For these reasons, we support CEQ's effort to modernize NEPA implementing regulations and ensure a more efficient, predictable, and effective approach to environmental permitting of infrastructure and development projects.

### **III. We Support CEQ's Presumptive Time Limit Proposal to Restore the Intent of Not Delaying NEPA Decision-making**

Since NEPA was last comprehensively updated in the late 1970s, the time it takes to complete environmental reviews has increased significantly. When it takes longer to go through the federal approval process than it does to actually build a project, it is an indication that the NEPA process is broken.

According to CEQ, of the 170 projects that were reviewed by the U.S. Department of Transportation from 2010 to 2017 that required an environmental impact statement (EIS), half took more than six years to complete. The length of these environmental reviews take up the entire transportation funding cycle, which is typically six years, making it difficult for states and private sector investors to plan large-scale transportation projects. These permitting process delays directly translate to delays constructing important transportation projects and realizing

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<sup>6</sup> "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," Council on Environmental Quality Memorandum to Agencies, 1986, <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>

<sup>7</sup> Length of Environmental Impact Statements (2013-2017), Council on Environmental Quality, July 22, 2019, <https://ceq.doe.gov/nepa-practice/eis-length.html>

<sup>8</sup> National Environmental Policy Act Lessons Learned, U.S. Department of Energy, NEPA Quarterly Newsletter, March 1, 2016, Issue No. 86, <https://www.energy.gov/sites/prod/files/2016/03/f30/LLQR-March-2016.pdf>

<sup>9</sup> Regulatory Burdens and the Supply of Infrastructure Projects, Curtis Arndt, American Action Forum, <https://www.americanactionforum.org/research/infrastructure-regulatory-burdens/>

the associated environmental and safety benefits as well as the reduced congestion that more efficient infrastructure can deliver.

The Basnight Bridge in North Carolina connecting Hatteras Island and Bodie Island is a good example of the unreasonable delay of an important infrastructure project due to NEPA. The environmental review took 25 years to complete under NEPA, but only three years to build the 2.8 mile bridge. The need for the bridge was unquestioned as it was going to replace a 56 year old, crumbling bridge that moved an estimated 2 million tourists a year between the islands. The new design was also safer for travelers and more resilient to the corrosive sea environment and severe storms.

In addition to bridges, railways, airways and waterways, our energy and industrial facilities, telecommunications networks, and other public assets are equally vital to economic activity. The failure to secure timely approval for projects and land management decisions is also hampering economic growth. All too often, investment and development in these sectors is negatively affected by NEPA reviews.

Reducing costs and uncertainties associated with infrastructure investment and related projects has the potential to support more and better-paying jobs throughout the country. Various private and public organizations estimate the creation of up to 13,000 jobs for every \$1 billion spent on infrastructure. In addition to providing jobs, these projects also provide more local tax revenue supporting local communities.

We support the proposed NEPA updates to increase transparency and predictability as well as improved coordination between federal agencies to eliminate unnecessary barriers that prevent or delay the implementation of critical projects. Improved regulatory predictability would allow businesses to plan and invest with confidence while enhancing economic productivity and efficiency. Such process improvements would also encourage many states and localities to follow federal leadership on approving infrastructure projects and land management activities.

#### **IV. Examples of the Economic and Environmental Challenges Posed by NEPA for a Few Sample Sectors**

The following sections detail numerous examples illustrating the economic and environmental challenges that these process improvements would address.

##### **a. Streamlining NEPA Permitting Would Help Unlock Investment in Telecommunication Infrastructure**

In a U.S. Chamber of Commerce 2019 report, “Unlocking the Digital Potential of Rural America,” our research showed that nearly 20% of rural small businesses in America generate the vast majority of their revenue by selling their products online.<sup>10</sup> About half of rural small businesses sell their products and services online on their own website or through a third party website.

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<sup>10</sup> Unlocking the Digital Potential of Rural America, U.S. Chamber Technology Engagement Center (C\_TEC), March 2019, <https://americaninnovators.com/rural-report/>

Better infrastructure would allow for greater use of these digital tools and technology in rural small businesses across the country. We estimate that if given access to digital tools, rural small businesses could innovate and add nearly \$47 billion to U.S. GDP.

The economic opportunity is there; however, many rural areas of the country lack the necessary infrastructure to bring about this potential. A recent article posed several scenarios that may play out in the lives of rural Americans. In one, “a sixth grader, who is trying to finish an online project, can only complete this assignment while sitting in her parent’s car in the parking lot of her school.” In another, “a physician, whose patient lives more than an hour away, wants to utilize remote patient monitoring technology, but is unable to do so.”

These types of scenarios could be addressed and more opportunities given in rural areas, by streamlining the permitting process for rural broadband, whether wireline connections on poles or underground equipment, as well as emerging 5G wireless technologies. The wireless communications industry that is building out new 5G networks has described the permitting obstacles it faces in part due to NEPA: “It can take about an hour or two to install a small cell that’s roughly the size of a pizza box on a streetlight or utility pole, but it can take a year or more to get the necessary permits.”<sup>11</sup> With the industry aiming to install 800,000 such cells in the coming years to make 5G a reality, it is not difficult to understand how NEPA permitting delays could slow the rollout of this beneficial new technology.”

We support CEQ’s updates, which are aimed at restoring the original intent of the program. CEQ’s original implementing regulations from 1978 tells federal agencies to “reduce paperwork and the accumulation of extraneous background data” and that NEPA documents “ must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.”<sup>12</sup>

Streamlining NEPA’s procedures will help America meet the demand for highly efficient communications infrastructure. The cloud has transformed the telecommunications industry sparking an enormous need for faster internet and 5G networks. This has spurred the development of innovative technologies that demand higher rates of data transfer to perform speech recognition, navigate, enable digital assistants, use virtual reality, to name a few.

The federal government owns or administers close to 30 percent of all land in the U.S. as well as thousands of buildings, and funds state and local transportation infrastructure. Improved processes for broadband deployment would increase broadband facilities servicing rural communities, improve services in urban areas, enhance public safety by providing improved emergency communications, spur competition between broadband providers, and multiply the public benefits of existing federal infrastructure investments.

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<sup>11</sup> FCC Infrastructure Reform Jumpstarts 5G Deployment, CTIA, March 22, 2018, <https://www.ctia.org/news/fcc-infrastructure-reform-jumpstarts-5g-deployment>

<sup>12</sup> 40 C.F.R. § 1500.2(b)

## **b. Restoring NEPA to Its Original Intent will Increase Transportation Efficiency Including the Distribution of Goods and Services**

For the last three years, the U.S. Chamber of Commerce has led the charge in support of a comprehensive infrastructure bill. While we have actively engaged with White House and Congressional leaders on infrastructure legislation, reforming our outdated permitting process is just as essential. As U.S. Chamber CEO Tom Donohue has said repeatedly: “It shouldn’t take longer to approve a project than to build it...You can line up all the cash you need, but if the permitting process is slow or broken—there’s no point in doing an infrastructure deal. And any proposal that fails to reform the permitting system won’t have the Chamber’s support.”

NEPA has become unacceptably burdensome, delaying infrastructure projects that would benefit Americans every single day with faster commutes, reduced vehicle maintenance due to upgraded roadways, and more efficient delivery of goods and services. In addition, a modern, efficient highway system would deliver environmental benefits with reduced emissions associated with less idling in congestion and more infrastructure resiliency.

For instance, the I-70 expansion project in Colorado was delayed more than 13 years. The 10-mile stretch of road to be upgraded is home to 1,200 businesses and carries up to 200,000 vehicles per day connecting Denver International Airport to the surrounding region. The \$1.2 billion project will not only provide immediate construction jobs, but also will improve public safety with a widened shoulder, reduce congestion to cut down on delivery delays, and feature a four-acre park to connect communities separated by a viaduct built in the 1960s.

It can take longer to get government approvals under NEPA than it takes to construct a project. As referenced above, the NEPA review of the Basnight Bridge project in the Outer Banks of NC took 25 years to be approved while the bridge itself was built in three years. The Basnight Bridge that replaced the 56 year old Bonner Bridge.<sup>13</sup> For this bridge, advanced engineering and construction techniques employed the use of precast concrete structural elements that allowed for rapid construction, while still maintaining the quality and durability of the new bridge.

## **V. Reducing NEPA Delays will More Quickly Deliver Environmental Benefits to the Public**

Further, delays caused by current NEPA regulations hinder the development of more efficient roadways, airways, and waterways that would help reduce emissions. The American Trucking Association stated in their February 25, 2020 testimony at CEQ’s NEPA public hearing that, “[e]very minute that a truck sits in traffic adds \$1.20 to the cost of that truck’s operation. Industry-wide, that adds up to \$75 billion a year. And that wasted time sitting in traffic has environmental consequences as well. Congestion caused the trucking industry to consume an additional 7 billion gallons of fuel in 2016, representing 13% of the industry’s fuel consumption, and resulting in 67 million metric tons of excess carbon dioxide emissions.”

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<sup>13</sup> The Bonner Bridge Replacement Timeline: A Look at the Many Obstacles Along the Way, Joy Crist, Island Free Press, February 11, 2019, <https://islandfreepress.org/hatteras-island-features/the-bonner-bridge-replacement-timeline-a-look-at-the-many-obstacles-along-the-way/>

Modern roads and bridges will deliver environmental benefits from their new designs, but environmental benefits can also be obtained from reducing NEPA delays for mass transit projects. The purple line transit system in Maryland was formally proposed in 2003 and not approved for 14 years. The light rail line is a 16-mile project that would connect New Carrollton and Bethesda, Maryland, providing environmentally-friendly transit for an estimated 70,000 daily riders and leading to a 17,000 fewer vehicles on local roads. Not only would it help reduce emissions associated with fewer cars and reduce congestion, it will also bring thousands of jobs to the region.<sup>14</sup>

Since the release of CEQ's proposed regulations in January 2020, numerous stakeholders have detailed the importance of NEPA reforms to addressing important environmental challenges. For example, the American Wind Energy Association released a statement saying, "[r]educing permitting delays and uncertainties associated with responsible wind energy infrastructure development will create jobs, increase deployment of clean, reliable American-made domestic power..."<sup>15</sup> The Special Initiative on Offshore Wind's (SIOW) whitepaper from 2019 estimates that nearly \$70 billion of capital investment is expected for America's coasts for offshore wind in the next 10 years.<sup>16</sup>

This level of investment in infrastructure would provide reliable energy in places like New England and New York where infrastructure development onshore is famously difficult; however, these projects are also facing delays under NEPA. For example, the Vineyard Wind Project is an offshore wind farm that has been delayed under NEPA for the last two years. This project is a \$2.8 billion investment and part of the \$70 billion in potential offshore wind that could be deployed to the northeastern part of the U.S. The Vineyard Wind Project would provide enough capacity to power 400,000 homes.

In the Bipartisan Policy Center's blog regarding the CEQ proposed rulemaking, they stated, "[w]e must reconcile the imperative for a massive clean energy transition with an inefficient environmental review and permitting process—one regularly used to gin up public opposition, lay down bureaucratic roadblocks, and litigate everything from bike lanes to powerlines. These same hurdles await first-of-a-kind facilities that sequester carbon underground, store massive amounts of clean power or employ advanced nuclear technologies..." They went on further to say that "...[e]veryone that appreciates the essential steps that must be taken to transition to a low carbon economy should champion any effort to review NEPA regulations and seek to make the process work better."

Reducing the delays of critical infrastructure projects in the transportation and energy sectors, as well as in other sectors, will benefit both the environment and the economy by delivering these benefits sooner.

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<sup>14</sup> Governor O'Malley Announces Purple Line Receives Federal Environmental Approval, Maryland Transit Administration, March 20, 2014, <https://www.purplelinemd.com/component/jdownloads/send/20-record-of-decision/69-record-of-decision-press-release>

<sup>15</sup> American Wind Energy Association Statement on National Environmental Policy Act (NEPA) Review Process, January 8, 2020, <https://www.awea.org/nepa-review-process-statement>

<sup>16</sup> Supply Chain Contracting Forecast for U.S. Offshore Wind Power: White Paper, Stephanie McClellan, March 2019 <https://cpb-us-w2.wpmucdn.com/sites.udel.edu/dist/e/10028/files/2020/01/SIOW-White-Paper-Supply-Chain-Contracting-Forecast-for-US-Offshore-Wind-Power-FINAL.pdf>

## **VI. Multiple Administrations Have Recognized the Importance of Timely NEPA Decisions**

Multiple Administrations have recognized the importance of timely federal permitting decisions for critical infrastructure projects by issuing executive orders, presidential memorandums, and Congress has authorized legislation to expedite federal decision-making. President Obama's 2012 executive order recognized the need to improve the performance of federal permitting and the review of infrastructure projects. He also signed the FAST Act into law, which created a permitting dashboard to accelerate project reviews. In 2001, President Bush issued an executive order to expedite the review of energy-related permits while emphasizing the need to maintain safety, public health, and environmental protection.

Consistent with its environmental mission, modernizing NEPA will accelerate projects that deliver benefits across a wide array of sectors. For example, updated roadways and bridges will improve the efficiency of our transportation and distribution systems, thereby reducing traffic congestion and associated emissions.

Streamlined permitting will also spur investment in renewable energy sources and electric transmission infrastructure, which are also subject to delays by current NEPA procedures. And timelier decisions on forest and water resources will help mitigate environmental impacts, such as damaging floods and wildfires.

NEPA updates will also serve to promote public safety through new highway, railway, and airway designs. Accelerating broadband infrastructure to more rural communities will increase the operability of emergency communications vital to public safety.

These are just a few of the potential benefits of modernizing NEPA's implementing regulations. Increasing investor certainty for these projects will unlock investment in America infrastructure across the economy and put more Americans to work.

## VII. Examples of Projects Delayed by NEPA

### a. I-70 Expansion | Colorado



A \$1.2 billion project to alleviate severe traffic congestion through the expansion of 12 miles of highway near Denver, the I-70 widening project has become an infamous illustration of the need for NEPA reforms. The project<sup>17</sup> will provide the first safety and capacity improvements to I-70 since the highway’s construction in 1964 adding one new Express Lane in each direction, auxiliary lanes for safe exiting, and shoulders for accidents and breakdowns.” The Environmental Impact Statement for this stretch of highway took 13 years to complete, involved hundreds of public meetings, and set a record for length—totaling 15,951 pages.

- Lead agency: Federal Highway Administration
- Project delay: 13+ years
- Status: final NEPA permit approved in 2017, now under construction

“This is an affirmation that we’ve double-checked and tripled-checked everything that had to be done from the federal perspective,” said Doug Hecox, a spokesman for the Federal Highway Administration. “They have more than met the requirements.”

“If you are flying into DIA and needing to move across the state, an I-70 that flows, that does not break down every day, is going to be a big benefit to tourism, for commerce...If you’re a company — and there are a lot of factories and warehouses in this area — your goods are not sitting in traffic. That’s going to be a big improvement. For a lot of different reasons, this project makes sense.” — Shailen Bhatt, Colorado Department of Transportation<sup>18</sup>

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<sup>17</sup>I-70 East EIS FAQ, 2017, <http://www.i-70east.com/faqs.html#willwillnot>

<sup>18</sup> Feds approve I-70 rebuild, setting the stage for five years and \$1.2B of construction in North Denver Erica Meltzer- Jan. 19, 2017, <https://denverite.com/2017/01/19/feds-approve-70-rebuild-setting-stage-years-construction-north-denver/>

### **b. Allison Creek Hydroelectric Project | Alaska**



In 2007, the Copper Valley Electric Association elected to add more hydroelectric power to its portfolio, with a fish-friendly “run of river” development near Valdez, Alaska. The project was expected to eliminate the use of 700,000 gallons of diesel fuel used for electricity generation each year, eliminating 12,000 tons of carbon dioxide annually—the equivalent of taking approximately 2,600 cars off of the roads.

- Lead agency: Federal Energy Regulatory Commission
- Status: began operations in October 2016

“The Federal Energy Regulatory Commission (FERC) issued a preliminary permit for the project in 2008, with a three-year deadline for submittal of a formal license application. Despite the co-op’s submission of a timely and complete license application in 2011, FERC did not meet project review milestones. The project did not receive final approvals until late 2013, a delay that cost the co-op millions of dollars—including the cost to purchase nearly a million gallons of diesel fuel. More than \$700,000 was passed on to the co-op’s members due to these delays.” – National Rural Electric Cooperative Association<sup>19</sup>

### **c. Project Icebreaker | Ohio**



Originally expected to begin construction in 2021, Project Icebreaker is poised to become the first fresh water windfarm in North America. A 21 megawatt clean energy project located on Lake Erie 13 miles offshore from Cleveland, the project would create thousands of jobs for Northeast Ohio. Despite agreeing to 33 project stipulations sought by environmental interests, a lawsuit has been filed under NEPA that threatens to delay the project.

- Lead agencies: Department of Energy and Army Corps of Engineers
- Project Delay: TBD
- Status: Litigation filed in December 2019 is challenging the adequacy of the federal government’s environmental assessment

under NEPA

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<sup>19</sup> Electric Co-ops Support Proposed NEPA Reforms, Media Relations- Jan 9, 2020, <https://www.electric.coop/electric-co-ops-support-proposed-nepa-reforms/>

“The clean energy that these turbines will generate is an important step toward reducing emissions and pollution, and combating climate change, which will provide great benefits to birds and other wildlife as well as all Ohioans...”[Project Icebreaker’s NEPA] process included consultation with the USFWS and other federal and state agencies. As required by NEPA, the agencies prepared an Environmental Assessment that was exceptionally detailed and thorough. On the basis of that assessment they determined that Icebreaker would have no significant impact to birds, and no significant impact on the environment. Therefore, in accordance with NEPA, preparation of an Environmental Impact Statement is not warranted and would not add to the analysis beyond additional expense and delay.” – Lake Erie Energy Development Corporation<sup>20</sup>

**d. Upper Fryingpan Vegetation Management Project | Colorado**



A vegetation treatment plan of 1,631 acres to improve forest resiliency and animal habitat in Colorado is being delayed due to lawsuits claiming the Forest Service failed to follow proper NEPA regulations.

- Agency: Forest Service
- Project Delay: 3+ years
- Status: Project halted; NEPA litigation ongoing

*“This project will provide forest products to local and regional industry while also improving forest resilience and habitat for snowshoe hare, a species that is a key food source for Canadian lynx,” District Ranger Karen Schroyer said. “It is part of the mission of the Forest Service to responsibly manage National Forests for multiple uses. Through the NEPA (National Environmental Policy Act) process and productive dialogue, I believe we have struck a balance to achieve the purpose of this project.”*

The Forest Service said the project is being done in the interest of the Upper Fryingpan Valley’s health, and that it *“does not authorize any deforestation, which is the conversion of land from a forest to a non-forest use ... but instead authorizes treatment that will accomplish an improved forested condition in harvest units.” [Additionally,] improved health conditions will make the*

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<sup>20</sup> Bird groups file lawsuit over Icebreaker, Dec 12, 2019, <https://renews.biz/56960/bird-groups-file-lawsuit-over-icebreaker/>

forest more resistant “to disturbances, such as future bark beetle outbreaks, fires, and other climate-related mortality events.”<sup>21</sup>

#### e. Northern Integrated Supply Project | Colorado



The Northern Integrated Supply Project will bring critically needed water reservoirs to Northern Colorado, supplying 15 Northern Colorado municipalities and water districts with 40,000 acre-feet of new, reliable water supplies. NEPA reviews for the project were initiated in 2004 and

remain on-going.

- Agency: Army Corps of Engineers
- Project Delay: 15+ years
- Status: Awaiting final NEPA approval from Army Corps of Engineers, as well as state water permit
- Delayed Investment: \$1.2B

*“Northern Water – and the Front Range water providers who would benefit from the additional water – say that this project is an absolute necessity. They argue that Colorado is growing in population. That those growing cities will need more water. And that these reservoirs aren’t just adding redundancy to municipal water supplies... they’re filling a gap, between the demand for water in the state and the available supply...These are places that want to grow, but if you project out into the future they don’t have the water secured to make that growth possible.”<sup>22</sup>*

#### f. Purple Line Transit System | Maryland



Formally proposed in 2003, the 16-mile light rail transit project would connect New Carrollton and Bethesda, Maryland, providing environmentally-friendly transit for an estimated 70,000 daily riders and leading to a 17,000 fewer vehicles on local roads.

- Agency: Federal Transit Administration
- Project Delay: 14 years
- Status: after years of delays and legal challenges, a 2017 court decision rejected NEPA-based challenges to the project. It is now under

construction.

<sup>21</sup> Forest Service says Fryingpan logging project meets environmental muster, Rick Carroll, Dec 24, 2019, <https://www.aspentimes.com/news/local/forest-service-says-fryingpan-logging-project-meets-environmental-muster/>

<sup>22</sup>What Is The Northern Integrated Supply Project, And Why Is It Controversial?, Luke Runyon, Oct 9, 2019 <https://www.kunc.org/post/what-northern-integrated-supply-project-and-why-it-controversial#stream/0>

*“If plaintiffs or courts can upend the culmination of the onerous NEPA process for economic or policy reasons having nothing to do with the environment, the ensuing uncertainty and delay would discourage public and private investment needed to rebuild and improve the country’s transportation infrastructure.” – American Road and Transportation Builders<sup>23</sup>*

*“The Purple Line will bring thousands of jobs to the region, attract new residents and businesses to Prince George’s and Montgomery counties and help meet the demand for high-quality, reliable east-west transit service inside the Capital Beltway.” – Maryland Lt. Governor Anthony G. Brown.<sup>24</sup>*

#### **g. Taos Regional Airport Improvements | New Mexico**



An expansion project that would increase planes based in Taos by 75 percent and improve runway accessibility for pilots by 5 percent to improve safety and pilot confidence.

- Delayed: 20.4 Years
- Investment: \$25 million

*“Work on the expansion of the Taos Regional Airport has begun, but opponents are continuing their fight to have the project halted...The work follows nearly 30 years of disagreement over the*

*purpose and need of the \$24 million project, which is being funded almost entirely by the Federal Aviation Administration.”<sup>25</sup>*

#### **h. Vineyard Wind Project | Massachusetts**



An offshore wind farm, part of larger project to spur \$70B in the wind energy sector with enough capacity to power 400,000 homes.

- Delayed: 2 Years and Ongoing
- Potential Investment: \$2.8B

*“The decision of the U.S. Bureau of Ocean Energy Management to launch a “cumulative impacts*

*analysis” and hold up the approval of a key permit for Vineyard Wind until that analysis is complete will likely upend the supply chain, financing and construction timeline for the project*

<sup>23</sup> Association Argued Project Opponents Were Abusing NEPA, <https://www.artba.org/2017/12/19/artba-helps-secure-purple-line-victory-federal-court/>

<sup>24</sup> Purple Line MD Record of Decision, <https://www.purplelinemd.com/component/jdownloads/send/20-record-of-decision/69-record-of-decision-press-release>

<sup>25</sup> Taos County planning commission to hear airport appeal March 4, J.R. Logan- Feb 28, 2017, <https://www.taosnews.com/stories/taos-county-planning-commission-to-hear-airport-appeal-march-4,33482>

chosen by the Baker administration and state utility companies to fulfill part of a 2016 clean energy law.”<sup>26</sup>

i. **Grand Haven Traffic Congestion Improvement | Michigan**



A two-lane roadway and bridge project that will mitigate traffic build-up by providing a route for an additional 15,000 to 20,000 vehicles daily.

- Delayed: 16 Years
- Investment: \$170 Million

*“After close to two decades of debate, the final hurdle has been cleared for \$170 million in*

*improvements to the U.S. 31 corridor... Discussions on the bypass date back to 1993, with the project having been scaled back in recent years. Instead of a new freeway along 120th Avenue through the center of a largely rural area — originally proposed more than a decade ago — the project calls for building the M-231 bypass from M-45 (Lake Michigan Drive) to the interchange at I-96 and M-104 near Nunica.”<sup>27</sup>*

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<sup>26</sup> Federal Review Will Further Delay Vineyard Wind, Colin Young- Aug 9, 2019, <https://www.wbur.org/earthwhile/2019/08/09/vineyard-wind-project-delayed>

<sup>27</sup>Final hurdle passed for buying M-231 bypass in western Ottawa County, Greg Chandler- Apr 24, 2010, [https://www.mlive.com/news/grand-rapids/2010/04/final\\_hurdle\\_passed\\_for\\_buying.html](https://www.mlive.com/news/grand-rapids/2010/04/final_hurdle_passed_for_buying.html)

## **VI. Statements from Organizations and Public Officials Supportive of CEQ's Proposed Updates**

### **Business Organizations**

#### **U.S. Chamber of Commerce**

“That’s why the Chamber strongly supports the Administration’s efforts to streamline permitting processes, and why we are leading a broad coalition representing the business community and workers to support the new rule. We support NEPA’s requirement for environmental reviews and public input. But too often, the current rules are used as a tool to obstruct important projects, such as highways, bridges, public transit and even renewable energy projects. Reducing delays and uncertainties associated with infrastructure investment and related projects will allow businesses to plan and invest with confidence while enhancing economic productivity and supporting more and better-paying jobs throughout the country.” Thomas J. Donohue, CEO, U.S. Chamber of Commerce

#### **American Council of Engineering Companies**

“America’s engineering industry believes we can improve our infrastructure while being good stewards of the environment. The expectation of our public and private project owners is that NEPA should be implemented with a better balance of timelines and reviewing agency accountability to provide more certainty for investments. For this reason, the American Council of Engineering Companies supports commonsense NEPA reforms to eliminate unnecessary delays in project delivery and reduce the regulatory burdens that stifle innovation.”

#### **American Exploration & Production Council**

Today, the American Exploration & Production Council (AXPC), a group of America’s largest independent operators, applauded the proposal from the Council on Environmental Quality (CEQ) to modernize the National Environmental Policy Act (NEPA), which will create a more efficient permitting process, increase consistency across federal agencies, and clarify longstanding regulations.

“Our country is at a pivotal time for American energy; all phases of energy production need efficient, effective and streamlined processes to ensure that we can meet our growing energy demands and protect our national security interests. The Administration’s modernization of NEPA removes bureaucratic barriers that were stifling construction of key infrastructure projects needed for U.S. producers to deliver energy in a safe and environmentally protective way,” said AXPC CEO Anne Bradbury.

NEPA has not seen any meaningful changes since 1978. Since that time, the U.S. has become a net exporter of energy; demand for domestic natural gas grown dramatically; and, innovation and efficiency gains delivered by American energy producers have positioned our nation as an energy leader.

Under the current NEPA guidelines, the U.S. Department of the Interior disbursed \$11.69 billion from revenue generated by energy production on federal and tribal lands for the fiscal year of 2019. These funds were distributed to states, conservation funds, and the U.S. Treasury. Updated

guidelines will allow for more timely permitting decisions for production on federal lands – leading to more funding for our states, communities, and national preservation efforts.

“Updating NEPA will expedite projects for all sources of energy – pipelines, power lines, wind turbines and oil and gas wells – and will provide the energy needed to continue moving our economy forward,” said Bradbury.

#### **American Farm Bureau Federation**

“Farmers and ranchers rely on the land, some directly on federal forests and rangelands, so keeping them healthy and productive is critical to us. But current NEPA regulations have become an obstacle instead of an instrument for responsible management,” said American Farm Bureau Federation President Zippy Duvall. “The government has reached a point of analysis paralysis, which serves no one well, least of all the environment. Updating these 40-year-old regulations is smart government.”

#### **American Gas Association**

“This proposed rule from the White House Council on Environmental Quality is an important step to greater transparency and efficiency in the NEPA process and will help America’s natural gas utilities continue to provide timely, safe, reliable and affordable service to the 179 million Americans that enjoy the benefits of natural gas and the millions more that want it,” said AGA President and CEO Karen Harbert. “It is promising to see the CEQ take feedback and concerns from all stakeholders, including our industry, into account during this review. We are hopeful that this rule will result in a federal environmental review and permitting process that increases infrastructure development while growing the economy and enhancing environmental stewardship.”

#### **American Highway Users Alliances**

“Streamlining the long and costly NEPA review process is important to expedite critically needed infrastructure improvements. The Highway Users has been an advocate for streamlining federal reviews for highway projects for more than two decades because bureaucratic delays increase project costs and create uncertainty over the viability of important projects – even those projects that save lives. Improving the review process is fully consistent with environmental protection because a streamlined process still requires a very careful review and significant public involvement.” Laura Perrotta, American Highway Users Alliance President and CEO

#### **American Petroleum Institute**

“Reforming the broken NEPA process is a critical step toward meeting growing demand for cleaner energy and unlocking job-creating projects. Endless and repetitive reviews for infrastructure, renewable energy, natural gas and oil projects have been misused to delay and prevent development and undermine job creation, tax revenues and investments in communities across the country.” API President and CEO Mike Sommers

#### **American Road & Transportation Builders Association**

“It can take up to seven years to complete the environmental review process for a new federal-aid project. That’s too long. The Trump administration’s commonsense reforms will help speed up the delivery of U.S. transportation infrastructure projects. Streamlining the NEPA process is

essential to assuring that the government is making every transportation dollar go as far as possible while preserving a commitment to our environment.”

“The best next step is for Congress to approve a robust, multi-year transportation infrastructure investment bill that Republicans, Democrats and the president have been calling for since the 2016 elections.” ARTBA President Dave Bauer

### **American Sheep Industry Association**

On Thursday, the Council on Environmental Quality released a notice of proposed rulemaking to update the National Environmental Policy Act. Signed into law in 1970, NEPA requires federal agencies to assess the environmental impacts of proposed major federal actions.

Since that time, NEPA analysis has grown, with the average environmental impact statement ballooning to more than 600 pages and taking four and half years to complete. ASI President Benny Cox said this modernization represents a tremendous step in the right direction.

“Those operating on federal grazing permits and those who rely on USDA Wildlife Services predator management are familiar with the cumbersome and prolonged NEPA process, which has become an all too frequent toehold for frivolous litigation,” said Cox. “ASI has long had policy urging federal land management agencies to reduce unnecessary burdens and delays through the use of categorical exclusions, and that is a key element of this proposed rule.”

In addition to the use of efficient reviews using categorical exclusions and environmental assessments where appropriate, the proposed rule sets a presumptive timeline of two years for the completion of an environmental impact statement. Through these actions, the goal is to reduce paperwork and delays, promoting better decision making by federal agencies.

### **American Trucking Associations**

“The National Environmental Policy Act was not designed to freeze all progress on major projects and give veto power to every neighborhood. The degradation of our nation’s aging highway infrastructure contributes to the more than \$70 billion in congestion costs borne by the trucking industry alone and poses serious safety consequences for all motorists, including truckers.

“In Louisiana for example, the Interstate 10 Calcasieu River Bridge replacement project has been delayed for two decades by a creaking, outdated NEPA process. The bridge, designed to handle 37,000 vehicles per day when it was opened in 1952, now carries 90,000 vehicles, including more than 5,000 trucks. The FHWA rates the span a 6.6 out of 100, and its steep grades and lack of shoulders makes for a harrowing and dangerous drive. Although state officials have known since the 1980s that the bridge is in critical need of replacement, like many other similar projects nationwide the current review process has prevented states from moving forward in a timely manner.

“We applaud President Trump and his administration for their efforts to Streamline the project approval process – injecting much-needed sanity into efforts to modernize our infrastructure while also reducing project delivery time and costs, insuring that precious resources aren’t frittered away on bureaucratic box-checking when they could be going to pay for U.S.-made steel, asphalt and concrete.”

### **American Wind Energy Association**

“The American Wind Energy Association supports improving the National Environmental Policy Act review process, said Amy Farrell, Senior Vice President of Government and Public Affairs for AWEA. “While America’s wind energy industry supports the fundamental goals of NEPA to appropriately consider potential environmental and climate impacts, the NEPA process has not been revised in decades. As a result, infrastructure projects, including land-based and offshore wind energy and transmission development, have encountered unreasonable and unnecessary costs and long project delays. It is time to update and modernize the permitting process, which would both strengthen our economy and enhance environmental stewardship. We look forward to reviewing the proposed rule and working with the Administration to advance infrastructure permitting reform.

Reducing permitting delays and uncertainties associated with responsible wind energy infrastructure development will create jobs, increase deployment of clean, reliable American-made domestic power; expand manufacturing opportunities for workers in local communities (especially in rural and coastal areas); add to local tax revenue; and support broader infrastructure development, such as port revitalization from the development of offshore wind facilities.”

### **The Association of American Railroads**

“The freight rail industry believes that the federal government should do more to speed up the permitting process of infrastructure projects. More can be done to fast-track routine maintenance and replacement construction projects without sacrificing environmental or historical preservation concerns. This includes a modernized approach to NEPA, such as categorical exclusions for rail projects.”

### **Associated Builders and Contractors**

“ABC supports the modernization of these critical regulations and believes that these enhancements will go a long way towards eliminating unnecessary delays that cause budget overruns in construction. Creating a coordinated, predictable and transparent process to streamline permitting will enable the industry to plan and execute even the most complex projects while safeguarding our communities, maintaining a healthy environment and being good stewards of public funds.”

### **Associated General Contractors of America**

“The problem with the current environmental review process is that it long stopped being about evaluating the environmental impacts of a proposed project and has become a way for special interest groups to further their agenda by holding needed infrastructure and development projects hostage to countless lawsuits and delays,” said Stephen E. Sandherr, the chief executive officer of the Associated General Contractors of America. “The administration is right to seek to make the review process more efficient and cost effective without sacrificing environmental protections, thereby allowing the public to receive and benefit from cleaner water, safer roads and bridges, and a more reliable energy system in a timelier fashion.”

### **Federal Forest Resource Coalition**

“For too long, the National Environmental Policy Act has been misused to slow down and stymie needed forest management on our public lands. As a result, Federal forests have been left in an unhealthy, overstocked condition that has made them vulnerable to insects, disease, and wildfire. By streamlining NEPA, the Administration is working to protect our environment and our economy while reducing unnecessary delays and redundant analysis. We look forward to supporting this important set of reforms.” Bill Imbergamo, Federal Forest Resource Coalition

### **The Fertilizer Institute**

“The Fertilizer Institute supports the Council for Environmental Quality’s efforts to revise the National Environmental Policy Act regulations to restore the original Congressional intent of the law to “help public officials make decision that are based on understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment.”

However, over the past 50 years, the regulations have evolved into a legal framework which has unnecessarily stalled or prevented phosphate and potash mining projects in the United States. These process-based delay tactics do not reflect environmental impacts and only serve to increase project costs and permitting delays. One TFI member company has committed over \$20 Million to a permit with an approval process of over 11 years. TFI believes the revisions to NEPA will ensure federal regulations continue to protect the environment without causing unnecessary negative impact to the business community.

### **Independent Petroleum Association of America**

“IPAA is pleased that the Administration continues to tackle substantial projects, such as their effort to return the NEPA process to the original intent and scope of the law. Although IPAA and our members recognize the important role NEPA plays in public land policy, for many years we have seen the law being abused by environmentalists with extreme agendas to delay and halt various multiple-use activities on federal lands, including oil and gas production.

The NEPA process was established over forty years ago to ensure an appropriate level of environmental protection is achieved, however, there are many projects that can move forward with the flexibility granted through an Environmental Assessment (EA) and Environmental Impact Statement (EIS) process. Just as the geology, hydrology, and topography of our federal lands differ from state to state, so too should the NEPA process become more project-based rather than one-size-fits-all.” Dan Naatz, Senior Vice President Of IPAA

### **National Association of Home Builders**

“The plan to reform the National Environmental Policy Act (NEPA) is the most recent example of the Trump administration’s ongoing efforts to reduce harmful regulations that hurt small businesses and impede economic growth. Updating NEPA will streamline the federal permitting process and allow badly needed transportation and infrastructure projects to move forward. In turn, this will build strong communities and support a thriving housing market.” Greg Ugalde, Chairman, National Association of Home Builders

### **National Cattlemen’s Beef Association**

“Whether on public lands or private, ranchers provide critical improvements to rangelands and infrastructure. This includes maintaining fences, water structures, and roads, and reducing fuel loads that cause catastrophic wildfires. Approachable and implementable NEPA rules are necessary for all cattle producers to ensure that they have access to important USDA programs. When NEPA stands in the way of progress, both ranchers and rural communities suffer. Wildlife that depend on water sources, individuals who utilize roadways, and even communities at risk of wildfire are impacted. We need to ensure those common-sense practices that benefit our rangelands are not the subject of unnecessary federal regulation.” Ethan Lane, Vice President of Government Affairs, National Cattlemen’s Beef Association

### **National Stone, Sand and Gravel Association**

Years-long delays in permitting infrastructure projects, often caused by duplicative agency actions and unnecessary lawsuits harm many communities ability to construct roads, bridges, highways, airports, and all types of public works projects. That is why the National Stone, Sand and Gravel Association (NSSGA) is pleased with the Administration’s ongoing work to streamline unnecessary permitting process and supports this draft rule which brings much needed modernization and clarity to the NEPA process– while still maintaining strong environmental protections. Today’s action is a critical step in ensuring our nation rebuilds our infrastructure in a more timely manner,” said Michele Stanley, NSSGA Vice President of Government and Regulatory Affairs.

### **North America’s Building Trades Unions**

“NABTU supports reforms to NEPA that provide regulatory certainty through the permitting process while maintaining the integrity of underlying regulations that protect the health and safety of our members on the jobsite as well as the environmental and human impacts of projects in communities throughout the country. Endless delays, limited transparency and agency ambiguity far too often prevent project sponsors, our hard working members, and the public from realizing the benefits of impactful investments in all manner of projects. Common sense reforms and interagency accountability are long overdue.”

### **Portland Cement Association**

“NEPA reform is critical to maintaining a modern, sustainable, and globally competitive US manufacturing base,” said Sean O’Neill, Senior Vice President, Government Affairs at the Portland Cement Association. “Federal permitting requirements should advance our nation’s environmental, energy, and economic goals, not establish procedural roadblocks that prevent access to affordable clean energy, better roads, and resilient critical infrastructure.”

### **Public Officials**

#### **Governor Greg Abbot (TX)**

“The review process as required by NEPA has historically lacked efficiency and clarity, and its burdensome system stifles economic development and opportunity. I applaud the Trump administration’s efforts and welcome an update and much-needed reforms to NEPA regulations. I

am confident that this overhaul will lead to even greater prosperity throughout the United States — and especially here in the Lone Star State.”

**Representative Ralph Abraham (LA-05)**

“This is big news for the hard-working men and women who grow our food, manage our forests, build our infrastructure, and produce our energy. NEPA is important for protecting the environment, but its approval process has become a bureaucratic nightmare over the years — even for the smallest projects. These steps by President Trump to streamline the NEPA process will ensure that we continue to protect the environment without hamstringing projects which benefit the American people.”

**Representative Kelly Armstrong (ND-At Large)**

“It’s beyond frustrating to see important infrastructure projects delayed due to the federal bureaucracy. Every delay costs jobs and has a ripple effect throughout the economy. This overhaul will streamline the federal permitting process and will help our country expand, update, and rebuild our infrastructure for the 21st century.”

**Senator John Barrasso (WY)**

“The Trump administration is taking common sense steps to make the National Environmental Policy Act work better for the American people. Too often, important projects are slowed down because of lengthy permitting processes and litigation. President Trump has set a goal of completing environmental reviews for construction projects within two years. This proposal establishes that standard. These updates will reduce red tape so important infrastructure projects get done better, faster, cheaper, and smarter. Road and bridge safety projects that take months to build should not take years to permit. These regulatory updates promote safety and still protect America’s air, water, and communities. “I included similar provisions in America’s Transportation Infrastructure Act, which passed the Environment and Public Works Committee unanimously, last year. I will continue to work with the White House to advance policies that protect our environment and allow our economy to grow.”

**State Representative Susan Beckman (CO-38)**

“This is good news. As an Arapahoe County Commissioner, I saw firsthand the layers of bureaucracy and red tape added to transportation projects. One intersection, I-25 and Arapahoe Road, was bogged down for years with redundant, expensive and inefficient NEPA requirements. These requirements did nothing to protect the environment and only added time and massive expense to the project. I am so pleased with this Administration for streamlining the process for needed transportation projects without jeopardizing our environment. This will save time, money and allow local and state elected officials to focus on real environmental concerns.”

**Representative Andy Biggs (AZ-05)**

“I applaud the Council on Environmental Quality’s imminent plans to reform the broken National Environmental Policy Act. By preparing to take this action, the Trump administration is making life easier for Americans by streamlining unnecessary and costly regulations. This overhaul will maintain public transparency and better fulfill the needs of western states.”

**Representative Rob Bishop (UT-01)**

“There has been nothing more detrimental to the development of transportation, clean water, and energy infrastructure than America’s broken environmental review and permitting process. Today, the Administration took another step forward in bringing logic and rationality to the federal bureaucracy. Reducing redundancies, enhancing coordination with states and tribes, clarifying ambiguous terms, and establishing time frames for the completion of paperwork is the 20/20 vision we needed. Fringe-left special interest groups will continue to scream bloody murder, but these actions by President Trump will ensure the government works better for all.”

**Commissioner Joel Bousman (WY-Sublette County)**

“In Wyoming we have had mixed experiences with NEPA analyses. It took the U.S. Forest Service over 14 years to complete the NEPA process to renew grazing on the Upper Green River Grazing Allotment. This process took far too long. On the flipside, last year Sublette County and the Sublette County Conservation District did a NEPA analysis for the Bureau of Land Management to provide our field manager the authority to issue temporary nonrenewable animal unit months. The process took only two weeks, withstood scrutiny and is now authorized. As a county commissioner, I know firsthand how cumbersome and inefficient NEPA analyses can be, which prevents important work from being done on our nation’s public lands. The new NEPA streamlining provisions unveiled today will help Sublette County and the federal government to achieve those land management goals while ensuring we have the best scientific data available to guide our decisions.”

**County Engineer Brian Bremmer (UT-Garfield County)**

“In December 2011, as a result of the Dixie Motorized Travel Plan that closed 75 percent of existing forest roads to public travel, Garfield County, Utah filed a Data Quality and Regulatory Flexibility Act Challenge to overturn the decision. The U.S. Forest Service responded by agreeing to conduct what they called a “Need for Change NEPA” action if the county would withdraw/suspend the challenge. The new NEPA process began in spring of 2012 and has been a fiasco ever since. In spite of overwhelming public input asking for roads to be re-opened, the Forest Services has thrown up road blocks every step of the way. Now, in January 2020 – nearly eight years after the initiation of the NEPA process – the Forest Service has yet to produce a viable alternative or a draft alternative and has completely failed in its commitment. In fact, we hear that it is likely the Forest Supervisor is cancelling the NEPA project altogether, leaving us exactly where we were eight years ago with a completely inadequate transportation plan. It is a classic example of a federal agency’s inability to complete NEPA in a timely manner.”

**Governor Doug Burgum (ND)**

“No one cares more about North Dakota’s environment than the people who live here, but the 40-year-old NEPA process has become increasingly complex, cumbersome and time-consuming, resulting in unnecessary, multi-year delays and cost increases for key infrastructure projects including highways, pipelines and critical flood protection. We thank CEQ and the Trump administration for proposing common-sense reforms to modernize and streamline NEPA.”

**Representative Ken Calvert (CA-42)**

“I am pleased that the Council on Environmental Quality is updating NEPA’s outdated implementing guidance. For too long these vague directives have resulted in unnecessary project delays, frivolous litigation and job-killing federal overreach. I applaud CEQ’s work to establish strict timeframes and certainty for permittees that will help advance infrastructure projects vital to our nation’s economic growth.”

**Representative Liz Cheney (WY-At Large)**

“I applaud the Trump Administration’s decision to overhaul burdensome NEPA requirements, which for too long have delayed or restricted everything from energy development and grazing to broadband deployment in Wyoming. While originally established as a streamlined process meant to protect air and water, NEPA has devolved into a litigation tool abused by far-left environmental extremists to delay countless projects across the country. President Trump is continuing to make good on his promise to get the government off the backs of hardworking Americans by decreasing overreach and regulation.”

**Commissioner Greg Chilcott (MT-Ravalli County)**

“These reforms are a step forward for Ravalli County. We will be able to protect our environment into the future while enhancing our infrastructure and our economy while increasing the resiliency of our national forests.”

**Representative Paul Cook (CA-08)**

“NEPA was initially a well-intended policy, but it’s long past due for an overhaul. Too many beneficial infrastructure projects are being needlessly held up by overly bureaucratic regulations, costing taxpayers money and deferring jobs for American workers. This change would improve the environmental review process while also cutting through the red tape to ensure timely and safe construction of necessary projects like roads, bridges, and water storage facilities. I strongly support this action.”

**Representative Jeff Duncan (SC-03)**

“The Trump Administration should be commended for modernizing the National Environmental Policy Act regulations, a move that has been long overdue. These regulations haven’t seen a comprehensive update in over 40 years, so I’m pleased to see President Trump deliver on his promise to streamline outdated processes, eliminate red-tape, and create efficient standards in order to properly evaluate environmental impacts in the 21st century.”

**Governor Mike Dunleavy (AK)**

“I thank the Trump Administration for working to modernize and clarify the 40-year-old NEPA regulations. All Alaskans will benefit from an update to NEPA as it impacts many facets of our state, from construction of roads and highways, to energy projects, to land and forest management. We look forward to seeing this process unfold and the impact it will have on furthering Alaska’s opportunity for business and resource development projects within our state.”

**Assemblyman Chris Edwards (NV-19)**

“Interstate 11 (I-11) will connect Phoenix to Las Vegas, the two largest cities in America not linked by a federal interstate highway. The first portion of I-11 opened a year ago in my district and we are extremely optimistic about this important infrastructure project. The future Intermountain West Corridor will use I-11 to connect the shipping ports in Southern Arizona to Nevada and existing interstates in the Northwest. An economic analysis found the I-11 corridor will create 250,000 permanent jobs and generate more than \$20 billion for the U.S. economy. While the final route is still being determined, much of the project involves linking and expanding existing highways and interstates. The excessive costs of redundant NEPA analysis has slowed construction of this critical transportation corridor and ones like it across the country. The environmental analysis in Nevada alone is expected to take three years and cost \$5 million. I applaud the Trump administration for taking action to reform the broken NEPA process and create a more efficient permitting system. This is long overdue! The President’s actions today are another common sense reform that will allow vital infrastructure projects to move forward safely and expeditiously in Nevada, Arizona and across America.”

**Representative Greg Gianforte (MT-At Large)**

“I applaud the efforts of the Trump Administration to ensure that NEPA is returned to a process that ensures infrastructure projects are mindful of the environment and not a tool of serial litigants to block all development.”

**Representative Bob Gibbs (OH-07)**

“The Trump Administration’s regulatory reform agenda continues to move in the right direction. I hear from countless local governments, public utility operators, and other stakeholders who run into the same problems of red tape and bureaucratic delays. In 2014, I worked to streamline the permitting process for Army Corps of Engineer projects, a bipartisan success that makes it easier to complete water resource projects in a timely manner. Today’s announcement of reforming the NEPA process continues the great work we started in 2014 to ensure infrastructure projects are completed on-time, on-budget, and most importantly, safely.”

**Representative Paul Gosar (AZ-04)**

“Enacted with the best intentions in mind, NEPA has been hijacked by serial litigants to halt construction on critical infrastructure projects. Under the guise of environmental protection, special interest groups have stopped new roads and bridges, transmission lines, pipelines, and even offshore wind projects dead in their tracks. Today’s announcement shows the Trump administration’s commitment to ensuring the government works better for the people. Streamlining NEPA will create a more efficient and certain time line for new projects, while ensuring we safeguard our environment for the future.”

**Governor Mark Gordon (WY)**

“Uncertainty is never good for proper development and it has been particularly problematic in Wyoming, especially in light of recent court rulings regarding NEPA-related greenhouse gas emission analyses. States like Wyoming need assurance that projects will be properly analyzed the first time around so that decisions on the ground can be made in a timely manner. I support CEQ’s efforts to streamline federal agency guidance under this proposed rule.”

**Representative Sam Graves (MO-06)**

“The President is a builder. He knows firsthand how slow, inefficient, and costly the federal review and permitting processes can be for projects both large and small. I applaud the Administration for its efforts to modernize the NEPA process and inject some common sense into environmental reviews. Streamlining the review of proposed roads, bridges, and other critical infrastructure projects will save the taxpayers money while maintaining necessary protections for the environment, public safety, and human health. I look forward to seeing this long overdue modernization of the NEPA regulations move forward.”

**Representative Mike Johnson (LA-04)**

“Since his first day in office, President Trump has pledged to cut bureaucratic red tape, and this overhaul of NEPA is another promise kept. While originally well-intentioned, NEPA has morphed into a vehicle for perpetual litigation, and it is just another illustration of government-imposed regulations continuing to burden hardworking Americans and the economy. In our region specifically, excessive delays have stalled critical infrastructure projects like the I-49 Inner City Connector, which has been held up in the NEPA process for nearly eight years. I applaud the Trump administration for putting the American people first by streamlining these crippling policies.”

**Representative Doug LaMalfa (CA-01)**

“Californians can afford to wait no longer for the government to do the forest management on its lands and the infrastructure overhauls needed to protect them from wildfires and droughts. The recent fires and power shut offs underline these needs as our constituents have suffered enough. NEPA reform is a much-needed change from the current delays that prohibit forestry, water management, power line clearing and upgrades and wildfire prevention projects in my district from getting done. I applaud the Trump administration for once again cutting the red tape to protect rural communities in the West from future catastrophic disasters.”

**Commissioner Christian Leinbach (PA-Berks County)**

“NEPA is exemplary of a law (and accompanying regulations promulgated by the executive agencies that must implement the law’s intent) that no one could argue with at face value. It is only when enmeshed in the details of the process that it becomes apparent how overreaching the law is. Reform of the process must include consideration of the reasonableness of costs of compliance, the tangible/physical existence of the potential impacts, and the need for expediency in completion of public projects that benefit the common good.”

**Commissioner Randy Maluchnik (MN-Carver County)**

“Streamlining the permitting process is a win for the Carver County economy. We welcome the reforms offered by the administration, which will allow us to create and sustain our infrastructure, grow our economy and continue to protect our environment.”

**Representative Roger Marshall (KS-01)**

“For far too long burdensome and lengthy permitting and regulatory processes have slowed and even destroyed infrastructure and energy projects across Kansas. Government regulations are one of the top concerns for businesses in my district and unnecessary delays in projects hurt

business owners, communities and local economies. These studies and permits are necessary for proper development, but they need to be timely and economically feasible. I applaud President Trump's Council on Environmental Quality for its efforts to overhaul and streamline the environmental permitting process."

**Representative Markwayne Mullin (OK-02)**

"NEPA regulations affect a wide range of projects from construction of roads to land and forest management. Current NEPA regulations have become overbearing and difficult for people to navigate. The Trump Administration's proposal to modernize the regulations and cut red tape just makes sense. This new rule will allow us to move faster on construction projects while still ensuring we are keeping our environment safe and clean."

**Commissioner Todd Nash (OR-Wallowa County)**

"Federal staff has been overburdened with the ever-increasing length and detail of NEPA documents with fewer successes to show for their efforts. Timber, grazing, recreation, and mining management on U.S. Forest Service and BLM lands have suffered at the hands of more regulation, litigation, and stagnation. As a county commissioner in a county with over 50% of its land base managed by federal agencies these new policies are exactly what is needed. The emphasis on the social and economic needs of our communities has been overshadowed by regulatory agencies that have single-minded priorities. I'm looking forward to healthier forests and communities."

**Representative Dan Newhouse (WA-04)**

"Rural communities across the West cannot afford to wait years for critical economic and infrastructure development. Streamlining NEPA permitting processes will ensure swift, thorough, and complete analysis of the environmental impacts of the renewable energy and transportation projects we need in Central Washington. I applaud the Trump Administration for taking this important step to ensure these permitting reviews are completed in a timely manner and not falling victim to bureaucratic red tape or politically-motivated litigation."

**Commissioner Leland Pollock (UT-Garfield County)**

"In the Dixie National Forest, issues with the NEPA process led to the eventual shutdown of our local timber mill, costing 400 good-paying jobs in our community. Special interest groups were able to sue over minor NEPA technicalities, harming our local economy. This also led to massive fuel build ups that made it possible for the Brian Head Fire to burn more than 71,000 acres of forestland, destroying 13 homes. It also decimated the drinking water supply for Panguitch, Utah, which was supplied by a spring system that functioned flawlessly for over 100 years before the fire. It is imperative that the NEPA process be streamlined to prevent these tragedies moving forward and to improve the health of our landscapes."

**Governor Pete Ricketts (NE)**

"Thank you to President Trump for his continued focus on cutting red tape and empowering states. Simplifying the NEPA process and making it more transparent will help states deliver the infrastructure we need to grow our communities in a more effective and more efficient manner."

**Representative Cathy McMorris Rodgers (WA-05)**

“When I was first elected to Congress, I chaired a bipartisan task force with now Senator Tom Udall that made recommendations to update and improve NEPA. In any proposed project, we should involve stakeholders and interested parties early on and seek a more collaborative approach. The current process often results in years of delay, additional costs, and litigation. What started as a single paragraph statute in 1969 has turned into pages and pages of rules and regulations—and thousands of court cases—that slow and obstruct important projects. Thank you to the Trump administration for leading in addressing the NEPA process so we can move forward on projects that improve our forest health, develop our clean energy resources, and rebuild our aging infrastructure.”

**Representative Steve Scalise (LA-01)**

“I applaud the Trump Administration’s update to the NEPA review process, which will cut down on bureaucratic red-tape hindering national and local projects. Through a more efficient and less complex permitting process, we can more efficiently construct energy infrastructure, coastal restoration, and flood protection projects in Louisiana and across the country while still protecting our environment. While Democrats propose new job killing legislative proposals, this announcement is a strong step in the right direction and will result in more shovels in the ground on projects that improve Americans’ everyday lives.”

**State Senator Ray Scott (CO-7)**

“Revamping of NEPA has been needed for a decade or more as the requirements have slowed down much needed infrastructure for broadband expansion, roads and natural resource development. President Trump kept his promise to reduce regulations and these changes will certainly put more Americans to work. Colorado needs all the help we can get to advance new infrastructure projects to support our fast paced growth.”

**Representative Pete Stauber (MN-08)**

“Overhaul of NEPA is absolutely necessary. I stand with the Trump Administration in ensuring commonsense regulations protect our environment without needlessly providing ammunition to the most extreme environmentalist groups that seek to undermine any project for the sake of litigating. Timely reviews will provide certainty to companies and will expedite putting our hardworking unions to work in northern Minnesota.”

**Governor Kevin Stitt (OK)**

“I applaud President Trump’s willingness to modernize and clarify the NEPA process. For far too long this framework has been used to create obstacles and cause unnecessary delays to important projects that are necessary to grow our economies, create jobs, and improve our quality of life. The Trump Administration’s effort to reform the NEPA process is consistent with our goals for the Great State of Oklahoma of promoting a prosperous economy and protecting our precious natural resources with a predictable, consistent and reasonable regulatory framework.”

**Representative Greg Walden (OR-02)**

“I applaud CEQ for continuing the Trump Administration’s efforts to implement needed streamlining to the NEPA planning processes across federal agencies. These efforts will help ensure we can implement forest management projects to reduce the threat of wildfire on our communities and improve our nation’s transportation and energy infrastructure to meet our needs into the future. Modernizing this process is long overdue and is welcome news for rural Oregon.”

**Representative Bruce Westerman (AR-04)**

“If there’s one word to describe government approval processes, it’s inefficient. That’s why this plan to cut back on red tape and streamline a time-consuming process is so important. While some groups have tried to weaponize NEPA and use it as a delay tactic, that was never the intended goal. Hardworking Americans are asking for quicker, easier approvals for their projects, and these proposed changes would do just that, while maintaining the highest standards of environmental stewardship. I applaud CEQ for this plan and hope to continue working to make NEPA as efficient and workable as possible.”

We appreciate the opportunity to comment on this important matter and look forward to working with you as the regulatory process continues.

Sincerely,

A handwritten signature in black ink that reads "Marty Durbin". The signature is written in a cursive style with a large, stylized initial "M" and a distinct "D".

Marty Durbin