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White House NEPA Overhaul Likely to Face Legal Challenges

Continuing its efforts to expedite federal approvals for projects subject to the National Environmental Policy Act, or NEPA, the White House Council on Environmental Quality, or CEQ, published proposed revisions to its NEPA-implementing regulations on Jan. 10. The proposed rule, released a week after NEPA's 50th birthday, would comprise the first substantial revisions to the CEQ's agencywide regulations since 1978.

It is a good bet that the number of public comments on the proposed rule, described further below, will exceed the 12,500 submitted to the CEQ on its June 2018 advanced notice of proposed rulemaking. It is likewise virtually certain that the regulations will be challenged in the courts.

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