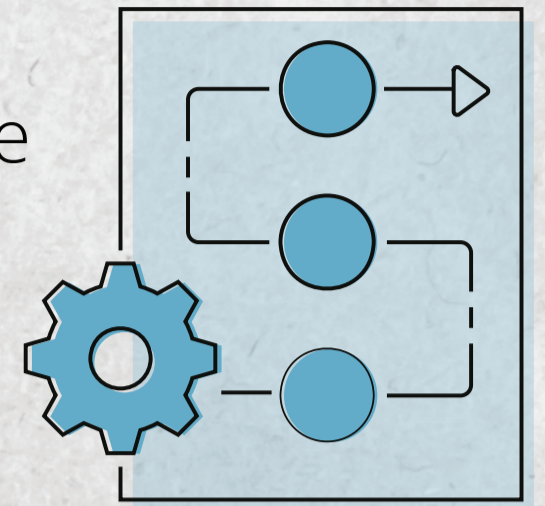


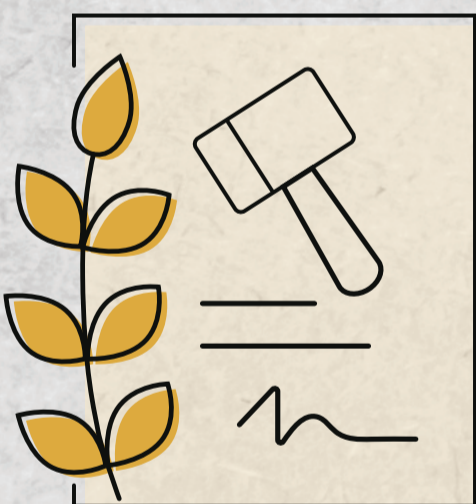
# Policy Recommendations for Meaningful NEPA Reform

## Improve the NEPA Process

- **Only require Environmental Assessments when they help with decision-making.** Today, agencies first decide whether an action has a significant impact, then do an EA if not. This defeats the purpose of an EA. EAs make up 98% of substantive environmental reviews.
- **Establish an emergency and national interest exclusion from NEPA.** Current guidance on emergencies is inadequate and essentially recommends that agencies break the law.
- **Expand categorical exclusions.** Require agencies to review their past EAs and determine whether new categories could be created that would reduce overall paperwork.
- **Establish more programmatic and general permits** for major categories of infrastructure. This simplifies NEPA analysis for projects in these categories.
- **Create a unified process.** Every major infrastructure project requires permits from a half dozen federal agencies all using different, uncoordinated processes. There should be a uniform, centralized process that gives priority to projects of national importance.
- **Define more clearly what a “major Federal action” is.** Minor actions should not be subject to NEPA, and the definition under current law is unclear.



## Reform Judicial Review of NEPA



- **Limit injunctions.** Judges should only stop projects in response to a complaint when there is a serious chance of imminent irreversible harm.
- **Limit vacating agency decisions.** When an agency loses a NEPA case, judges should not normally vacate the agency's decision. Instead, they should remand without vacatur, requiring the agency to amend the environmental document in question.
- **Limit claims to issues that were raised in public comments but never addressed.** Require litigants to engage early.
- **Reduce the statute of limitations to 120 days** for NEPA projects.

## Key Terms

**EA:** Environmental Assessment

**FONSI:** Finding of No Significant Impact

**EIS:** Environmental Impact Statement

**ROD:** Record of Decision