

REGULATORY UPDATE: COUNCIL ON ENVIRONMENTAL QUALITY UPDATES NEPA REGULATIONS – EFFECTIVE MAY 20, 2022

On April 20, 2022, The Council on Environmental Quality (CEQ) published a final rule completing Phase 1 of rulemaking to revise provisions of the National Environmental Policy Act (NEPA). These new rules become effective May 20, 2022.

The revised rule adoptions are in response to the 2020 rule changes enacted by the previous administration. These changes revised certain provisions of the NEPA regulations to revert to the regulatory language and intent that was in effect prior to the 2020 rule changes. We note the following changes:

- **Agency NEPA Procedures:** The 2020 rule changes prohibited Federal agencies from imposing procedures and requirements beyond those required in the CEQ regulations. The new rule allows Federal agencies to adopt procedures beyond the CEQ regulatory requirements.
- **“Purpose and Need” Definition:** The 2020 rule changes required Federal agencies to base the purpose and need on the applicant’s goals and the agency’s authority. The definition is updated to remove basing purpose and need on the applicant’s goals. In addition, the definition of “reasonable alternatives” is updated to remove reference to the applicant’s goals.
- **“Effects of Impacts” Definition:** The 2020 rule changes removed reference to direct, indirect, and cumulative effects. The new rule amends the definition to reference direct, indirect, and cumulative effects as it was defined prior to the 2020 rule changes.

The Phase 1 rule making changes are the first step in broader changes to NEPA regulations to be presented in the Phase 2 rulemaking to meet environmental, climate change, and environmental justice goals. No date has been announced for the Phase 2 rule making changes.

A copy of the Phase 1 rule changes can be found at: <https://www.govinfo.gov/content/pkg/FR-2022-04-20/pdf/2022-08288.pdf>

To discuss the new rule changes and how they might be applicable to your project, please contact your Langan Project Manager or:



Gregg Woodruff, PP, AICP, LEED AP, BD+C
Associate Principal/Sustainability Leader
gwoodruff@langan.com
973.560.4498



Kelly McCormick, PWS,
LEED AP
Associate
kmccormick@langan.com
973.560.4590



Sean Moronski, PP, AICP
Senior Project Manager
smoronski@langan.com
973.560.4557

Technical Excellence. Practical Experience. Client Responsiveness.

