

WSP Washington Update - January 16, 2020 - Interim Update - Administration's New NEPA Regulations

On January 9, the White House Council on Environmental Quality (CEQ) proposed sweeping changes to nearly every aspect of the regulations implementing the National Environmental Policy Act (NEPA). Attached is a white paper prepared by the WSP US Advisory Services' (USAS) environmental policy experts which provides an overview of the new NEPA Notice of Proposed Rulemaking (NPRM). The NPRM represents the first proposed substantive changes to NEPA regulations in over 40 years. If CEQ does finalize the proposed revisions, the changes would affect all industry sectors as all federal agencies will then begin updating their own NEPA procedures to align with the new regulations.

CEQ is requesting public review and comment on the proposed regulatory changes. Comments will be accepted through March 10, 2020 and public hearings will be held in February in Washington, DC and Denver, CO.

Following the public comment period, CEQ intends to finalize the regulation as soon as this fall with the direction that agencies begin implementing the new requirements immediately. However, there is a high likelihood of legal challenges to multiple elements of the regulations. Thus, as a practical matter, it may be some time before any changes to CEQ's NEPA regulations become effective.

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