EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

CHAIRMAN

March 4, 2020

The Honorable Peter A. DeFazio
Chairman
Committee on Transportation and Infrastructure
United States House of Representatives

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
United States House of Representatives

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate

Dear Chairman DeFazio, Chairman Grijalva, and Ranking Member Carper:

Thank you for your joint letter of January 21, 2020, regarding the Council on Environmental Quality's (CEQ) proposed rule, "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act." Your letter requested an extension to the public comment period and additional public meetings around the country. As discussed below, CEQ has conducted extensive public outreach, has already received over 80,000 comments, and has concluded that it will not extend the current comment period, which ends March 10, 2020.

As you are aware, the National Environmental Policy Act (NEPA), signed into law in 1970, is a procedural statute that requires Federal agencies to assess the environmental impacts of proposed major Federal actions. CEQ issued regulations for Federal agencies to implement NEPA in 1978 and is now considering updating these regulations.

In August 2017, President Trump issued Executive Order 13807, which directed CEQ to develop an initial list of actions it would take to modernize the Federal environmental review process, including through the issuance of regulations, guidance and directives. In September 2017, CEQ issued an initial list of actions and stated its intent to review its existing NEPA regulations in order to identify potential revisions to update and clarify these regulations. In June 2018, CEQ issued an Advance Notice of Proposed Rulemaking (ANPRM) requesting comment on potential updates to its regulations to make the NEPA process more efficient, timely and effective. In response to the ANPRM, CEQ received over 12,500 comments. The public comments informed the development of the CEQ's proposed rule.

On January 9, 2020, President Trump announced the release of CEQ's proposed rule to update the regulations, which would improve interagency coordination in the environmental review process, promote earlier public involvement, increase transparency, and enhance the participation of States, Tribes, and localities. Further, CEQ has proposed to expand participation by Tribes in the NEPA process, ensuring appropriate consultation with affected Tribal governments and agencies, and eliminate the provisions in the current regulations that limit Tribal interests to reservations. The proposed rule is intended to advance environmental quality, and would not change the duty to comply with all substantive requirements under laws passed by Congress to protect the environment and the American people. In its proposal, CEQ notes that it has addressed consideration of greenhouse gas emissions in draft guidance, and specifically invites comment on whether to codify any aspects of that guidance in the regulations.

CEQ has engaged in extensive public outreach with the benefit of modern technologies and rulemaking procedures. Following the announcement on January 9, 2020, CEQ published its proposal in the Federal Register on January 10, 2020. CEQ has provided for a 60-day public comment period, which is consistent with the length of the comment period provided by CEQ for the original 1978 proposed regulations. CEQ has also held two public hearings each with morning, afternoon, and evening sessions, in Denver, Colorado on February 11, 2020, and in Washington, D.C. on February 25, 2020.

CEQ has also taken a number of further actions to hear from the public and to encourage all interested stakeholders to submit comments. These actions included circulating the proposal and invitations to comment to all federally recognized Tribes and over 400 interested groups, including States, localities, environmental organizations, trade associations, NEPA practitioners, and other interested members of the public, representing a broad range of diverse views. Additionally, CEQ has made information to aid the public's review available on its websites at www.whitehouse.gov/ceq and www.nepa.gov, including a redline version of the proposed changes to the regulations, along with a presentation on the proposed rule and other background information. CEQ has also conducted additional public outreach to solicit comments, including Tribal engagement in Denver, Colorado, Anchorage, Alaska and Washington, DC. CEQ welcomes comments from all interested members of the public.

Thank you for your letter. We recognize there is considerable interest from the public and your constituents in the proposed rule, and we will continue to make information available to you and the public on our websites and in the docket at www.regulations.gov.

Sincerely,

Mary B. Neumayr

Mary B. Neumayr
Chairman

cc: Signatories to January 21, 2020 Letter

The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure, United States House of Representatives

The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources, United States House of Representatives

The Honorable John Barrasso, Chairman, Committee on Environment and Public Works, United States Senate