



## National Tribal Air Association's Fact Sheet

### CEQ's Proposal to Update its NEPA Implementing Regulations

## What are the proposed updates to the regulations implementing the procedural provisions of the National Environmental Policy Act?

On January 10, 2020, the White House Council on Environmental Quality (CEQ) issued a notice of proposed rulemaking (NPRM) in the Federal Register to update its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). The White House claims these updates would modernize and clarify the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies in connection with proposals for agency action and would also reduce paperwork and delays and promote better decisions in accordance with section 101 of NEPA. This proposal also seeks to limit the number of pages in environmental review documents and to severely curtail the consideration of reasonable alternatives. The proposal seeks comment on whether a monetary threshold should be set for what constitutes federal involvement and, therefore, when NEPA is applied. Other provisions would require a single environmental impact study (EIS) and record of decision, where appropriate, for EIS's involving multiple agencies and would require comments to be specific.

## What does this mean for Tribes and Air Quality/Air Management?

The NTAA is concerned that these changes could be disadvantageous for Tribes. Allowing agencies to avoid fully quantifying project emissions or the cumulative effects of emissions would harm the overall quality and effectiveness of these reviews and would undercut the standard that agencies have been using to estimate greenhouse gas emissions from proposed projects for nearly a decade. The rulemaking also seeks to limit the scope of required analyses by eliminating words such as "direct," "indirect," and "cumulative," as related to expected impacts. Limits on page sizes could cut analyses too short to be meaningful and time limits could severely limit meaningful Tribal participation. The overall result may be more litigation on these projects.

## Where Can I Find More Information?

A *comment deadline of March 10, 2020*, has been set. For additional information, visit <https://www.whitehouse.gov/ceq/nepa-modernization/> or

<https://www.federalregister.gov/documents/2020/01/10/2019-28106/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

Comments should be identified by Docket ID No. CEQ-2019-0003 and may be submitted by any of the following methods:

- Online: at <https://www.regulations.gov/> follow the instructions for submitting comments to Docket ID No. CEQ-2019-0003.
- Mail: Council on Environmental Quality, 730 Jackson Place NW, Washington DC 20503, Attn: Docket No. CEQ-2019-0003.

Two public hearings will be held in Denver, CO and Washington, DC. For more details go to: <https://www.whitehouse.gov/ceq/nepa-modernization/>

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

<https://www.ntaatribalair.org/policy-resource-kits/>

If you have further questions, please contact NTAA's Project Director Andy Bessler at 928-523-0526 or at [Andy.Bessler@nau.edu](mailto:Andy.Bessler@nau.edu).