

# Procedural Provisions/National Environmental Policy Act: Council of Environmental Quality Proposed Revisions



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The Council of Environmental Quality (“CEQ”) is soliciting comment on potential revisions to its National Environmental Policy Act (“NEPA”) regulations.

CEQ is the Executive Branch Office that was created by NEPA to ensure federal agencies’ implementation of the statute.

NEPA requires federal agencies to include environmental values and issues in the decision-making processes. This federal mandate is accomplished by agency consideration of environmental impacts of proposed actions and reasonable alternatives to those actions. The statute requires federal agencies in certain instances to prepare a detailed Environmental Impact Statement (“EIS”). However, the requirement to produce this document is only triggered in the event of a major federal action that will significantly affect the environment.

NEPA differs from action forcing environmental statutory programs such as the Clean Air Act or Clean Water Act. It does not impose substantive mandates. Instead, it is limited to requiring federal agencies to meet procedural requirements such as preparation of an Environmental Assessment (“EA”) or EIS in certain defined instances. As a result, NEPA does not require an agency to pick a certain alternative or meet a particular standard.

CEQ states that despite the issuance of numerous guidance documents regarding NEPA over the past four decades, it has only amended its implementing regulations once. As a result, it believes it is appropriate to solicit public comment on potential revisions to update the regulations. The stated goal is to ensure more efficient, timely, and effective NEPA process.

Also cited as a rational for the proposal is Executive Order 13807 titled:

Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructural Projects.

See 82 Fed. Reg. 40463.

CEQ poses 20 specific questions for which it is asking for recommendations on “additions, deletions, and modification to the text of CEQ’s NEPA regulations and their justification.” They are listed under three topics, which include:

- NEPA Process

- Scope of NEPA Review
- General

A copy of the document can be found [here](#).