

Ms. Katherine Scarlett, Acting Chair
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Submitted via <https://www.regulations.gov>, Docket No. CEQ–2025–0002

RE: *Removal of National Environmental Policy Act Implementing Regulations*,
Interim Final Rule, 90 Fed. Reg. 10,610 (Feb. 25, 2025); RIN 0331–AA10

March 27, 2025

Dear Acting Chair Scarlett:

On behalf of over the undersigned 251 organizations and our millions of members and supporters nationwide, we write in strong opposition to the Council on Environmental Quality’s (CEQ’s) Interim Final Rule revoking all versions of CEQ’s National Environmental Policy Act (NEPA or Act) implementing regulations. Revocation of clear regulations that provide regulatory certainty to over 80 federal agencies, project sponsors of critical infrastructure, and impacted communities around the country is a stunning reversal of progress made in the last several years. The only certainty provided by the Interim Final Rule is less government transparency, more project delay, more litigation, less resilient infrastructure, and poor environmental and health outcomes for communities.

NEPA is the bedrock law protecting Americans’ right to a safe and healthy environment. Enacted in 1970 by overwhelming bipartisan majorities, NEPA directs all federal agencies to take into account, and publicly disclose, the environmental, health, and related social and economic consequences of their proposed actions before taking steps that may significantly affect the quality of the human environment. The NEPA process serves two essential purposes: it promotes sound and environmentally-informed decisionmaking by federal agencies, and it provides the primary way for the public to learn about and provide input regarding the impacts of federal actions on their lives.

For decades federal agencies, project proponents, courts, tribes, and the public relied upon CEQ’s NEPA regulations for a clear and thoughtful roadmap for how environmental impact analysis pursuant to the Act should take place. The critical role of NEPA in government decisionmaking and its role in promoting decisions that are transparent and informed by the public, is underscored by the fact that most communities cannot rely on its guarantees at the state level, since the majority of states do not have their own analogs. The rescission of CEQ’s regulations leaves a gaping hole in the government decisionmaking process. It forces businesses and the public to rely on a patchwork of agency-specific NEPA interpretations and will inevitably lead to unnecessary confusion, delay, and litigation regarding the development of federal projects. Moreover, the rescission of the regulations will lead to substantially less – not more – transparency and regulatory and management certainty.

This new uncertainty and potential for significant delays will halt and reverse recent progress to decrease permitting timelines: in January CEQ reported that timelines were significantly shorter

than just a few years ago. With clear regulations from CEQ, which included direction to agencies regarding their long-standing responsibility to assess both climate and environmental justice effects, as well as increased funding from Congress, agencies were able to complete more NEPA reviews and did so significantly faster. For example, with increased agency funding from the Inflation Reduction Act and the certainty provided by CEQ's NEPA regulations, the Department of Energy successfully [cut timelines in half](#) for EISs related to clean energy and transmission in just the last several years.

Importantly, NEPA itself contains the principles of sound environmental impact analysis that were embodied in CEQ's regulations, and those principles remain unchanged. And the following 40 years of agency practice and judicial decisions construing the Act cemented CEQ's regulations as the benchmark for agencies, project proponents, and the public. Those principles include the need for accurate description of the existing environment in which a federal project will occur; rigorous assessment of the effects of the proposed action, including indirect and cumulative effects, on that environment; careful consideration of reasonable alternatives to the proposed action that may have less impact; and timely disclosure to the public with an opportunity for comment. *See Kleppe v. Sierra Club*, 427 U.S. 390, 410, 413 (1976); *Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109, 1114 (D.C. Cir. 1971); *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 834-36 (D.C. Cir. 1972); *Hanly v. Kleindienst*, 471 F.2d 823, 830-31 (2d Cir. 1972); *Minnesota Public Interest Research Group v. Butz*, 498 F.2d 1314, 1322 (8th Cir. 1974); *Env'tl. Def. Fund, Inc. v. Corps of Eng'rs of U.S. Army*, 492 F.2d 1123, 1135 (5th Cir. 1974); *City of Davis v. Coleman*, 521 F.2d 661, 666-677 (9th Cir. 1975); *Natural Resources Defense Council v. Callaway*, 524 F.2d 79, 89 (2d Cir. 1975); *Swain v. Brinegar*, 517 F.2d 766 (7th Cir. 1975); *City of Rochester v. U.S. Postal Serv.*, 541 F.2d 967, 973-74 (2d Cir. 1976); *Brooks v. Coleman*, 518 F.2d 17, 18 (9th Cir. 1975); *Concerned About Trident v. Rumsfeld*, 555 F.2d 817, 825 (D.C. Cir. 1976); *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664 (7th Cir. 1997). In addition, the regulations' longstanding requirement to ensure the scientific integrity of environmental reviews was codified in the 2023 NEPA statutory amendments.

NEPA's foundational premise is that full governmental transparency must be coupled with robust public participation to ensure federal agencies fully inform the public, and that agencies, in turn, are fully informed by the public, of a proposed project's social and environmental costs and benefits. In 1970, Congress declared that "it is the continuing policy" of the federal government to achieve the statute's goals "in cooperation with State and local governments, and other concerned public and private organizations[.]" 42 U.S.C. § 4331(a); *see also id.* § 4332(2)(J). The courts have long recognized this foundational principle. *See, e.g., Dep't of Transp. v. Pub. Citizen*, 541 U.S. 752, 768 (2004) ("The very purpose of public issuance of an environmental impact statement is to provide a springboard for public comment.") (cleaned up); *Baltimore Gas & Elec. Co. v. Natural Resources Defense Council, Inc.*, 462 U.S. 87, 97 (1983) (the "informational role" of an environmental impact statement is to "give the public the assurance that the agency has considered environmental concerns in its decisionmaking process.") (cleaned up); *Or. Natural Desert Ass'n v. Bureau of Land Mgmt.*, 625 F.3d 1092, 1121 n.24 (9th Cir. 2010) (NEPA is a "democratic decisionmaking tool"); *Sierra Club v. U.S. Army Corps of Eng'rs*, 772 F.2d 1043, 1049 (2d Cir. 1985) (the detailed statement NEPA requires serves "as an environmental full disclosure law so that the public can weigh a project's benefits against its environmental costs."). Revoking CEQ's NEPA regulations undermines NEPA's

promise of transparency and public participation leading to fully informed agency decisionmaking.

The Act also requires consideration of environmental justice and climate change issues. While the term “environmental justice” only came into common use after the Act’s passage, its core principles are embedded in the law. The statute strives “to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare” of people; establishes “the continuing policy of the Federal Government” to “assure for *all Americans* safe, healthful, productive, and esthetically and culturally pleasing surroundings” and to “preserve important historic, cultural, and natural aspects of our national heritage;” and “recognizes that *each person* should enjoy a healthful environment.” 42 U.S.C. §§ 4321, 4331(a), (b)(2), (b)(4), (c) (emphasis added). It has also long been CEQ’s policy and agency practice to consider environmental justice in NEPA reviews, and the courts have repeatedly recognized that agencies must consider environmental justice effects under NEPA. *Mid States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 541 (8th Cir. 2003); *Sierra Club v. FERC*, 867 F.3d 1357, 13368 (D.C. Cir. 2017); *Coliseum Square Ass’n, Inc. v. Jackson*, 465 F.3d 215, 232 (5th Cir. 2006); *Trenton Threatened Skies, Inc., v. Fed. Aviation Admin.*, 90 F.4th 122, 138 (3rd Cir. 2024); *City of Port Isabel v. FERC*, No. 23-1174, 2024 WL 3659344, at *7 (D.C. Cir. Aug. 6, 2024); *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1330–32 (D.C. Cir. 2021); *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng’rs*, 255 F. Supp. 3d 101, 140 (D.D.C. 2017). A [2023 letter](#) signed by over 60 organizations reaffirmed the urgent need to keep environmental justice analysis in NEPA. Eliminating the environmental justice requirement undermines the statute’s original intent and marginalizes communities already struggling to be heard in decisions that directly affect them.

Likewise, NEPA calls on agencies to “fulfill the responsibilities of each generation as trustee of the environment for succeeding generations,” thus compelling the consideration of how climate change may affect the environmental consequences of a project, and how a project may contribute to or ameliorate climate change effects. 42 U.S.C. § 4331(b)(1). The courts have increasingly and consistently required NEPA analyses to address these climate change-related effects on the quality of the human environment. *Vecinos para el Bienestar*, 6 F.4th at 1329–30; *350 Mont. v. Haaland*, 50 F.4th 1254, 1266–70 (9th Cir. 2022); *WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 870 F.3d 1222, 1236–38 (10th Cir. 2017); *Sierra Club*, 867 F.3d at 1371–75; *Mid States Coal. for Progress*, 345 F.3d at 550.

We also note that the guidance accompanying the interim final rule impermissibly suggests that agencies may disregard cumulative effects, contradicting both statutory text and long-standing judicial precedent. NEPA requires agencies to assess “major Federal actions significantly affecting the quality of the human environment” and consider “reasonably foreseeable environmental effects.” Courts have consistently held that NEPA’s mandate includes considering cumulative effects. *See Hanly v. Kleindienst*, 471 F.2d 823 (2d Cir. 1972); *Sierra Club v. Morton*, 510 F.2d 813, 824 (5th Cir. 1975); *Henry v. Federal Power Commission*, 513 F.2d 395, 406 (D.C. Cir. 1975); *Swain v. Brinegar*, 542 F.2d 364, 369-70 (7th Cir. 1976).

Attempts to strip away the requirement for cumulative effects analysis undermines NEPA’s core function and risks serious harm to communities and the environment. Assessing cumulative effects is essential to understanding how large projects—such as highways, pipelines, and

industrial facilities—compound pollution burdens and accelerate climate change. Without this analysis, agencies would be unaware of the broader, long-term consequences of their decisions, decisions that disproportionately harm frontline communities already facing severe environmental degradation.

We are also alarmed by language in the guidance accompanying this Interim Final Rule which “encourages agencies to use the final 2020 rule ‘Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act’ as an initial framework for the development of revisions to their NEPA implementing procedures.” Many of our organizations were among the over 300 organizations that signed onto a letter opposing the 2020 revisions, which were rightly the subject of numerous lawsuits. Those regulations fundamentally mischaracterized the purpose of NEPA, re-ratified by the 2023 statutory amendments, and, among other fatal defects, sought to enshrine climate denial and environmental injustice in government decision making. The regulatory process leading to those revisions was itself fatally flawed both procedurally and substantively, in violation of the Administrative Procedure Act. Agencies seeking to rely on the 2020 regulations as a guide for their own implementing regulations risk further controversy and litigation.

Finally, we regret that the public was not formally given a chance to comment on CEQ’s guidance to the agencies. While we understand that although “CEQ seeks comments to obtain the public’s views, such comments could not alter the President’s decision” to repeal Executive Order 11991 conveying rulemaking authority to CEQ and issue the Interim Final Rule, we point out that agency decisions that do not adhere to the principles outlined in this comment letter and enshrined by the statute violate NEPA and will be set aside by the courts. We also note that Tribal Nations were not invited to engage in government-to-government consultation on CEQ’s guidance. The guidance will have broad impacts on Tribal Nations and poses a real threat to cultural resources and sacred places.

Regardless of the president’s actions, CEQ must ensure that agencies continue to adhere to the essential principles of sound environmental review and analysis, including governmental transparency and robust public participation, that stem from the Act’s statutory text. And indeed, while we support efficiency, it must not come at the expense of frontline communities who bear the greatest environmental and health burdens. CEQ must ensure that agencies honor the actual purpose of the NEPA process - to make informed decisions that safeguard the environment and public health.

We look forward to further engaging in the notice and comment rulemaking process undertaken by the federal agencies consistent with the Interim Final Rule.

Sincerely,

1000 Grandmothers for Future Generations
350 Bay Area Action
350 Eugene
350 Rutland County
350PDX
A House Unbuilt

Alaska Community Action on Toxics
Alaska Wilderness League
Alianza Coachella Valley
Allegheny-Blue Ridge Alliance
Alliance for a Just Society
Alta Peak Chapter, California Native Plant Society
America Walks
American Bird Conservancy
American Rivers
Amigos De Los Rios
Animal Legal Defense Fund
Animal Welfare Institute
Apalachicola Riverkeeper
Appalachian Mountain Club
Arriba South Coast
Asociacion de Residentes de La Margarita, Inc.
Atchafalaya Basinkeeper
Autistic Women & Nonbinary Network
Bark for Mt. Hood
Bayou City Waterkeeper
Bird Alliance of Oregon
Bold Alliance
Bold Visions Conservation
CactusToCloud Institute
California Coastal Protection Network
California Native Plant Society
Californians for Western Wilderness
CalWild
Cascade Forest Conservancy
Cascade Volcanoes, Great Old Broads for Wilderness
Cascadia Wildlands
Center for a Sustainable Coast
Center for Biological Diversity
Center for Progressive Reform
Central Oregon LandWatch
Central Sierra Environmental Resource Center
Central/Eastern Oregon Bitterbrush Broadband
Central/Eastern Oregon Chapter of Great Old Broads for Wilderness
Chesapeake Climate Action Network
CIEA
Citizens Committee to Complete the Refuge
Citizens for a Healthy Community
Clean Black Lake Alliance
Clean Water Action
Climate Communication Coalition
Climate Justice Alliance

Climate Reality Greater Maryland
COFEM
Colorado Wild Public Lands
Colorado Wildlands Project
Columbia Riverkeeper
Conservation Congress
Conservation Lands Foundation
Conservation Northwest
Crag Law Center
Defenders of Wildlife
Deschutes Estuary Restoration Team (DERT)
Detroit Greenways Coalition
Dolores River Boating Advocates
Earthjustice
Earth Neighborhood Productions
Earthworks
EcoMadres
Elders Climate Action
Elders Climate Action Maryland Chapter
Endangered Habitats League
Endangered Species Coalition
Environmental Center of San Diego
Environmental Defense Center
Environmental Defense Fund
Environmental Law & Policy Center
Environmental Protection Information Center (EPIC)
Evergreen Action
Fair Shake Environmental Legal Services
Firefighters United for Safety, Ethics, and Ecology (FUSEE)
Food & Water Watch
Forest Keeper
Friends of Big Morongo Canyon Preserve
Friends of Blackwater, Inc.
Friends of Harbors, Beaches and Parks
Friends of the Amargosa Basin
Friends of the Bitterroot
Friends of the Dunes
Friends of the Earth
Friends of the Inyo
Friends of the Kalmiopsis
Friends of the Lost Coast
Friends of the Sonoran Desert
Gallatin Wildlife Association
Global Justice Ecology Project
Grand Canyon Trust
Great Old Broads for Wilderness

Green America
GreenRoots
Gwich'in Steering Committee
Healthy Ocean Coalition
Heartwood
High Country Conservation Advocates
Hills For Everyone
Honor the Earth
Idaho Conservation League
Idyllwild Forest Health Project
Interfaith Center on Corporate Responsibility
Interfaith Earthkeepers
KAO Consulting
Kentucky Heartwood
Kentucky Waterways Alliance
Klamath Forest Alliance
Latino Outdoors
League of Conservation Voters
League of Women Voters Upper Mississippi River Region
Long Beach Alliance for Clean Energy
Los Angeles Neighborhood Land Trust
Los Angeles United Methodist Urban Foundation
Los Padres ForestWatch
Lower San Pedro Watershed Alliance
lowernine.org
M-W & Associates Environmental Policy
Madison Area Bus Advocates
MANA, A National Latina Organization
Massachusetts Forest Watch
Mennonite Central Committee U.S.
Miami Waterkeeper
Milwaukee Riverkeeper
Minnesota Center for Environmental Advocacy
Missouri Parks Association
Moms Clean Air Force
Monterey Bay Aquarium
Montgomery Countryside Alliance
Mount Diablo Bird Alliance
Mount Shasta Bioregional Ecology Center
MountainTrue
National Aquarium
National Ocean Protection Coalition
National Parks Conservation Association
National Wildlife Federation
Natural Resources Defense Council
Natural Resources Law

New Jersey Forest Watch
New Mexico Sportsmen
New Mexico Wild
North American Climate, Conservation and Environment (NACCE)
North Cascades Conservation Council
Northcoast Environmental Center
Northeastern Minnesotans for Wilderness
Northern Plains Resource Council
Northwest Watershed Institute
Ocean Conservation Research
Ohio Environmental Council
Oil Change International
Old-Growth Forest Network
Olympic Climate Action
Olympic Environmental Council
Olympic Park Advocates
One Mississippi
Oregon Wild
Oxfam America
Partners for Clean Streams
Partnership for Policy Integrity
Patagonia Area Resource Alliance
Pilchuck Audubon Society
Plug In America
Prairie Hills Audubon Society of Western South Dakota D
Project Eleven Hundred
Protect Our Water, Heritage, Rights (POWHR)
Protect Our Woods
Protect the Peninsula's Future
Quiet Use Coalition
Raging Grannies, Eugene-Springfield, OR
Resource Renewal Institute
RESTORE: The North Woods
Rio Grande Indivisible, NM
Rock Creek Alliance
Rocky Mountain Wild
SAFE Alternatives for our Forest Environment
San Luis Valley Ecosystem Council
Santa Clara Valley Bird Alliance
Santa Fe Forest Coalition
Save California Salmon
Save Mount Diablo
Save Our wild Salmon Coalition
Save the Scenic Santa Ritas
Sea of Clouds
Sheep Mountain Alliance

Sierra Club
Sierra Foothills Audubon Society
Sierra Forest Legacy
Sierra Nevada Alliance
Sierra State Parks Foundation
Silvix Resources
Smith River Alliance
Snowlands Network
Soda Mountain Wilderness Council
Sonoma Land Trust
Sonoma Mountain Preservation
South Umpqua Rural Community Partnership
South Yuba River Citizens League
Southeast Alaska Conservation Council
Southern Utah Wilderness Alliance
Southwest Wetlands Interpretive Association
Spokane Audubon Society
Stand.earth
Standing Trees
Surfrider Foundation
Sustainable Ocean Alliance
Swan View Coalition, Inc.
Takilma Community Association
TCAT/Tree Action Group
Tennessee Heartwood
The Alaska Center
The Fire Restoration Group
The Forest Advocate
The Vocal Seniority
The Watershed Project
The Wilderness Society
Together for Brothers
Transition Habitat Conservancy
Transportation for America
Trustees for Alaska
Tuleyome
Tuolumne River Trust
Turtle Island Restoration Network
Umpqua Watersheds
Union of Concerned Scientists
Upper Gila Watershed Alliance
Utah Senate Democrats
Vancouver Audubon Society
Vermont Natural Resources Council
Voices for Progress
WE ACT for Environmental Justice

Wendell State Forest Alliance
Western Colorado Alliance
Western Leaders Network
Western Organization of Resource Councils
Western Watersheds Project
Wheelbarrow Productions
Wild Cumberland
Wild Montana
Wild Watershed
WildEarth Guardians
Wilderness Workshop
Williams Community Forest Project
Winter Wildlands Alliance
Wisconsin's Green Fire, Inc.
Wyoming Wilderness Association