

Administration Announces Major Overhaul of NEPA Regulations

On January 10, the White House Council on Environmental Quality published significant revisions to regulations implementing the National Environmental Policy Act, the first such overhaul since adoption of the regulations in 1978. The proposed rules are comprehensive and wide-ranging, and have significant ramifications



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Among

the more controversial provisions are the following:

- Eliminating the requirement that NEPA reviews consider the cumulative impacts of a proposed action in light of the effects of other activities, instead mandating consideration only of the action's "reasonably foreseeable" impacts.
- Shifting the emphasis of NEPA regulations toward procedural efficiency and predictability, while narrowing consideration of potential environmental impacts.
- Encouraging agencies to identify circumstances that make NEPA inapplicable to a proposed action, such as insufficient federal control over a non-federal project or conflicting requirements under another law or through expanded use of categorical exclusions.
- Limiting the number and scope of "reasonable alternatives" that must be evaluated by, for example, excluding alternatives beyond the agency's jurisdiction and, for non-federal projects, alternatives that do not meet the goals of the project applicant.
- Establishing presumptive time limits for the completion of the NEPA process and presumptive page limits for environmental documents.
- Allowing a project proponent to prepare an Environmental Impact Statement (EIS) when federal agency approval is required for a non-federal project.

Our comprehensive update regarding the key components of the new rules and their ramifications for the NEPA review process, is available [here](#).

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