

**Statement of Christina W. Goldfuss  
Council on Environmental Quality  
Before the  
Committee on Natural Resources**

**United States House of Representatives**

**Hearing**

**May 13, 2015**

Chairman Bishop, Ranking Member Grijalva, and Members of the Committee, thank you for the opportunity to appear before you today to discuss efforts by the Council on Environmental Quality (CEQ) to modernize National Environmental Policy Act (NEPA) implementation and the recent release of the Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas (GHG) Emissions and the Effects of Climate Change in NEPA Reviews. We at CEQ are proud of this guidance and welcome the opportunity to speak with you about it.

As you know, NEPA calls upon agencies to inform decisionmakers and the public of potential environmental effects of agency actions and consider comments on the proposed action. In short, it requires agencies to “look before they leap” when making decisions. Embodied in NEPA is the flexibility for agencies to consider environmental effects in a reasonable and measured manner. It allows agencies to focus on issues that are important, hear from all stakeholders and consider their input, and exercise their professional judgment in projecting the potential environmental impacts. These potential impacts of a proposal, and any reasonable alternatives, include all elements of the human environment and include ecological, social, and economic effects.

**CEQ’s Climate Guidance**

Consistent with efforts throughout the Administration to modernize and increase the efficiency of the NEPA process, CEQ’s draft guidance will add further predictability to the NEPA process by clarifying for Federal agencies and project sponsors how to account for climate change as part of considering environmental effects of proposed actions. It provides a reasoned, consistent, and transparent approach for considering the effects of GHGs and climate change that will enable agencies to make better decisions that achieve NEPA’s goal of creating and maintaining conditions under which our citizens and our environment “can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”<sup>1</sup>

We are here today, primarily, to focus on the NEPA climate guidance, so I would like to share with you a few thoughts about the guidance and how we got to this point. CEQ’s issuance of the GHG guidance reflects its latest effort to provide Federal agencies with how they can

---

<sup>1</sup> 42 U.S.C. § 4331(a).

complete environmental reviews consistently, expeditiously, and openly under the existing NEPA framework.

We know that a changing climate is a reality, and carbon pollution is the biggest driver of climate change<sup>2</sup>. We also know that emissions associated with Federal actions contribute to climate change and that climate change affects Federal agencies and their actions. Further, we know that consideration of climate change falls squarely within the scope of NEPA, and Federal courts across multiple circuits and districts have been considering various approaches to the analysis. Where courts differ and what agencies have been wrestling with for years, however, is how the effects of climate change and GHGs should be considered in NEPA reviews.<sup>3</sup>

Previously, agencies were inconsistent in whether and how they addressed GHGs and climate impacts, adding a measure of uncertainty to the NEPA process. For example: some agencies have not addressed GHGs and climate impacts; some have modeled various emissions and considered them in different contexts (e.g., state and nation-wide or regional); some have used existing tables of average emissions; and others have calculated the percentage of their emissions in comparison to world-wide emissions (which invariably leads to a miniscule percentage) or used strictly qualitative analyses.

Our guidance simplifies the consideration of climate change in NEPA reviews by offering a consistent approach to analysis, increasing certainty while preserving agency discretion. Added clarity will make it easier and faster to prepare analyses, and will also reduce the threat of litigation, which can be costly and cause further delay.

We have learned a great deal about GHGs and climate change since the release of CEQ's draft guidances on the subject in 1997 and 2010. Not only has the science surrounding climate change improved significantly since then, we also have a better understanding of how to analyze it within the NEPA context. This is a result of our continual efforts to solicit input and receive feedback from Federal agencies, business and industry leaders, environmental groups, academia, legal scholars, and the public. Our latest GHG guidance reflects years of effort in determining how to tackle the challenges posed by analyzing GHGs and climate change effects in NEPA documents. Specifically, it responds to agency and stakeholder requests for guidance in this area, and increases the predictability and timeliness of decisions that our citizens deserve.<sup>4</sup>

I want to be clear about something, as I think it often gets lost when we talk about NEPA generally and our GHG guidance specifically. NEPA's requirements focus on the process by

---

<sup>2</sup> <http://nca2014.globalchange.gov/report>

<sup>3</sup> A. Litigation in the 8<sup>th</sup>, 9<sup>th</sup>, and DC Circuits, as well as District Courts in states including Washington, Alaska, South Dakota, Montana, Utah, Virginia, Colorado, Texas, Vermont, Iowa, Oregon, Idaho, Minnesota, Kentucky, and Nevada have delayed projects and the Courts have increasingly found that agencies should consider climate in their NEPA reviews. See the compendium of Climate Change Litigation in the U.S. available at <http://www.arnoldporter.com/resources/documents/ClimateChangeLitigationChart.pdf>

<sup>4</sup> One example is the Task Force on Climate Preparedness and Resilience which included 26 governors, mayors, county officials, and Tribal leaders from across the country, who recommended that the Administration "Finalize guidance for considering climate impacts and greenhouse gas emissions in National Environmental Policy Act evaluations of proposed Federal actions." See the Task Force recommendations at p20, available at: [https://www.whitehouse.gov/sites/default/files/docs/task\\_force\\_report\\_0.pdf](https://www.whitehouse.gov/sites/default/files/docs/task_force_report_0.pdf)

which agencies consider the impacts of their actions, not on substantive outcomes. Put another way, NEPA informs the Federal agency decision-making process. It does not require agencies to make an environmentally preferred decision or prevent proposed projects from occurring. Think of it like a calorie count on a restaurant menu or on a box of cereal. The guidance is about disclosure and informed decision-making. There is nothing about it that requires an agency – or consumer, continuing with my analogy – from selecting the most or least GHG – or calorie - intensive alternative. As such, the guidance does not:

- Regulate emissions;
- Direct agencies to prohibit emissions-intensive projects; or
- Mandate that agencies select the alternative with the least emissions.

What the guidance does do is put an end to delays for hand wringing over whether climate should be addressed or how to address it. Our guidance provides a consistent framework for how agencies can consider the climate to inform decisionmakers and the public, and point to tools and techniques designed to ensure the NEPA review is efficient and timely. In the guidance, we:

- Encourage agencies to focus their analysis of GHGs on actions involving potentially large levels of emissions most likely to raise climate issues. For example, the climate analysis for new CAFÉ standards, which will cut greenhouse gas emissions by more than 2 billion metric tons, merits much more attention than adding a handful of vehicles to an agency motor-pool.
- Recommend agencies use a proposed action’s projected emissions for analyzing its climate change effects. This recognizes that climate is different from other resources – like clean water or critical habitat – yet, it still adheres to standard NEPA principles and practices, and reduces debate and delay over which methodologies to employ, while providing an understandable indicator that has meaning for decisionmakers and the public.
- Highlight when calculating GHGs is appropriate for purposes of disclosure in a NEPA review. The guidance recommends using a reference point of 25,000 metric tons of CO<sub>2</sub> per year to focus efforts to quantify emissions on actions that are not minor.<sup>5</sup> To provide some context of this reference point, purchasing 5,000 passenger vehicles, driving over 59 million miles a year, using 2.5 million gallons of gasoline, burning 26 million pounds of coal, or converting 190 acres of forest to cropland would not exceed the reference point.
- Counsel agencies to use existing GHG estimation tools – rather than attempting to create their own - when the data necessary to use a tool are available.<sup>6</sup>
- Advise that agencies consider the potential effects of climate change, such as flooding or drought, early in the project planning process, as part of their routine assessment of the status of the environment that will be affected by the proposed project, so that they develop alternatives that retain operational and financial viability over the long term. For example, agencies should consider whether a proposed pipeline or highway may be affected by subsidence or rising sea levels over the reasonably foreseeable life of the project, to ensure

---

<sup>5</sup> See the results when entering 25,000 metric ton CO<sub>2</sub> equivalents in the calculator at <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>.

<sup>6</sup> One example is the compendium of tools available at [https://ceq.doe.gov/current\\_developments/GHG\\_accounting\\_methods\\_7Jan2015.html](https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html).

there are no unintended – and potentially costly - consequences for siting it in an area or using inadequate materials that may put the project at risk.

- Emphasize that agencies rely on and incorporate by reference existing assessments and reports on climate change rather than conducting their own research into the potential impacts of climate change on an individual project.
- Recommend that an agency select the appropriate level of action for NEPA review – programmatic or site/project-specific – at which to assess the effects of GHG emissions, and that agencies should consider the utility of a programmatic review.

As with CEQ guidance in the past, key NEPA principles will assist agencies as they develop their GHG and climate change analyses. As previously referenced, Agencies must use a rule of reason in conducting their analyses on the reasonably foreseeable direct, indirect, and cumulative impacts of a project, limiting the analysis to what is necessary given the scope of the project and avoiding speculation.

Let's spend a moment looking at what this means for an infrastructure project. The guidance in its draft form recommends an agency could consider the emissions from the reasonably foreseeable amounts of construction materials, construction equipment used in constructing the facility, and operations over the facility's projected life. The disposition of the facility after that point would typically be speculative and therefore should not be included in the analysis. The agency would typically not analyze the emissions associated with the widgets produced (for example: vehicles, solar panels, tons of coal, gallons of gas, board feet of timber) unless there are reasonably foreseeable quantities – any attempt at speculation could be mistaken as valid and lead to misinformed decisions.

We remain confident that agency implementation of our recommended approach to GHG and climate change effects in NEPA reviews – just like the guidance we have provided on the use of categorical exclusions or programmatic reviews – will bring greater clarity to when, why, and how the NEPA process should address climate issues. With this clarity comes efficient and transparent agency decision-making that will lead to better, more predictable, and timelier decisions for projects and agency actions that benefit our economy, communities, and the environment.

### **CEQ and the Importance of NEPA**

To provide context for our discussion today, I would like to address CEQ's important role under NEPA, followed by a review of our efforts over the last five years to expedite environmental reviews and promote informed decision-making.

Signed into law by President Nixon on January 1, 1970, NEPA is the cornerstone of our country's commitment to responsive government and decision-making. It is important to remember that the House of Representatives adopted NEPA by a vote of 372 to 15 and that the Senate passed NEPA by voice vote without any recorded dissent.

Today, we take for granted that the public has a right to participate in Federal decisions regarding the environment, energy, and natural resources, but in fact it was in NEPA that

Congress and the President clearly established this right. It wasn't that long ago that the public had little voice in the Federal decision-making process regarding all aspects of the human environment, which include the social and economic aspects of Federal decisions, for projects that affected them. Prior to the passage of NEPA, there were limited opportunities for preventing the Federal Government from ignoring the concerns of affected communities.

NEPA democratized the Federal decision-making process by formally including environmental considerations and requiring public input into Federal decisions. Today, NEPA facilitates the public, communities, tribes, state and local governments and industry having a seat at the table when Federal agencies analyze decisions that potentially impact our communities and the environment.

As eight prior CEQ leaders from both Republican and Democratic administrations noted to Congress a few years ago:

“Consideration of the impacts of proposed government actions on the quality of the human environment is essential to responsible government decision-making. Government projects and programs have effects on the environment with important consequences for every American, and those impacts should be carefully weighed by public officials before taking action. Environmental impact analysis is thus not an impediment to responsible government action; it is a prerequisite for it.”<sup>7</sup>

At its heart, NEPA recognizes that citizens and communities, local and state governments, Indian tribes, and businesses all have a vital interest in government actions—and more often than not, their unique knowledge of risks, consequences, and possible alternatives can produce better decisions. Better decisions result from better integrated planning and reduce the risk of litigation and delay.

Importantly, NEPA includes three different levels of review, making it possible to evaluate simpler projects commensurate with their level of complexity. More than 90% of all Federal actions are quickly handled through categorical exclusions, the least intensive form of NEPA review. Agencies used categorical exclusions for 96% of all Recovery Act projects.<sup>8</sup> Only a very small fraction of projects or decisions require an environmental impact statement, the most intensive NEPA review. In the case of the 275,000 projects funded under the Recovery Act, only 841 projects (or 0.44%) required an environmental impact statement.

Each year, Federal agencies conduct hundreds of thousands of actions, yet between 2001 and 2013, no more than 175 NEPA cases were filed each year – with fewer than 100 cases filed during several of those years including 2010 and 2011, 2012, and 2013.<sup>9</sup> This relatively small percentage of actions challenged in no way diminishes the importance of addressing the

---

<sup>7</sup> Letter to Rep. Cathy McMorris, Chair of the Task Force on Improving the National Environmental Policy Act. September 19, 2005. Signed by former Chairs and General Counsels of CEQ.

<sup>8</sup> CEQ Report to Congress, “The Eleventh and Final Report on the National Environmental Policy Act Status of Progress for American Recovery and Reinvestment Act of 2009 Activities and Projects” November 2, 2011, available at [https://ceq.doe.gov/ceq\\_reports/recovery\\_act\\_reports.html](https://ceq.doe.gov/ceq_reports/recovery_act_reports.html).

<sup>9</sup> CEQ annual litigation surveys are available at [https://ceq.doe.gov/legal\\_corner/litigation.html](https://ceq.doe.gov/legal_corner/litigation.html)

underlying reasons NEPA reviews are challenged, and in recognizing that big projects that result in jobs, environmental effects, and economic growth merit our continued attention.

While agencies vary in their tracking of NEPA implementation, I think the Department of Transportation (DOT) and the Department of Energy (DOE) provide some valuable data about the scope and scale of NEPA in the permitting process.

- In 2011 and 2012,<sup>10</sup> the Congressional Research Service (CRS) found in its analysis of transportation project delivery that, “The overwhelming majority of highway projects are deemed to have no significant impact on the environment and require no or limited environmental review or documentation under NEPA.”<sup>11</sup>
- In 2012, the Federal Highway Administration (FHWA) estimated that, annually, about 9,700 projects are covered by categorical exclusions, which involve no significant environmental impacts and, hence, require limited documentation, analysis, or review under NEPA. Approximately 130 environmental assessments are processed by FHWA in a year, which can take just a couple of months to complete, and 30 projects require an environmental impact statement. Of the NEPA reviews completed each year, it is estimated that 98% are categorical exclusions, 1.7% are environmental assessments and only 0.3% are environmental impact statements.
- For the Federal Transit Administration (FTA), the majority of FTA projects fall within categorical exclusions. Of the NEPA reviews completed per year (2010-2012), FTA estimates that on average approximately 3,000 projects (99%) were classified as CEs, 20 were (0.6%) were processed as environmental assessments, and 5 (0.2%) were processed as environmental impact statements.
- The Department of Energy reviewed ten years of NEPA (2003-2012) and found 98% of activities were categorical exclusions, 2% were environmental assessments, and less than .5% were environmental impact statements with a median completion time of 29 months.<sup>12</sup>

Frequently, delays in project implementation are inaccurately attributed to the NEPA process when other factors are relevant to the time needed for decisions on all environmental reviews, permits, and approvals needed for a project to proceed. NEPA becomes the “target” because NEPA is the “commonality” – it is a part of the planning process that always applies regardless of the availability of funds or the applicability of another specific statutory or regulatory regime. Challenges securing project funding, local opposition to a project, project complexity, or changes in project scope or priorities can and often do result in delays. However, because these issues are frequently identified during the NEPA process, NEPA itself is often targeted as the culprit.

It’s also important to bear in mind that some State, Tribal and local jurisdictions have their own permitting and approval processes, which can add time to the review of Federally funded projects, in some cases at the request of State, Tribal, or local officials. And States, Tribes, and

---

<sup>10</sup> CRS Report R42479, “The Role of the Environmental Review Process in Federally Funded Highway Projects.” April 11, 2012.

<sup>11</sup> CRS Report R41947, “Accelerating Highway and Transit Project Delivery: Issues and Options for Congress.” August 3, 2011.

<sup>12</sup> DOE Lessons Learned Quarterly Report, September 2013, available at <http://energy.gov/nepa/downloads/lessons-learned-quarterly-report-september-2013>

local communities often vary in their available resources, both in staffing and funding, and expertise for permitting or reviewing challenging projects. We are continuing our efforts to share their and our best practices and lessons learned.

### **CEQ's NEPA Modernization Accomplishments to Date**

Five years ago, in conjunction with NEPA's 40<sup>th</sup> anniversary, President Obama and CEQ embarked upon an historic effort to modernize and reinvigorate NEPA to improve the transparency and efficiency of environmental reviews. Since then, CEQ has taken a number of steps to assist Federal agencies to meet the goals and requirements of NEPA, while making it easier for agencies to implement them. A fact sheet outlining our NEPA modernization efforts is attached with my written testimony and I ask that it be included in the record. These steps reflect our continued commitment to giving Federal agencies the tools to advance predictable, timely outcomes in NEPA reviews that ultimately enhance our economy while protecting our environment.

In exercising its authority under NEPA, CEQ issued several guidance documents to Federal agencies that have enabled them to expedite completion of their environmental review analyses while remaining true to NEPA's mandate to ensure an informed decision-making process that is open to the public. These guidance documents explain how Federal agencies can:

- Establish and use categorical exclusions for activities—such as routine facility maintenance or construction on existing sites—that, absent extraordinary circumstances, do not need to undergo intensive NEPA review because the activities do not normally, individually, or cumulatively have significant environmental impacts;
- Conduct programmatic reviews to assess landscape-scale (e.g., Federal land management plans) or broad-scale (e.g., transportation corridor) activities, or address common potential effects and how they will be addressed (e.g., addressing effects of fire at a facility<sup>13</sup>) that can expedite future agency decisions, including individual permit approvals; and
- Improve the efficiency of the NEPA process overall by integrating planning and environmental reviews, avoiding duplication in multi-agency or multi-governmental reviews and approvals, engaging early with stakeholders to head off possible future delays, and setting clear timelines for the completion of reviews.

CEQ's role in issuing guidance on different aspects of NEPA implementation is to clarify existing requirements, to ensure the consistent application of NEPA by Federal agencies and to focus those efforts on the issues or concerns on areas most likely to delay the review process. To be clear, and apropos of the Committee's focus on our draft GHG guidance, CEQ guidance does not change or substitute for any law, regulation, or other legally binding requirement on agencies. Rather, it provides CEQ's interpretation of existing regulations in the context of an

---

<sup>13</sup> In 1998 DOE, in response to public comment, included an analysis of wildfire as a plausible risk in its site-wide environmental impact statement. The DOE was subsequently able to take immediate actions to mitigate the effects of the 2000 Cerro Grande Fire as those steps were addressed in the site-wide environmental impact statement. See Environmental Law Institute, "NEPA Success Stories: Celebrating 40 Years of Transparency and Open Government", at 14, available at [https://ceq.doe.gov/nepa\\_information/NEPA\\_Success\\_Stories.pdf](https://ceq.doe.gov/nepa_information/NEPA_Success_Stories.pdf)

emerging issue or context. Finally, CEQ guidance, as is the case with our draft GHG guidance, is often developed in response to agency inquiries about how to apply NEPA to their actions.

Let's take a closer look at CEQ's efforts over the last five years that have allowed Federal agencies to accelerate the environmental review process and make better decisions without compromising NEPA's fundamental objectives.

### ***Categorical Exclusions***

In 2010, CEQ issued final guidance on "Establishing, Applying and Revising Categorical Exclusions under the National Environmental Policy Act" to support timely Federal agency decision-making. The guidance provided agencies with a set of best practices to ensure that they establish and then use categorical exclusions appropriately and transparently. As noted, categorical exclusions have become the most frequently employed method of complying with NEPA, covering over 90 percent of agency NEPA reviews. A categorical exclusion is a category of actions that a Federal agency determines does not normally result in individually or cumulatively significant environmental effects, and therefore, does not require further analysis in an environmental assessment or environmental impact statement. The categorical exclusion reflects the least intensive form of NEPA review and ensures the use in a particular place and time does not give rise to concerns that merit additional review.

#### ***Example - Categorical Exclusions and Tribal Housing***

We have seen the benefit of this guidance in the assistance it provided to the Bureau of Indian Affairs in its development of a categorical exclusion for housing on tribal lands.<sup>14</sup> We can all agree that housing serves a basic and fundamental need in society, and when housing comes under the auspices of a Federal agency action subject to NEPA, expeditious and thoughtful decisions should be a priority. The Bureau of Indian Affairs provides funding and approves leases and rights-of-way for proposed housing, and these decisions are subject to NEPA. Instead of conducting environmental assessments for scattered home sites, which it historically had done, the Bureau of Indian Affairs developed a category of actions, in consultation with and the approval of CEQ, to enable it to carry out its mission and objectives, comply with NEPA, and expedite decisions for home-building on Indian reservations. This is just one success that has emerged from this guidance.

#### ***Example - Categorical Exclusions and Broadband Infrastructure Deployment***

CEQ is also using the categorical exclusion guidance to expedite the deployment of broadband infrastructure nationwide. CEQ is working with multiple agencies that have decision-making authority over broadband infrastructure to expedite the NEPA review process through the use of categorical exclusions. In 2009, the National Telecommunications and Information Administration<sup>15</sup> developed categorical exclusions based in large part on the expertise and

---

<sup>14</sup> See Notice of Proposed National Environmental Policy Act: Implementing Procedures; Addition to Categorical Exclusions for Bureau of Indian Affairs (516 DM 10), 77 FR 26314 (May 3, 2012). See also, Notice of Final National Environmental Policy Act Implementing Procedures, 77 FR 47862 (August 8, 2012).

<sup>15</sup> See "Notice and Request for Comments, National Environmental Policy Act-Categorical Exclusions covering the Broadband Technology Opportunity Program (BTOP)", 74 FR 32876 (July 9, 2009). See also "Notice, National Environmental Policy Act-Categorical Exclusions covering the Broadband Technology Opportunities Program (BTOP)," 74 FR 52456 (October 13, 2009).

experience Rural Utilities Service had with its categorical exclusions. Currently, CEQ is assisting Federal agency members of the Broadband Infrastructure Deployment Working Group to revise their agency implementing procedures to include categorical exclusions for broadband projects. This revision will facilitate and expedite the development of critical 21<sup>st</sup> century infrastructure projects in a way that is environmentally sound and consistent across agencies.

### ***Programmatic NEPA Reviews***

Last December, CEQ issued its programmatic environmental review guidance. The use of programmatic NEPA reviews has increased as agencies undertake more broad, landscape-scale analyses for proposals that affect the resources they manage. This guidance was requested by agencies to explain NEPA requirements and CEQ regulations when programmatic reviews are prepared. It identifies opportunities for incorporating greater efficiency and transparency in agency reviews as well as better defined and more expeditious paths toward informed decision-making. Through the use of programmatic reviews, agencies can more quickly complete the review process, while maintaining the ability for the public, businesses, and other stakeholders to engage in project-specific reviews that fall within a broader, land-scape scale environmental review. This guidance also made it clear that the efficiencies for programmatic environmental impact statements also apply to programmatic environmental assessments to overcome challenges to the use of programmatic environmental assessments when not explicitly addressed in agency NEPA implementing procedures.

#### ***Example - Black Hills National Forest Pine Bark Beetle Environmental Impact Statement***

Another example of how programmatic reviews can serve as an efficient and expeditious tool in NEPA implementation is the environmental impact statement prepared by the Black Hills National Forest (BHNF).<sup>16</sup> The Forest Supervisor made decisions about the expanding bark beetle epidemic in an environmental impact statement that covered over 200,000 acres. As the result of warmer weather, bark beetles are ravaging public and private lands across the West, creating vast areas that are vulnerable to wildfire, which risks the health and safety of countless communities across the West. This land area was three to six times larger than typically analyzed in environmental impact statements for the BHNF. In addition to site-specific treatments to be taken immediately, the decision also included an anticipatory component, allowing the Forest Service to treat additional areas beyond the current infestation without the need for new NEPA analyses. The process to develop this environmental impact statement took less than 14 months and included extensive collaboration with local stakeholders, resulting in a decision that was widely supported and allowed the Forest Service to move expeditiously in treating bark beetle infected areas. We believe the USFS's use of programmatic environmental reviews in the BHNF is a model for other agencies and forest supervisors to follow.

### ***NEPA Efficiencies***

---

<sup>16</sup> See "Notice of Intent to Prepare An Environmental Impact Statement, Black Hills National Forest, Custer, South Dakota-Mountain Pine Beetle Response Project," 76 FR 48120 (August 8, 2011). See also "Mountain Pine Beetle Response Project Record of Decision" (December 2012).

In 2012, CEQ issued Final Guidance on “Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act.” The guidance emphasized and clarified existing techniques established under NEPA and the CEQ Regulations to expedite NEPA processes, while ensuring the completion of a thorough and meaningful environmental review. At its core, NEPA encourages simple, straightforward, and concise reviews and documentation. The guidance provided basic recommendations, designed to overcome gold-plating or bullet-proofing NEPA reviews, which amplified and built upon the CEQ Regulations. For example:

- NEPA should be integrated into project planning rather than be an after-the-fact add-on that can delay project reviews;
- NEPA reviews should coordinate and take appropriate advantage of existing documents and studies to avoid duplication and reduce the time and effort required to conduct analyses;
- Early, well-defined project scoping should be used to focus environmental reviews on appropriate issues that would be meaningful to a decision and avoid spending unnecessary time and effort on issues that are of less or no importance;
- Agencies should develop meaningful and expeditious schedules (milestones and timelines) for environmental reviews; and
- Agencies should respond to comments in proportion to the scope and scale of the environmental issues raised.

The guidance was developed to encourage efficiencies in the preparation of environmental impact statements, as well as the more commonly used environmental assessments. When followed, these recommendations will expedite reviews and decisions, ensure the public and key stakeholders are involved in the process, and minimize the risk of challenges.

#### ***Example - Efficiencies and Infrastructure***

Efforts to improve efficiencies do not stop at issuing guidance. Building a 21<sup>st</sup> century infrastructure that also safeguards our communities and environment is an Administration priority. Safe, reliable, and resilient infrastructure will bring immediate and long-term economic benefits across the country, such as new jobs, energy independence, and a competitive edge in the global economy. CEQ has focused on improving the overall efficiency and effectiveness of Federal environmental review and permitting processes. These efforts have concentrated on expediting Federal decision-making, sharing best practices, supporting job creation, and facilitating interagency collaboration pertaining to NEPA.

For major projects, the NEPA process can provide a vehicle for coordinating other permitting and planning requirements at the Federal, state, local, and tribal levels, and avoiding duplicative and unnecessary sequential reviews. Through interagency coordination and oversight of Federal NEPA implementation, CEQ is leading or participating in several efforts to achieve these objectives, either by accelerating decisions on particular priority projects, or advancing broad reforms to the overall process. Examples include the Transmission Rapid Response Team, the Transportation Rapid Response Team, the Interagency Infrastructure Permitting Improvement Team, the Unified Federal Review process for recovery projects following Presidentially

declared disasters,<sup>17</sup> and the Broadband Infrastructure Deployment Working Group. These groups consist of senior staff representatives from the relevant action and resource agencies working together to expedite environmental reviews and permitting decisions on critical infrastructure that serves the foundation for sustainable economic and community development.

### ***CEQ NEPA Pilot Program***

Another effort CEQ has undertaken to modernize NEPA implementation is the CEQ NEPA Pilot Program, which was launched in 2011. CEQ worked with practitioners and other parties with an interest in NEPA reviews to identify innovative time- and cost-saving approaches to NEPA implementation. In January 2015, CEQ issued its CEQ NEPA Pilot Projects Report and Recommendations<sup>18</sup> based on the five selected pilot projects. These projects were selected because of their focus on bringing NEPA practice into the 21<sup>st</sup> century by integrating IT and web-based tools into the review process as well as identifying best practices for conducting environmental assessments, evaluating high-speed rail infrastructure, and developing forest restoration projects. More specifically, the NEPA Pilots included:

- An ongoing initiative advanced the National Park Service's Planning, Environment, and Public Comment System (PEPC) and the Forest Service's electronic management of NEPA system (MNEPA), two online tools that improve management of the review process, collaboration among agency personnel, and processing of public comments;
- A survey and assessment used by the National Association of Environmental Professionals to develop best practice principles for environmental assessments based on lessons learned by NEPA practitioners;
- A public access component established for the Environmental Protection Agency's online GIS-mapping program, *NEPAssist*, which provides Federal agencies, applicants and project developers, and the public with geographic information for use in NEPA reviews and decision-making;
- A process for improving early engagement and an expeditious alternative to formal Memoranda of Understanding/Agreement developed during the initiation of a programmatic environmental impact statement by the Department of Transportation's Federal Railroad Administration for intercity passenger rail service from Washington, DC, to Boston, Massachusetts; and
- The development of best practices by the Forest Service to foster early collaboration with stakeholders for forest restoration projects to reduce costs and enhance efficiencies for planning and NEPA reviews, as well as for post-decision on-the-ground restoration.

These pilots focused on cooperative efforts aimed at expediting environmental reviews and soliciting public input to inform decisions that will ensure sustainable development of our resources. In addition to focusing on the procedural aspects of NEPA implementation, two of the pilot projects looked at how Federal agencies can expedite projects that (1) improve the

---

<sup>17</sup> <http://www.fema.gov/unified-federal-environmental-and-historic-preservation-review-presidentially-declared-disasters>

<sup>18</sup>

[https://www.whitehouse.gov/sites/default/files/docs/ceq\\_nepa\\_pilots\\_conclusion\\_recommendations\\_jan\\_2015.pdf](https://www.whitehouse.gov/sites/default/files/docs/ceq_nepa_pilots_conclusion_recommendations_jan_2015.pdf)

sustainable management of our public lands for multiple uses and (2) support critical infrastructure that will enable us to compete in the global marketplace in the coming decades.

### **Conclusion**

After 45 years, NEPA endures as the cornerstone of our Nation's environmental protections, and CEQ remains steadfast in promoting and ensuring that its ideals of open government and informed decision-making are attained by all Federal departments and agencies. Recognizing that the health of our environment and our economy are inexorably linked, CEQ is dedicated to engaging with Federal agency, industry, environmental, legal, and public stakeholders to learn how best to guide NEPA's implementation such that it benefits our natural and cultural resources, human health and the environment, and American communities and commerce.

Mr. Chairman, Ranking Member Grijalva, and Members of the Committee, I am proud of what CEQ has accomplished over the past five years with respect to modernizing and reinvigorating the NEPA process to provide for better Federal agency decisions that benefit our Nation both environmentally and economically. I appreciate the opportunity to testify before you today and look forward to answering your questions.