



National Tribal Air Association's Fact Sheet on CEQ's Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions

What are the proposed changes to the Guidance on Consideration of Greenhouse Gas Emissions?

The White House Council on Environmental Quality (CEQ) issued a new Draft Guidance on the Consideration of Climate Change in National Environmental Policy Act (NEPA) Reviews.¹ The Draft Guidance would replace the 2016 final Guidance² issued on August 1, 2016, by the Obama administration, which was withdrawn by the Trump Administration CEQ for further consideration under Executive Order 13783.³ The purpose of the Draft Guidance is to assist Federal agencies in their consideration of greenhouse gas (GHG) emissions and climate change when evaluating proposed Federal actions in accordance with NEPA and the CEQ Regulations Implementing the Procedural Provisions of NEPA⁴ (CEQ Regulations) as well as facilitate compliance with NEPA by Federal agencies conducting reviews of proposed major actions.

What Does this Mean for Tribes and Air Quality/Air Management?

The NTAA has several concerns regarding the new Draft Guidance. By allowing agencies to avoid fully quantifying emissions for projects or analyzing the cumulative effects of emissions, this proposal would limit the scope of emissions considered under NEPA and undercut the standard that agencies have been using to estimate GHG emissions for nearly a decade. While the new Draft Guidance acknowledges that GHG emissions have environmental impacts and that these direct and indirect emissions should be quantified, the Draft Guidance limits the scope of the required analysis and does not require agencies to disclose the monetized social costs of GHG impacts. Also, the Draft Guidance does not set forth tools agencies can use in calculating both direct and indirect emissions from a project, nor does it require consideration of alternatives or potential mitigation measures to reduce GHG emissions.

Where Can I Find More Information?

CEQ is accepting comments on the Draft Guidance. The deadline for comment is August 26, 2019. For additional information, please visit: https://ceq.doe.gov/guidance/ceq_guidance_nepa-ghg.html.

¹ CEQ-2019-0002, <https://www.regulations.gov/document?D=CEQ-2019-0002-0001>.

² Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews, 81 Fed. Reg. 51866 (Aug. 5, 2016), https://ceq.doe.gov/docs/ceq-regulations-and-guidance/nepa_final_ghg_guidance.pdf.

³ Withdrawal of Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, 82 Fed. Reg. 16576 (April 5, 2017), <https://www.govinfo.gov/content/pkg/FR-2017-04-05/pdf/2017-06770.pdf>.

⁴ 42 U.S.C. 4321 et seq.; 40 CFR Parts 1500–1508.

Comments should be identified by Docket ID No. CEQ-2019-0002 and may be submitted by one of the following methods:

- **Online:** Go to <https://www.regulations.gov/> and follow the instructions for submitting comments to CEQ-2019-0002.
- **Mail:** Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503, Attn: Docket No. CEQ-2019-0002.

NTAA will be preparing a Policy Response Kit for Tribes to use in submitting comments that will be posted on NTAA's website here:

<https://www7.nau.edu/itep/main/ntaa/PolicyResponseKits/PolicyResponseKitsHome/>

Any questions, please contact NTAA's Project Director Andy Bessler at 928-523-0526 or Andy.Bessler@nau.edu.