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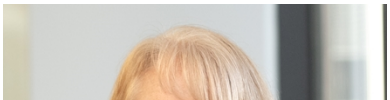
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Council on Environmental Quality Issues Final NEPA Rule

Insight — July 17, 2020

On July 16, 2020, the Council on Environmental Quality (CEQ) published its final rule in the Federal Register revising the National Environmental Policy Act (NEPA) regulations (Rule). This Rule, which is scheduled to go into effect on September 14, 2020, represents the first comprehensive revision to the NEPA regulations since they were issued in 1978. It is among the most significant environmental rules issued in the Trump administration and aims to streamline the timing and procedural requirements for federal agencies by recalibrating the scope and detail of environmental analyses that must be prepared for all major federal actions that significantly affect the human environment. The Rule is designed to expedite the approval and development of all federal projects, including major infrastructure and energy projects.

Among the Rule's key changes are the following:

Procedural Changes:

- Time and page limits
- Required schedules
- Approval of applicant-prepared Environmental Impact Statements (EIS)
- Expanded use of Tiering and Adoption
- Specific public comment requirements

Substantive Changes:

- Clarifies the threshold applicability analysis
- Revises analysis to determine “Significant Effects”
- Simplifies “Effects” analysis
- Eliminates separate definition of “cumulative impacts”
- Clarifies scope of judicial review

KEY PROCEDURAL CHANGES

Time and Page Limits. The Rule implements several procedural changes aimed at shortening the time it takes to prepare NEPA analyses and the length of NEPA documents. For example, Environmental Assessments (EAs) must be prepared within one year, measured from the date of the agency decision to prepare an EA to the publication of an EA or a finding of no significant impact (FONSI).

Environmental Impact Statements (EISs) must be prepared within two years, measured from the date of the issuance of the notice of intent to prepare an EIS to the date a record of decision (ROD) is signed. For both EAs and EISs, a senior agency official may approve a longer period, if needed. To meet these deadlines, the lead agency must develop a schedule and set milestones for all environmental reviews and authorizations.

An EA must be 75 pages or less and a typical EIS must be 150 pages or

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