

Doubt Over NEPA Regs' Future Brings New Risk for Projects

Media Mentions

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President Donald Trump's executive order rescinding a 1977 executive order issued by former President Jimmy Carter that instructed the White House Council on Environmental Quality to begin crafting regulations to implement the National Environmental Policy Act, coupled with a recent decision from the US District Court for the District of North Dakota finding that the CEQ lacked the authority to issue them, have jeopardized long-standing federal regulations for environmental reviews.

In the event that the CEQ regulations are declared invalid or abandoned, Bracewell's **Ann Navaro** told *Law360* that agencies will revert to using their own individual NEPA procedures, many of which were codified as regulations after a public notice and comment period in compliance with the Administrative Procedure Act.

"We'll have to take a look at the new guidance in light of [the agencies'] own statutory authority, their permitting programs, as well as their own NEPA process to determine how to move forward," Navaro said. "There will be a lot of questions, both inside agencies and with applicants that are trying to plan for projects and submit applications, given the uncertainty about what NEPA may look like going forward."

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