

## Comments on ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 14 Mar 2018 15:53:01 -0400  
**Attachments:** FR Notice for ANPRM als.docx (60.69 kB)

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Hi Mary,

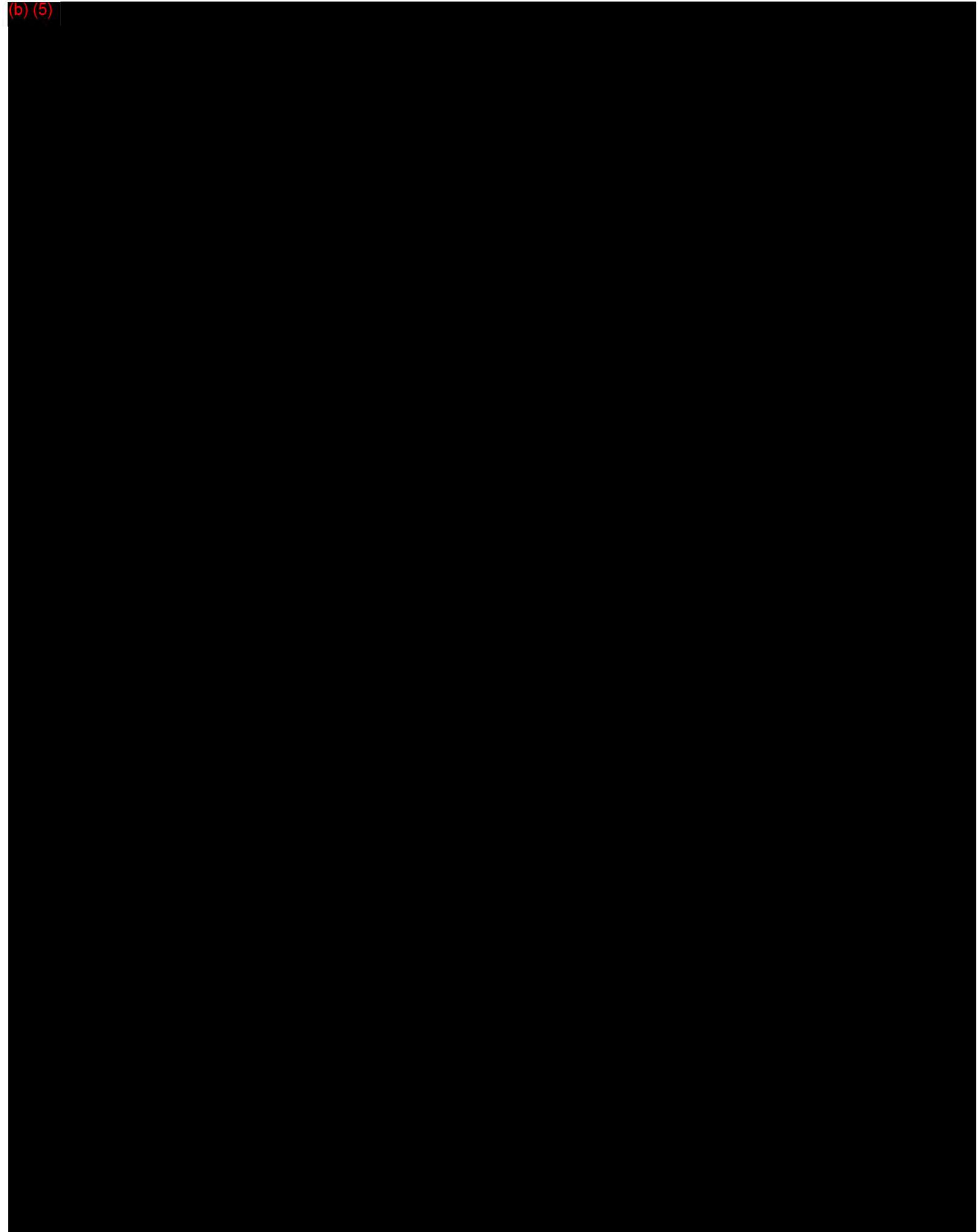
Please see attached.

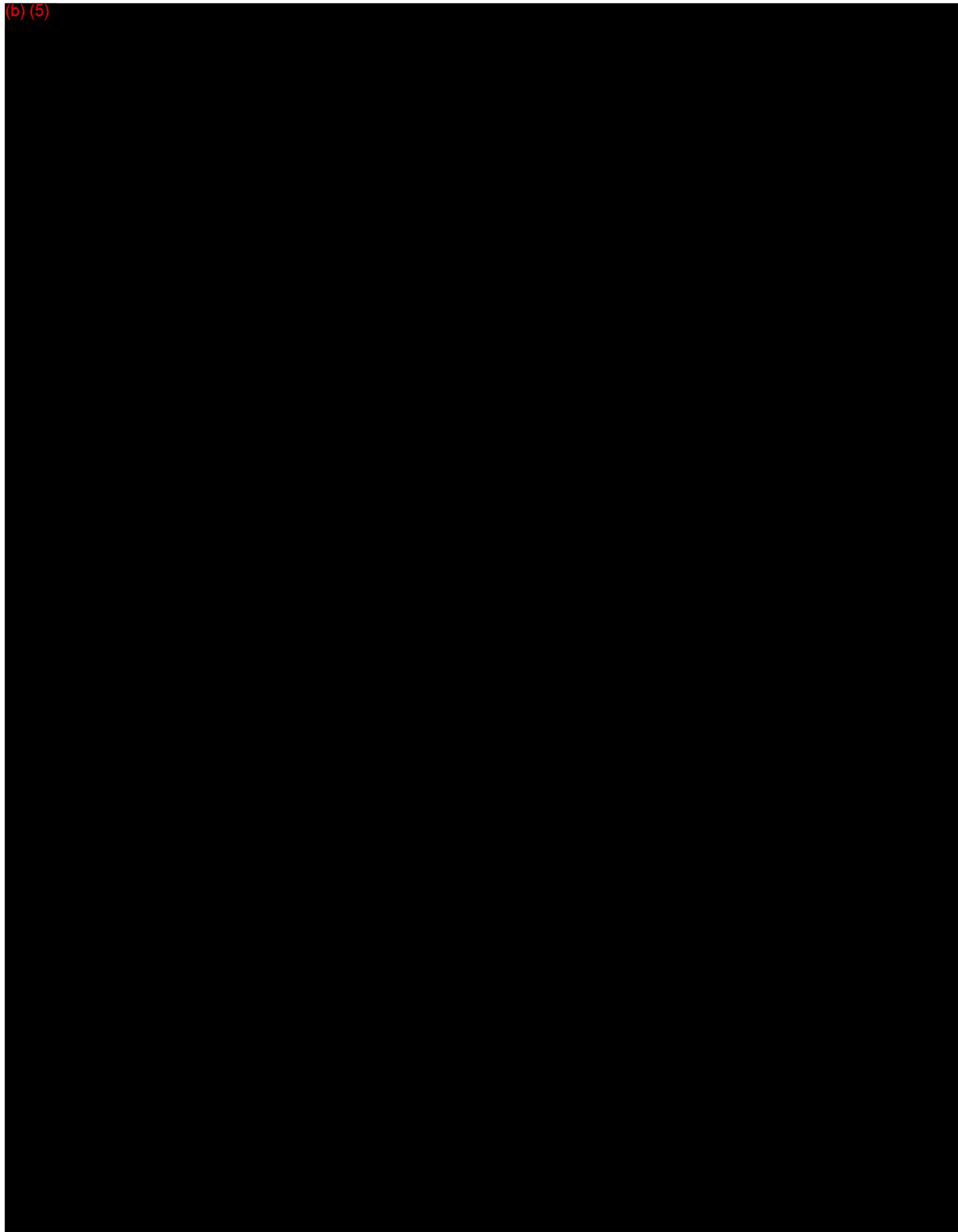
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

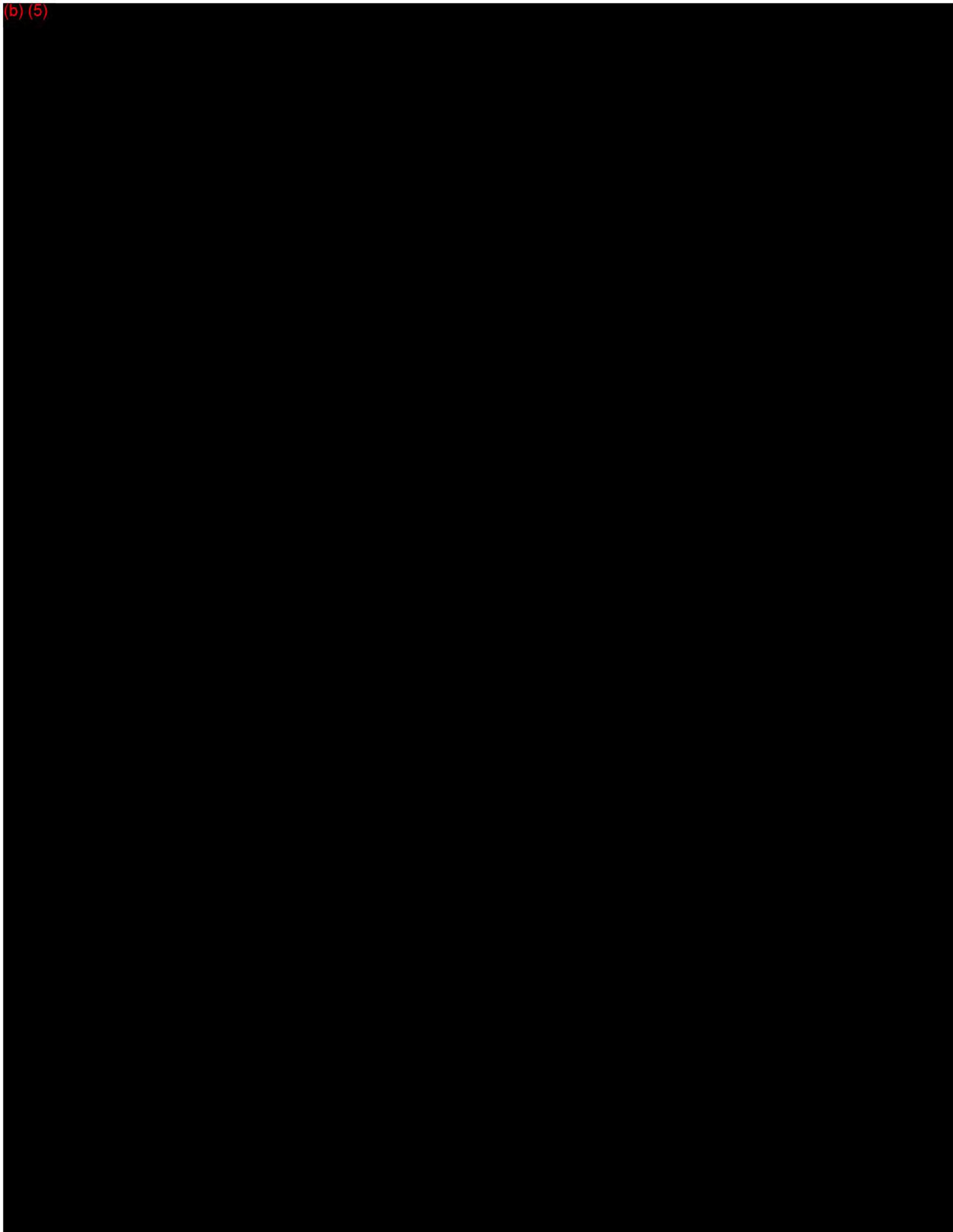
(b) (6) (Desk)

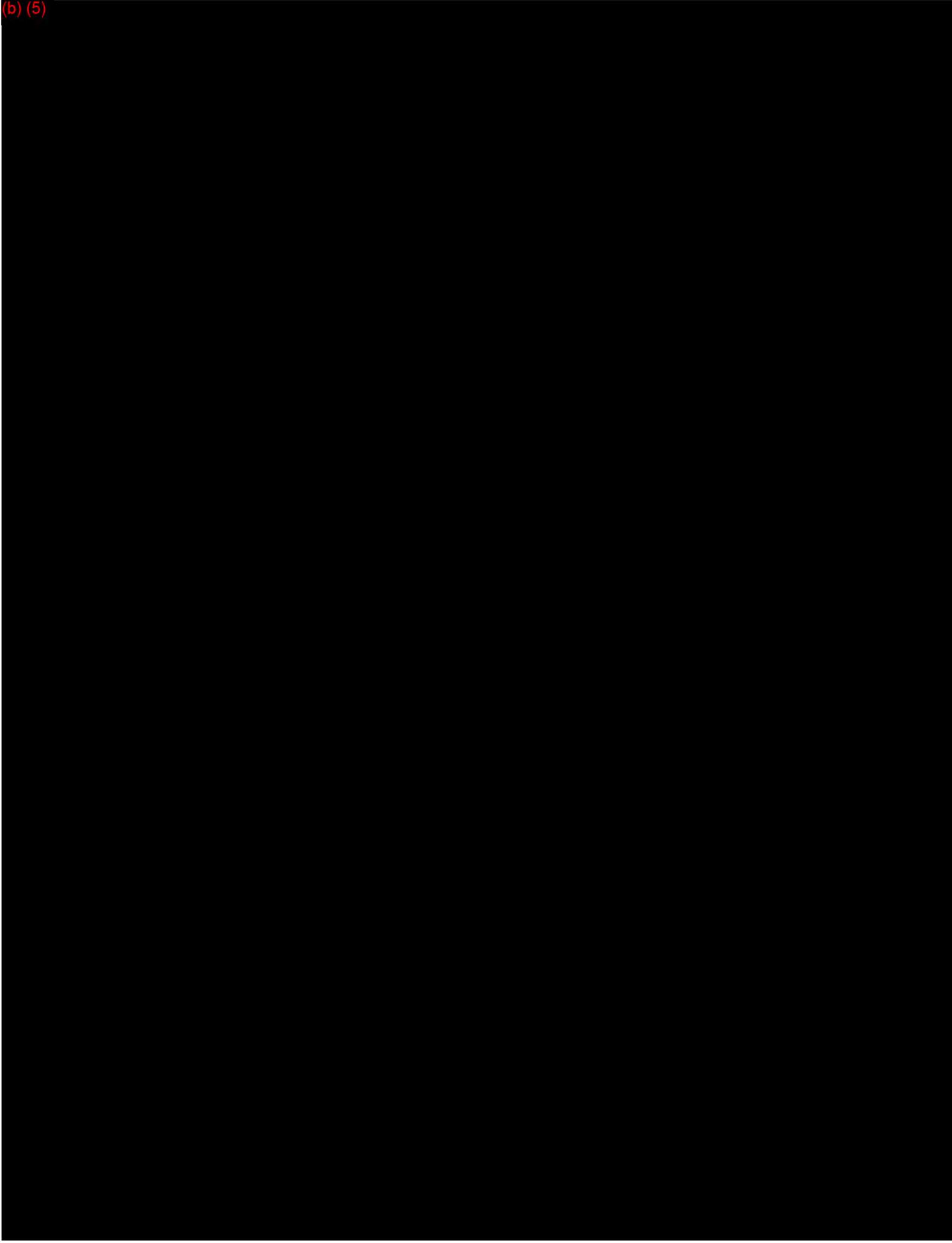
(b) (6) (Cell)

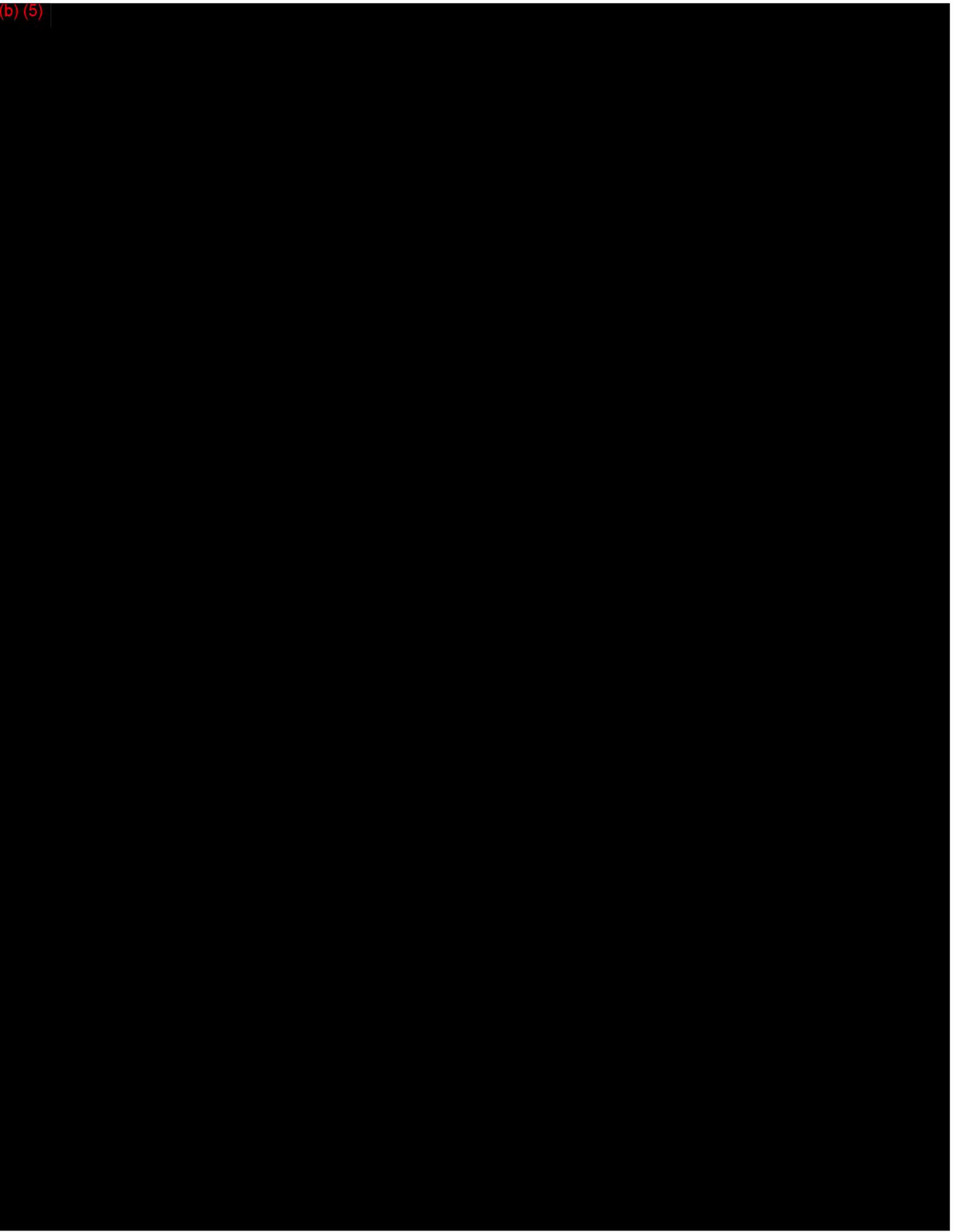
(b) (6)



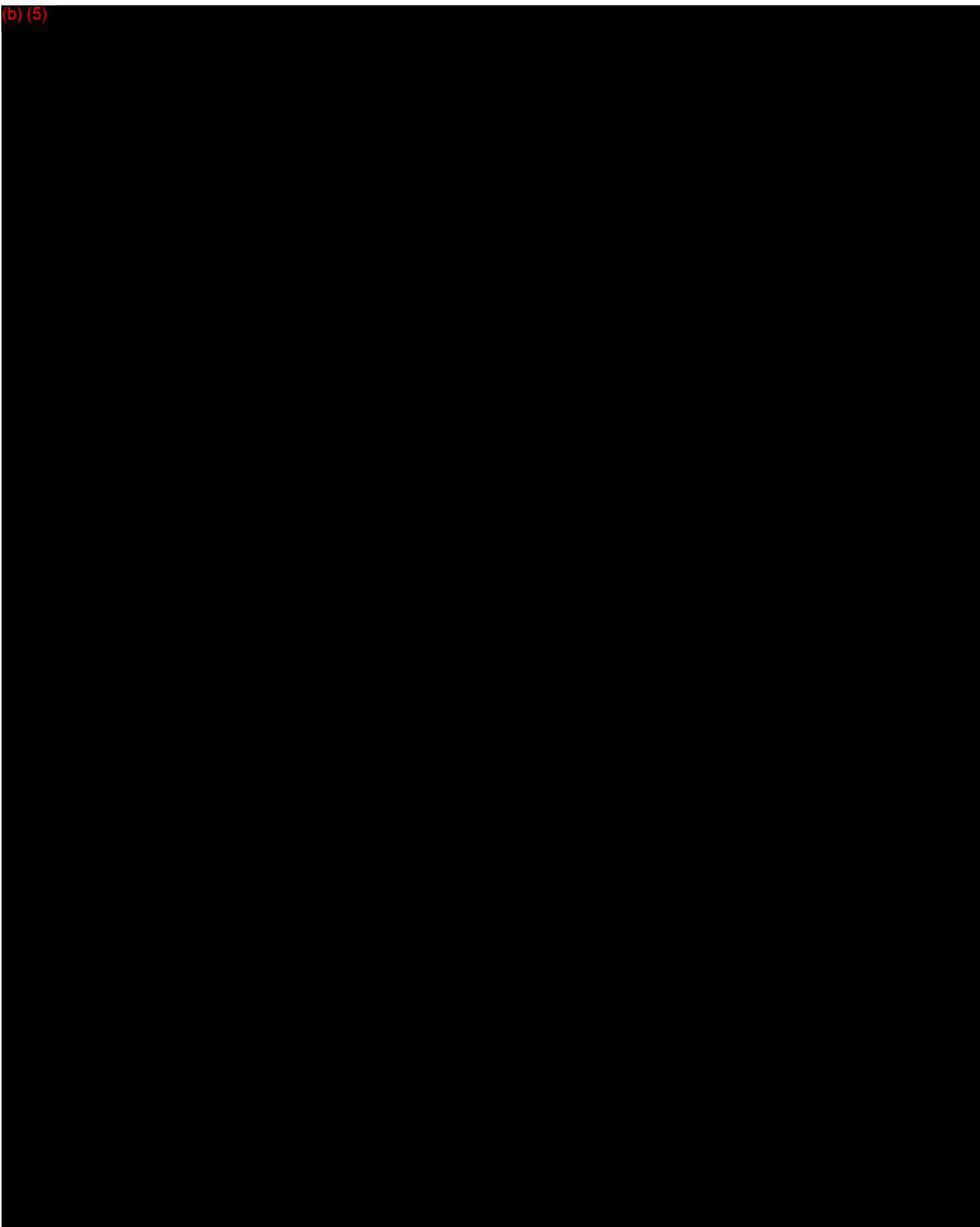


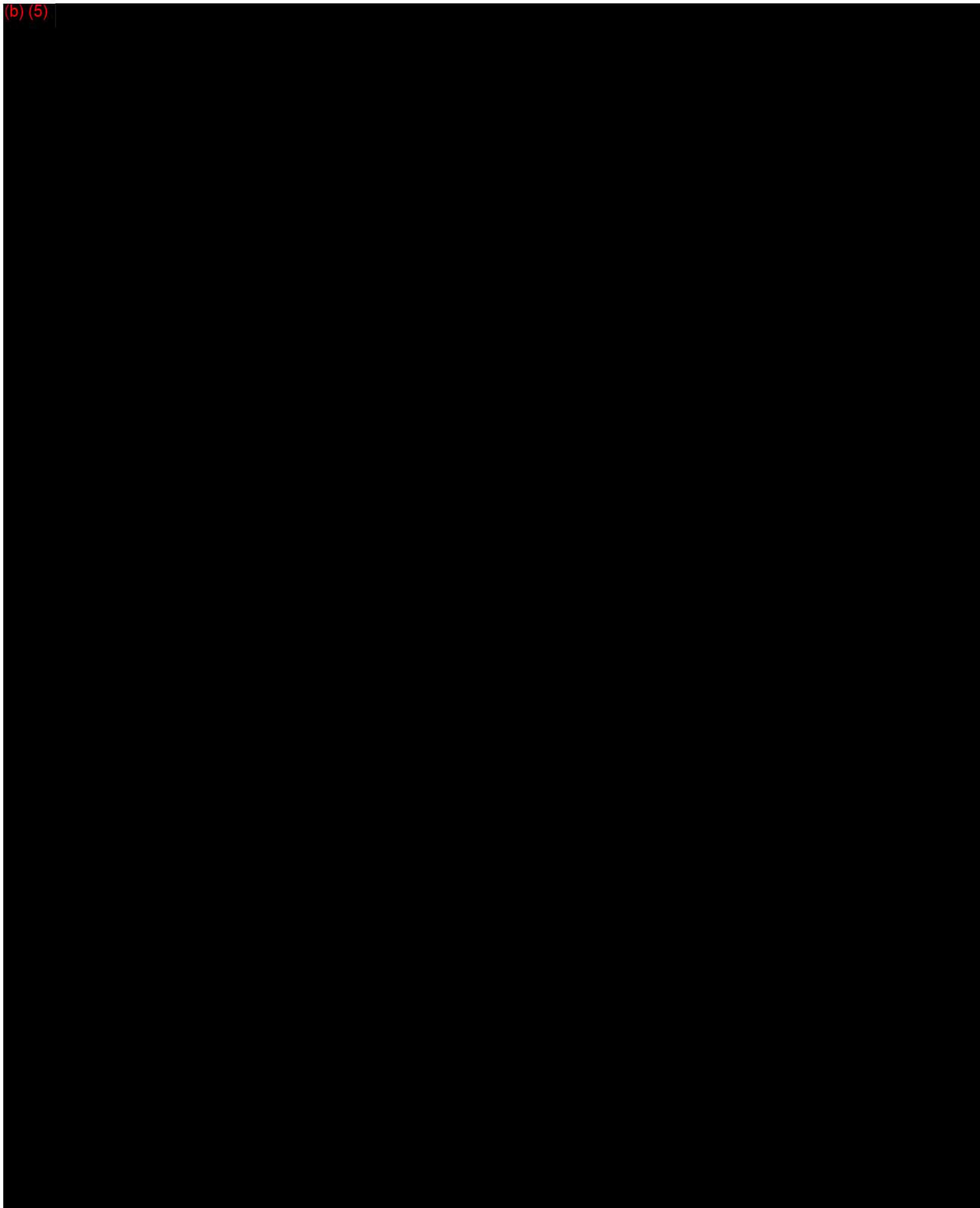


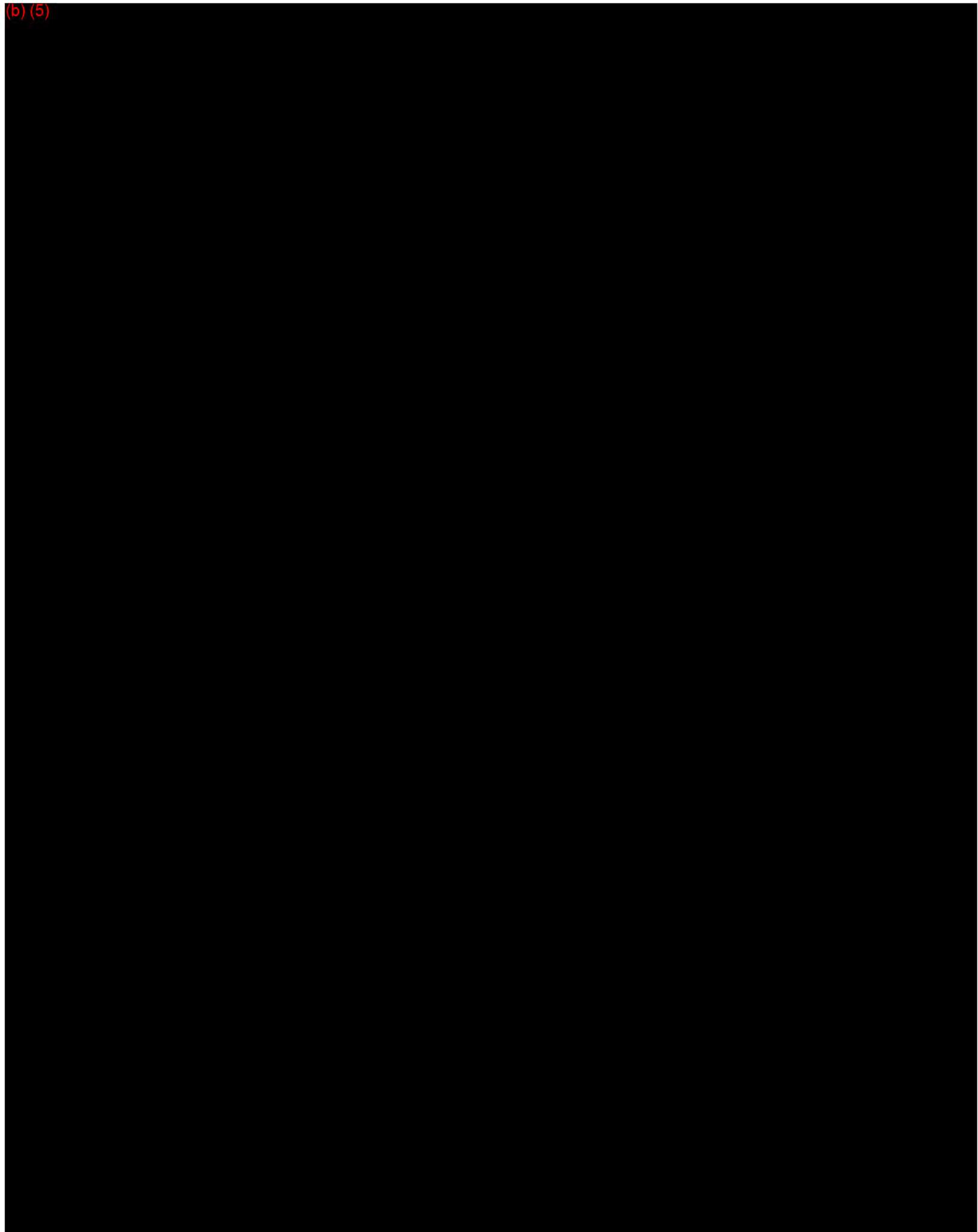




(b) (5)







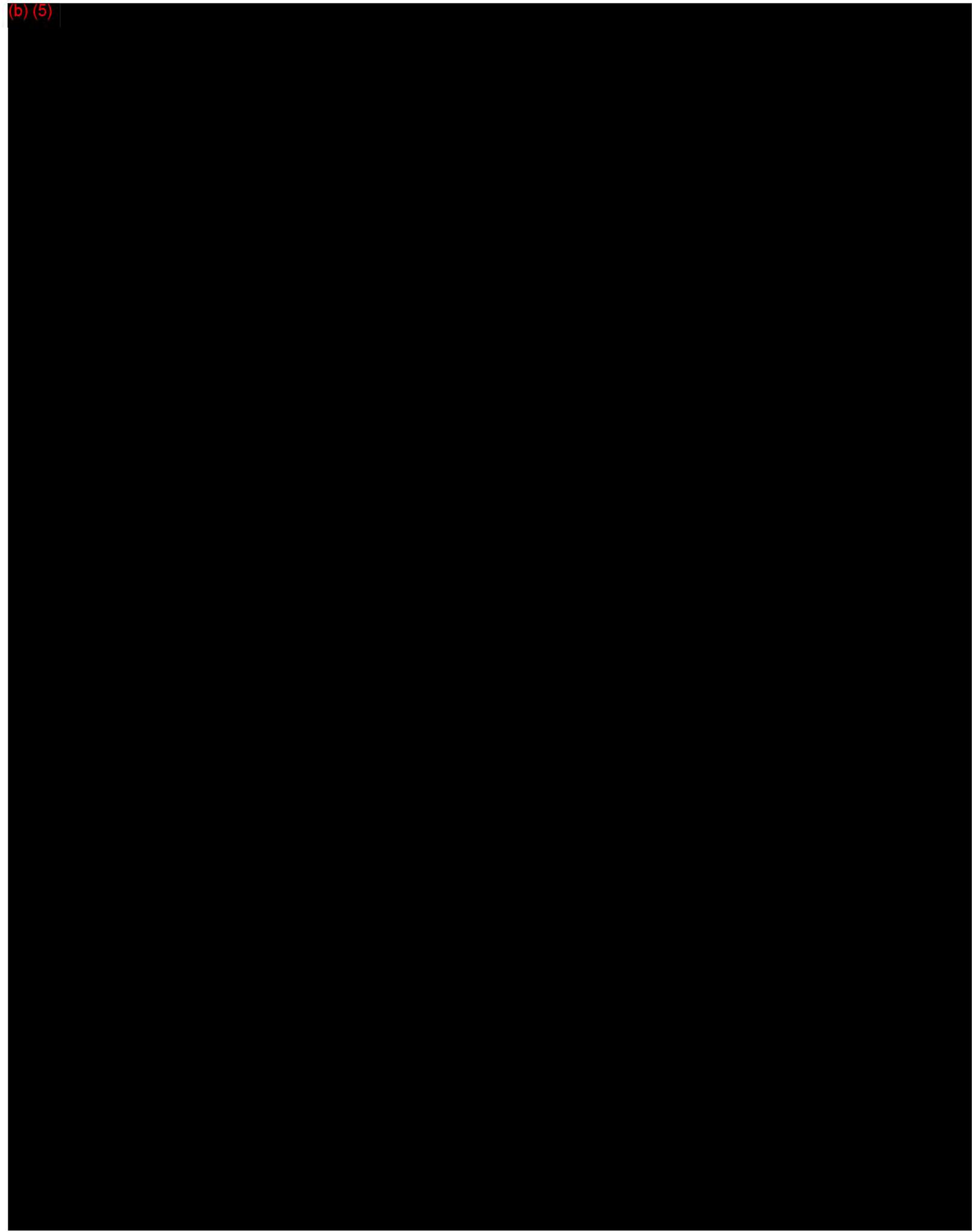
## Draft

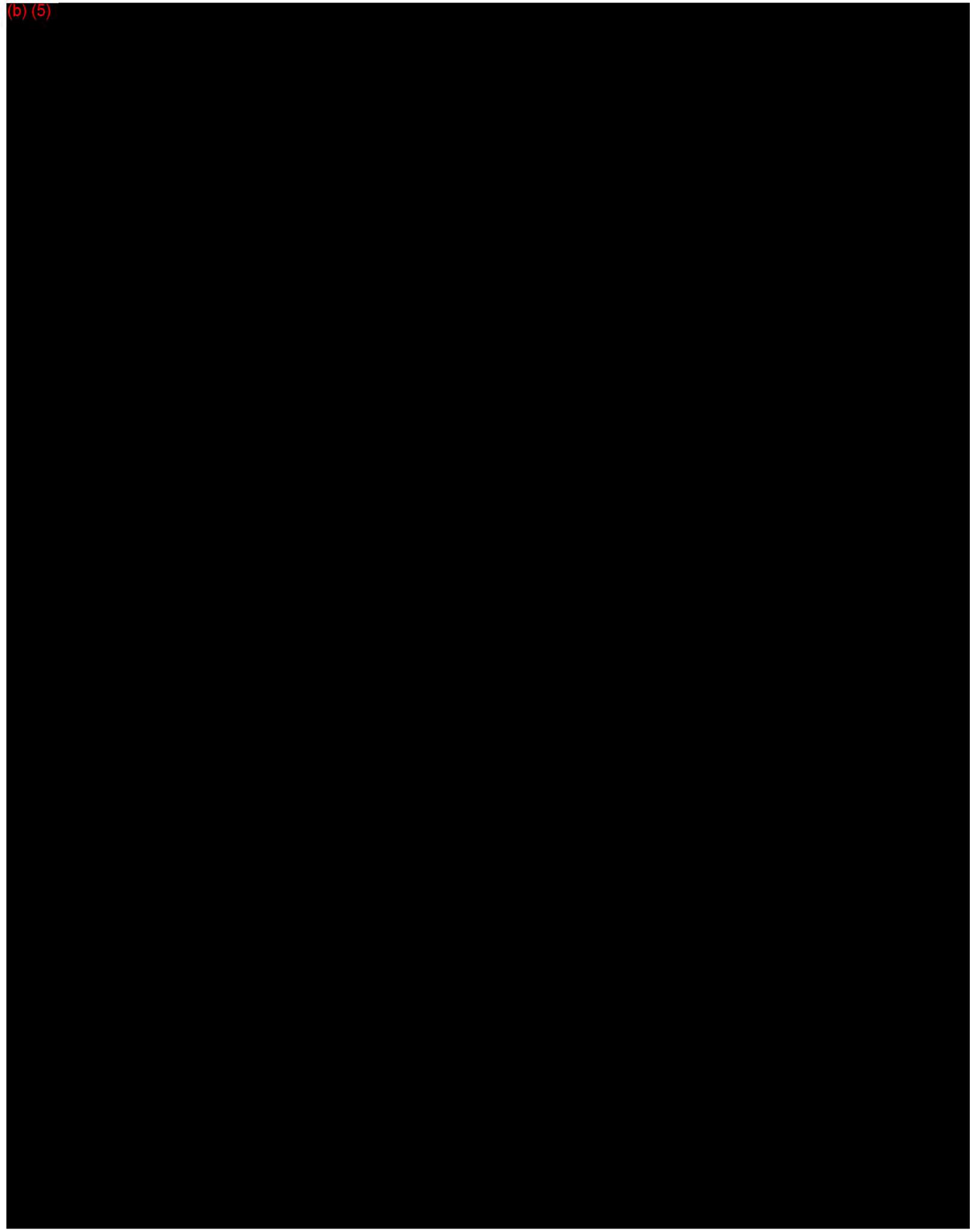
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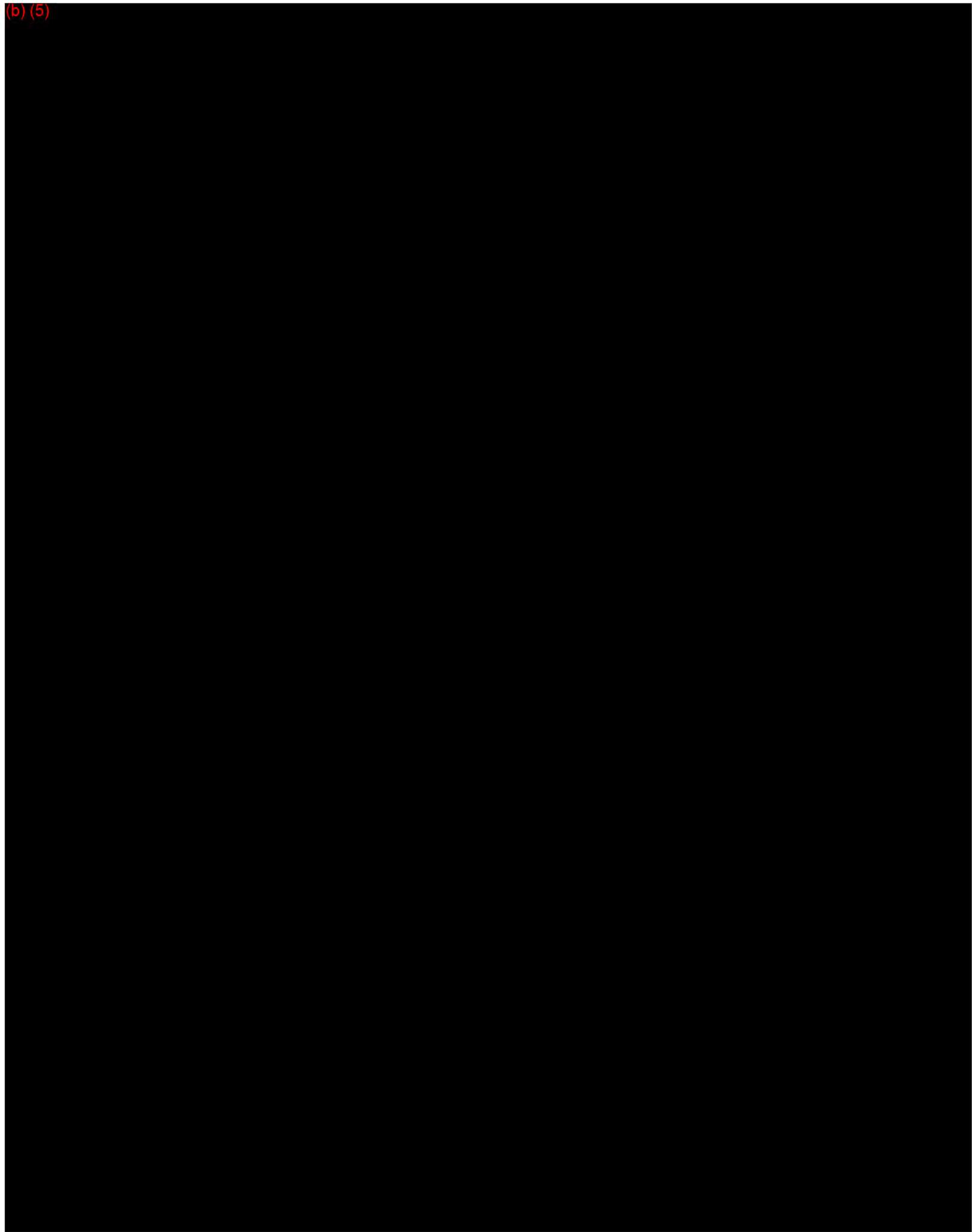
**From:** "Neumayr, Mary B. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=4e618ec0a8d749c29c9f64889897f4bb-ne">  
**To:** "Loyola, Mario A. EOP/CEQ (b) (6)" <(b) (6)>  
**Date:** Tue, 27 Mar 2018 10:34:56 -0400  
**Attachments:** FR Notice for ANPRM.DOCX (64.27 kB)

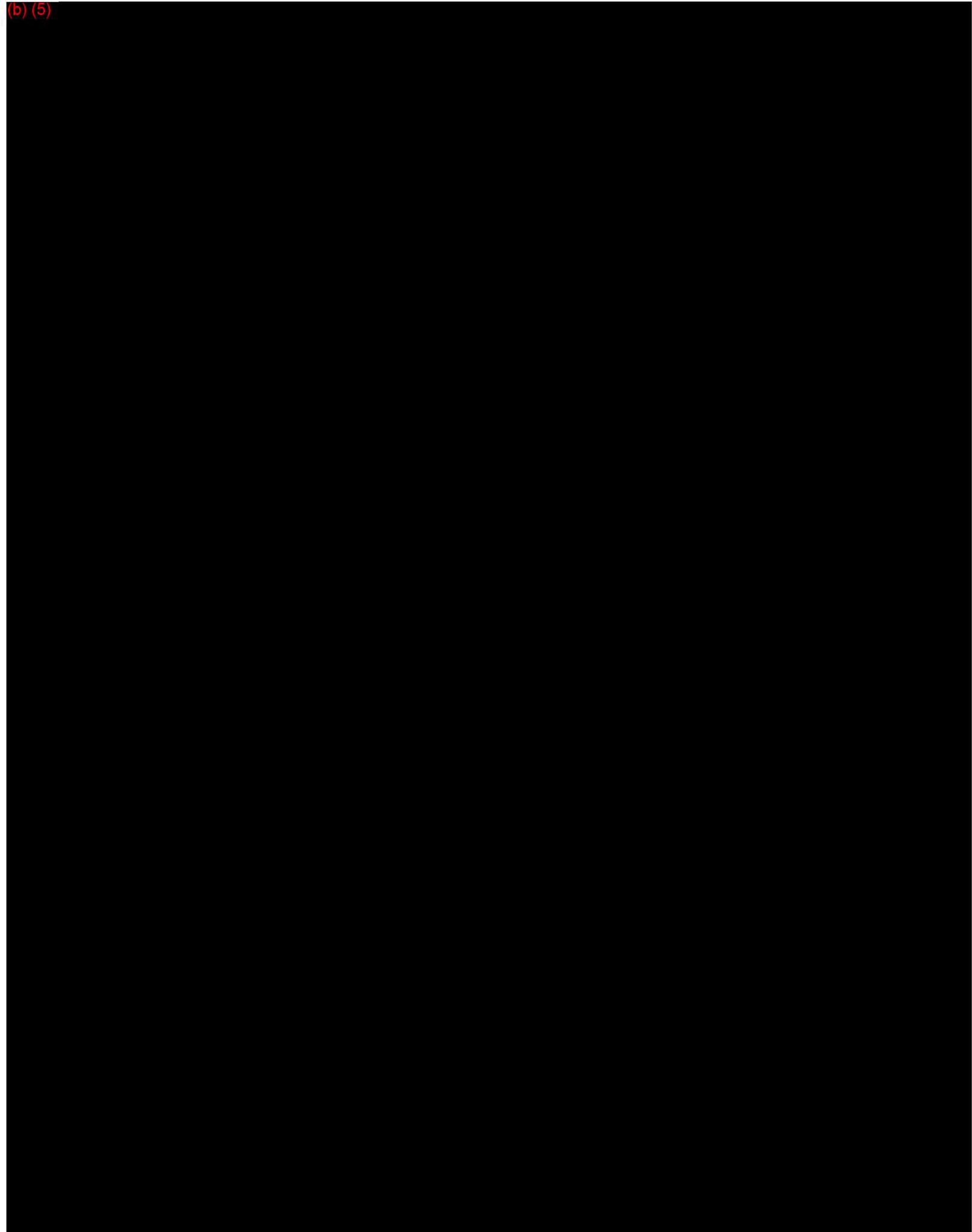
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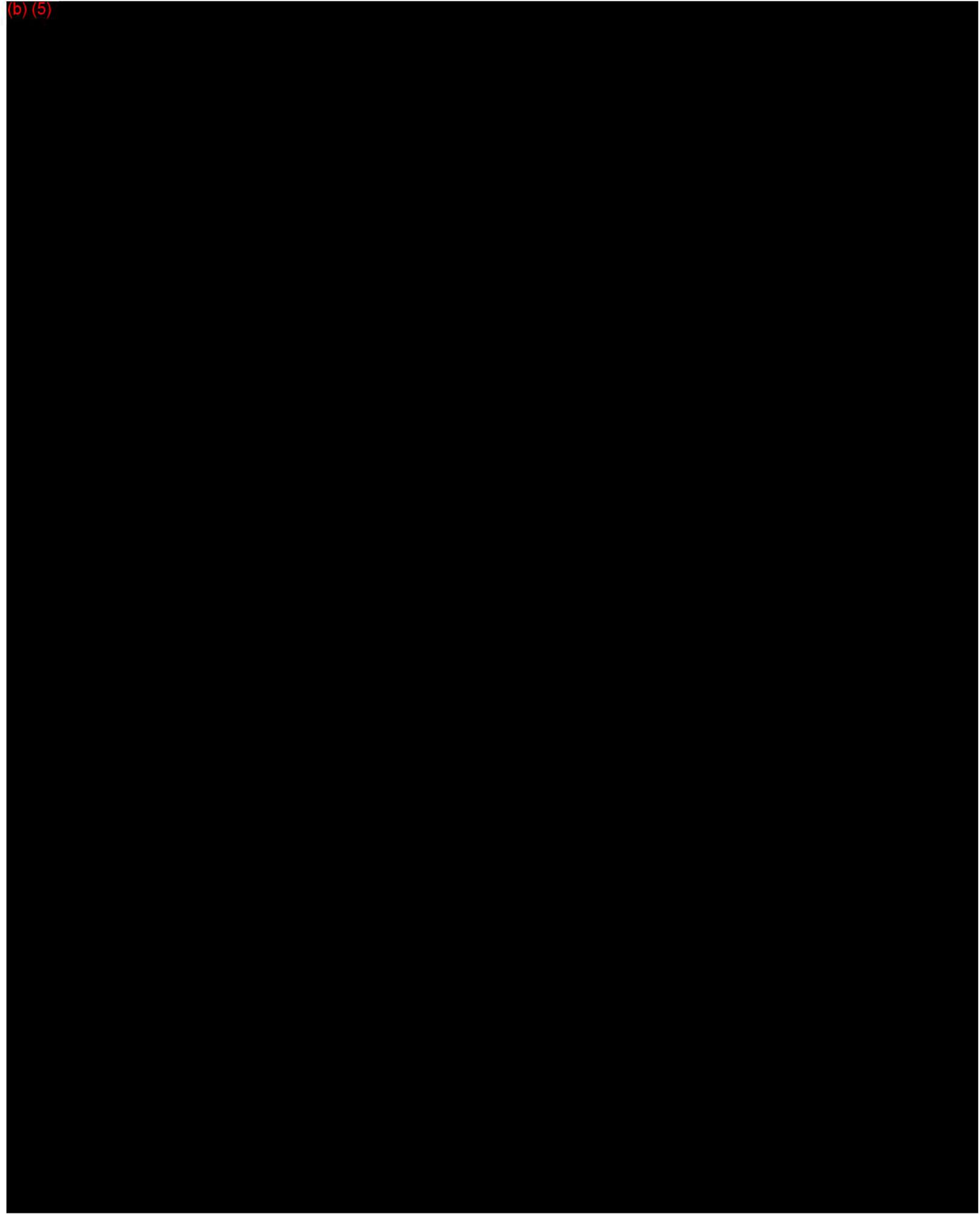
Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

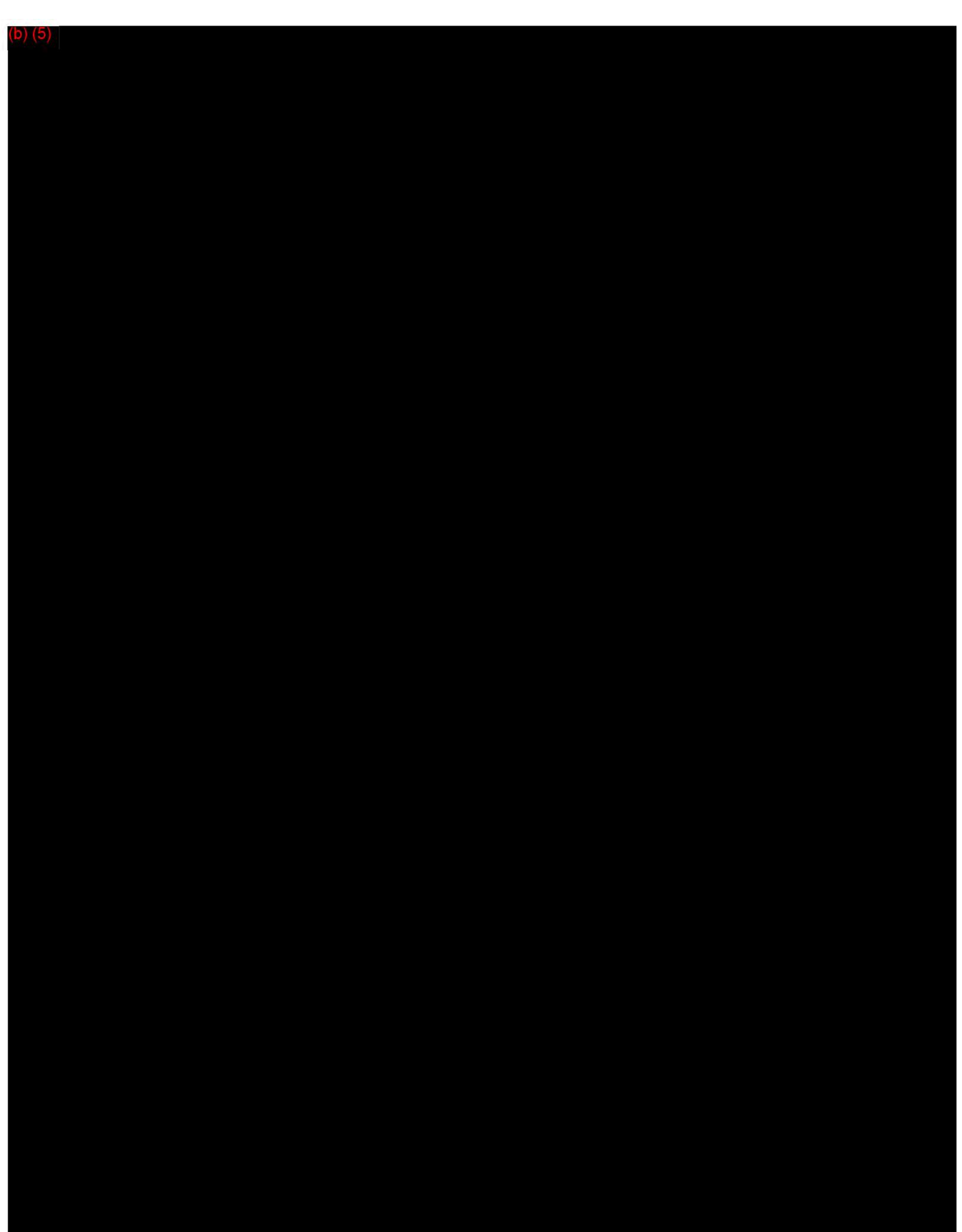


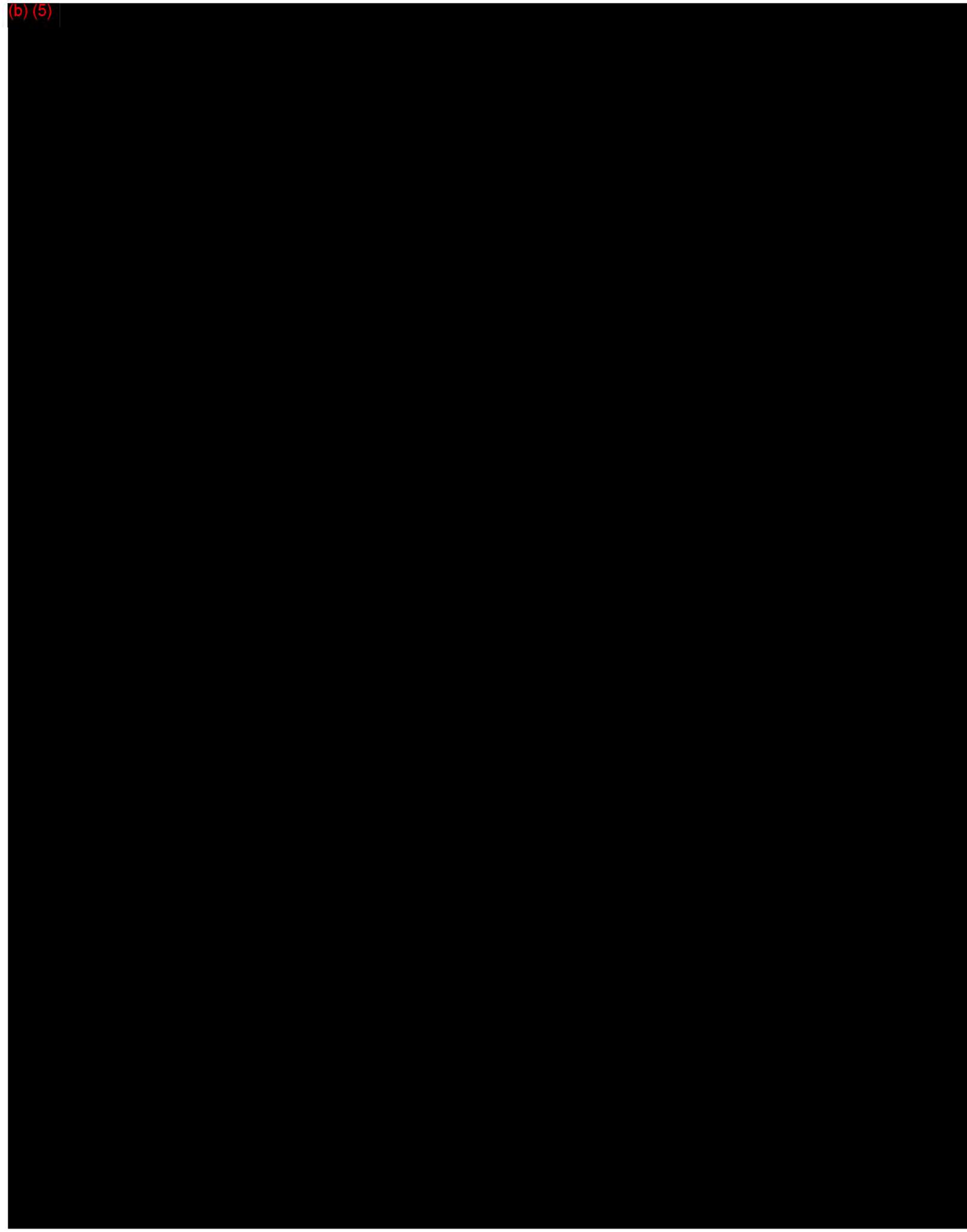


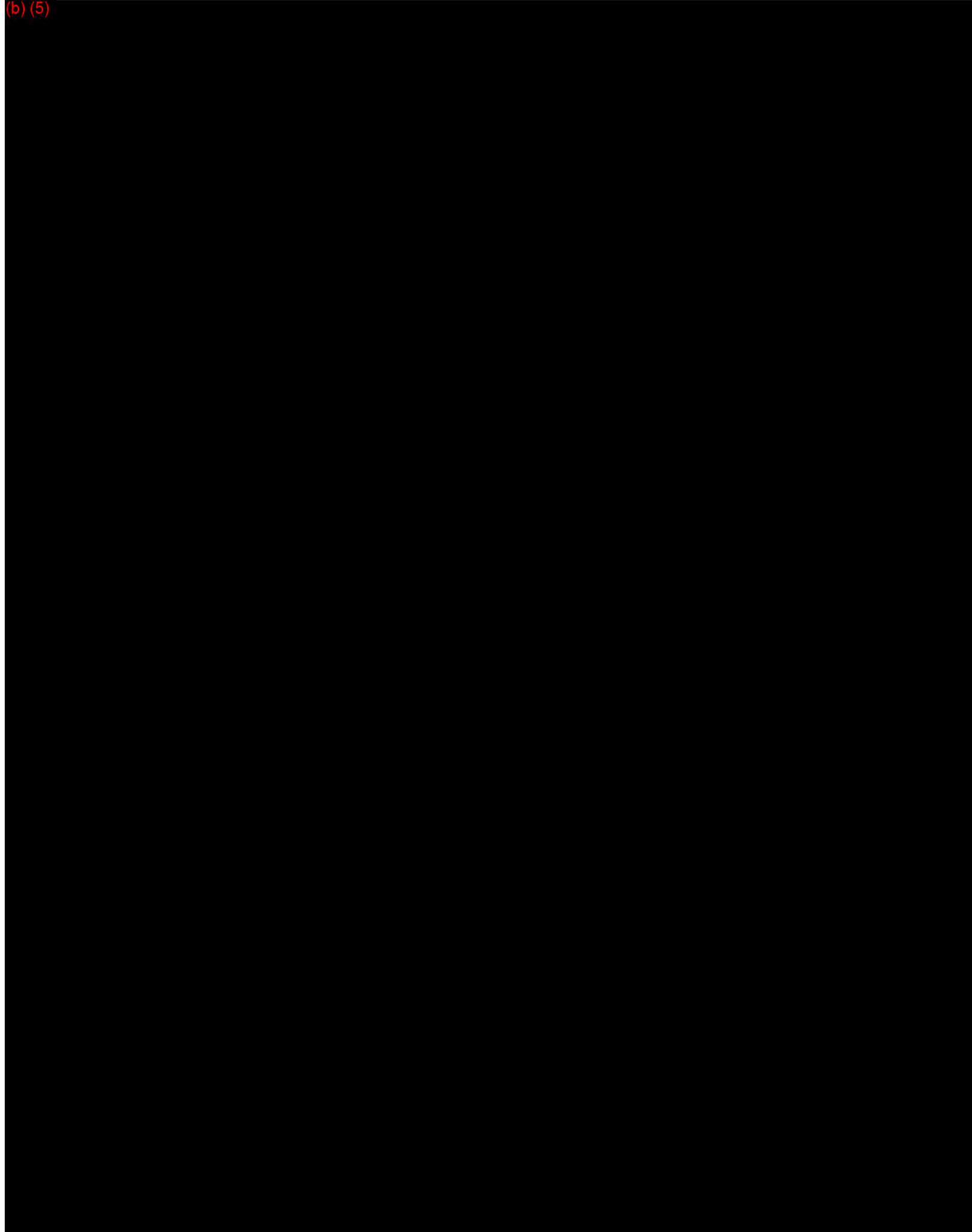












## Revised ANPR

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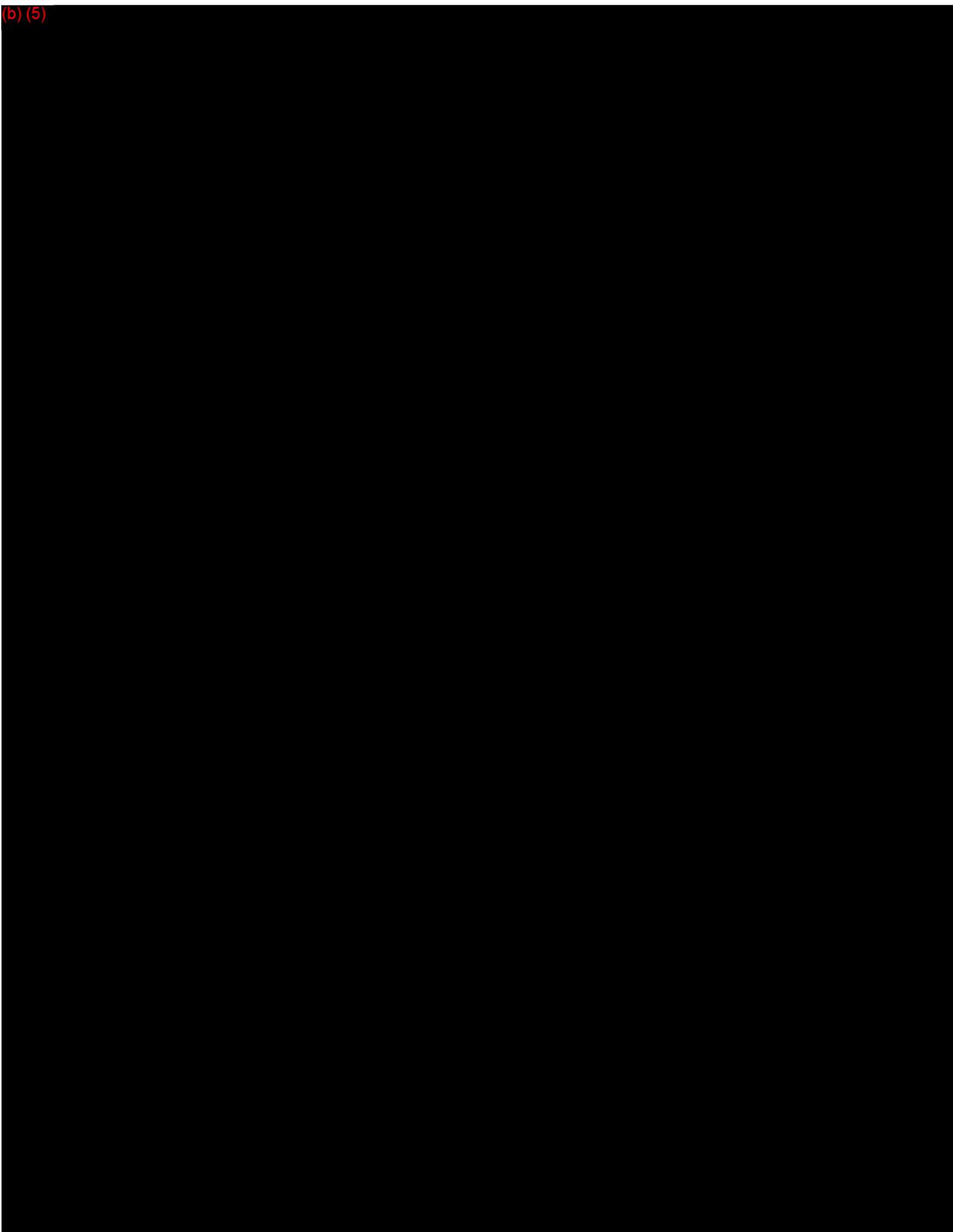
**From:** "Loyola, Mario A. EOP/CEQ" (b) (6)  
"Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ"  
**To:** <(b) (6)> "Szabo, Aaron L. EOP/CEQ"  
<(b) (6)> "Smith, Katherine R. EOP/CEQ"  
<(b) (6)>  
**Date:** Wed, 28 Mar 2018 14:25:24 -0400  
**Attachments:** FR Notice for ANPRM - 3-28-2018.DOCX (52.4 kB)

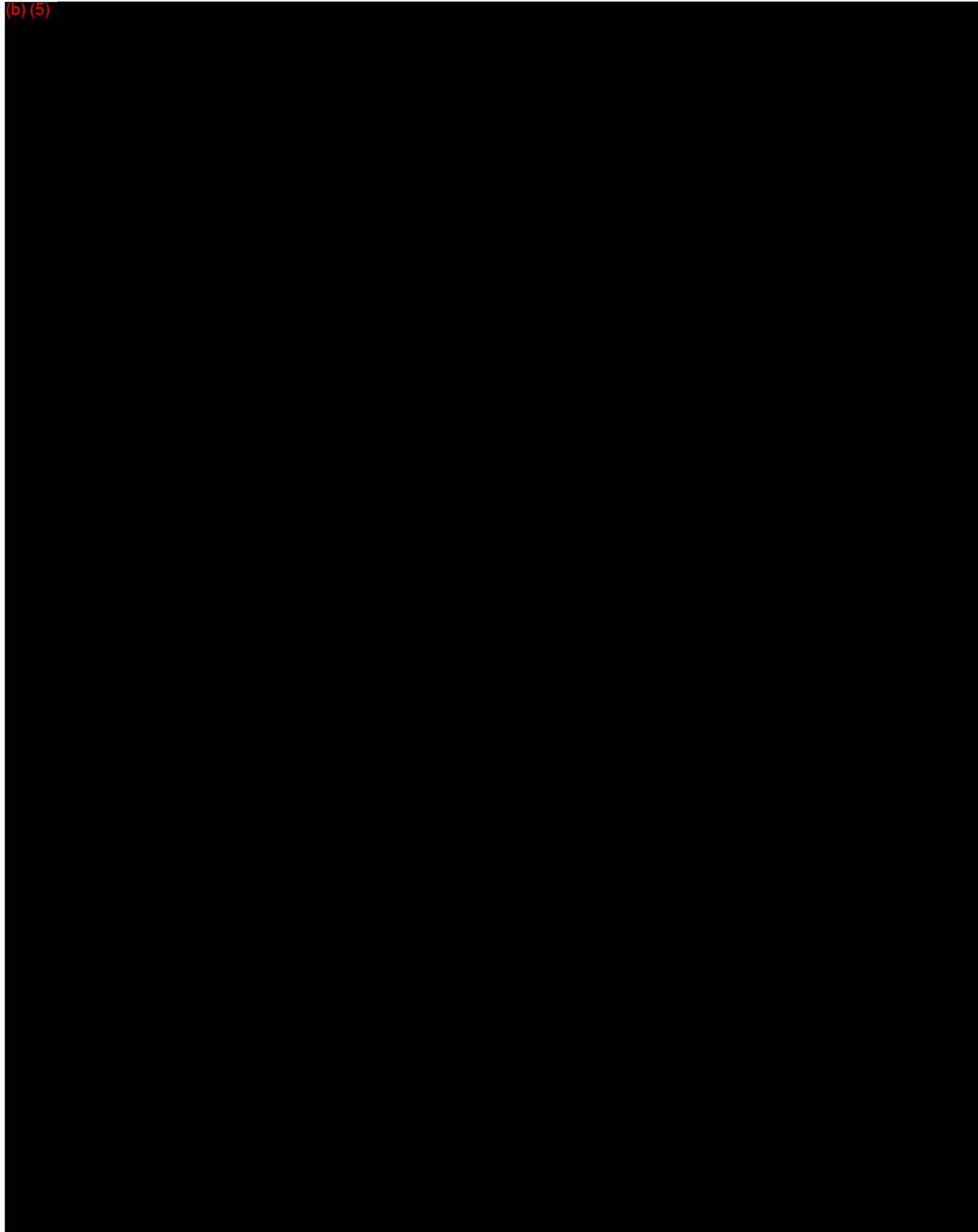
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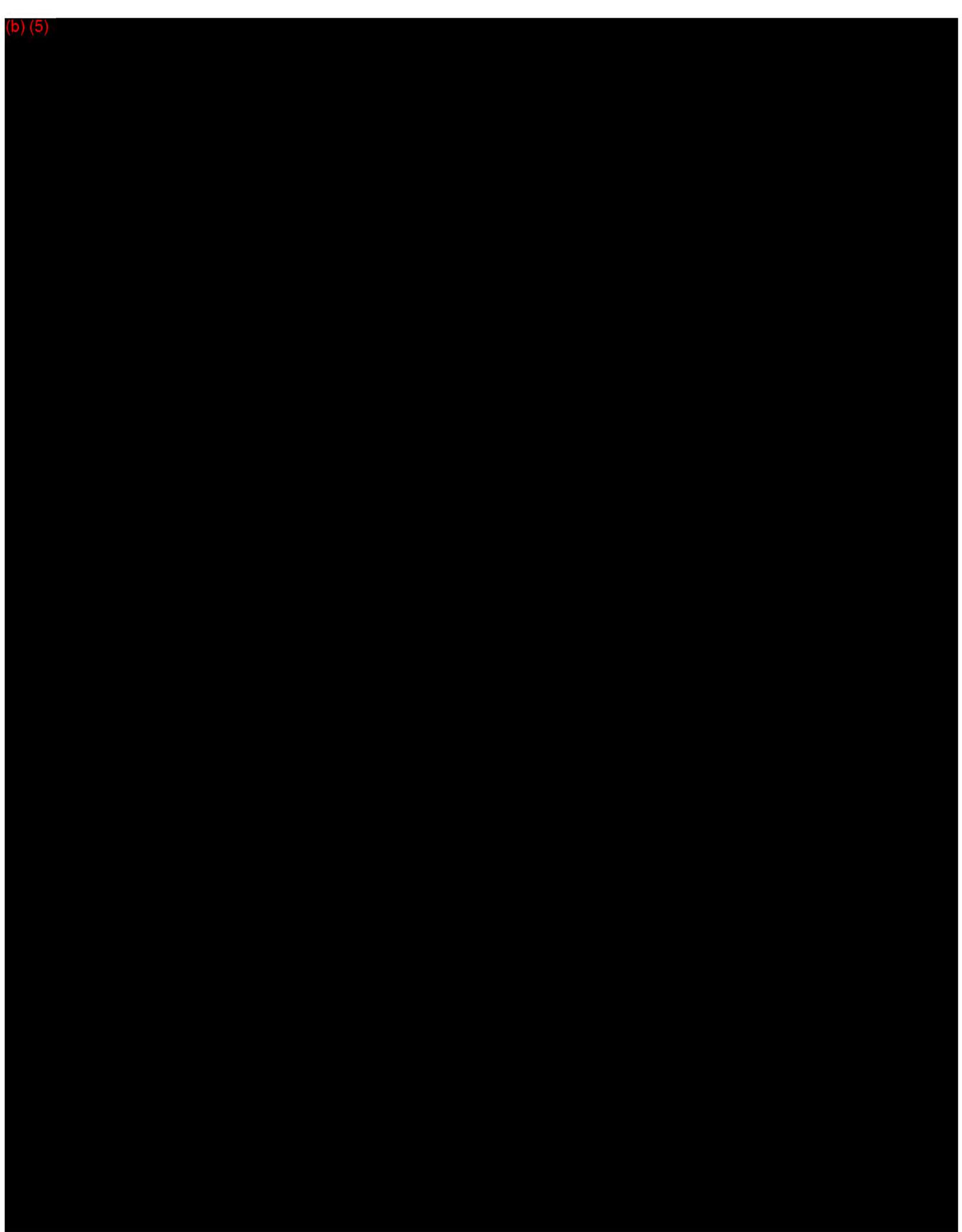
Dear friends – Please see attached a clean revised draft reflecting all changes so far. Please review and get back to me with any further suggested changes. Thank you.

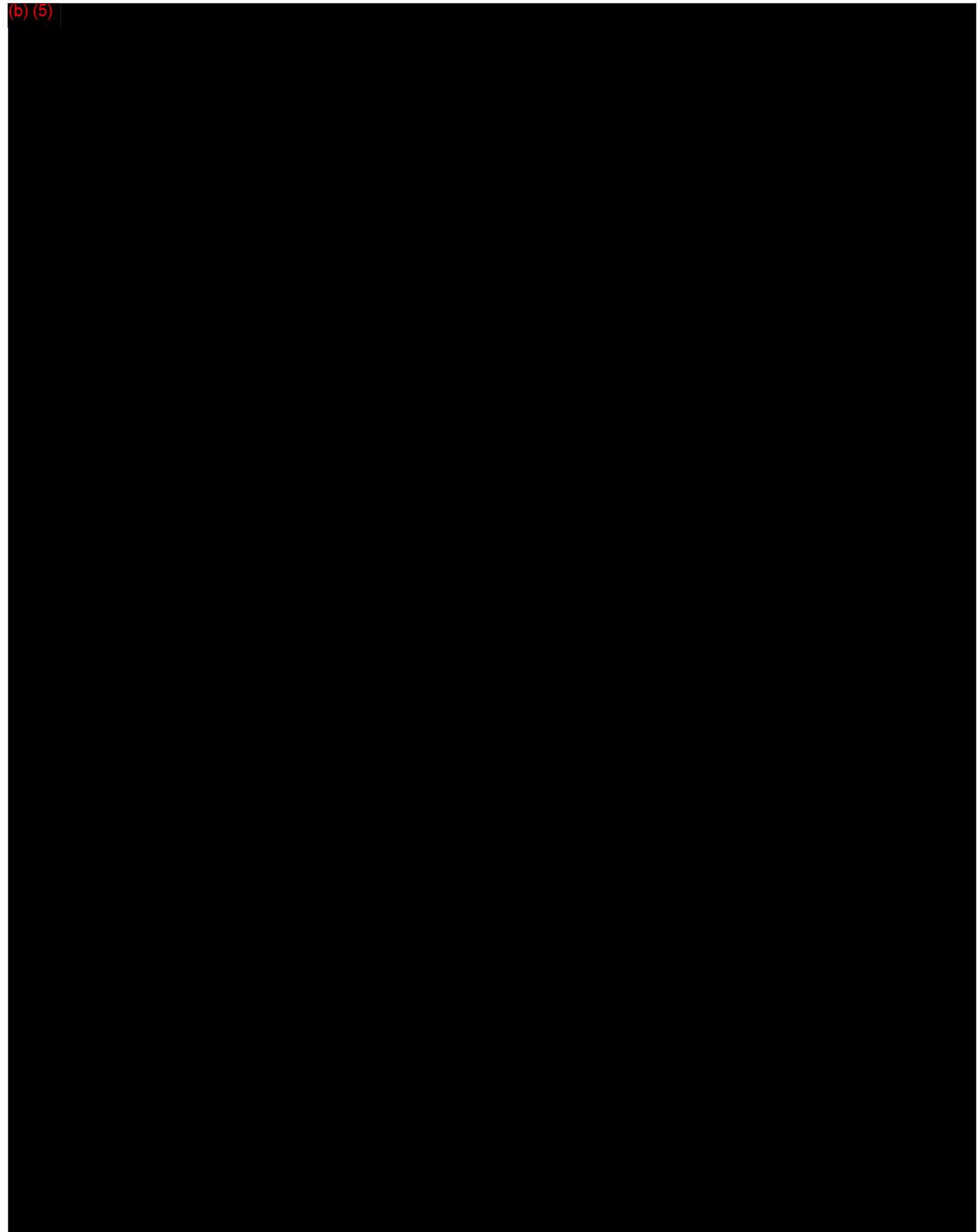
N.B. the CEQ guidance documents published in the FR vary slightly in their citation format (particularly the weighty question of whether publication dates should be set off by commas or parenthesis). To be consistent I'm following the citation formats used in the 2012 guidance on efficient environmental reviews, 77 FR 14473 (Mar. 12, 2012)).

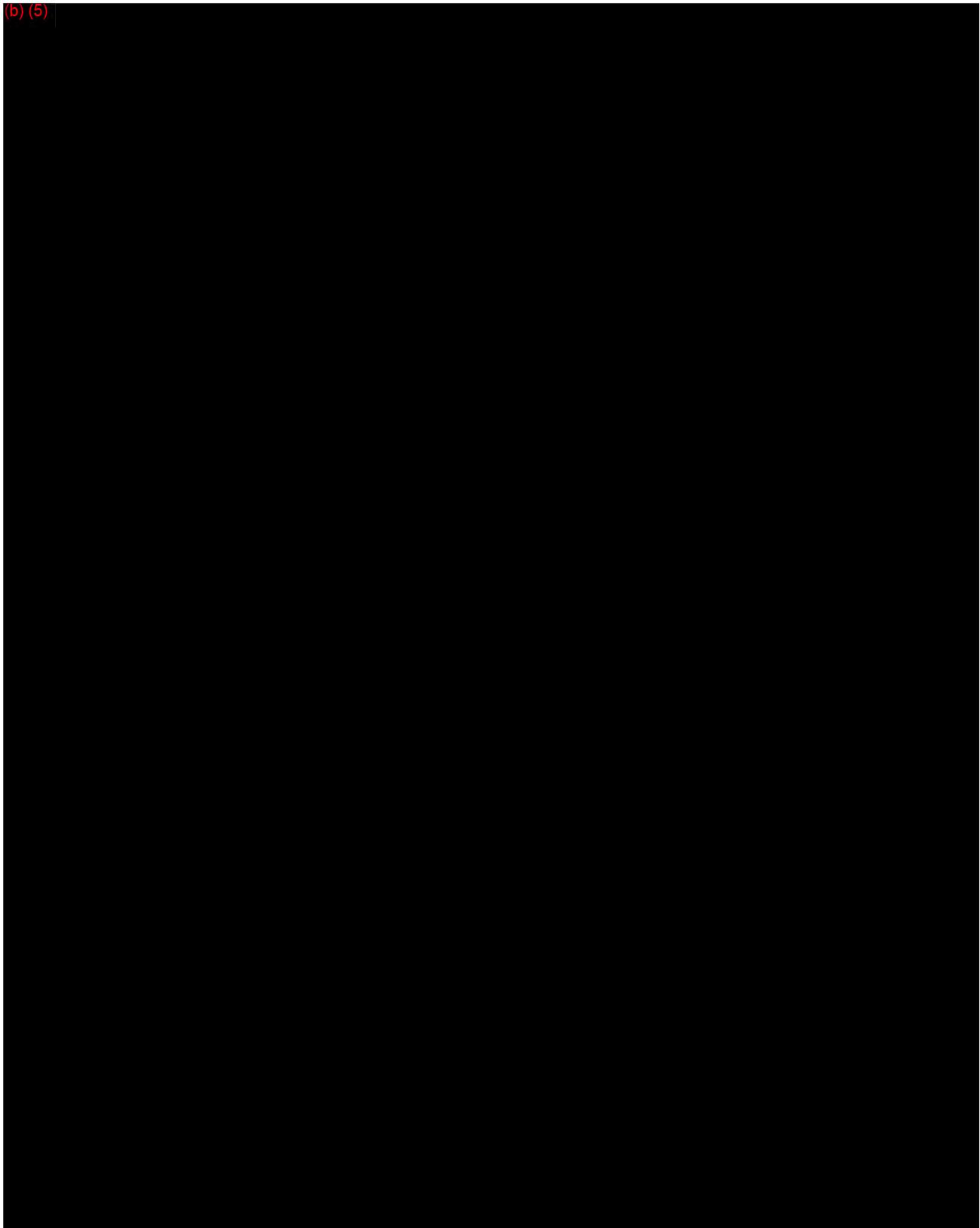
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

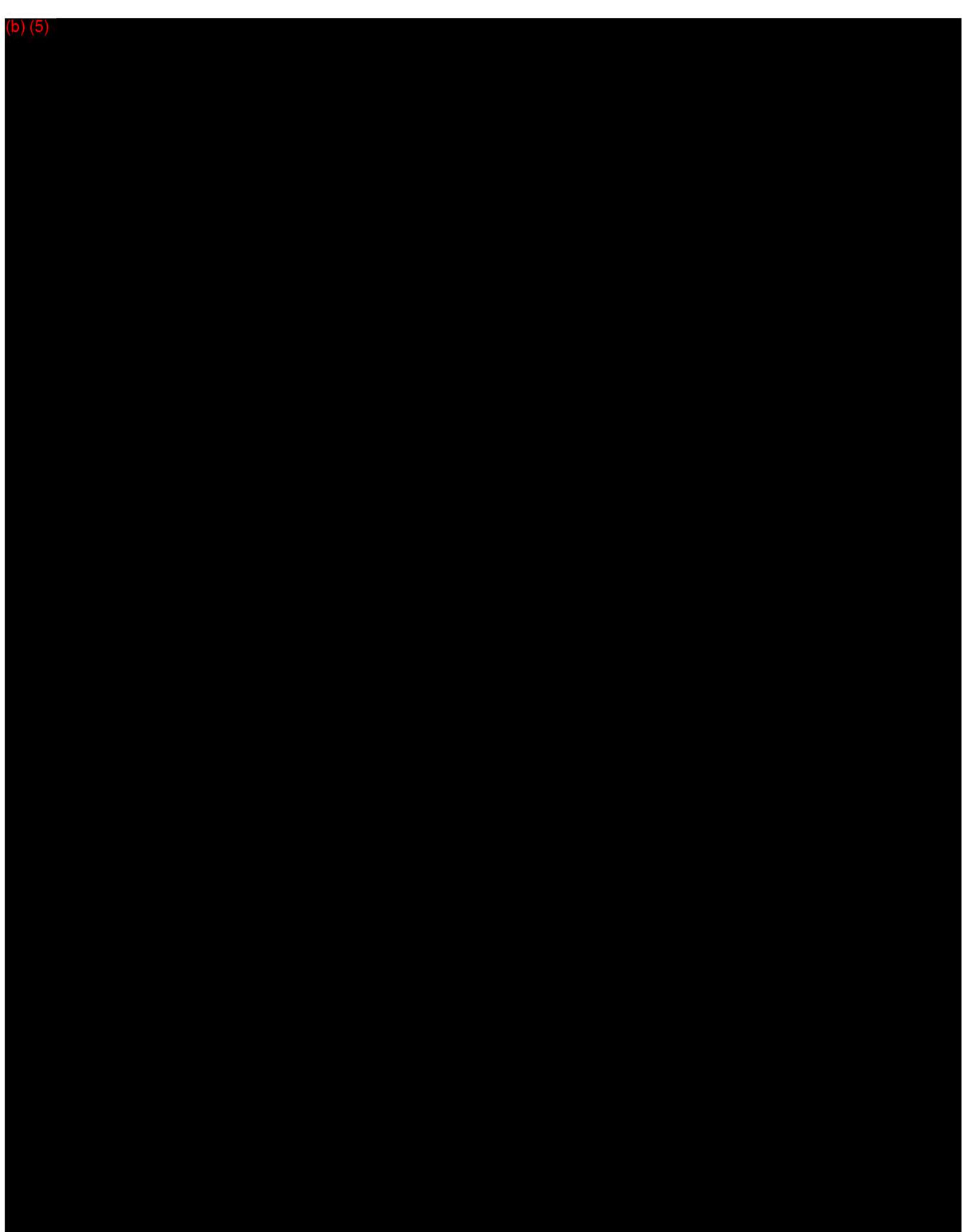


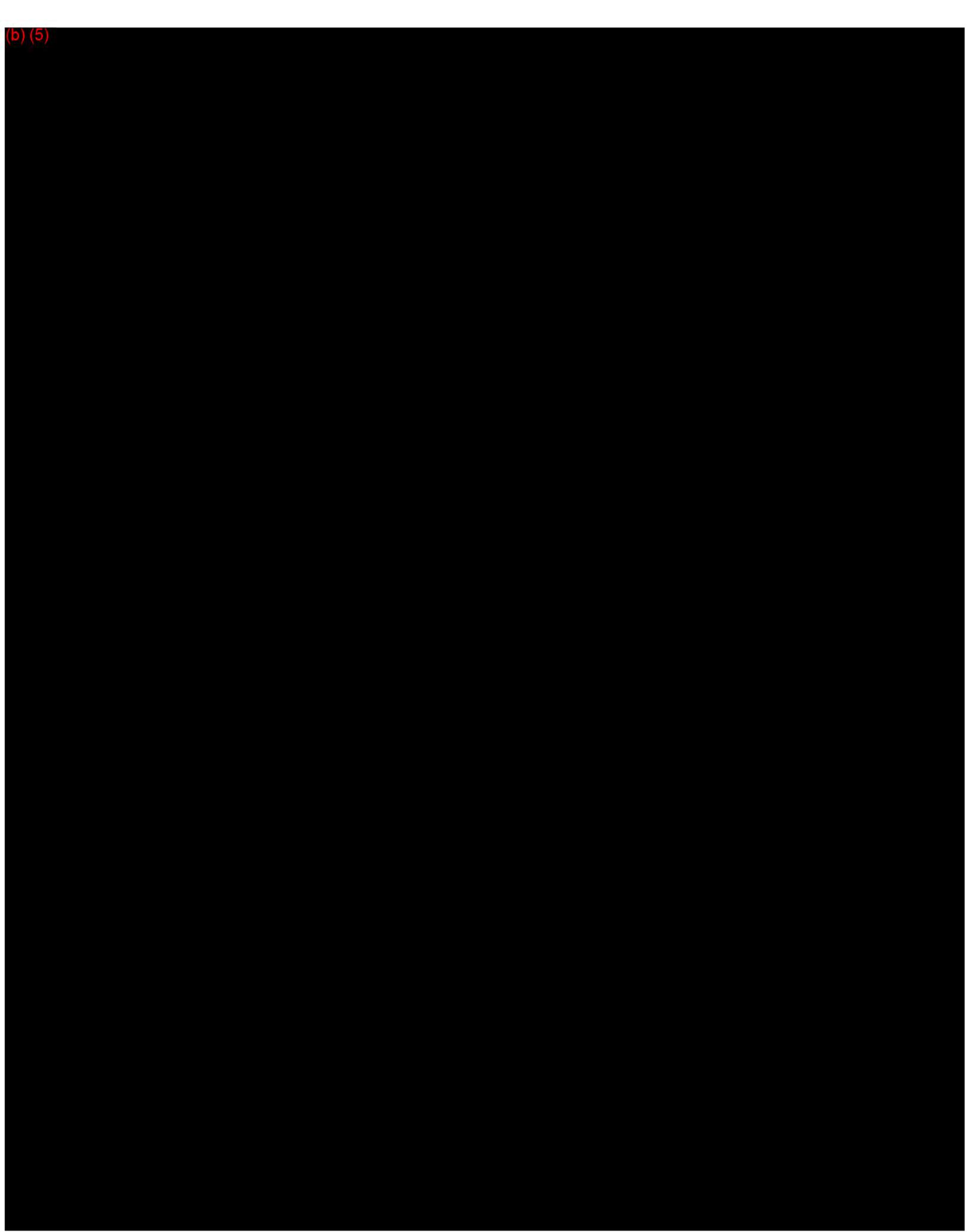


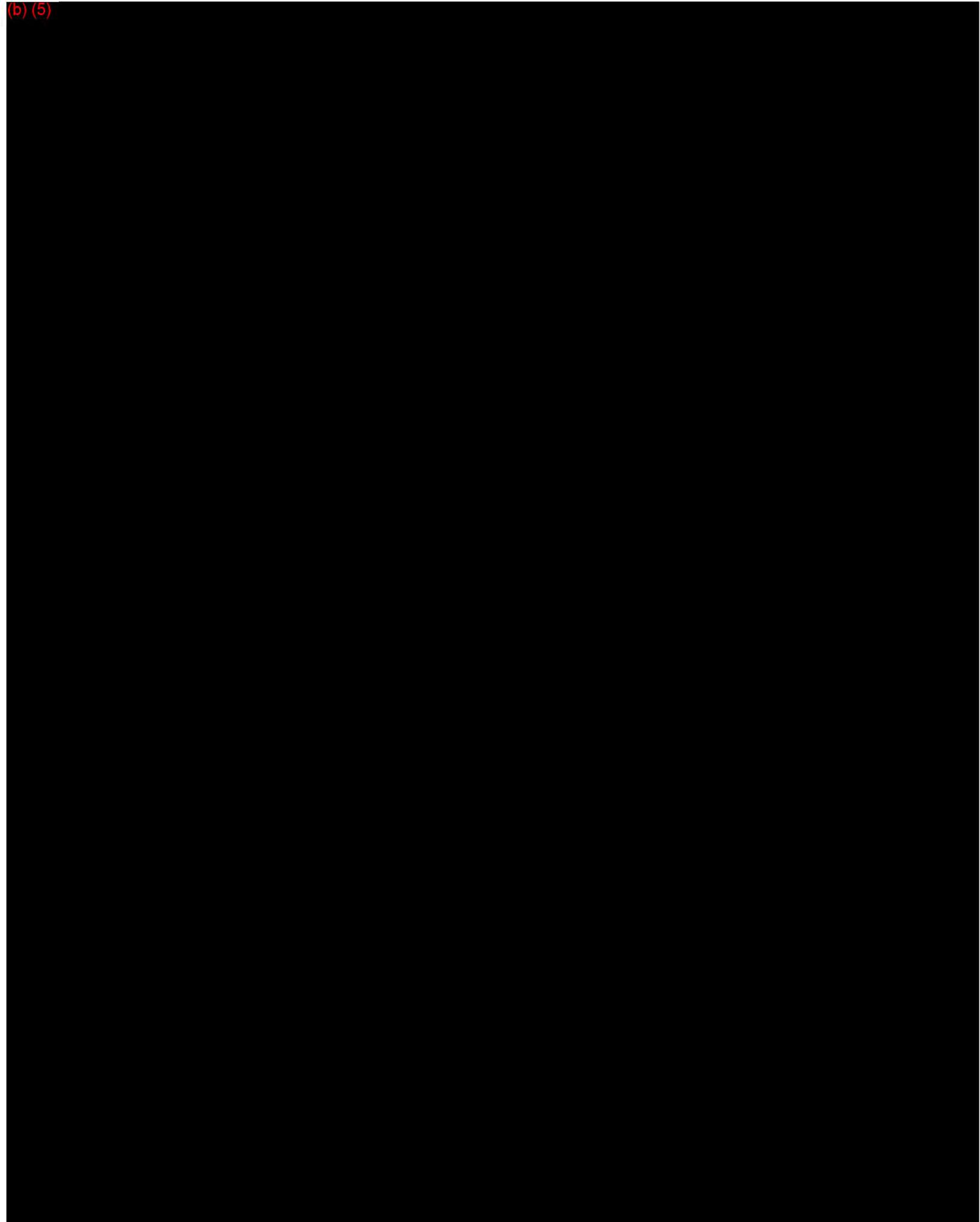












## RE: Revised ANPR

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**From:** "Seale, Viktoria Z. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">  
**To:** "Loyola, Mario A. EOP/CEQ" (b) (6) "Neumayr, Mary B. EOP/CEQ" (b) (6) "Boling, Ted A. EOP/CEQ" (b) (6) "Szabo, Aaron L. EOP/CEQ" (b) (6) "Smith, Katherine R. EOP/CEQ" (b) (6)  
**Date:** Thu, 29 Mar 2018 11:15:57 -0400  
**Attachments:** FR Notice for ANPRM - 3-28-2018 VZS edits.DOCX (52.84 kB)

Mario,

Attached please find suggested edits to conform with the Document Drafting Handbook, correct citations, and address a few other minor issues.

Thanks

Viktoria

**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Wednesday, March 28, 2018 2:25 PM  
**To:** Neumayr, Mary B. EOP/CEQ (b) (6) Seale, Viktoria Z. EOP/CEQ (b) (6) Boling, Ted A. EOP/CEQ (b) (6) Szabo, Aaron L. EOP/CEQ (b) (6) Smith, Katherine R. EOP/CEQ (b) (6)  
**Subject:** Revised ANPR

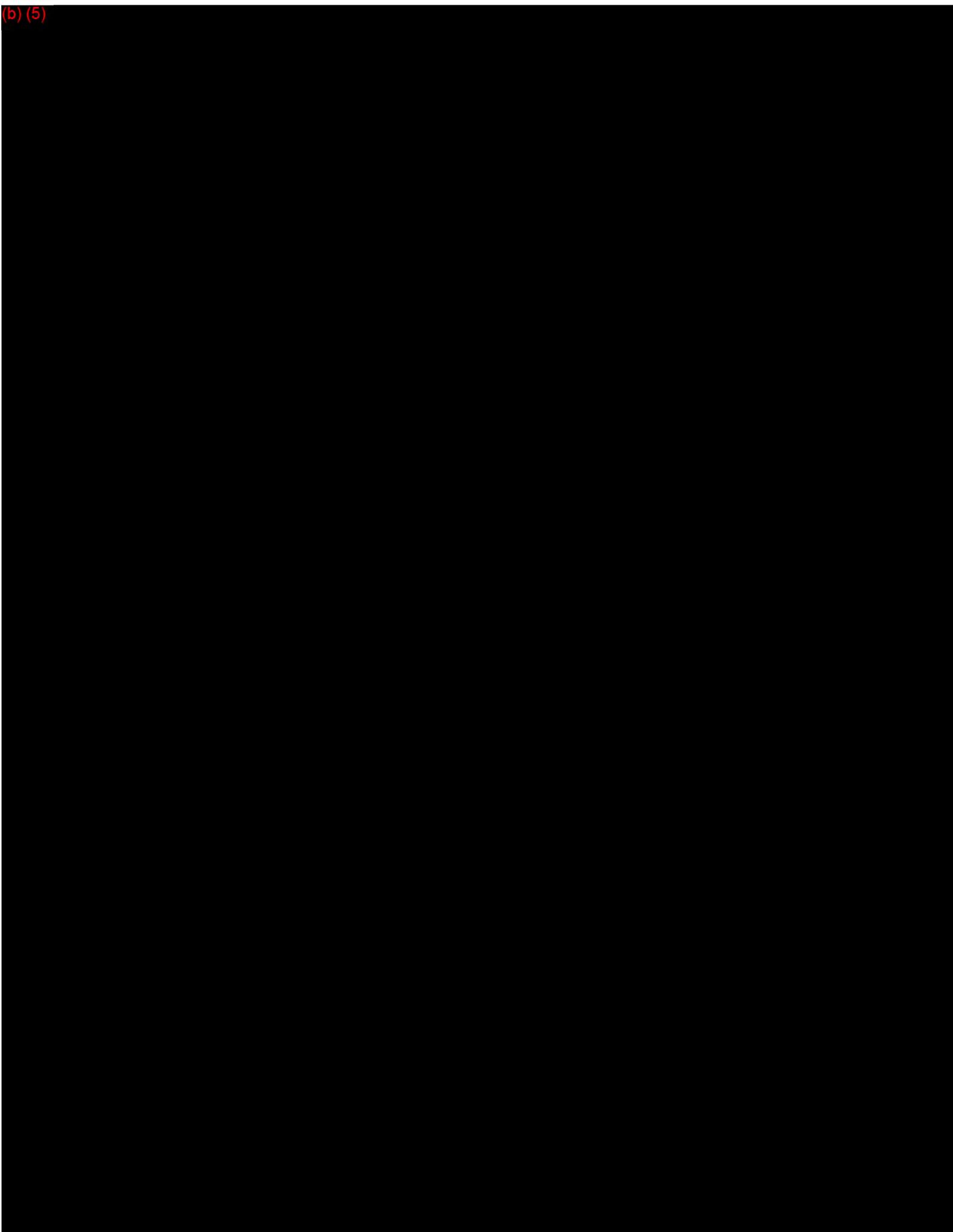
Dear friends – Please see attached a clean revised draft reflecting all changes so far. Please review and get back to me with any further suggested changes. Thank you.

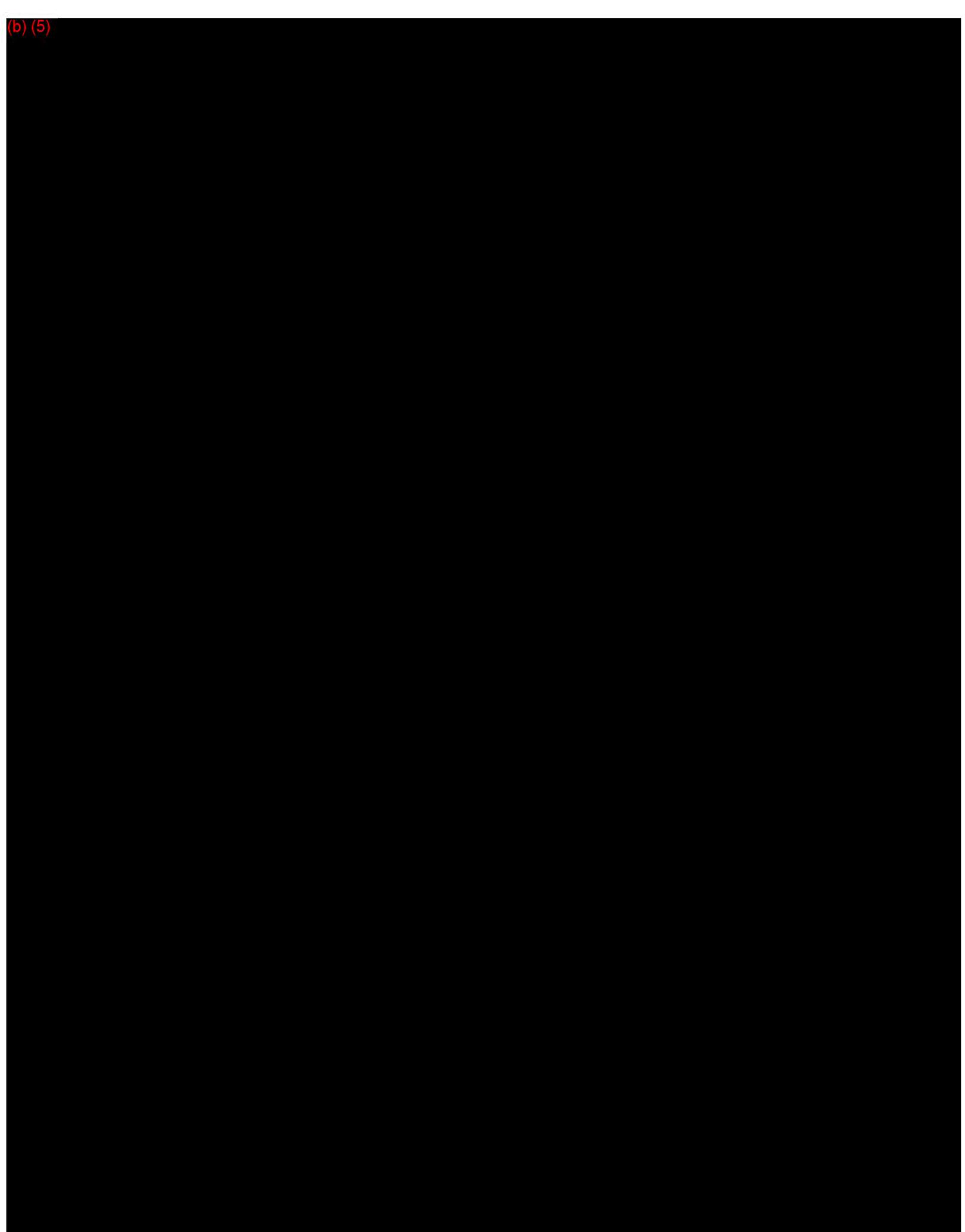
N.B. the CEQ guidance documents published in the FR vary slightly in their citation format (particularly the weighty question of whether publication dates should be set off by commas or parenthesis). To be consistent I'm following the citation formats used in the 2012 guidance on efficient environmental reviews, 77 FR 14473 (Mar. 12, 2012)).

Mario Loyola  
Associate Director, Regulatory Reform

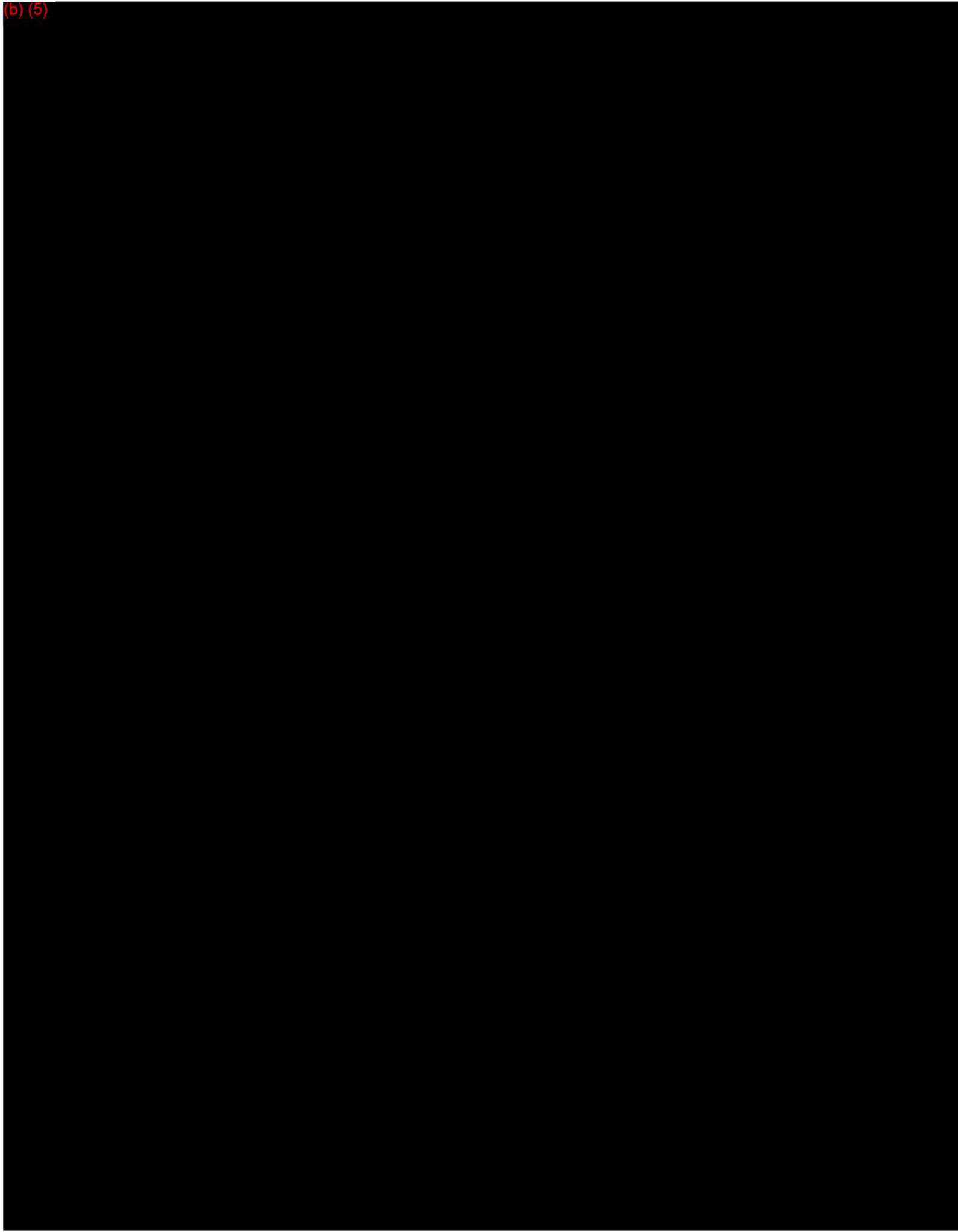
White House Council on Environmental Quality

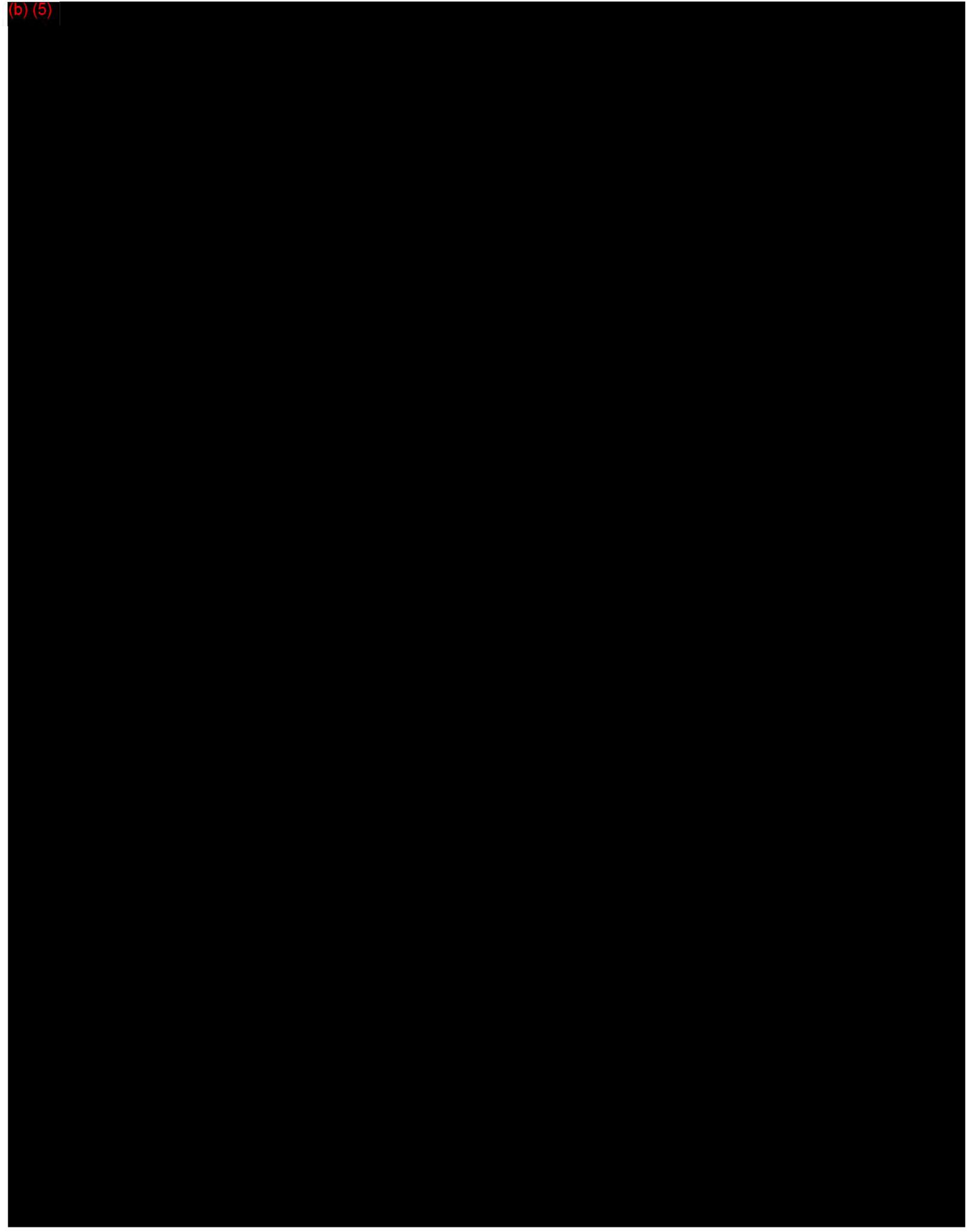
(o) (b) (6) | (c) (b) (6)

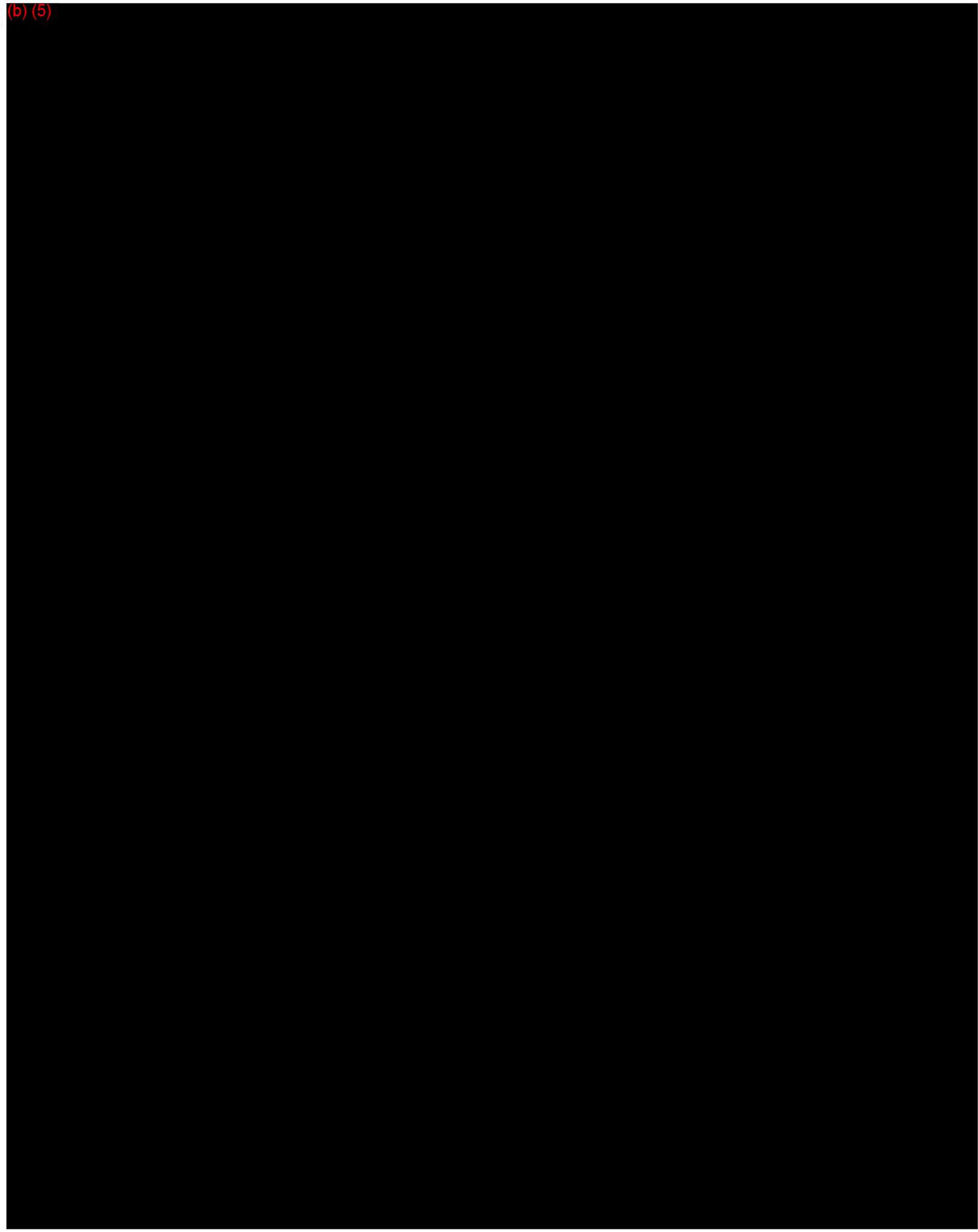


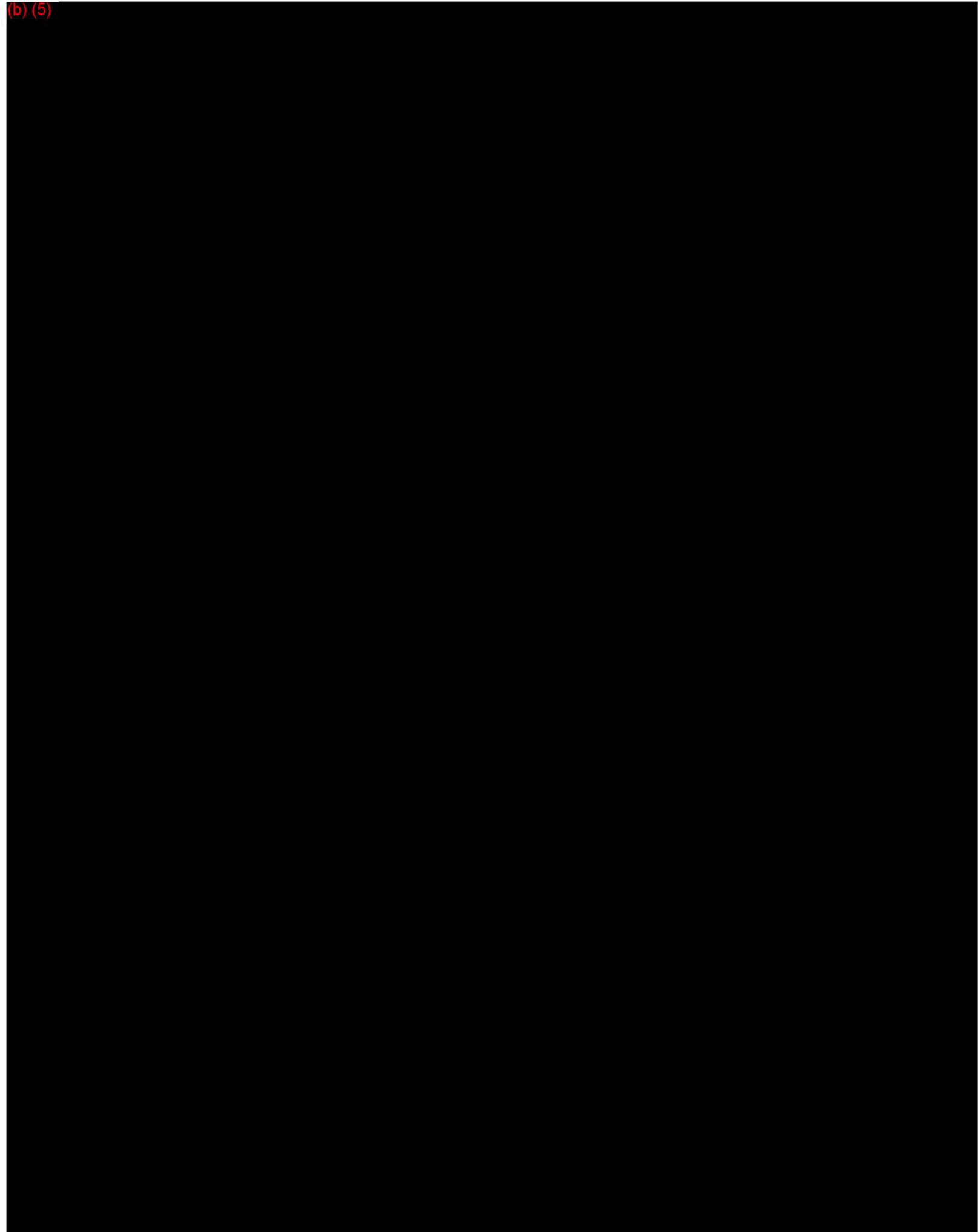


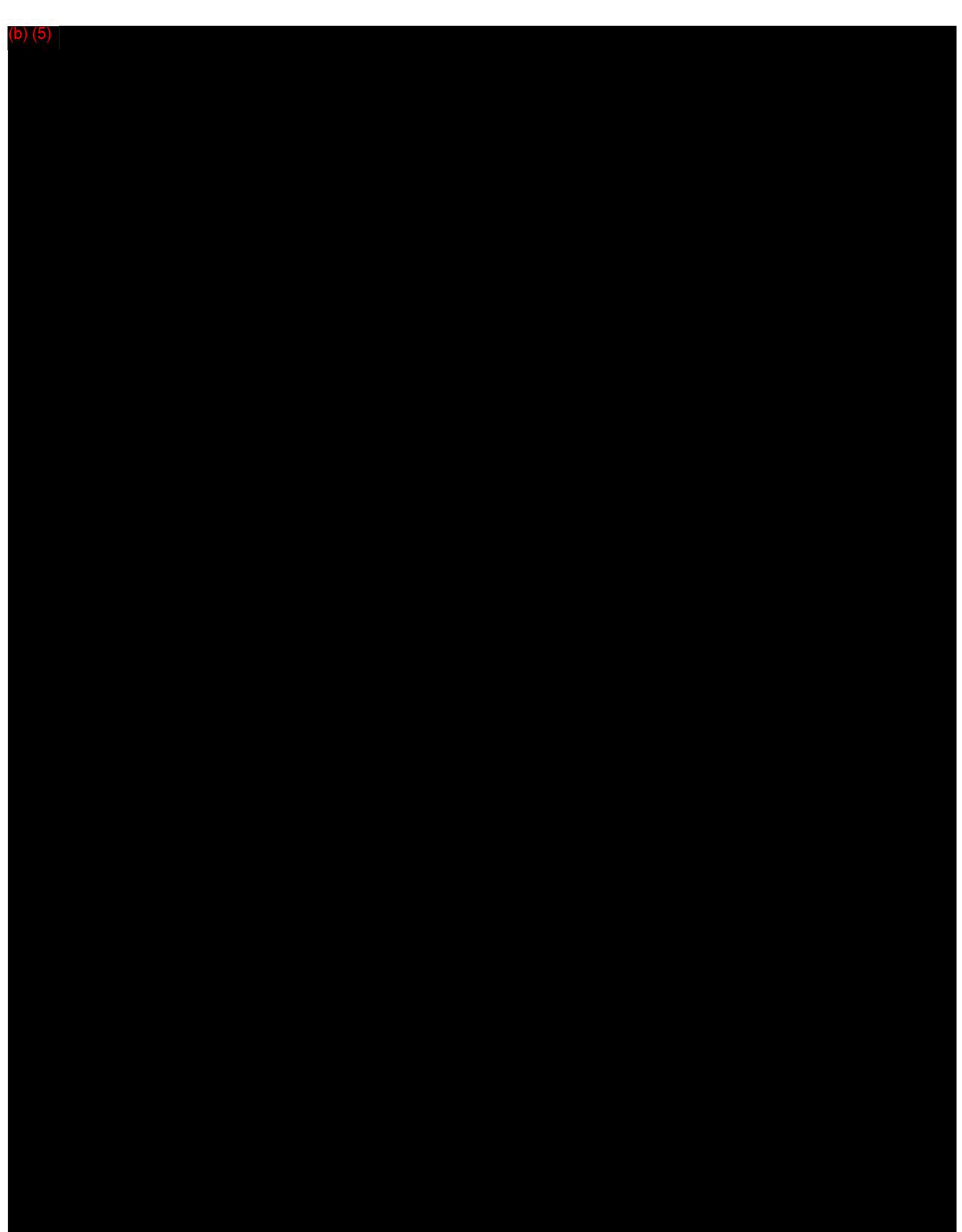
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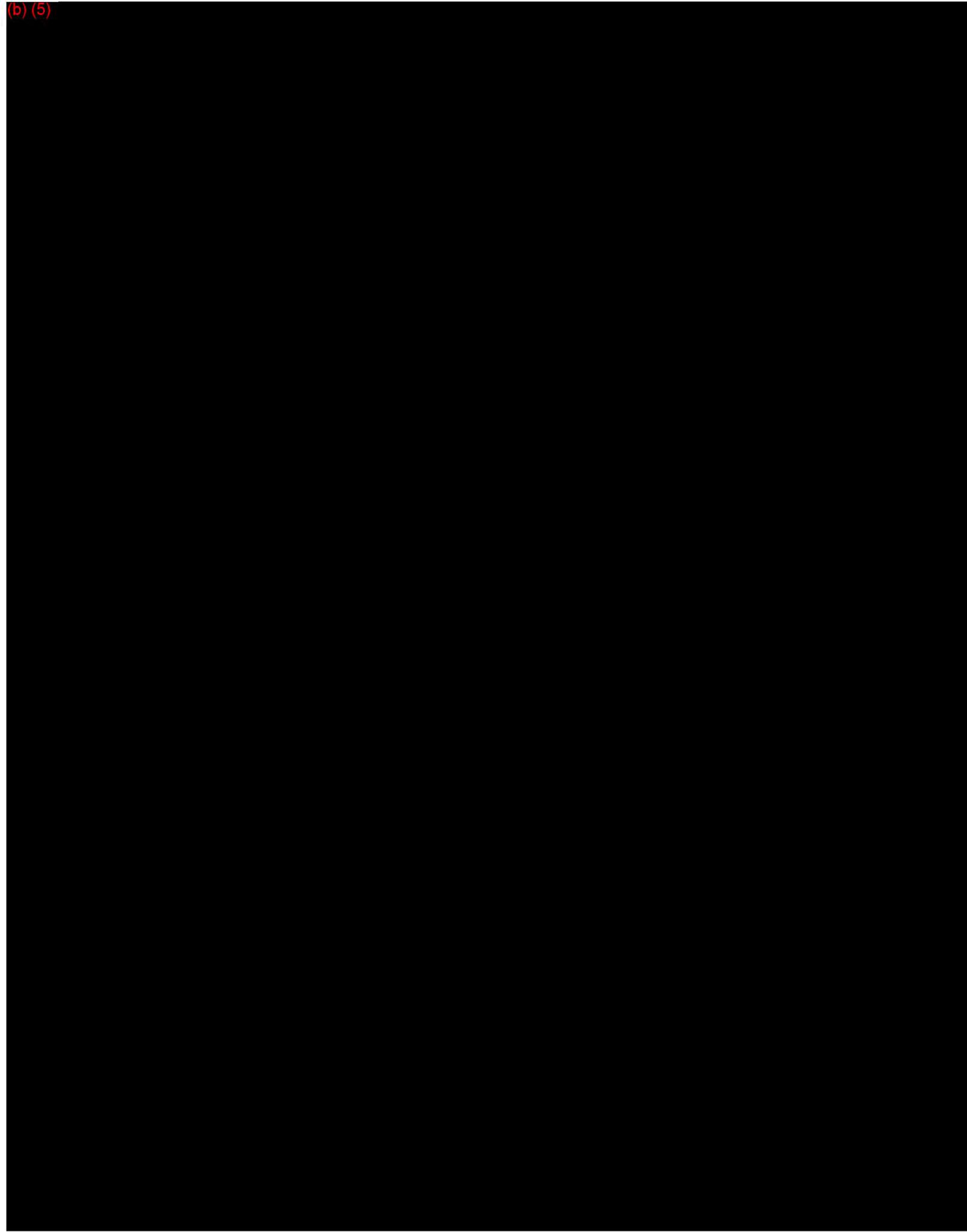












## Suggestions on ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 29 Mar 2018 09:59:55 -0400  
**Attachments:** FR Notice for ANPRM - 3-28-2018\_als edits.docx (53.97 kB)

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Mary,

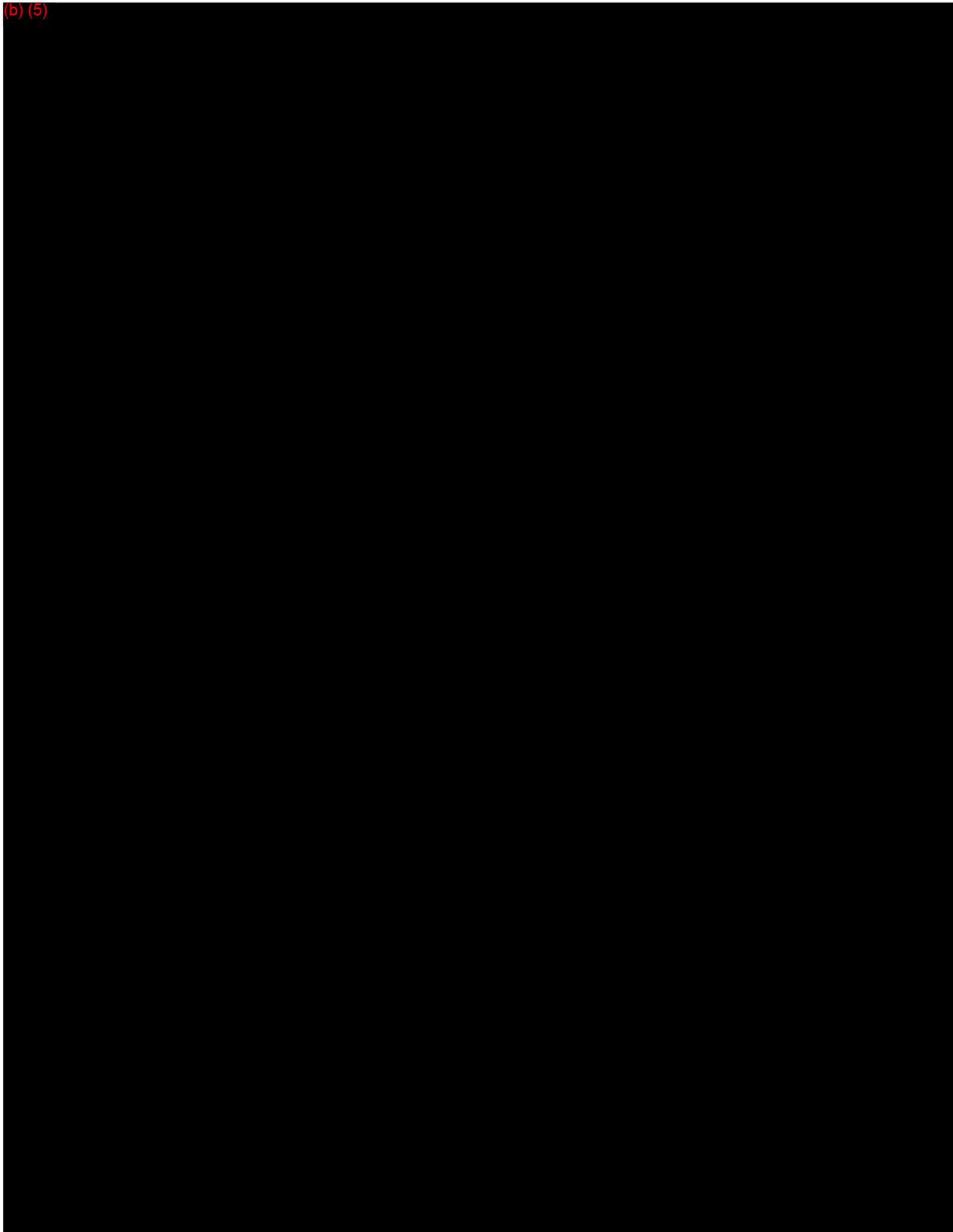
See attached for some suggestions. I am not wedded to any of these suggestions.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

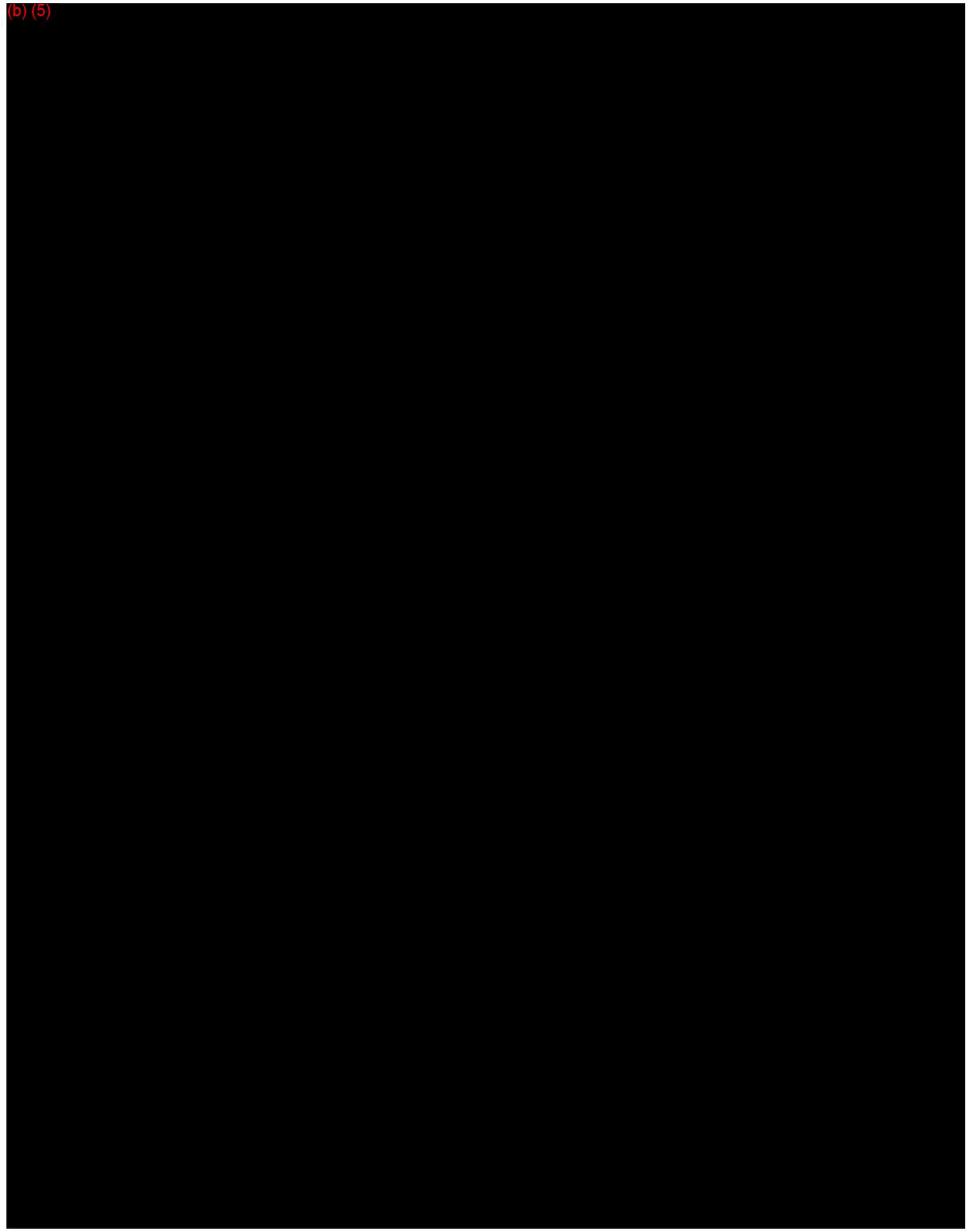
(b) (6) (Desk)

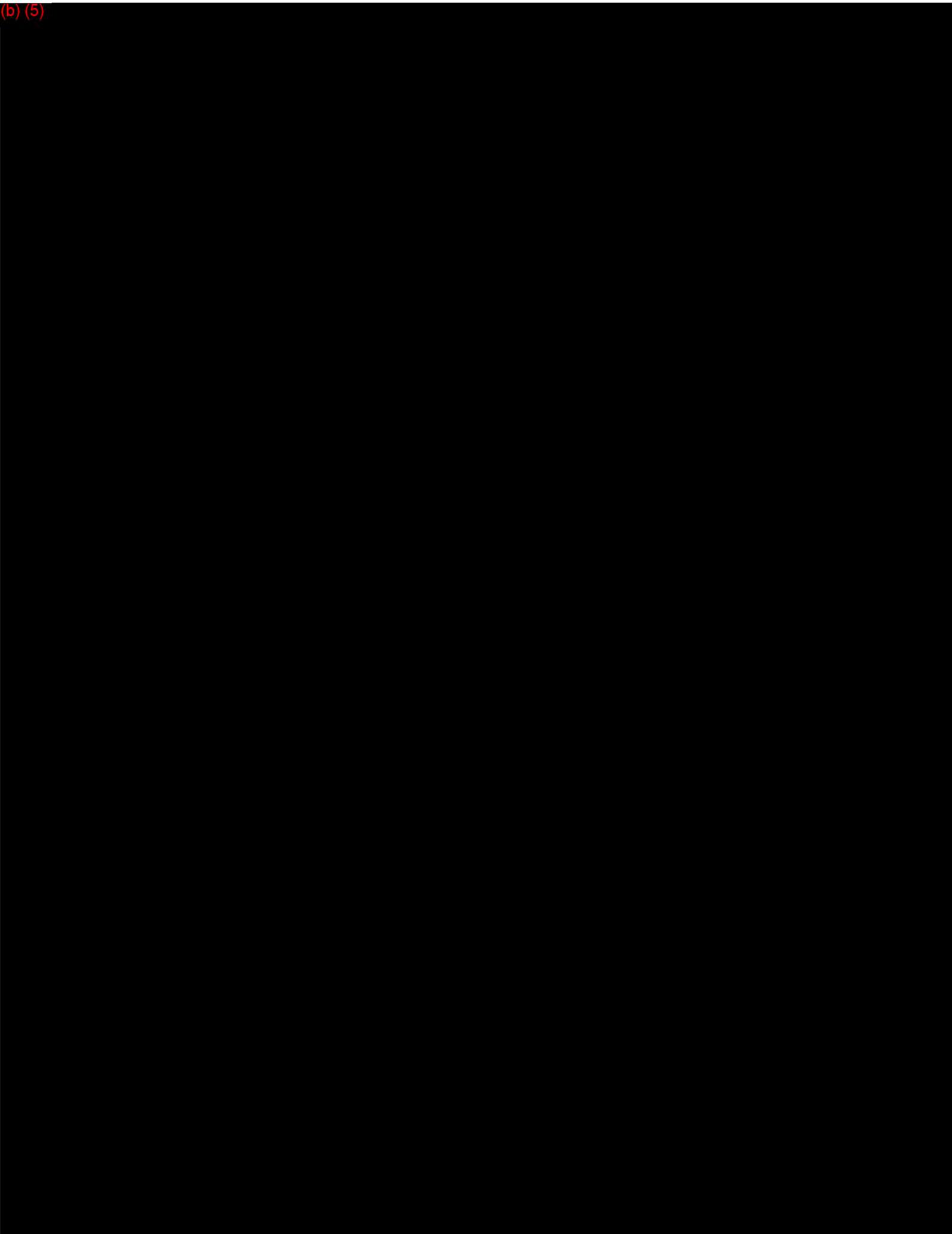
(b) (6) (Cell)

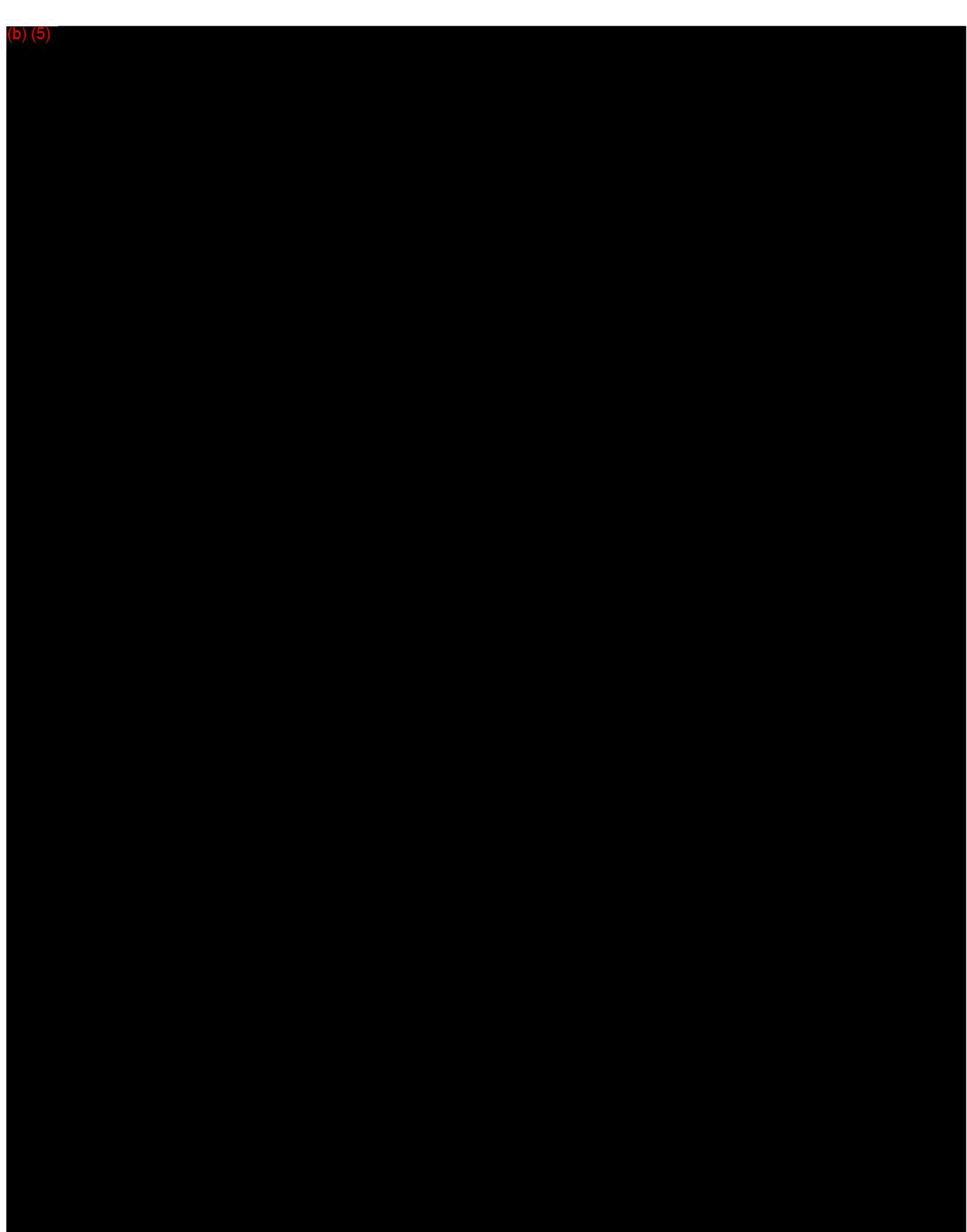
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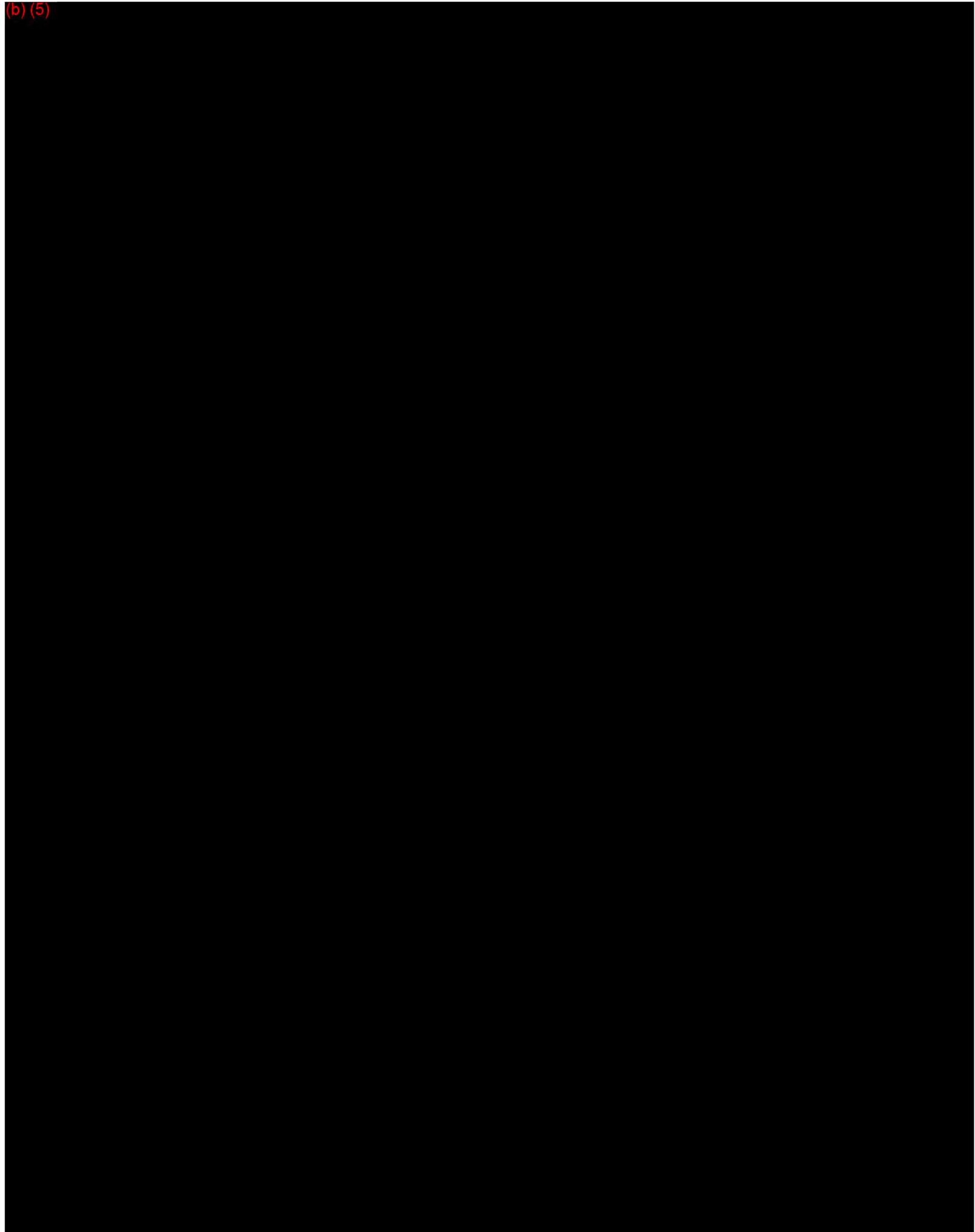


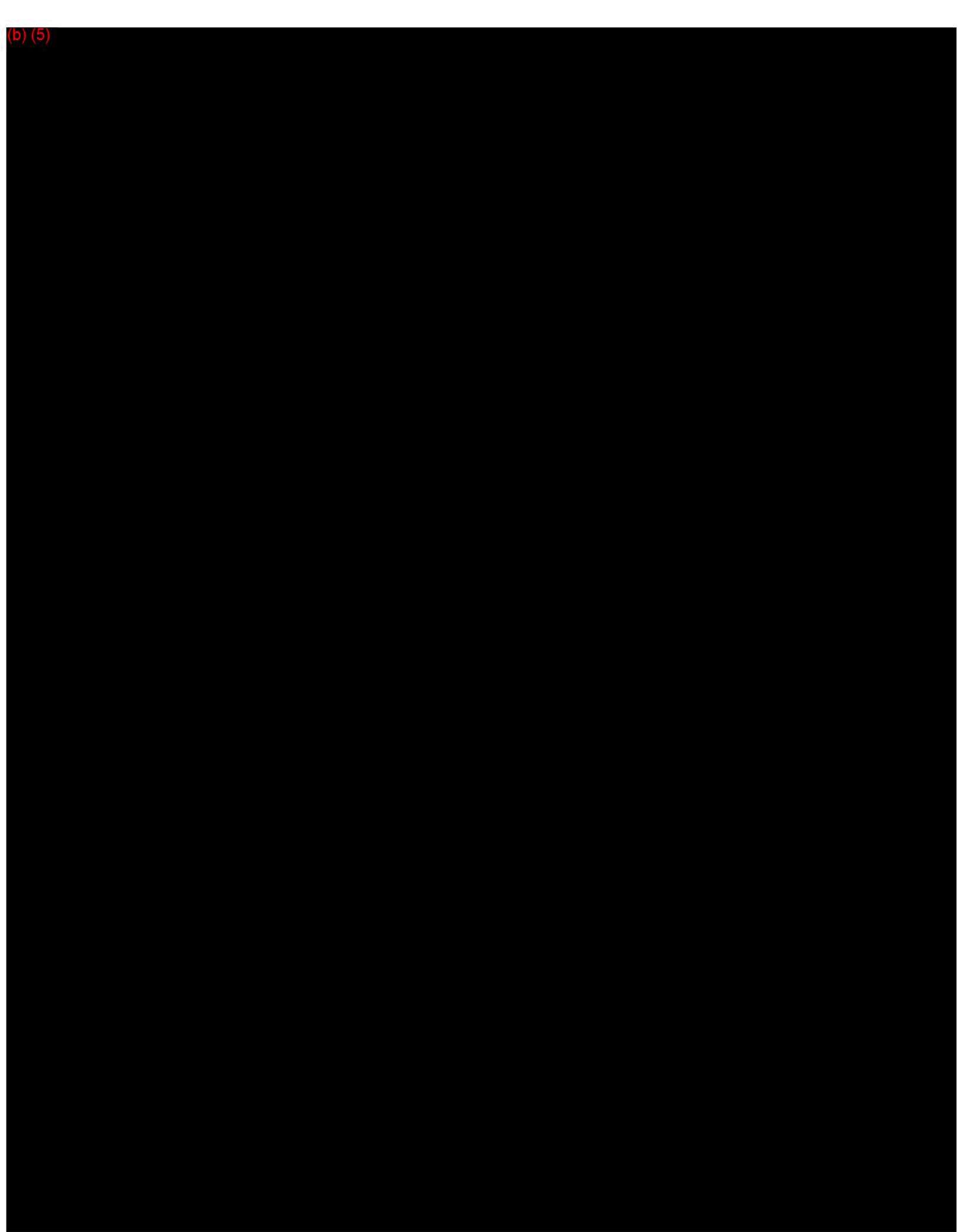














## Revised ANPR

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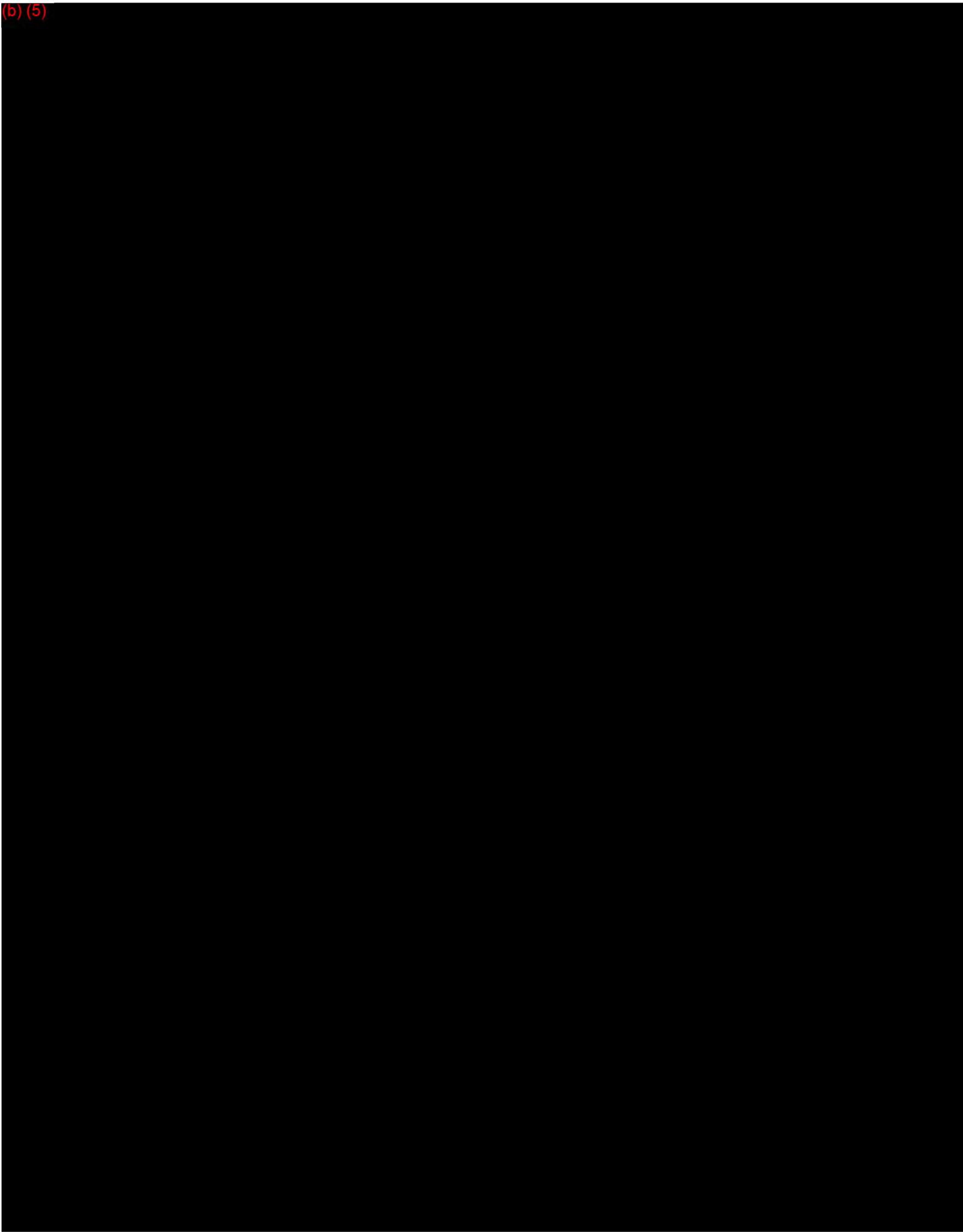
**From:** "Loyola, Mario A. EOP/CEQ" (b) (6)  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 02 Apr 2018 13:54:28 -0400  
**Attachments:** FR Notice for ANPRM - 3-30-2018.docx (54.07 kB)

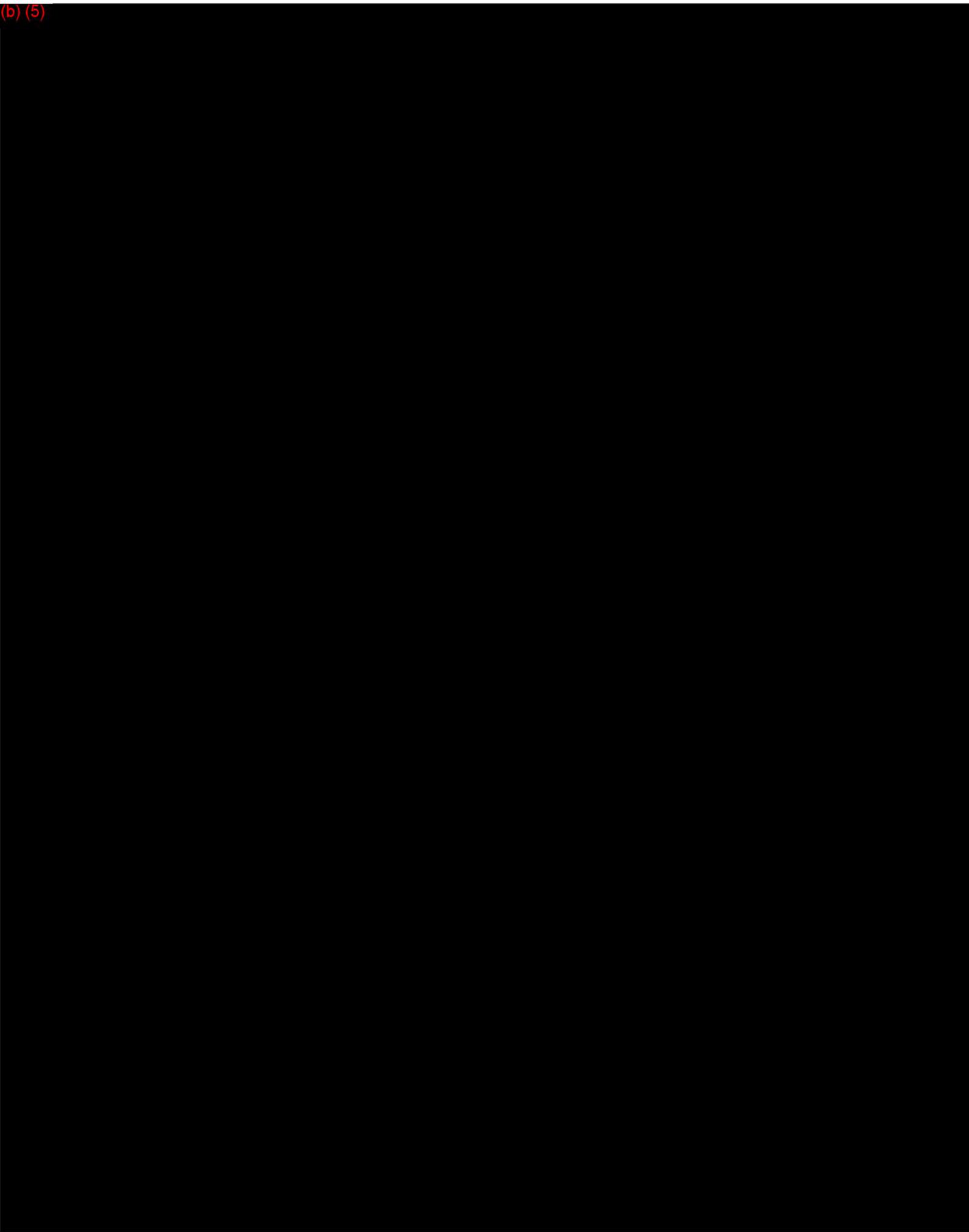
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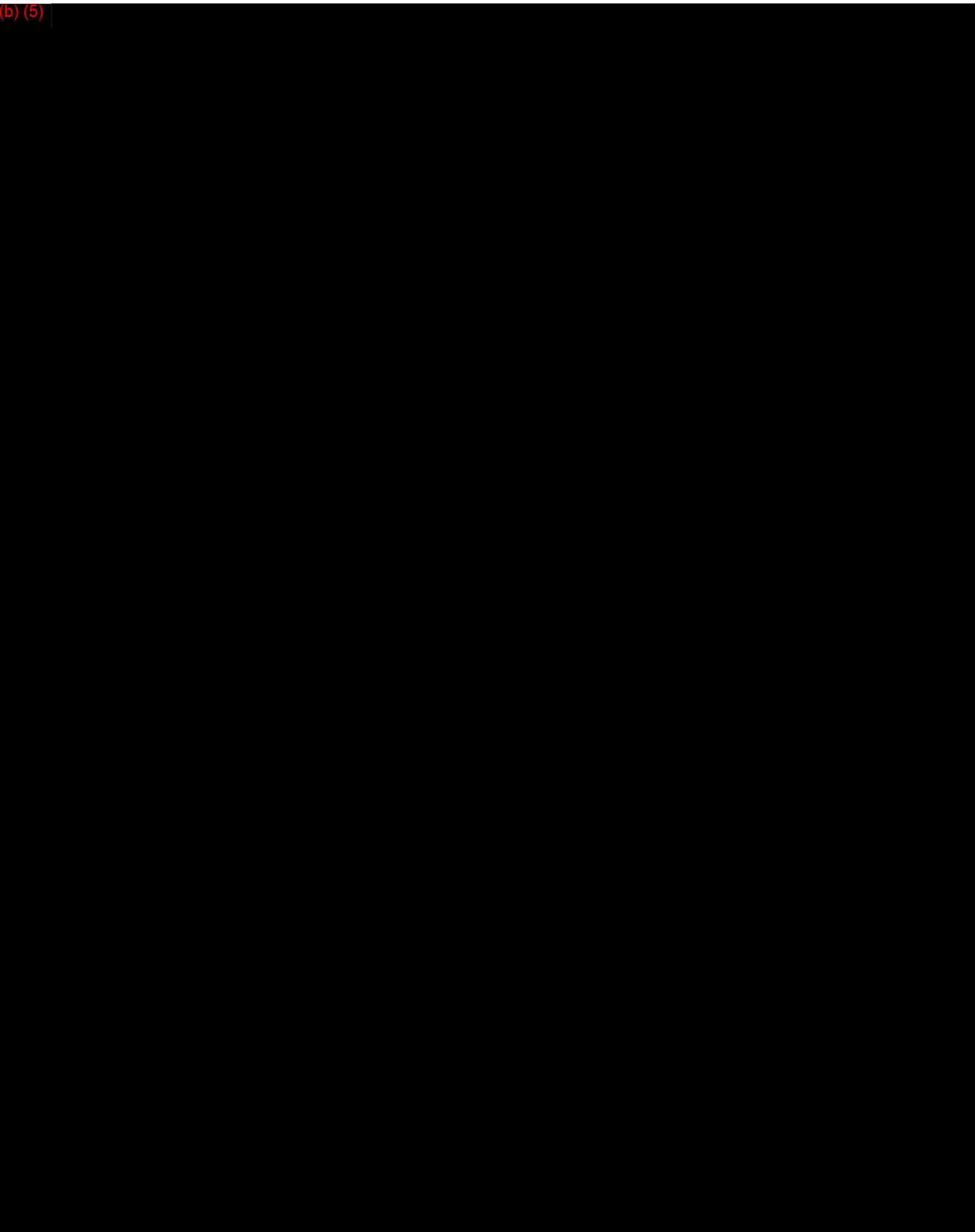
Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

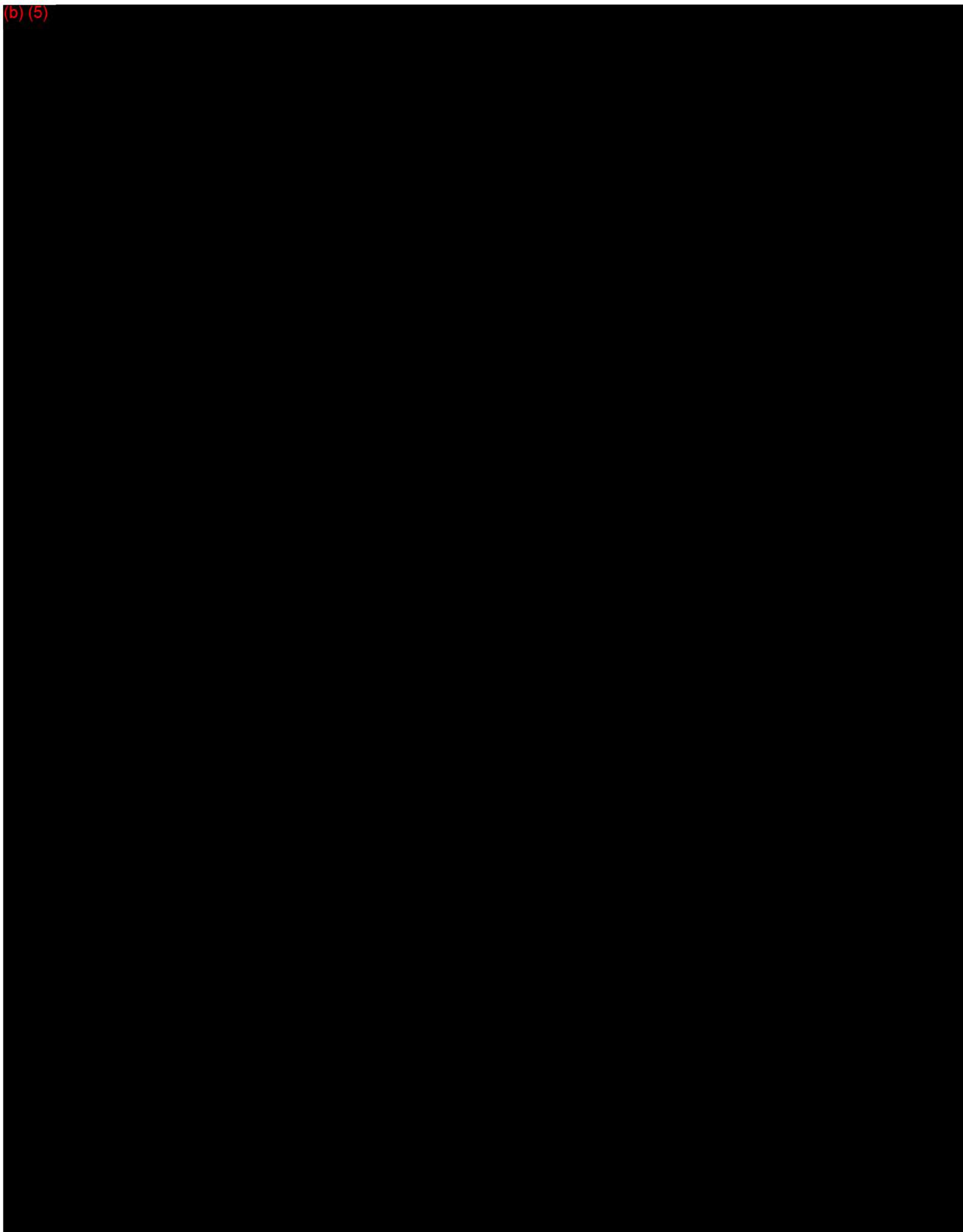
Respectfully,

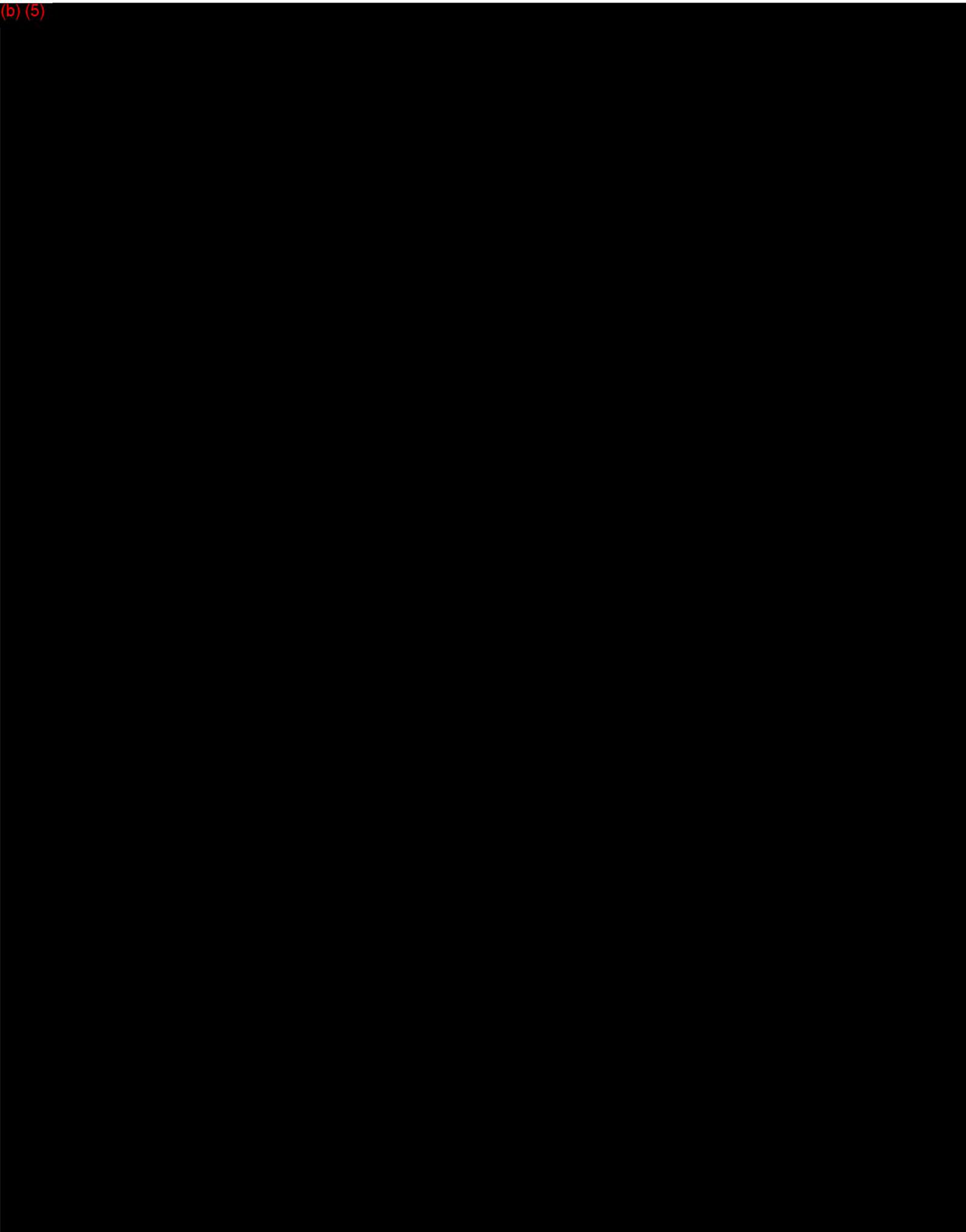
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

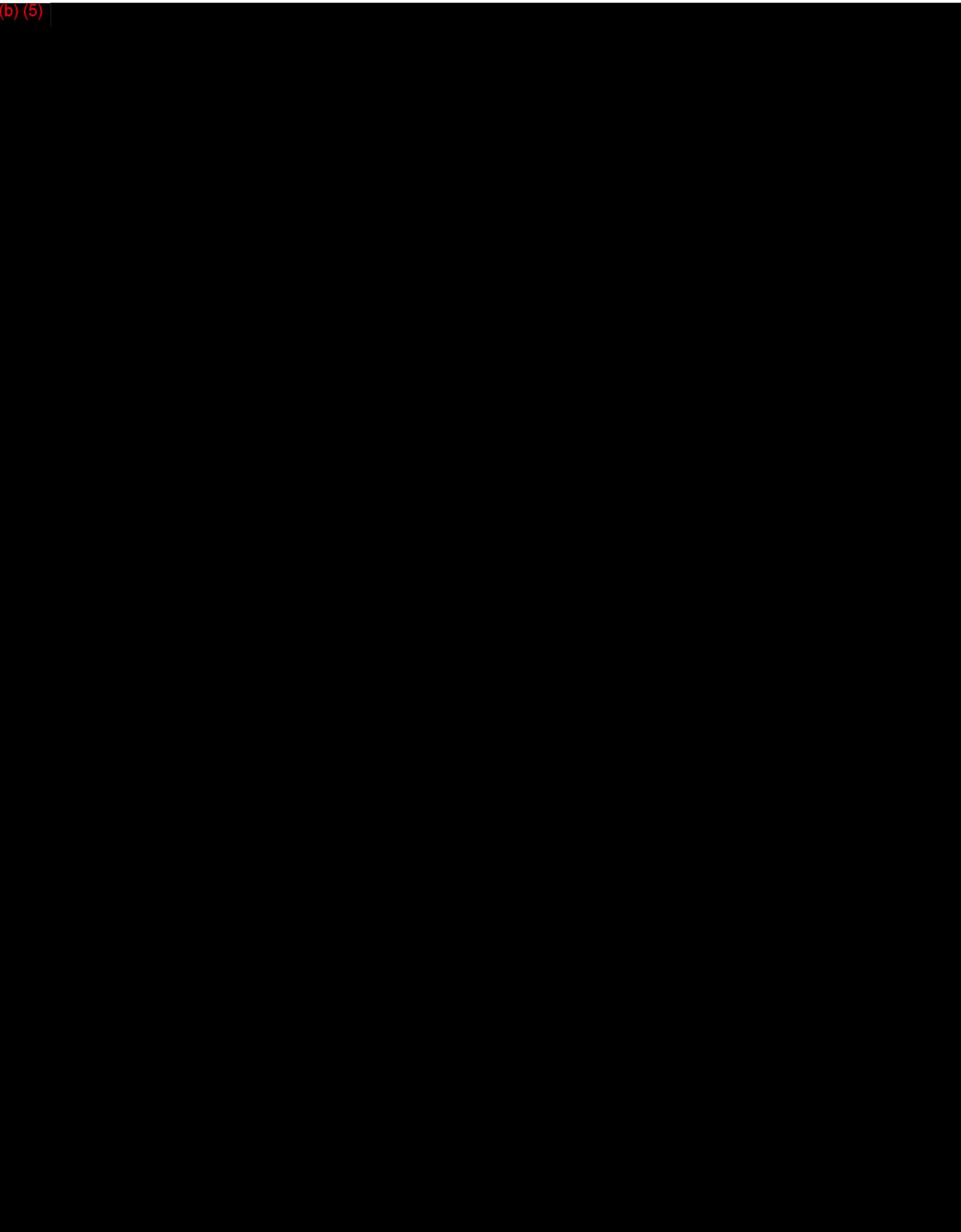


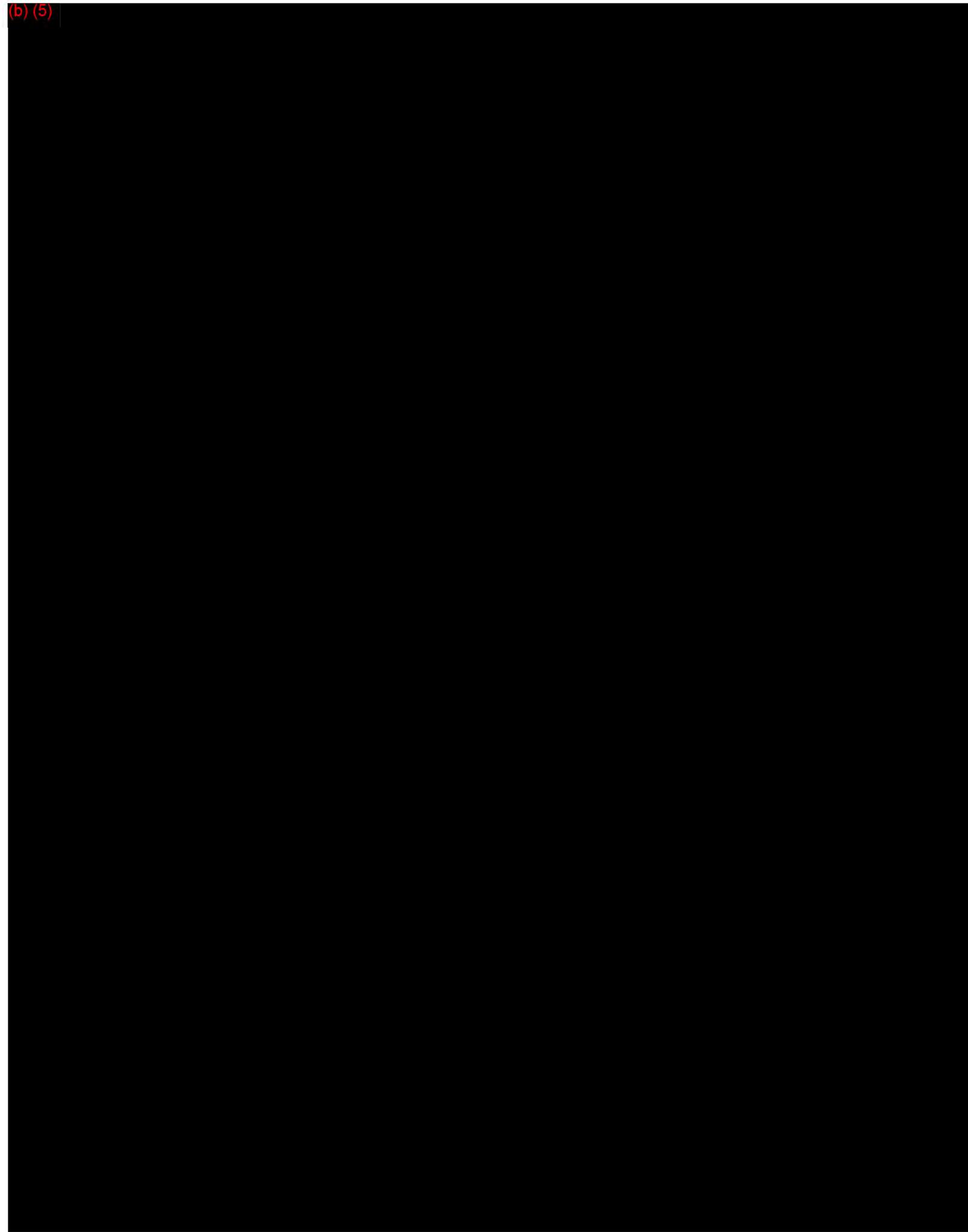


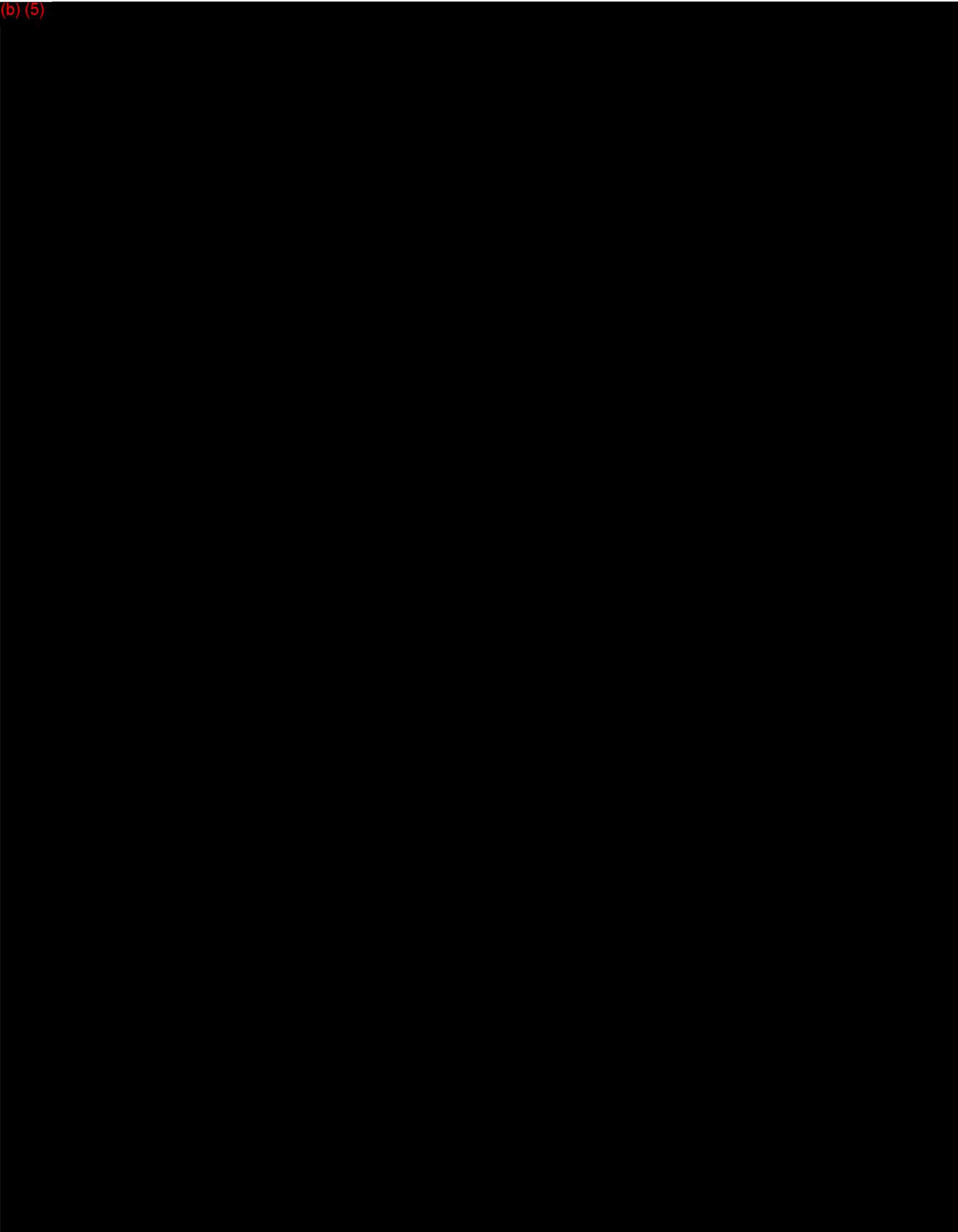


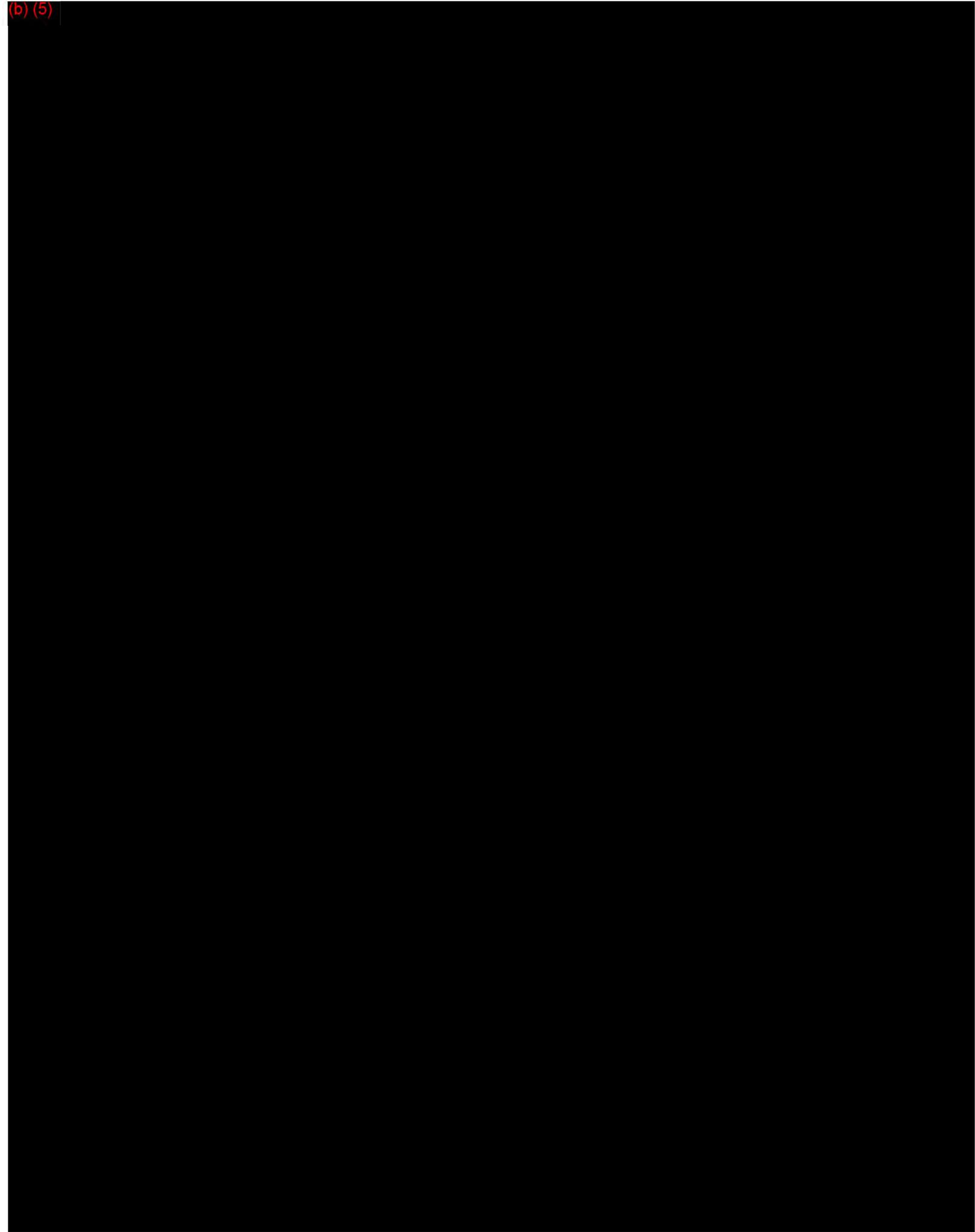












## Fwd: Revised ANPR

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**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdft)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Drummond, Michael R. EOP/CEQ" (b) (6) [REDACTED]  
"Mansoor, Yarden M. EOP/CEQ" <(b) (6) [REDACTED]>  
**Date:** Mon, 02 Apr 2018 14:14:28 -0400  
**Attachments:** FR Notice for ANPRM - 3-30-2018.docx (54.07 kB)

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For your review

Sent from my iPhone

Begin forwarded message:

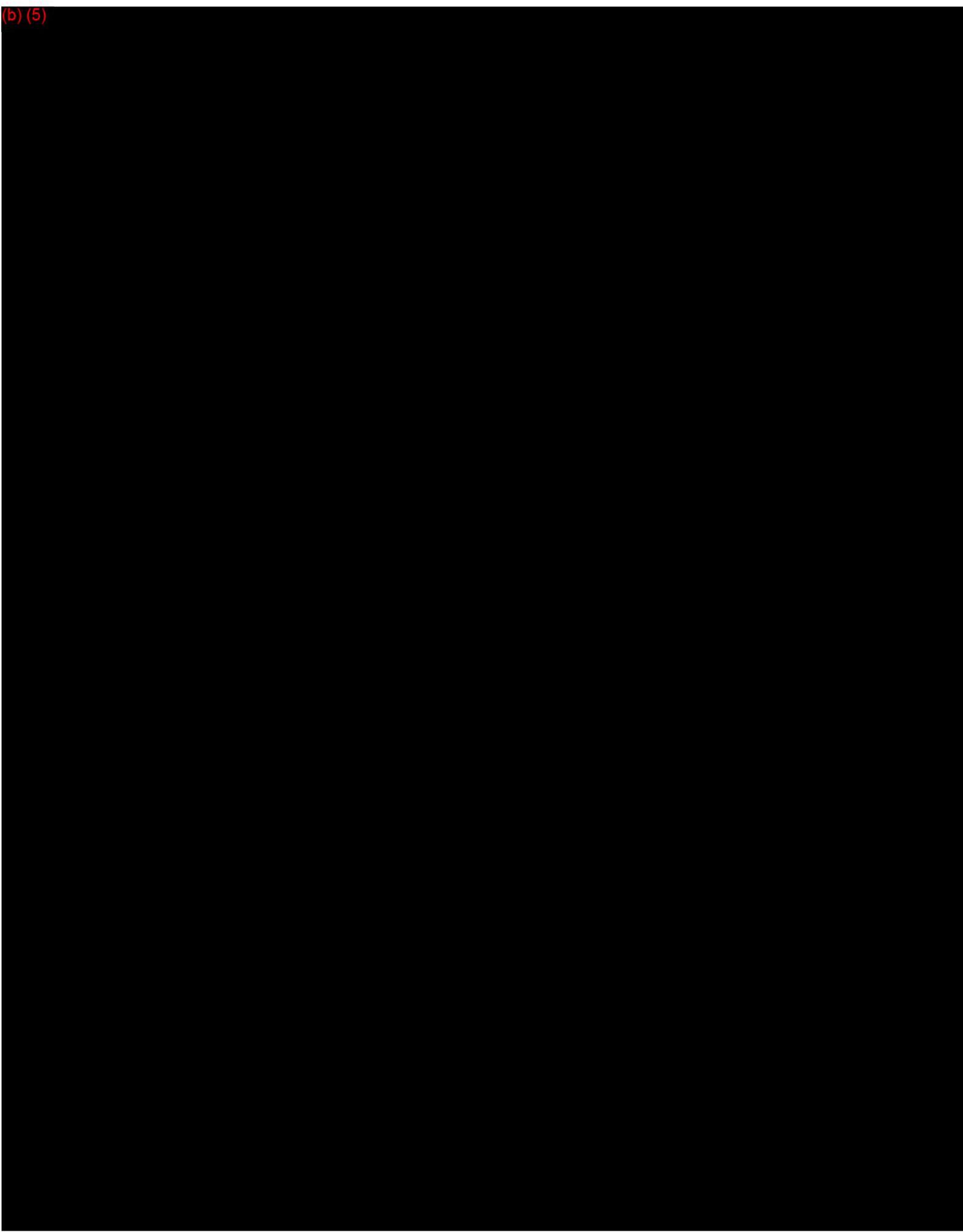
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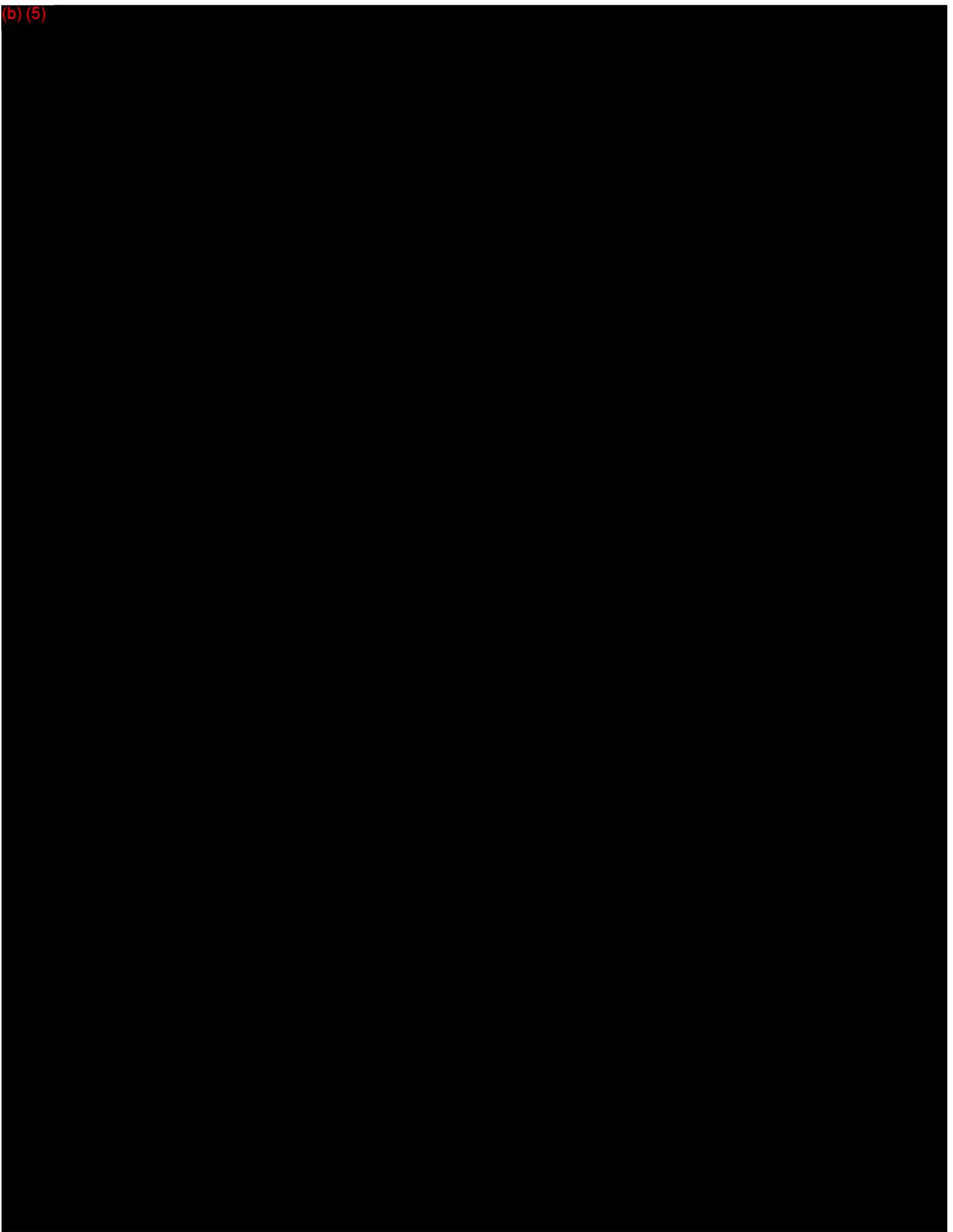
**From:** "Loyola, Mario A. EOP/CEQ" <(b) (6) [REDACTED]>  
**Date:** April 2, 2018 at 1:54:28 PM EDT  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6) [REDACTED]>, "Seale, Viktoria Z. EOP/CEQ" <(b) (6) [REDACTED]>, "Boling, Ted A. EOP/CEQ" <(b) (6) [REDACTED]>, "Szabo, Aaron L. EOP/CEQ" <(b) (6) [REDACTED]>, "Smith, Katherine R. EOP/CEQ" <(b) (6) [REDACTED]>  
**Subject:** Revised ANPR

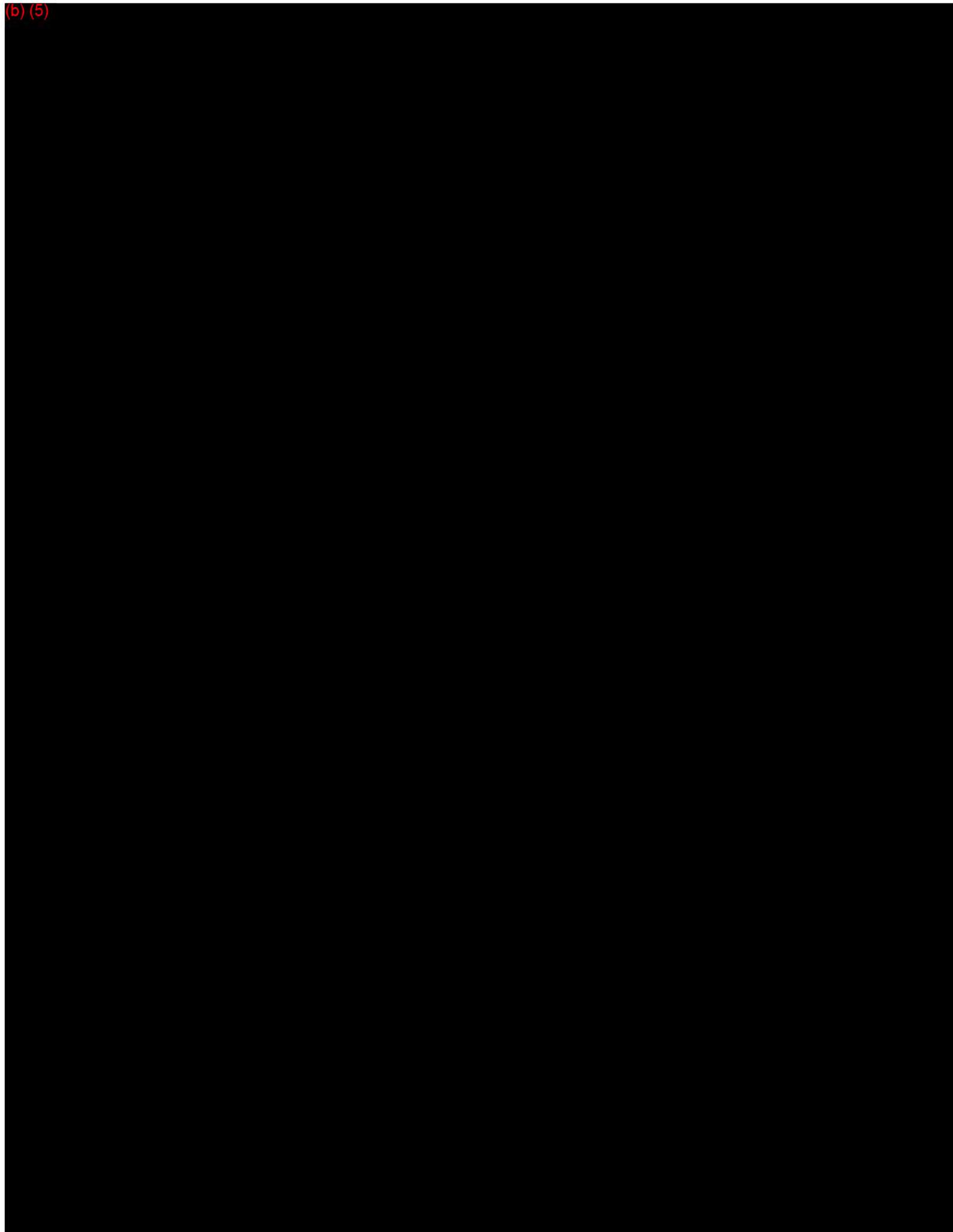
Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes.  
Thank you.

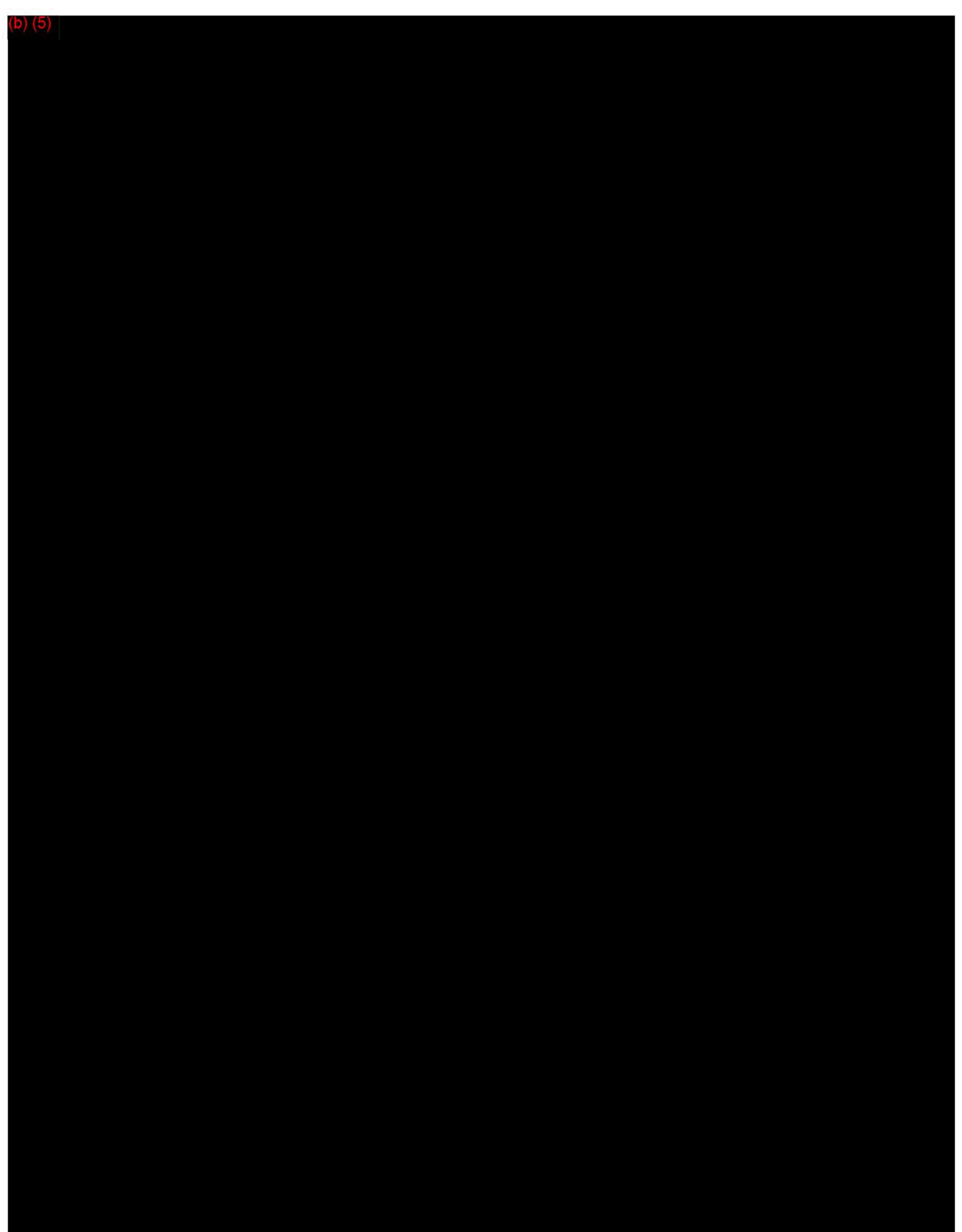
Respectfully,

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) [REDACTED] | (c) (b) (6) [REDACTED]

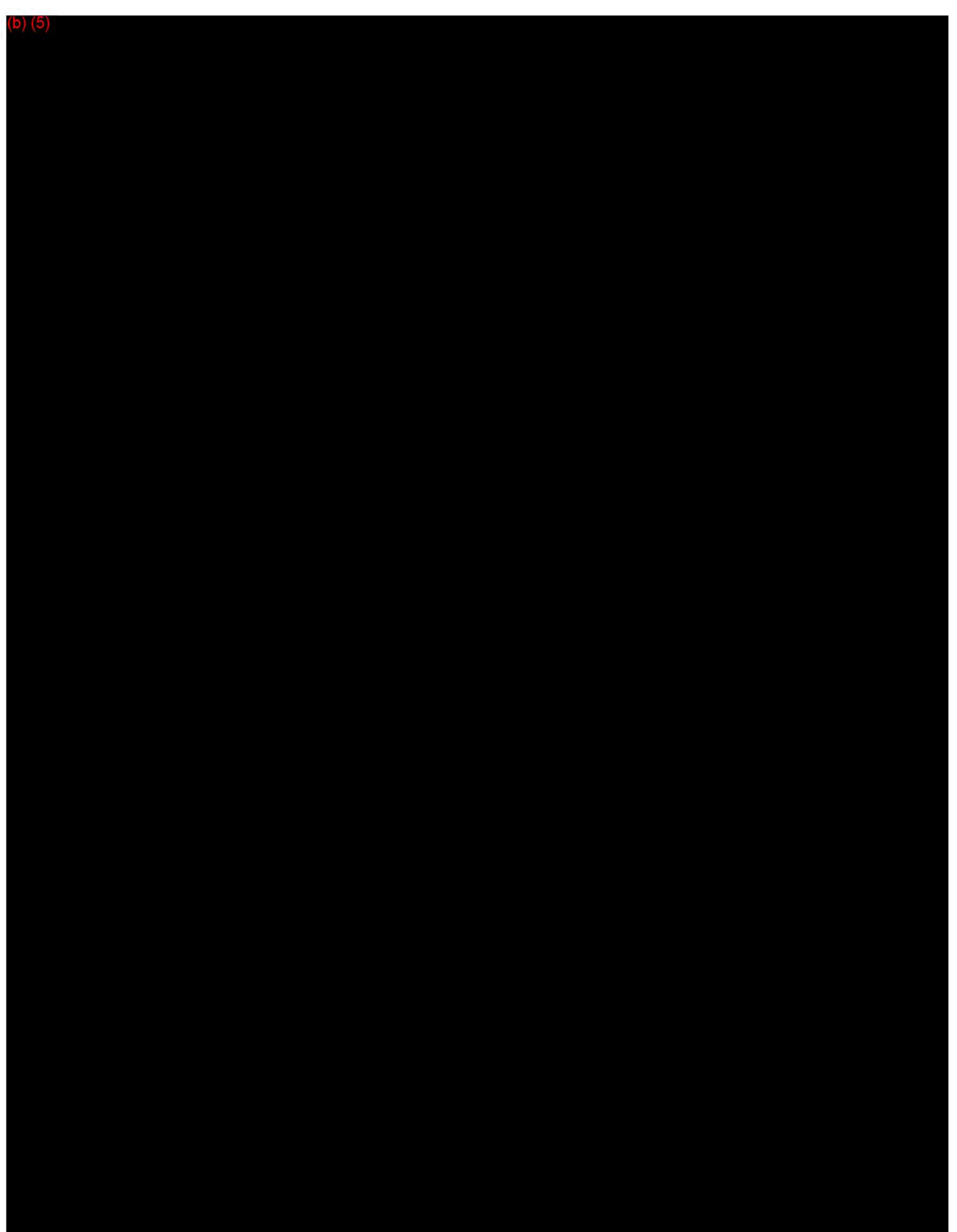




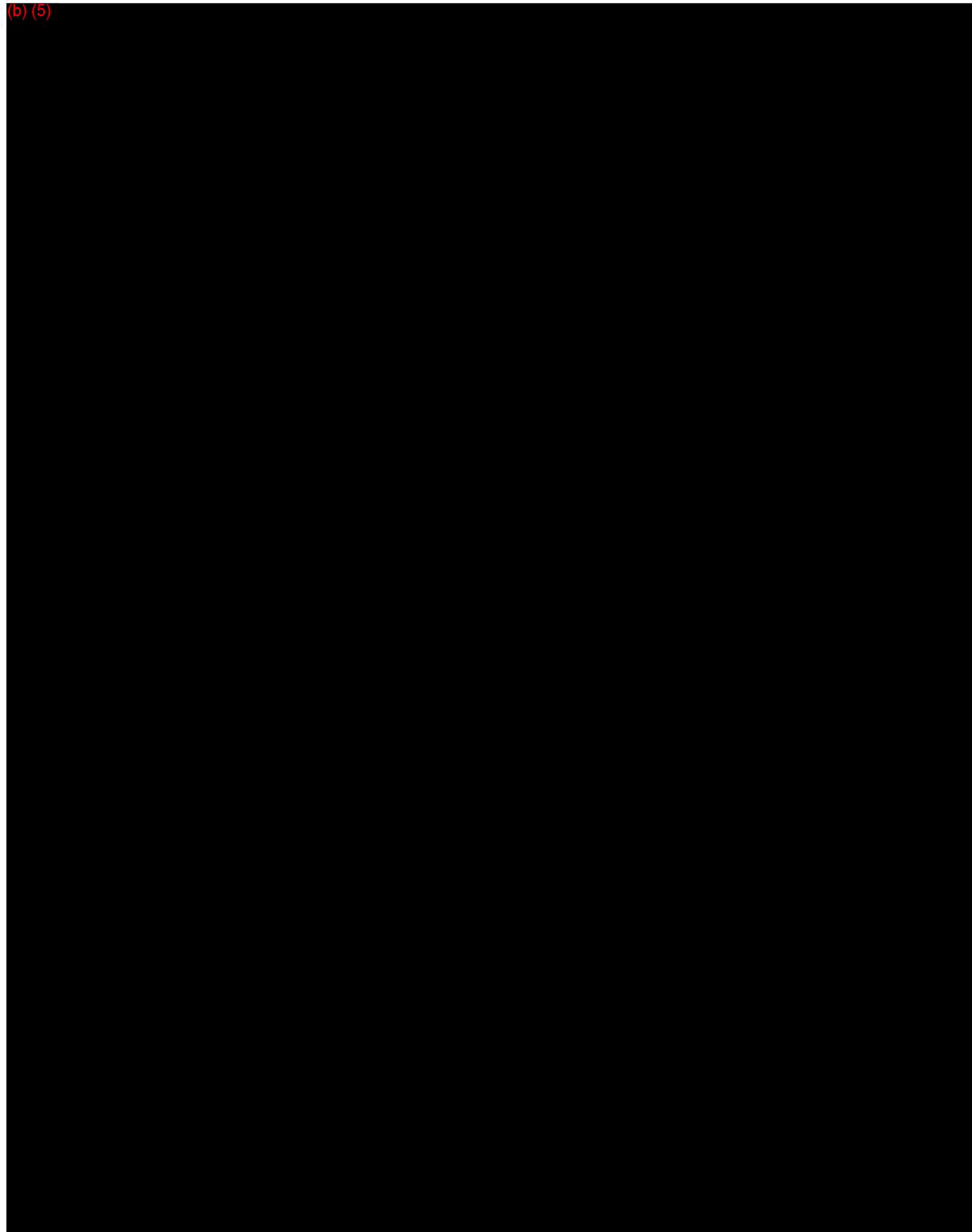


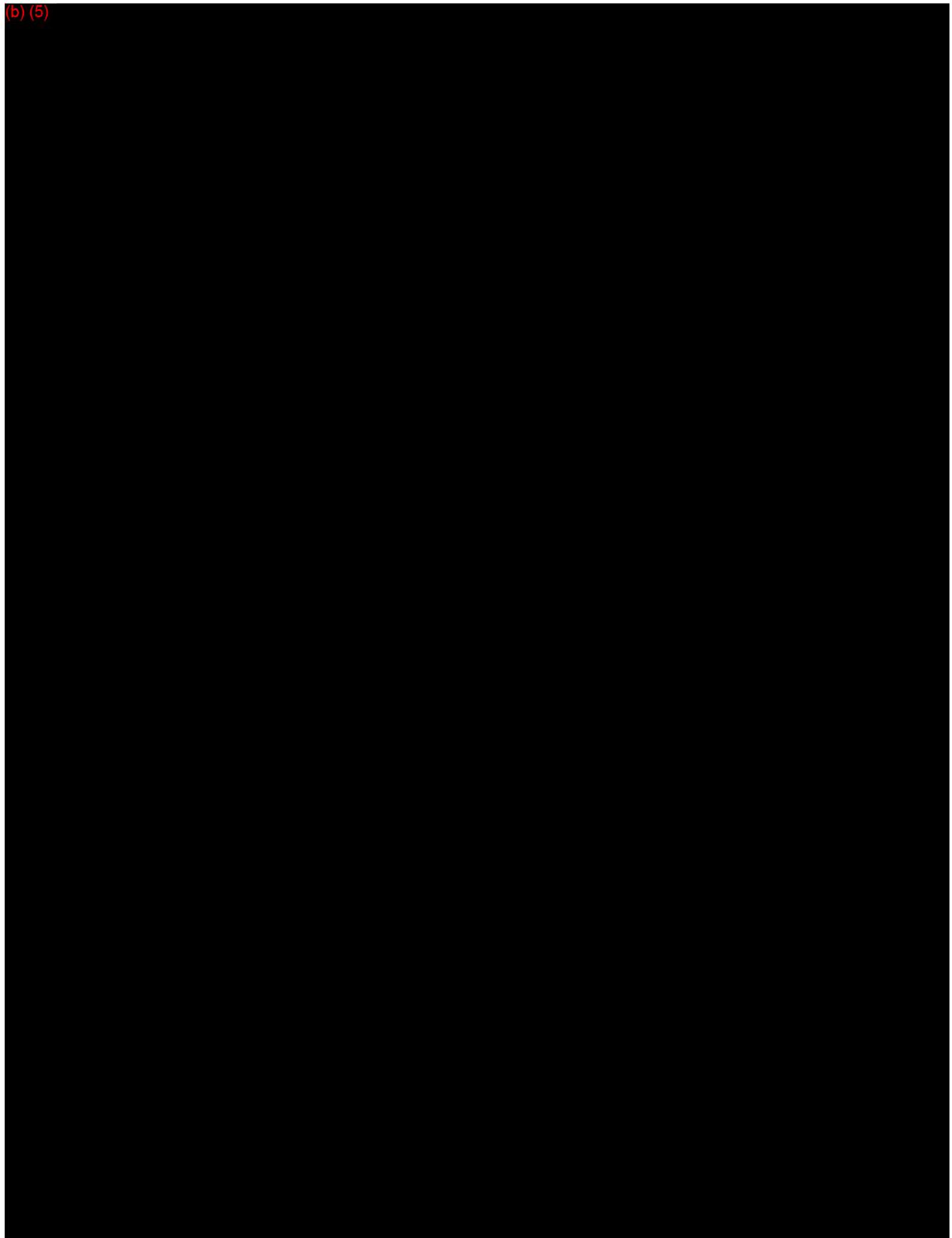


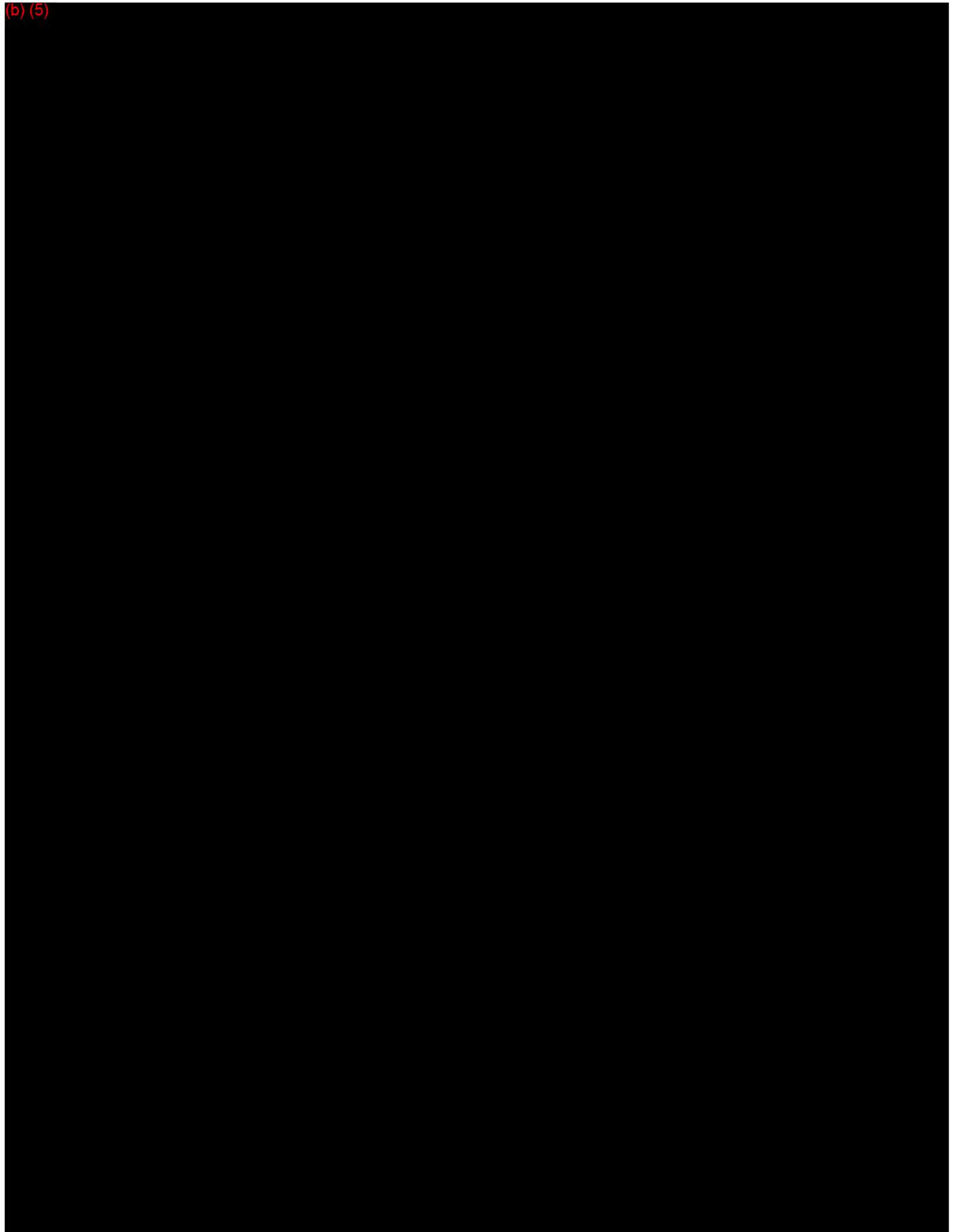
(b) (5)

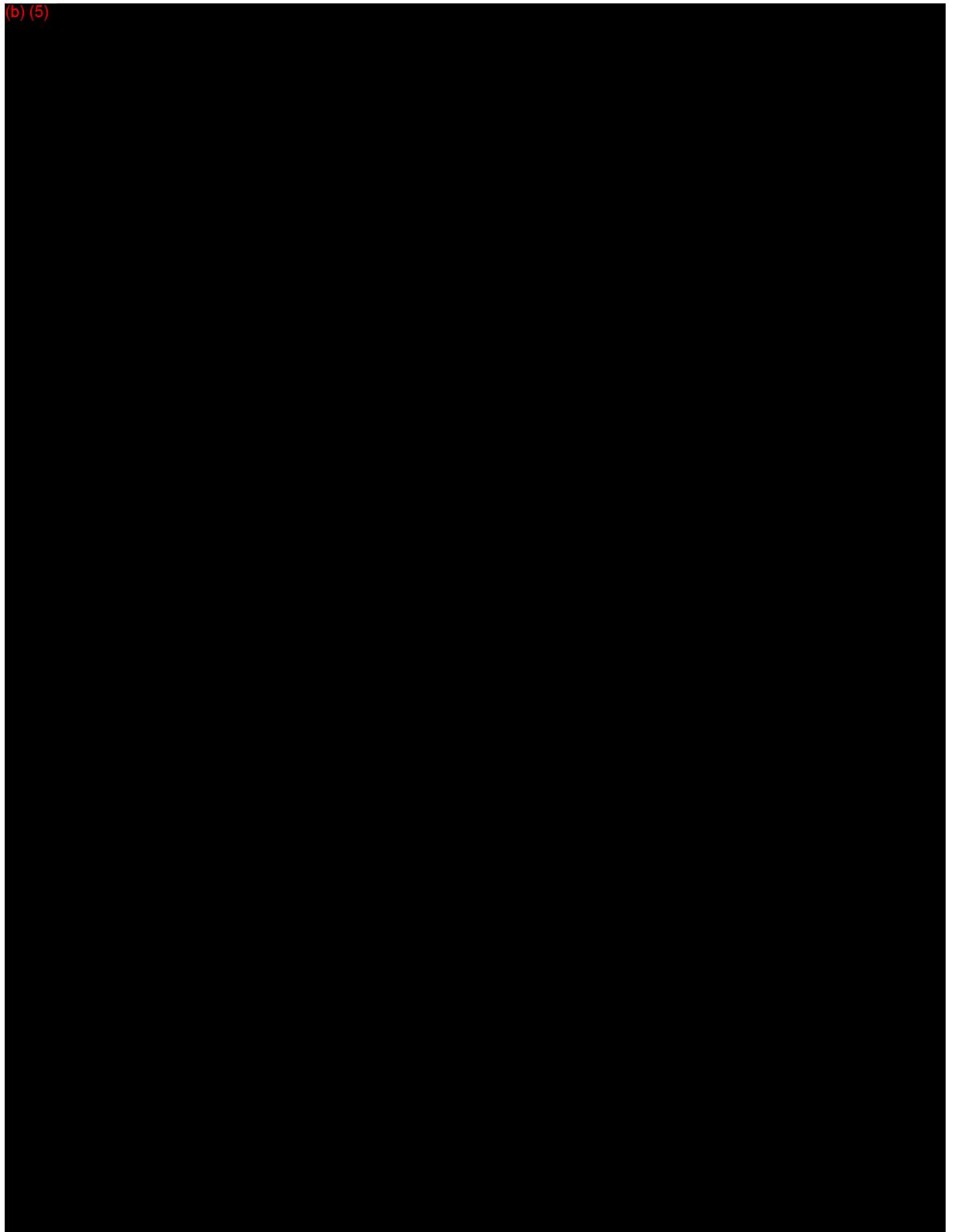


(b) (5)









## FW: Revised ANPR

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**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Drummond, Michael R. EOP/CEQ" (b) (6)  
"Mansoor, Yardena M. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=2712a19fd57447088e0b9da580c16e15-ma">  
**Date:** Tue, 03 Apr 2018 10:06:04 -0400  
**Attachments:** FR Notice for ANPRM - 3-30-2018.docx (54.07 kB)

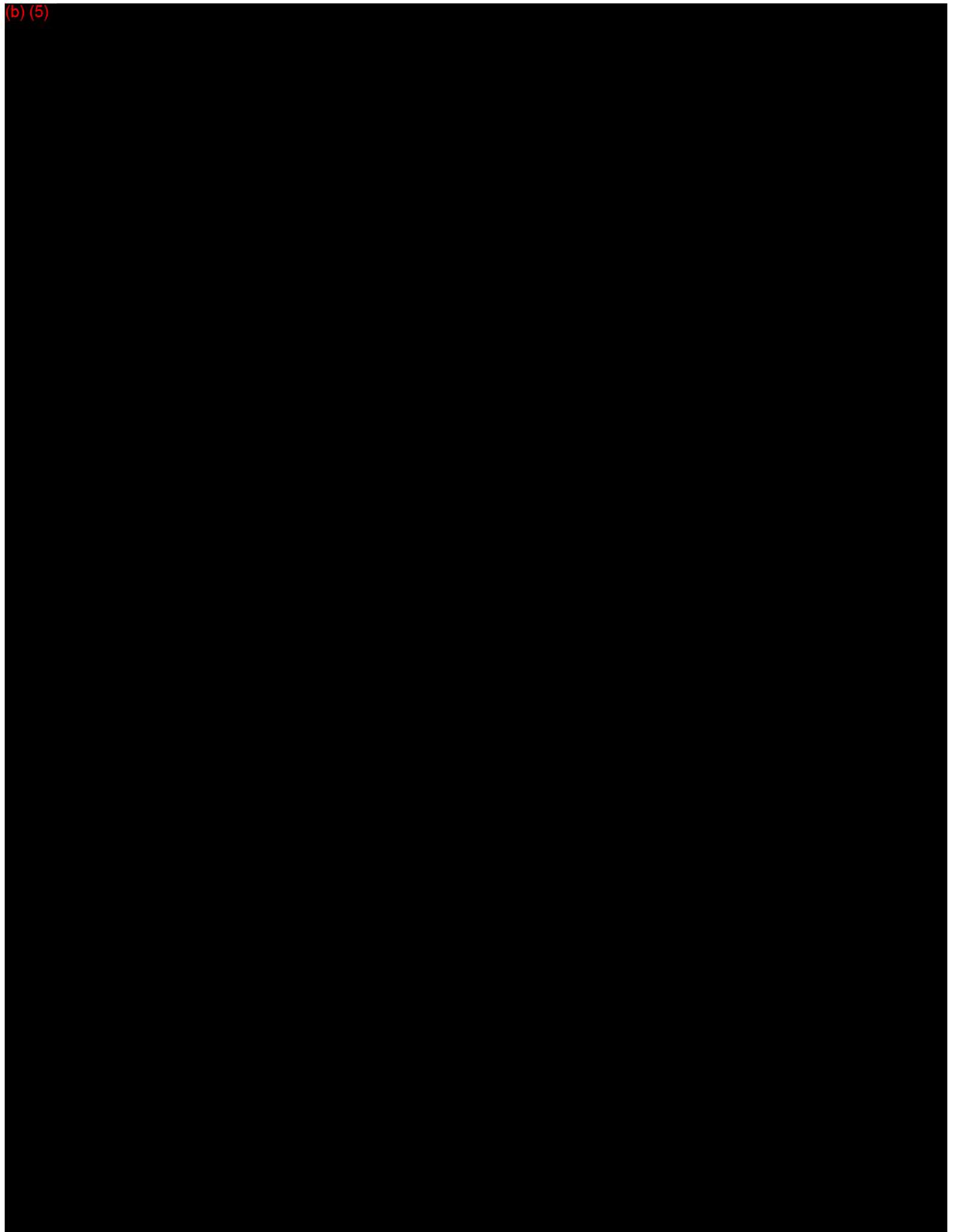
This is CLOSE HOLD for your review/comment

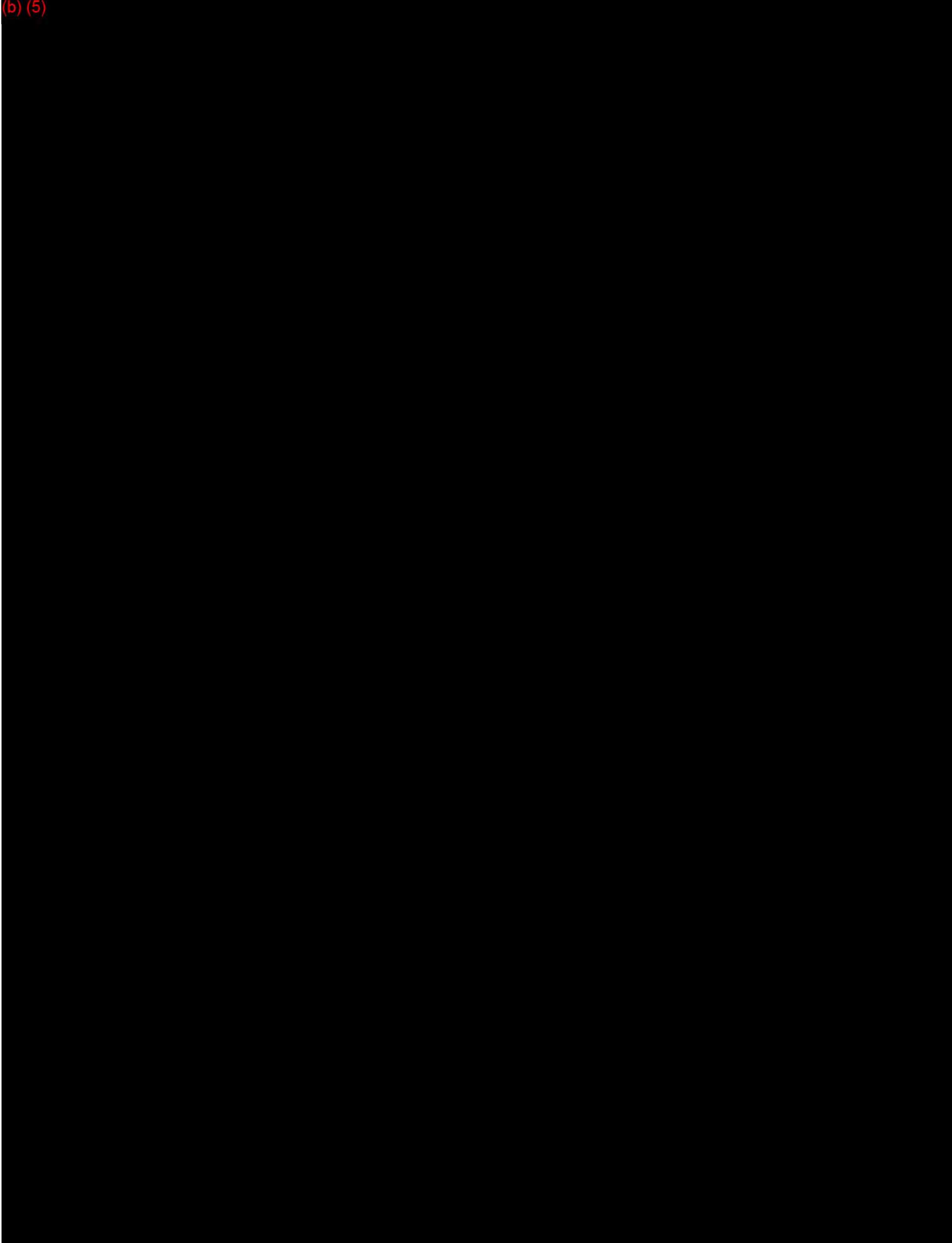
**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Monday, April 2, 2018 1:54 PM  
**To:** Neumayr, Mary B. EOP/CEQ (b) (6) Seale, Viktoria Z. EOP/CEQ  
(b) (6) Boling, Ted A. EOP/CEQ (b) (6) Szabo,  
Aaron L. EOP/CEQ (b) (6) Smith, Katherine R. EOP/CEQ  
(b) (6)  
**Subject:** Revised ANPR

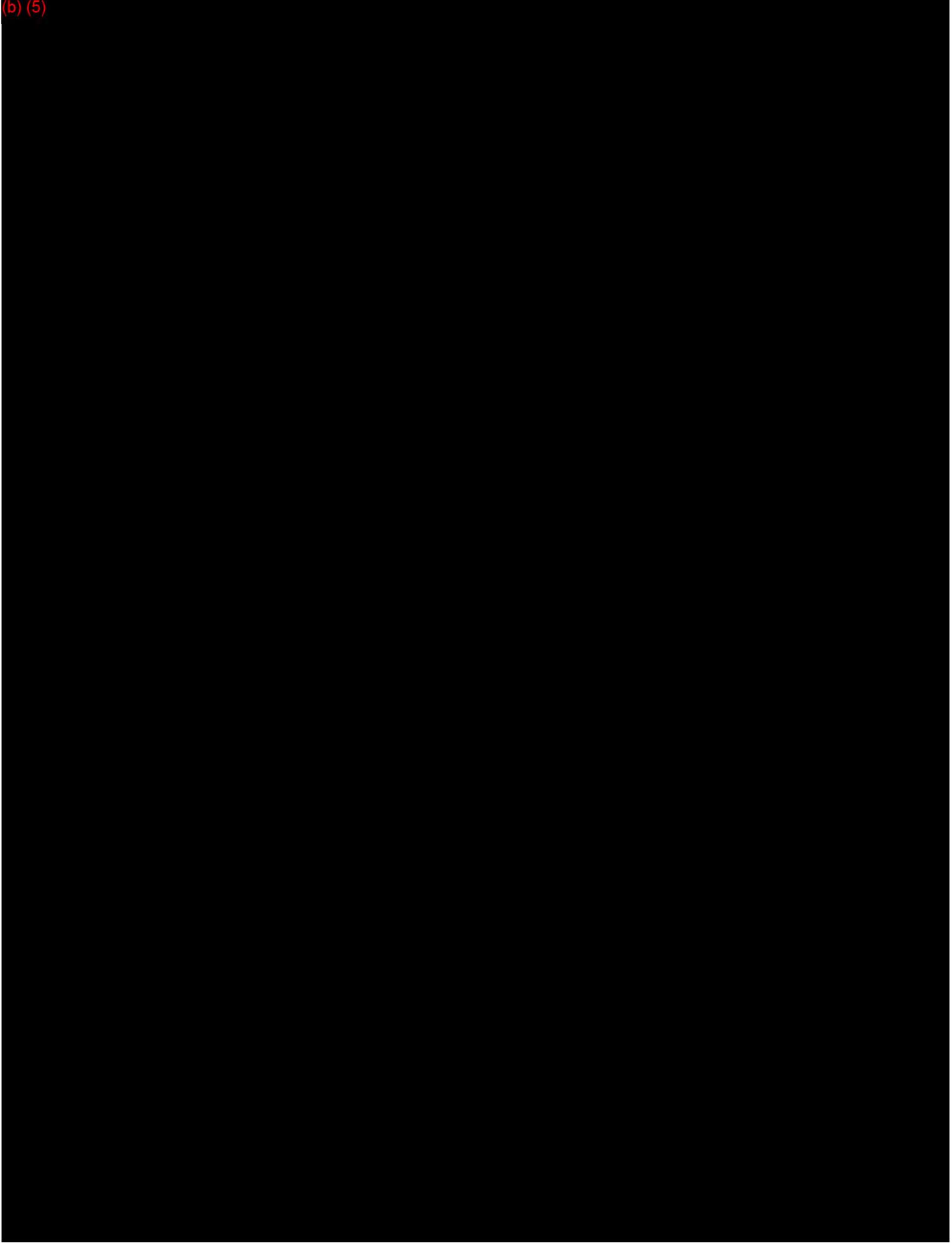
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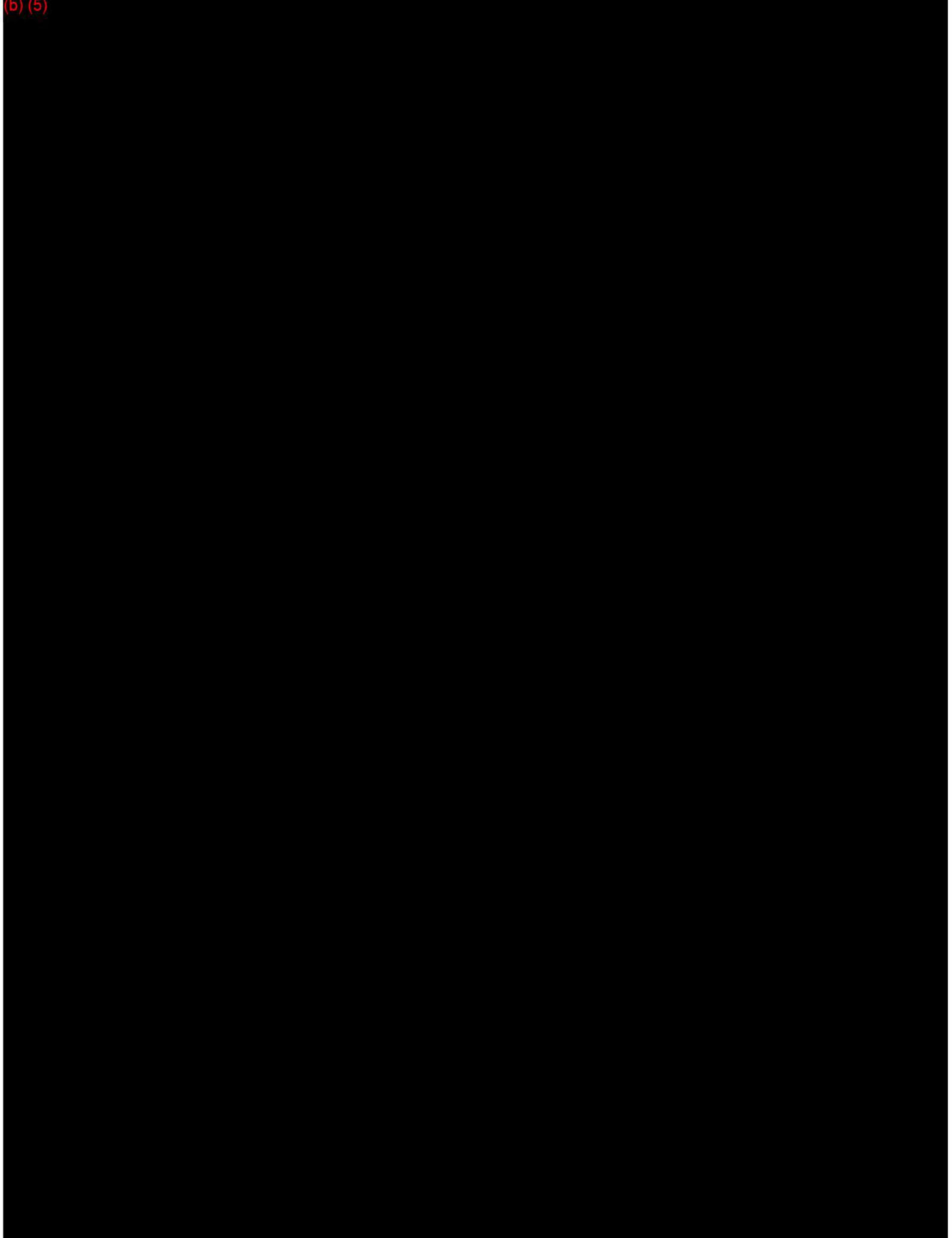
Respectfully,

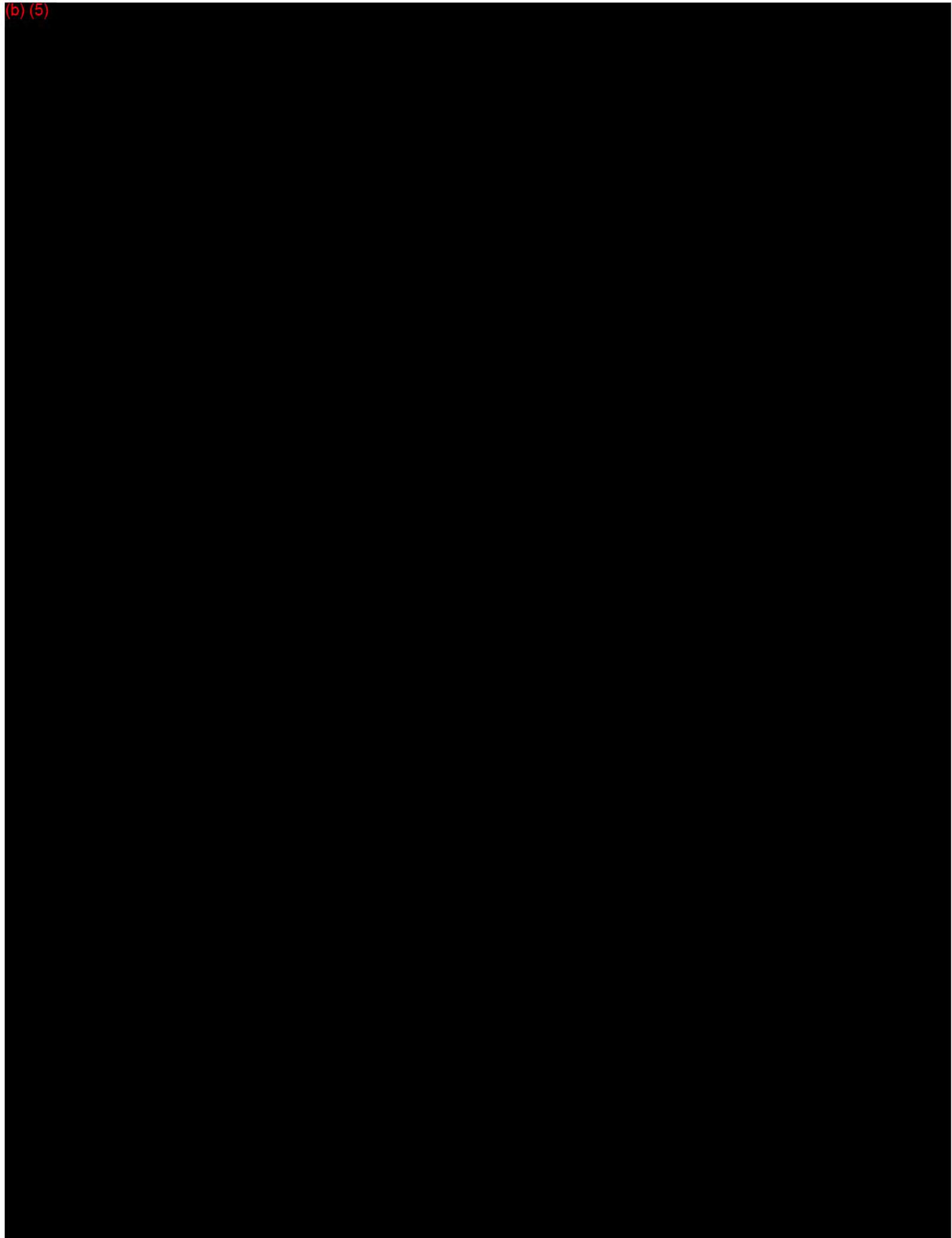
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

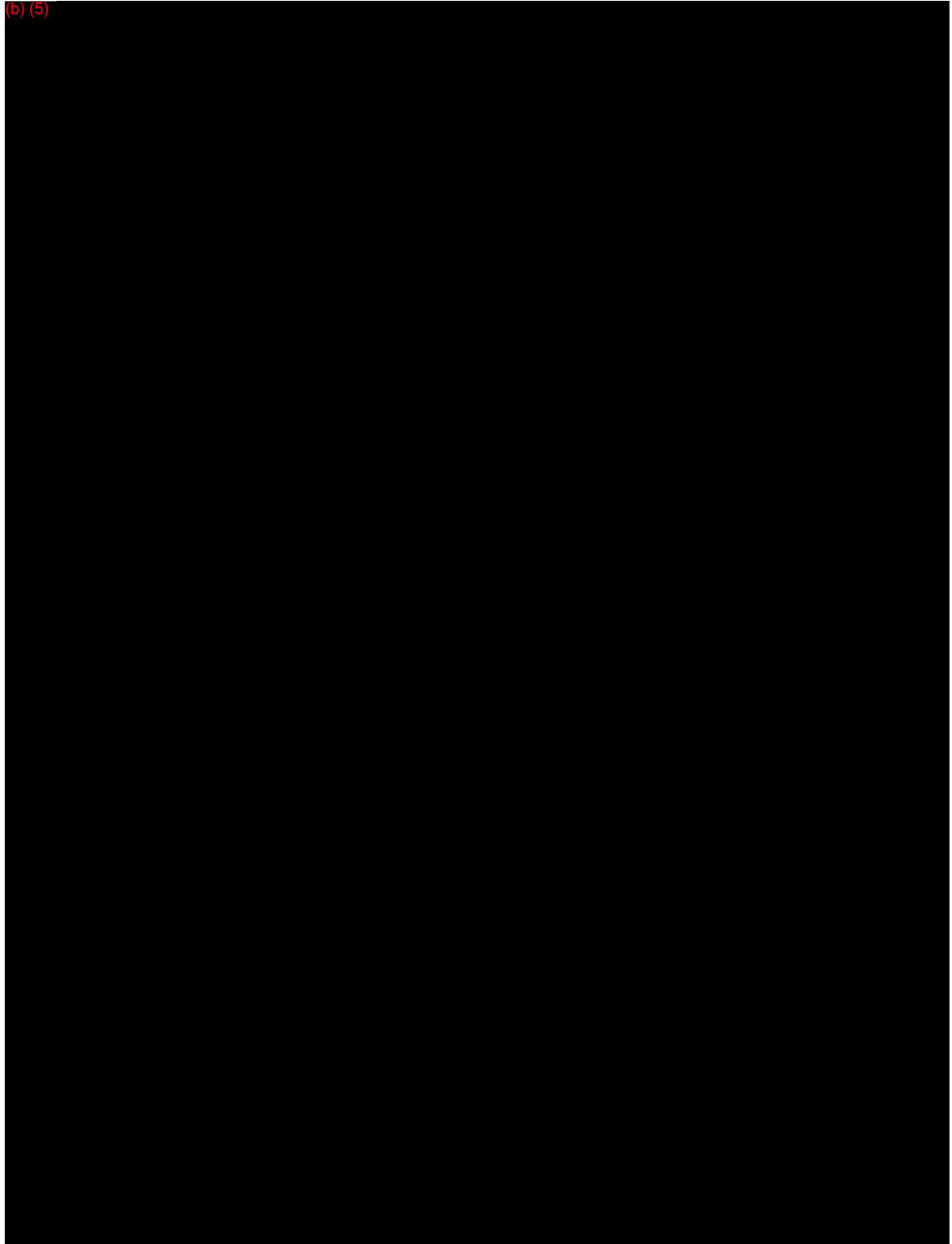


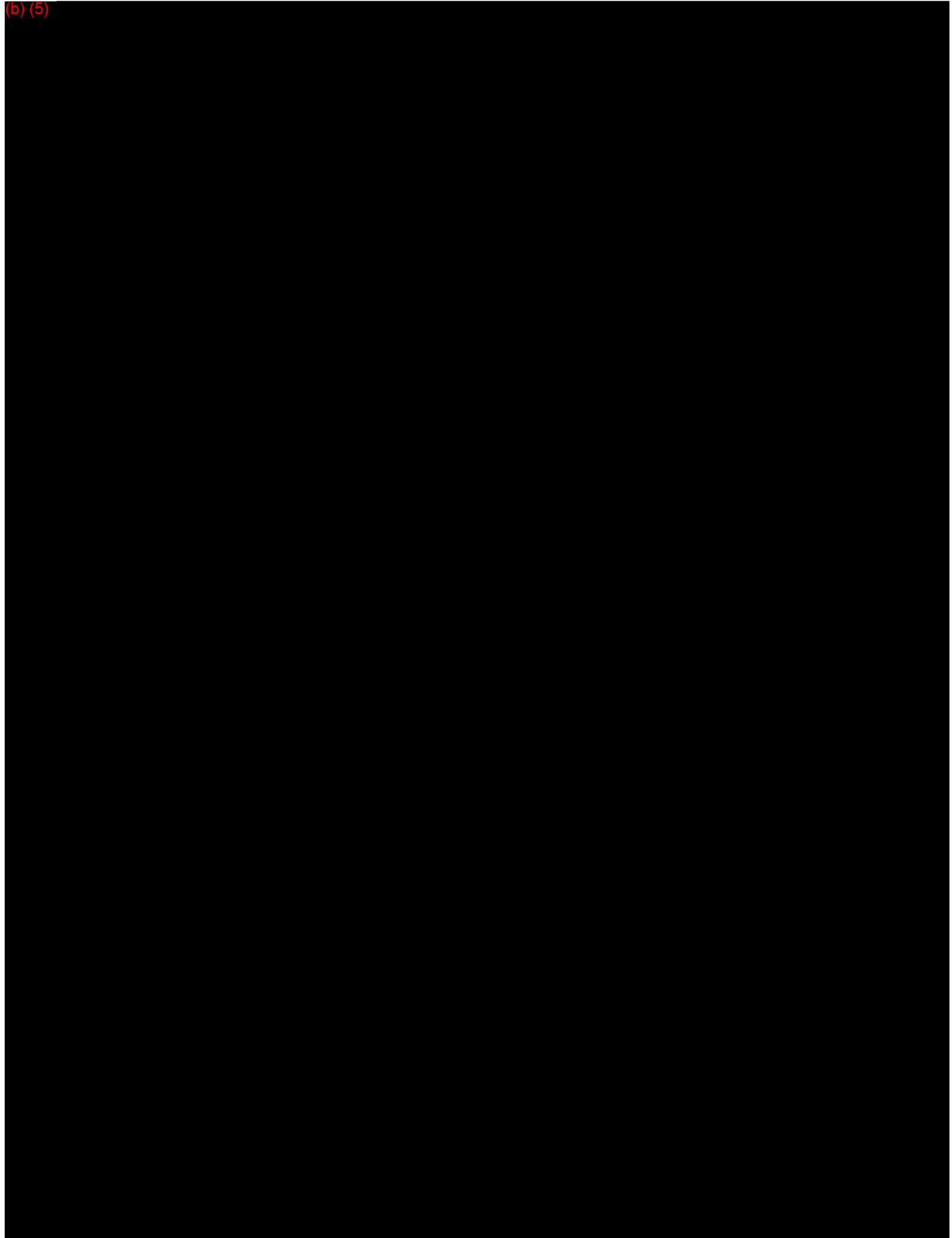


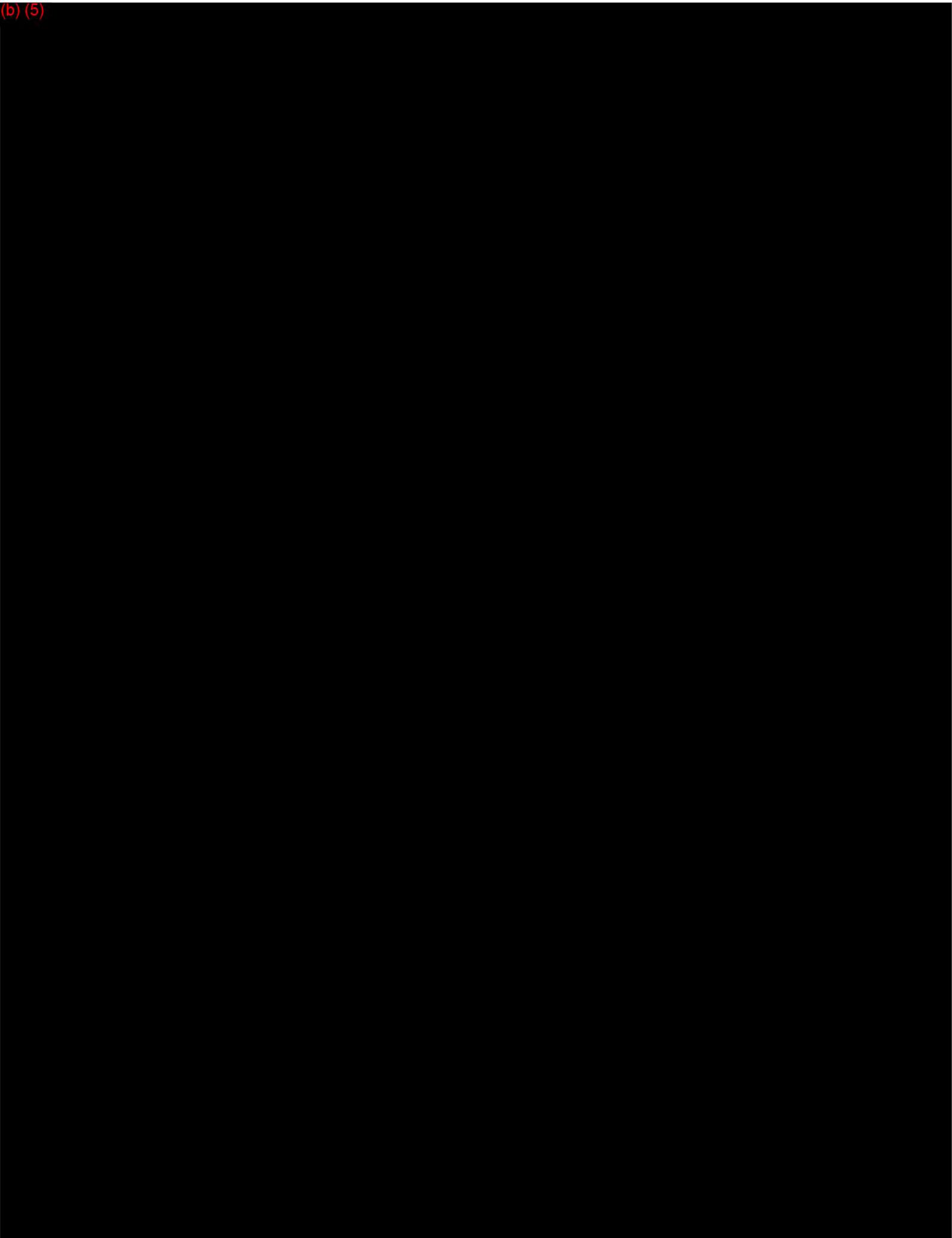


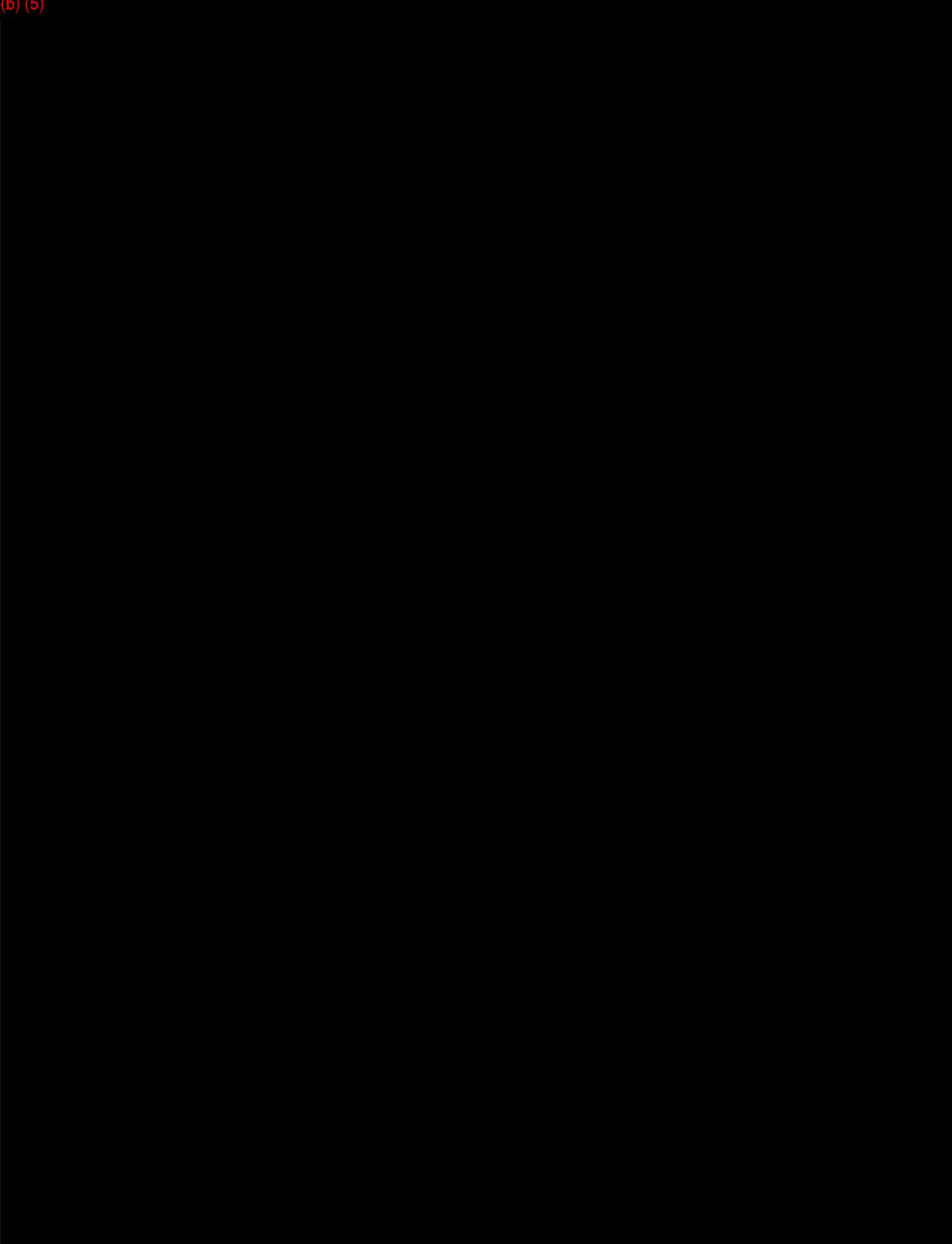












## RE: Revised ANPR

---

**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>

**Date:** Wed, 04 Apr 2018 10:56:32 -0400

**Attachments:** FR Notice for ANPRM - 3-30-2018 YM.docx (58.17 kB)

My comments are attached. Since the incoming version removed the author ID from tracked changes, my comments can be identified by comparing the documents.

**From:** Boling, Ted A. EOP/CEQ

**Sent:** Tuesday, April 3, 2018 10:06 AM

**To:** Drummond, Michael R. EOP/CEQ <(b) (6)> Mansoor, Yardena M. EOP/CEQ <(b) (6)>

**Subject:** FW: Revised ANPR

This is CLOSE HOLD for your review/comment

**From:** Loyola, Mario A. EOP/CEQ

**Sent:** Monday, April 2, 2018 1:54 PM

**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>

**Subject:** Revised ANPR

Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

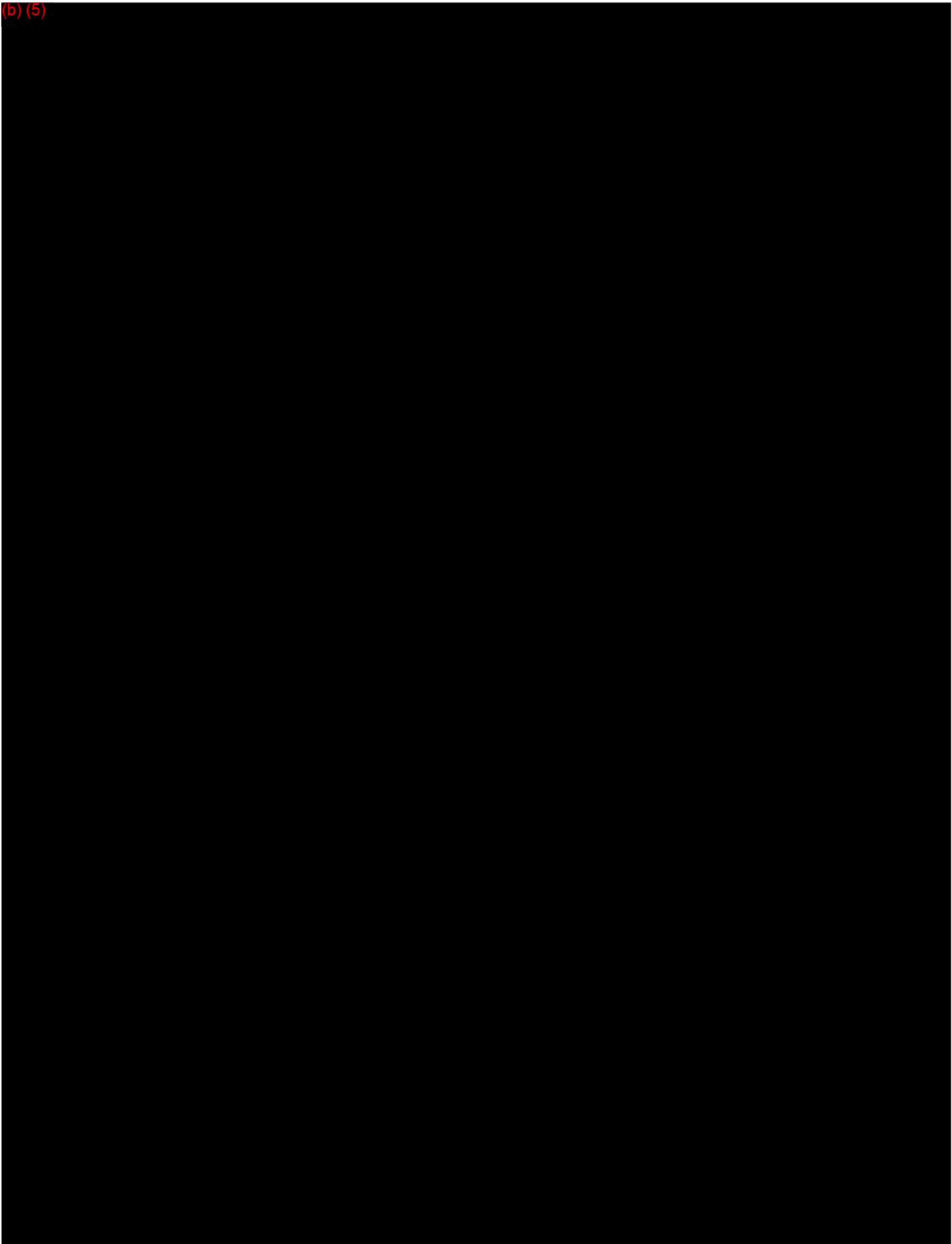
Respectfully,

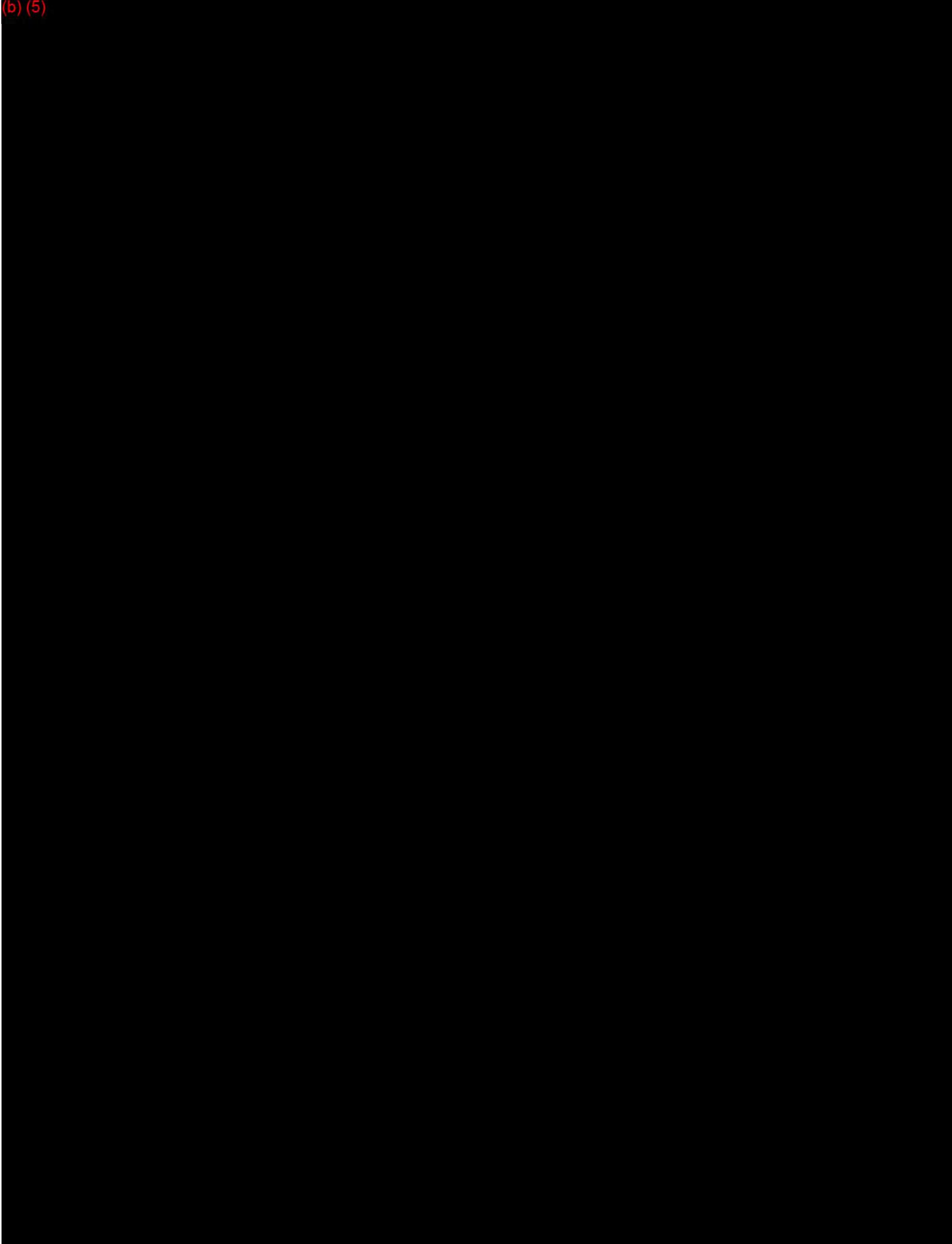
Mario Loyola

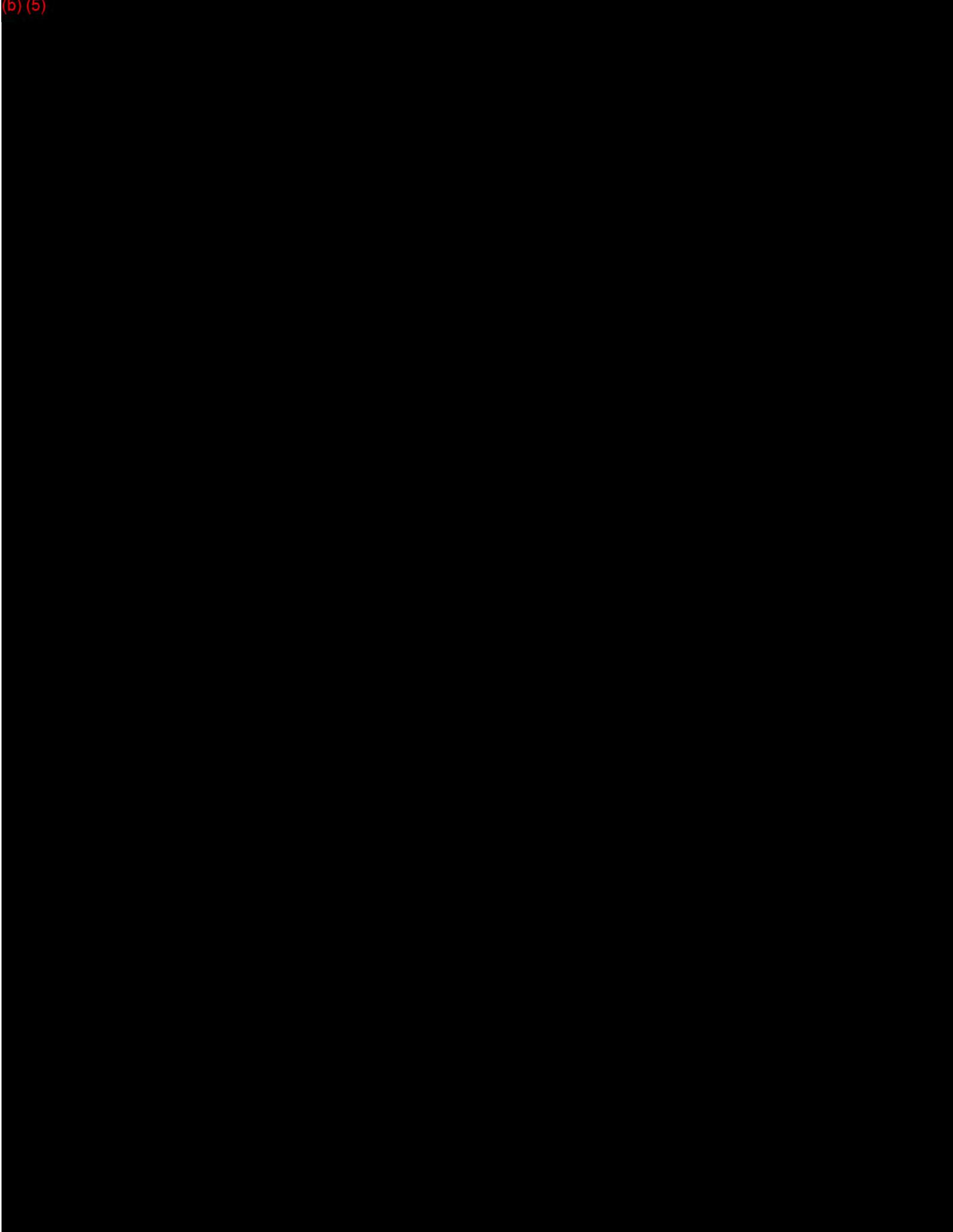
Associate Director, Regulatory Reform

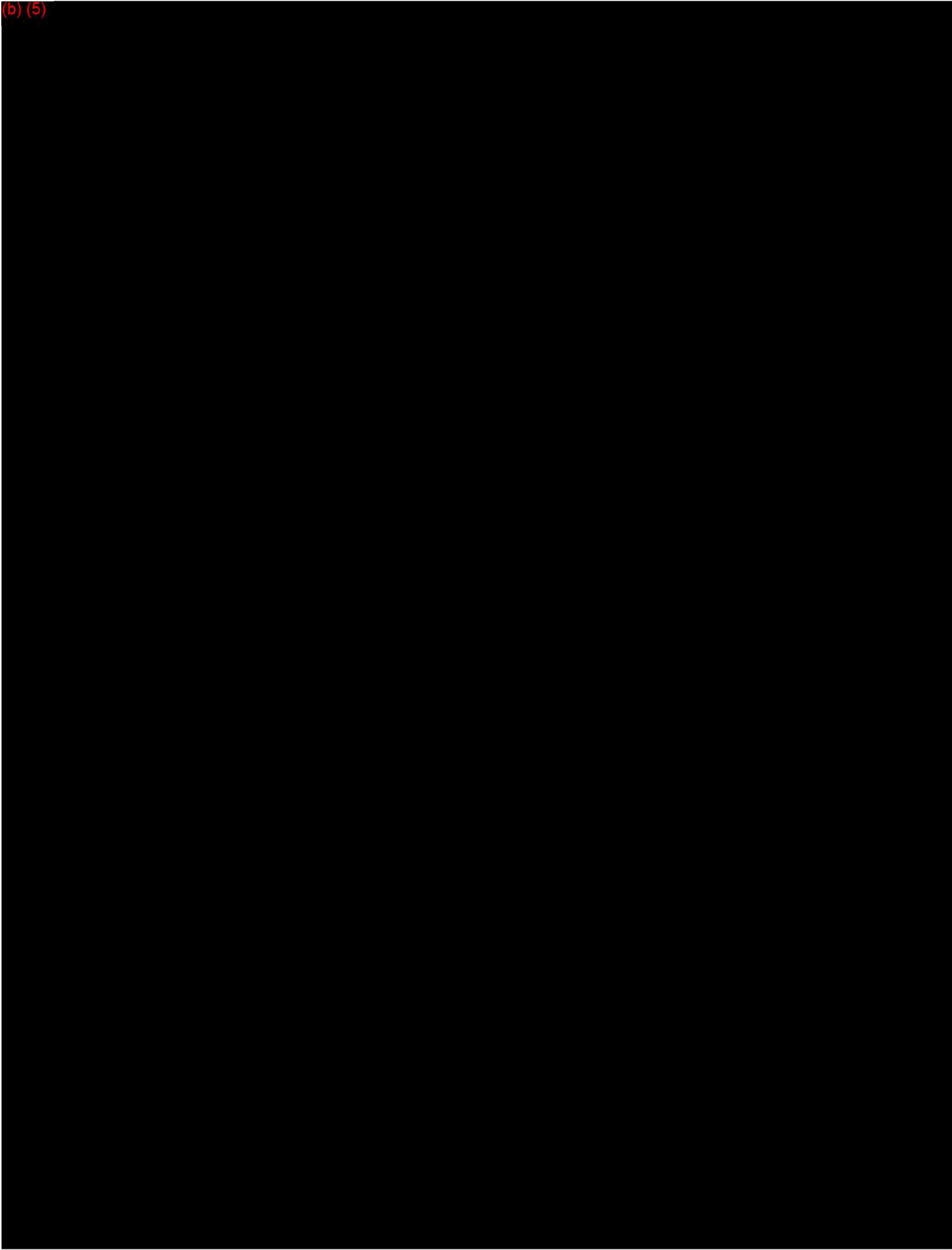
White House Council on Environmental Quality

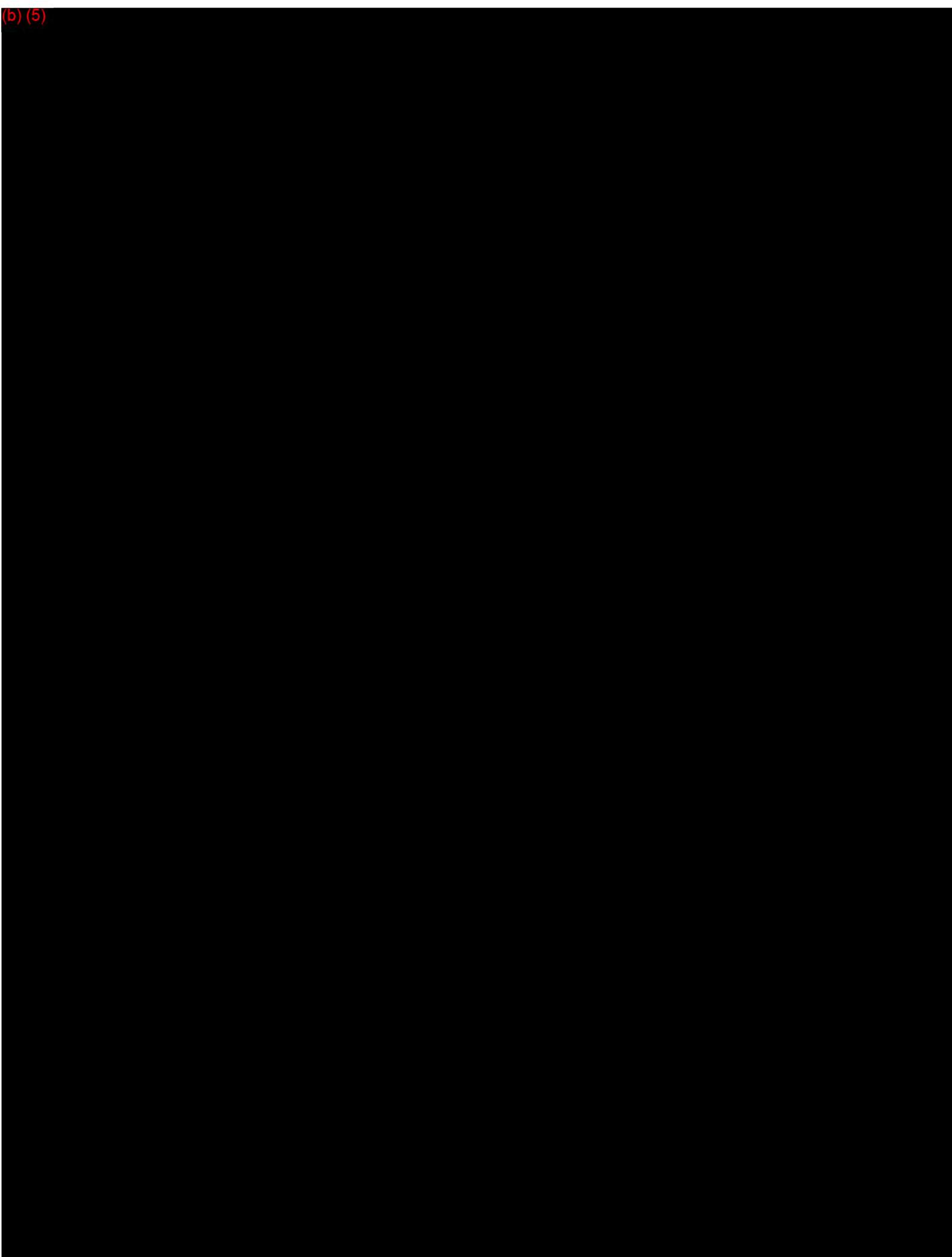
(o) (b) (6) | (c) (b) (6)

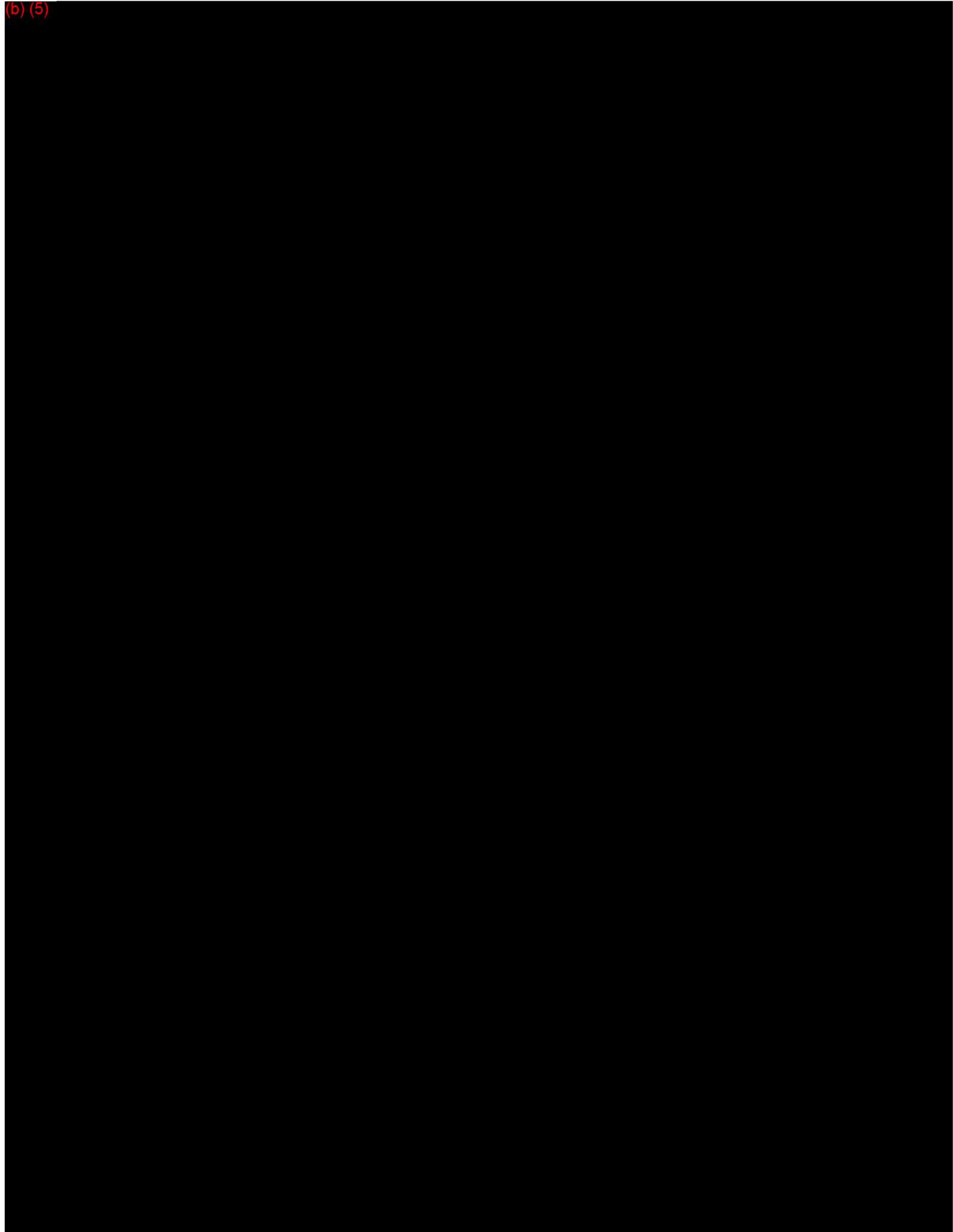


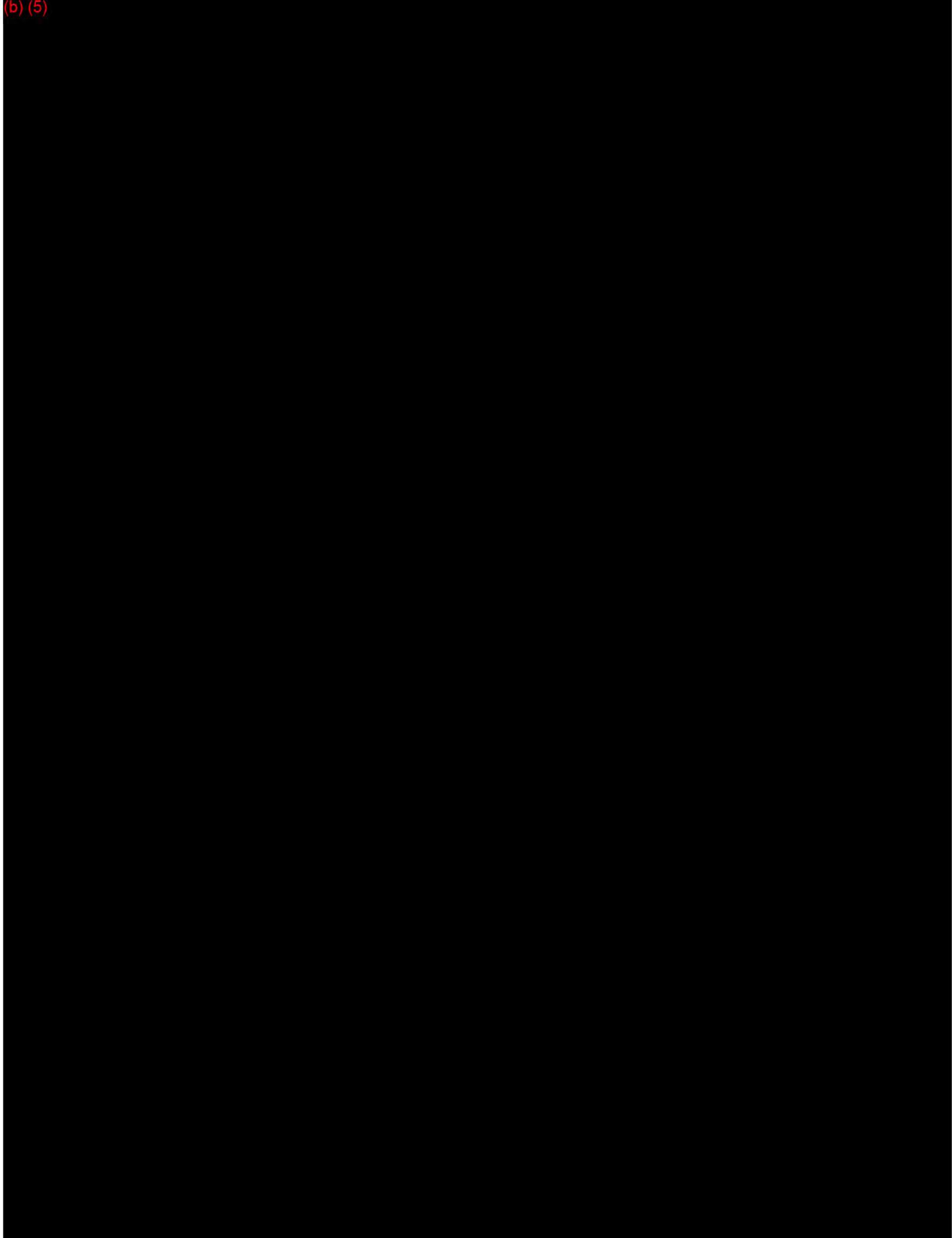


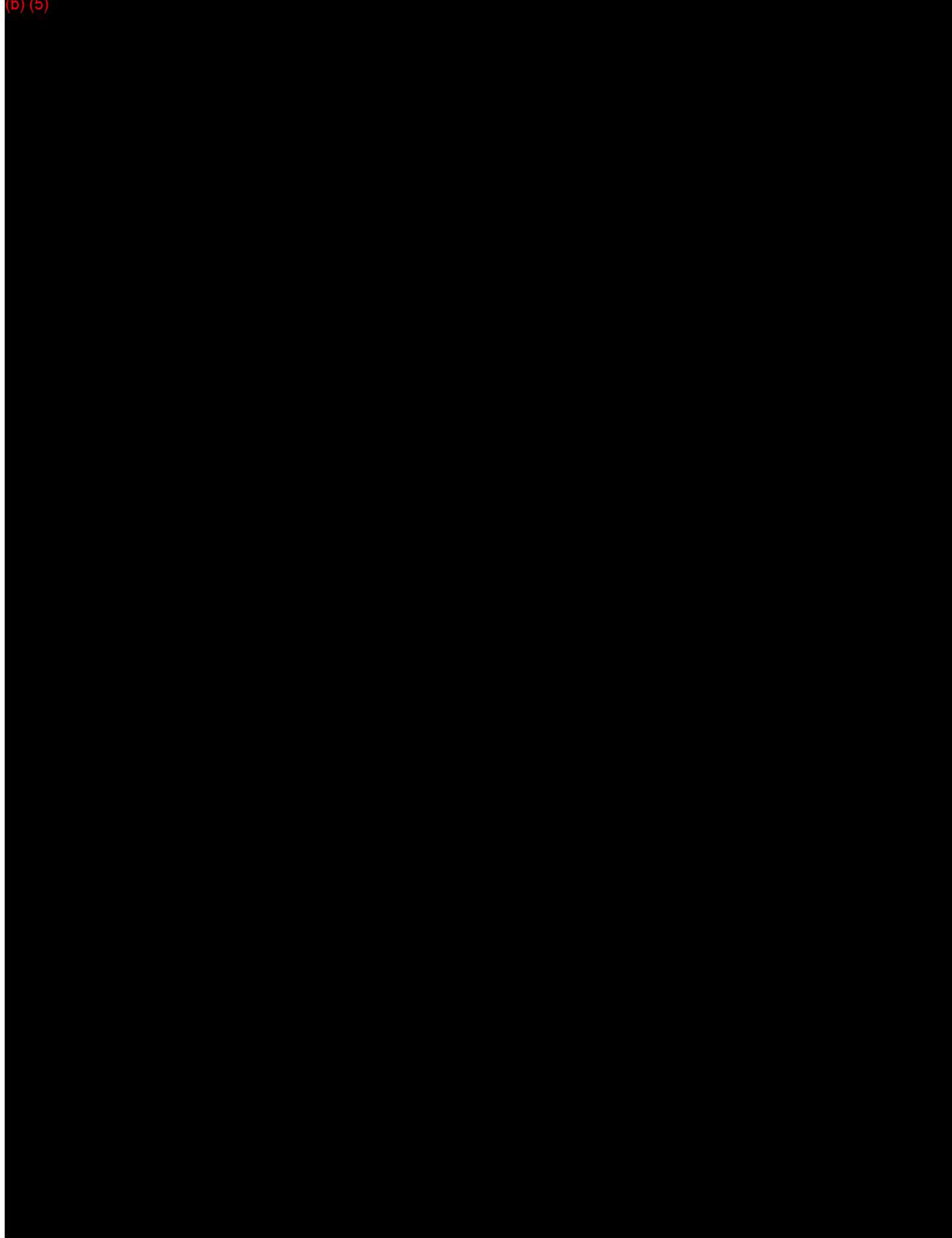


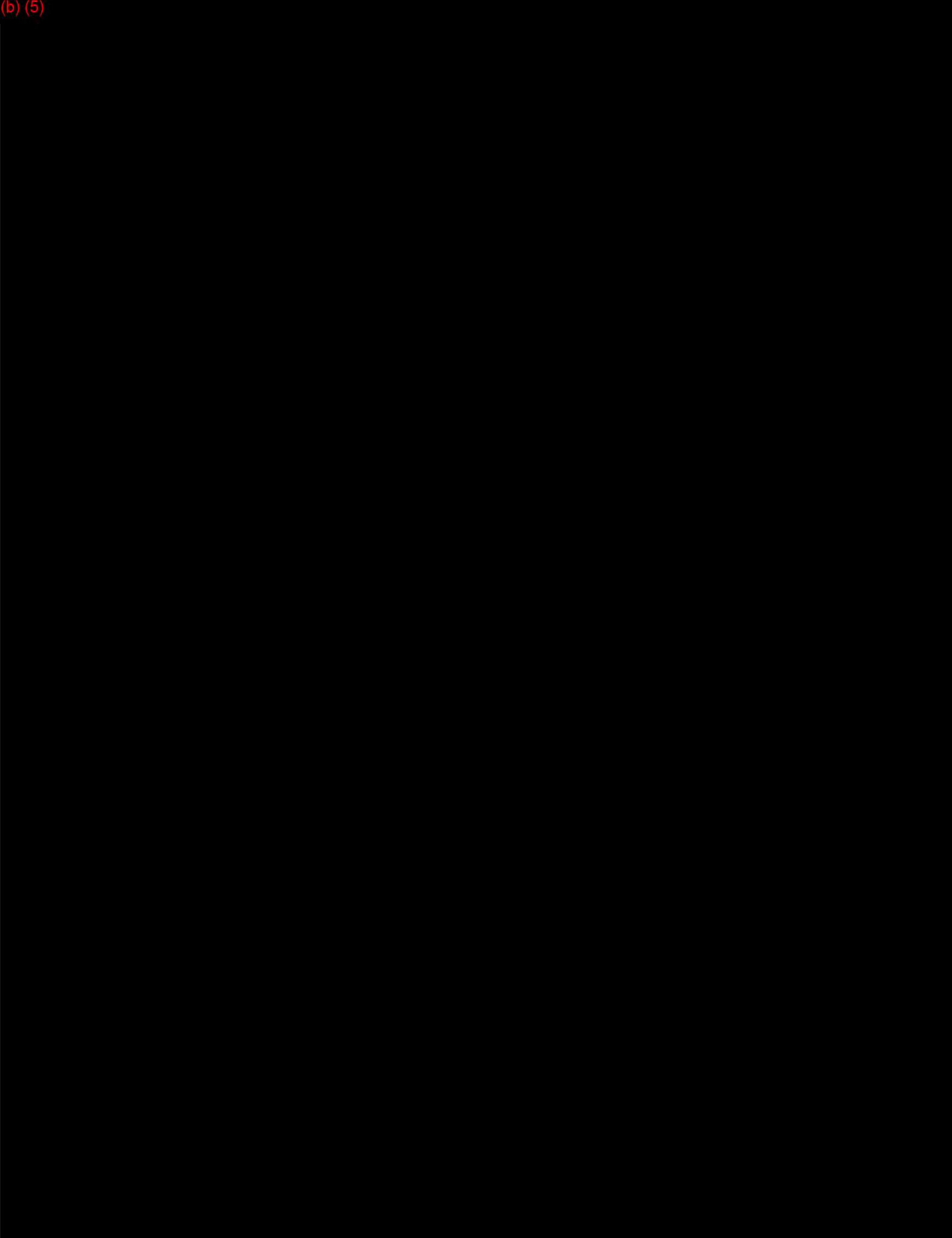












## RE: Revised ANPR

---

**From:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**To:** "Loyola, Mario A. EOP/CEQ" (b) (6) "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Cc:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 05 Apr 2018 09:17:01 -0400  
**Attachments:** FR Notice for ANPRM - 3-30-2018 YM MN TB.docx (58.5 KB)

Attached are edits from Mary and the NEPA Team. The tracking of changes is attributed to one "author" in this version, but I have hard copies that source the edits.

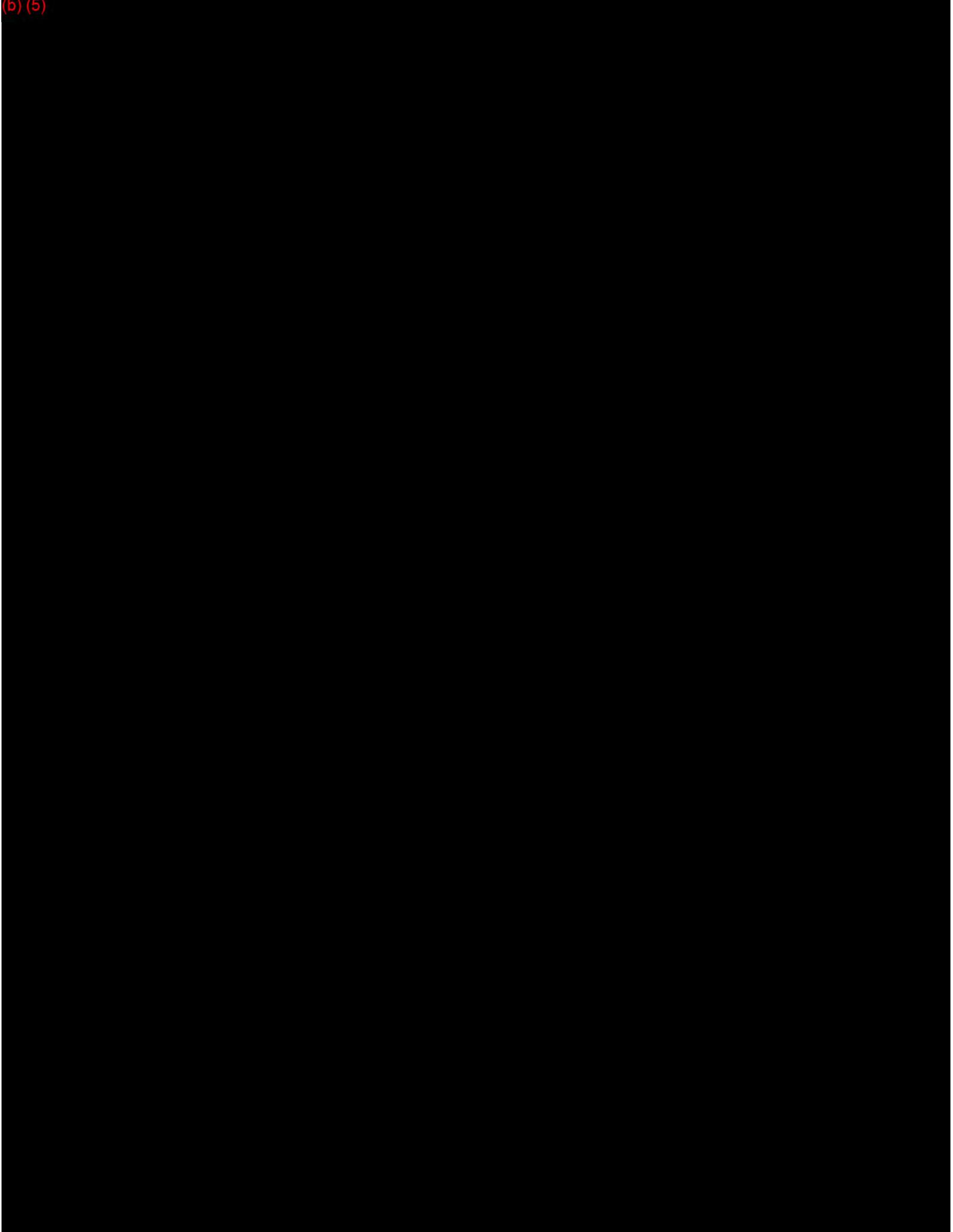
Best,  
Ted

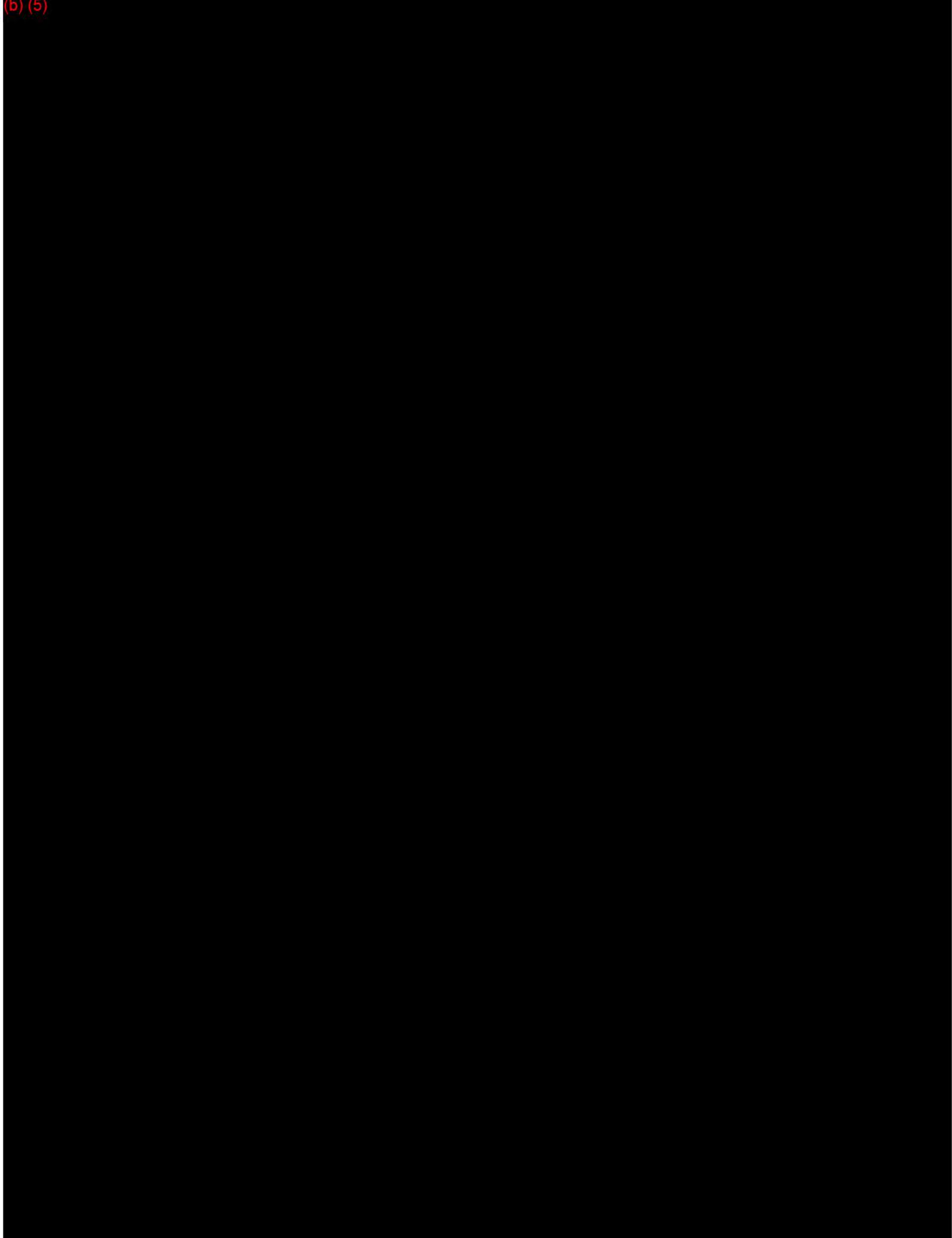
**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Monday, April 2, 2018 1:54 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** Revised ANPR

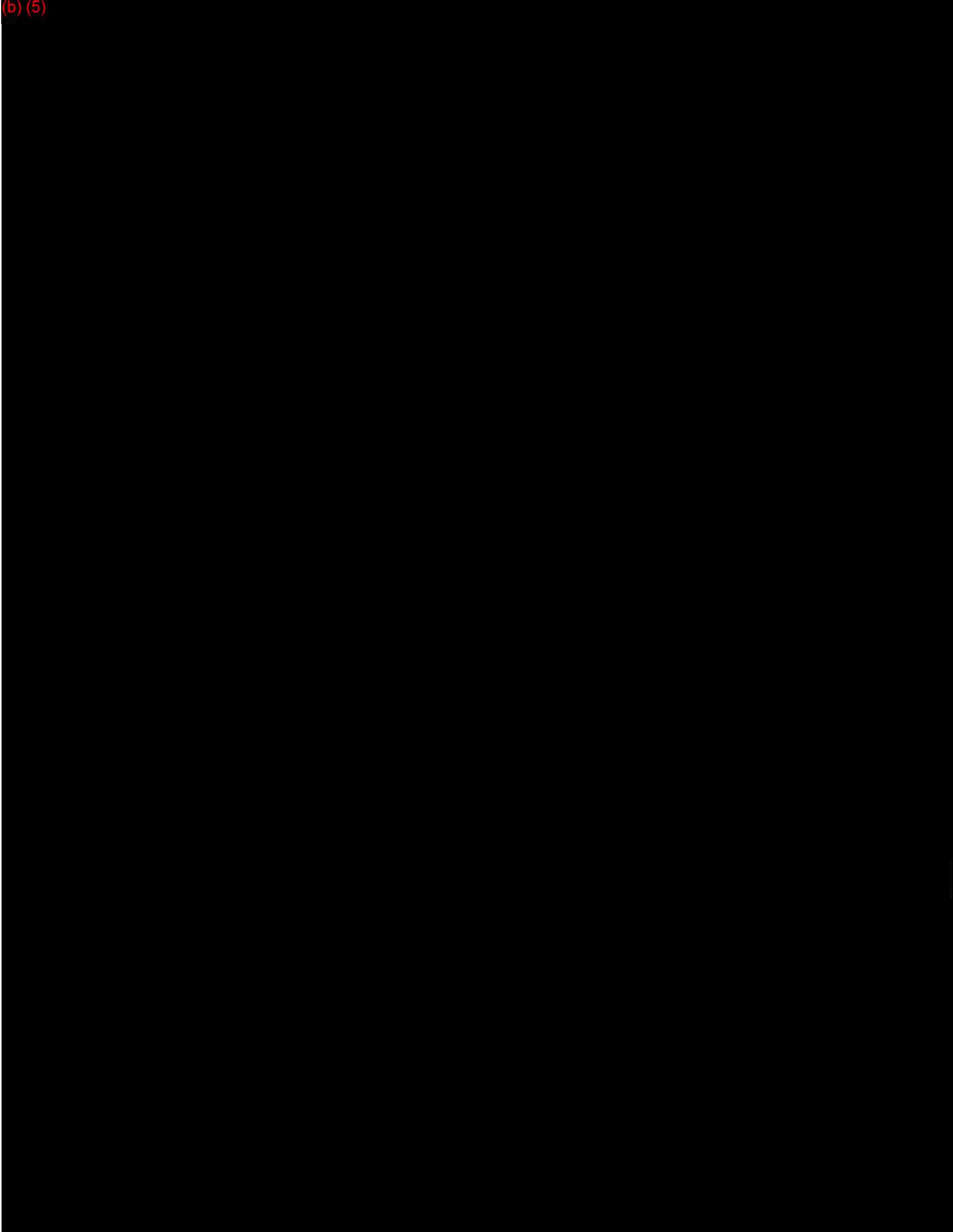
Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

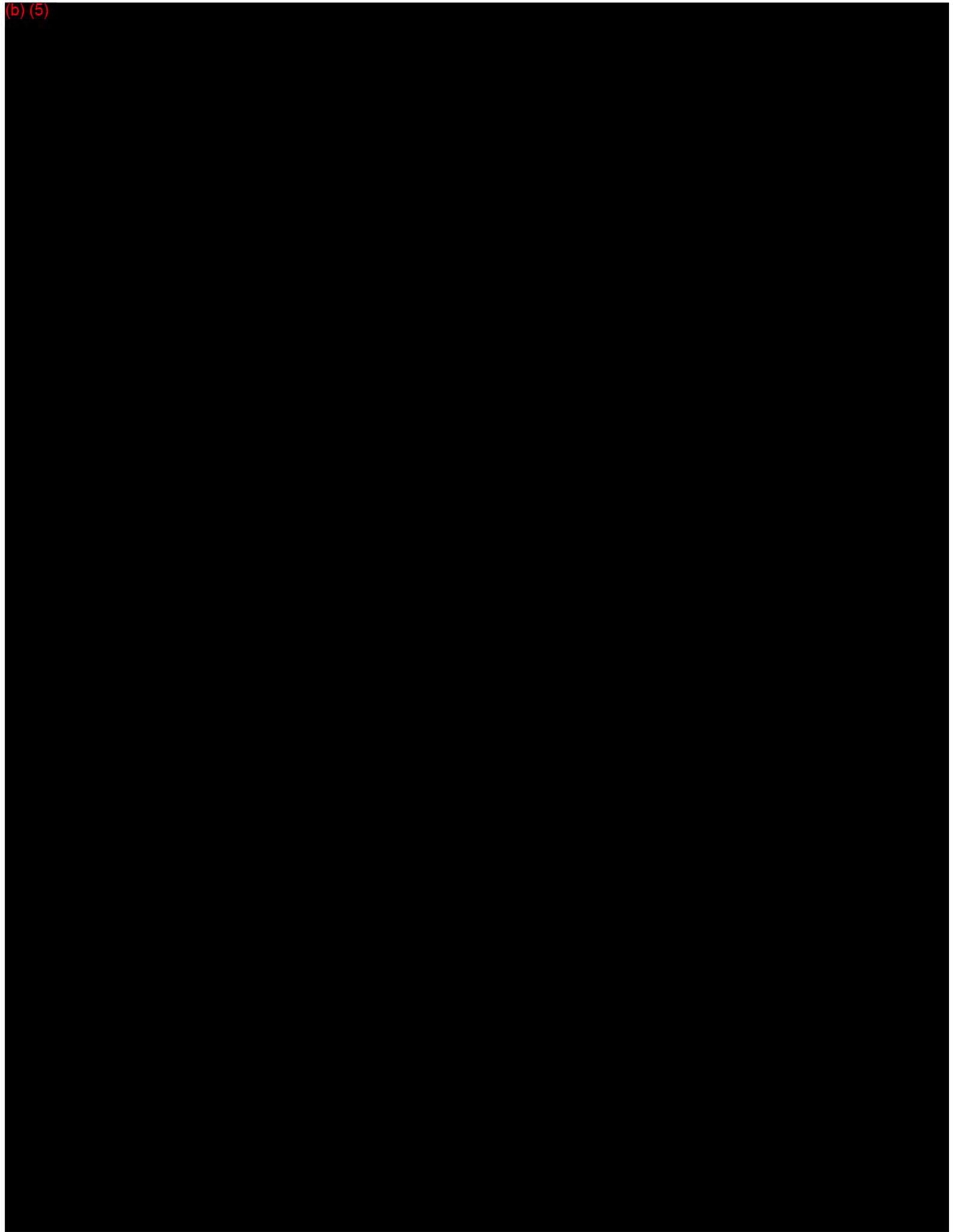
Respectfully,

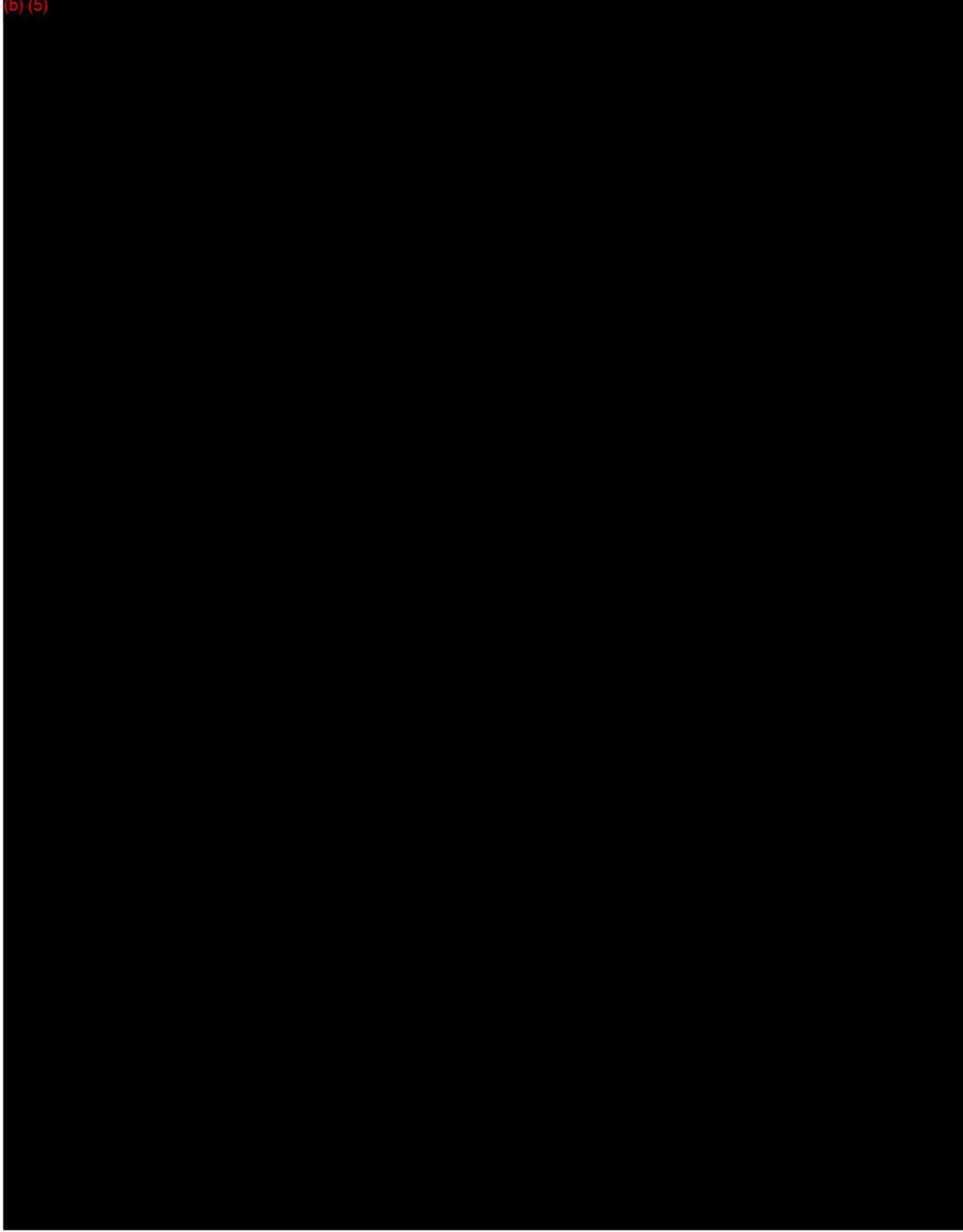
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

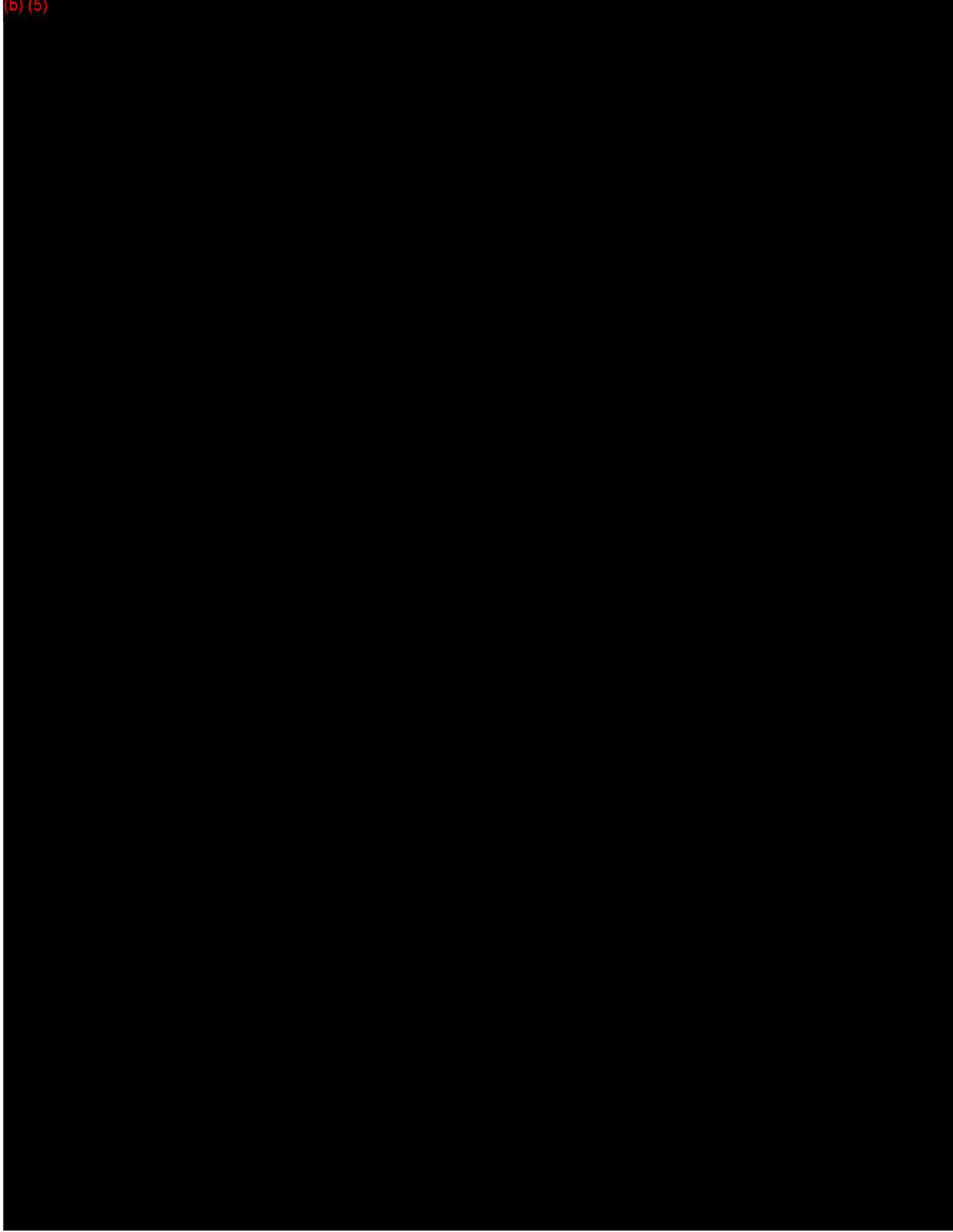


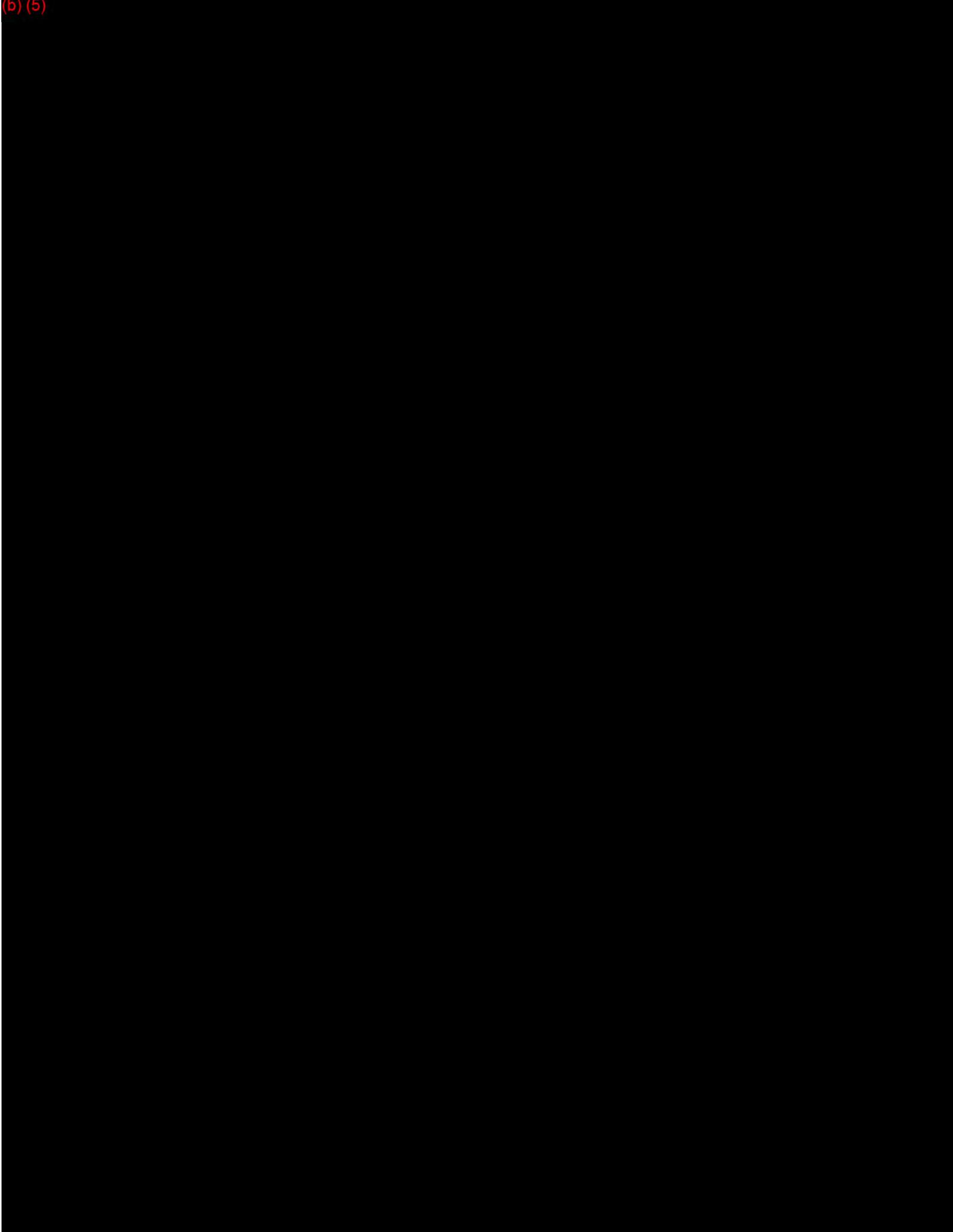


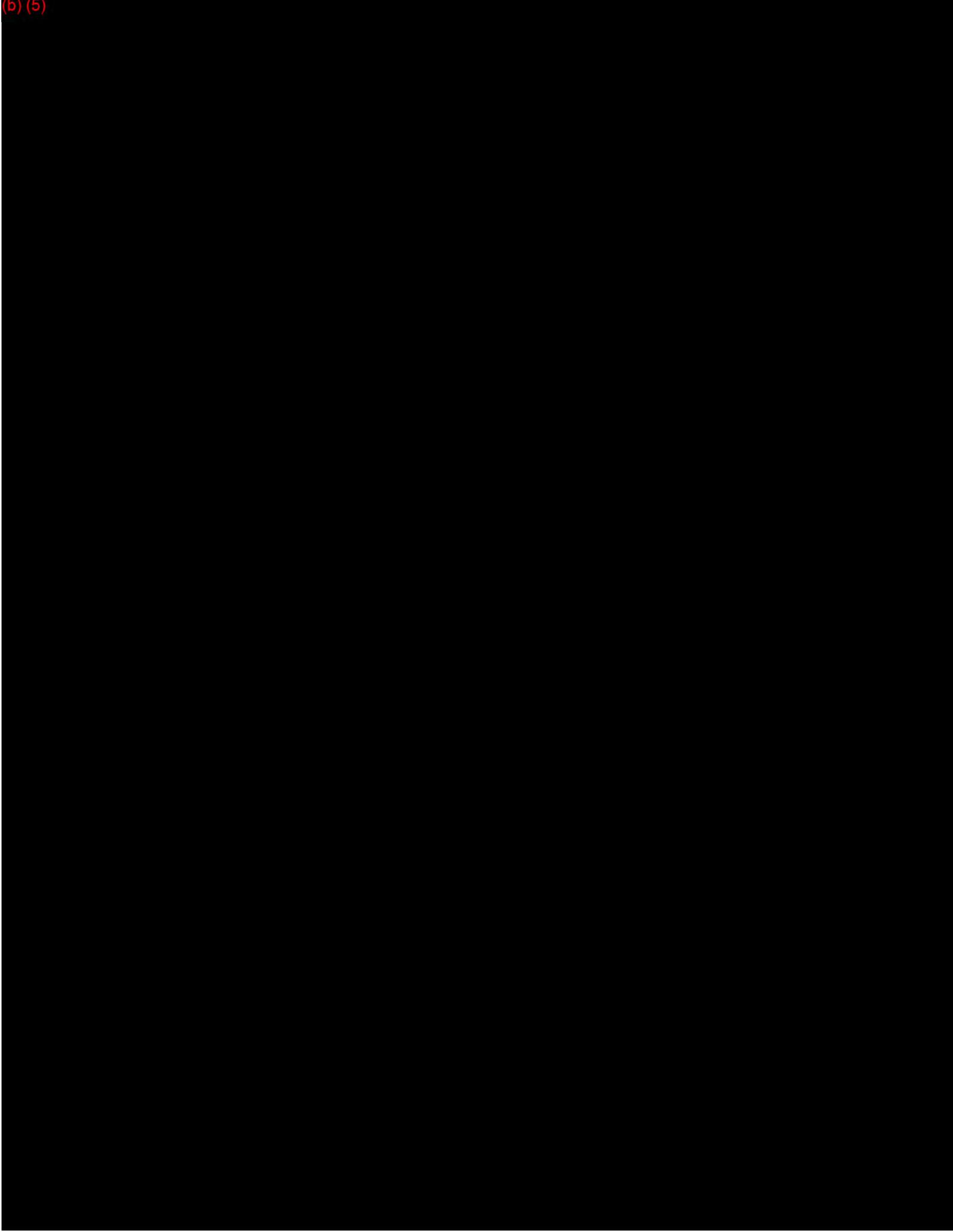












## Draft ANPRM on Update to NEPA Implementing Regs

---

**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Catanzaro, Michael J. EOP/WHO" <(b) (6)> "Moran, John S. EOP/WHO" <(b) (6)>  
**Cc:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 10 Apr 2018 18:58:50 -0400  
**Attachments:** FR Notice for ANPRM - 4-10-2018.docx (53.26 kB)

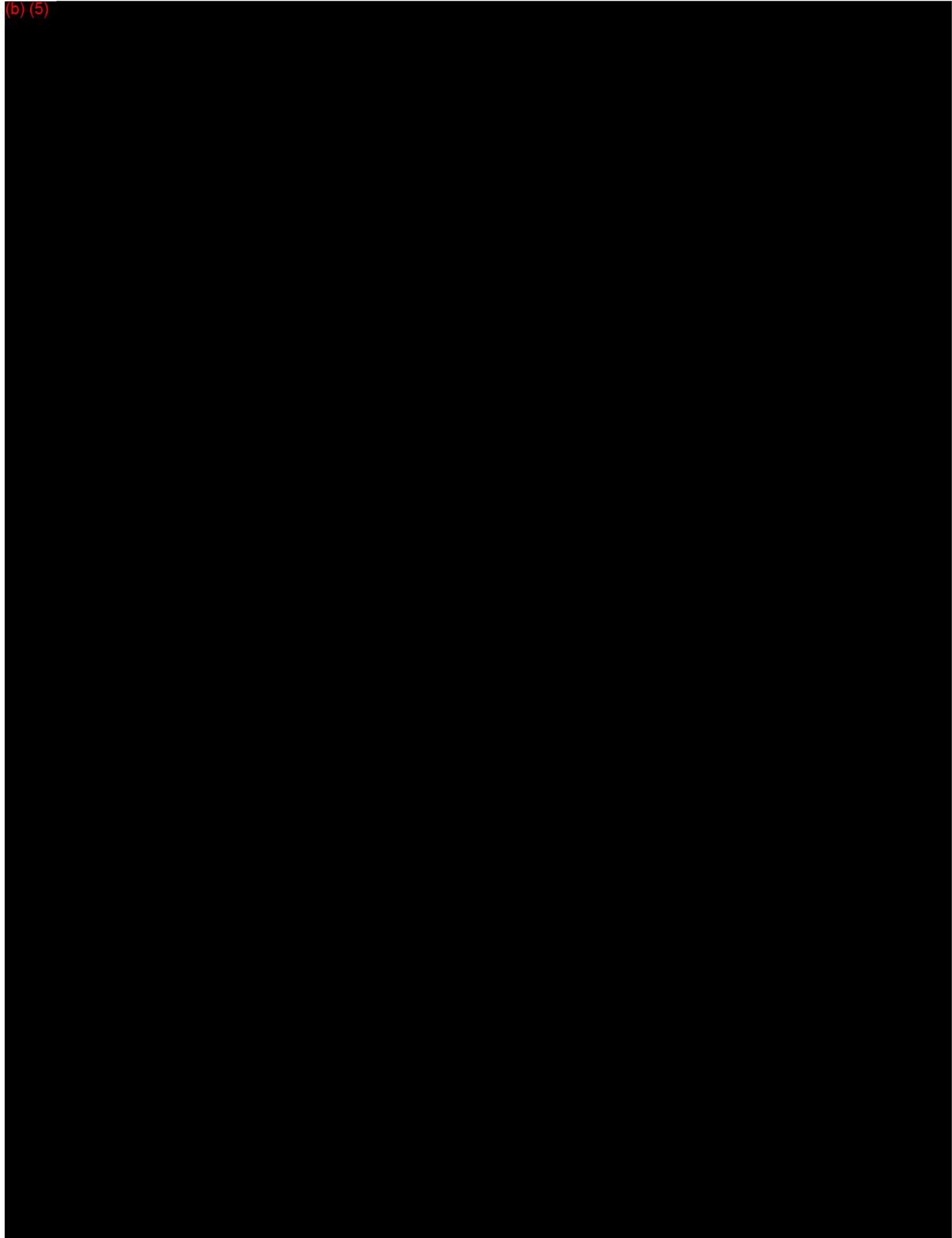
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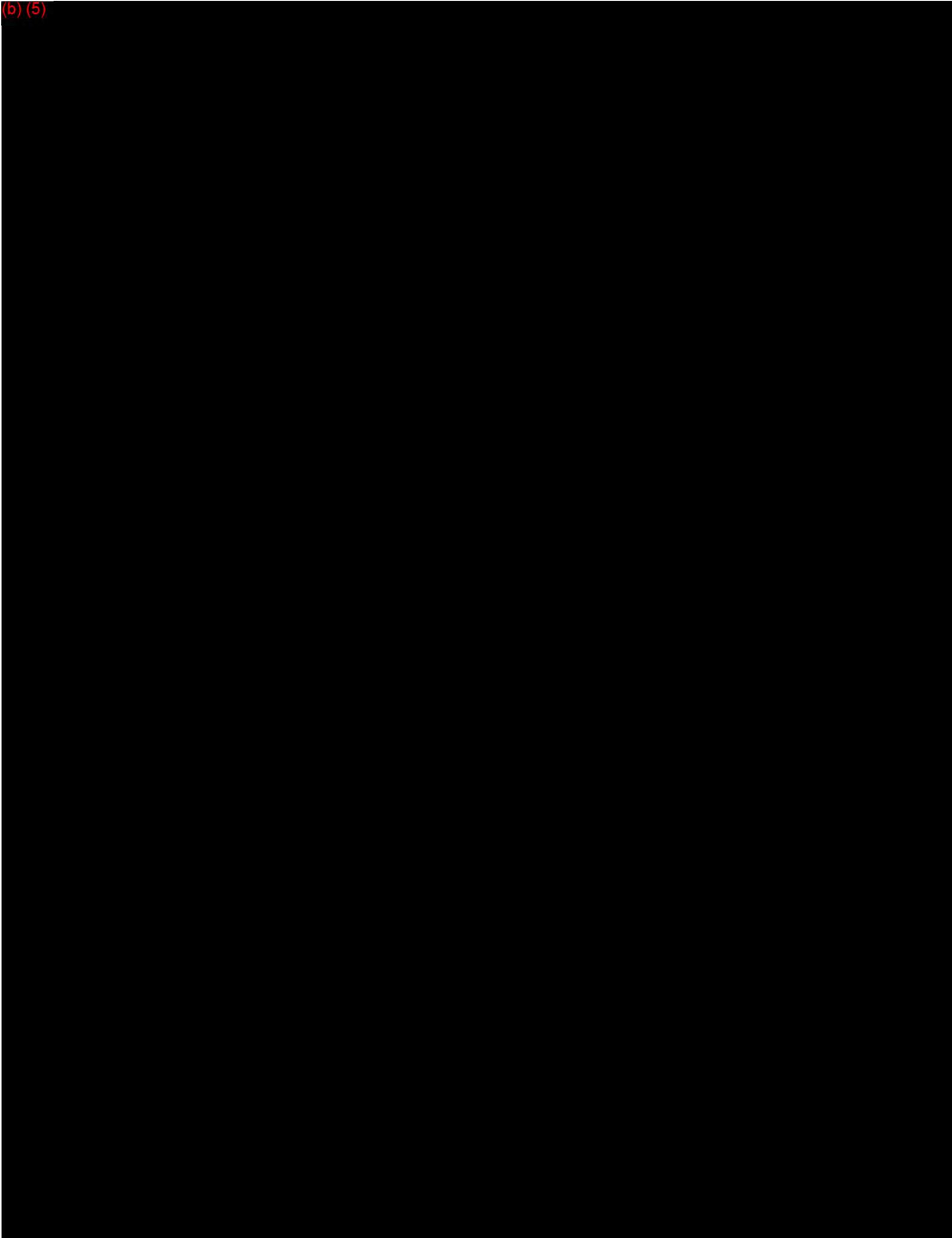
Mike/John:

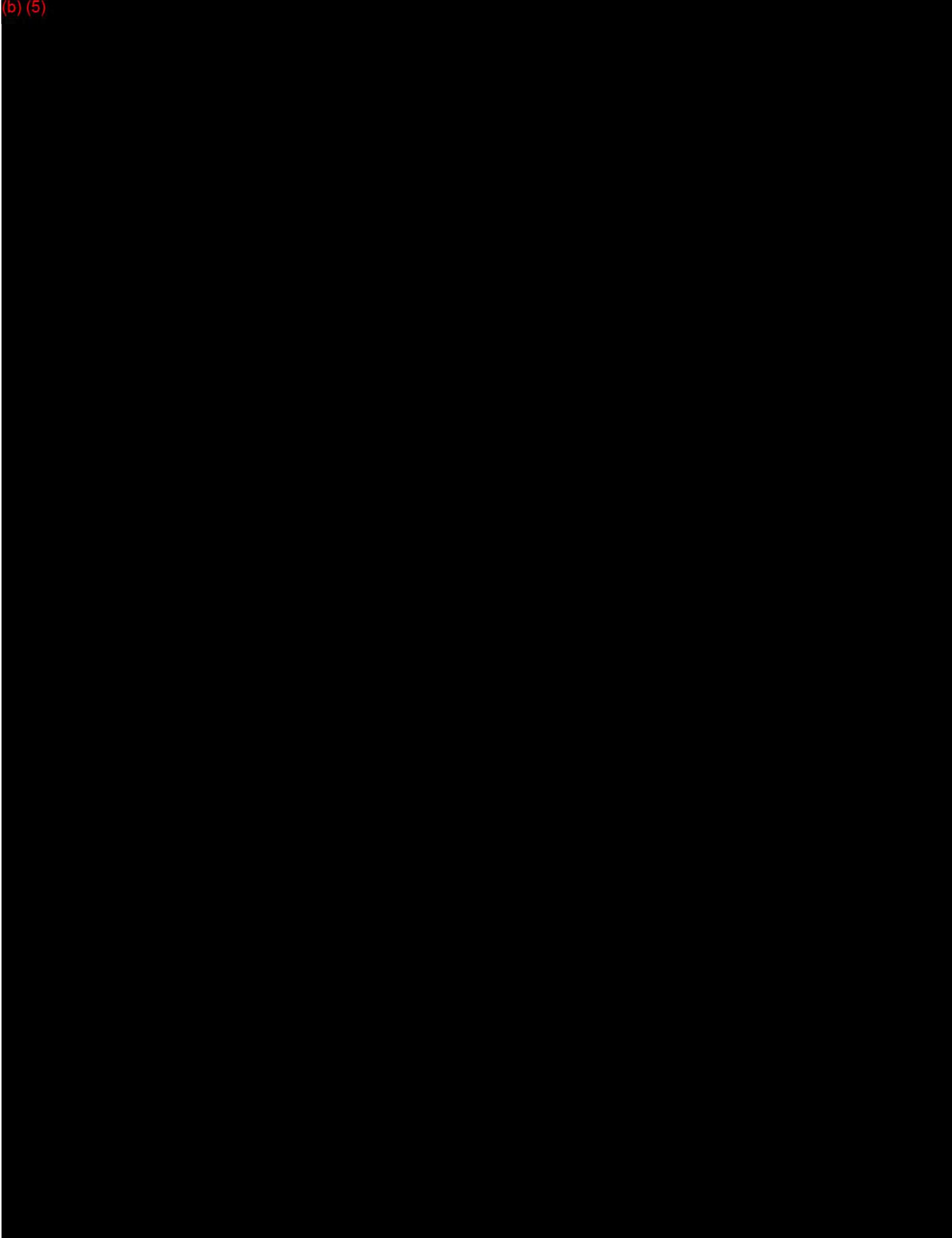
Attached for your review is the current draft ANPRM. Thanks,

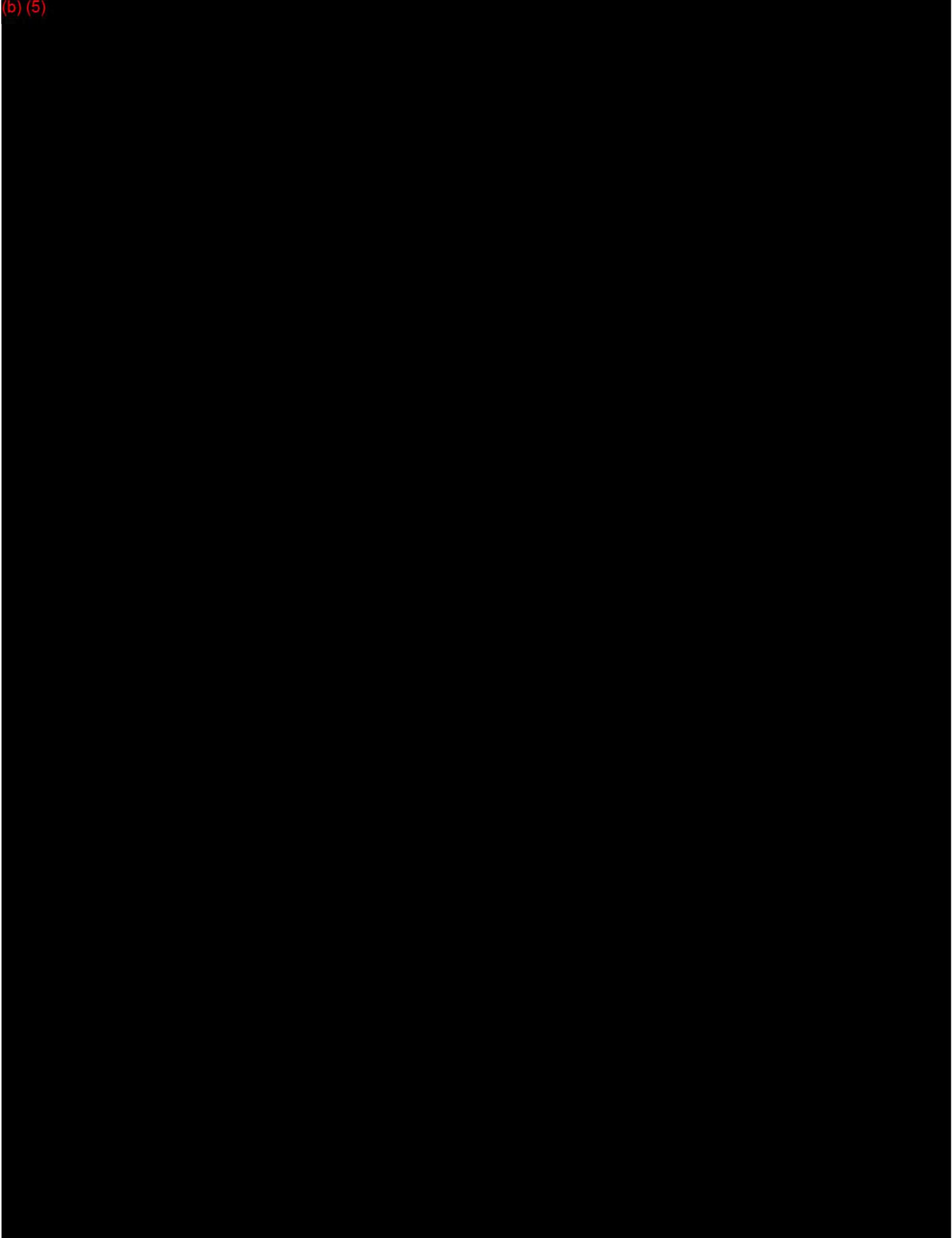
Mary

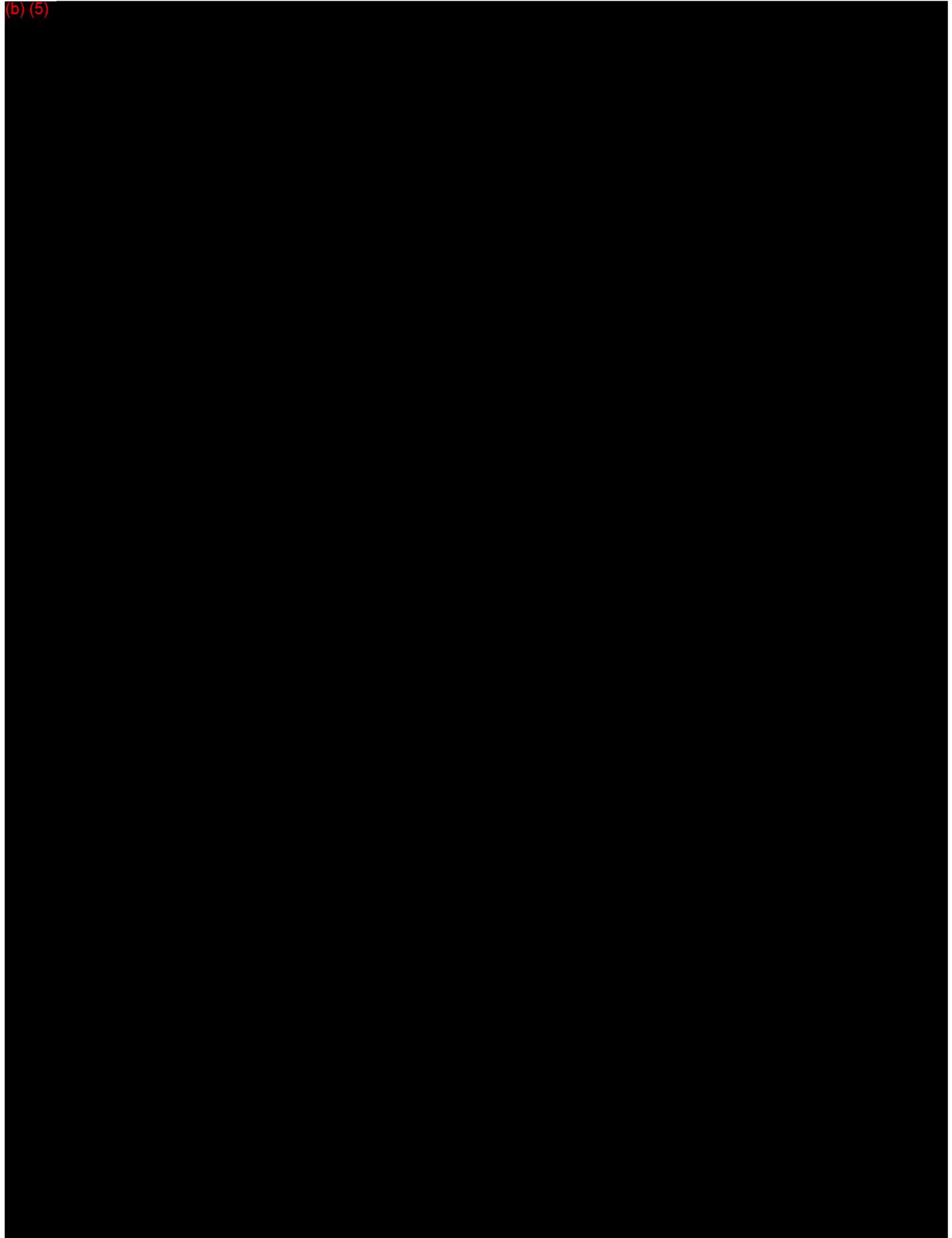
Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

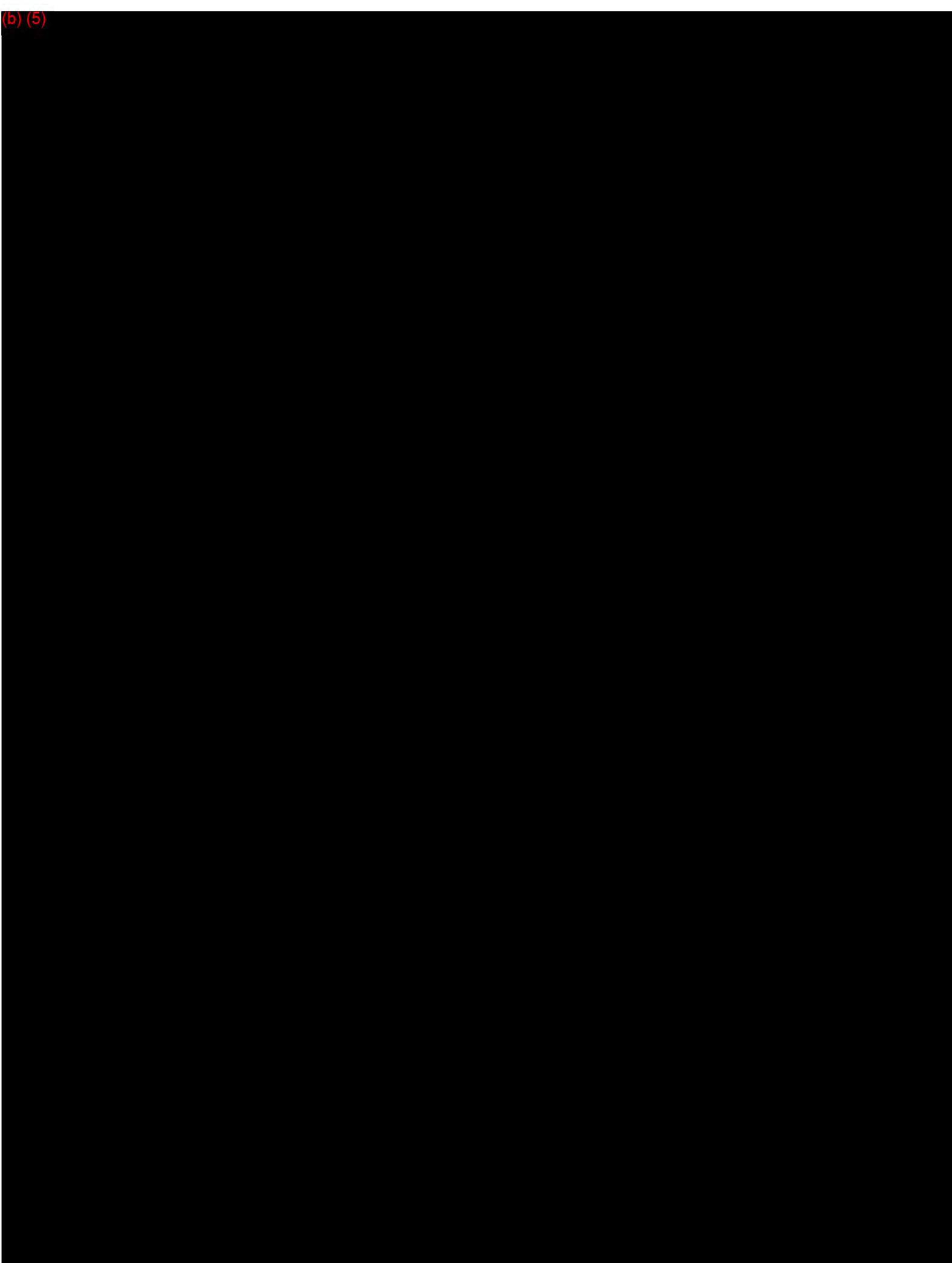


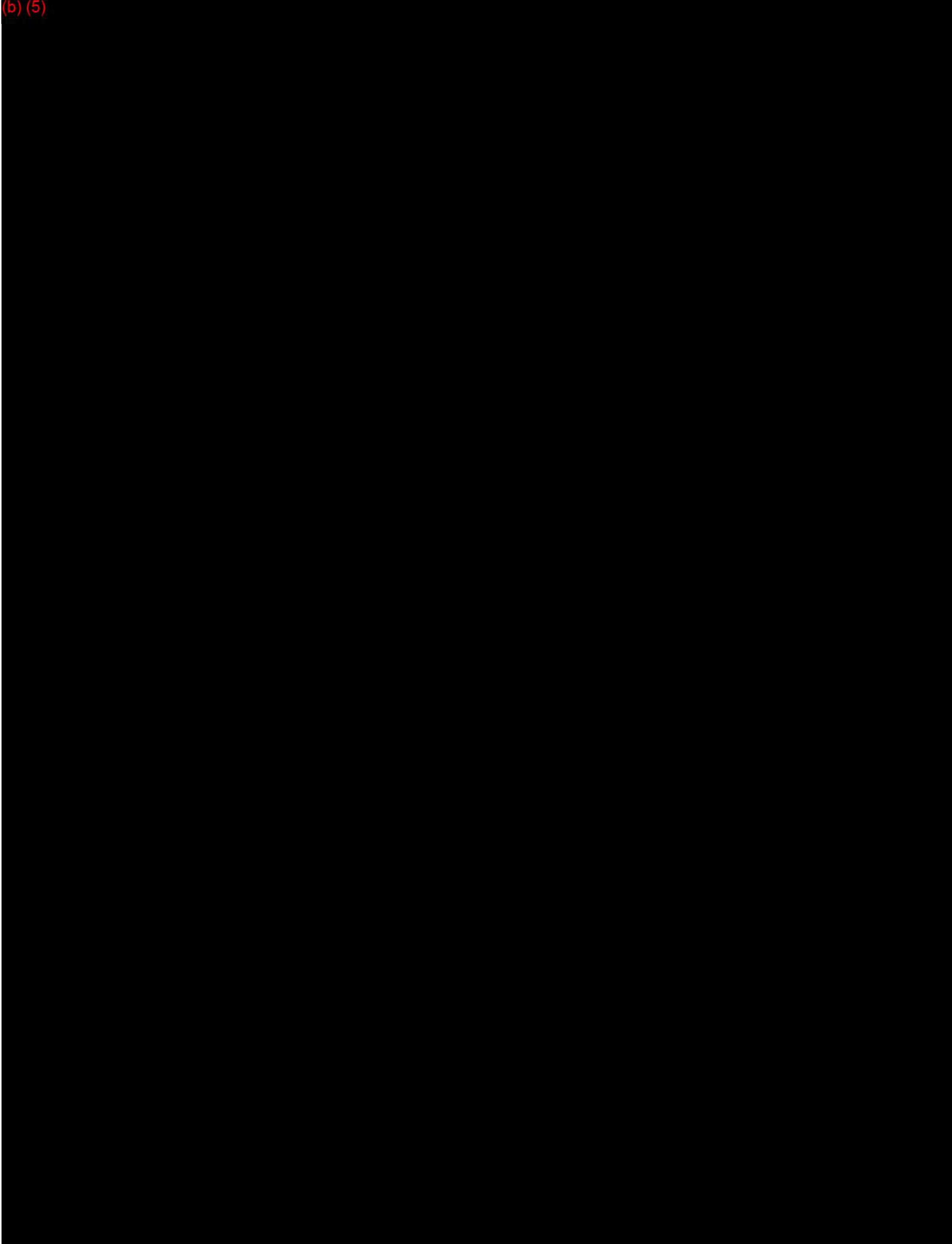


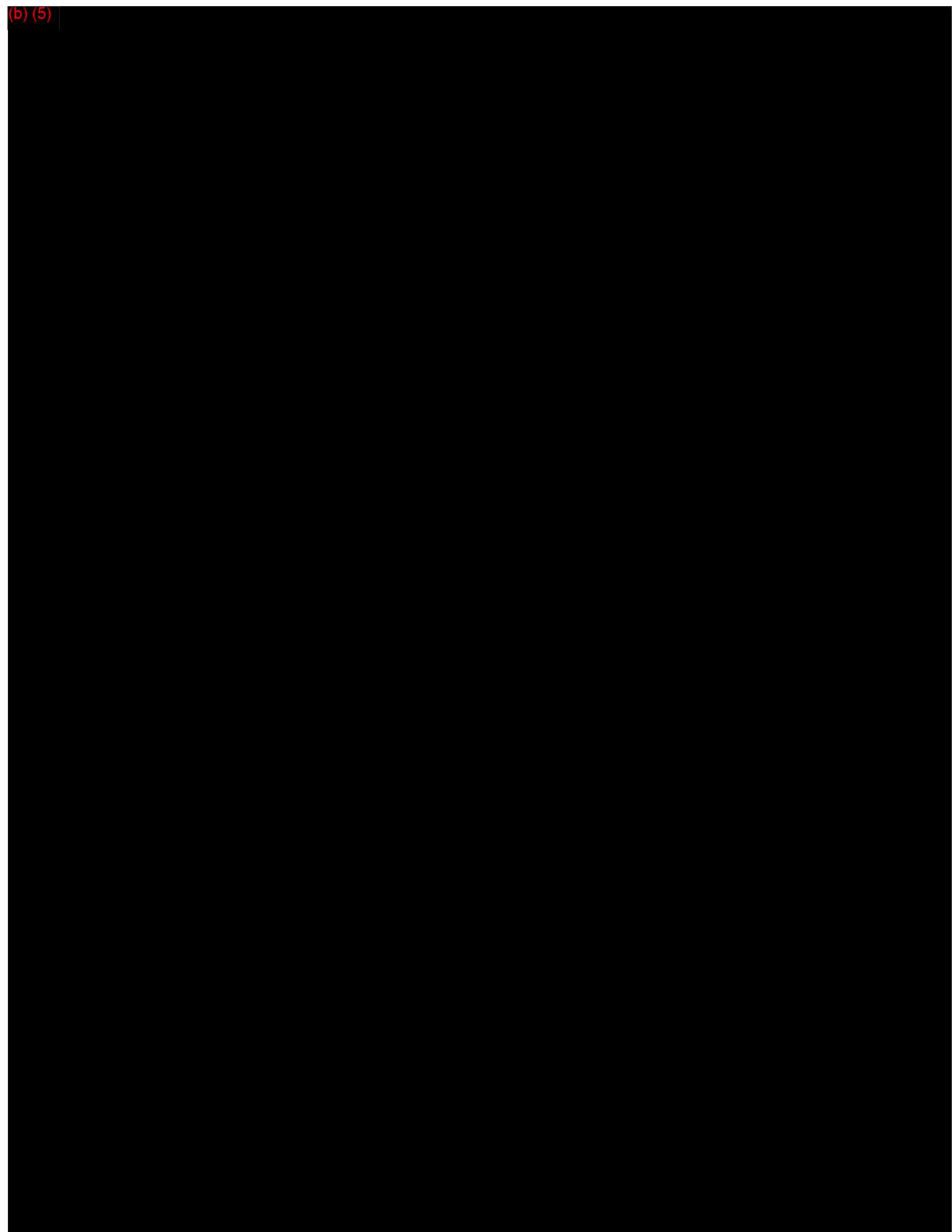


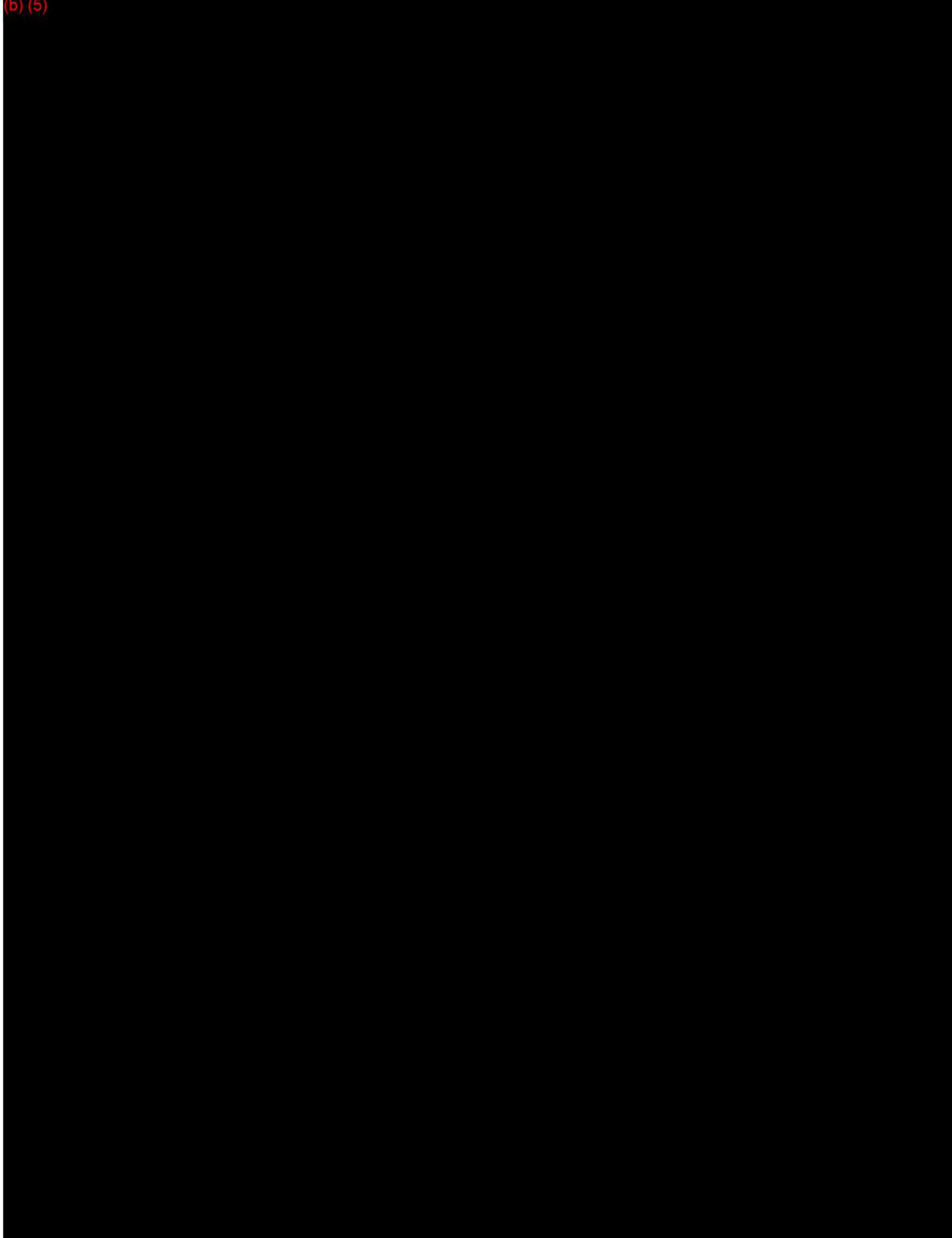












## RE: Revised ANPR

---

**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
"Boling, Ted A. EOP/CEQ" (b) (6) "Loyola, Mario A. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ"  
**To:** <(b) (6)> "Szabo, Aaron L. EOP/CEQ"  
<(b) (6)> "Smith, Katherine R. EOP/CEQ"  
<(b) (6)>  
**Cc:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
"Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 10 Apr 2018 18:51:27 -0400  
**Attachments:** FR Notice for ANPRM - 4-10-2018.docx (53.53 kB)

Ted,

Thanks, attached is an updated version which incorporates all of the changes you provided and adds a few additional minor edits in track changes. If you have any additional revisions, please let me know.  
Thanks,

Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Thursday, April 5, 2018 9:17 AM  
**To:** Loyola, Mario A. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ  
<(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>  
**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Drummond, Michael R.  
EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

Attached are edits from Mary and the NEPA Team. The tracking of changes is attributed to one "author" in this version, but I have hard copies that source the edits.

Best,  
Ted

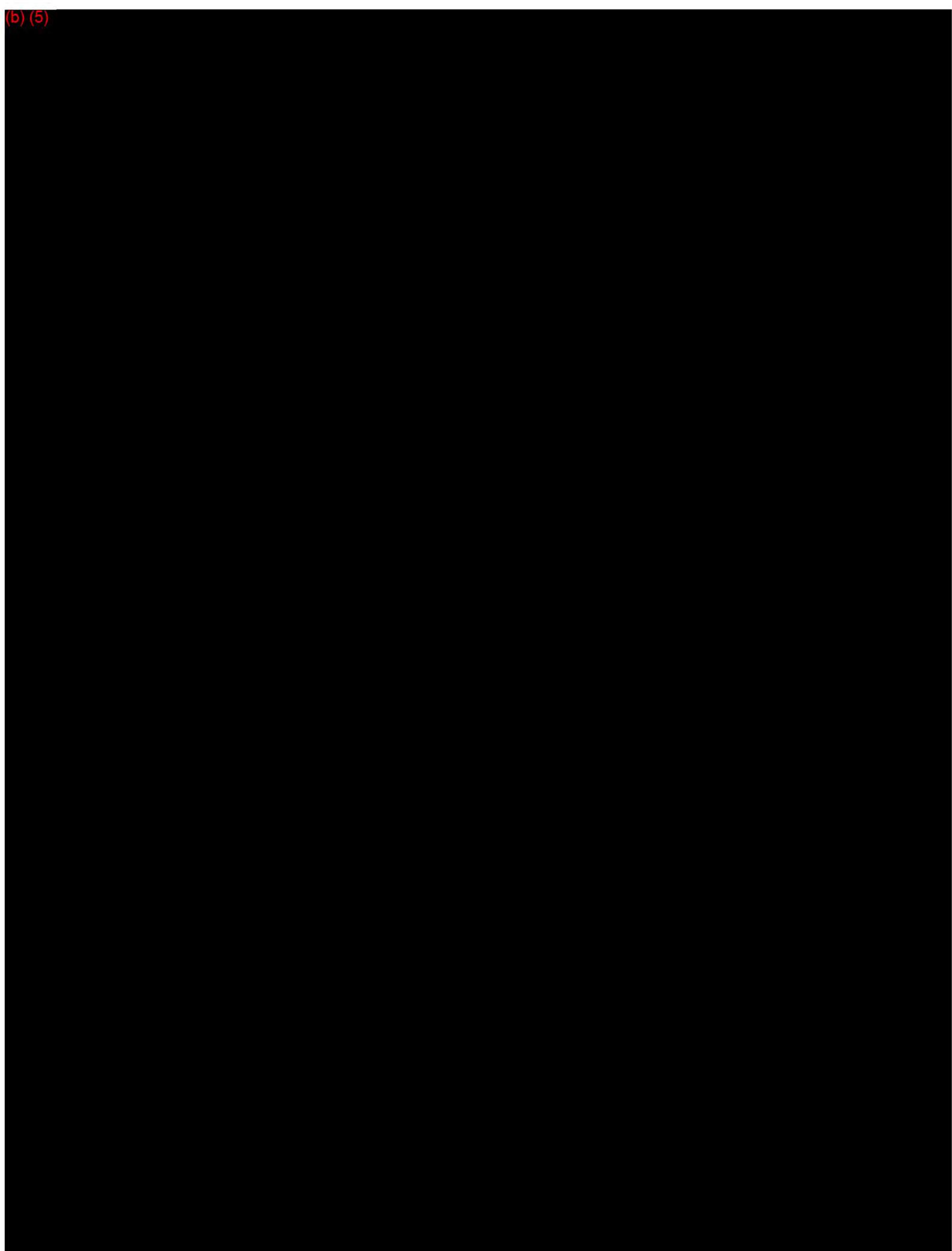
**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Monday, April 2, 2018 1:54 PM

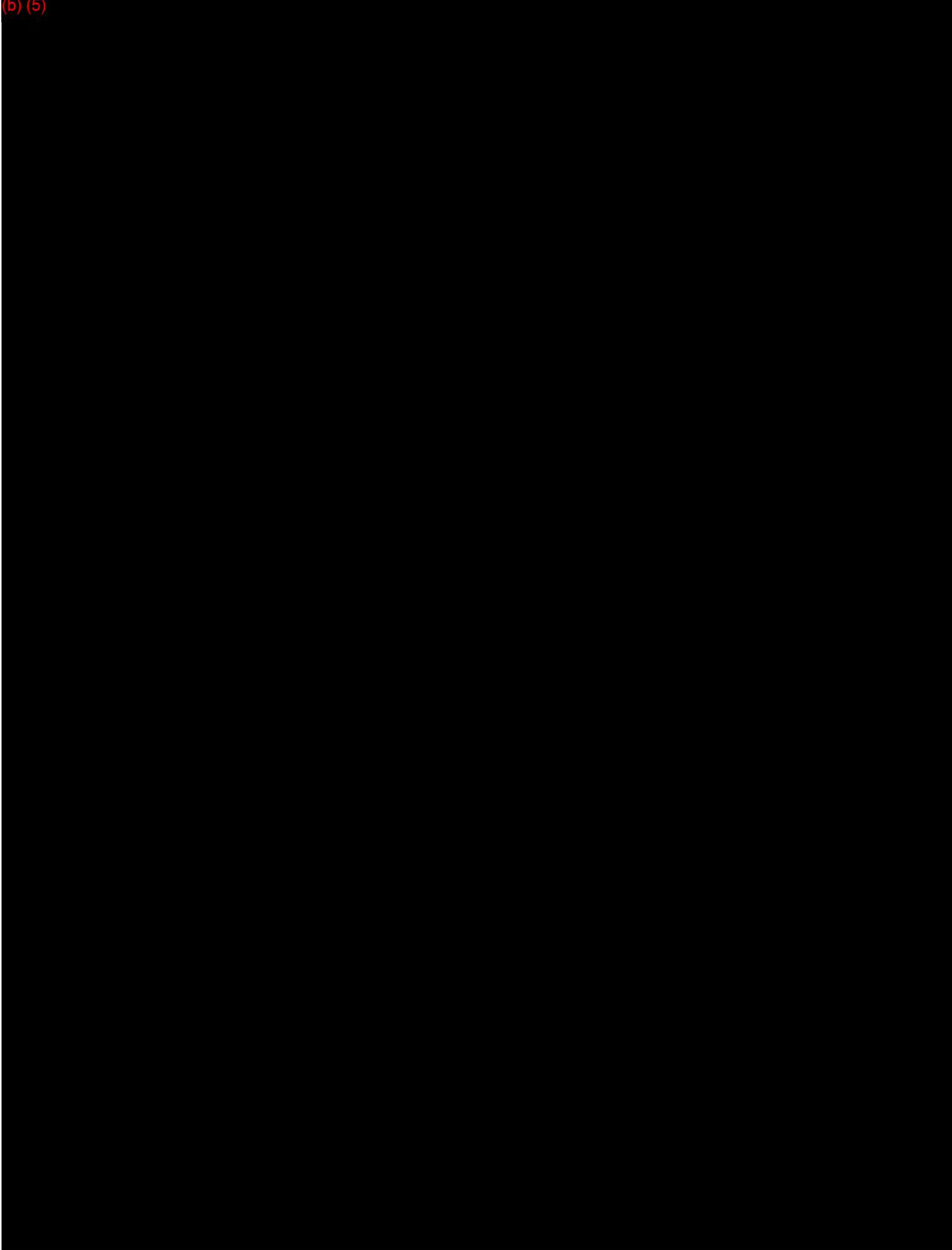
To: Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ  
<(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>  
**Subject:** Revised ANPR

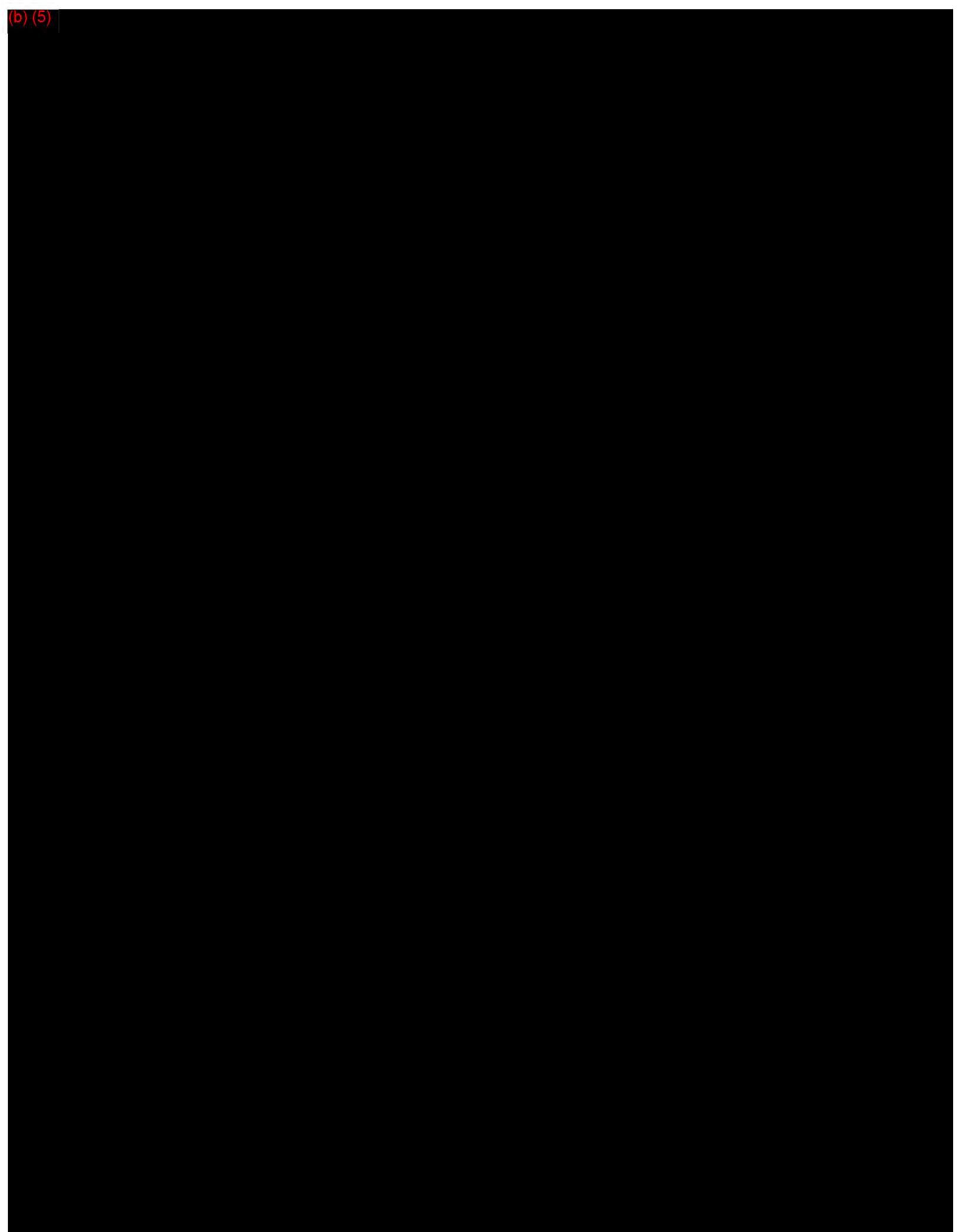
Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

Respectfully,

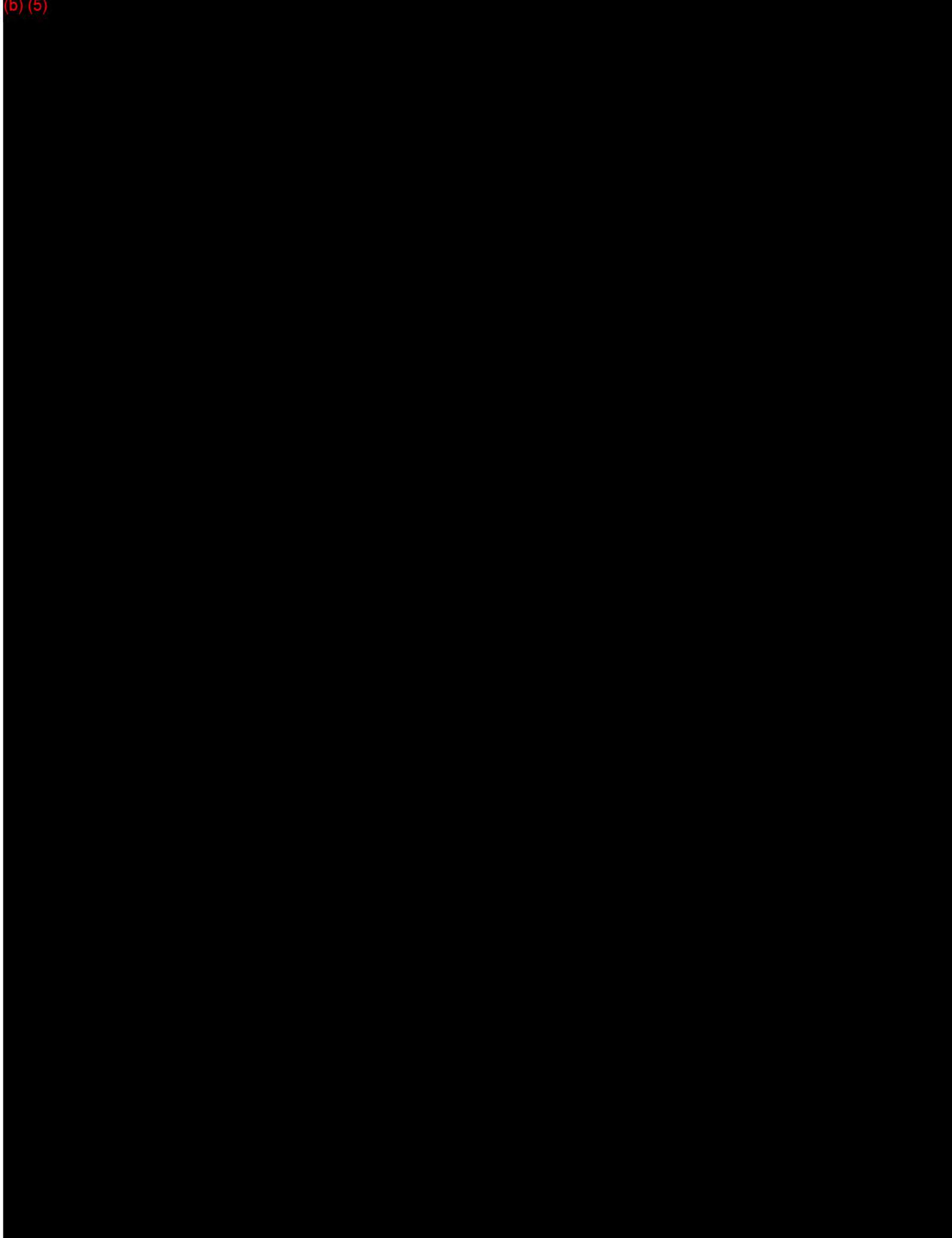
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

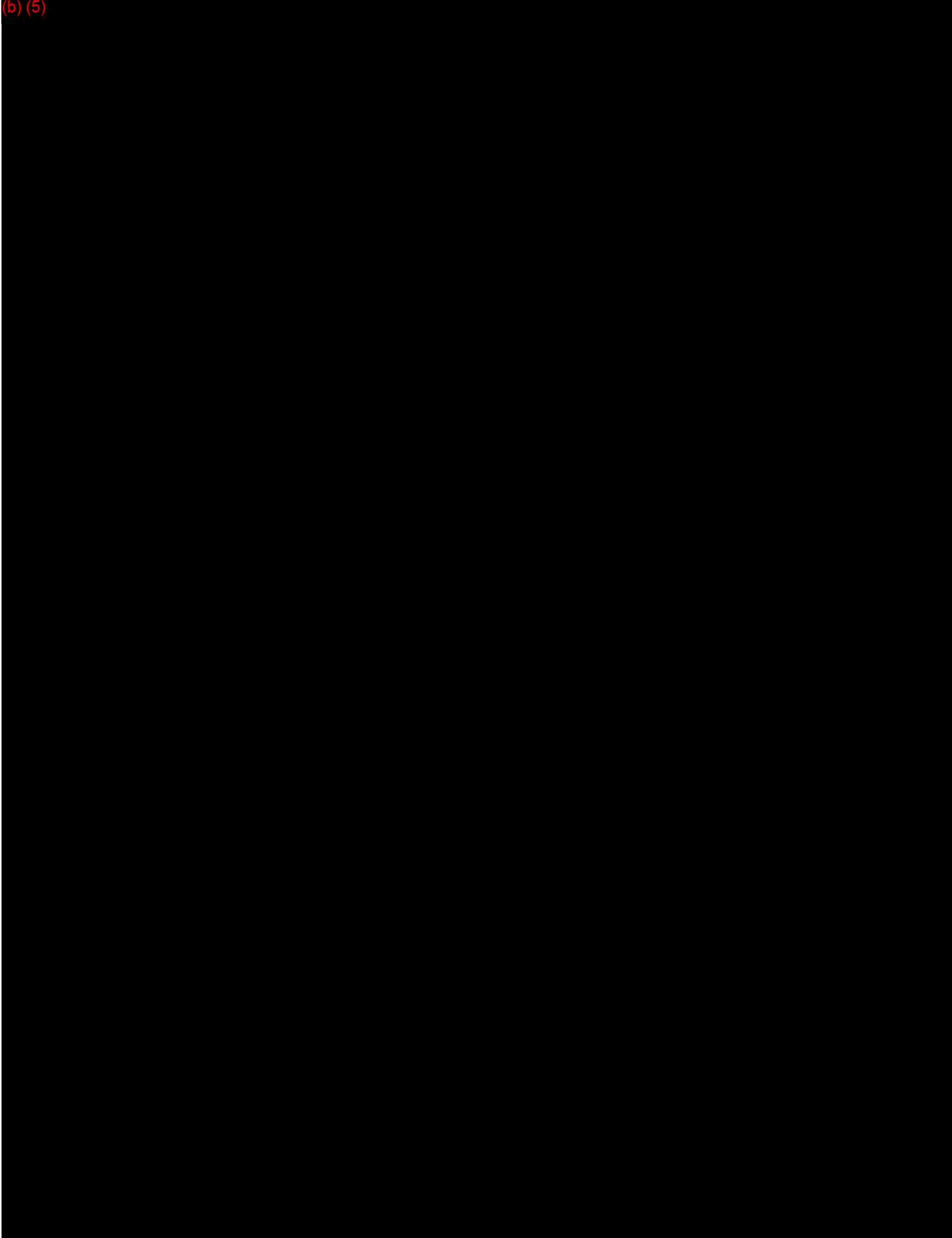


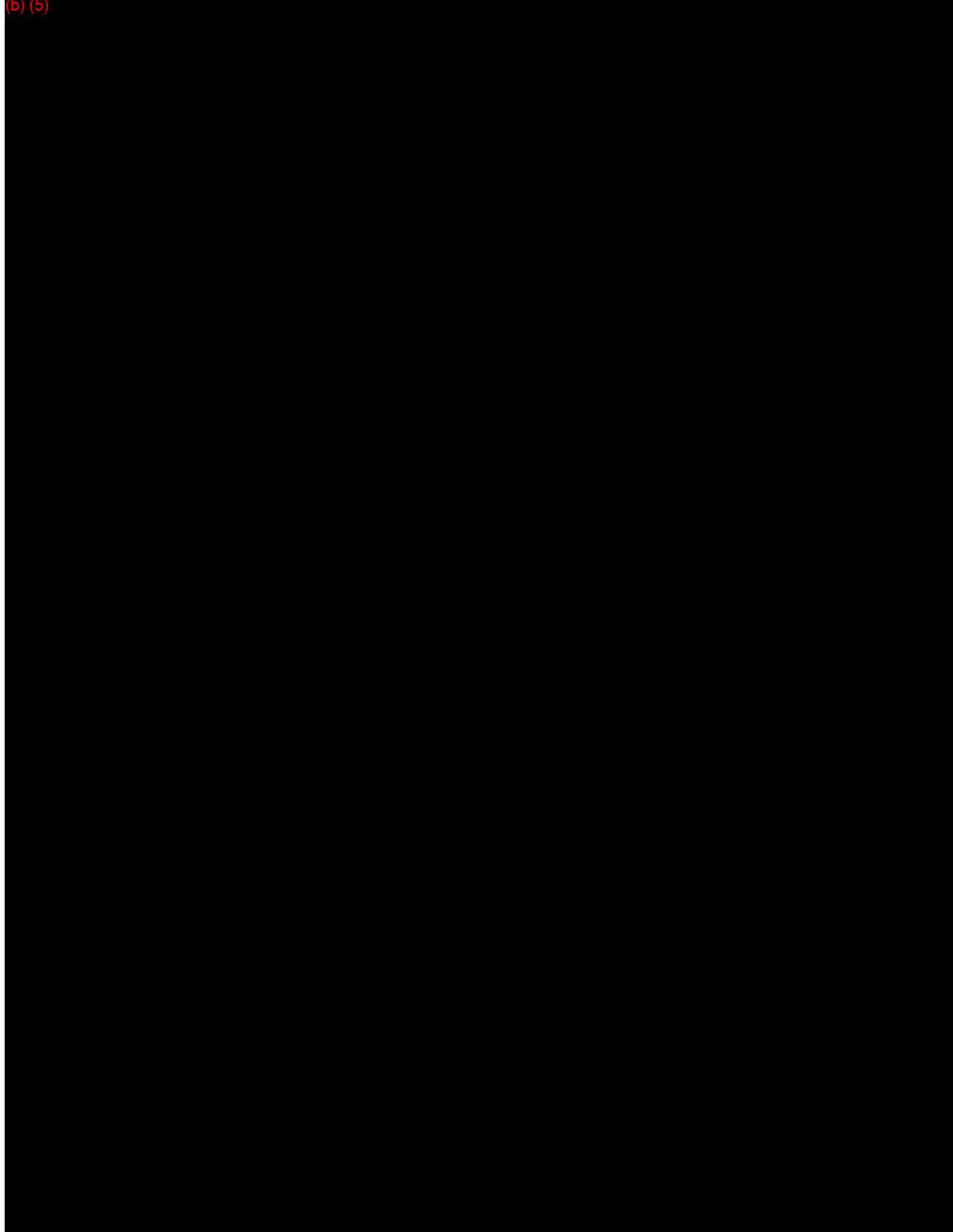


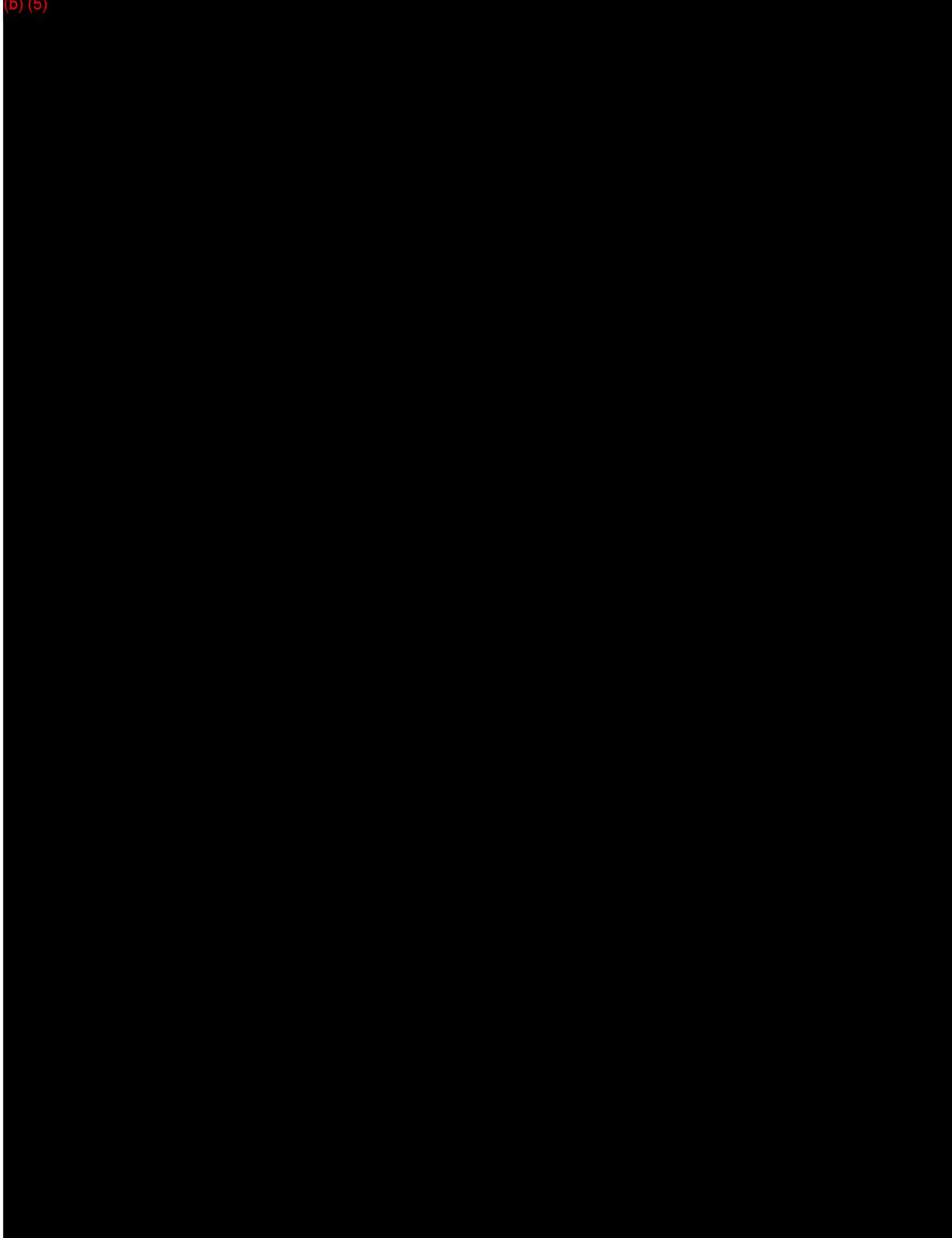


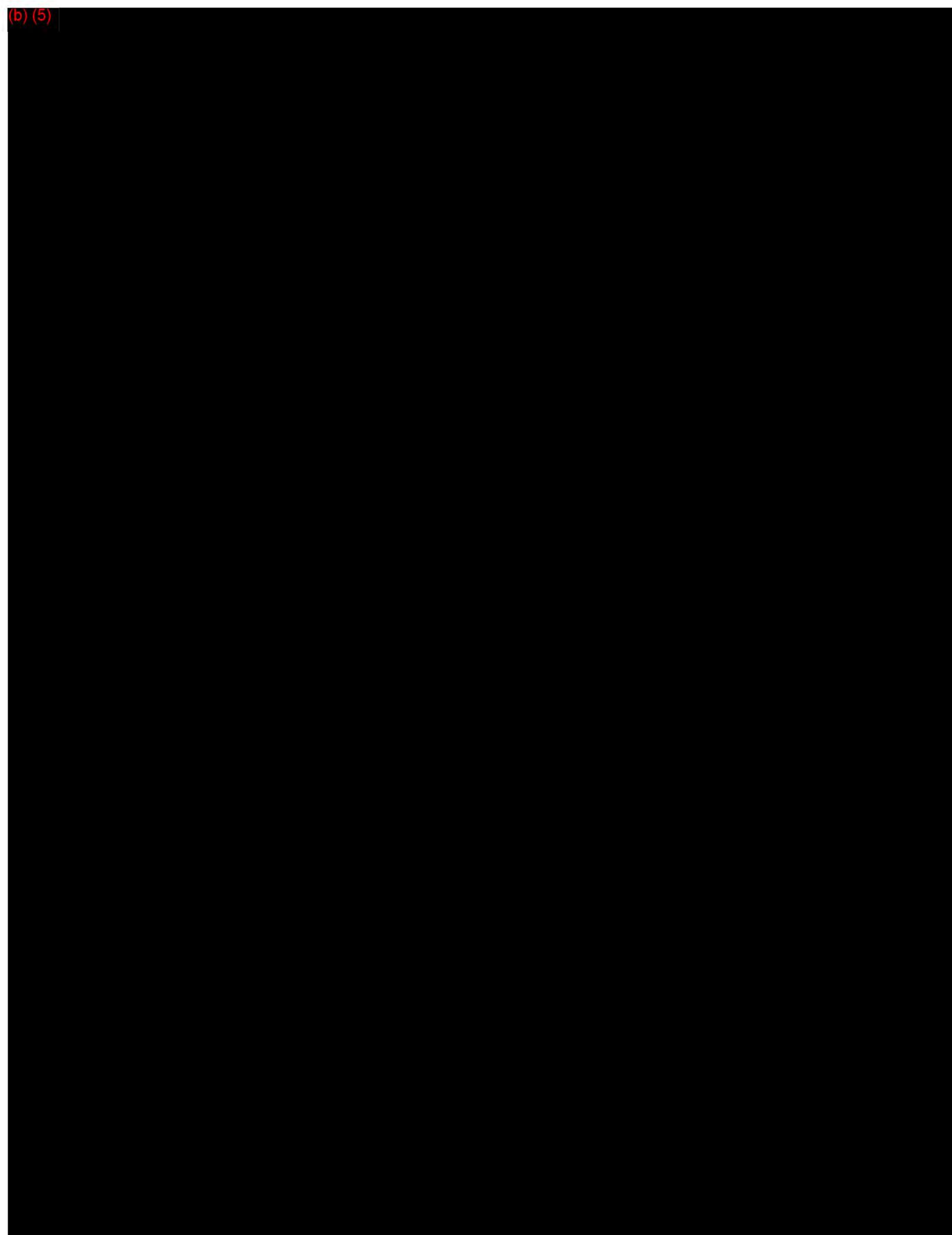
(b) (5)

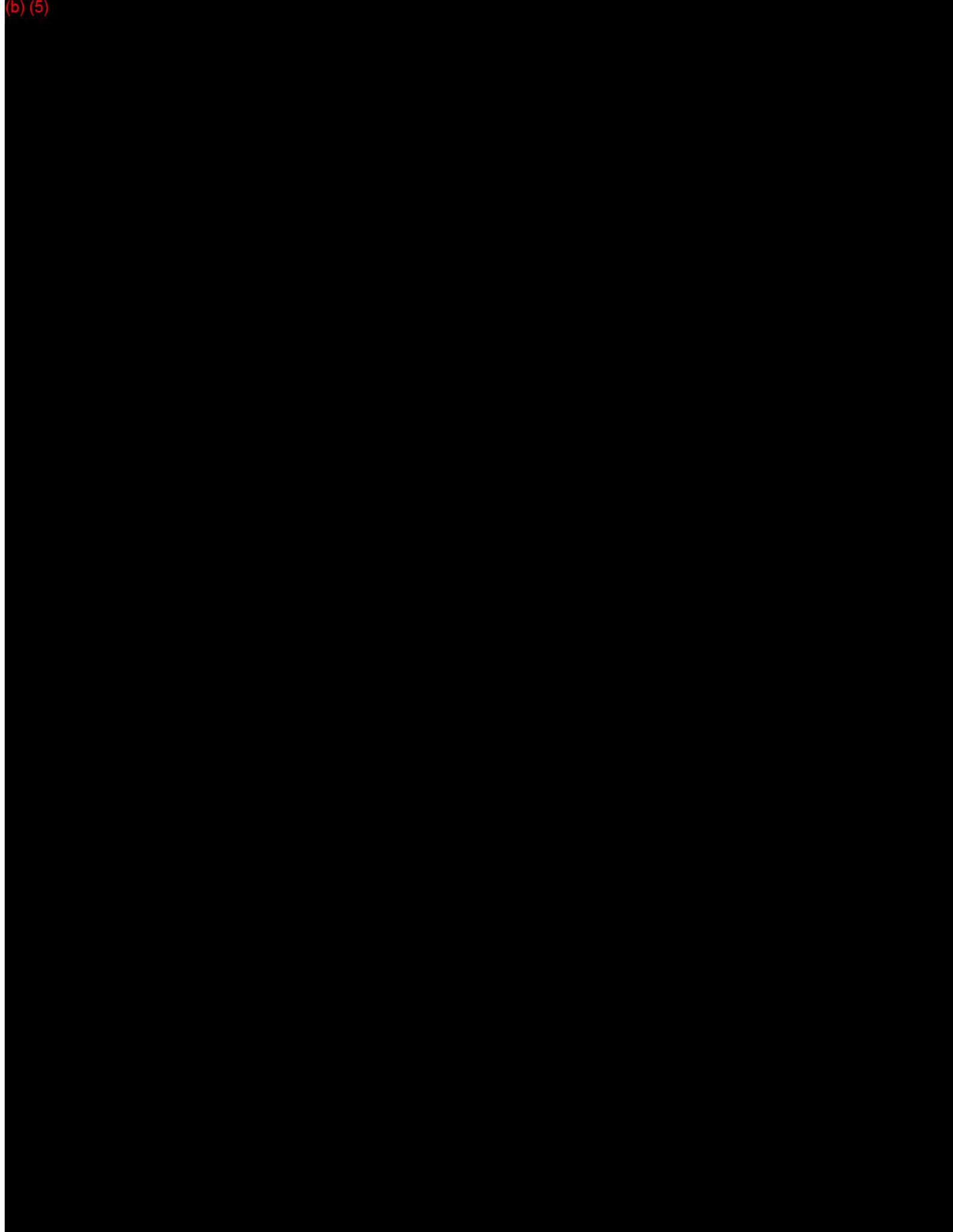












## RE: Revised ANPR

---

**From:** "Mansoor, Yarden M. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 11 Apr 2018 08:29:41 -0400

Mary's changes are good – (b) (5)

For consistency, consider:

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** Neumayr, Mary B. EOP/CEQ  
**Sent:** Tuesday, April 10, 2018 6:51 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ  
<(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>  
**Cc:** Mansoor, Yarden M. EOP/CEQ <(b) (6)> Drummond, Michael R.  
EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

Ted,

Thanks, attached is an updated version which incorporates all of the changes you provided and adds a few additional minor edits in track changes. If you have any additional revisions, please let me know.  
Thanks,

Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

---

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Thursday, April 5, 2018 9:17 AM  
**To:** Loyola, Mario A. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ  
<(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>

**Cc:** Mansoor, Yarden M. EOP/CEQ <(b) (6)> Drummond, Michael R.  
EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

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Best,  
Ted

**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Monday, April 2, 2018 1:54 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ  
<(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>  
**Subject:** Revised ANPR

Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

Respectfully,

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

## RE: Revised ANPR

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>

**Date:** Wed, 18 Apr 2018 11:38:09 -0400

Mary,

I have one small nit. (b) (5)  
[Redacted]

Other than that I think that it is good to go.

---

**From:** Neumayr, Mary B. EOP/CEQ  
**Sent:** Tuesday, April 10, 2018 6:51 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

Ted,

Thanks, attached is an updated version which incorporates all of the changes you provided and adds a few additional minor edits in track changes. If you have any additional revisions, please let me know.  
Thanks,

Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

---

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Thursday, April 5, 2018 9:17 AM  
**To:** Loyola, Mario A. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

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Best,  
Ted

**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Monday, April 2, 2018 1:54 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ  
<(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>  
**Subject:** Revised ANPR

Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

Respectfully,

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

## RE: Draft ANPRM on Update to NEPA Implementing Regs

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 20 Apr 2018 12:10:58 -0400  
**Attachments:** FR Notice for ANPRM - 4-20-2018.docx (52.74 kB)

Mary,

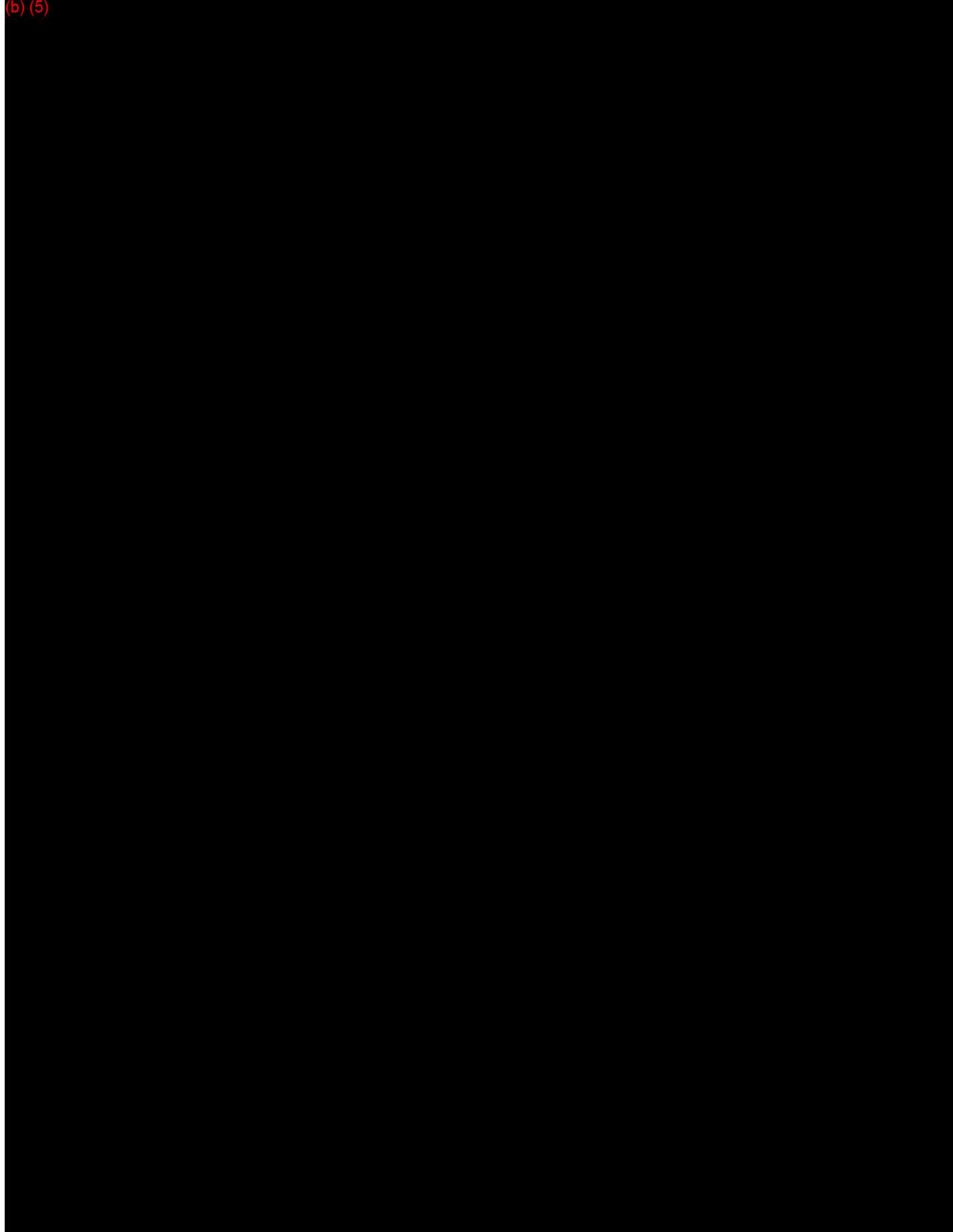
Please see attached as I have added the Docket ID numbers in a clean version.

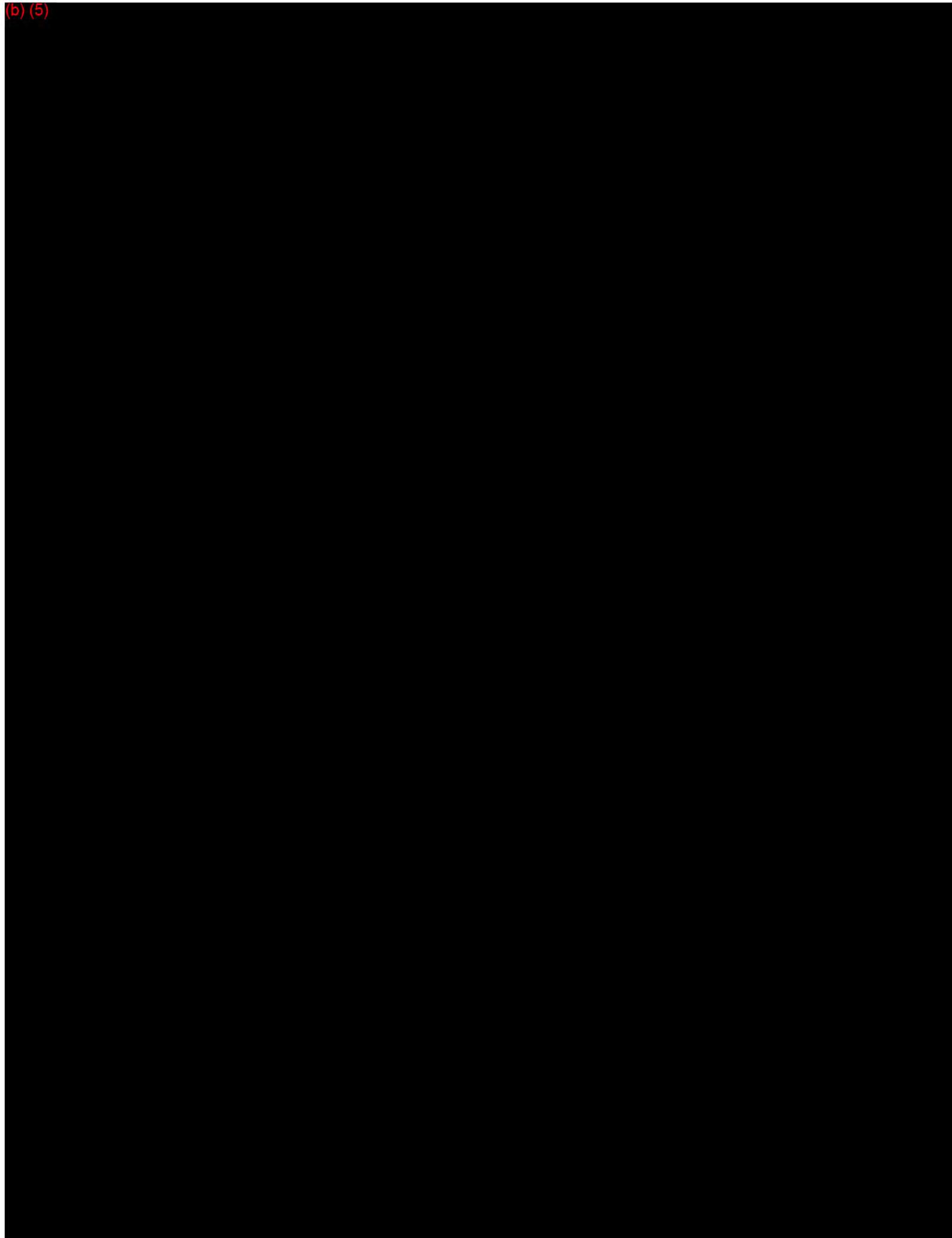
**From:** Neumayr, Mary B. EOP/CEQ  
**Sent:** Friday, April 20, 2018 11:58 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Subject:** FW: Draft ANPRM on Update to NEPA Implementing Regs

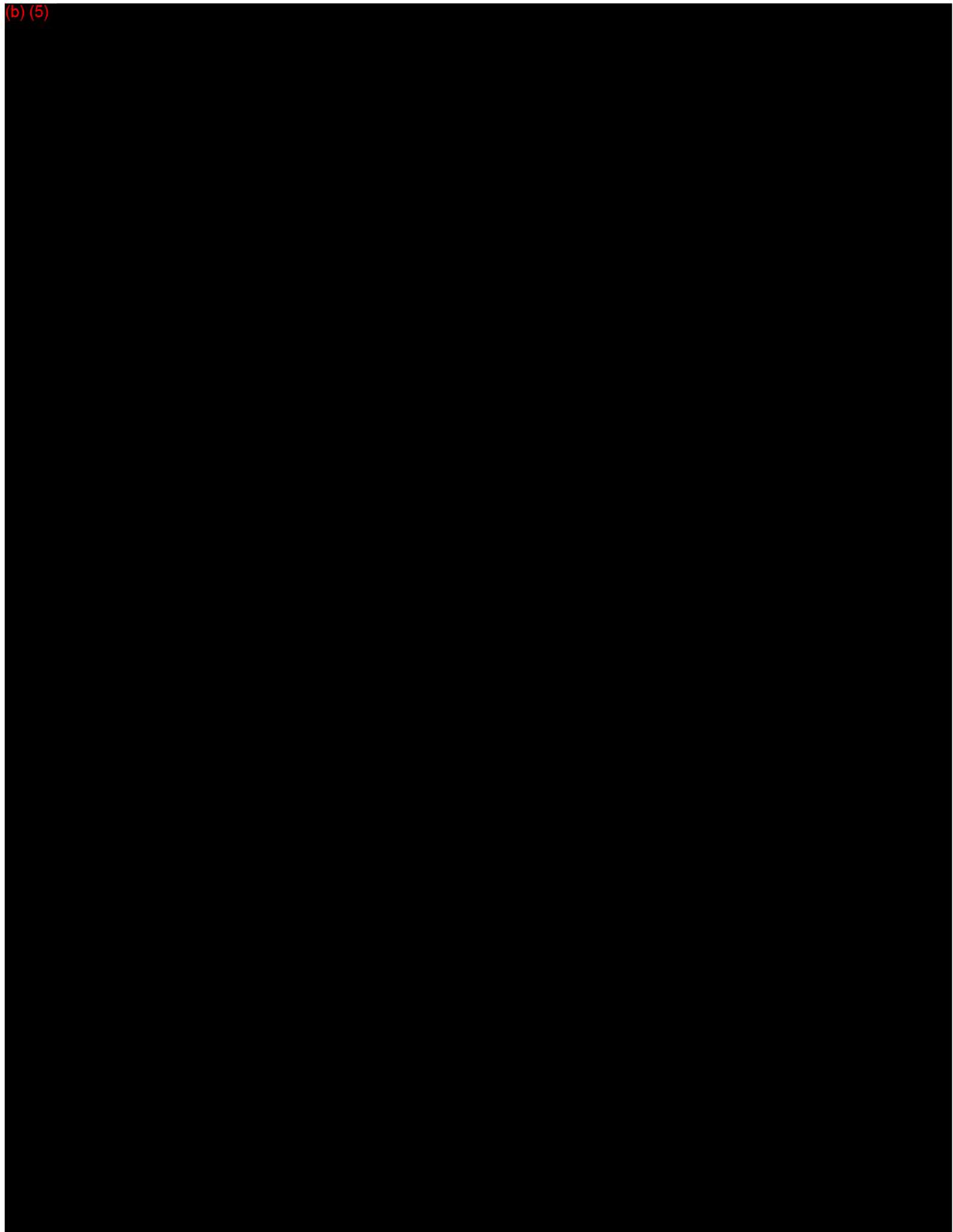
Aaron:

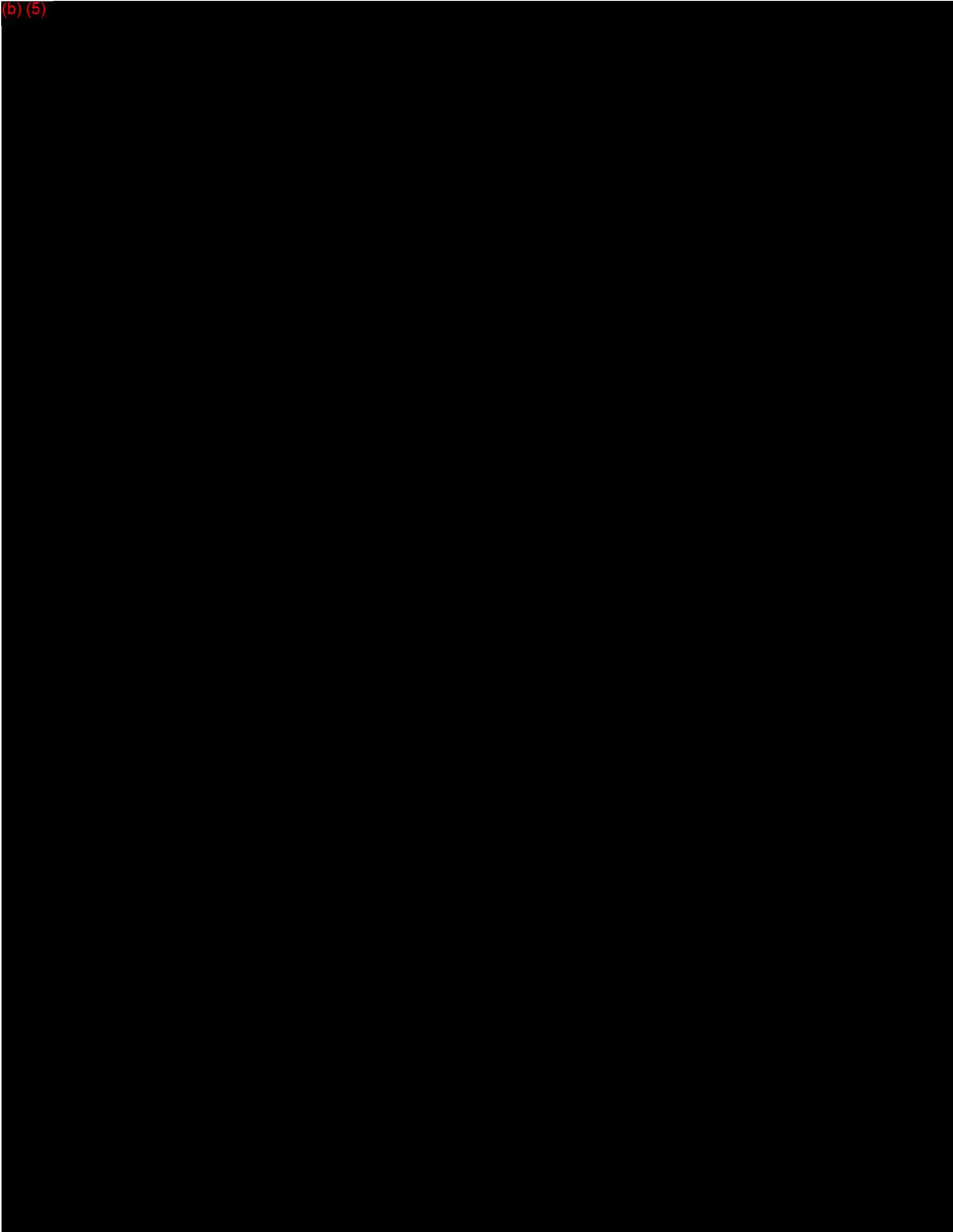
Attached is the current draft of the ANPRM. Please don't hesitate to revise as appropriate. Thanks,  
Mary

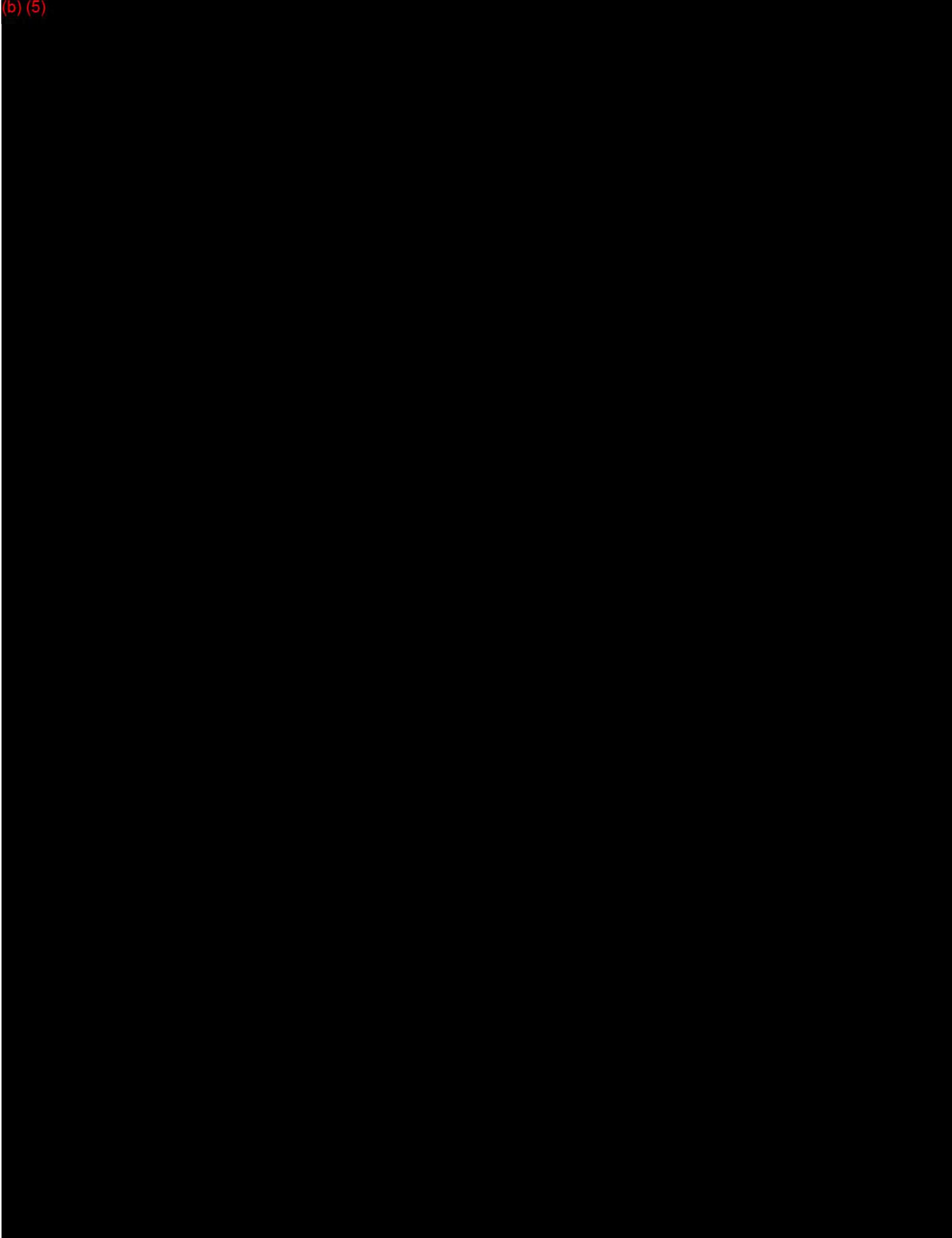
Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

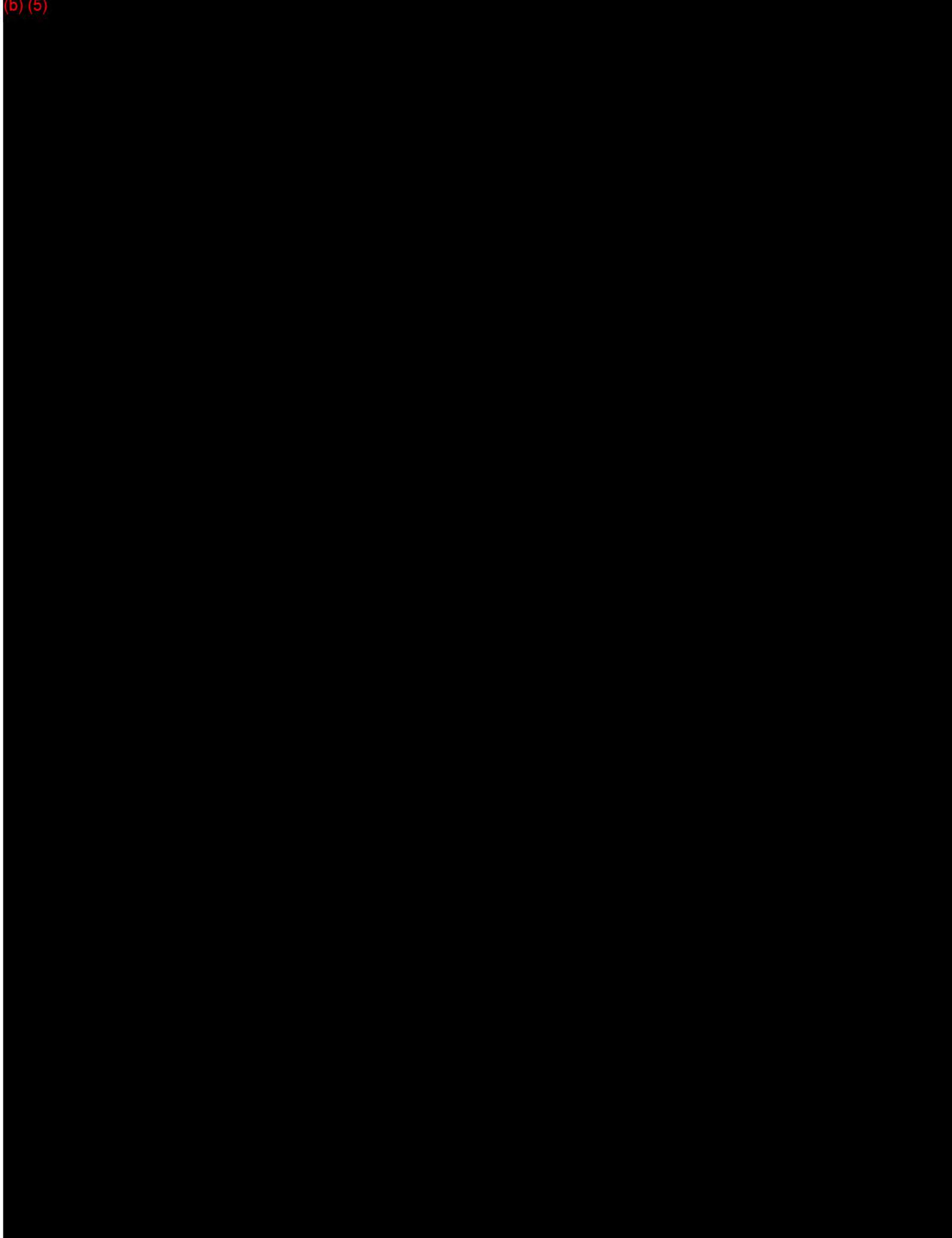


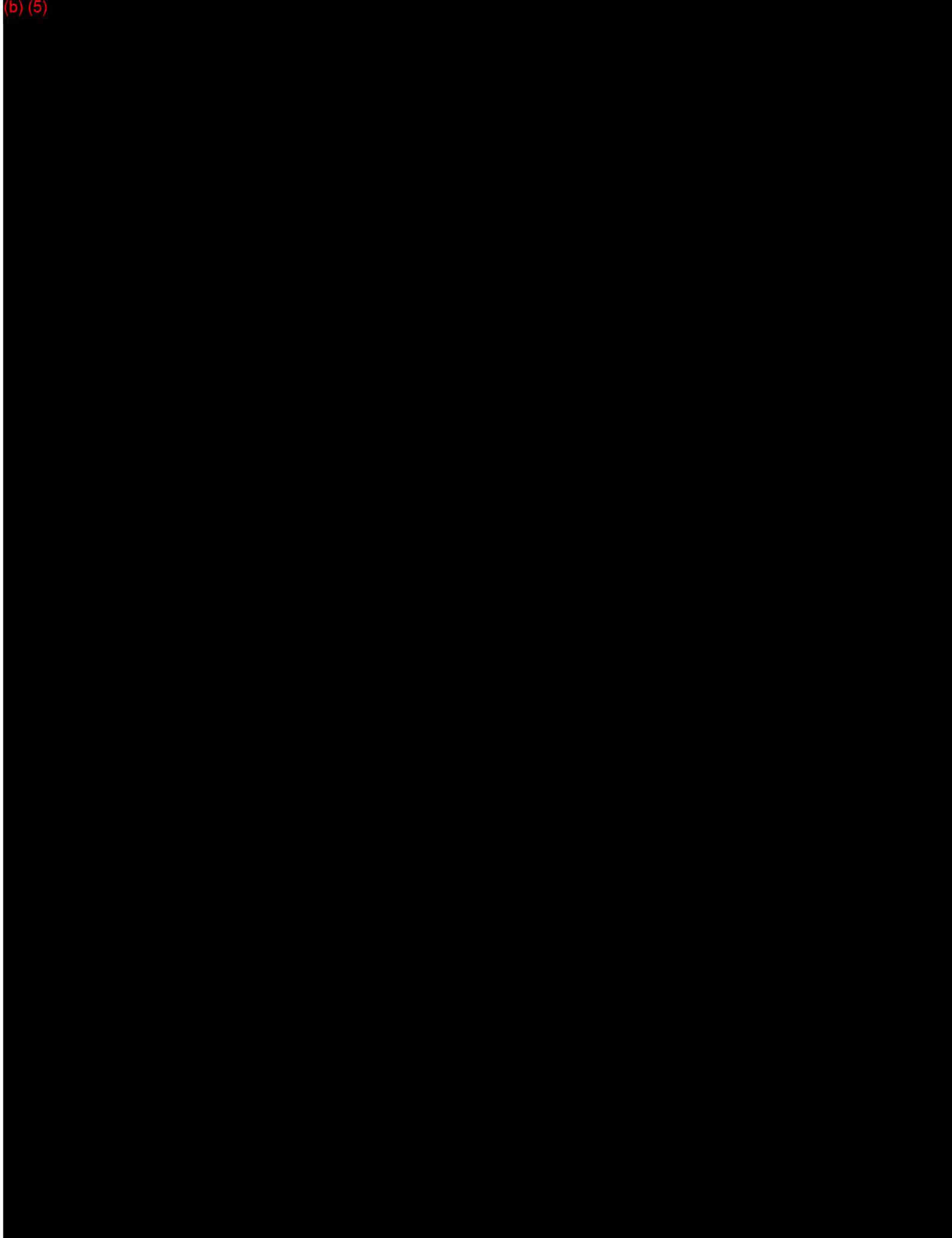


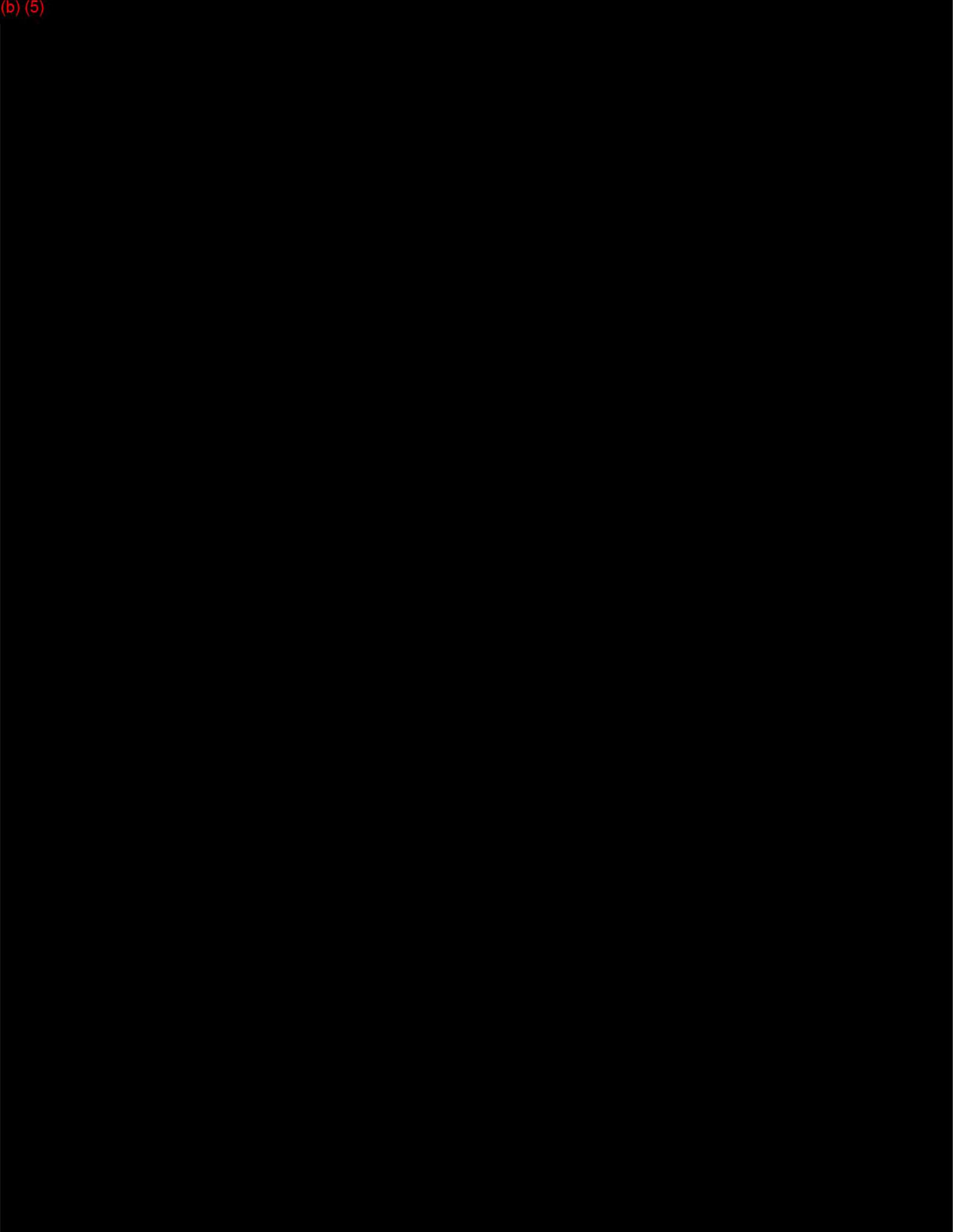


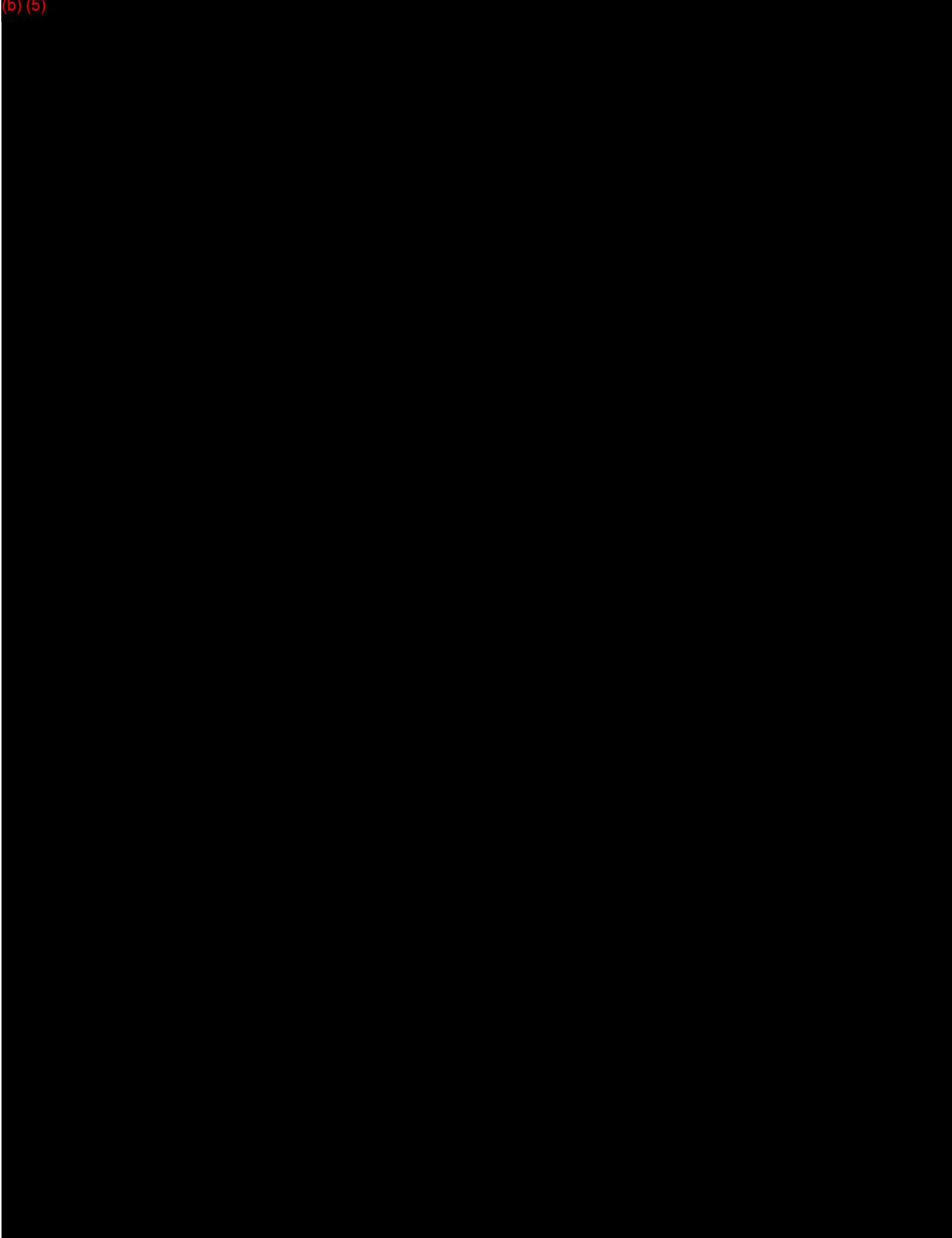












## **FW: Draft ANPRM on Update to NEPA Implementing Regs**

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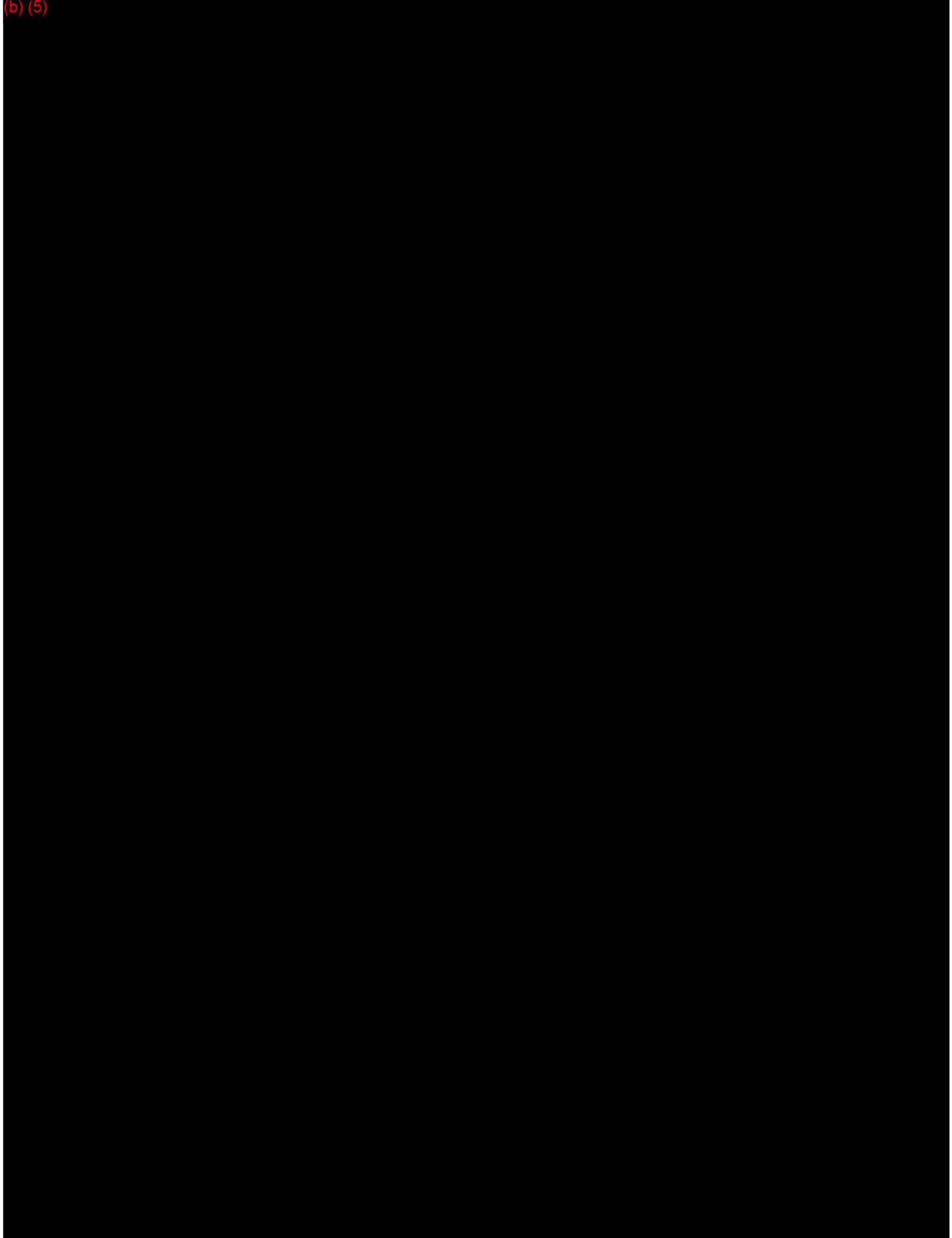
**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" (b) (6) "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 20 Apr 2018 11:58:14 -0400  
**Attachments:** FR Notice for ANPRM - 4-10-2018.docx (53.26 kB)

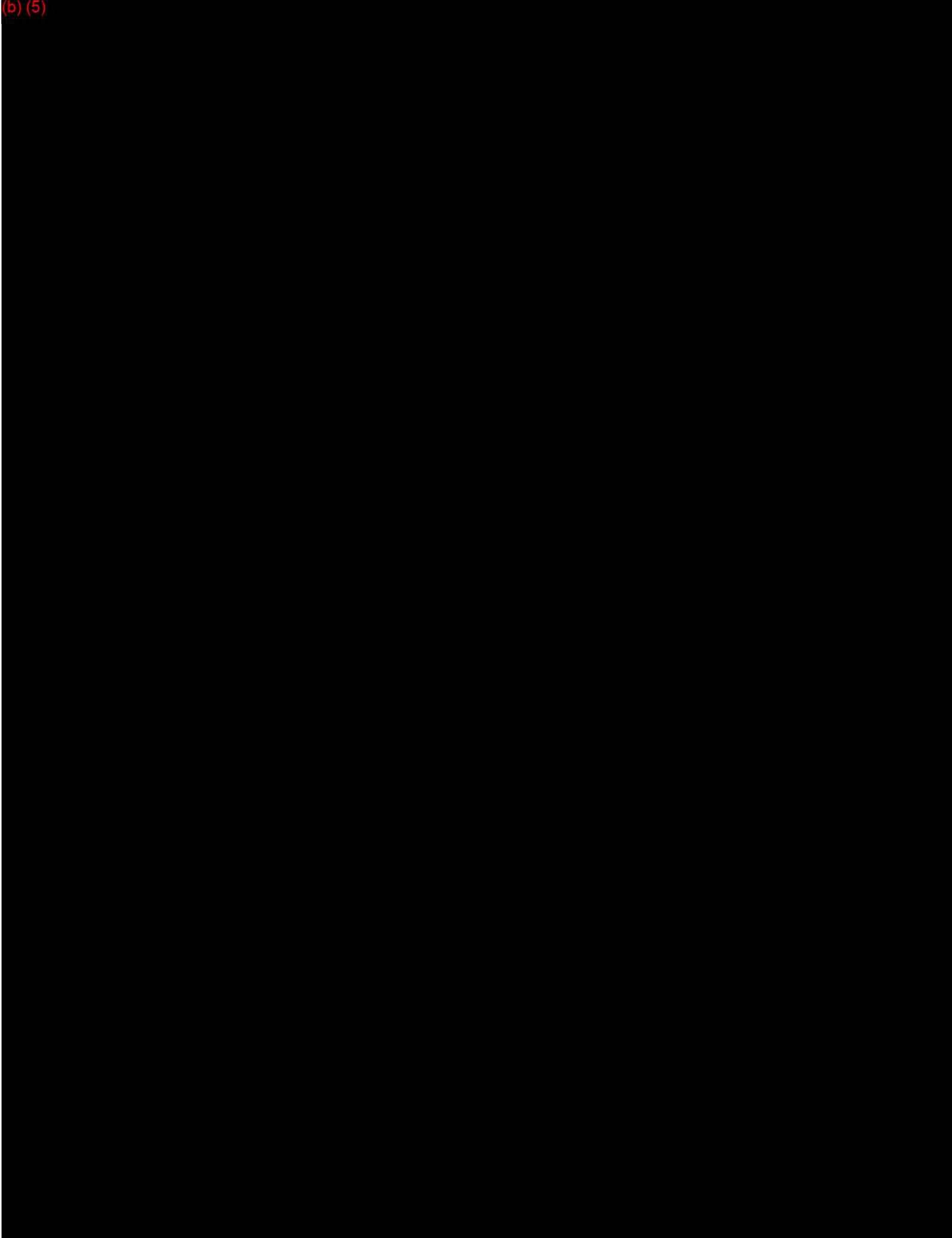
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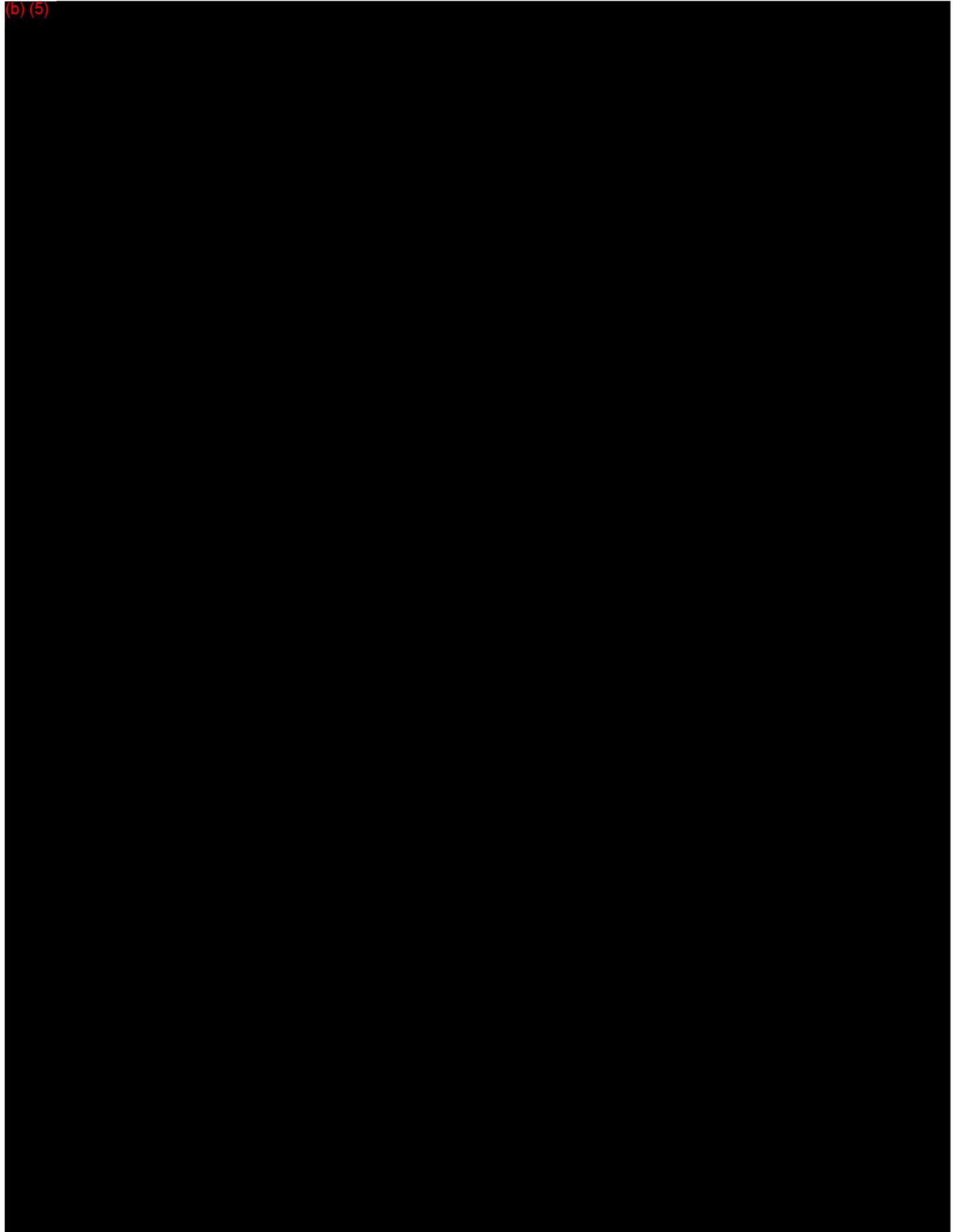
Aaron:

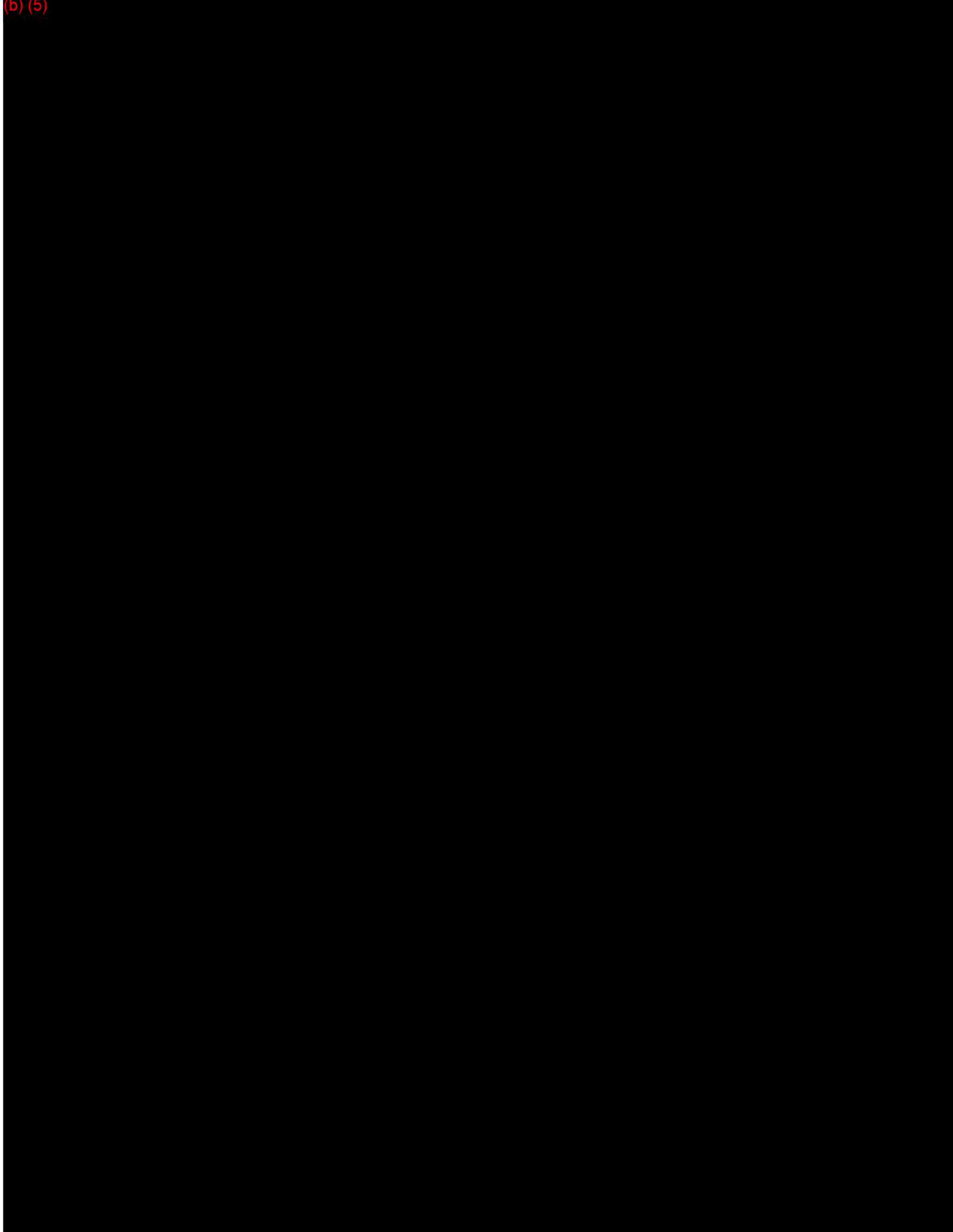
Attached is the current draft of the ANPRM. Please don't hesitate to revise as appropriate. Thanks,  
Mary

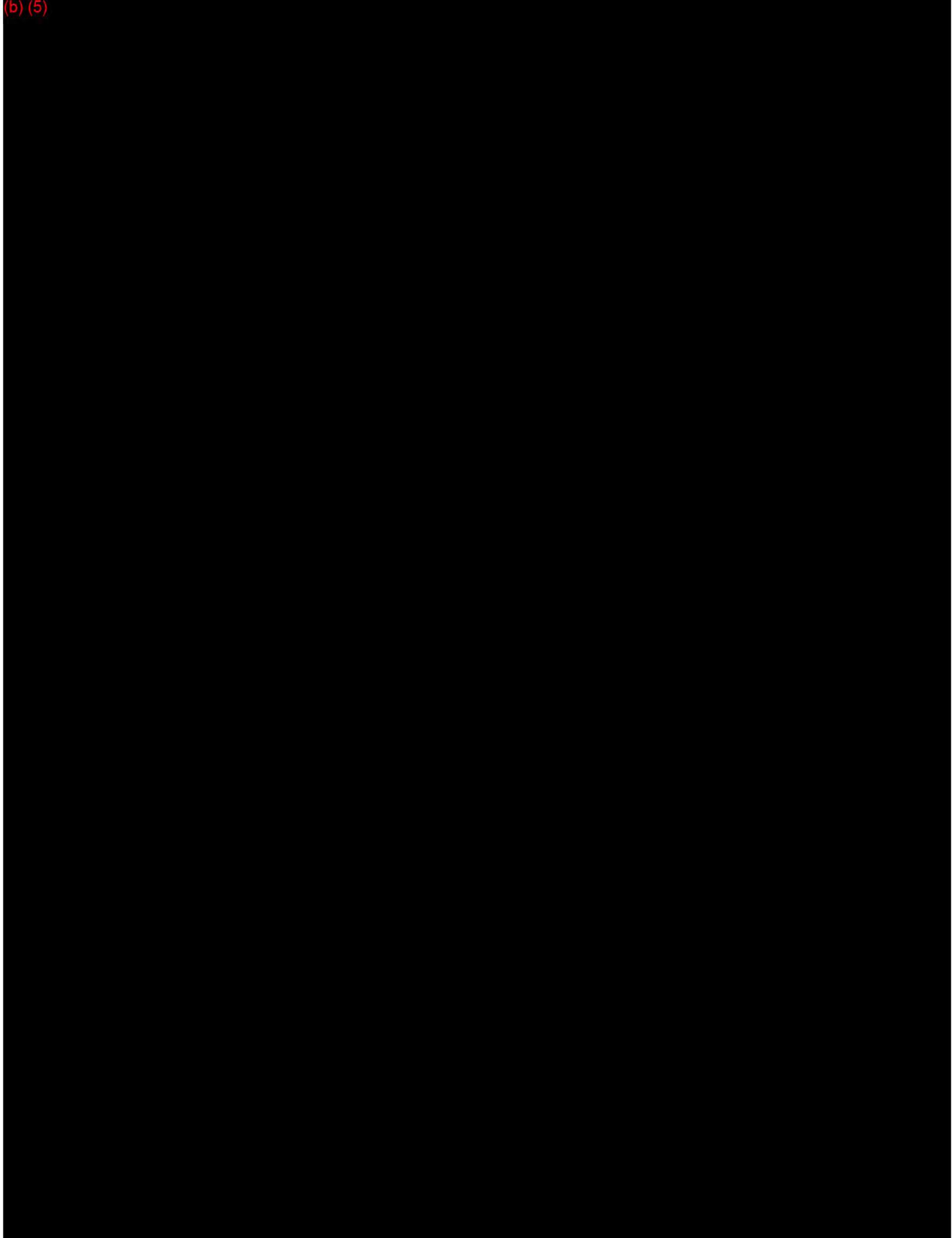
Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

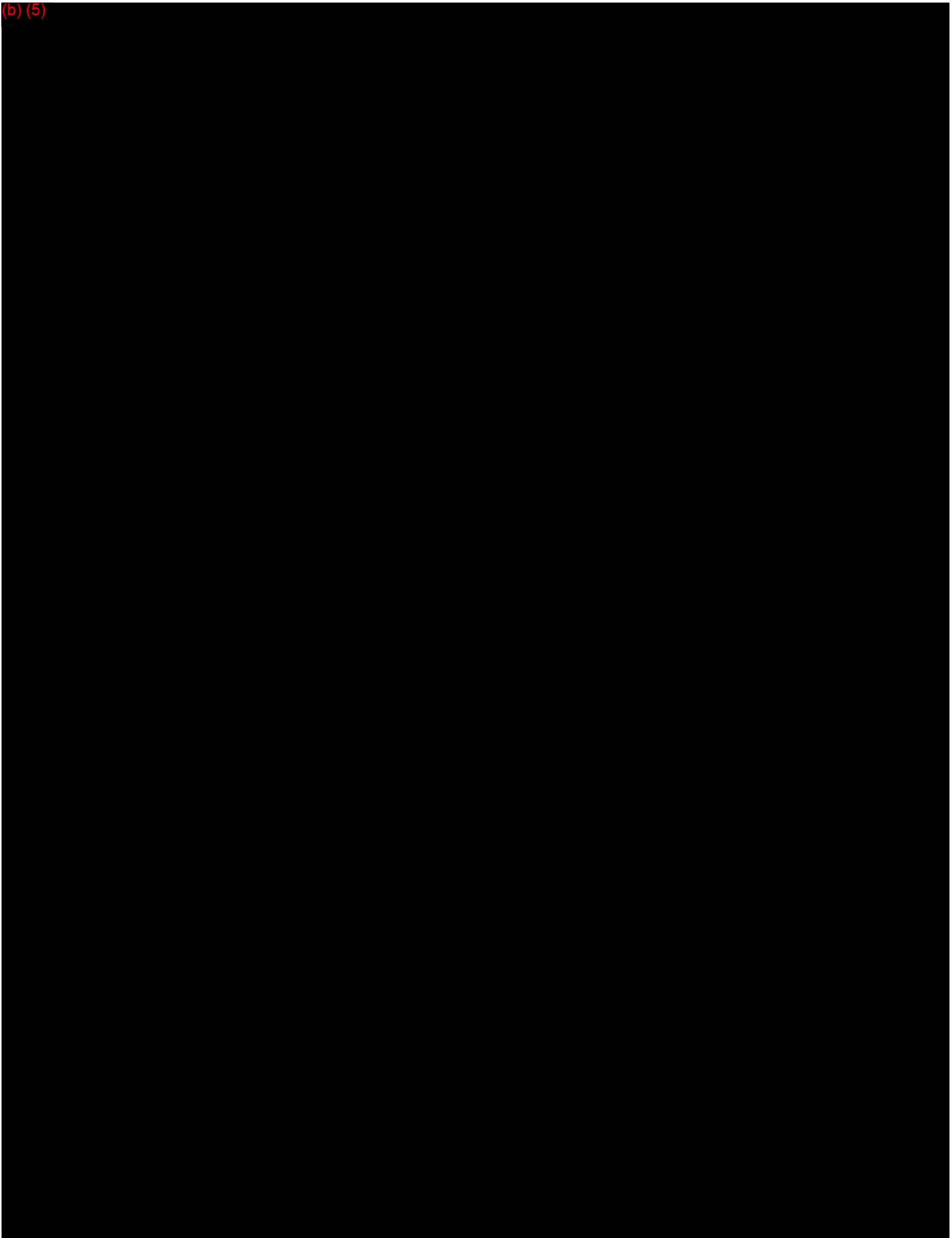


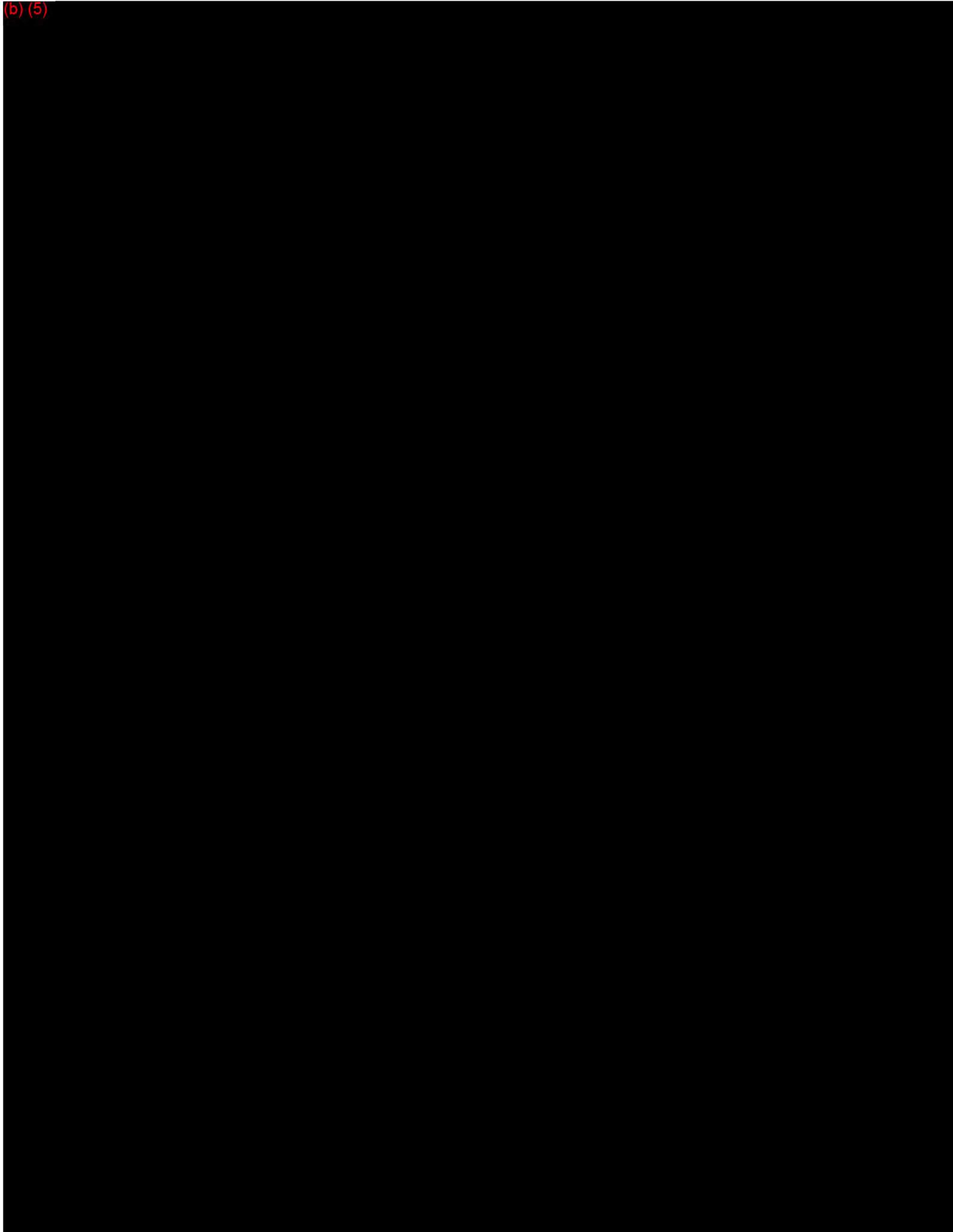


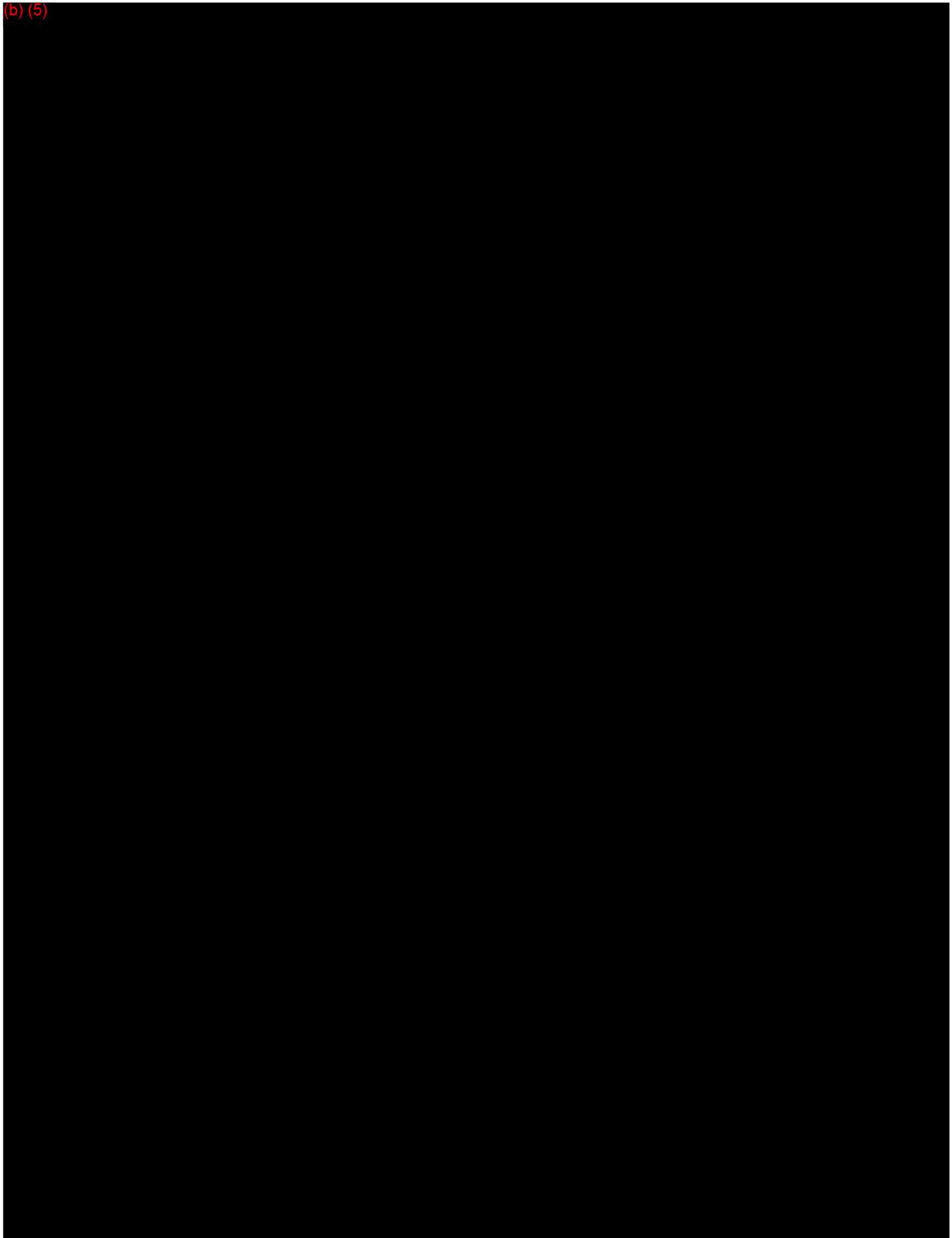


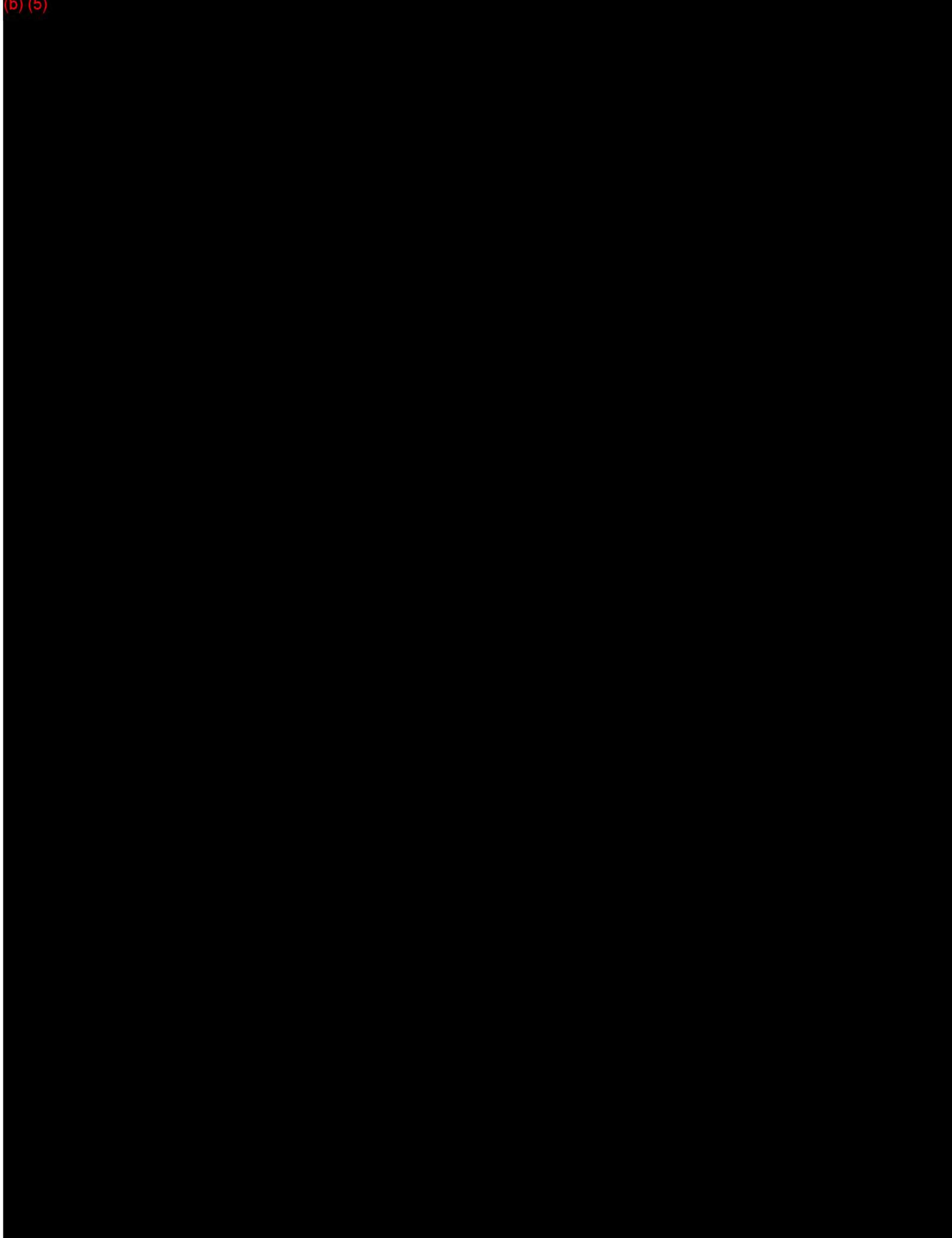












## **FYI: CEQ NEPA ANPRM and Draft GHG Guidance**

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Brooke, Francis J. EOP/OVP" <(b) (6)> "Catanzaro, Michael J. EOP/WHO" <(b) (6)>  
**Cc:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 23 Apr 2018 16:40:10 -0400  
**Attachments:** FR Notice for ANPRM - 4-20-2018.docx (52.74 kB); FR Notice for GHG Guidance 4 20 18 V. 2.docx (54.21 kB)

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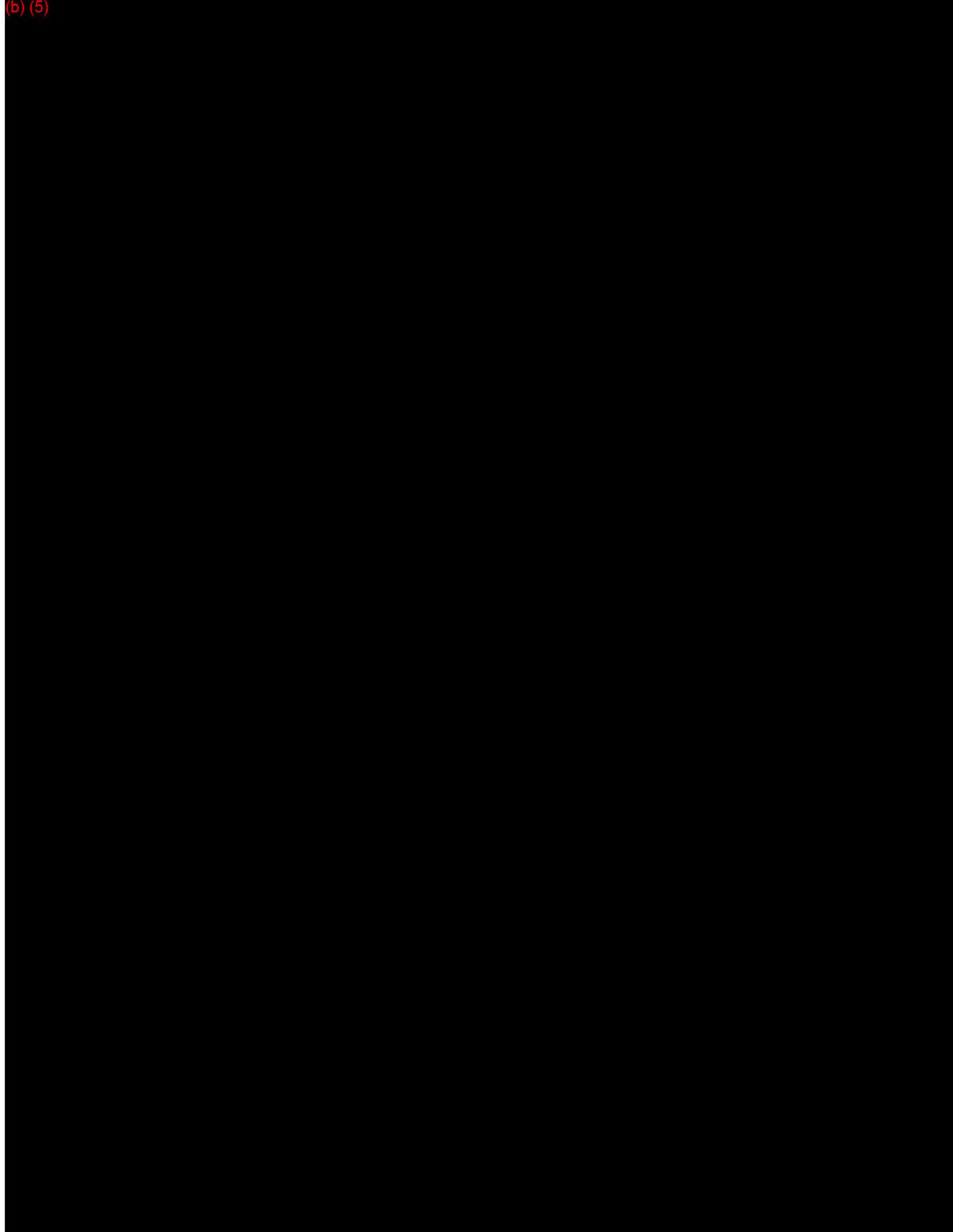
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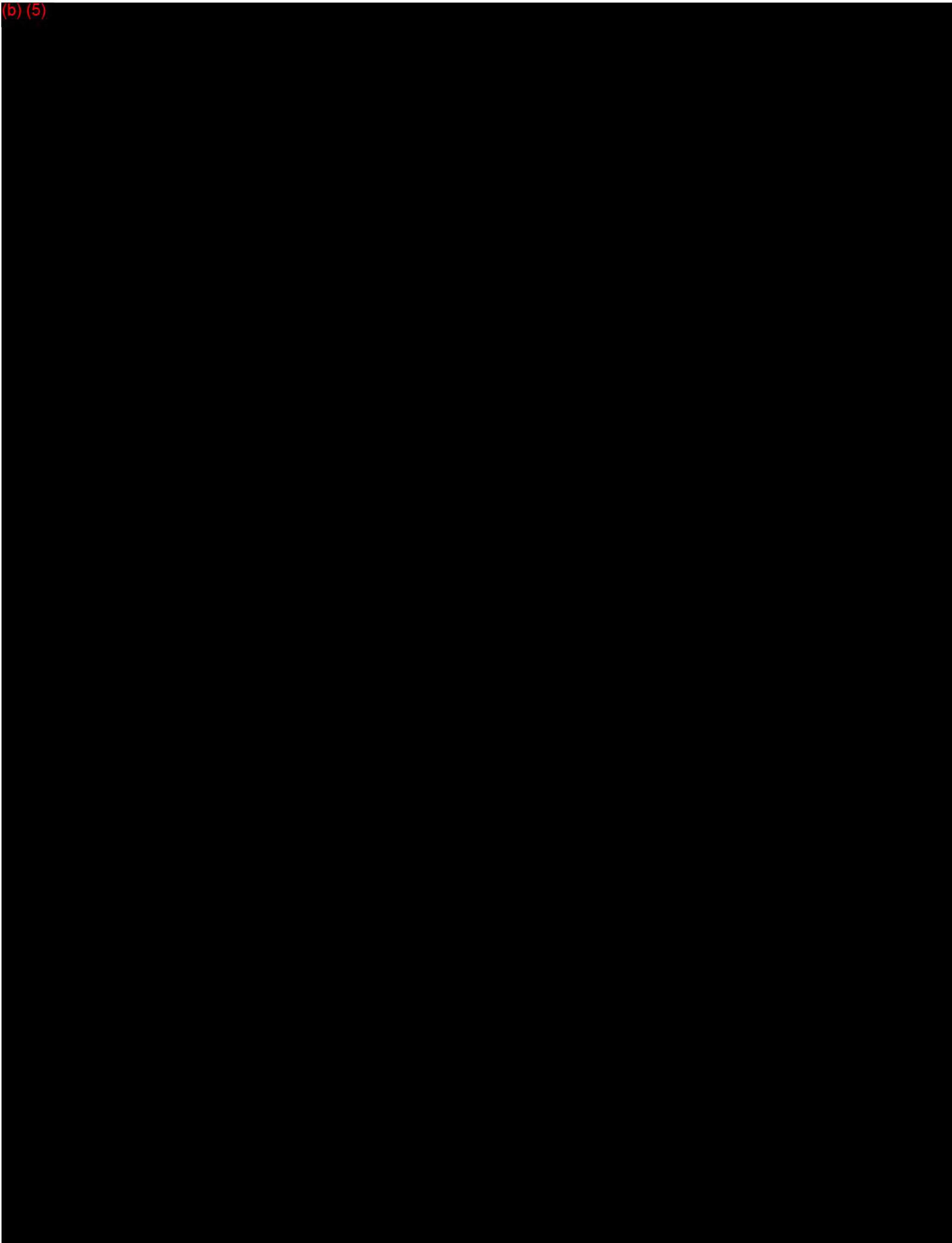
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

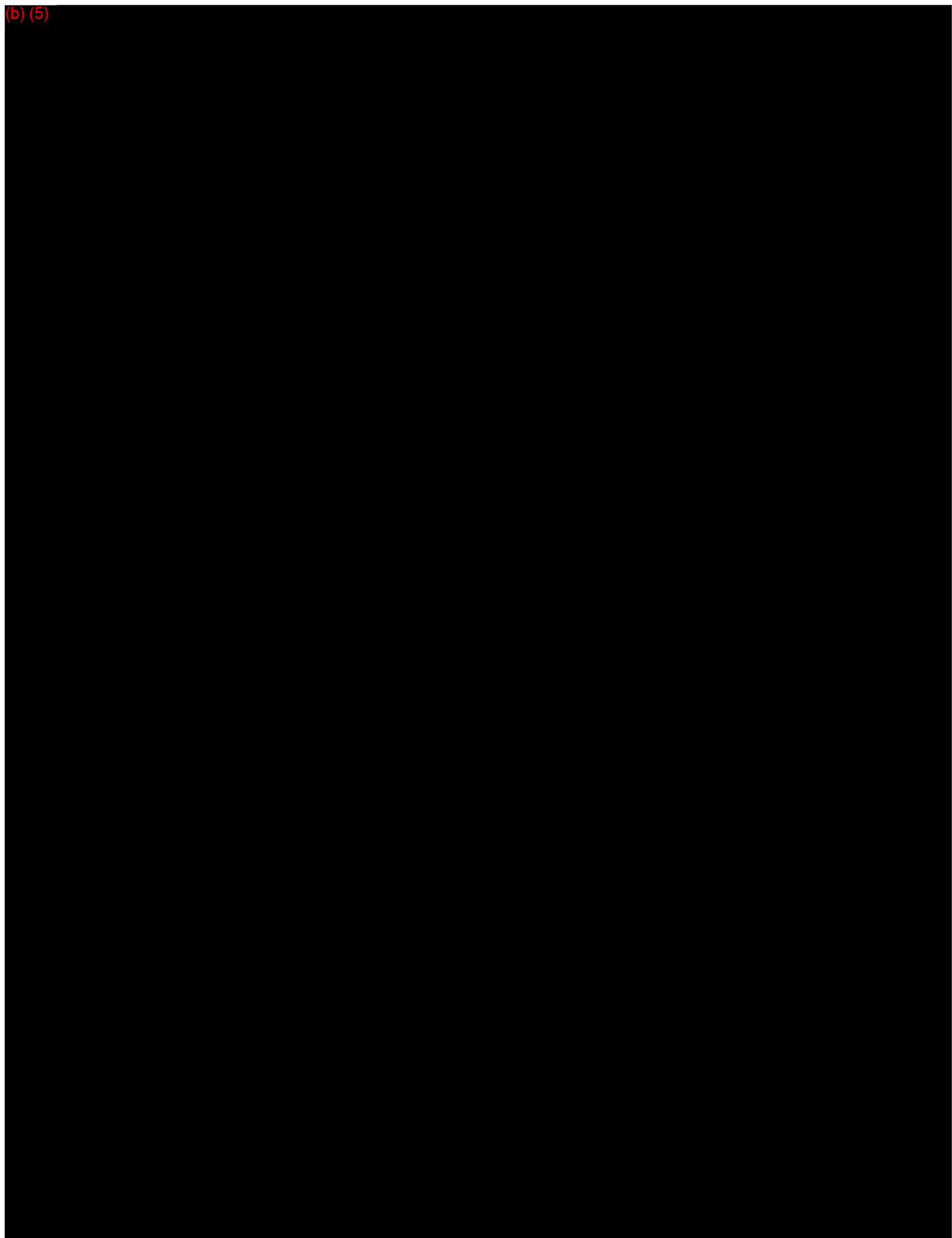
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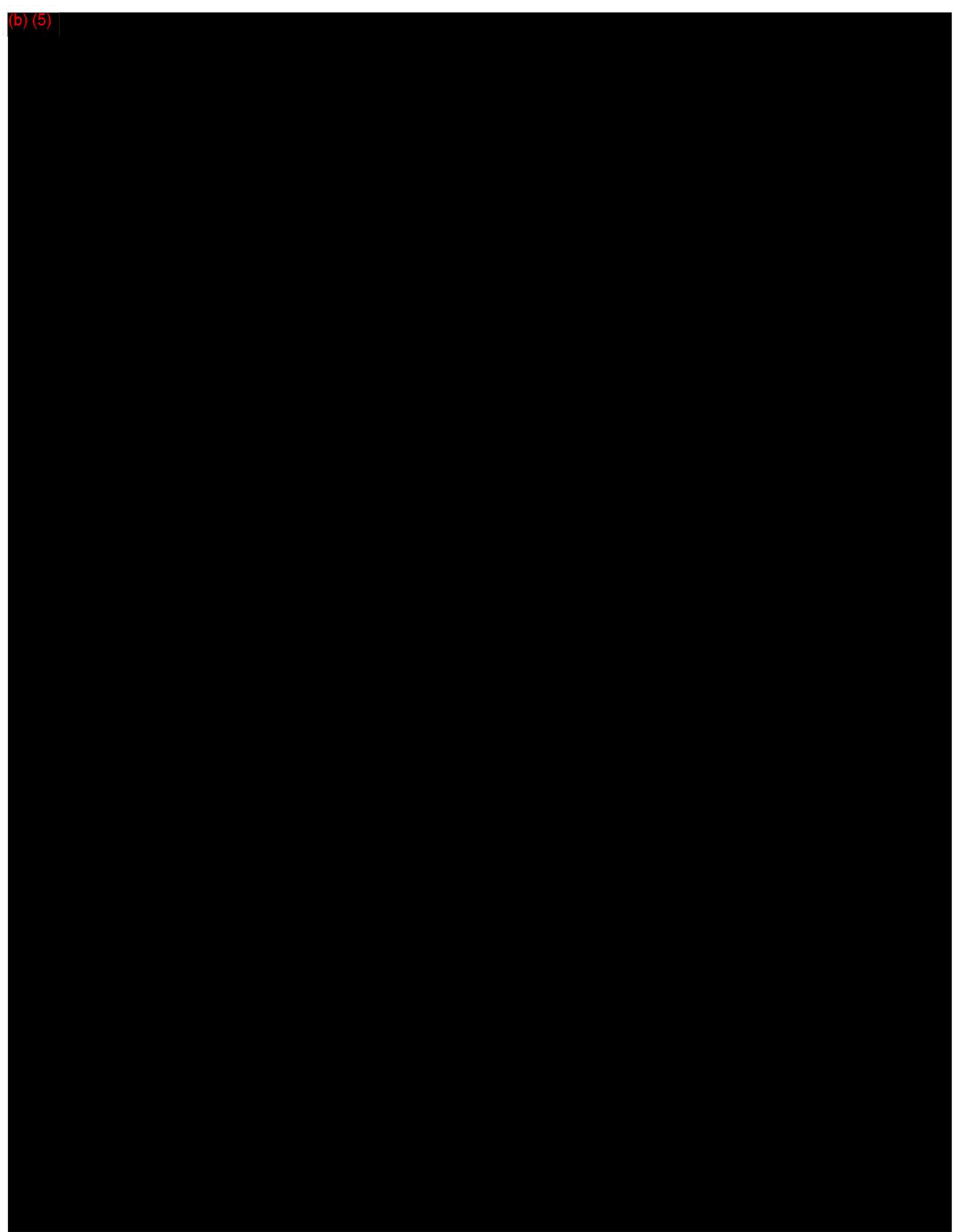
(b) (6) (Cell)

(b) (6)

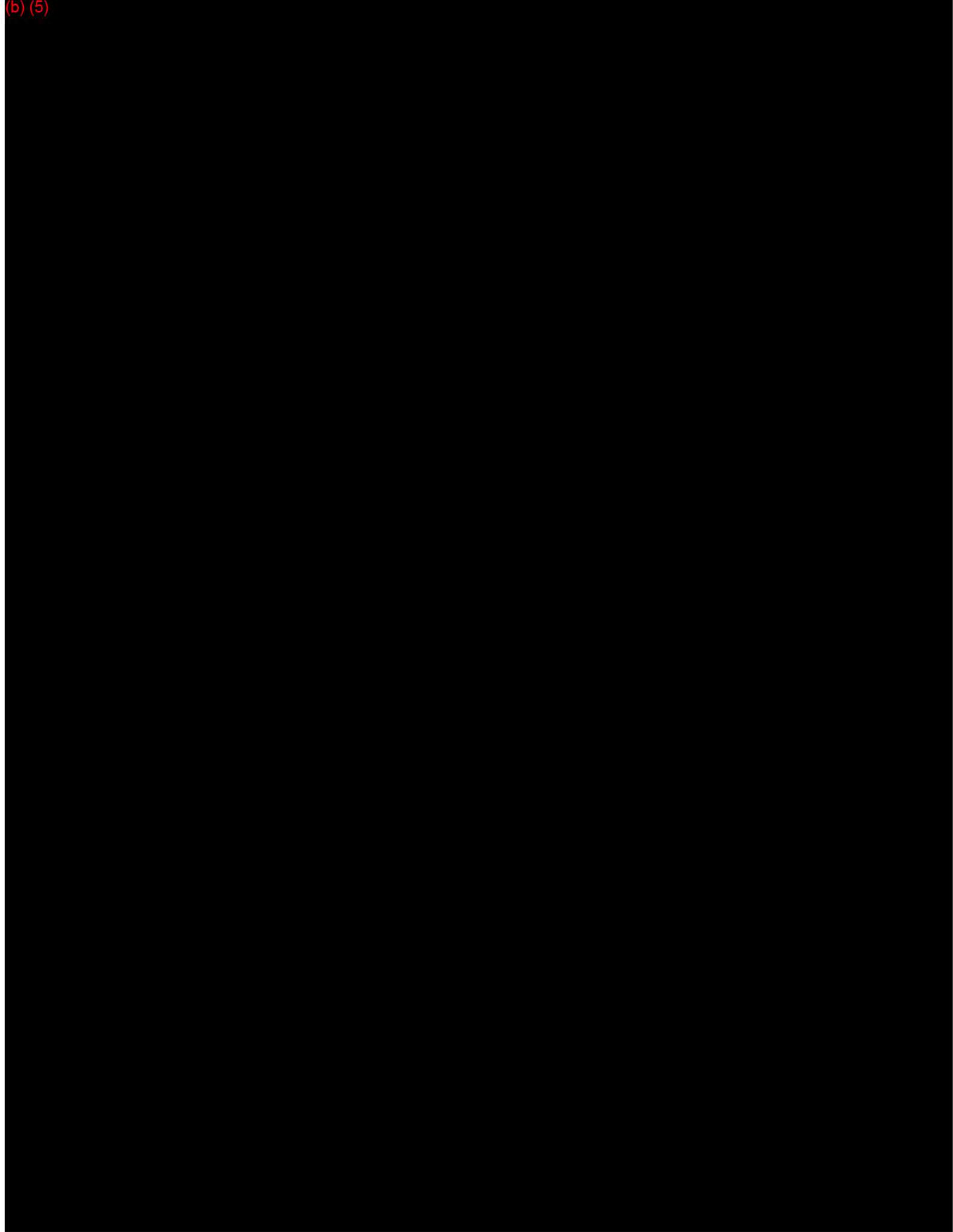


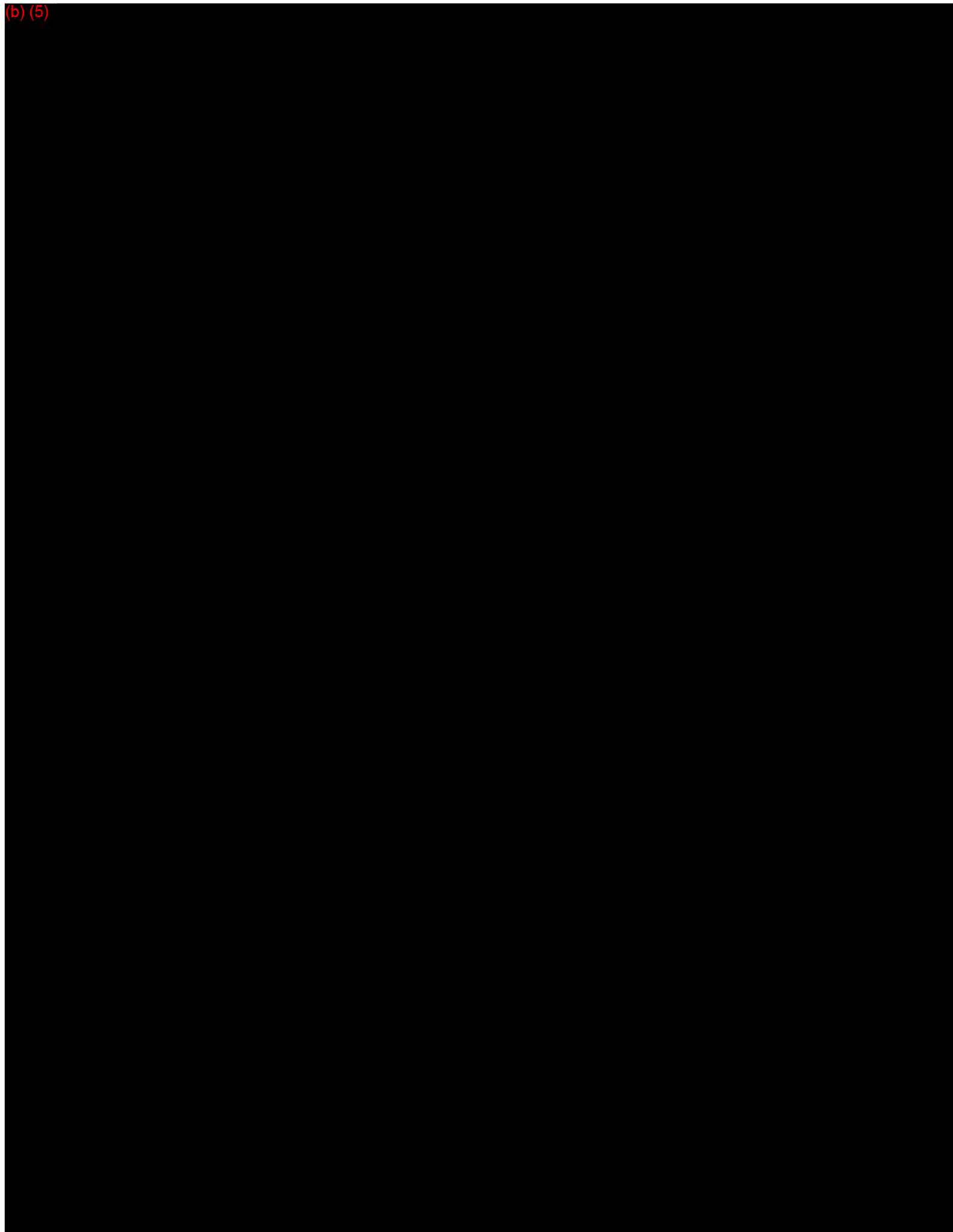


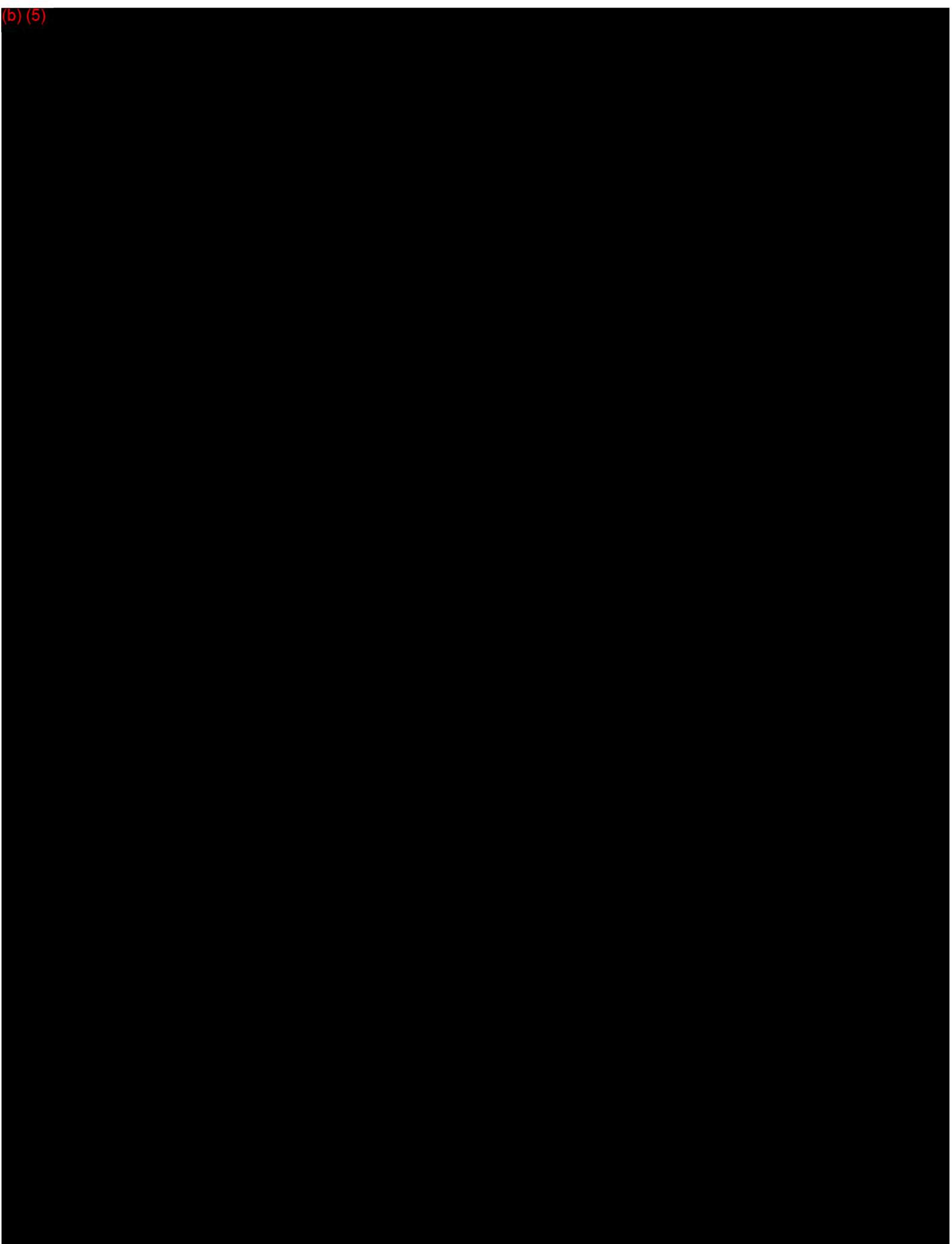


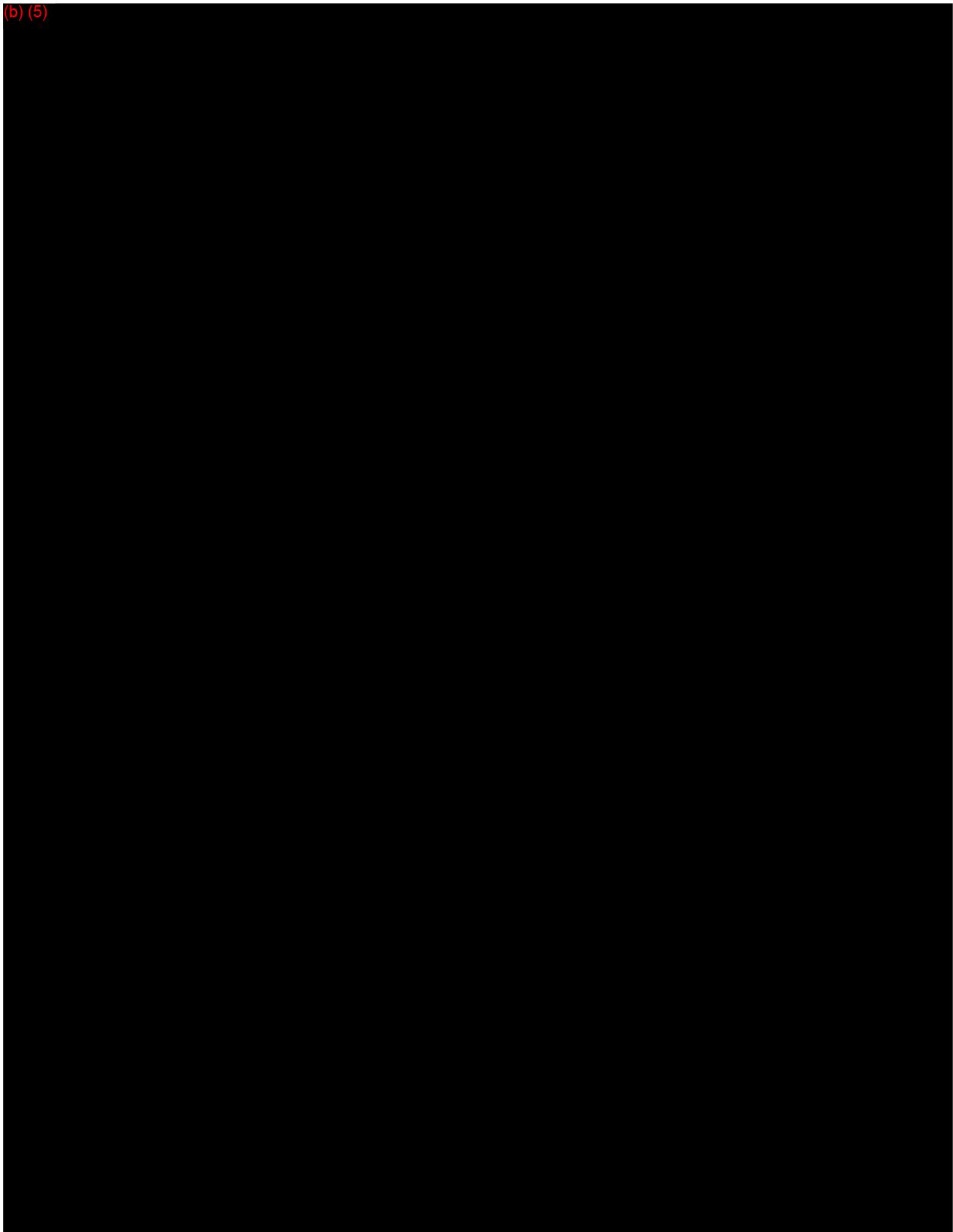


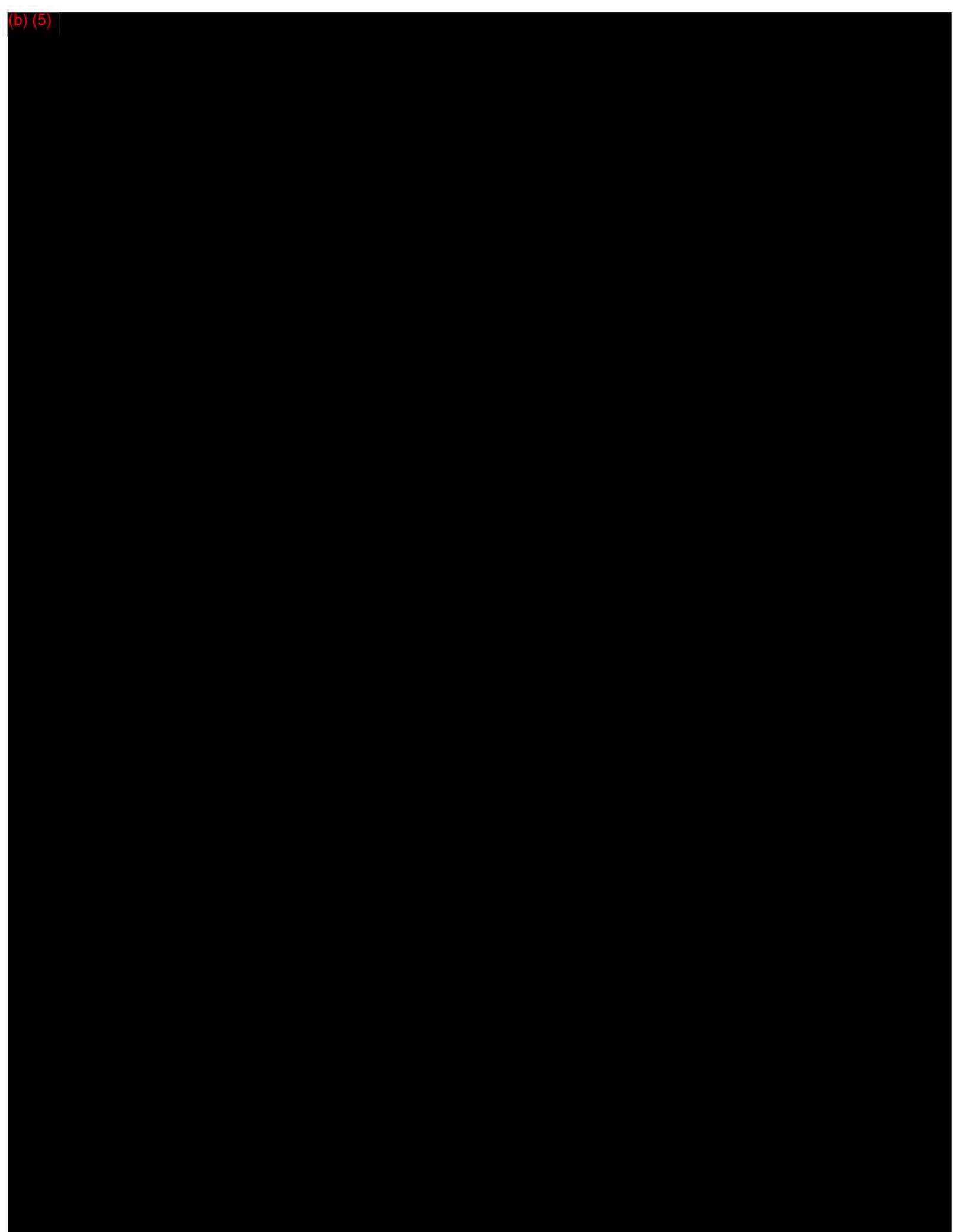
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(b) (5)

## **FW: FYI: CEQ NEPA ANPRM and Draft GHG Guidance**

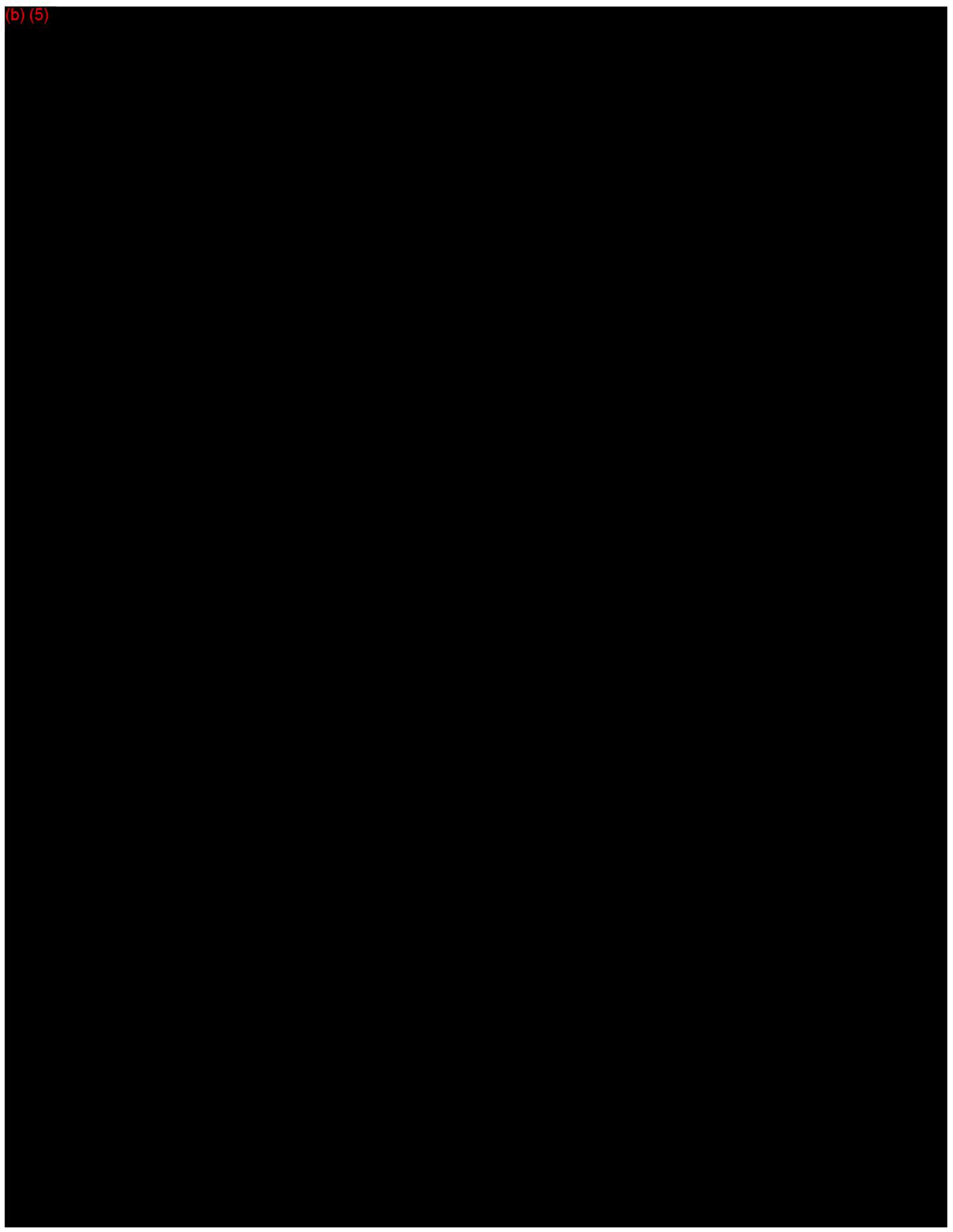
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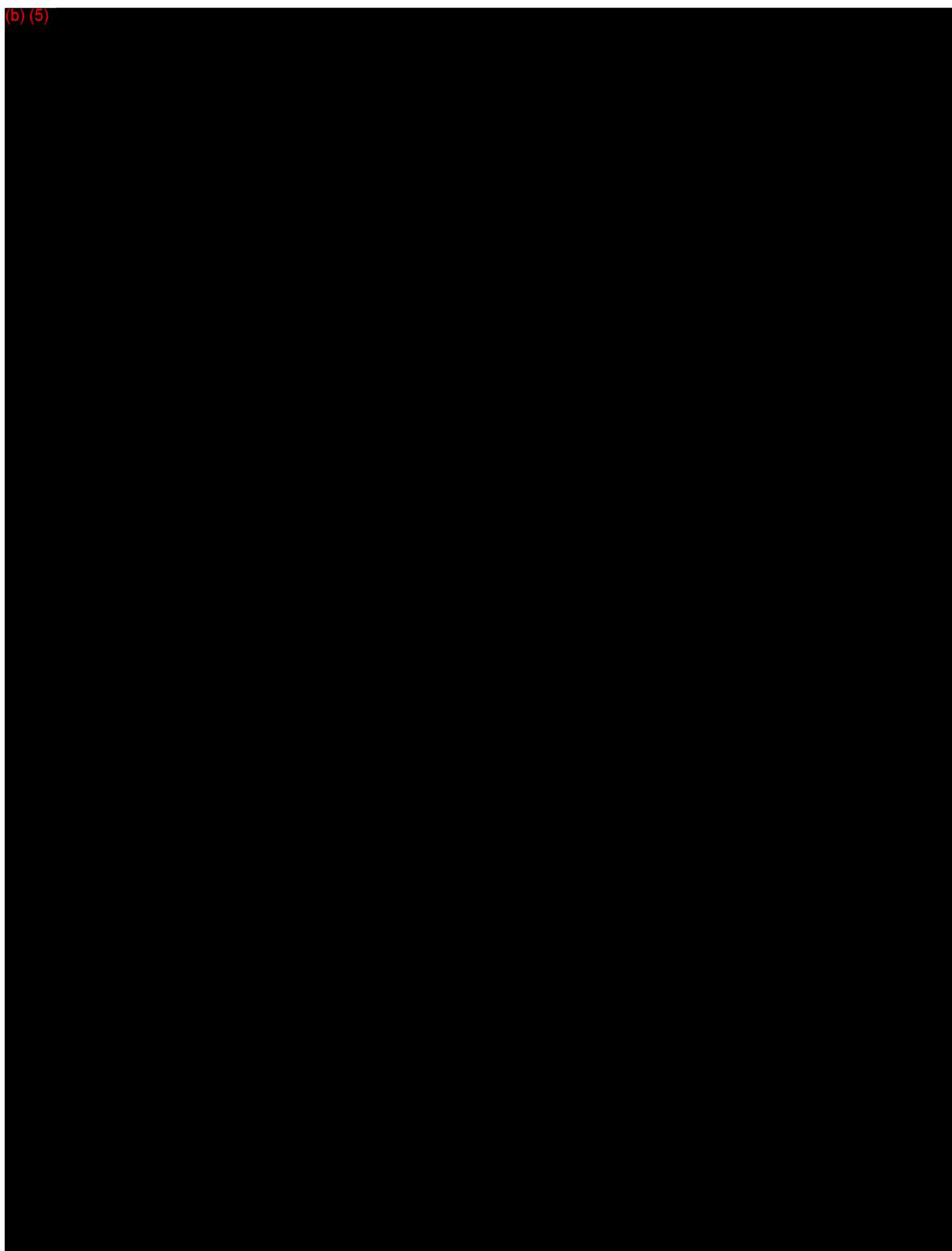
**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 23 Apr 2018 16:40:26 -0400  
**Attachments:** FR Notice for ANPRM - 4-20-2018.docx (52.74 kB); FR Notice for GHG Guidance 4 20 18 V. 2.docx (54.21 kB)

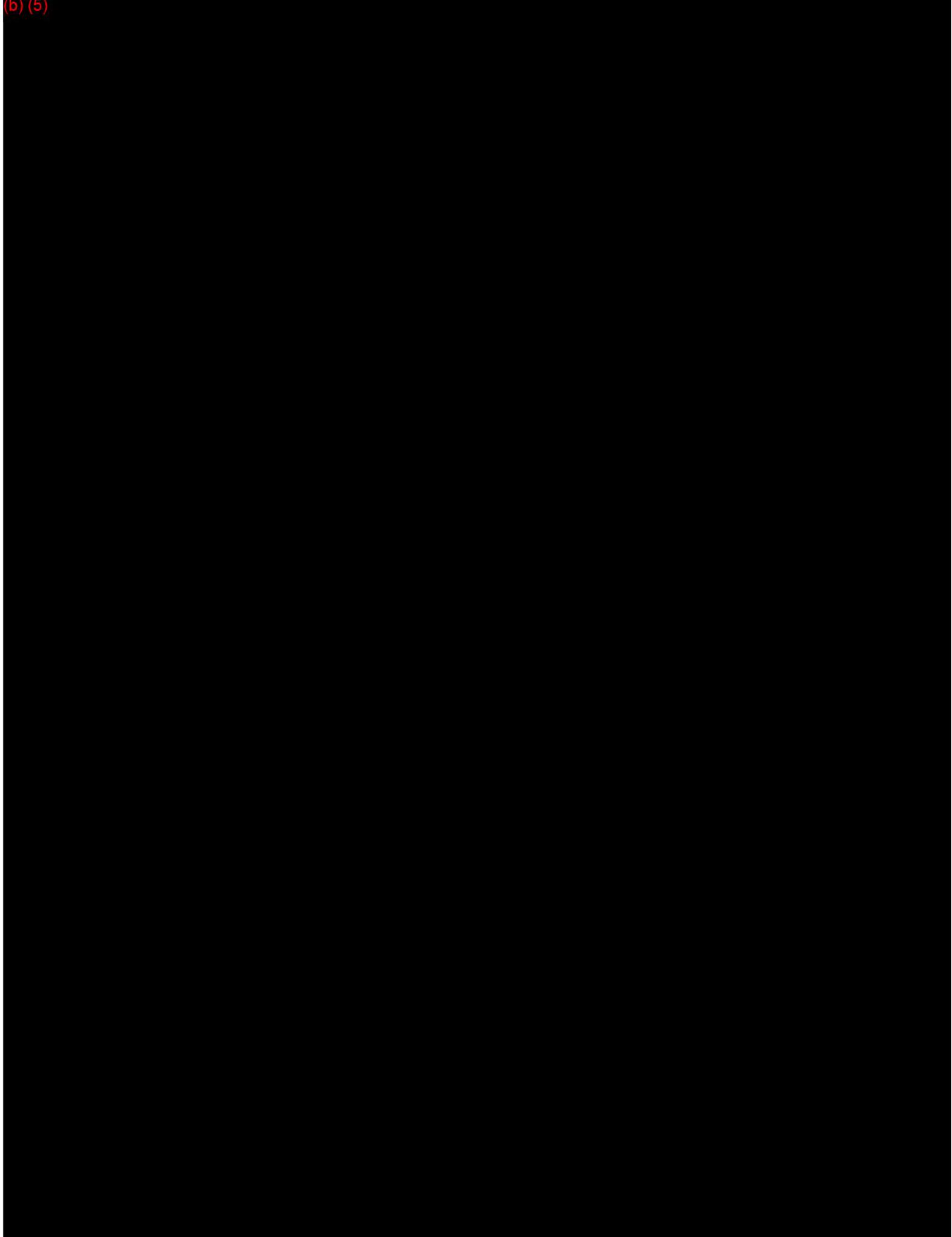
**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, April 23, 2018 4:40 PM  
**To:** Brooke, Francis J. EOP/OVP <(b) (6)> Catanzaro, Michael J. EOP/WHO <(b) (6)>  
**Cc:** Mary B. EOP/CEQ Neumayr <(b) (6)> <(b) (6)>  
**Subject:** FYI: CEQ NEPA ANPRM and Draft GHG Guidance

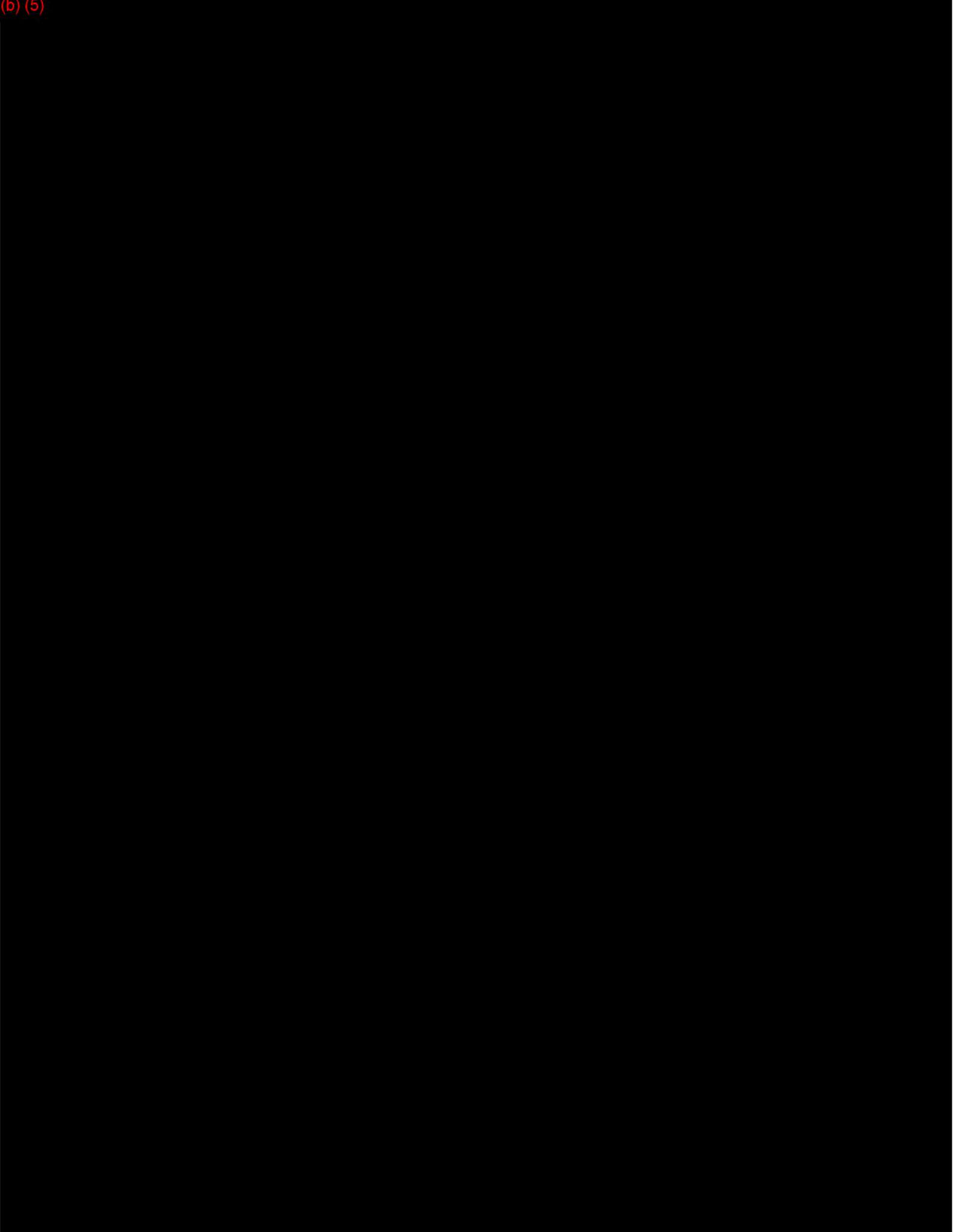
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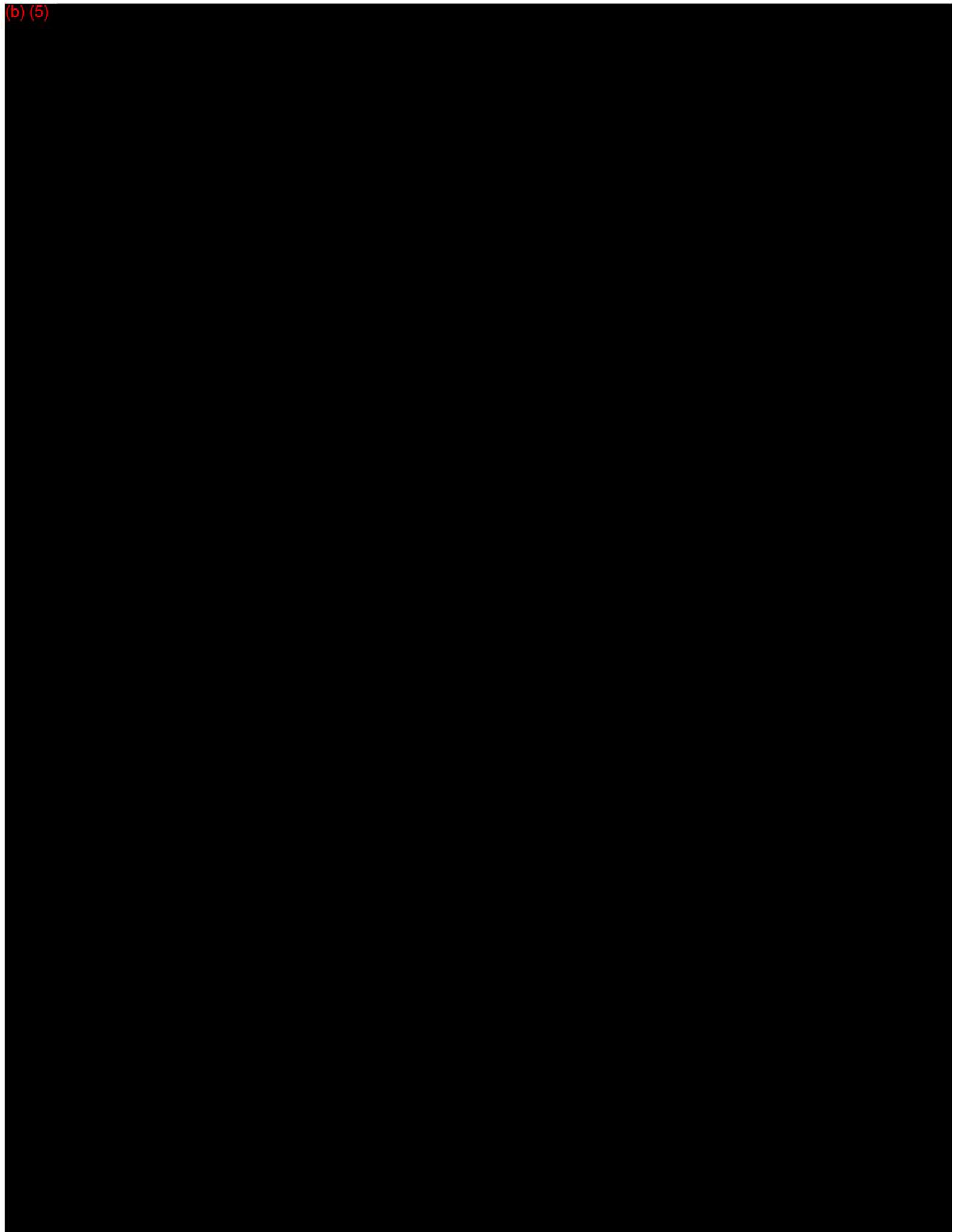
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)

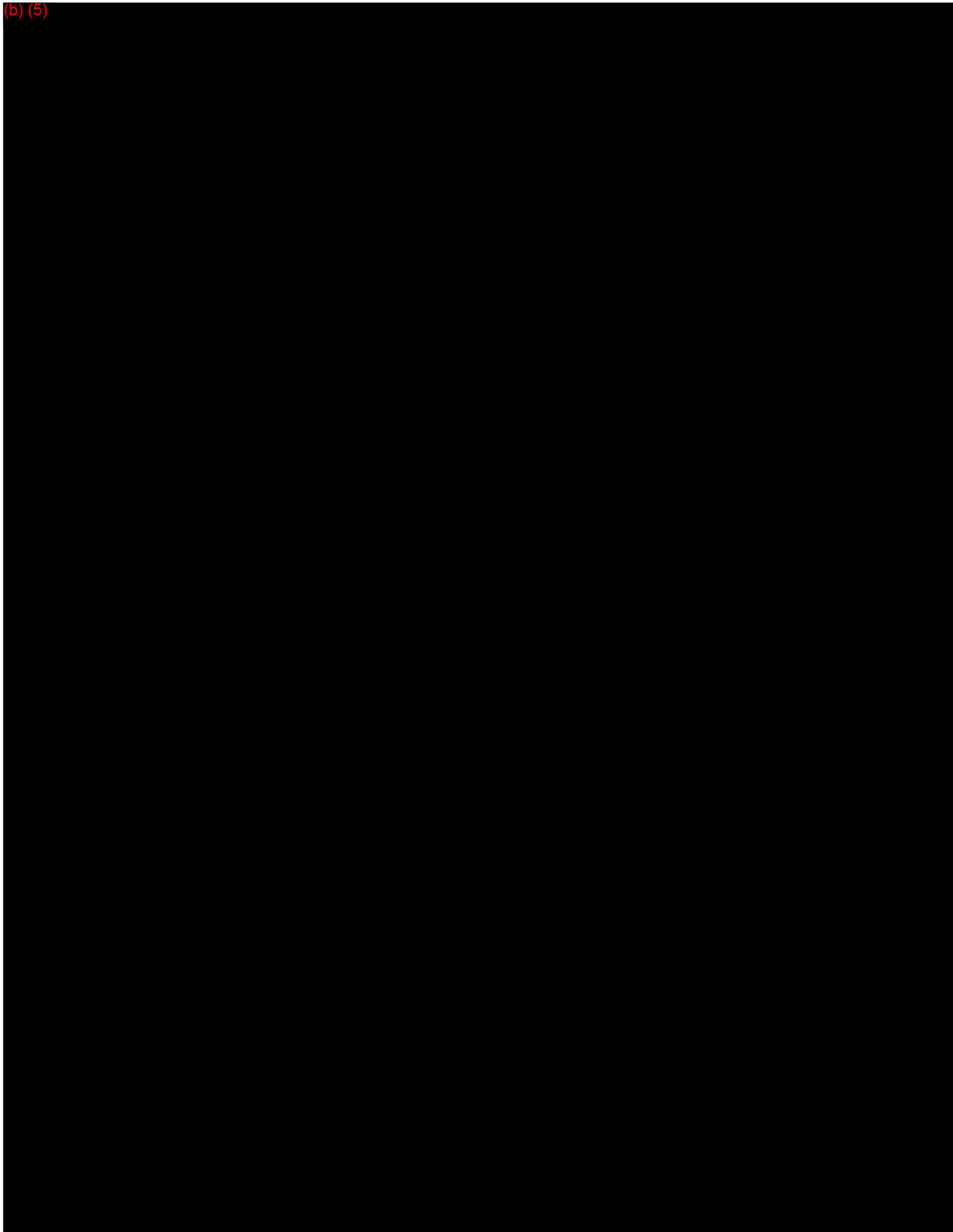


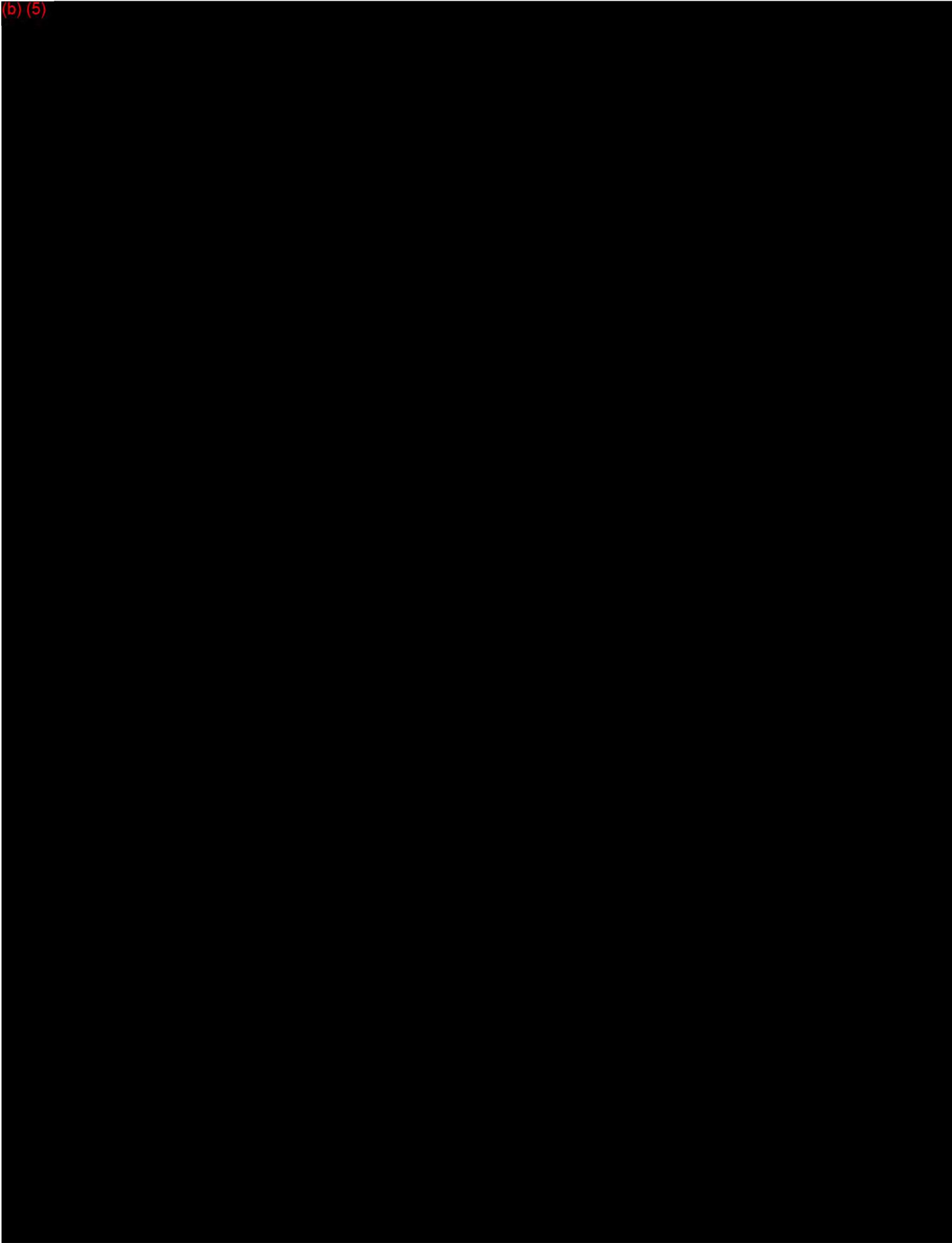


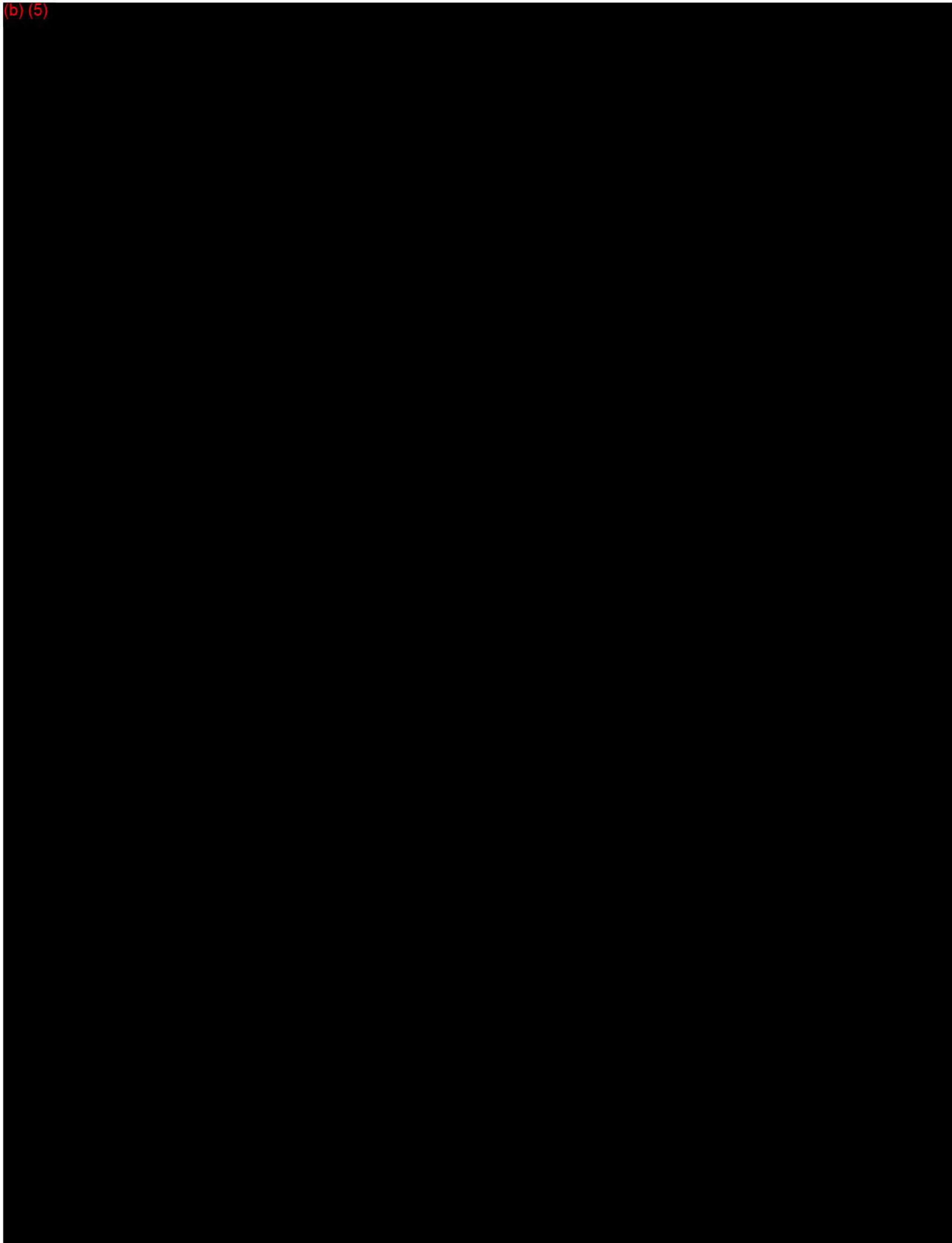


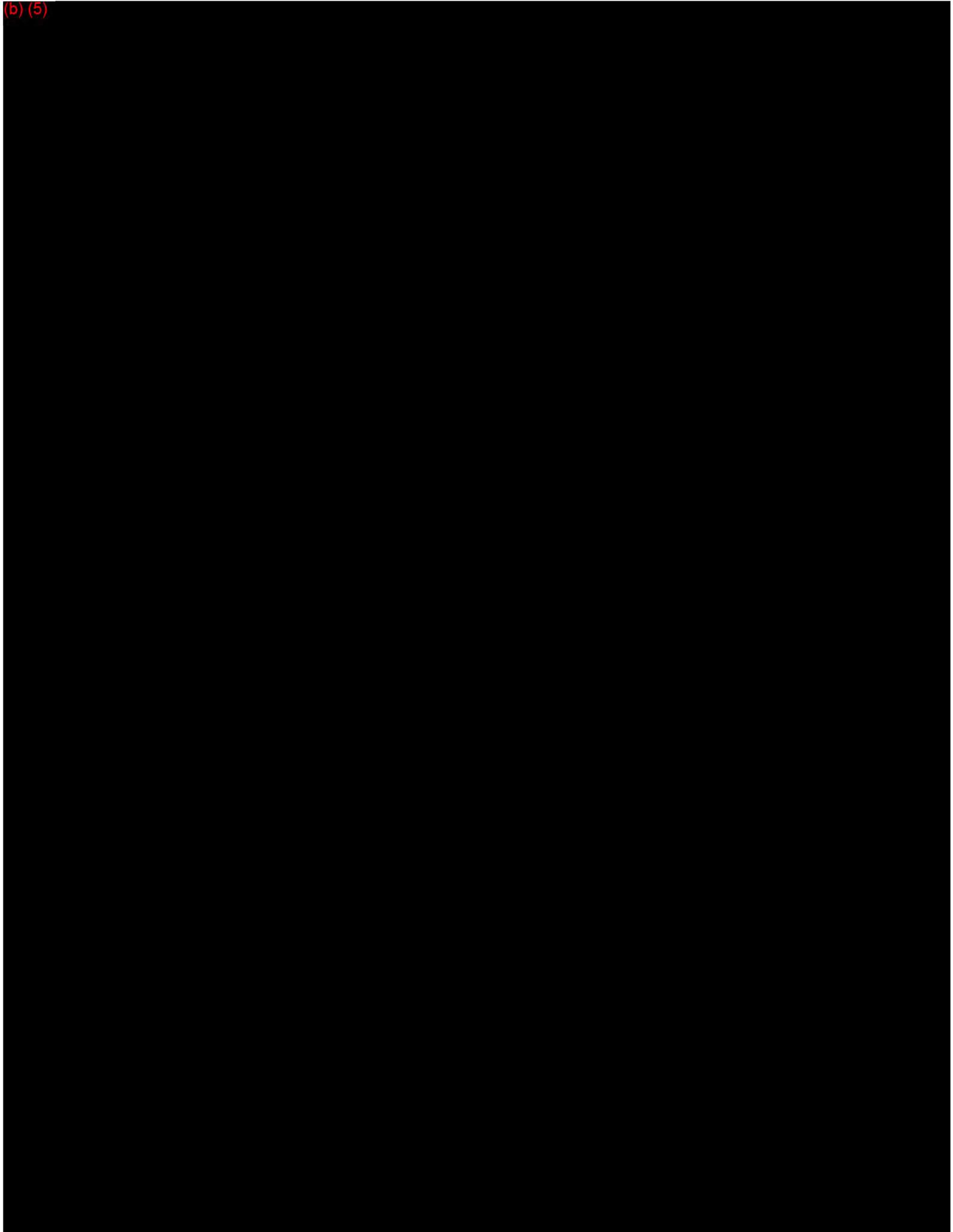












## FW: Proposed Rule Drafts for your Review

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**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 27 Apr 2018 17:06:35 -0400  
**Attachment s:** CEQ Proposed Revised Regulation v1.DOCX (164.93 kB); Skeleton - Proposed Rule - CEQ Regulation Amendment.docx (49.88 kB)

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Friday, April 27, 2018 1:06 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** Proposed Rule Drafts for your Review

Please see attached. To reiterate my taskers, (b) (5)

(b) (5)

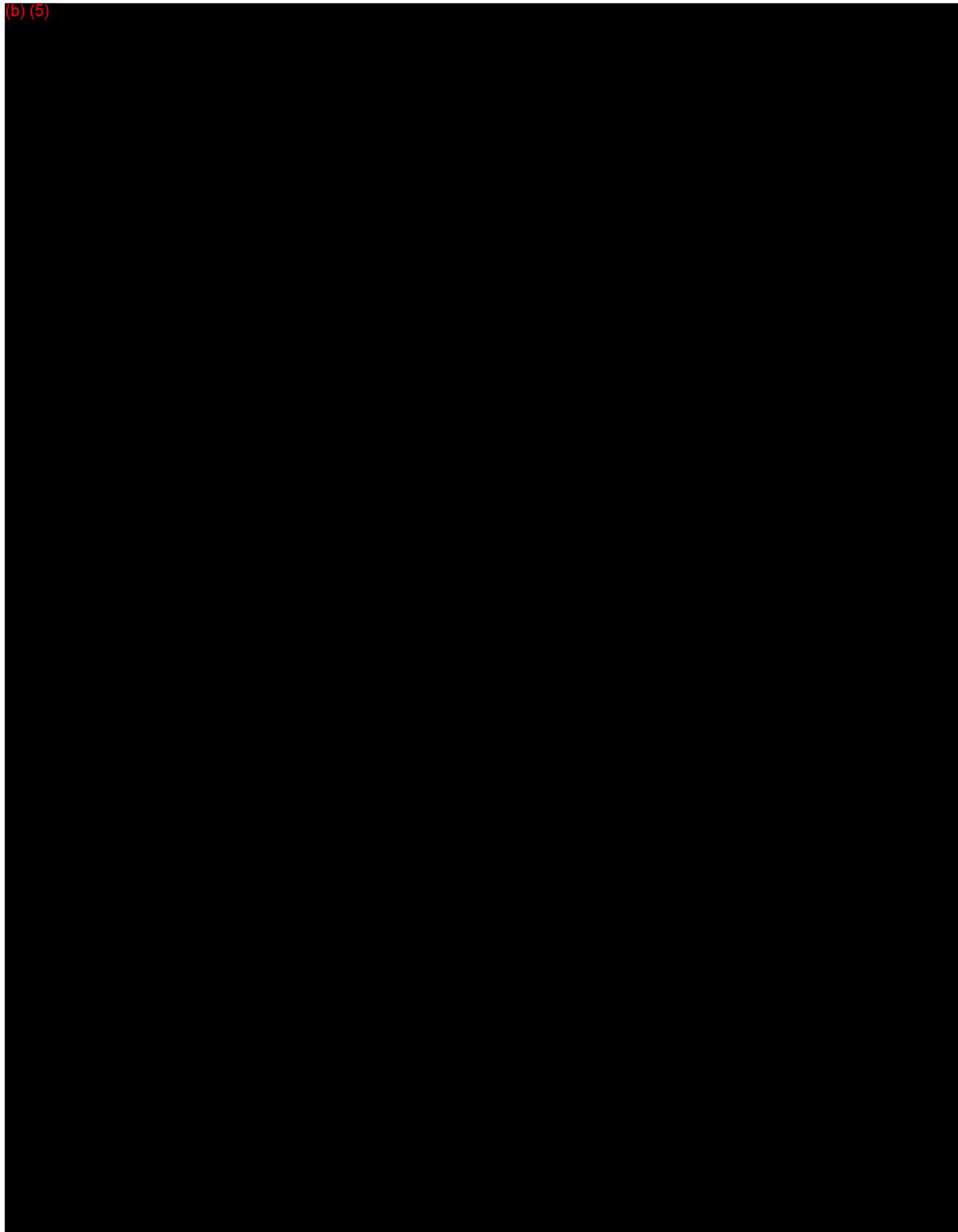
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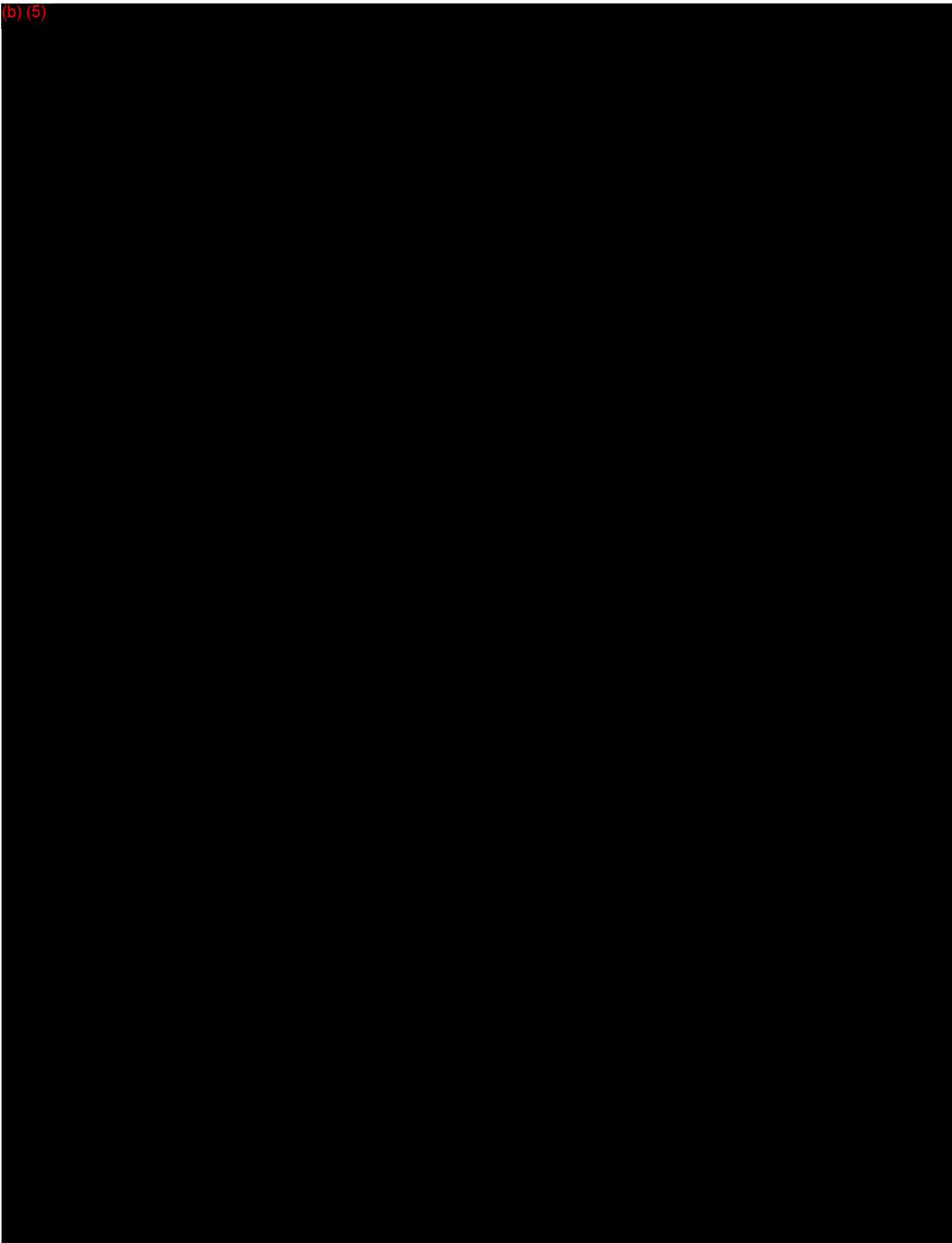
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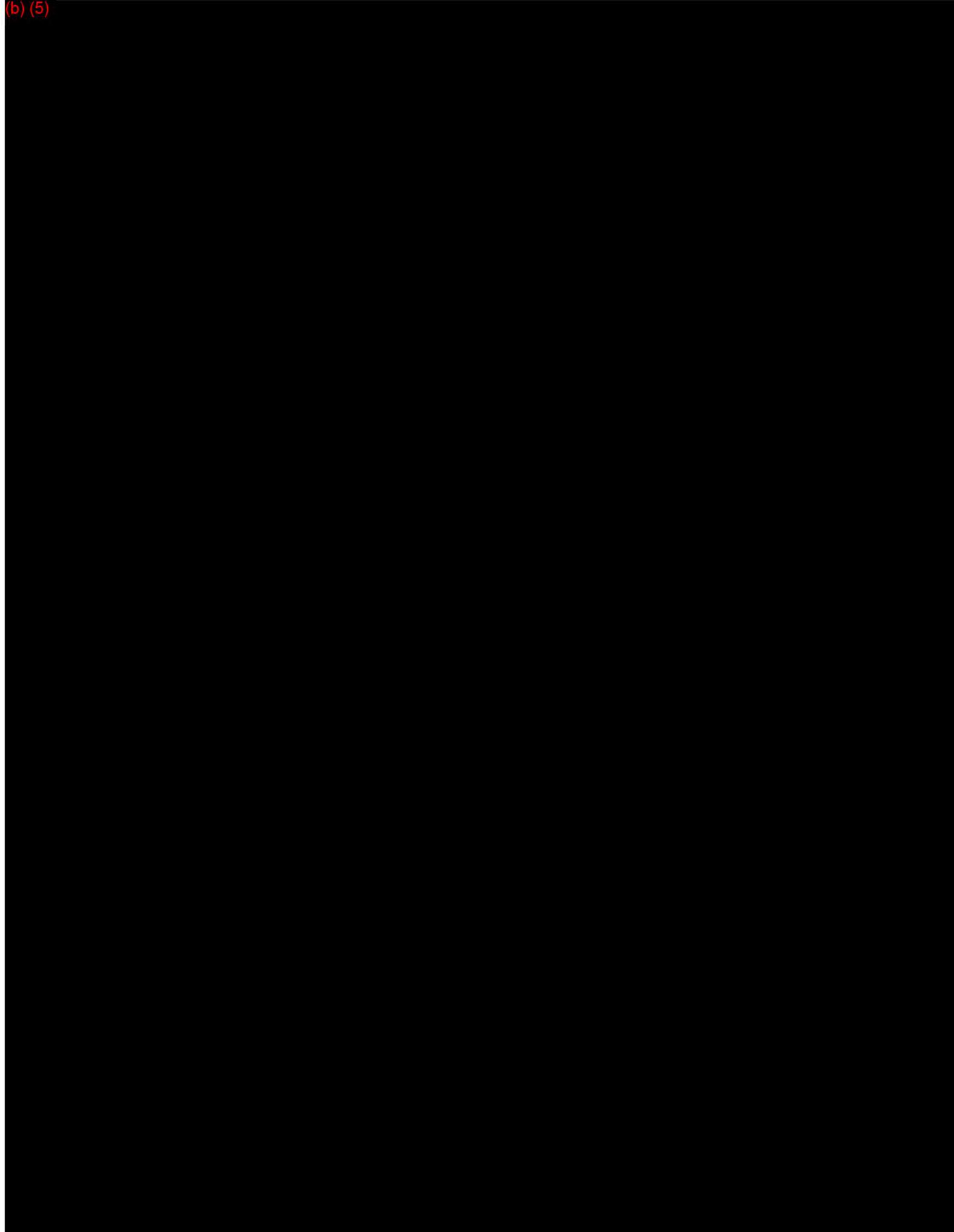
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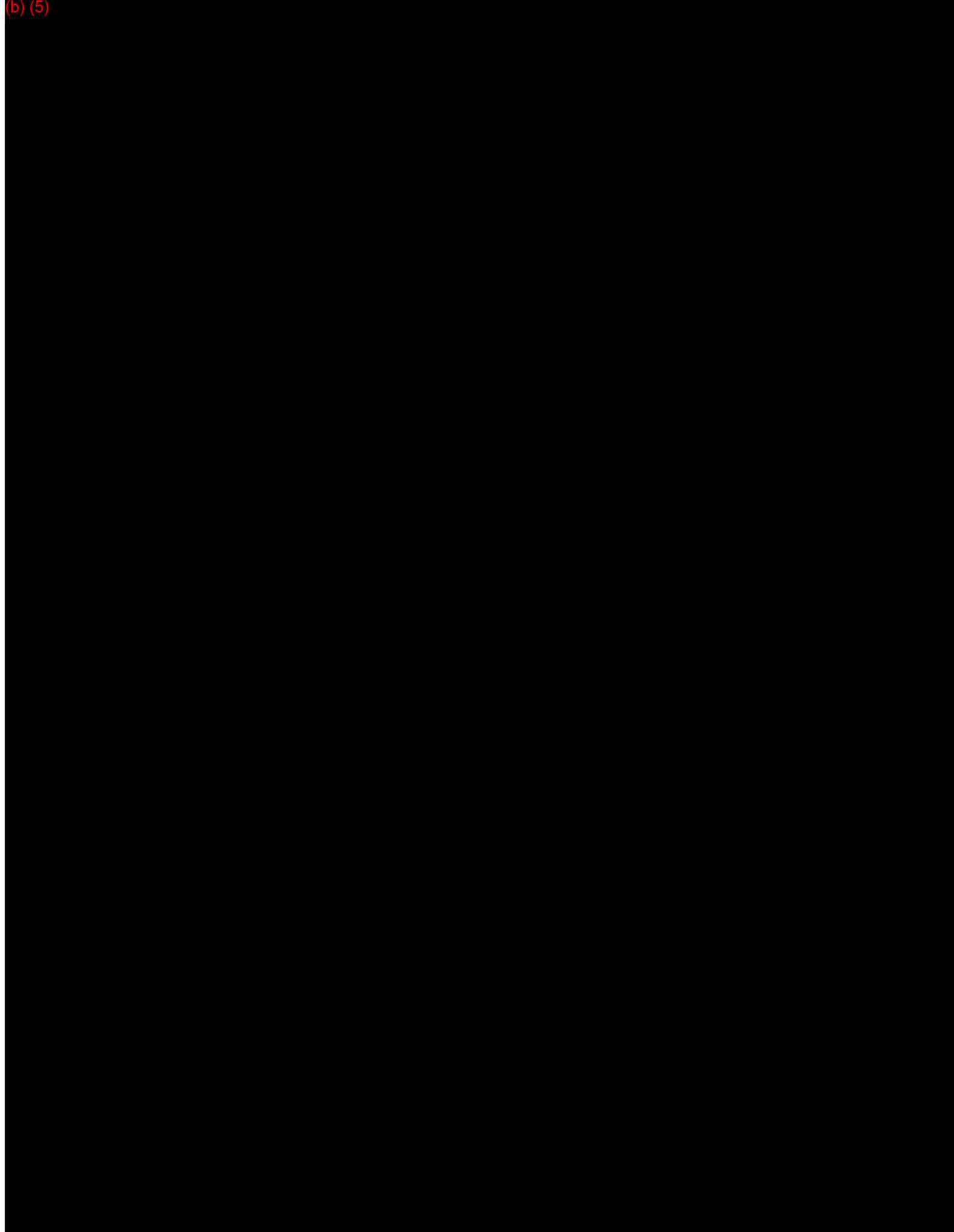
Please review the proposed revised regulation and notes, and get back to me with initial thoughts. Thank you.

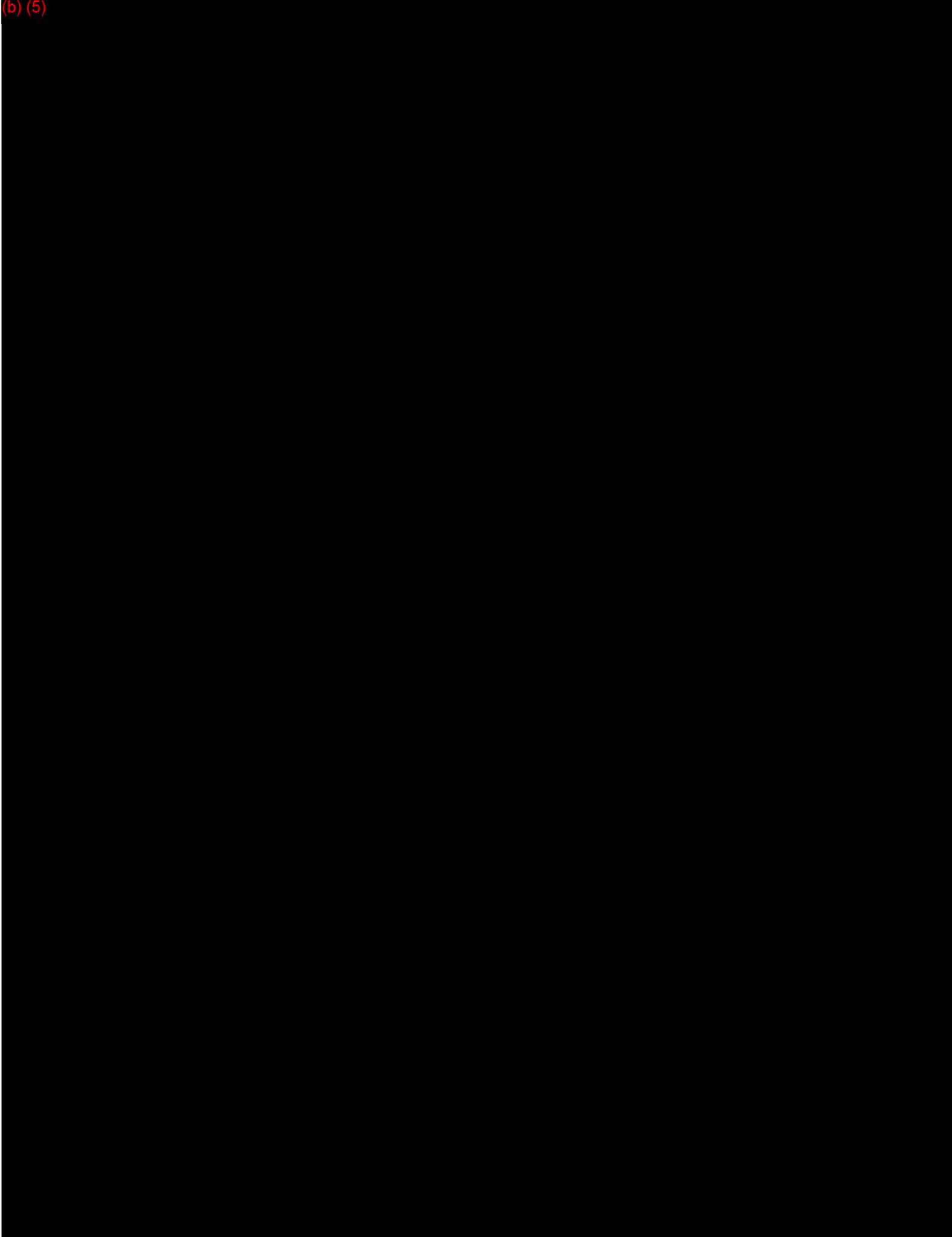
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

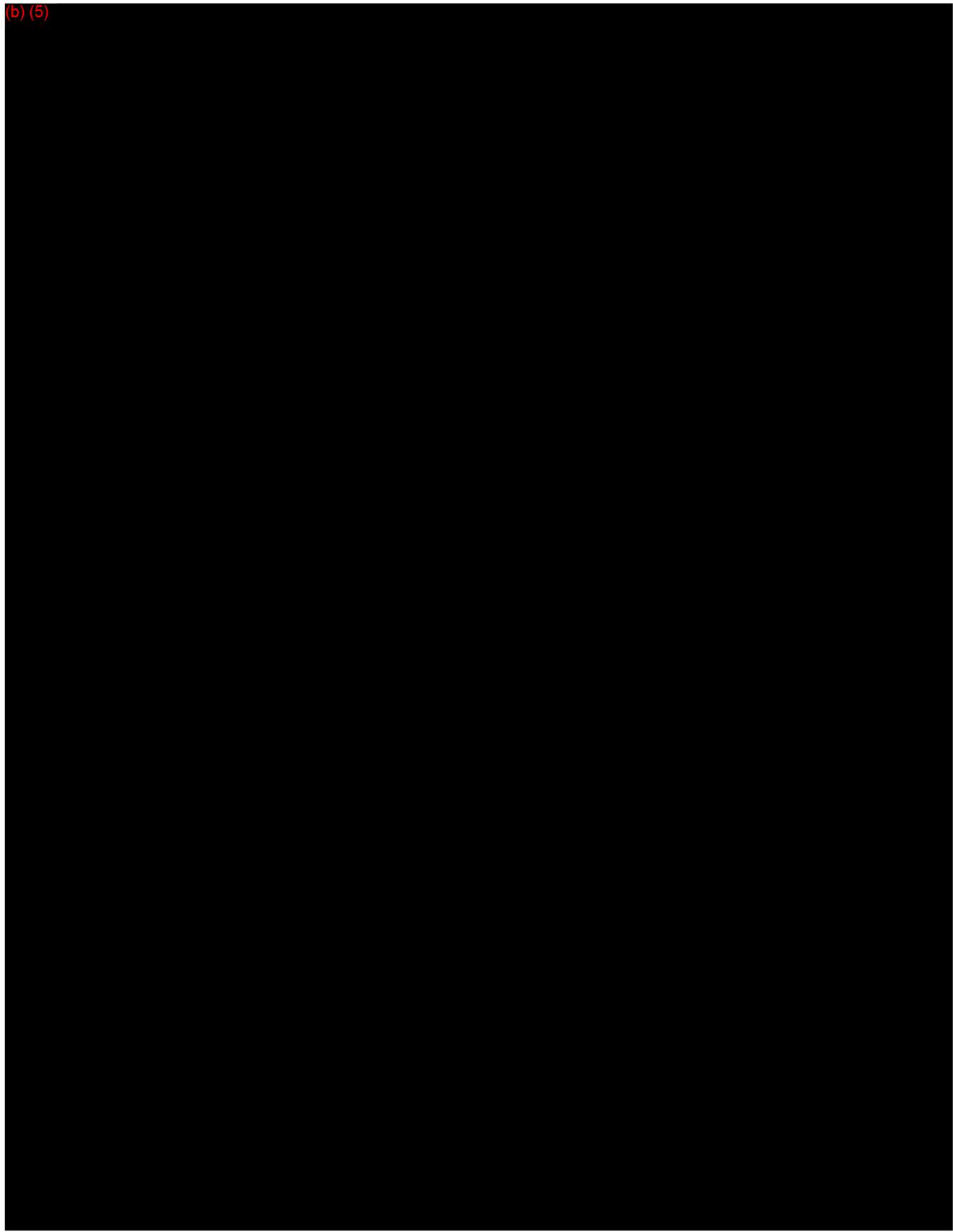


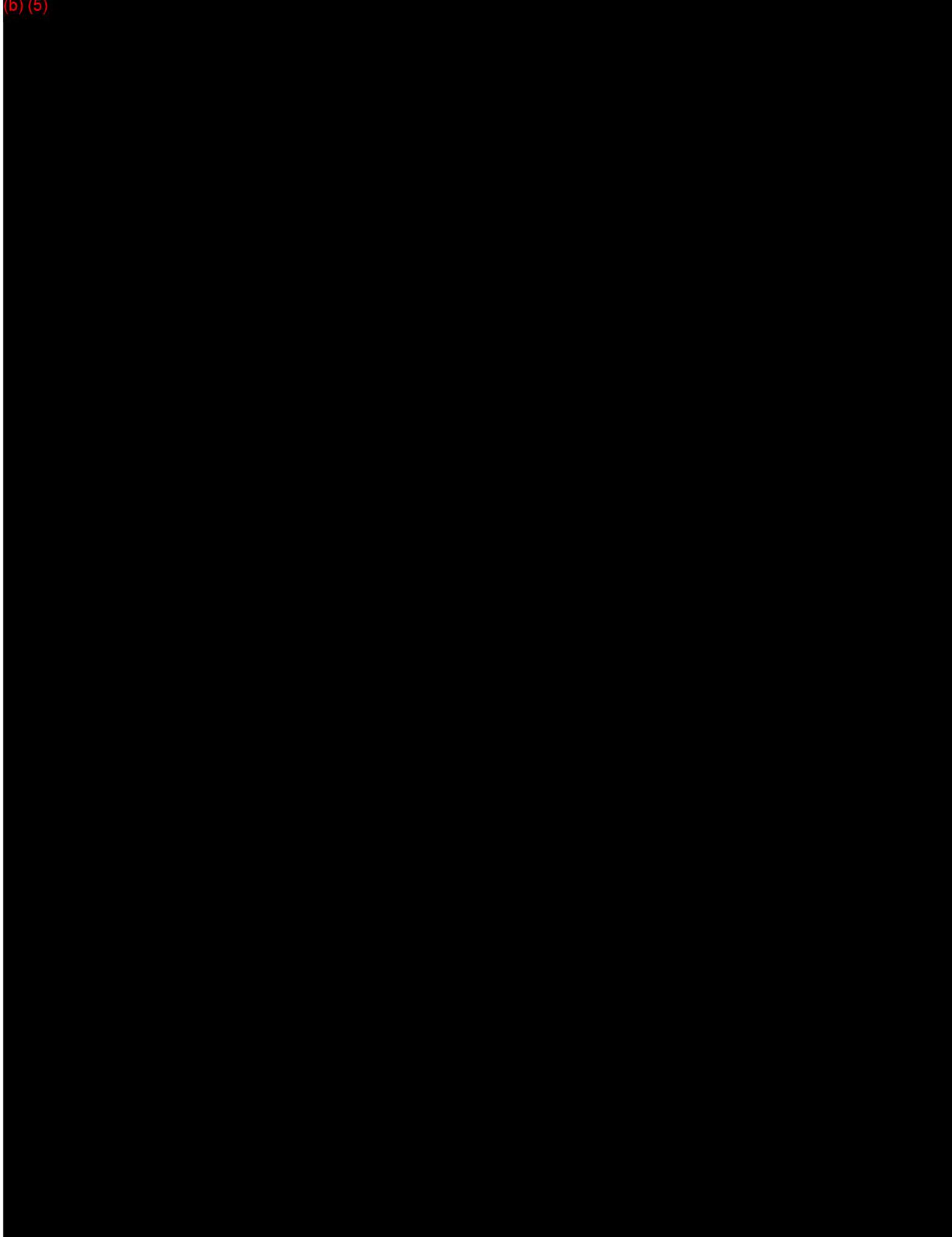


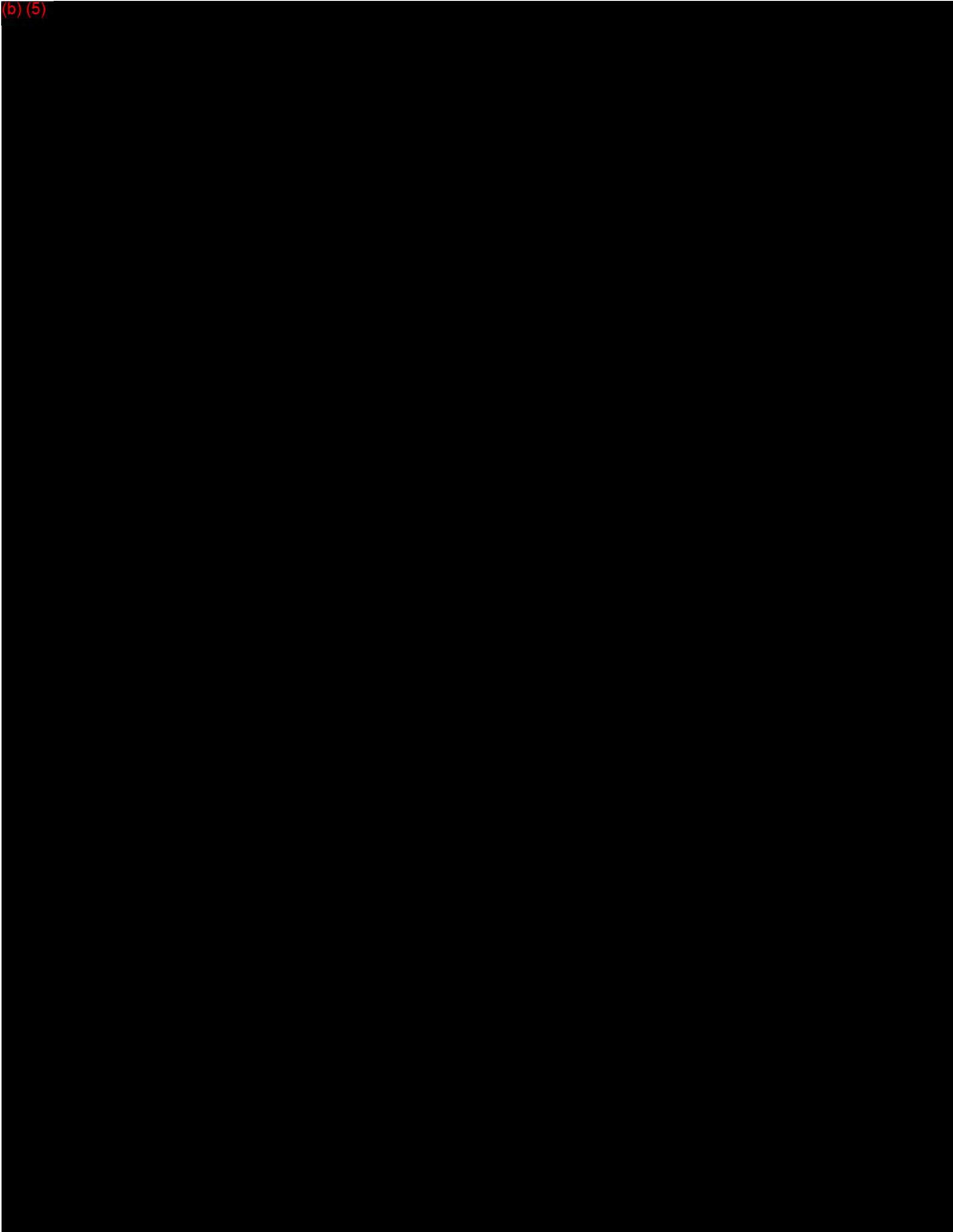


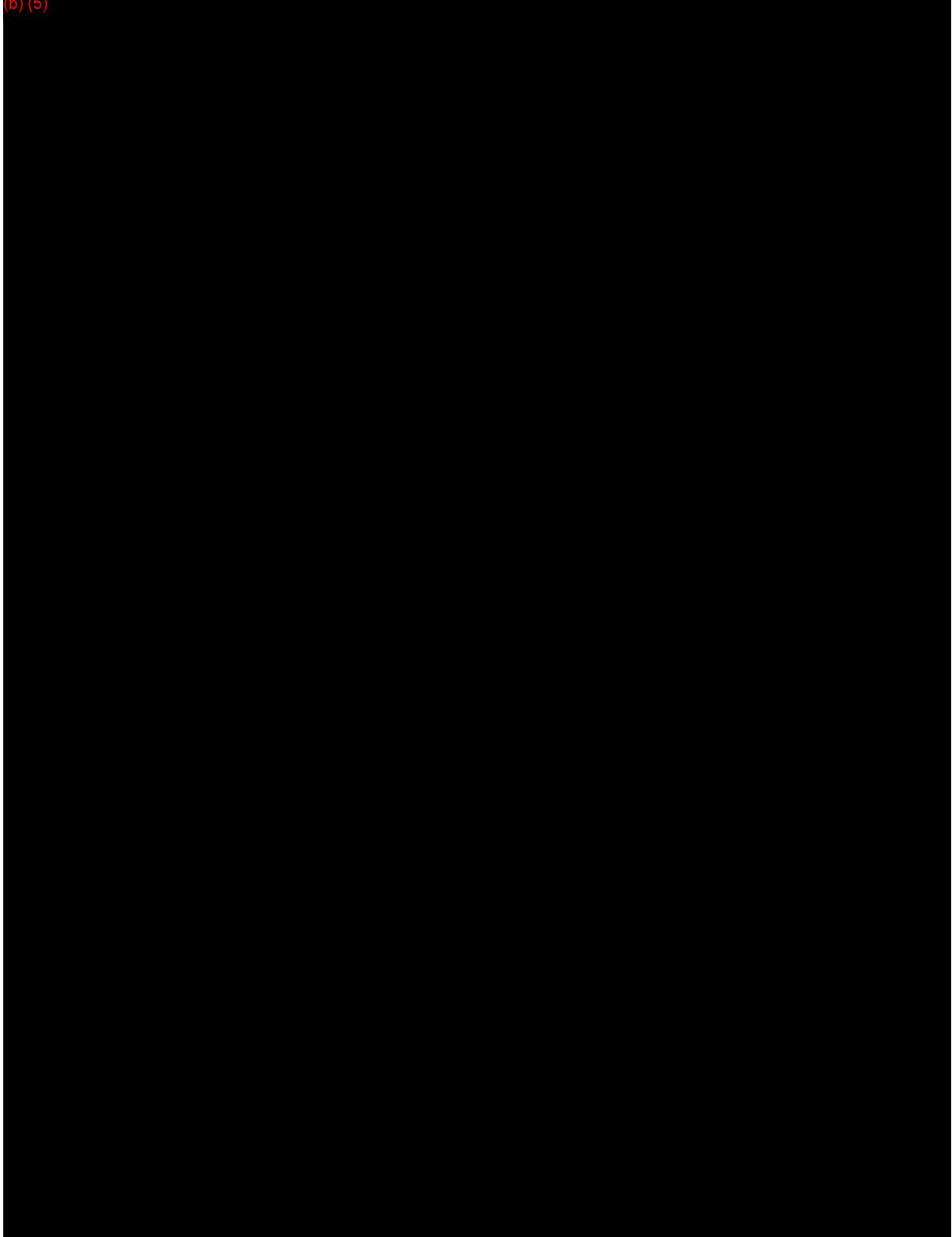


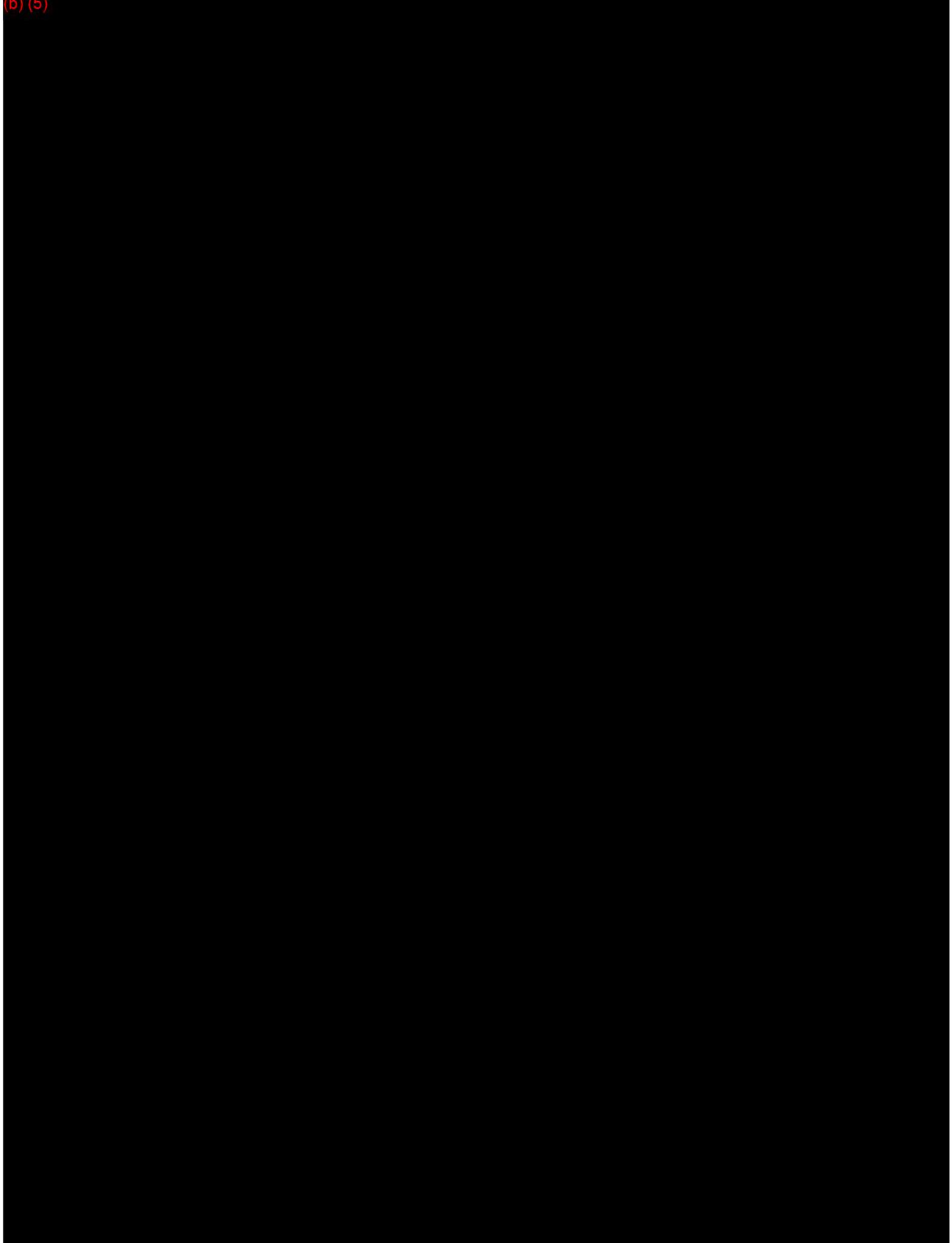


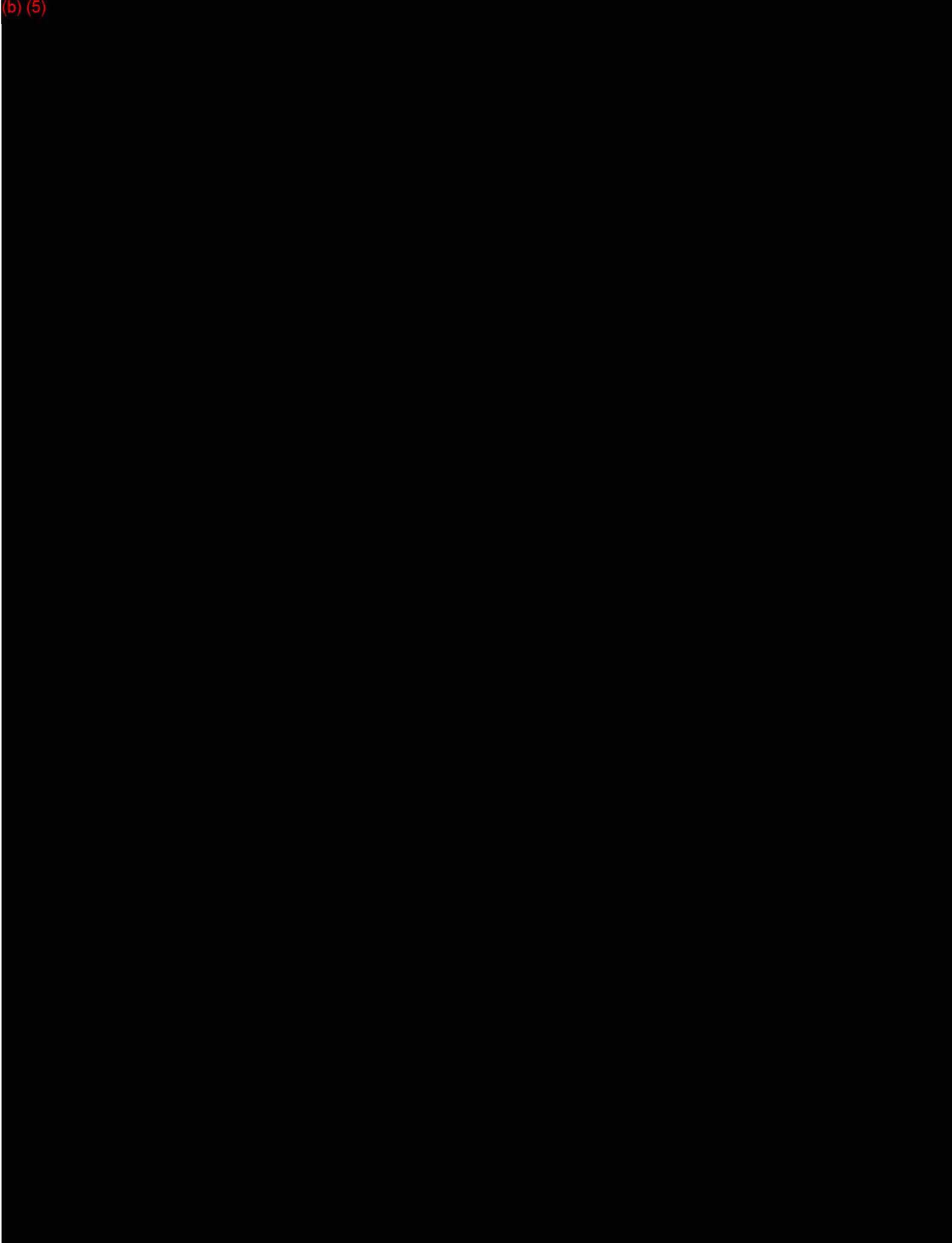


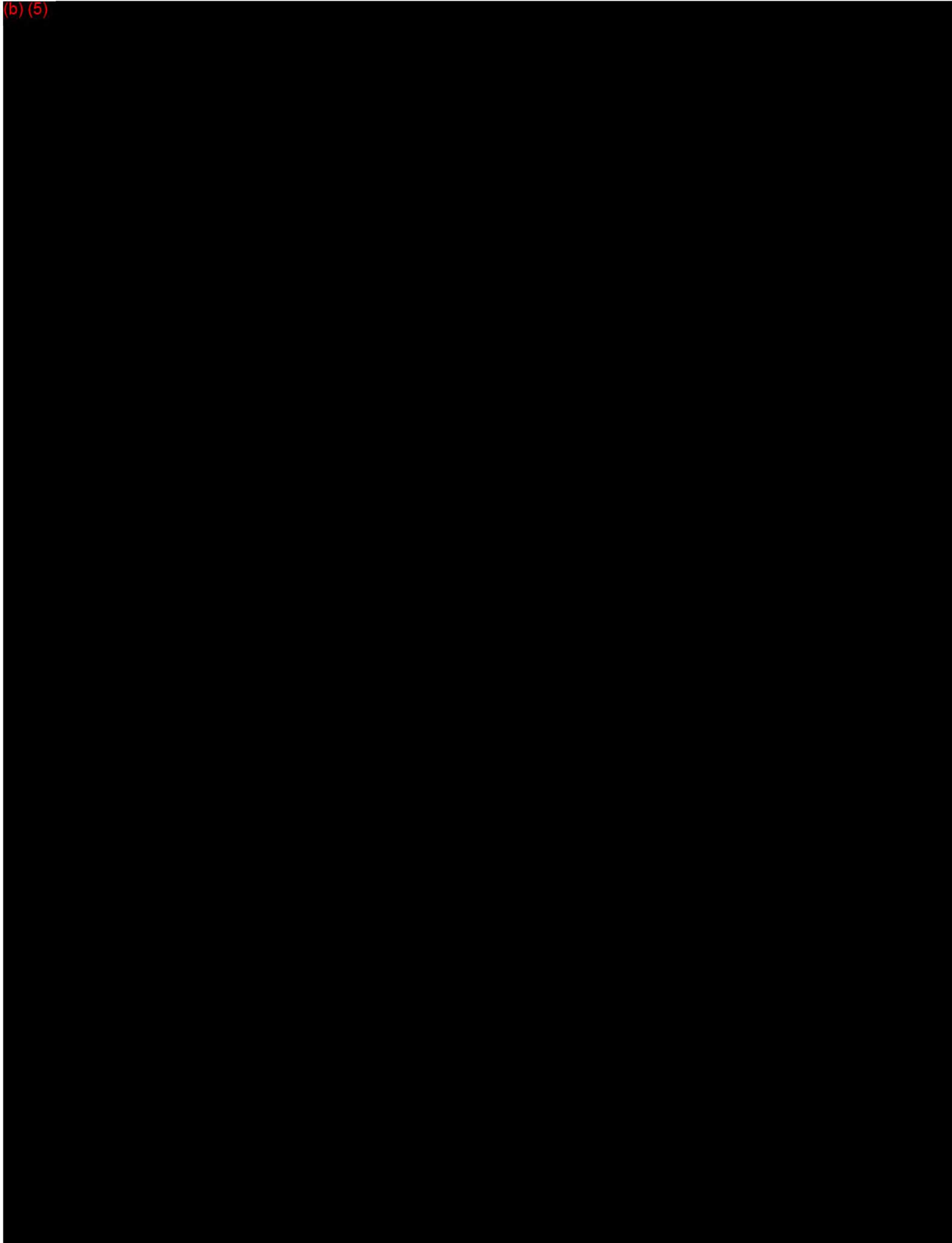


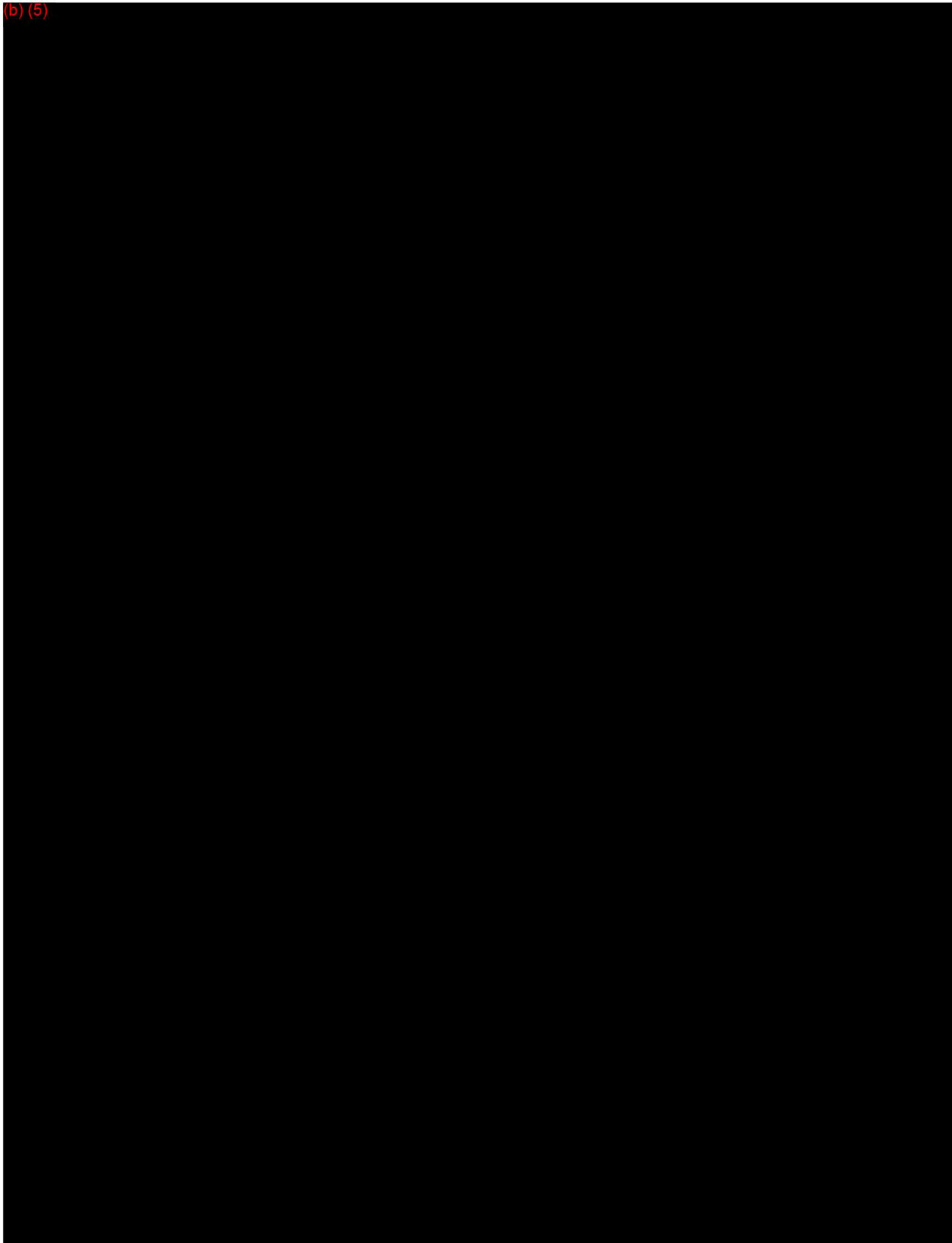


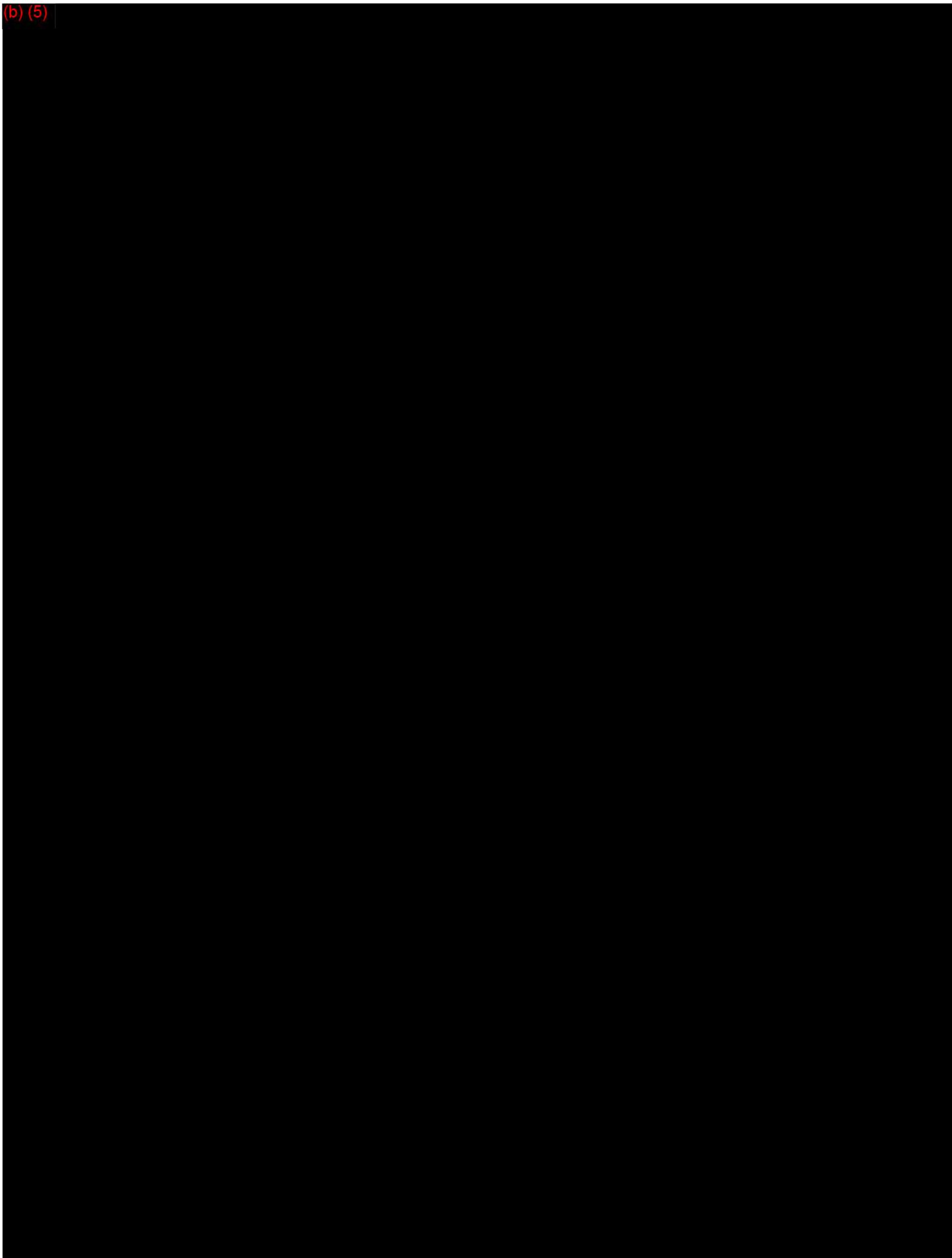


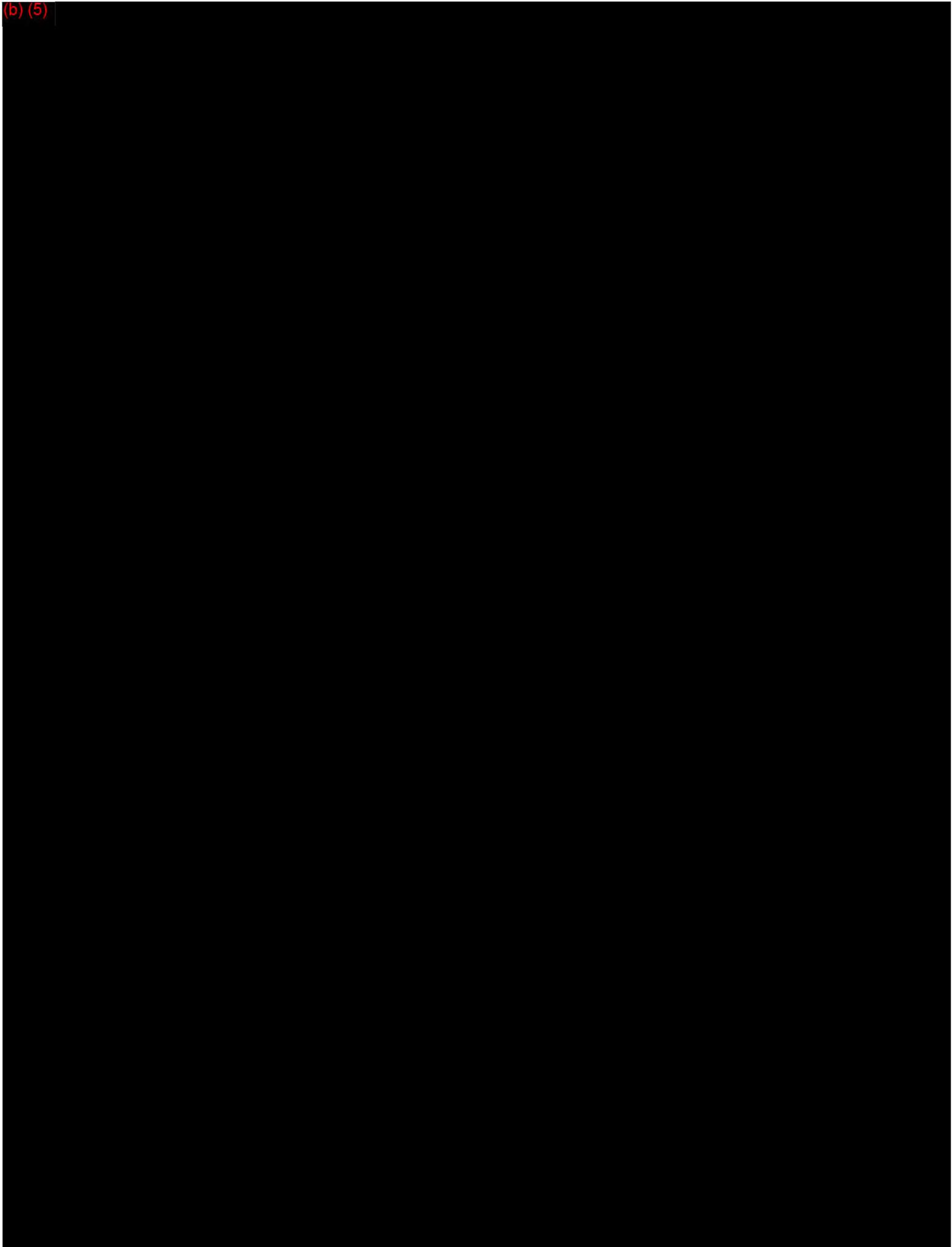


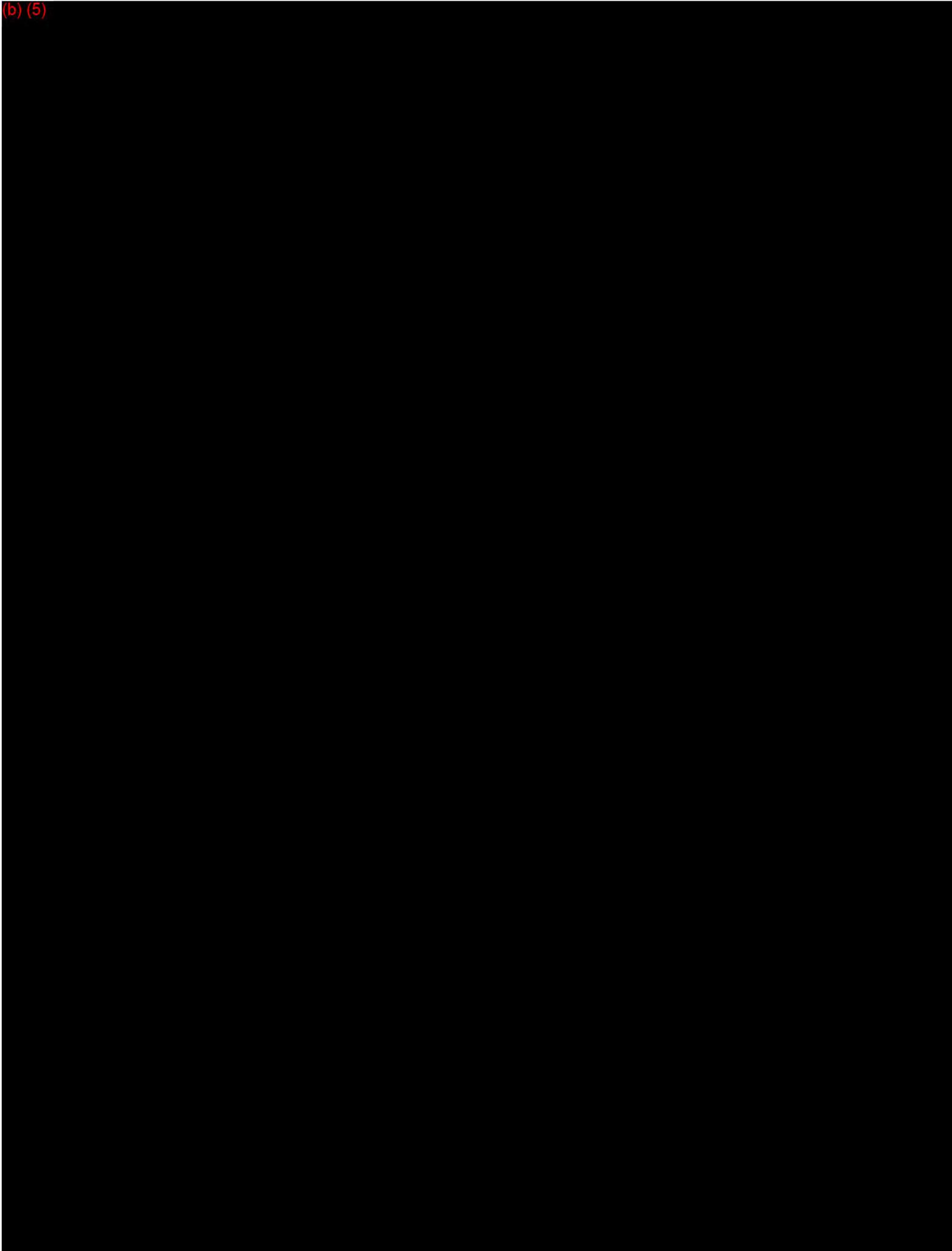


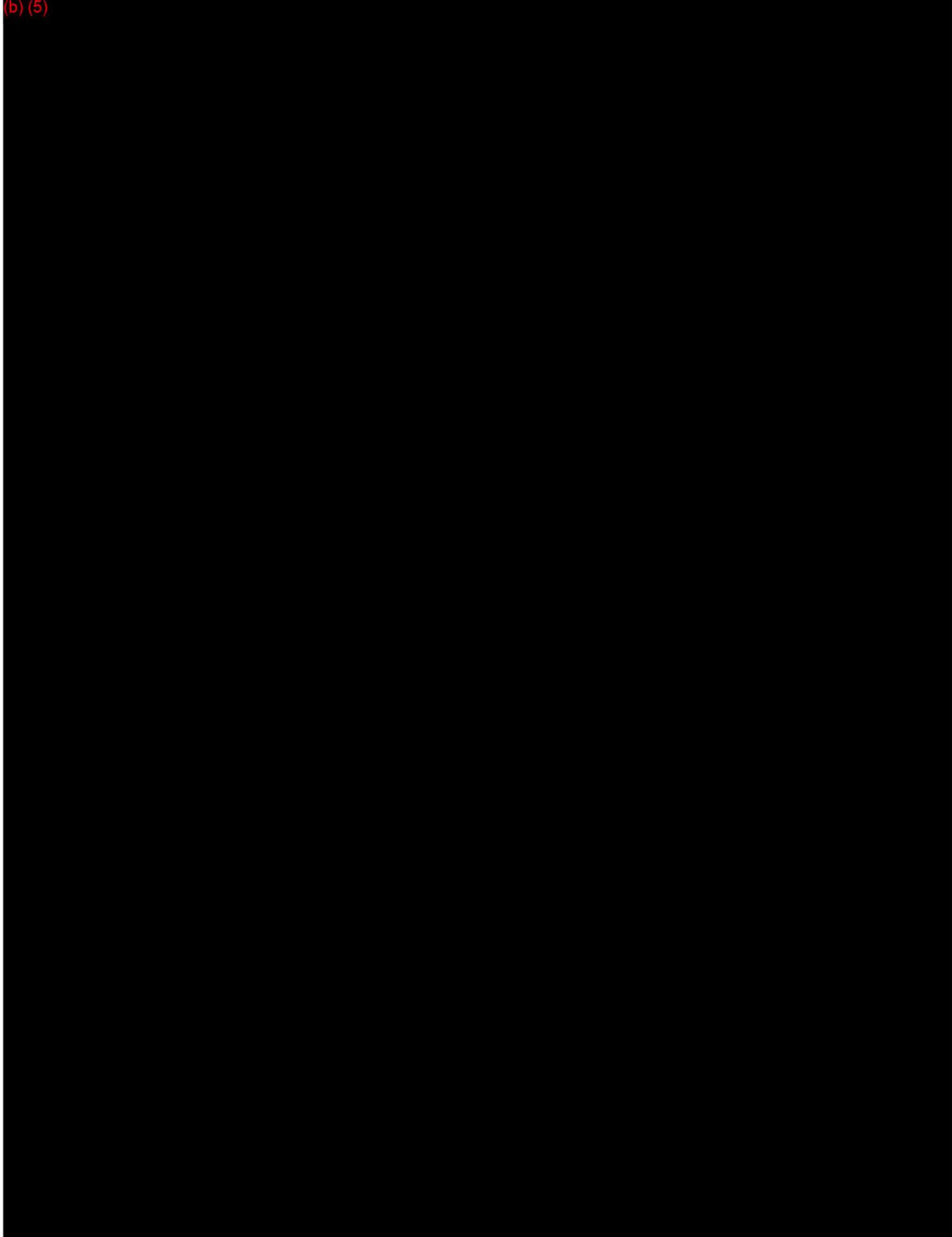


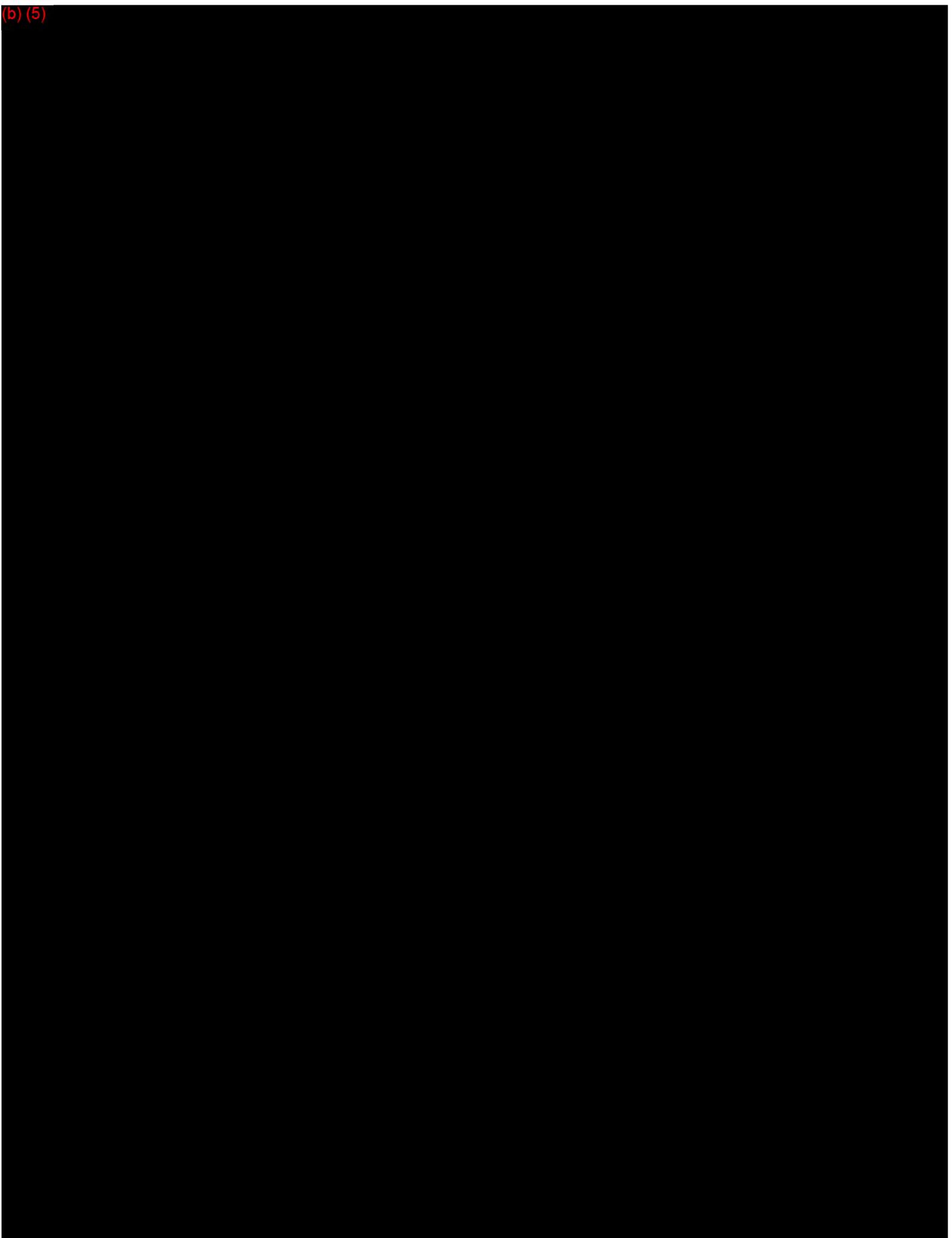


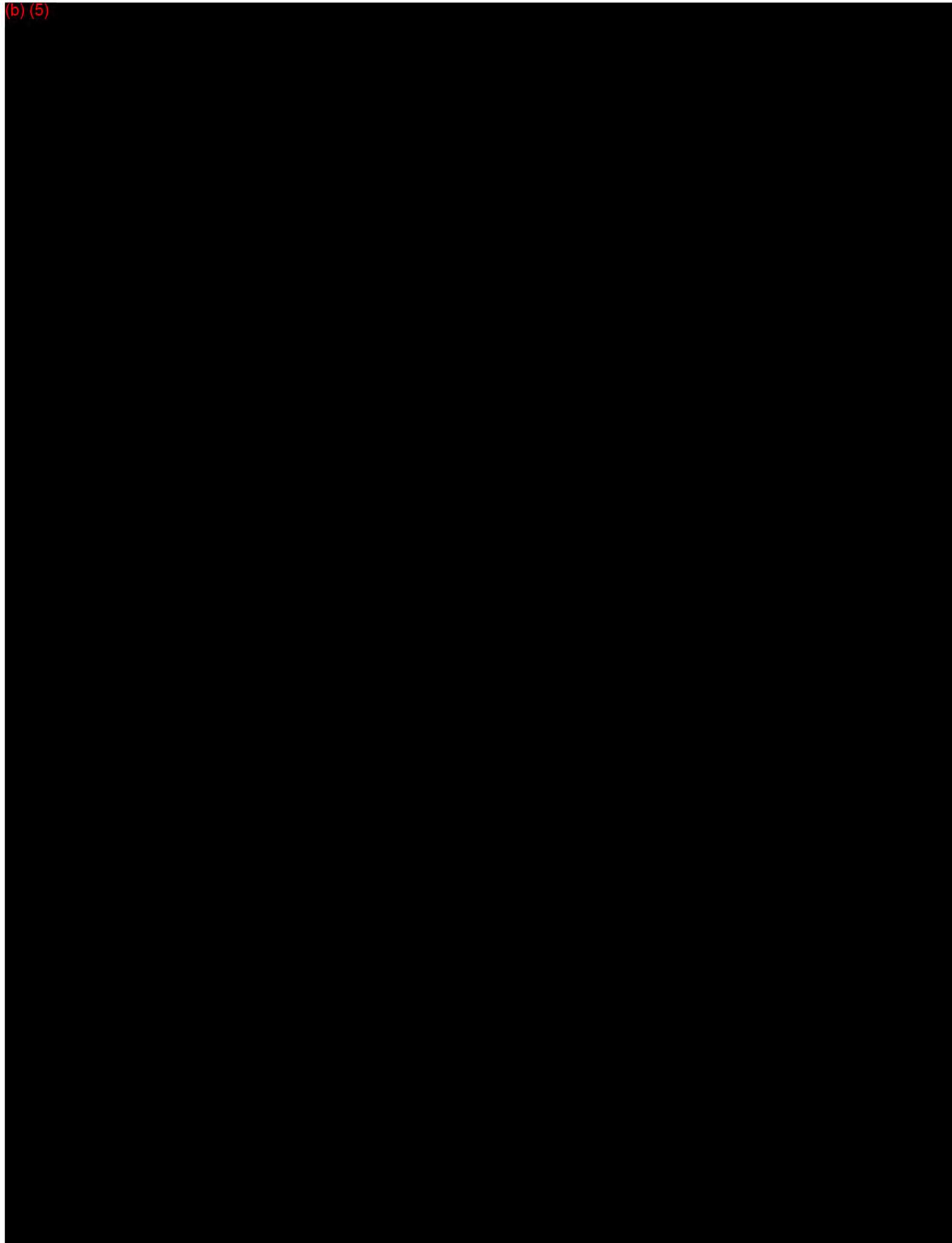


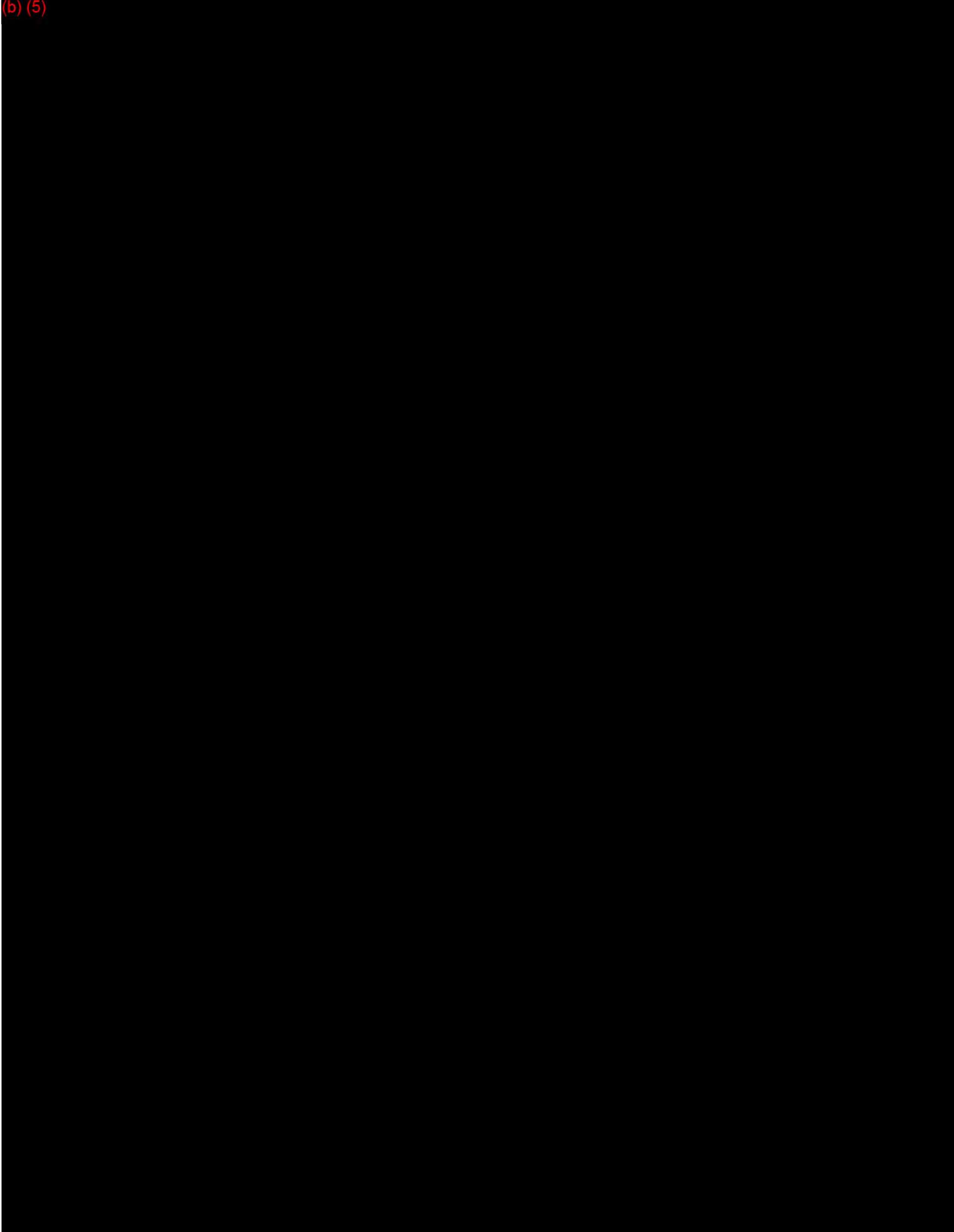


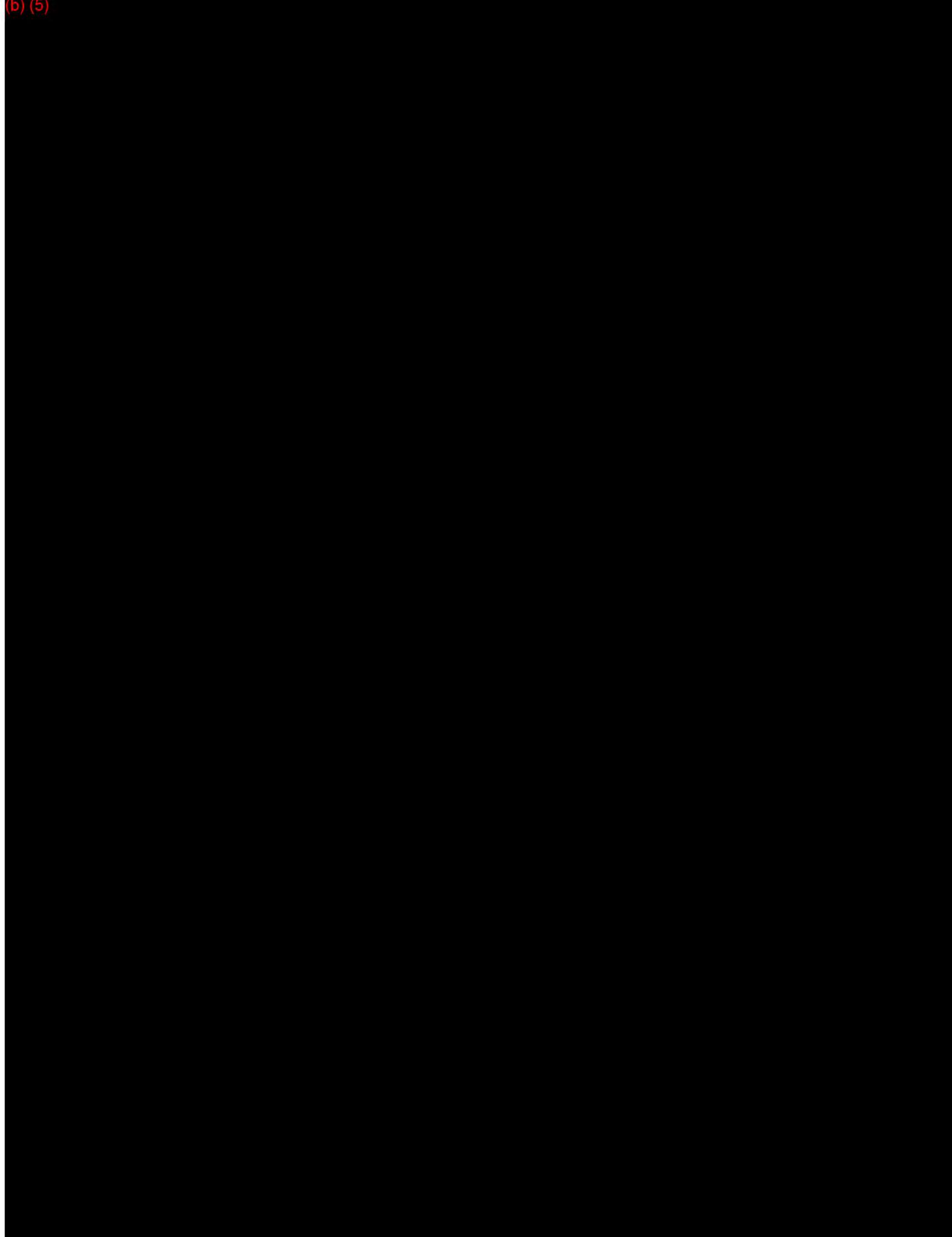




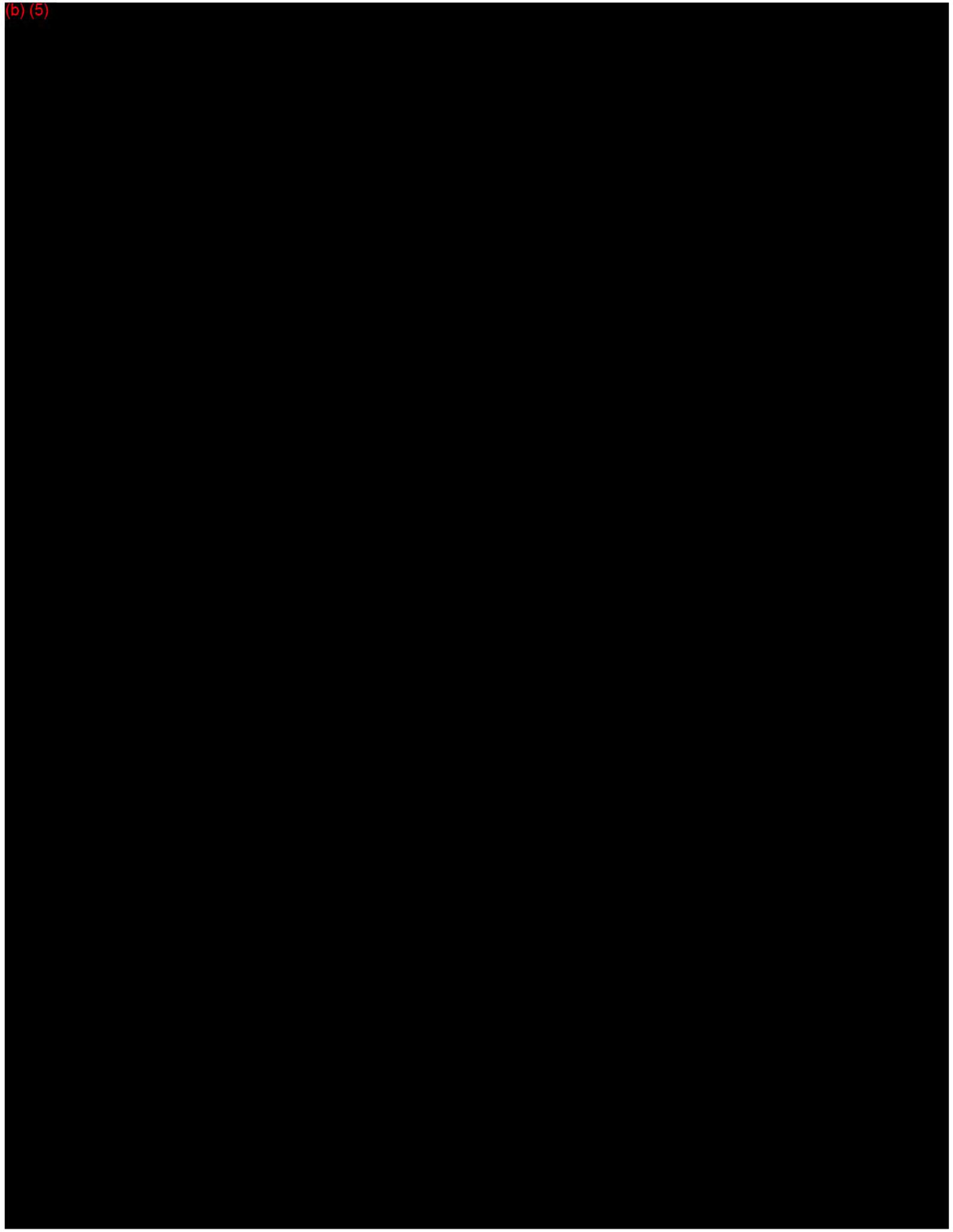


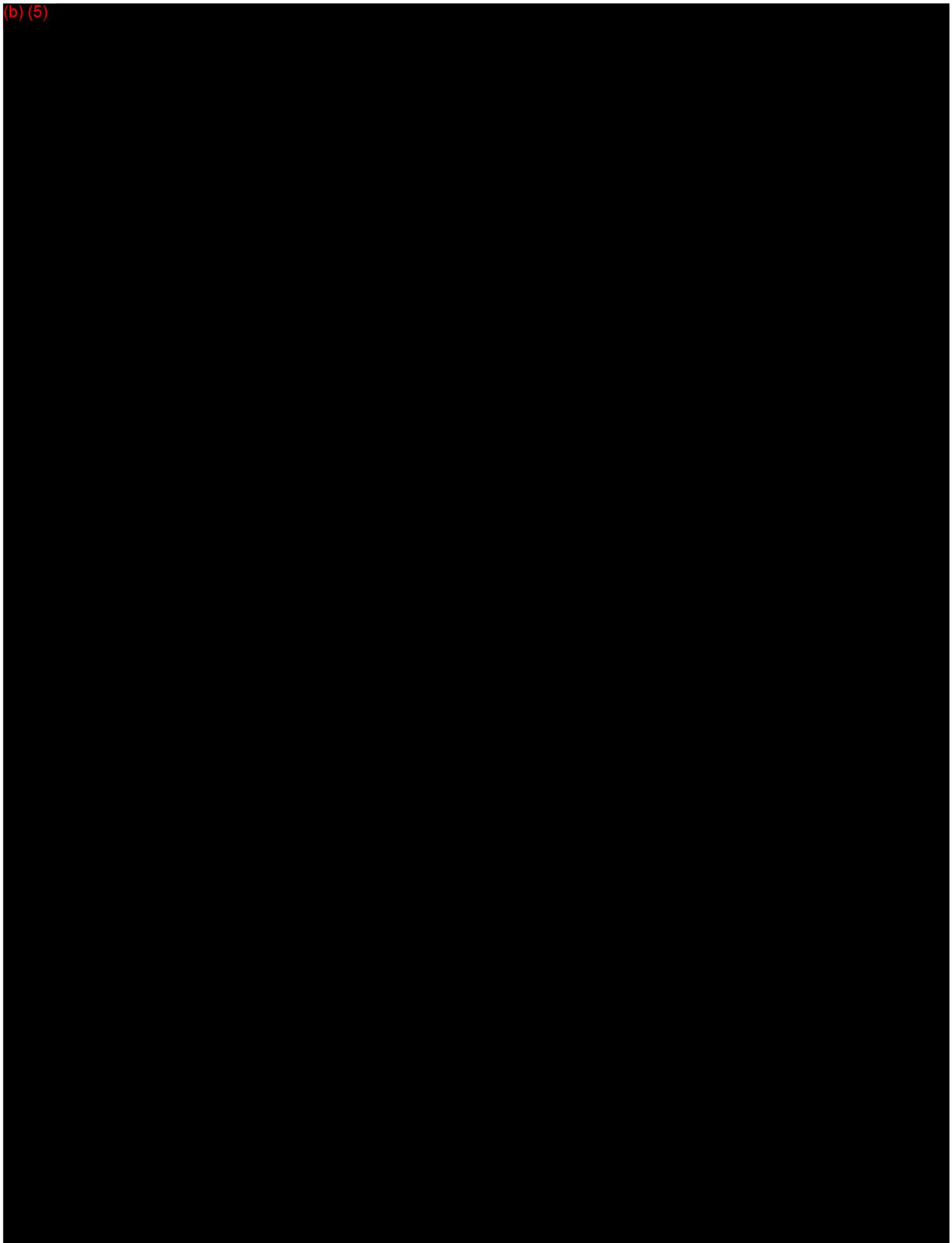


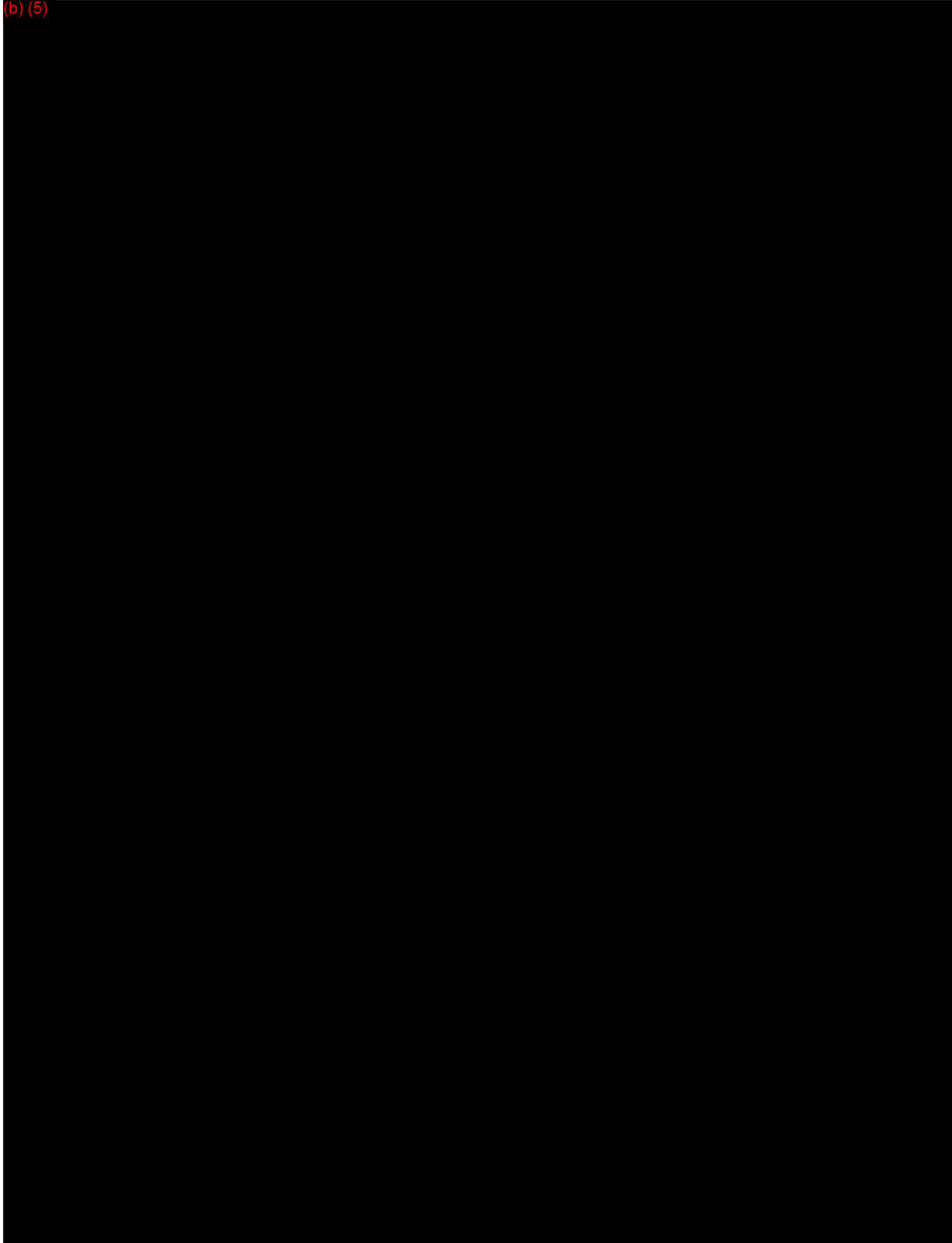


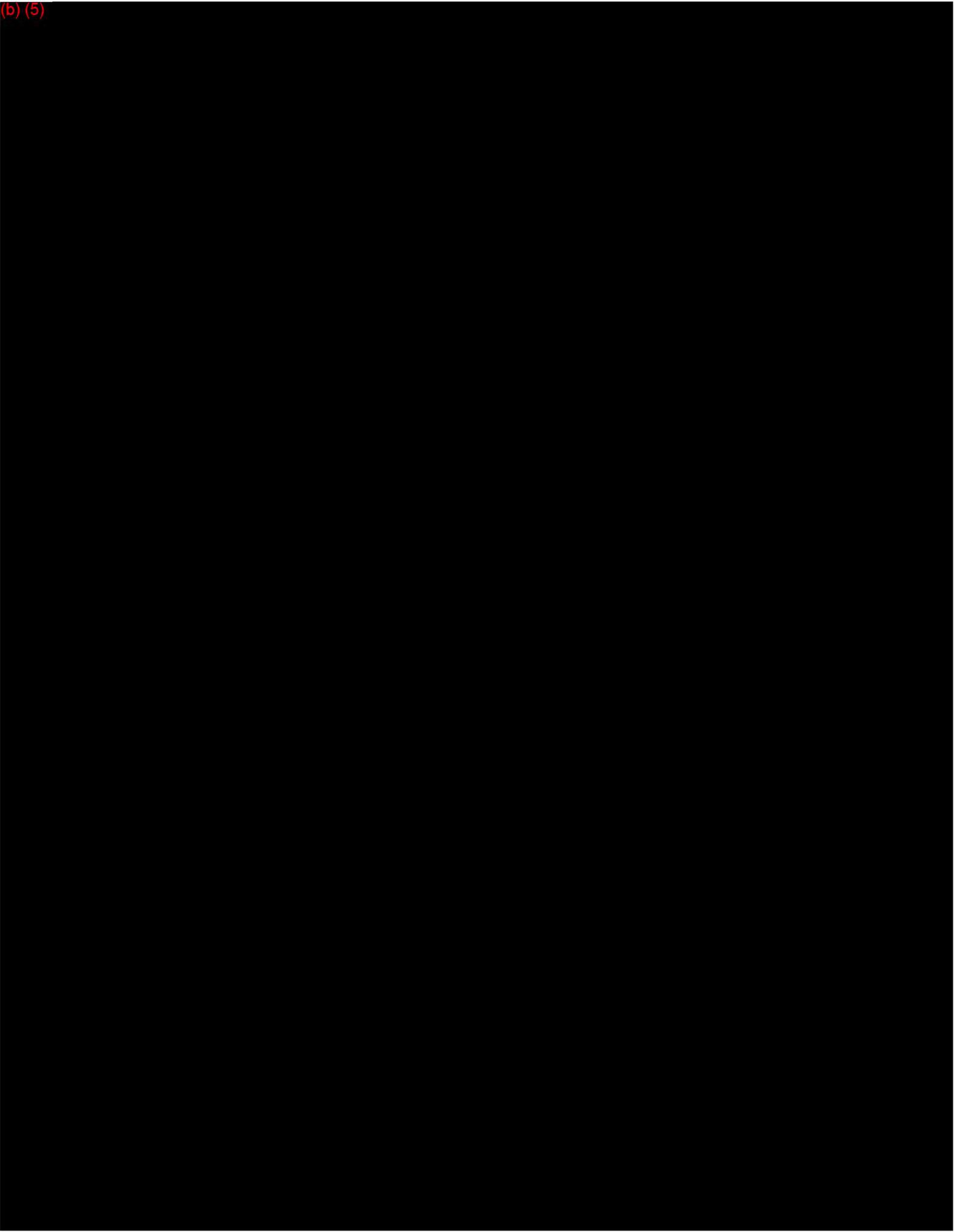




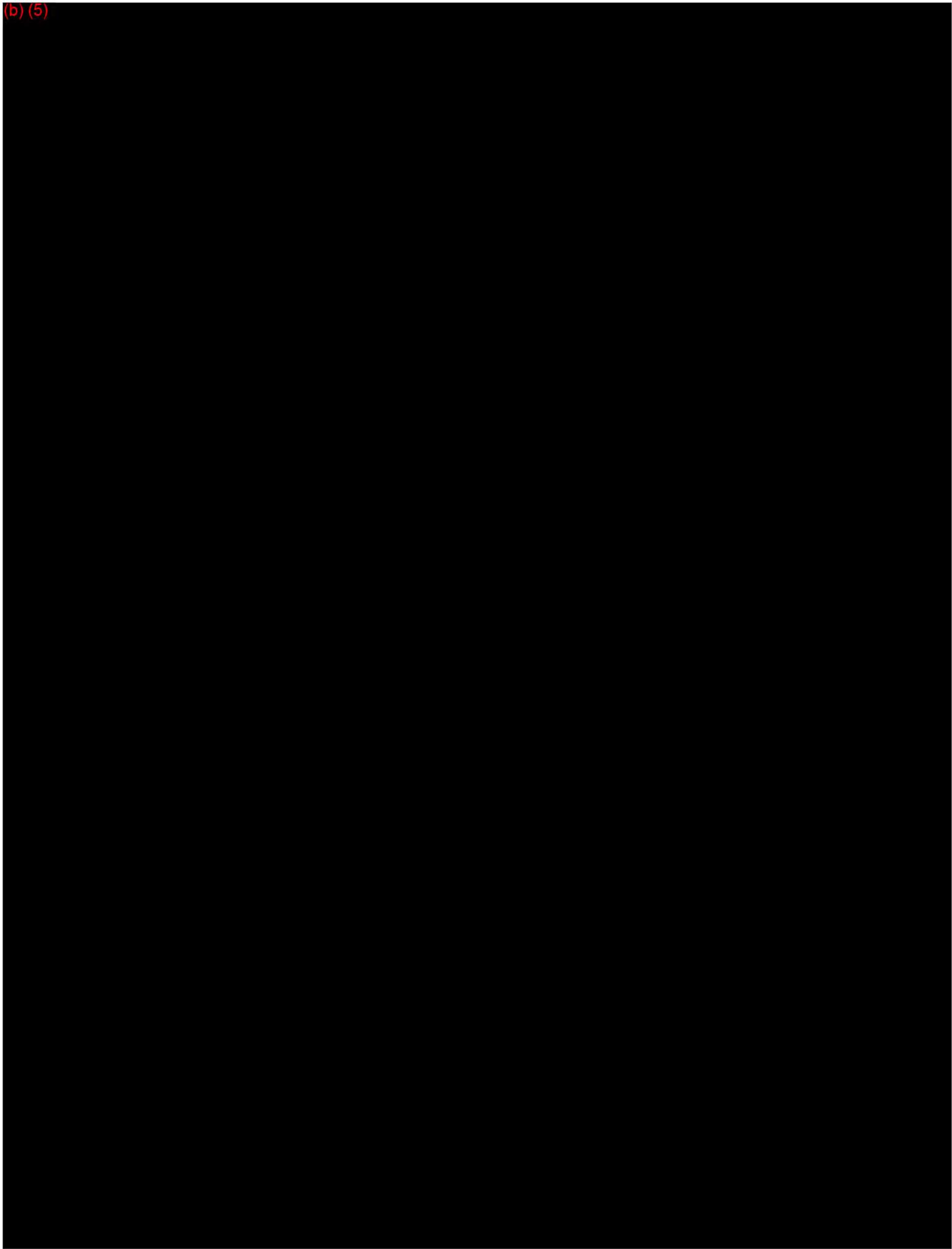


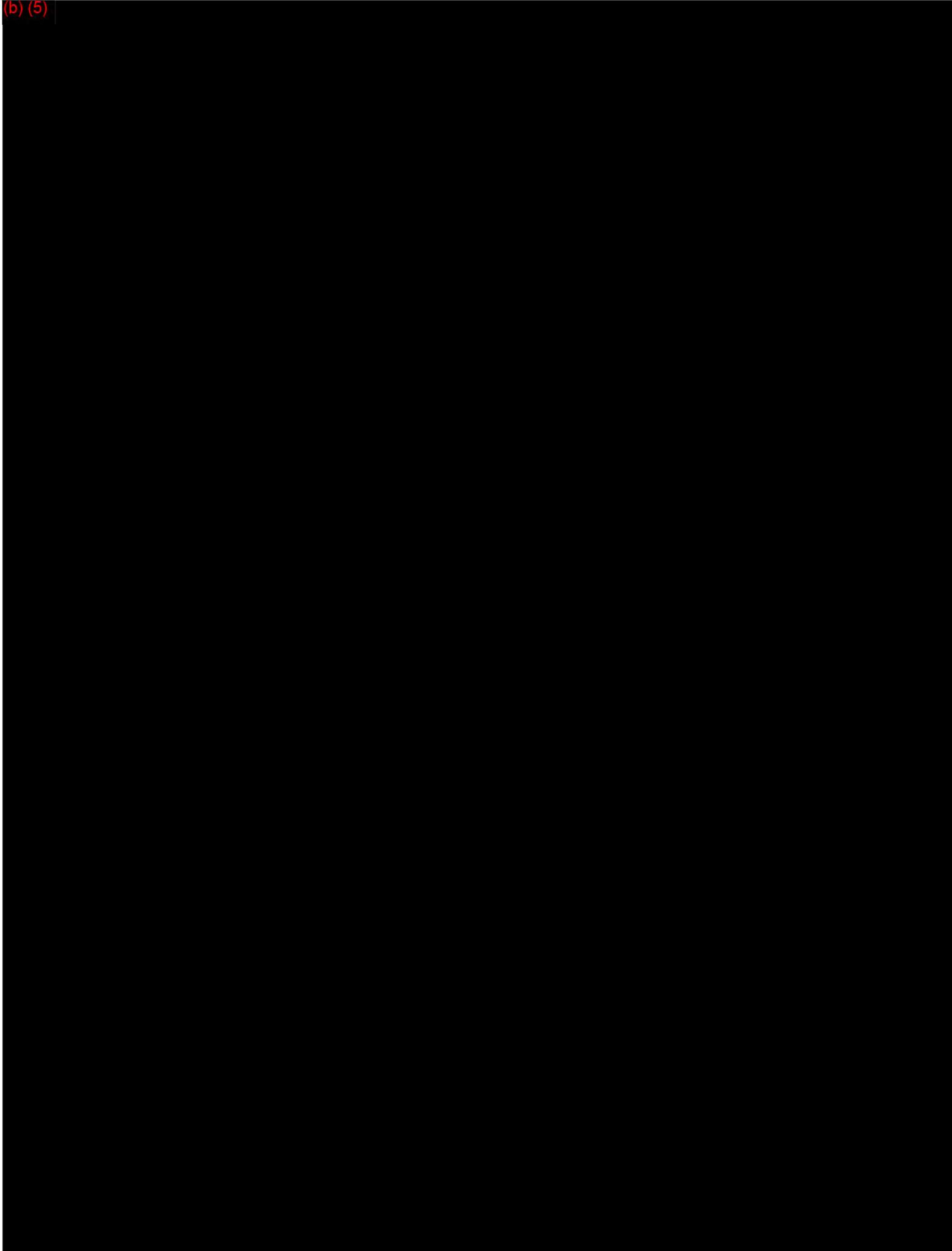


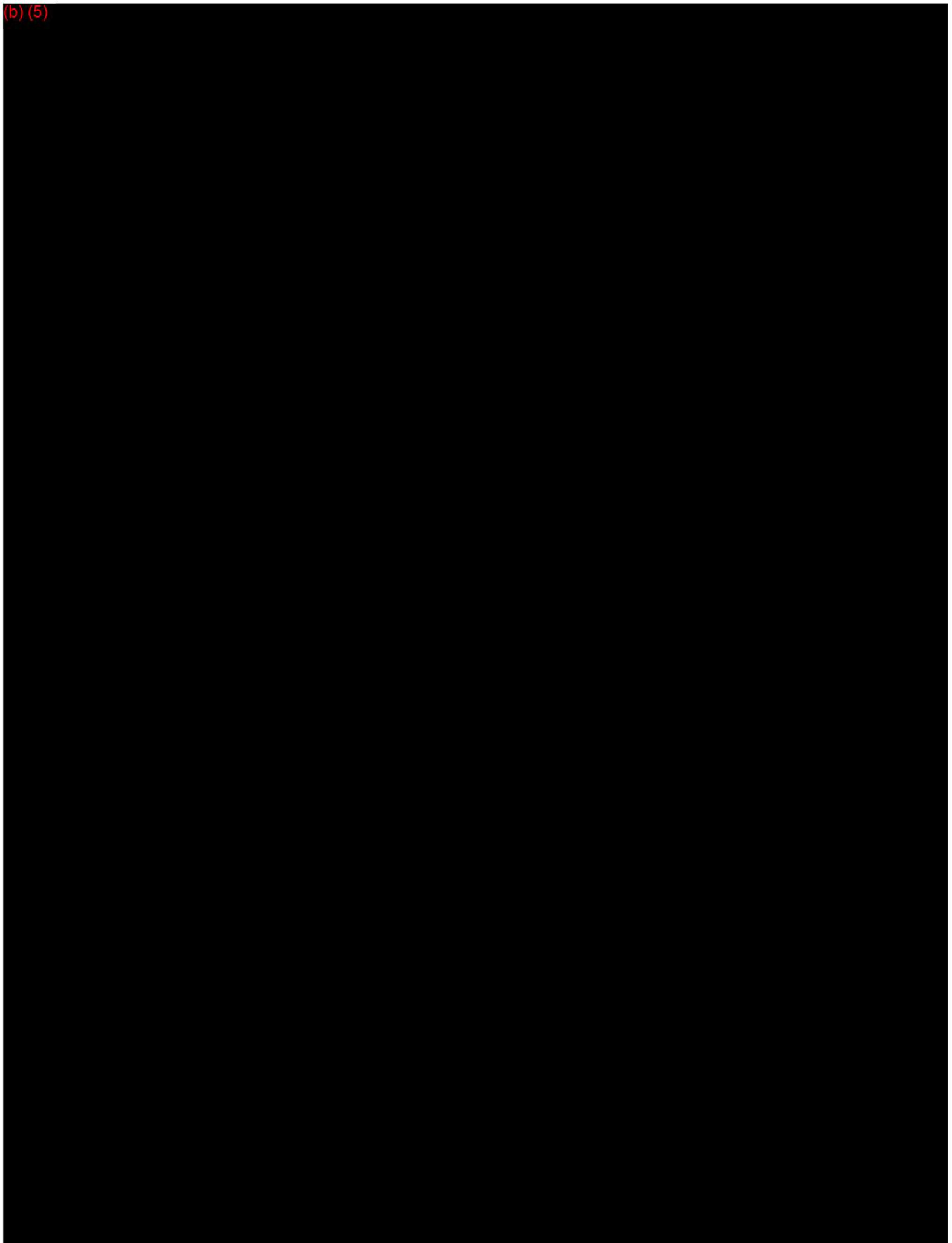


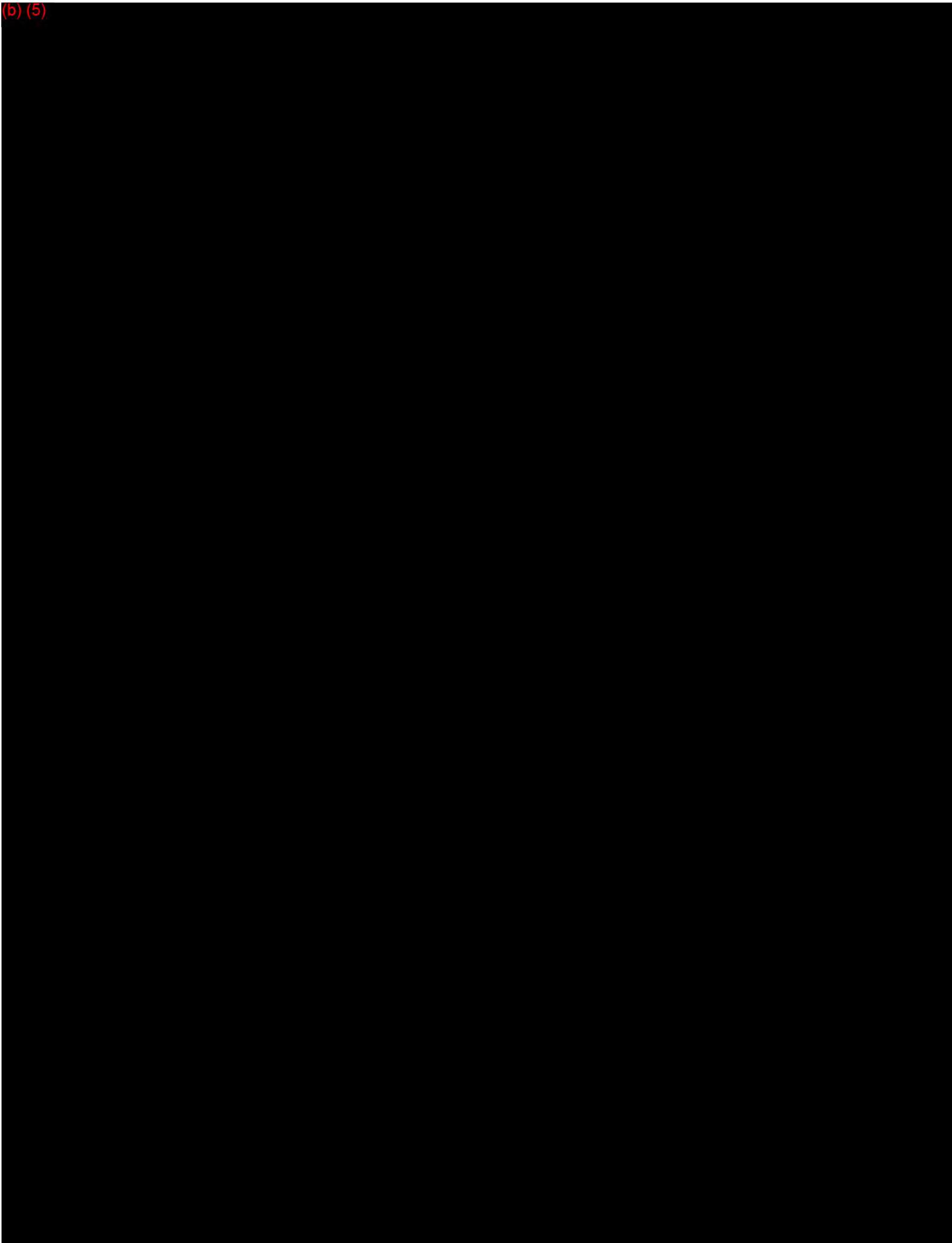


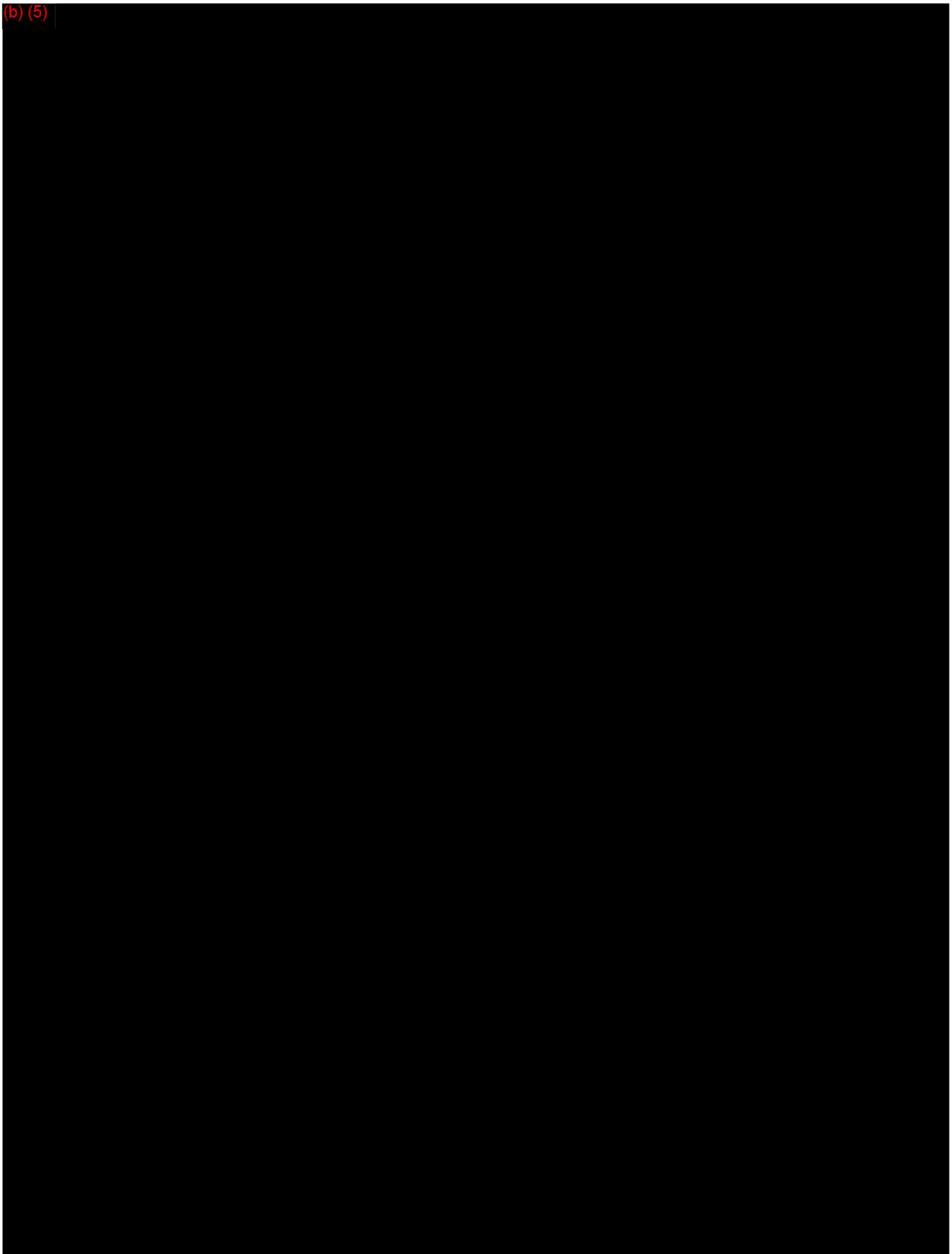
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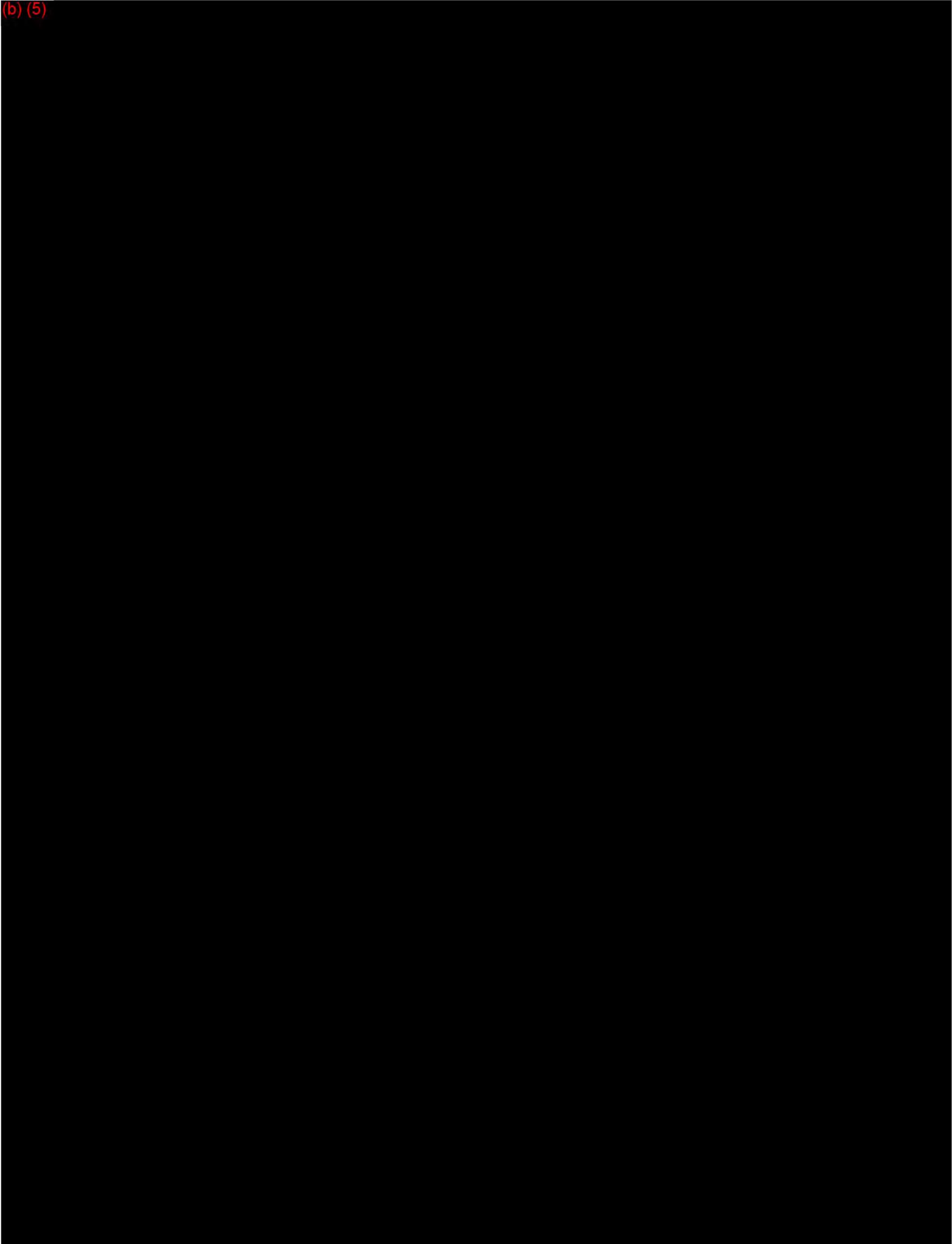


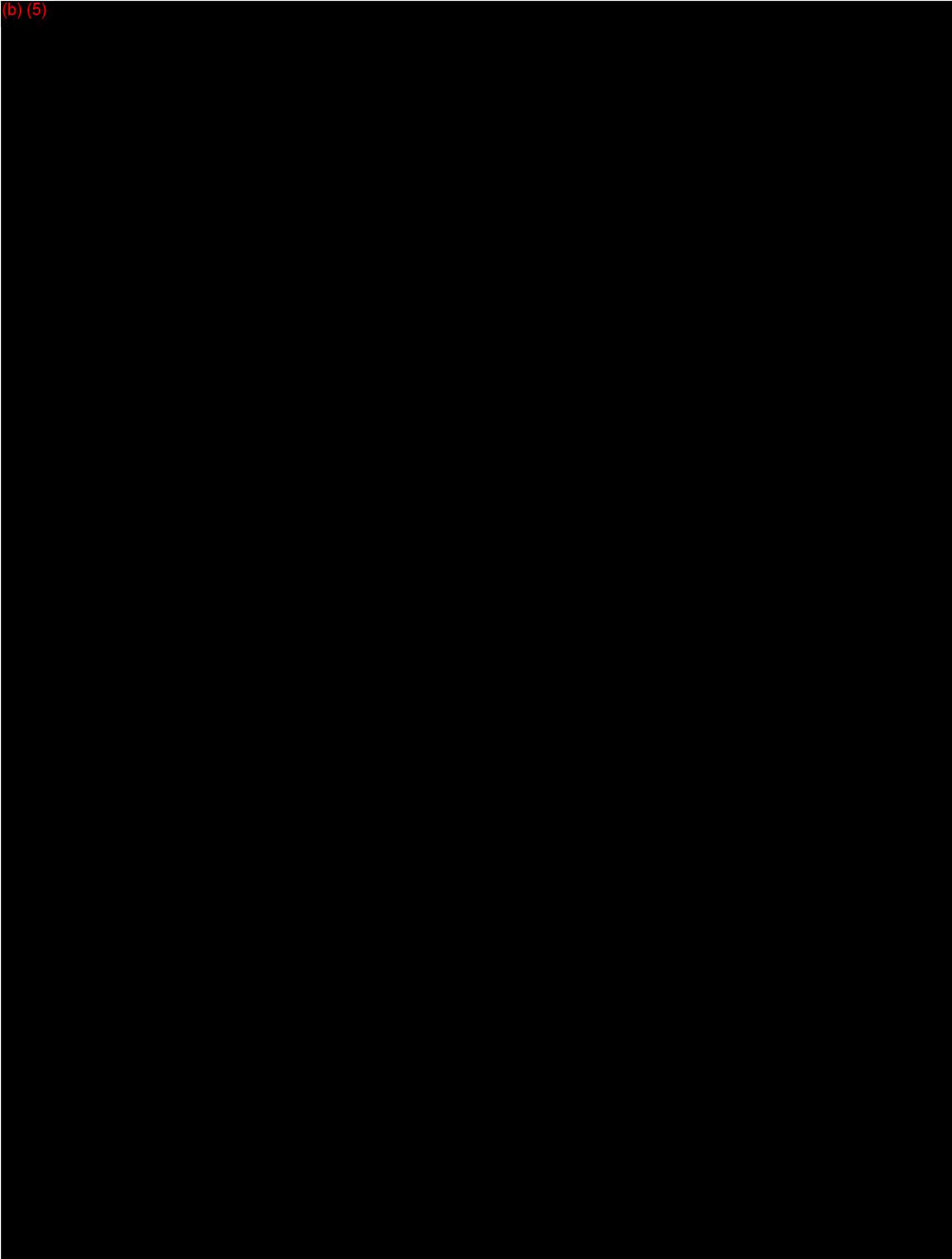


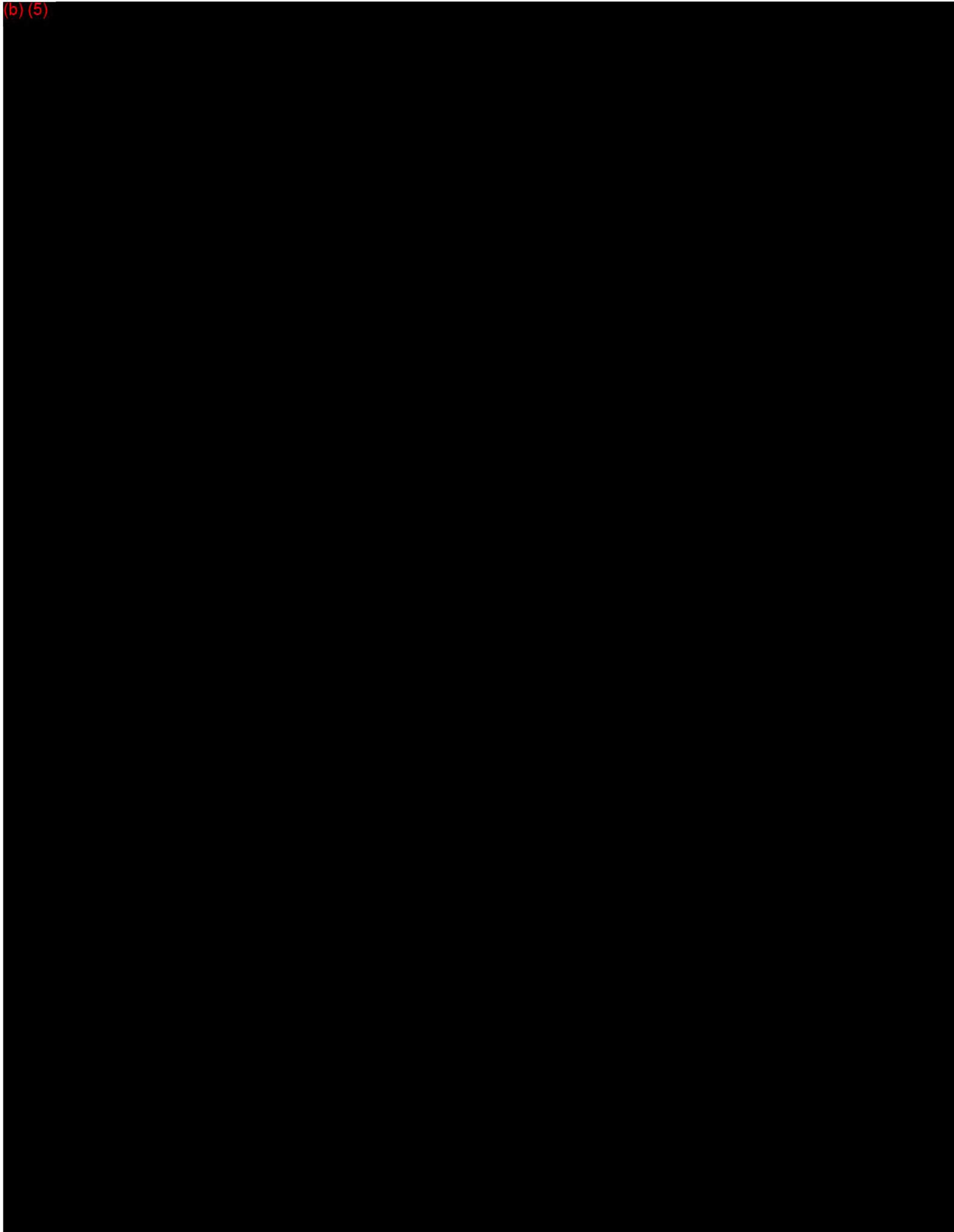


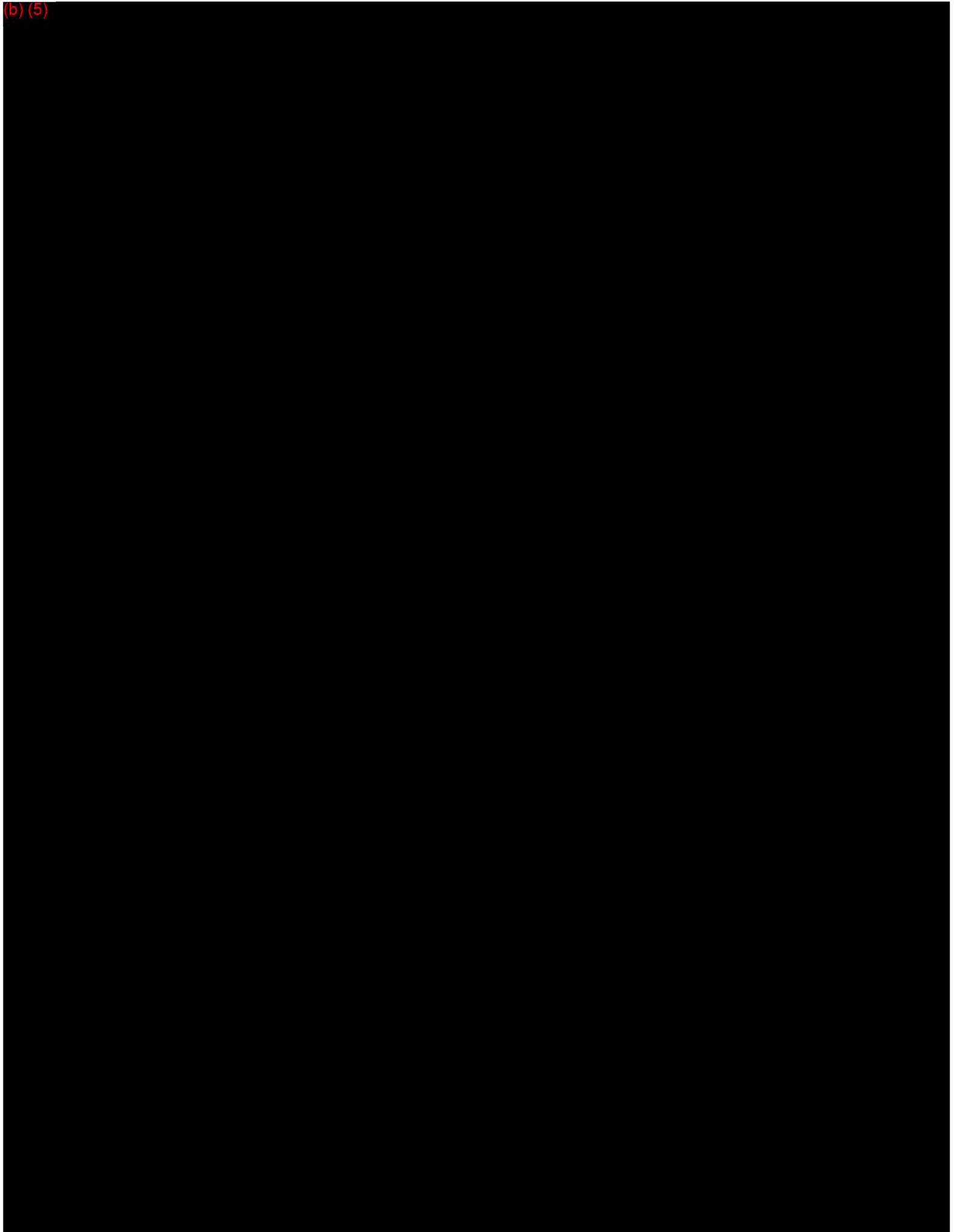


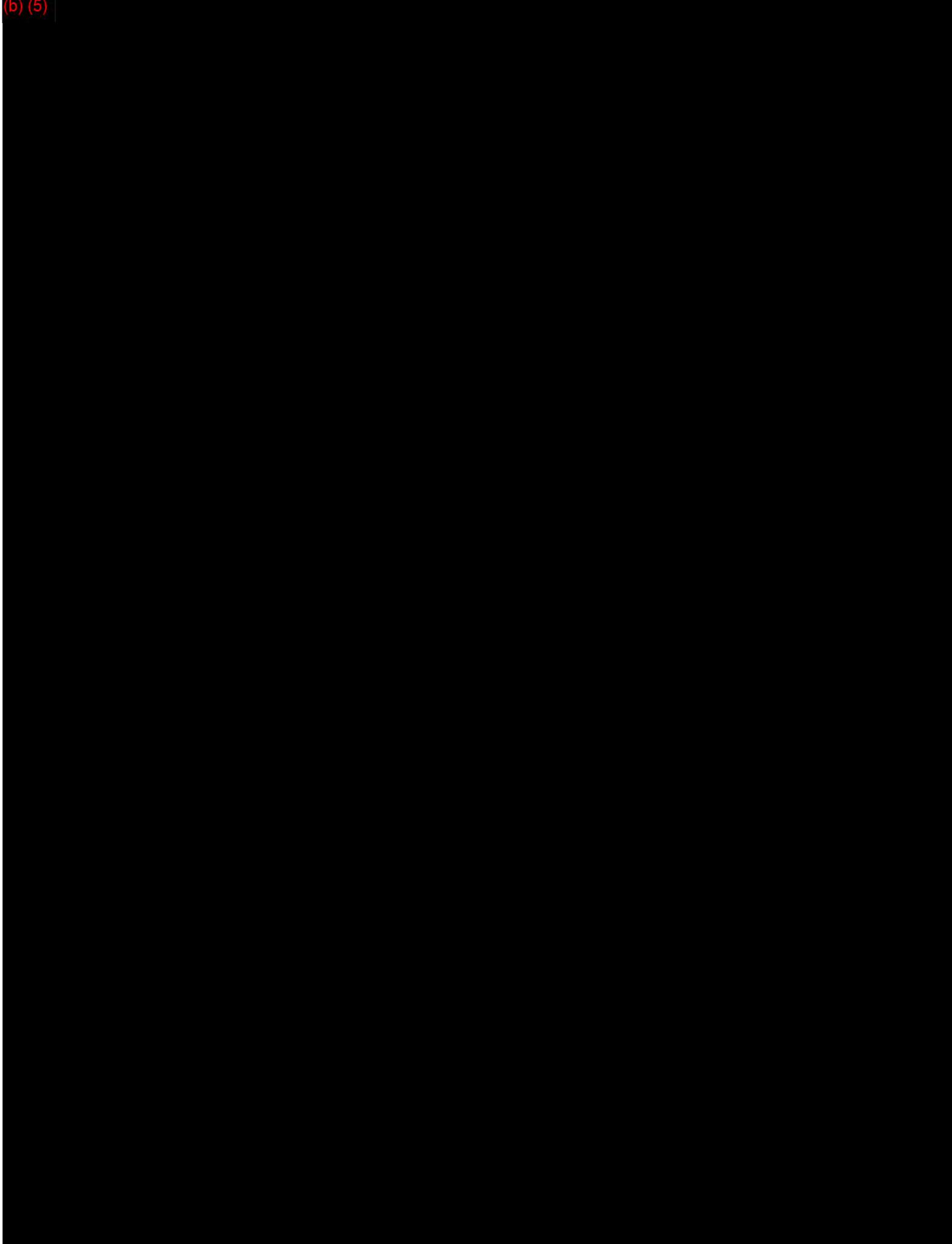


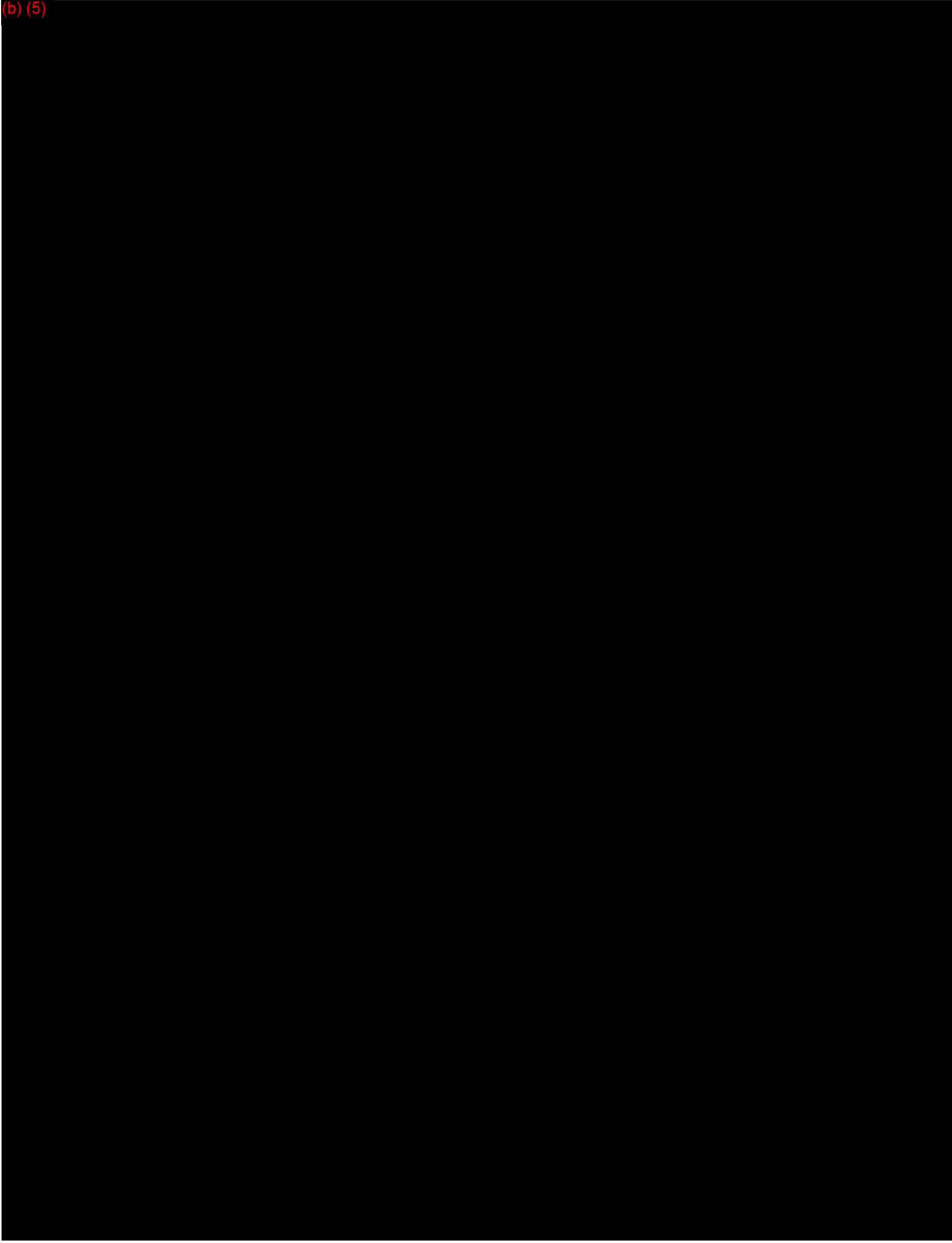




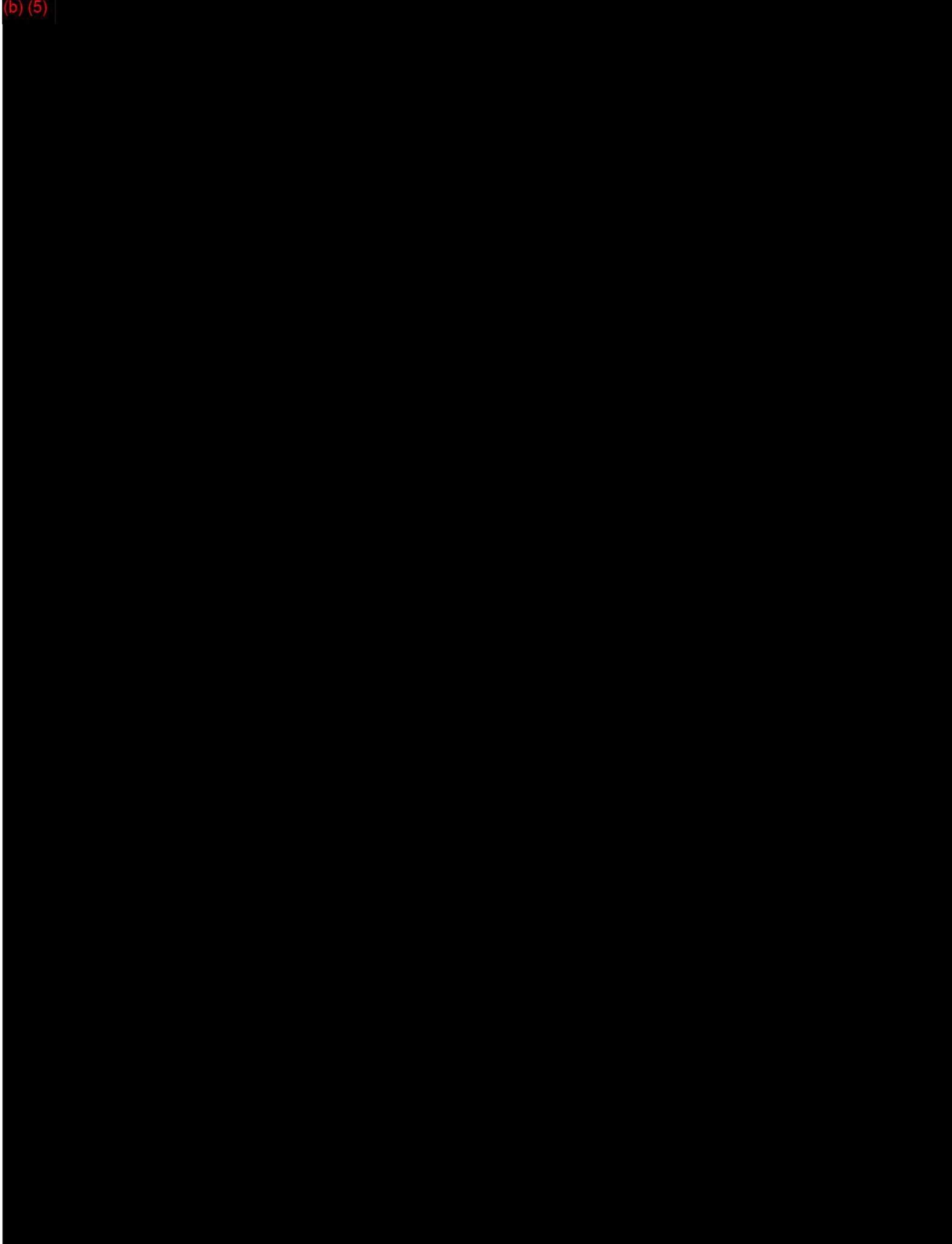


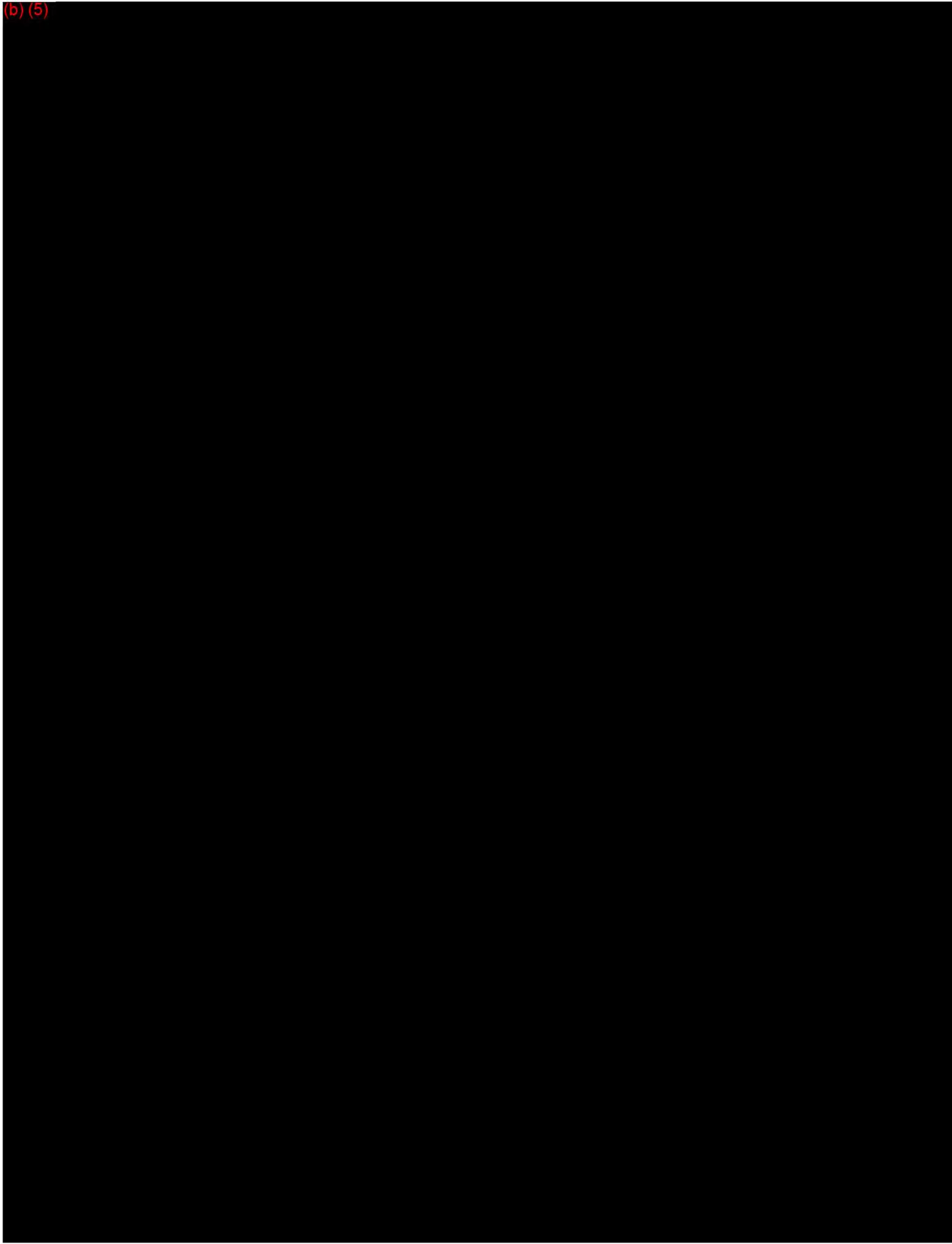


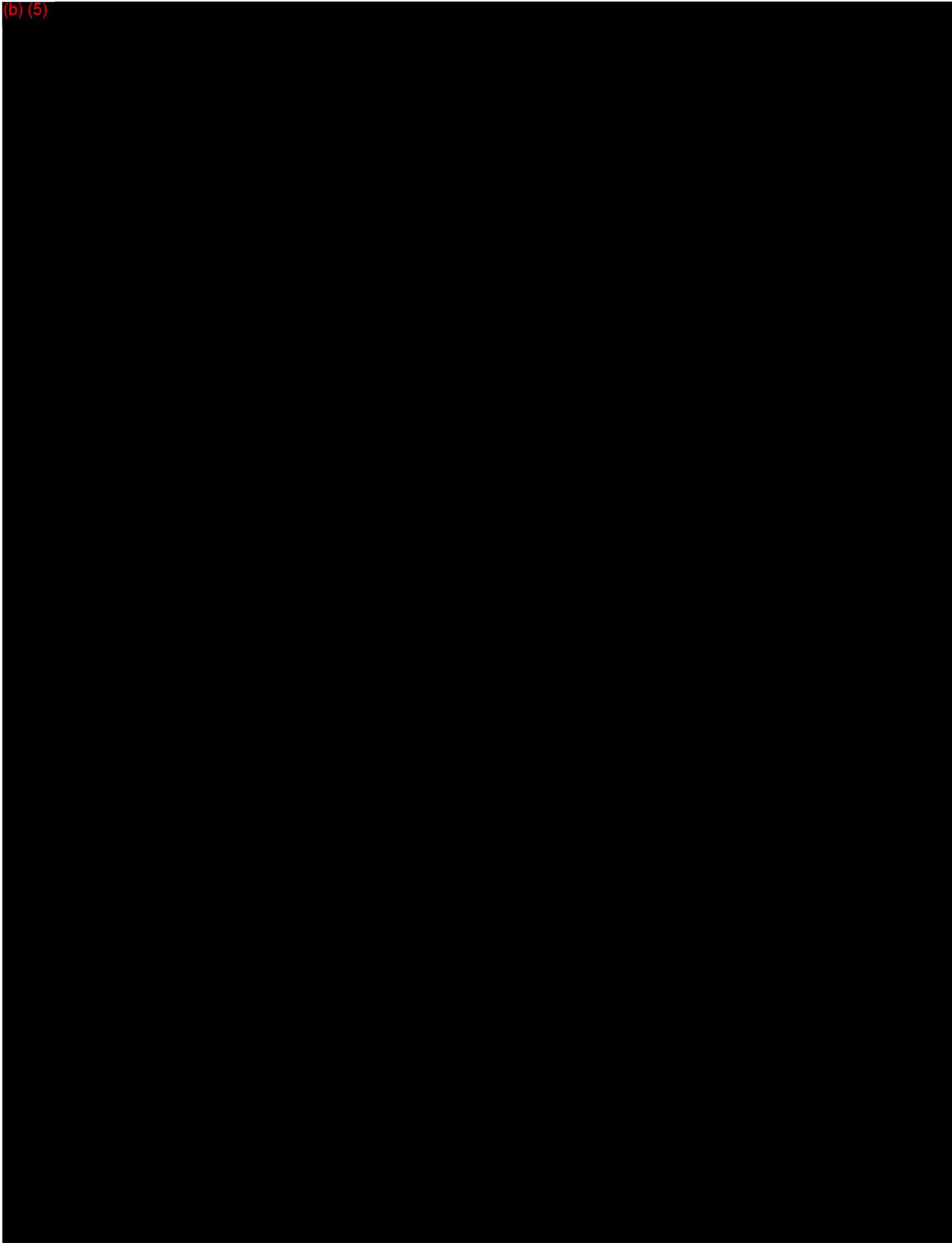


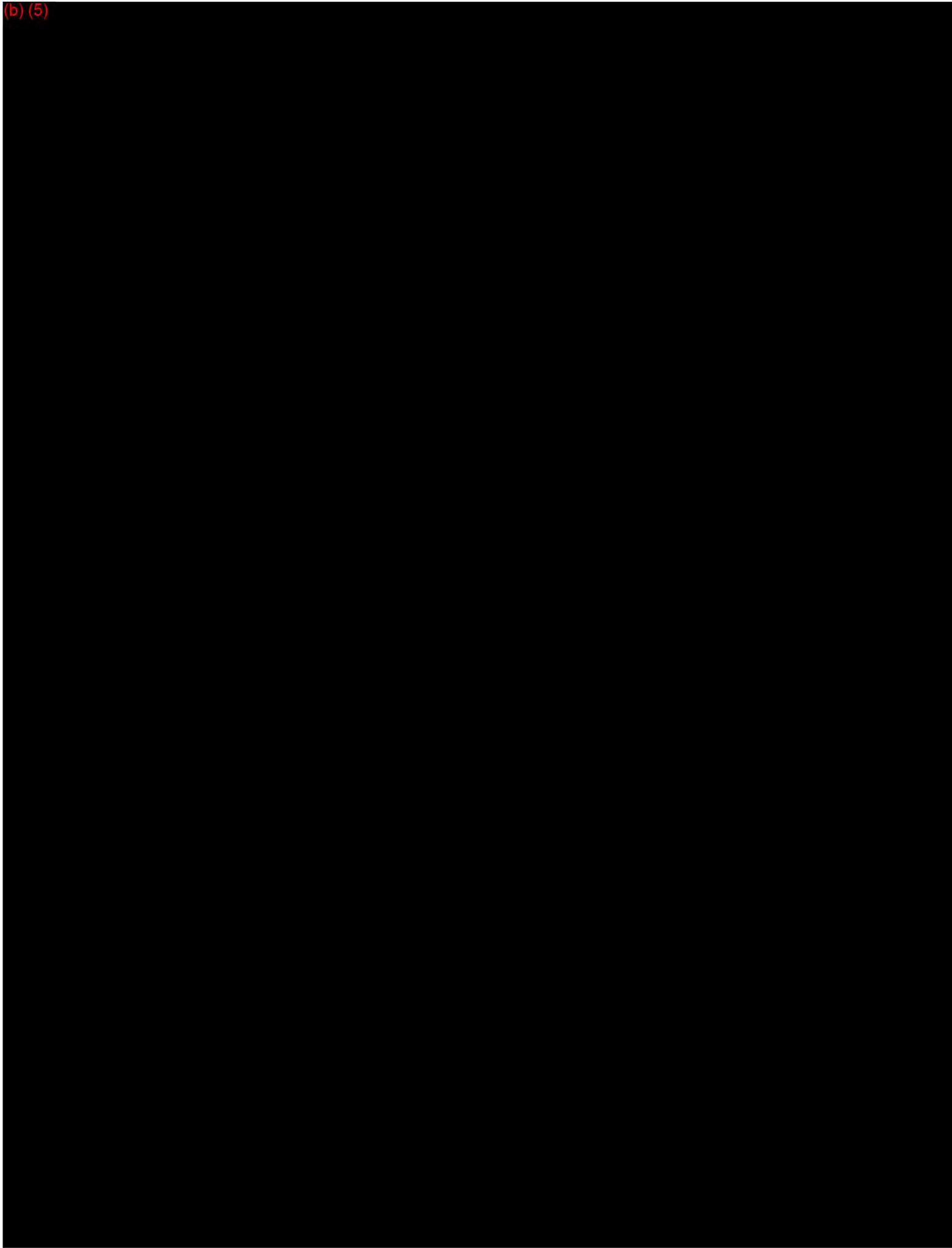


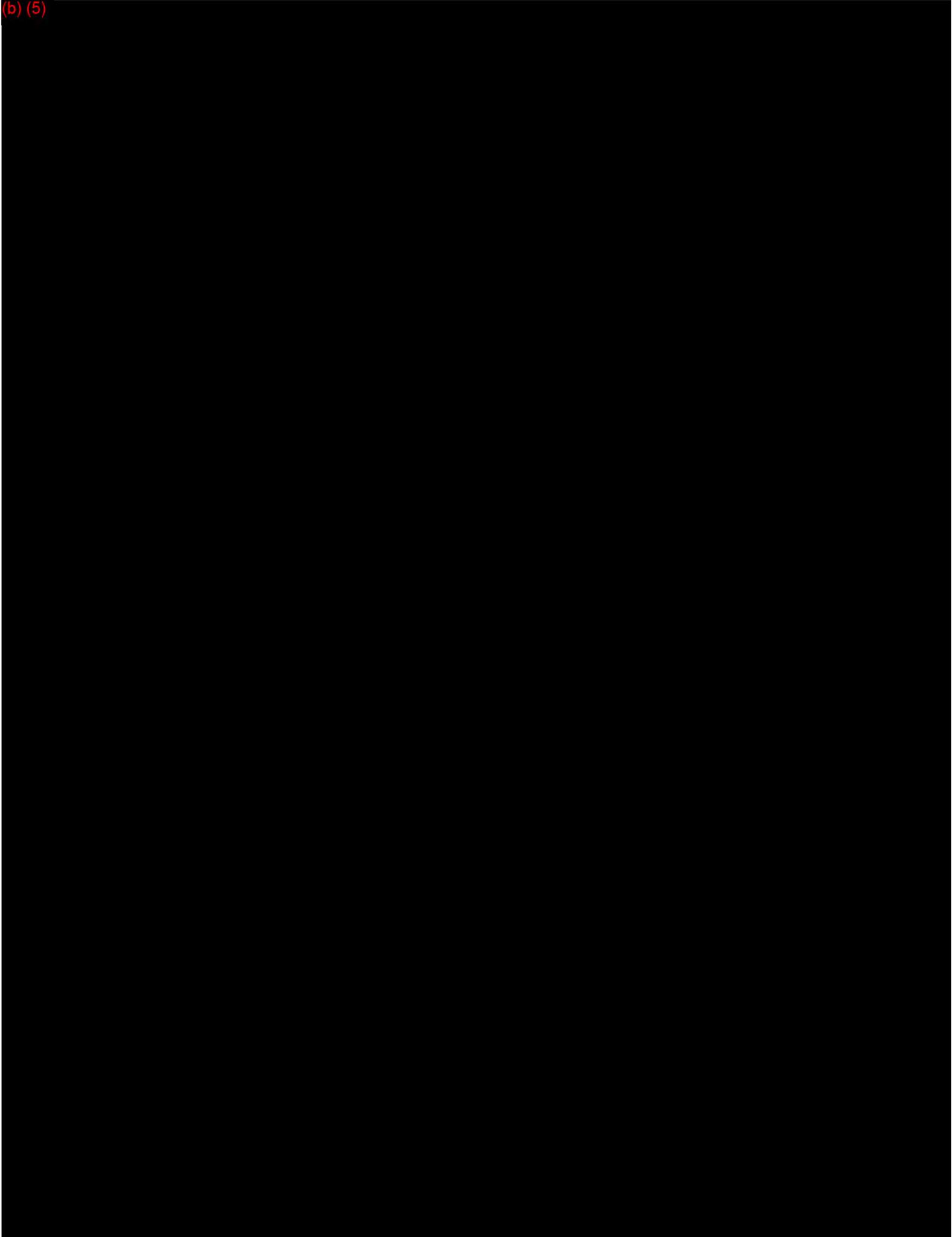


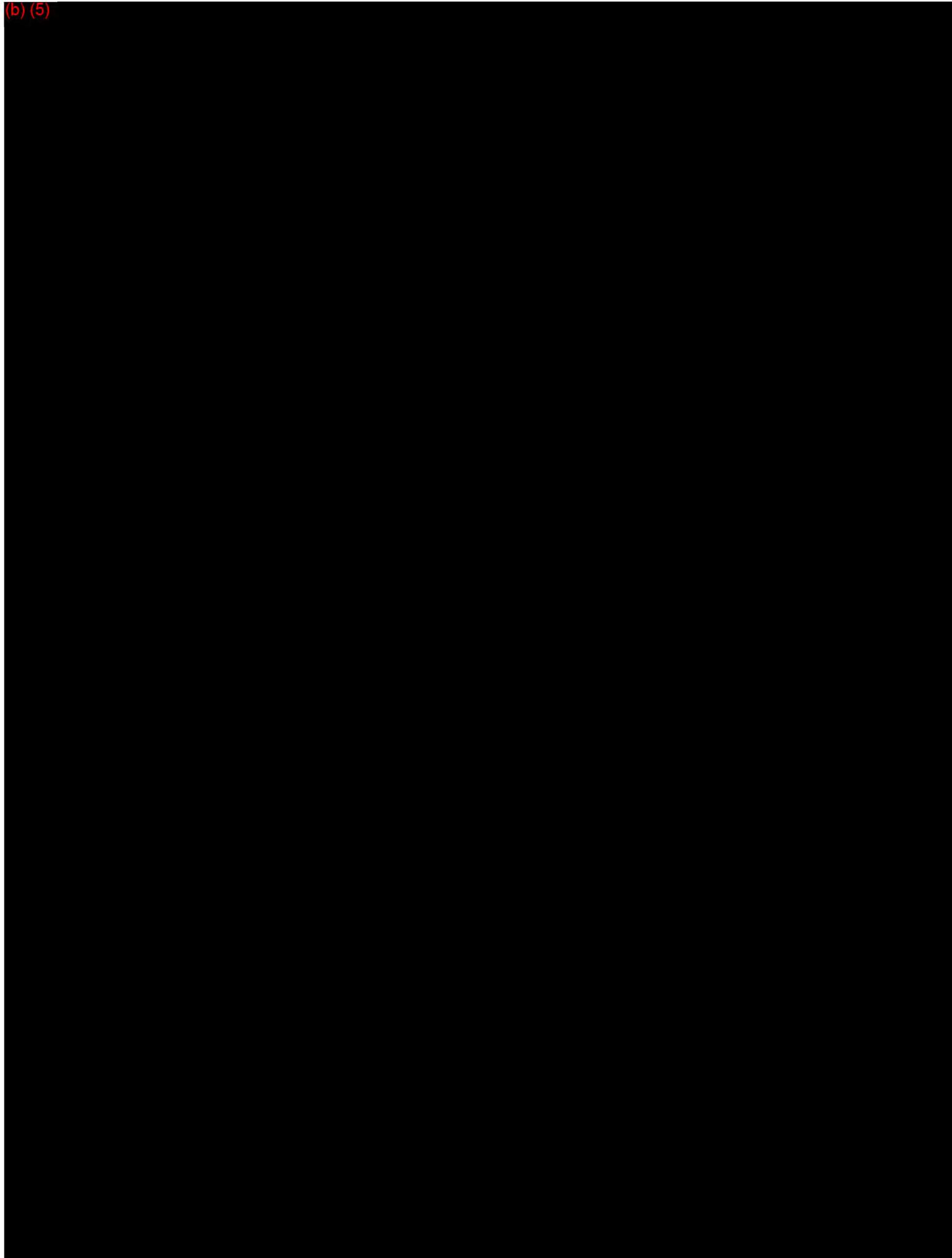


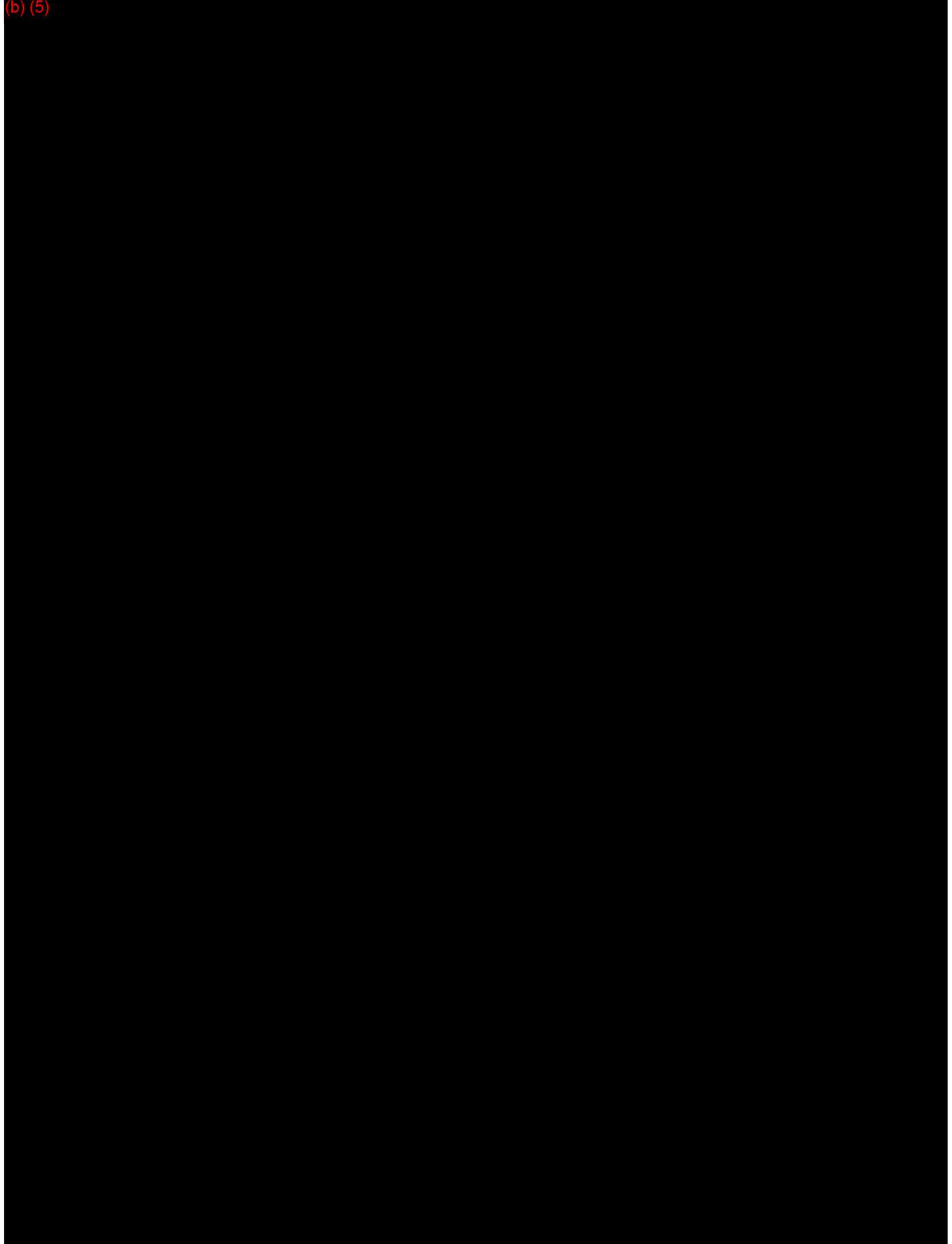


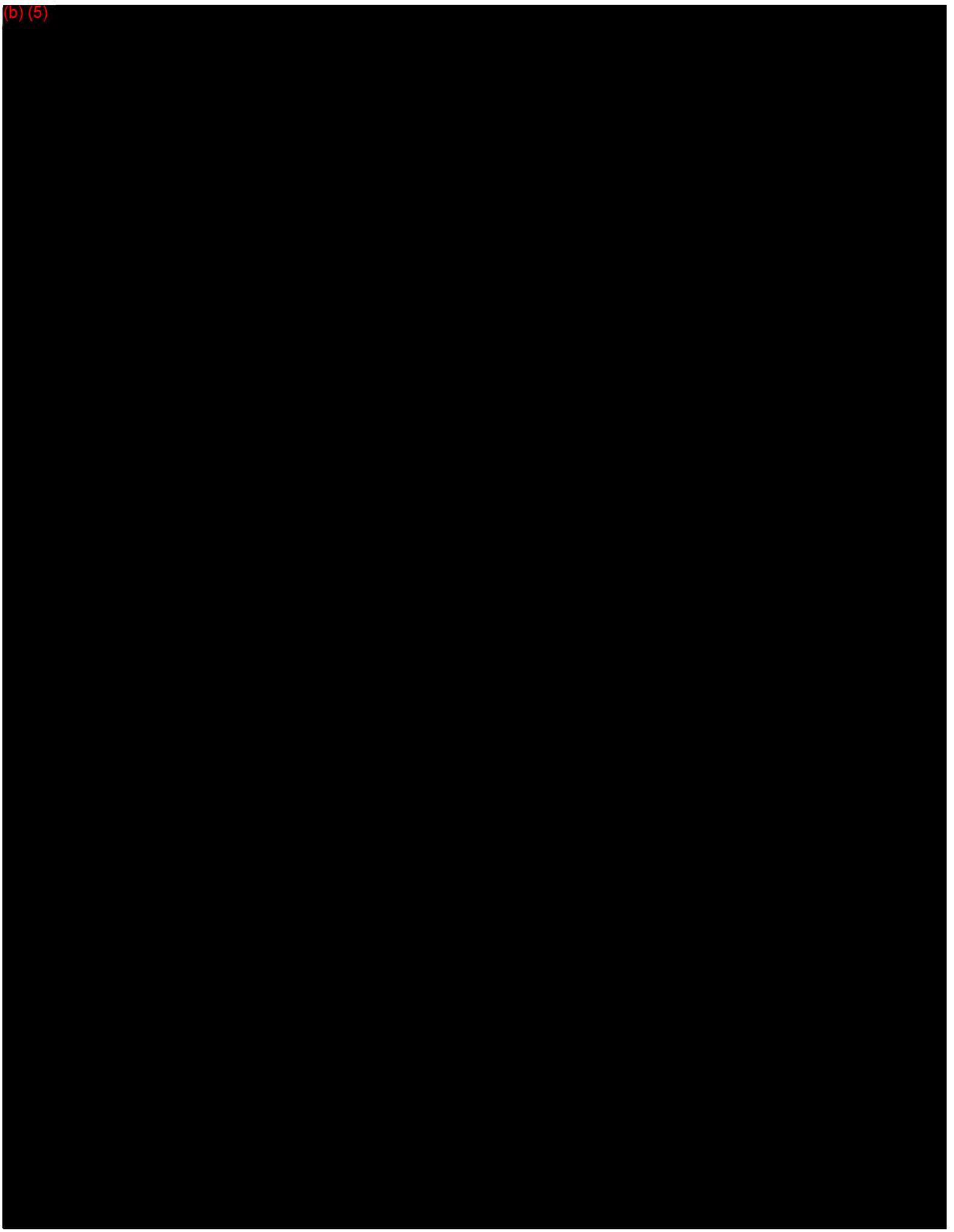


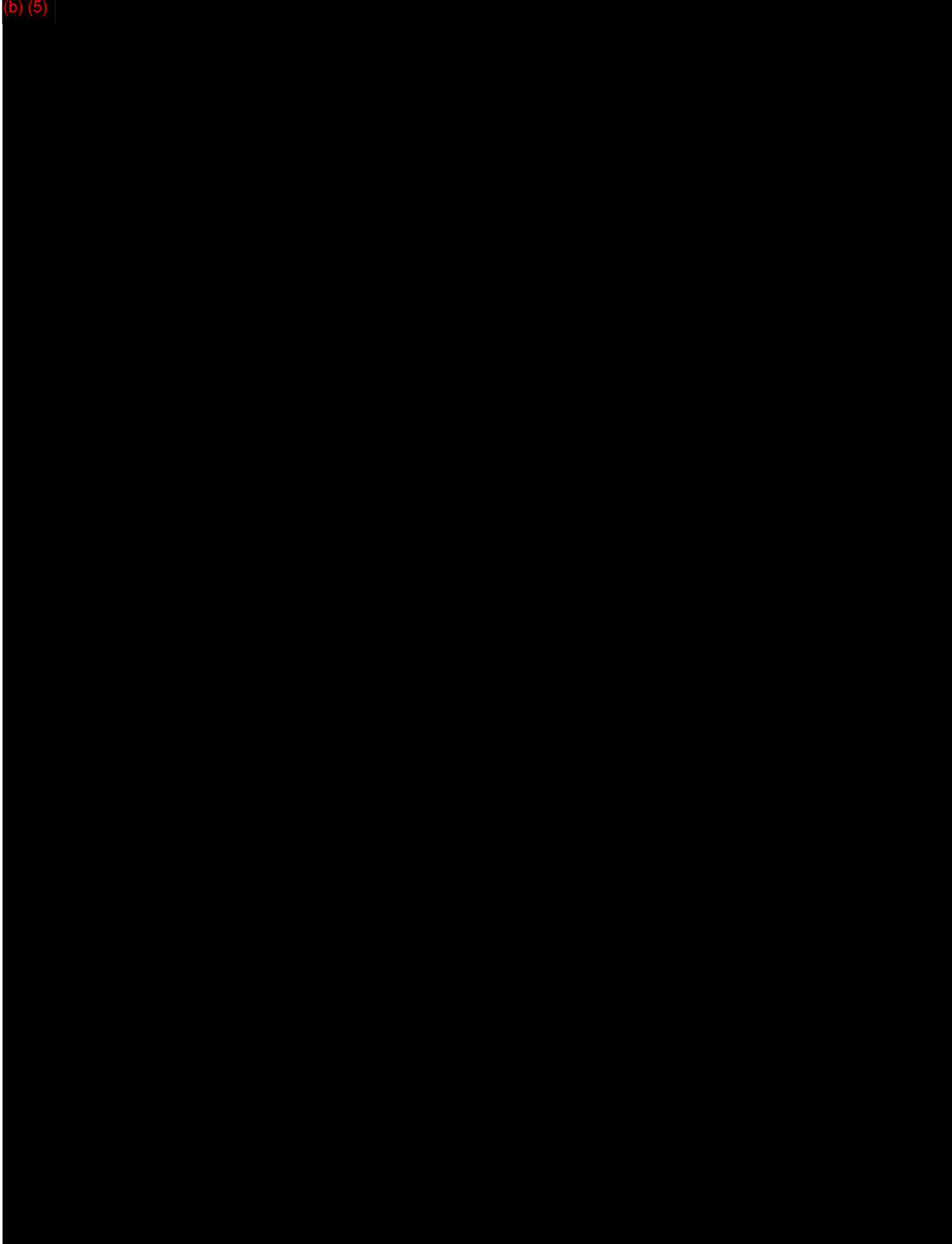


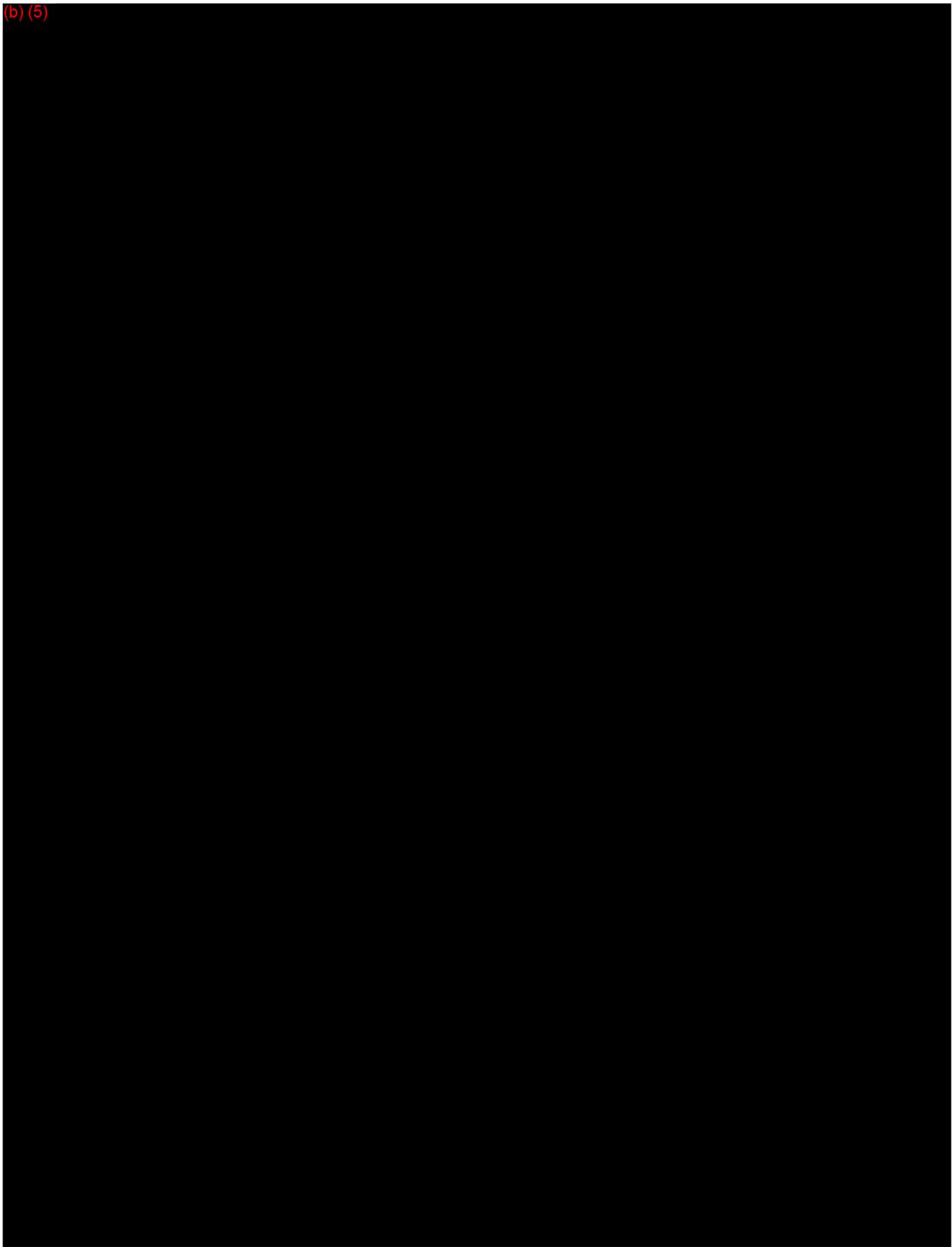


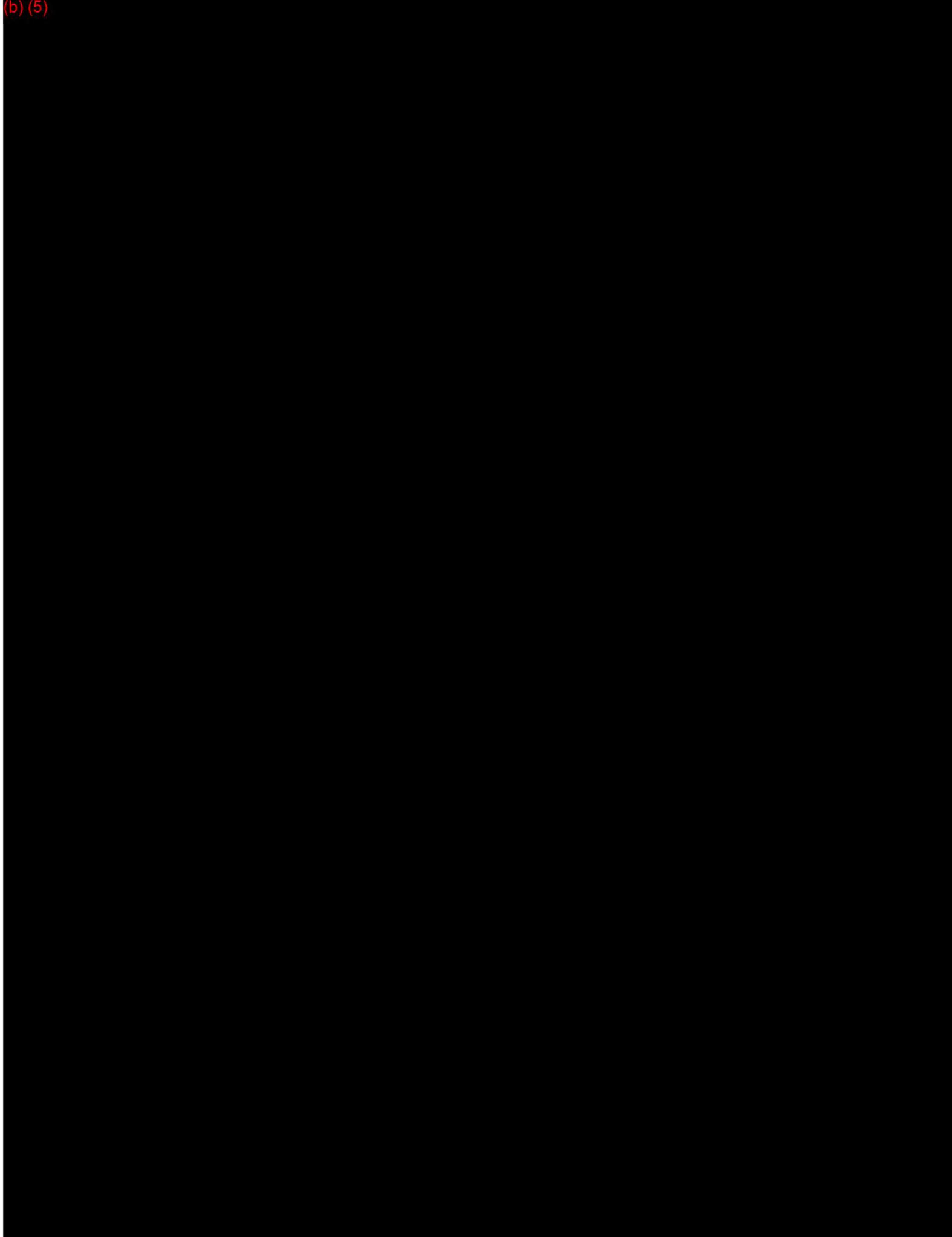


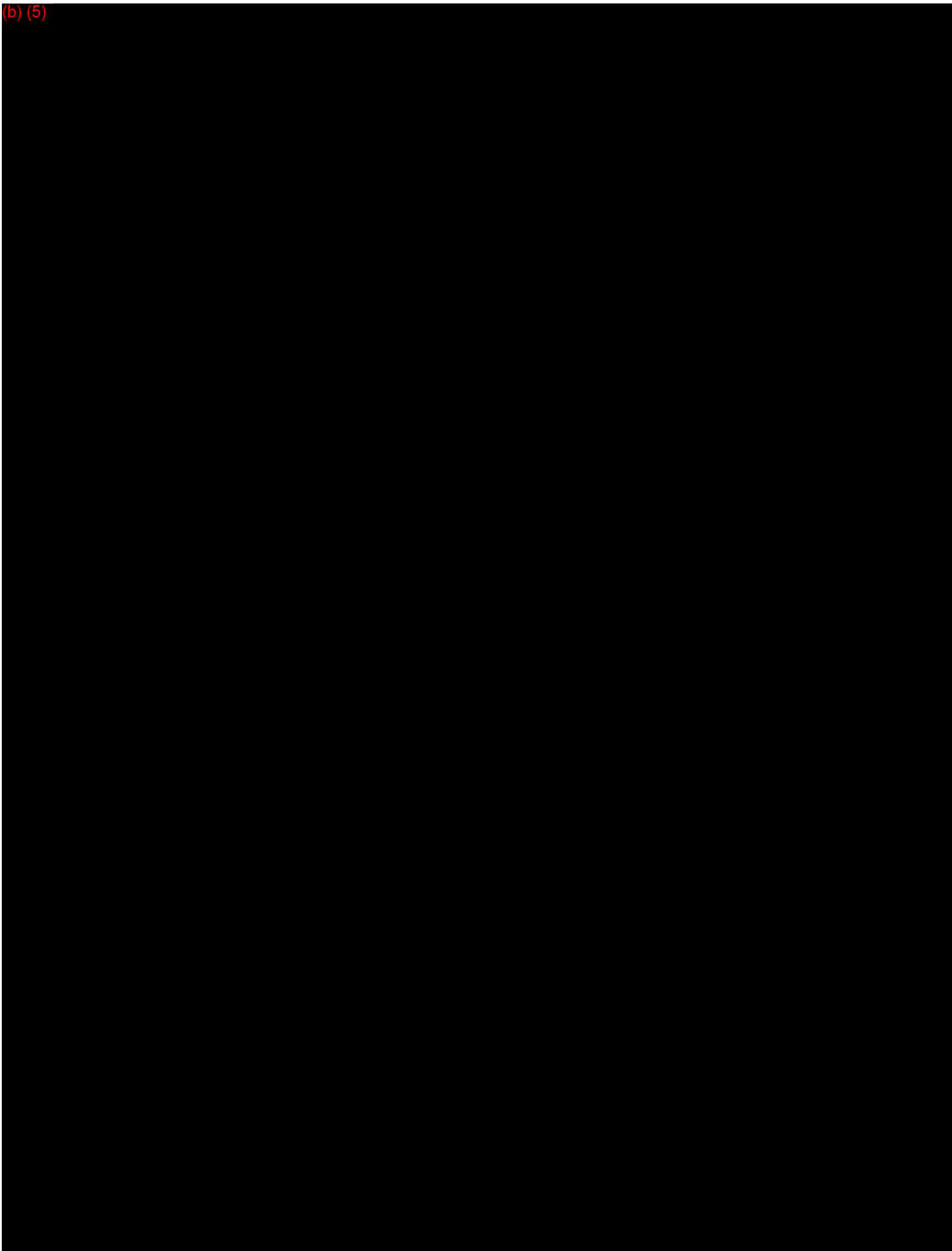


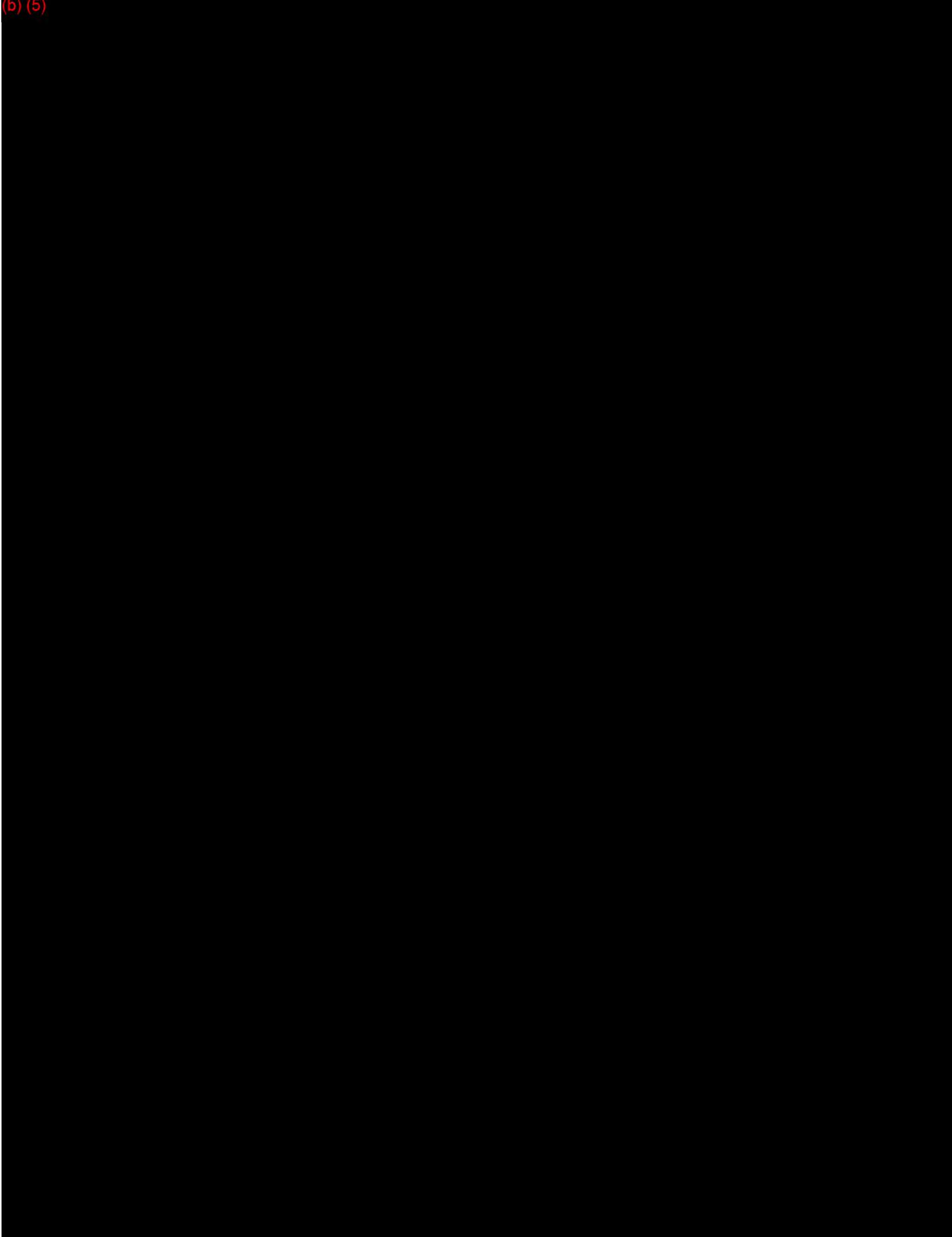


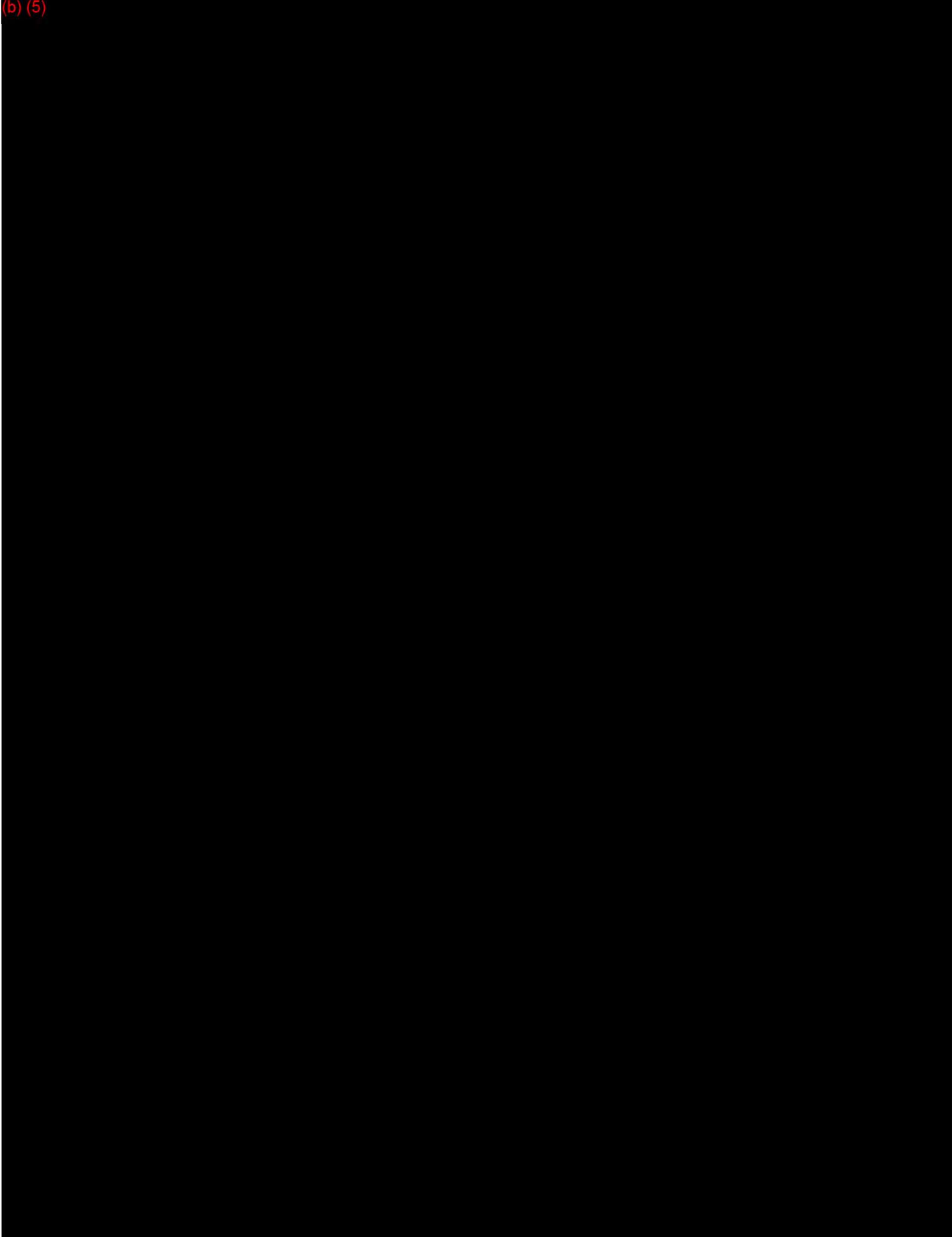


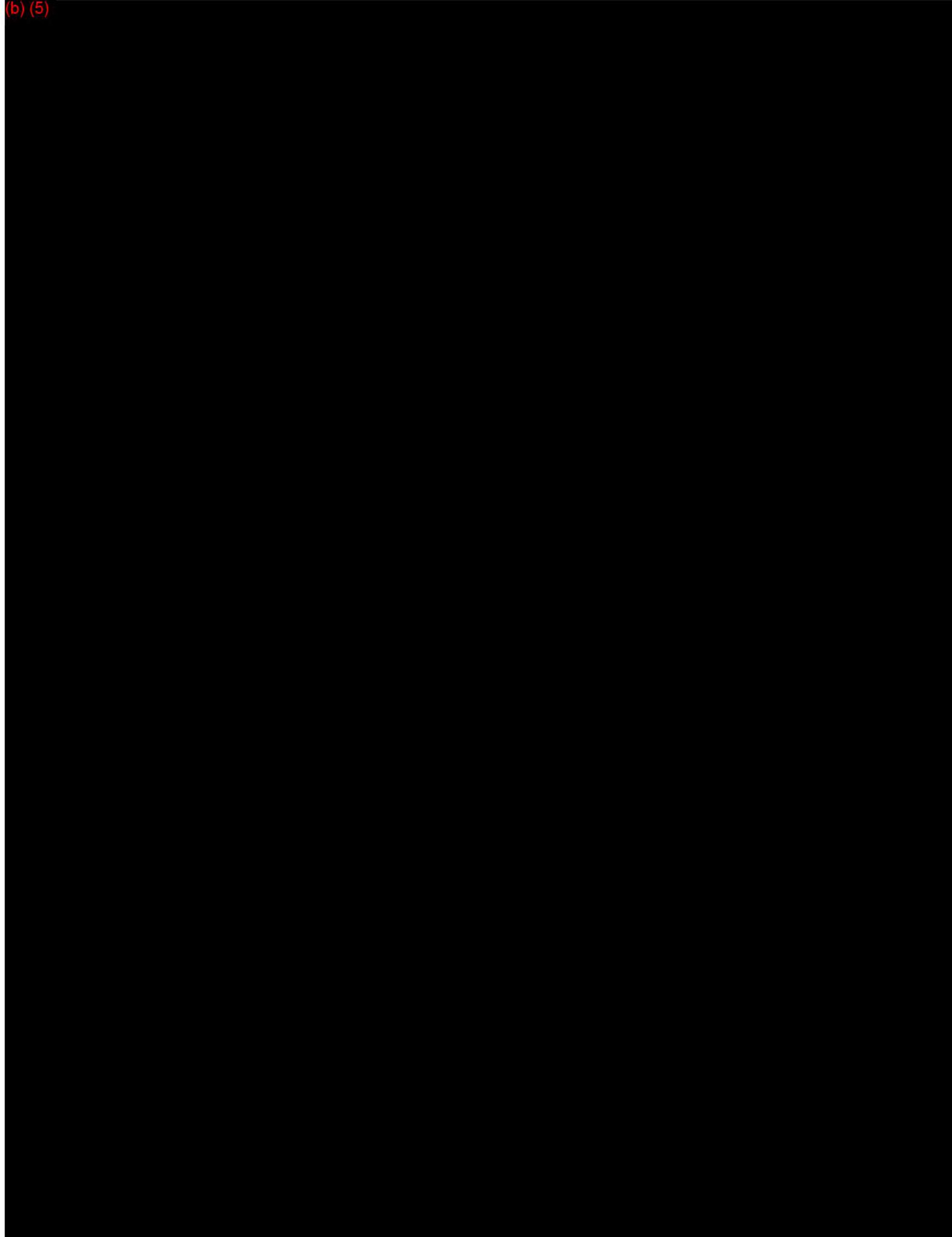


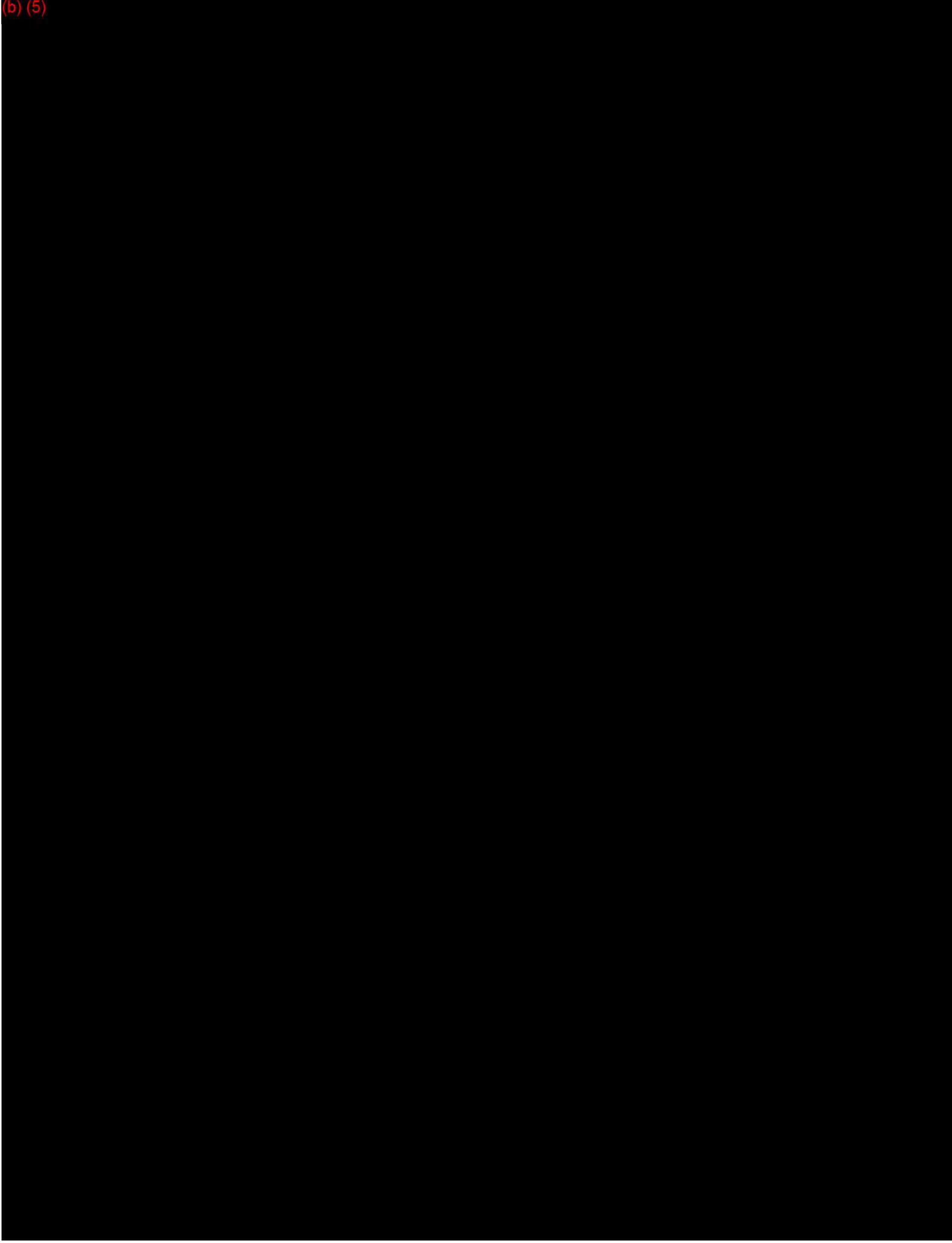












## FW: thanks for the great discussion yesterday

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**From:** "Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlf)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 27 Apr 2018 17:41:46 -0400  
**Attachments:** Cumulative Effects 4.24.2014.doc (80.9 kB)

The email chain below is relevant to the ANPRM. I'd like to get NAS front-loaded to participate. Would you like to join in a call with NAS next week?

The attached paper is off-topic, but interesting from the Arctic EIA angle.

**From:** Symmes, Gregory <GSymmes@nas.edu>  
**Sent:** Tuesday, April 24, 2018 1:50 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Staudt, Amanda <ASTaudt@nas.edu>; DeFeo, Laura <LDeFeo@nas.edu>; Geller, Laurie <LGeller@nas.edu>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] RE: thanks for the great discussion yesterday

Ted-

Great to hear from you. We'd be happy to continue the discussion about the potential for an NAS review of promising practices in environmental impact assessment.

Attached is a short version of a draft NAS proposal focused on "cumulative effects" that was circulated around CEQ and a number of offices within DOI in the 2013-2015 time frame. As you'll see, at the time discussions were focused primarily on Arctic-region dynamics, although the issue could be framed more broadly if that is what you have in mind today. Hopefully this provides a useful starting point for further discussions.

Should we try to schedule a call or in-person meeting with you and your team for some time next week (after April 30)?

Greg

**From:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Sent:** Friday, April 20, 2018 10:50 AM  
**To:** Symmes, Gregory <GSymmes@nas.edu>  
**Cc:** Staudt, Amanda <ASTaudt@nas.edu>; DeFeo, Laura <LDeFeo@nas.edu>; Geller, Laurie <LGeller@nas.edu>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** RE: thanks for the great discussion yesterday

Thanks, Greg – I'd like to pick up where we left off in the potential for NAS review of promising practices in environmental impact assessment (EIA).

As I noted in our meeting, CEQ has announced that it is reviewing the CEQ NEPA regulations in order to identify changes needed to update and clarify those regulations. We discussed some work that NAS did about five years ago to develop a proposal for reviewing the state of EIA practice. I'd like to look at whatever you have from that collaboration with CEQ to see if we might be able to use the same scope of work. I'm thinking that it may be useful to have NAS engaged in tandem with a public process.

Looping Amanda, Laura, and Laurie back into the email chain. I'm happy to discuss this, today after April 30, if you have any questions.

Regards,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Sent:** Friday, April 20, 2018 7:53 AM  
**To:** Marchese, April L. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] RE: thanks for the great discussion yesterday

April-

Thanks for letting me know of your transition back to DOT.

My colleagues and I look forward to continuing the conversation with Ted and Marlys, when you are ready.

Greg

**From:** Marchese, April L. EOP/CEQ <(b) (6)>  
**Sent:** Thursday, April 19, 2018 9:27 PM  
**To:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** RE: thanks for the great discussion yesterday

Greg, I apologize for the belated follow up. Easy to get sidetracked here. I wanted to let you know that I will be returning to my home agency, DOT, but Ted will continue to pursue the issues that we've discussed and will be reaching out to you (although I believe in the near term he is traveling). I'm also copying Marlys Osterhues, on detail to CEQ from DOT, who will also be engaged in this effort.

I really appreciated the good discussions and information that you and your folks provided, and hope we can make some progress on resolving these difficult issues.

Thanks again—  
April

**From:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Sent:** Friday, February 23, 2018 3:57 PM  
**To:** Marchese, April L. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>  
**Subject:** [EXTERNAL] thanks for the great discussion yesterday

Dear April and Ted-

Amanda, Laura, Laurie, and I really enjoyed our conversation with you yesterday.

I hope our wide-ranging discussion was of some use as you continue to develop near-term guidance and consider potential longer-term efforts to improve the efficiency and effectiveness of environmental reviews.

We would be happy to continue the conversation on any of the topics after you've had a chance to reflect on our discussions and confer with your colleagues. My sense is that some of the more promising areas where the Academies could be of assistance include the idea of having carrying out technical peer reviews of key documents, convening workshops to bring together experts and other stakeholders to provide input or feedback on your plans, and carrying out consensus studies that would provide advice on particularly challenging issues such as improving methods for evaluating cumulative effects and/or characterizing and communicating uncertainties to decision makers and the public.

I'm copying my colleagues so you can reach out to any of us individually or as a group if you want to follow up on specific issues that arose during yesterday's meeting.

Best,

Greg

Gregory H. Symmes, Ph.D.  
Executive Director

Division on Earth and Life Studies  
The National Academies of Sciences, Engineering, and Medicine  
500 Fifth Street, NW  
Washington, DC 20001  
202-334-2500  
[gsymmes@nas.edu](mailto:gsymmes@nas.edu)

**Draft Proposal for an NAS study:**  
**Cumulative Effects Analysis for Decision Making in the Context of Arctic Development**

As discussed in EPA(1999), “cumulative impacts” refers to the combined, incremental effects of human activity on a resource, ecosystem, or human community. Such effects could be relatively insignificant by themselves, but impacts that accumulate over time, from multiple sources, can result in the degradation of important resources. The National Environmental Policy Act (NEPA) requires the assessment of cumulative impacts, under Council on Environmental Quality (CEQ) regulations, for federal projects that require an environmental impact assessment. But assessing cumulative effects presents many challenges, due to the paucity of models and limited data to assess the combined impacts of different stressors on organisms and other natural features. In addition, the increased pace of global environmental change complicates the assessment of the cumulative impact of any given activity (i.e., stressor) over time.

The potential for new development activities in the Arctic is an important focal point for the growing interest in research on cumulative effects. As oceanic ice cover diminishes and warming trends accelerate in the Arctic, the region is becoming a more attractive option for oil/gas exploration and development, mining for mineral resources, and accommodations for increased shipping activity (including port development). The effects of this development on the region’s biological, ecological and social systems could be particularly difficult to anticipate, given the additional environmental stresses from climate change. A few recent reports, including the USGS report “*An Evaluation of the Science Needs to Inform Decisions on Outer Continental Shelf Energy Development in the Chukchi and Beaufort Seas, Alaska*” (2011), have highlighted the need for a better understanding of the potential cumulative effects of development in this region.

This issue involves a wide array of government agencies, private sector interests, academic researchers, and other stakeholders. The National Academy of Sciences (NAS) proposes to organize an activity (either taking the form of a consensus study or a workshop-type forum) to bring together these diverse actors for discussion across institutional and disciplinary lines – with the goal of identifying approaches for robust cumulative effects analyses. A particular focus may be given to analyses that support planning for energy and industrial development in Alaska (both on land and offshore); but it could also consider case studies in different geographic settings to help foster sharing of best practices and lessons-learned.

Potential topics for inclusion in the Statement of Task:

- Examine the range of methodologies and strategies currently used to assess cumulative effects across different sectors, regions, and time periods (given the difficulty that driving forces may be separated in time or space, or involve different resources --e.g. indirect or secondary effects).
- Identify approaches for establishing “baselines” in the context of ongoing environmental change.
- Explore how cumulative effects can be compared across different resource types and different activities, and how appropriate time and space scales for analysis are chosen.
- Identify the specific types of research, model development, and data collection most needed to improve the scientific assessment of cumulative effects.

Although the proposed study's focus is primarily on Arctic development, the findings would likely be applicable for assessing cumulative effects in other contexts. Audiences for this study would include federal agencies, scientists, private sector stakeholders (e.g., oil/gas industry), environmental NGOs, and Arctic Native organizations.

## Proposed Rule Drafts for your Review

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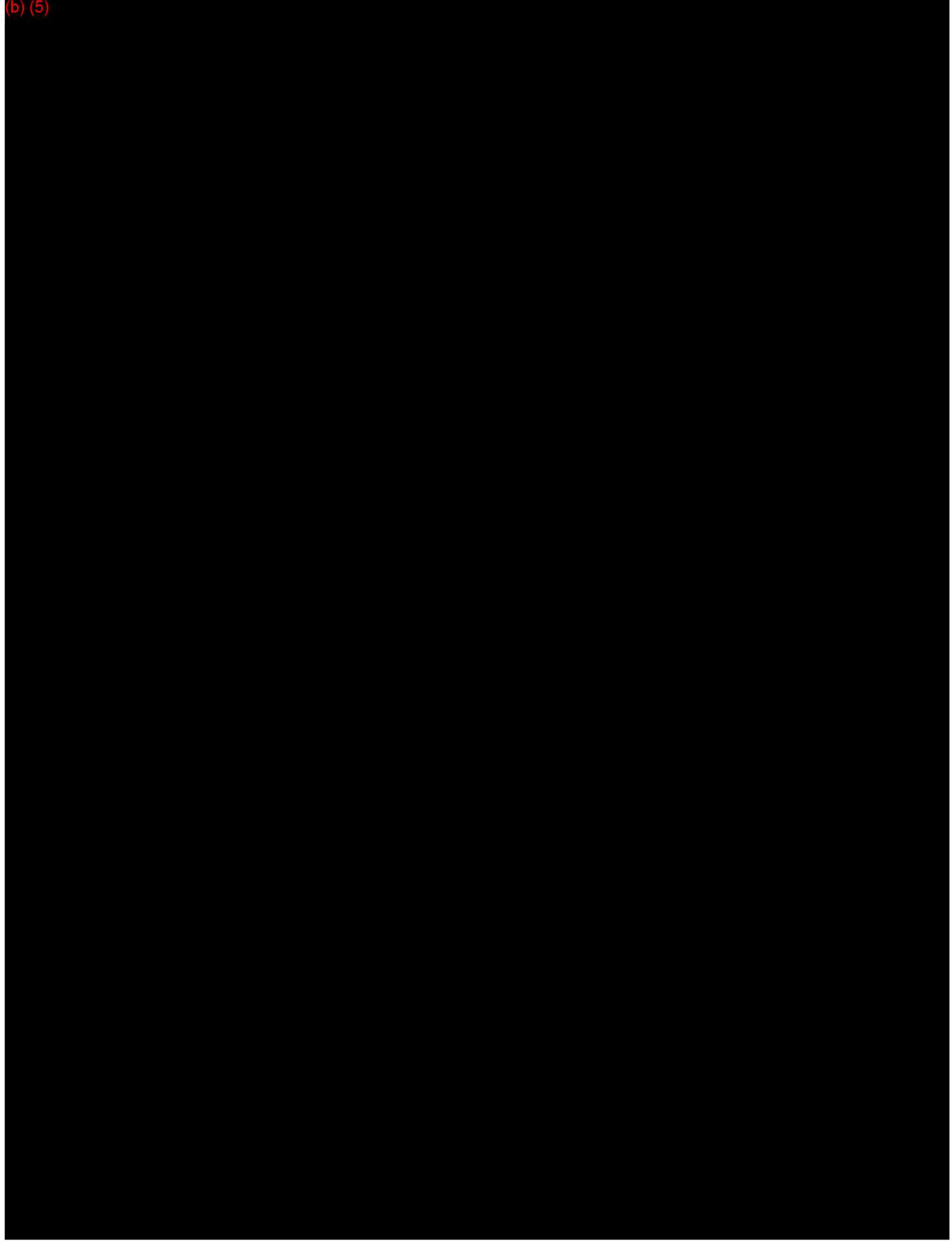
**From:** "Loyola, Mario A. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 27 Apr 2018 13:06:08 -0400  
**Attachments:** CEQ Proposed Revised Regulation v1.DOCX (164.93 kB); Skeleton - Proposed Rule - CEQ Regulation Amendment.docx (49.88 kB)

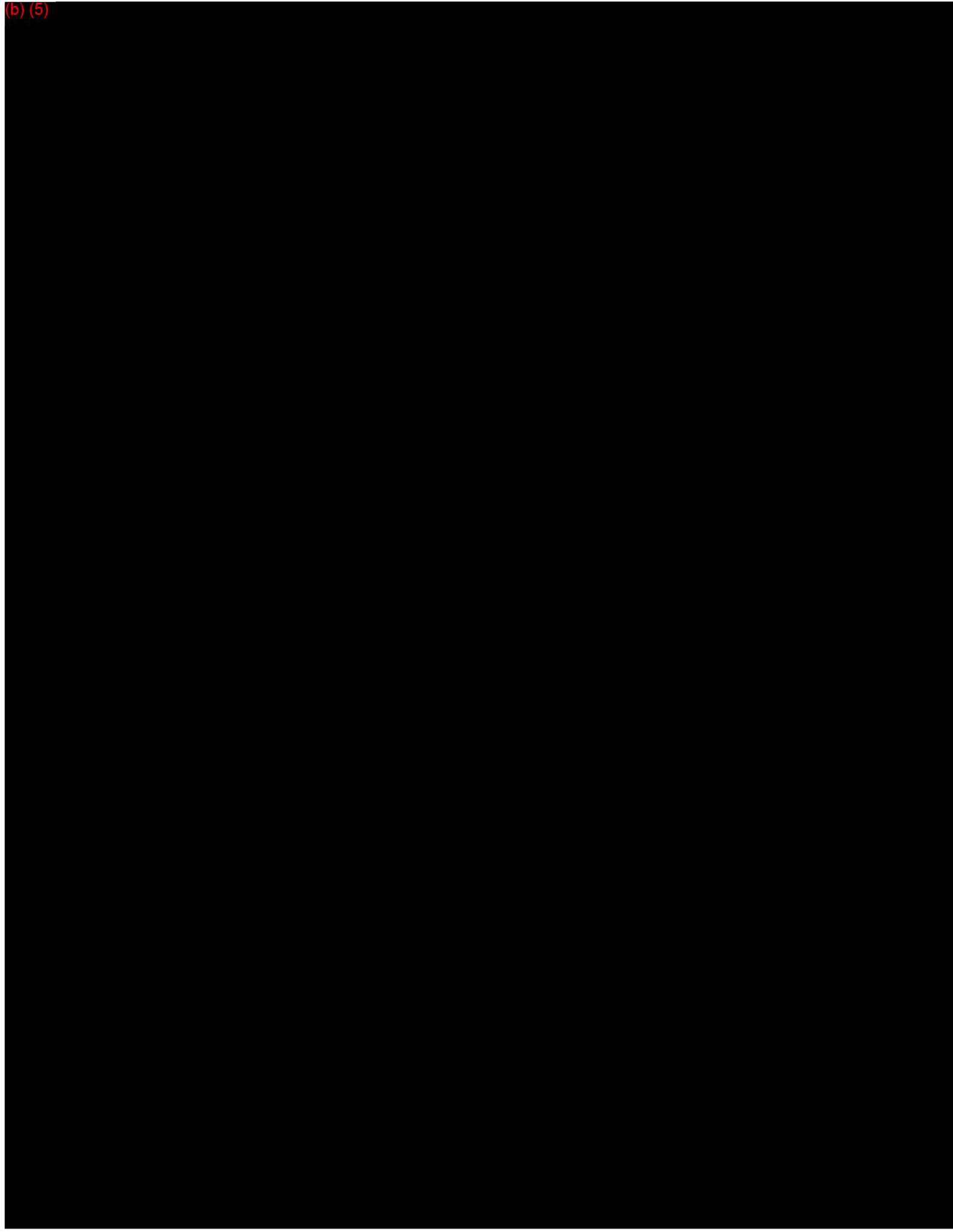
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Please see attached. To reiterate my taskers, (b) (5)

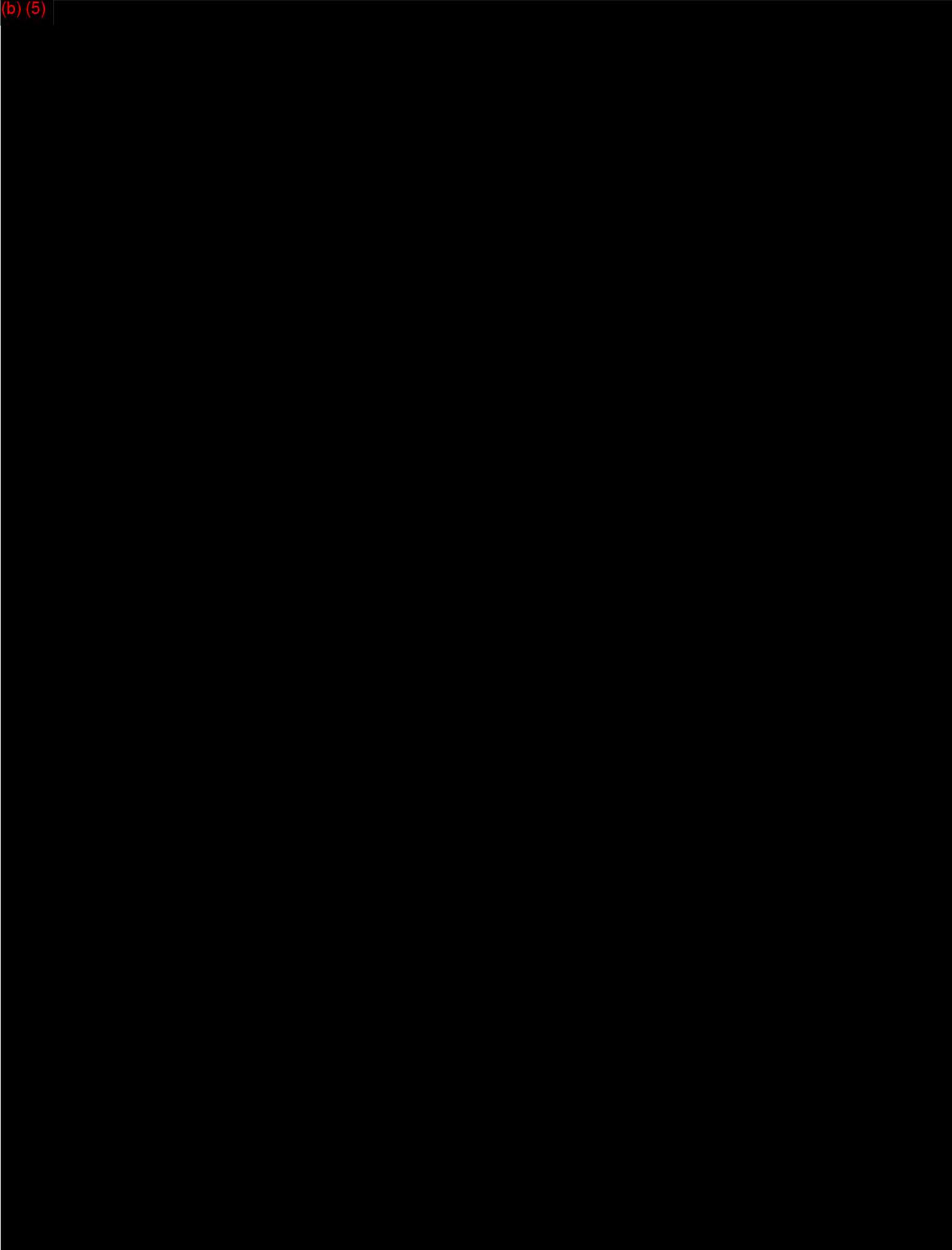
Please review the proposed revised regulation and notes, and get back to me with initial thoughts. Thank you.

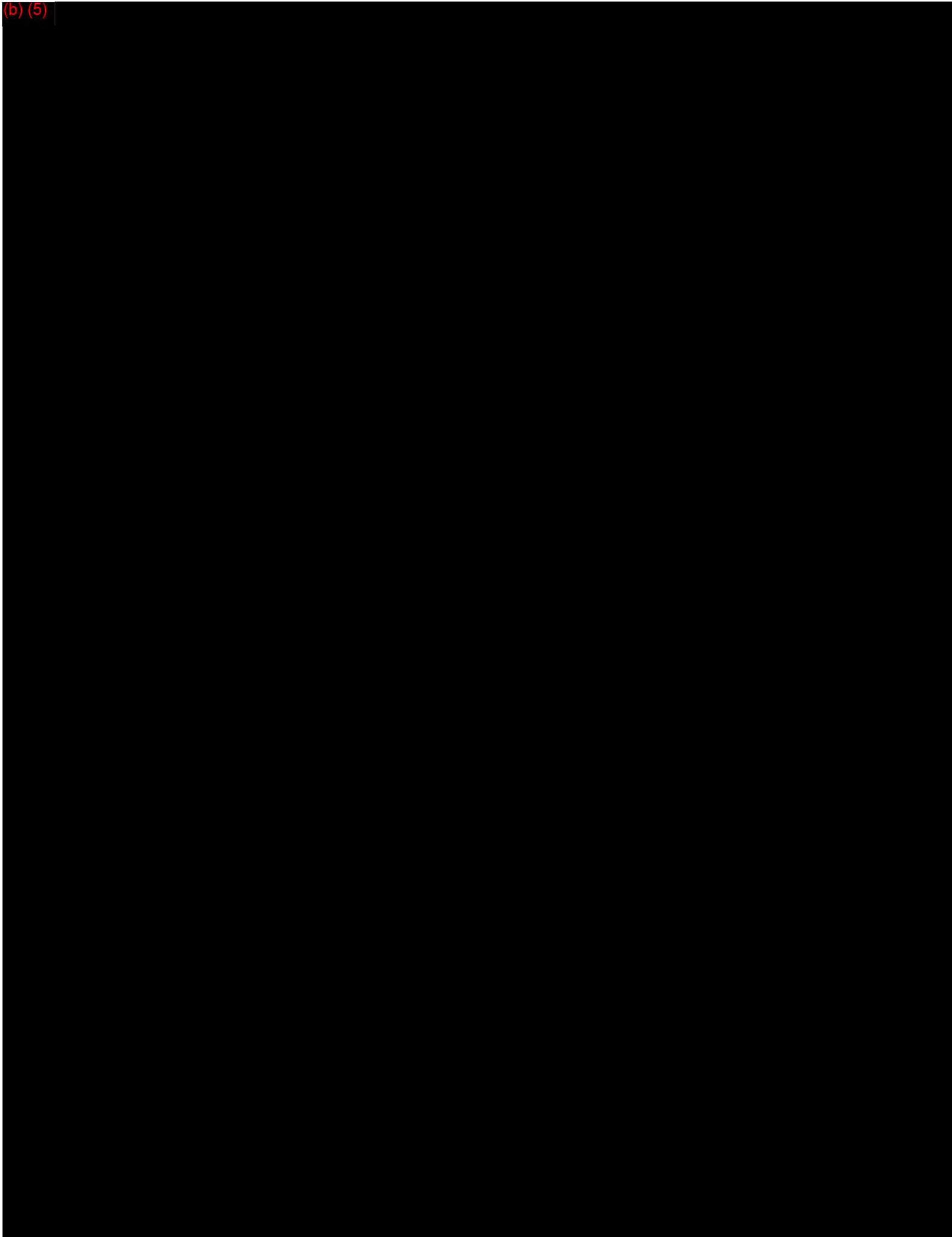
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

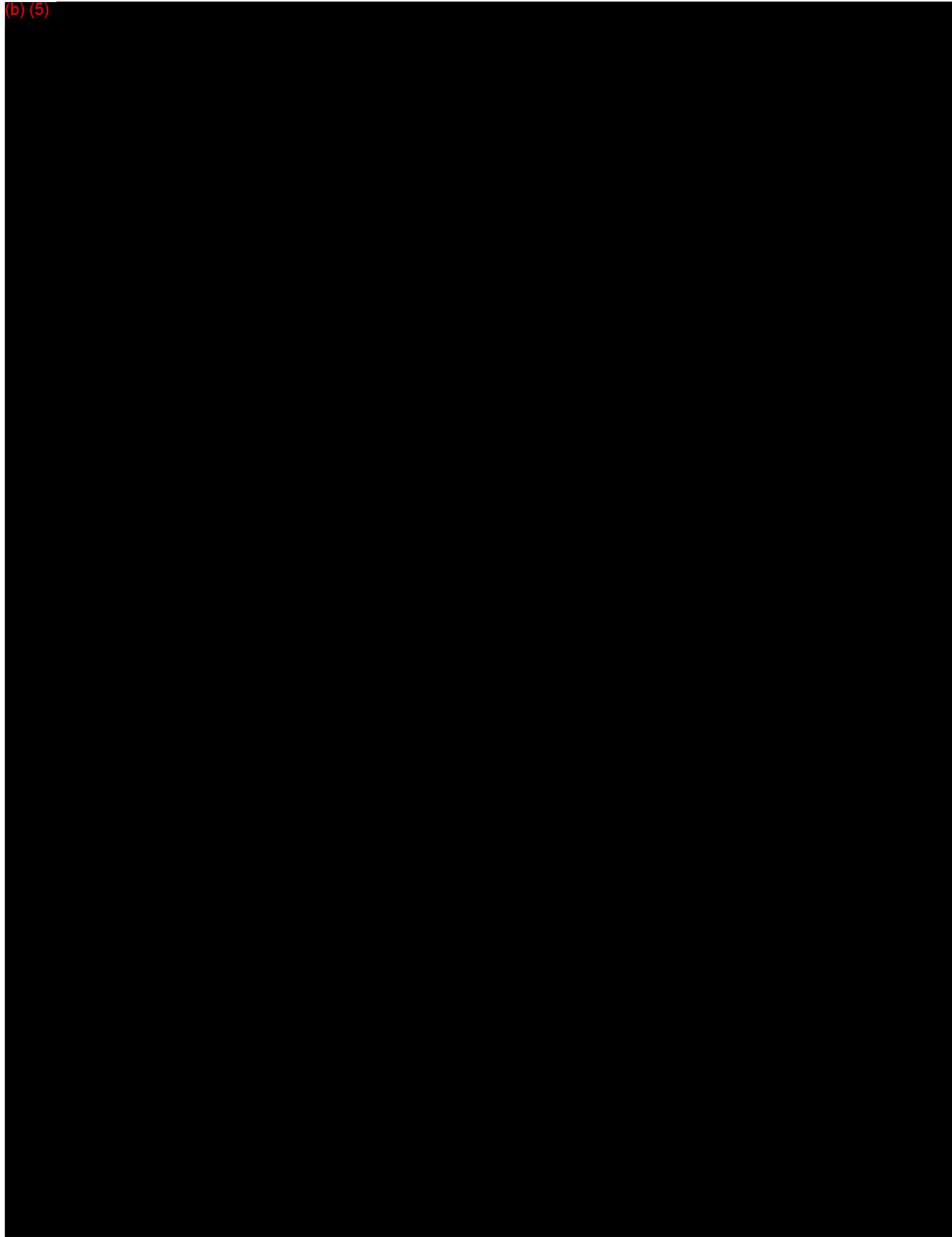


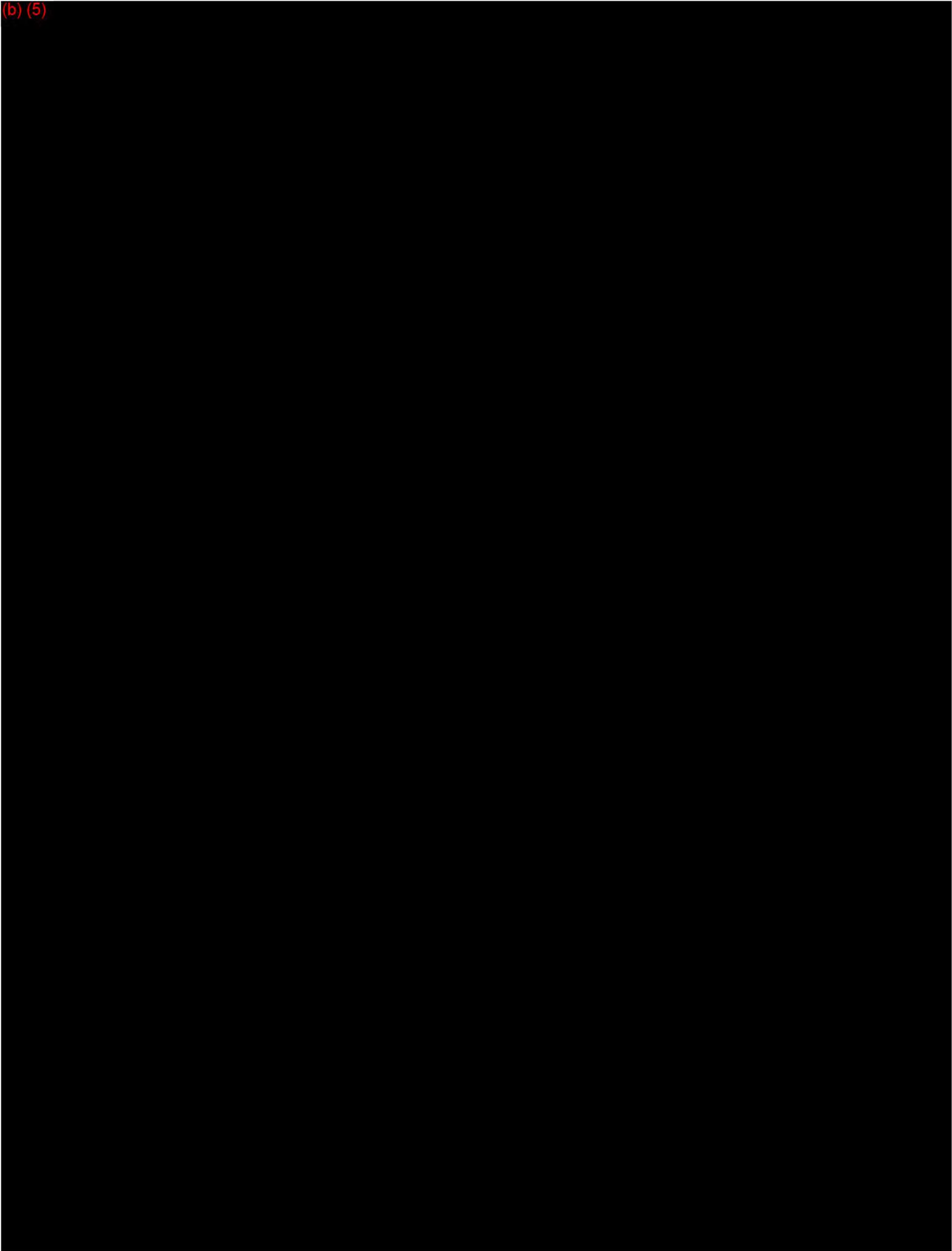


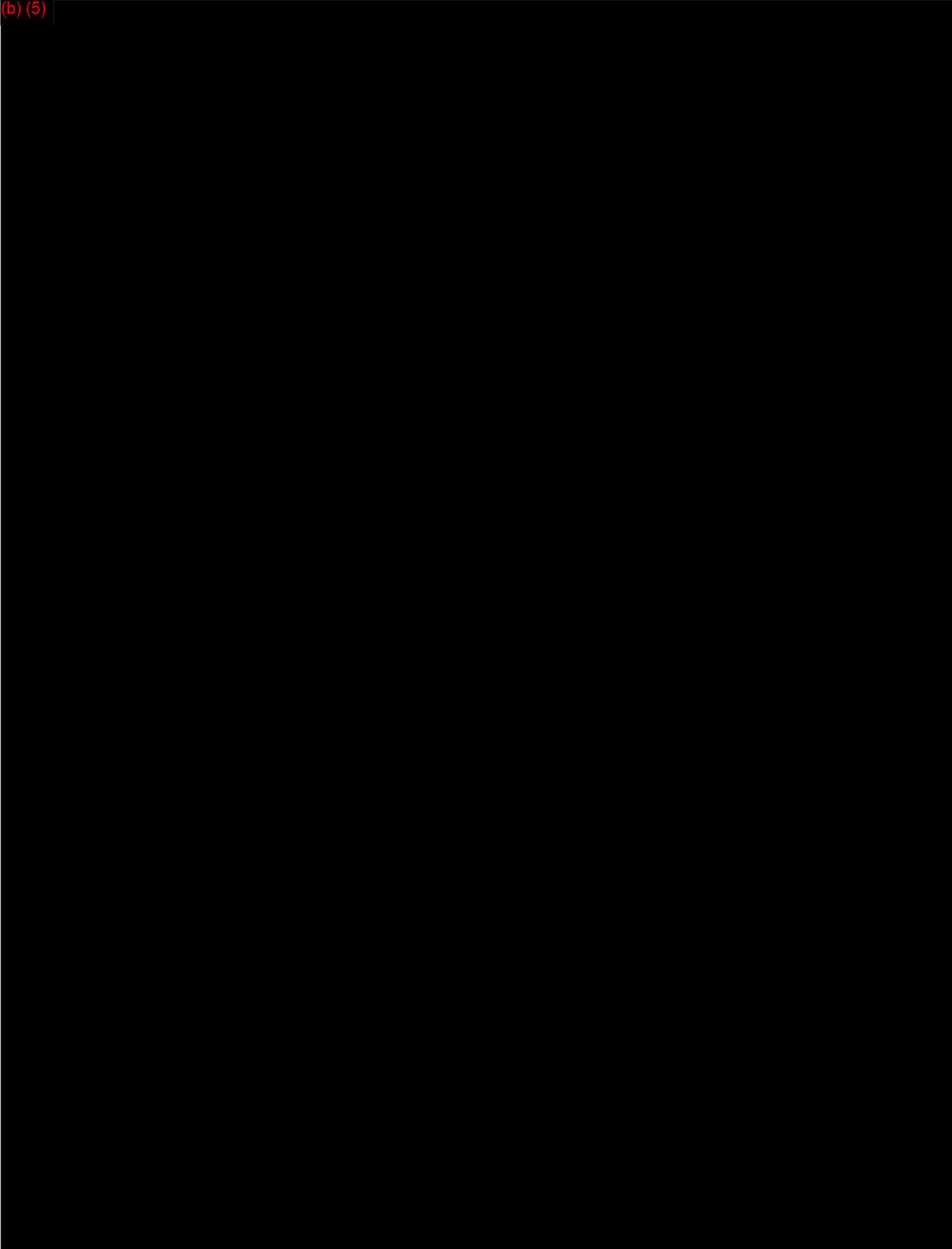


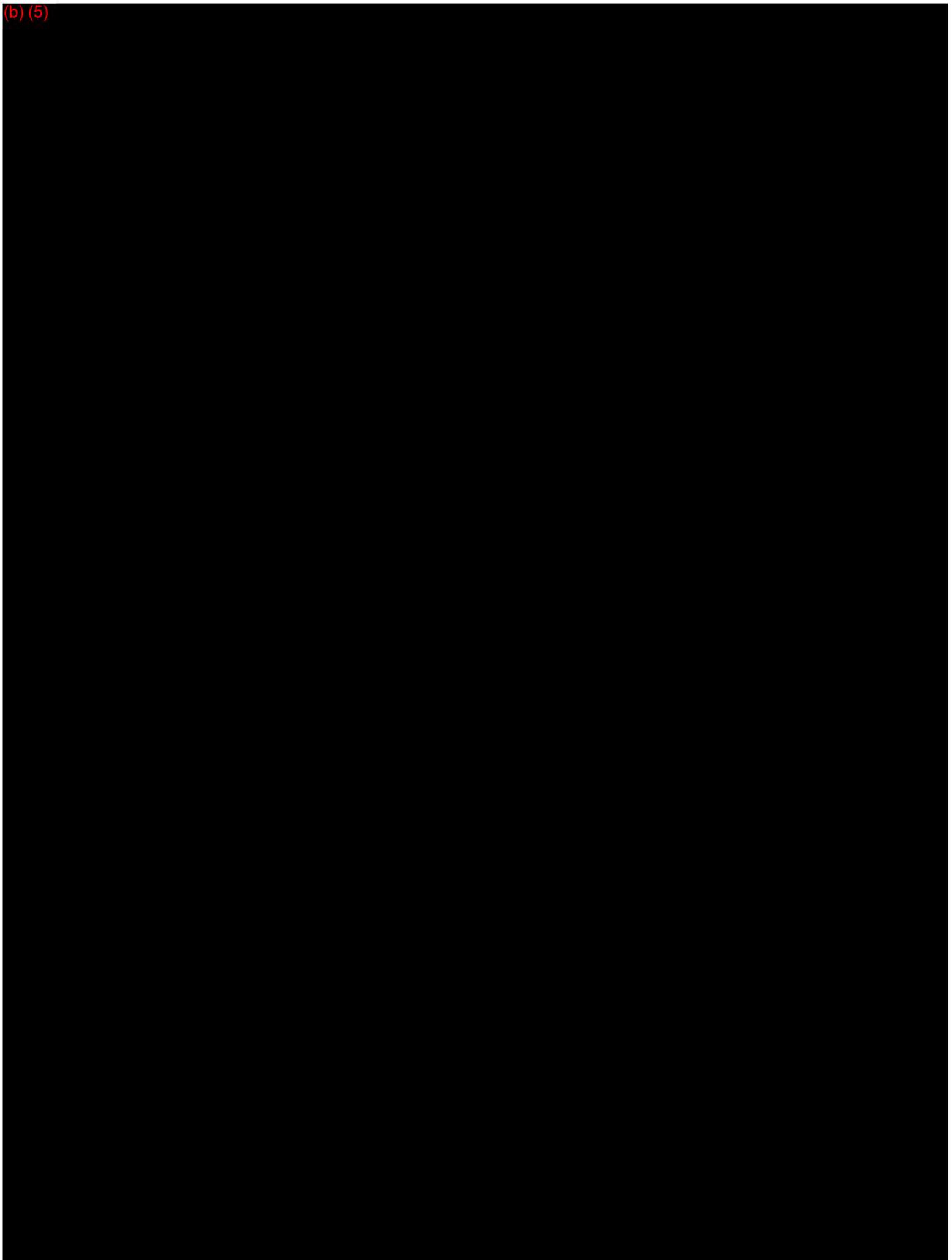


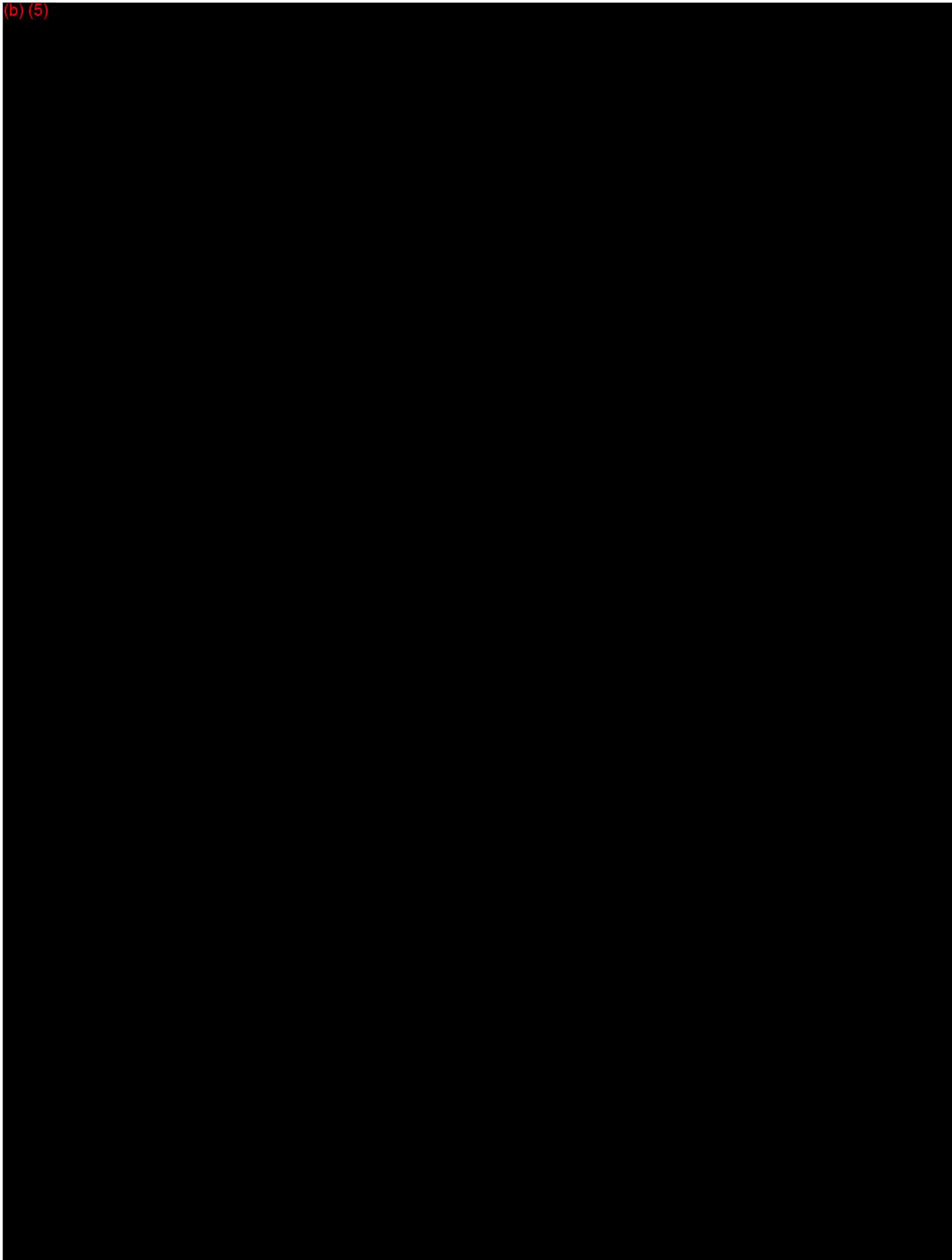


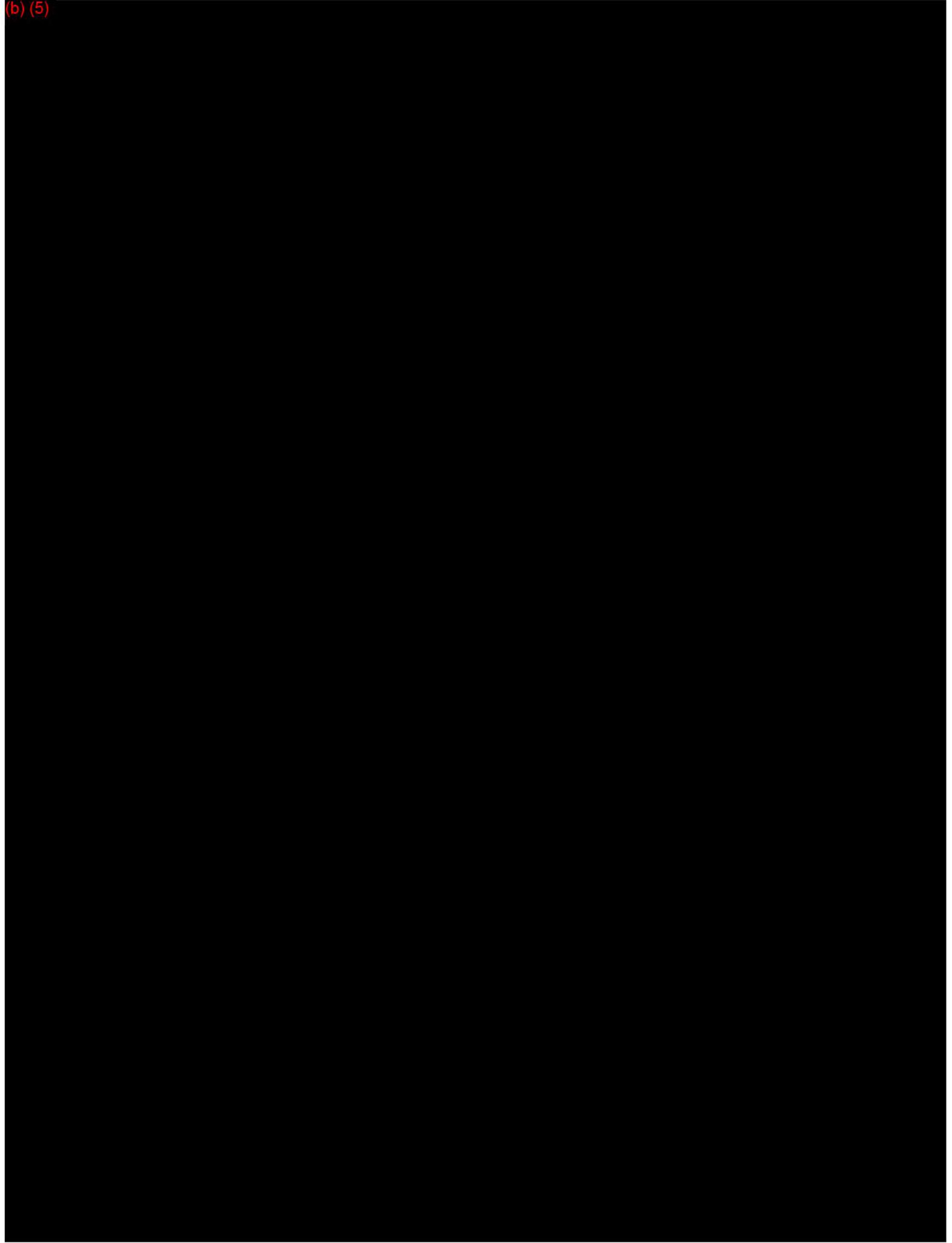


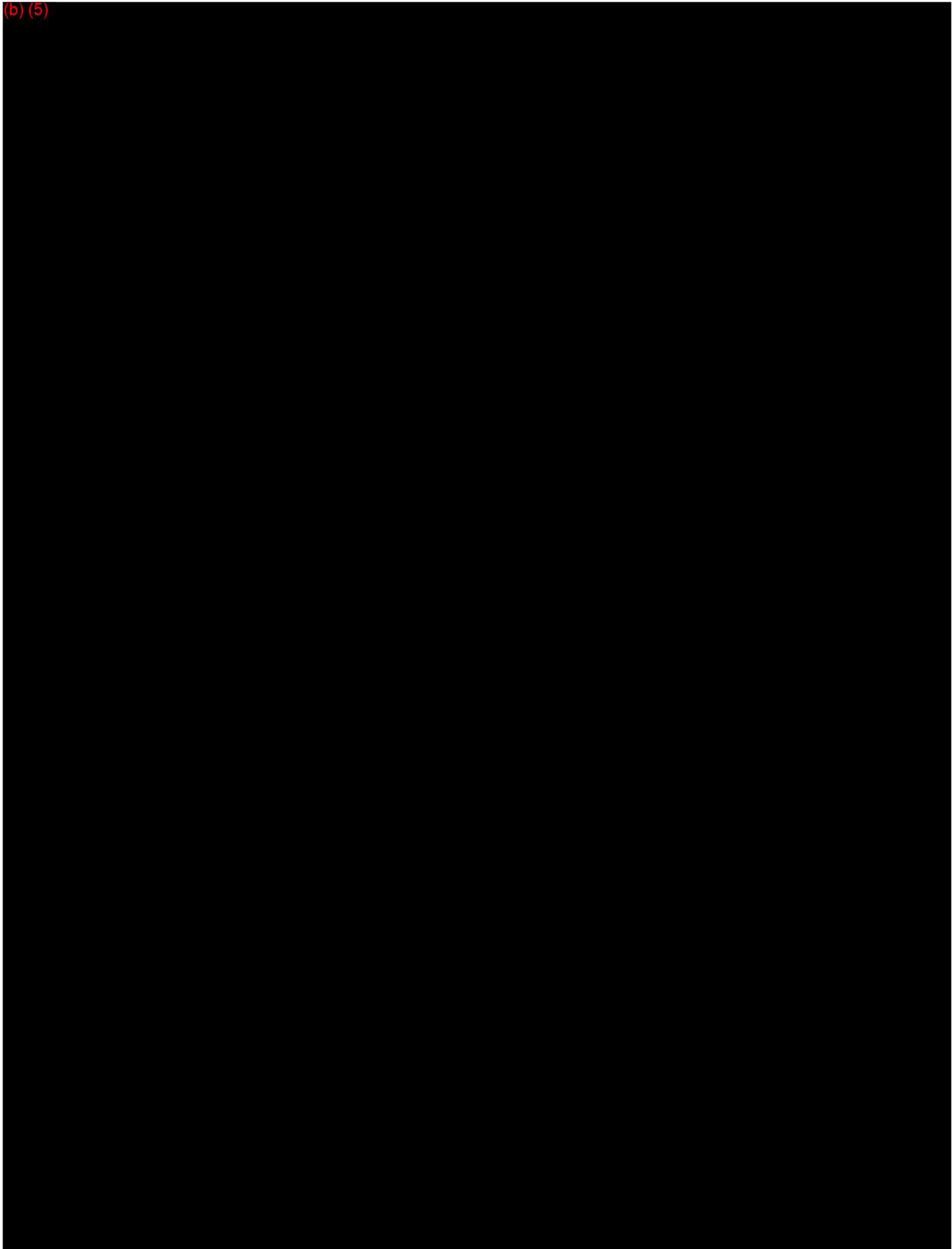


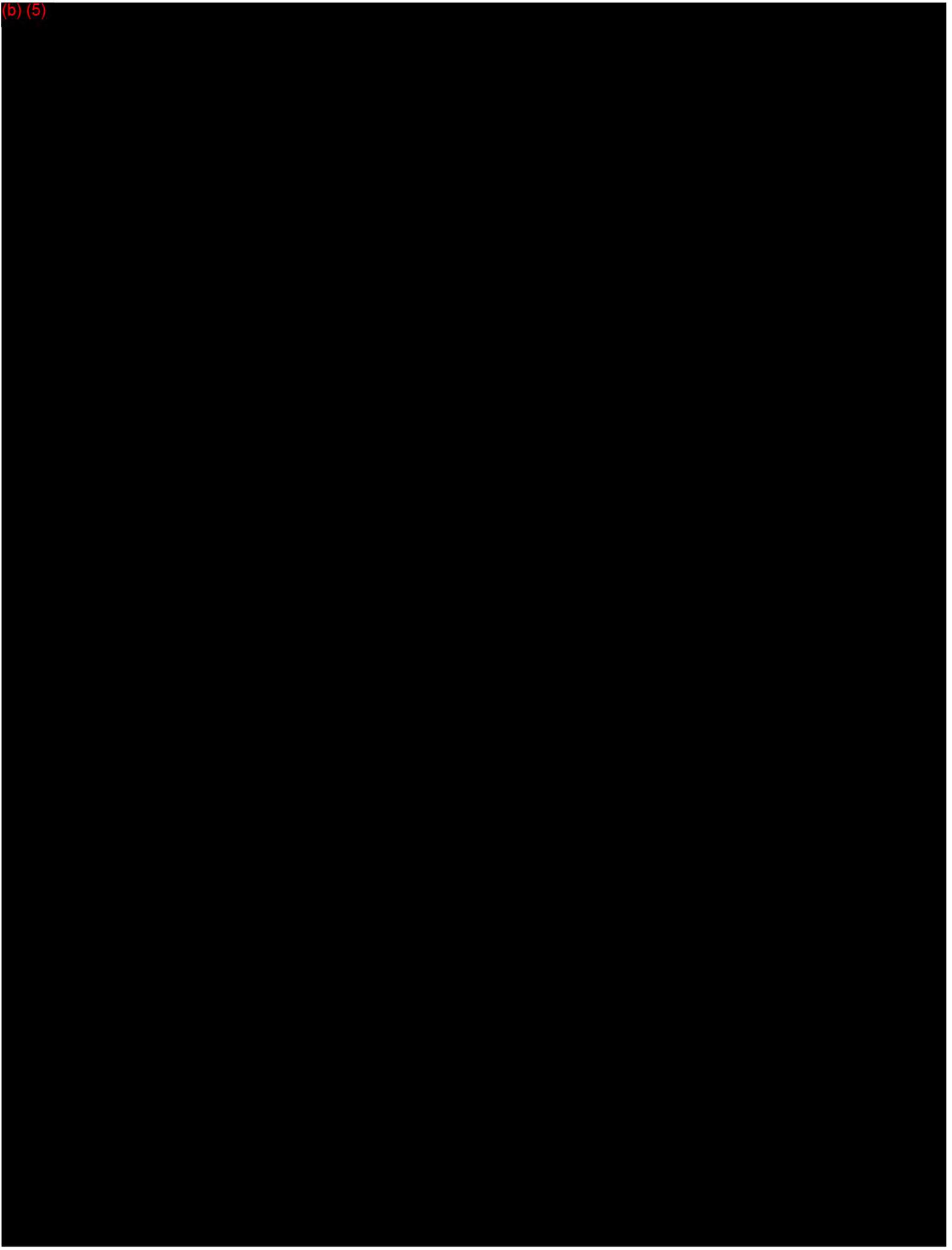


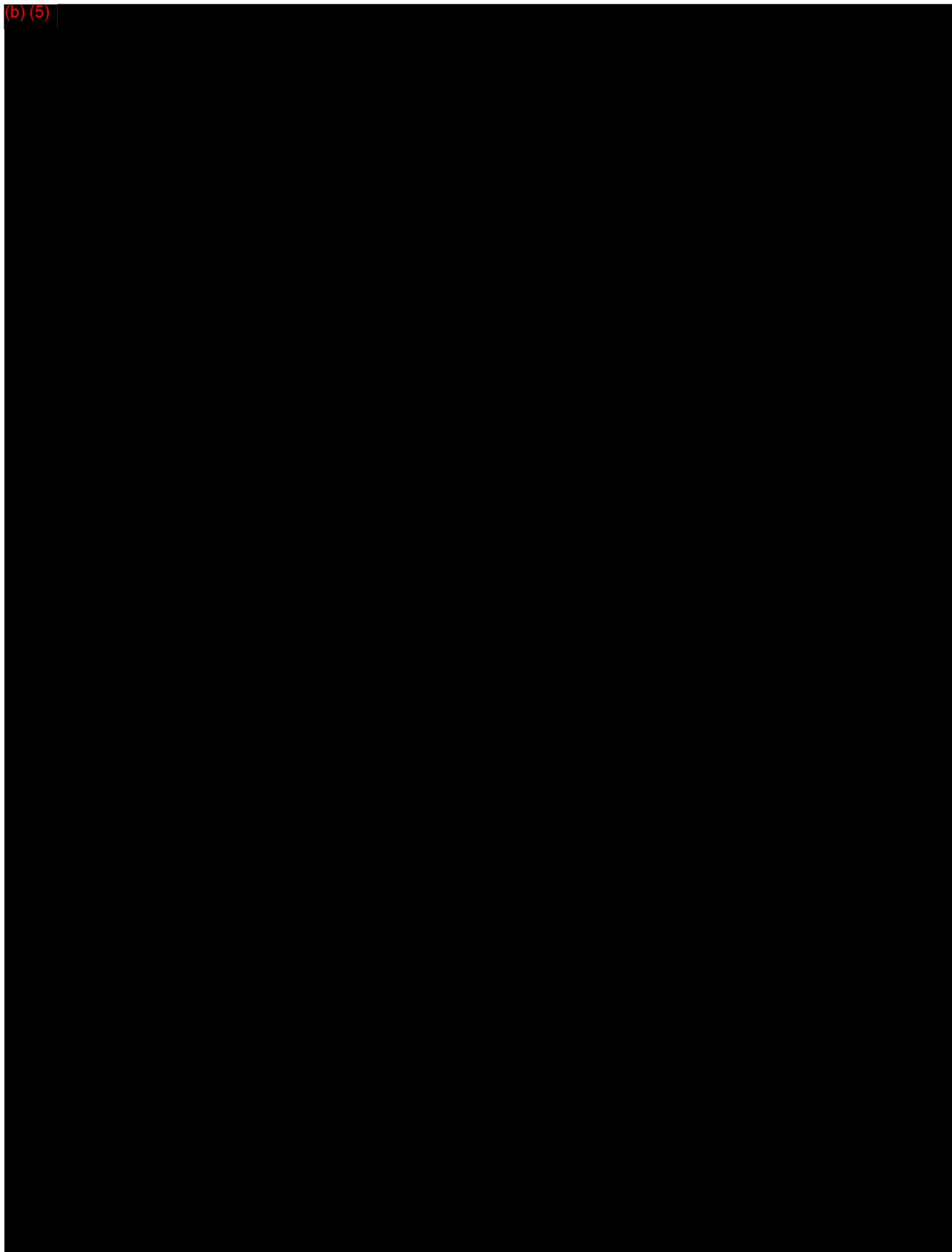


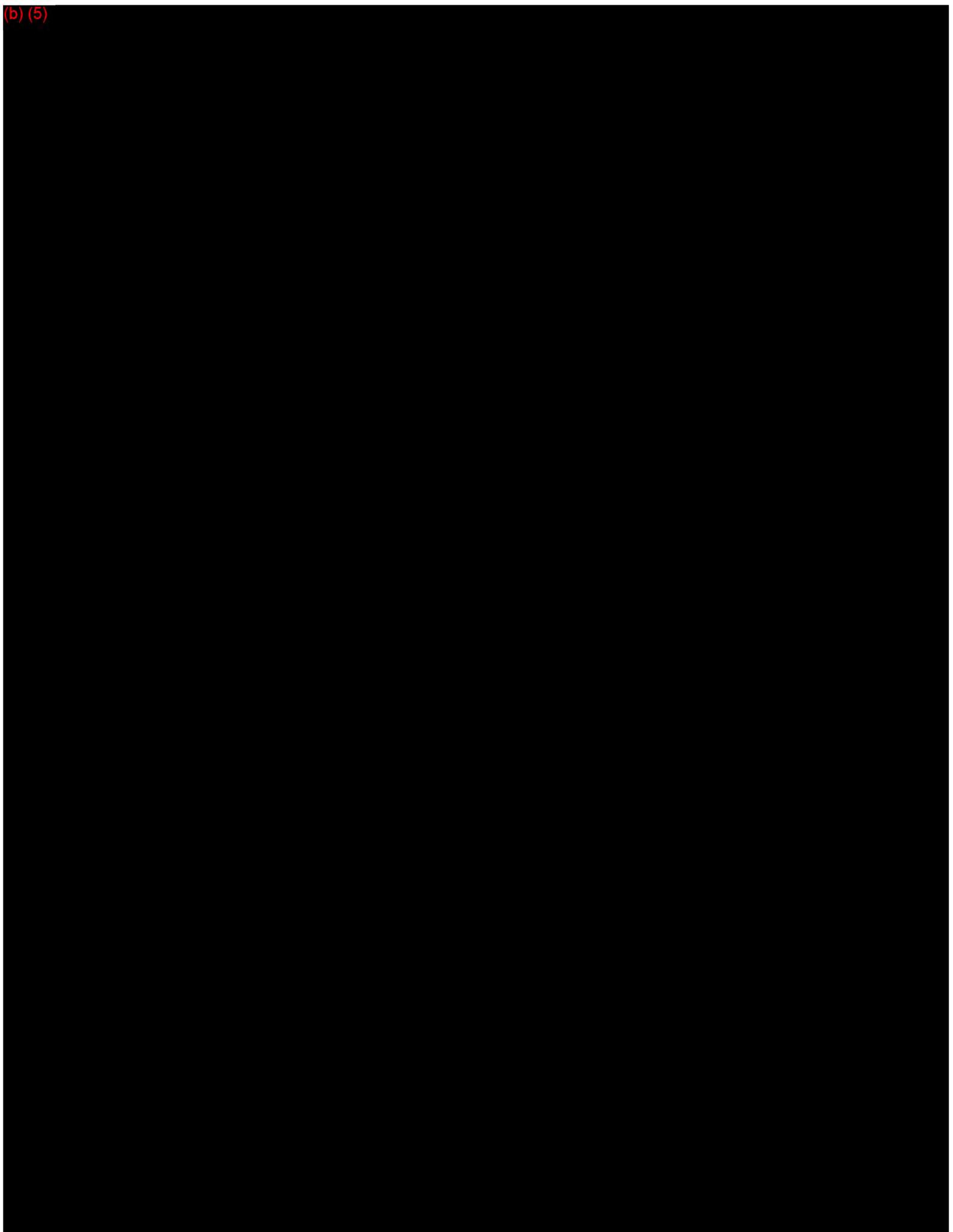


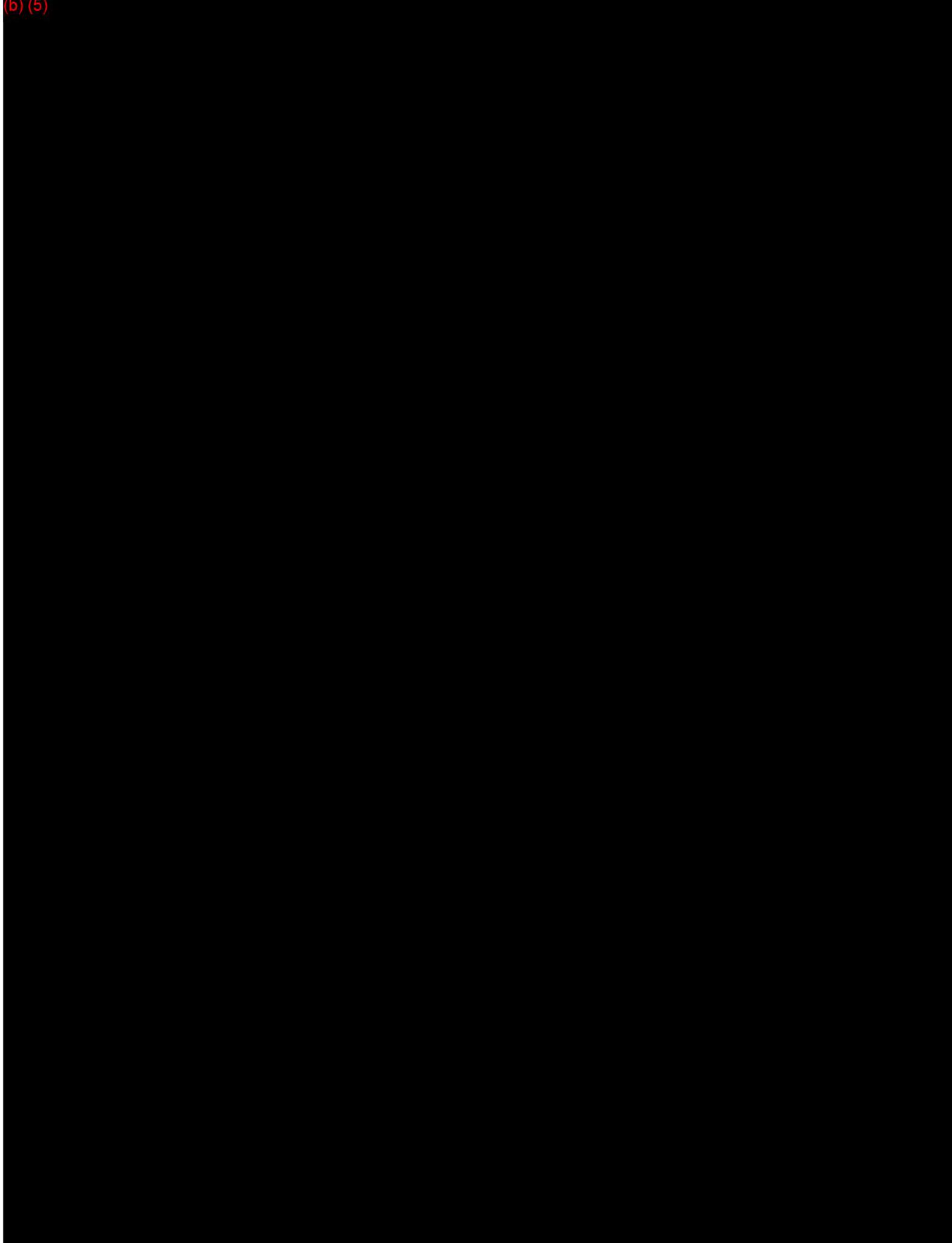


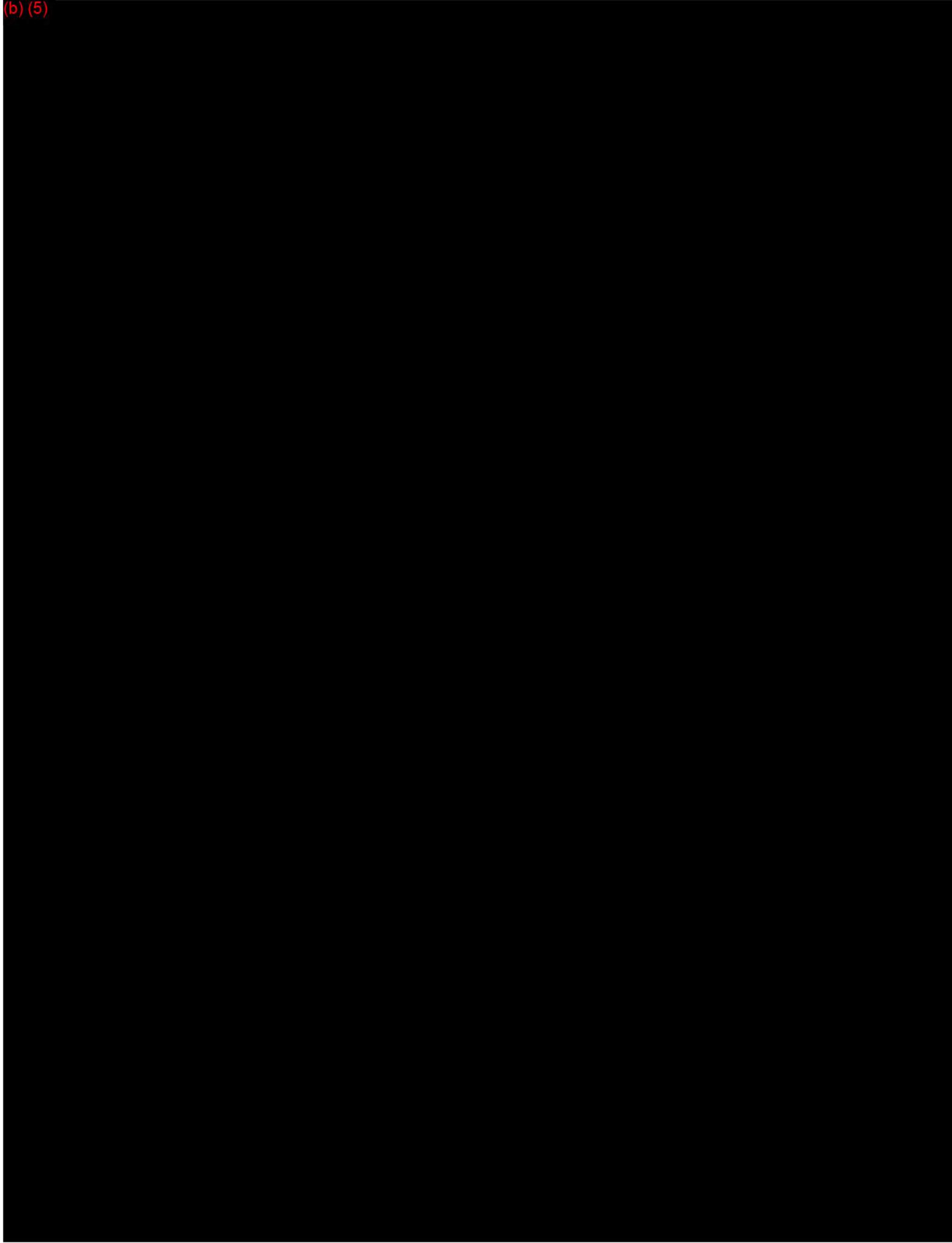


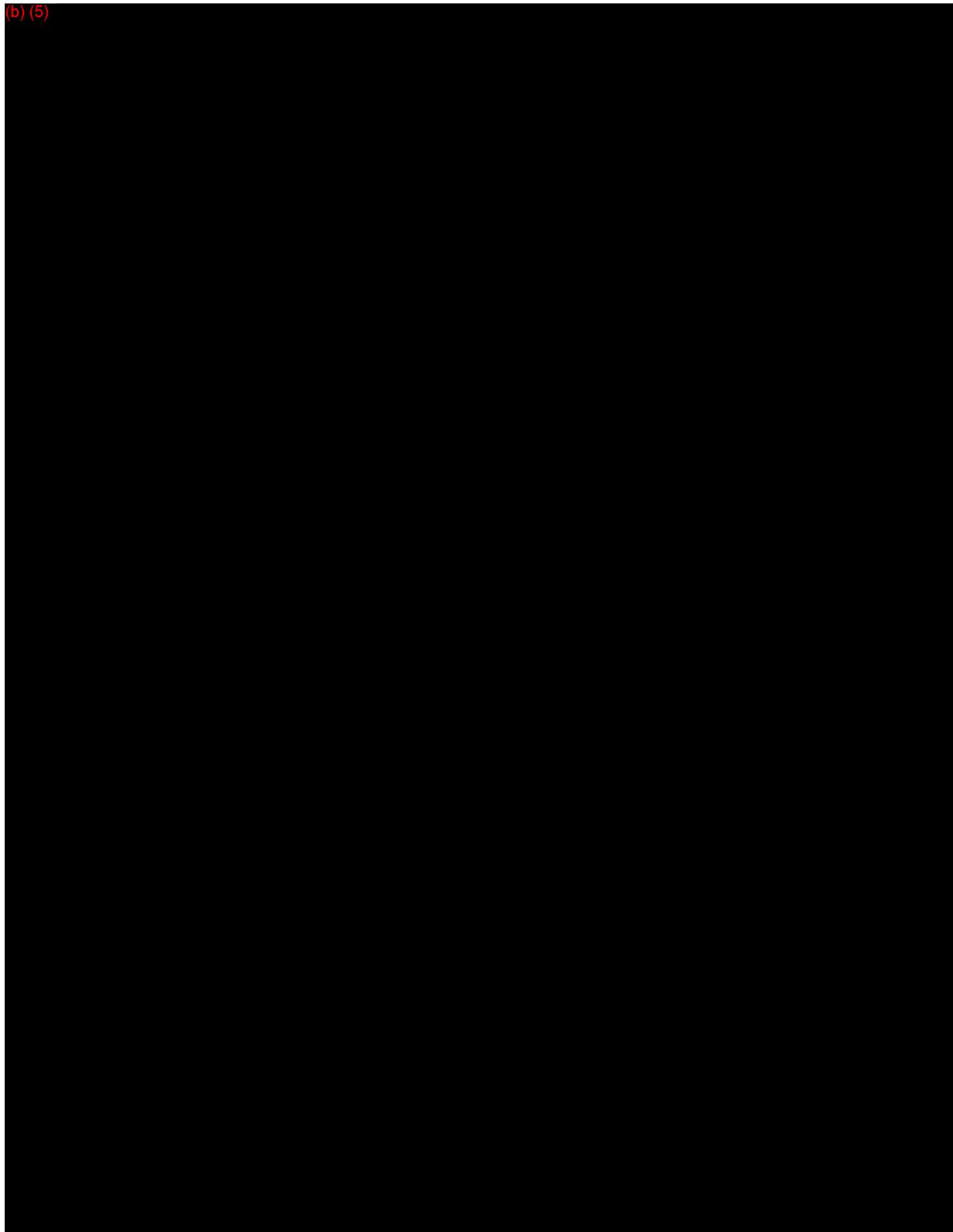


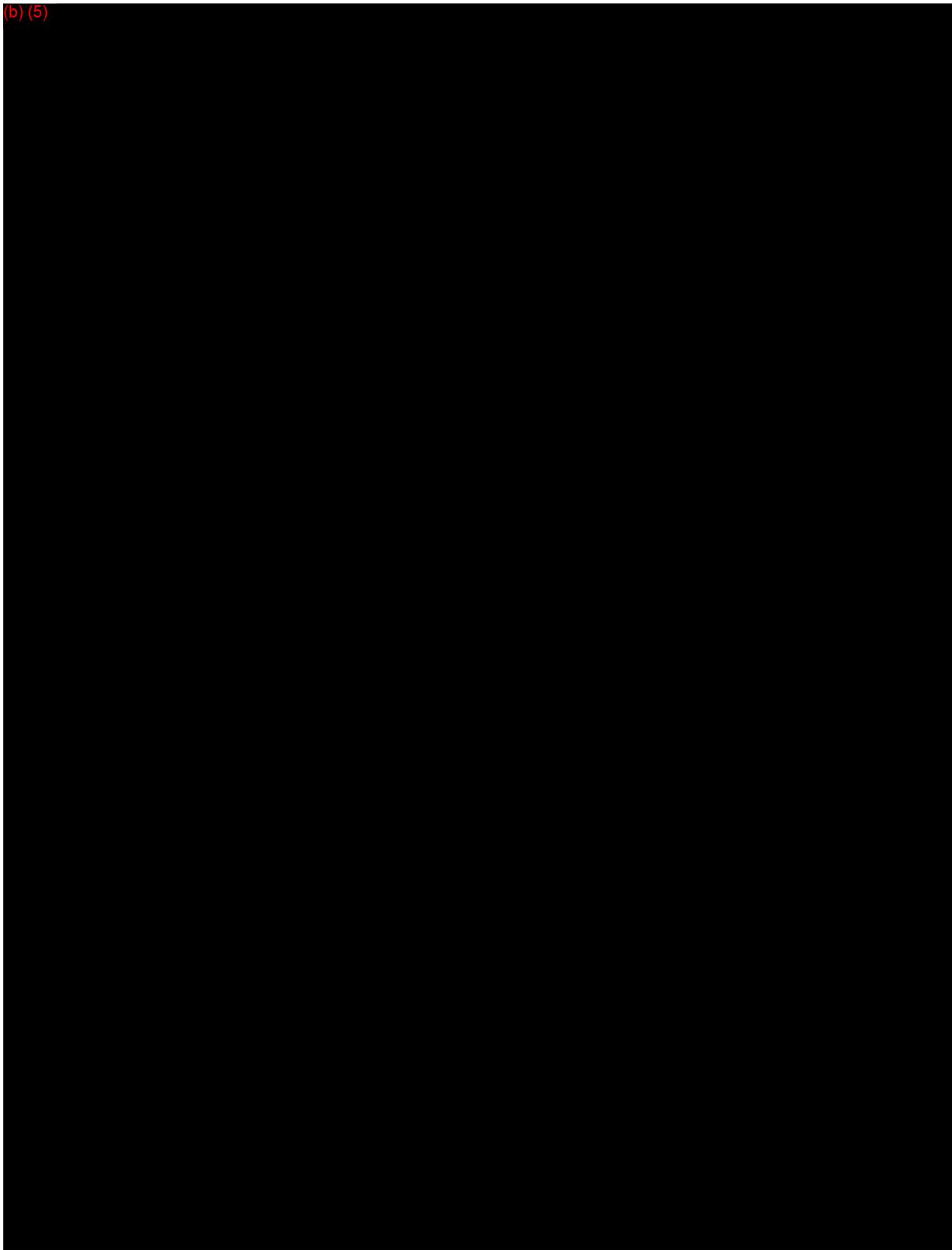


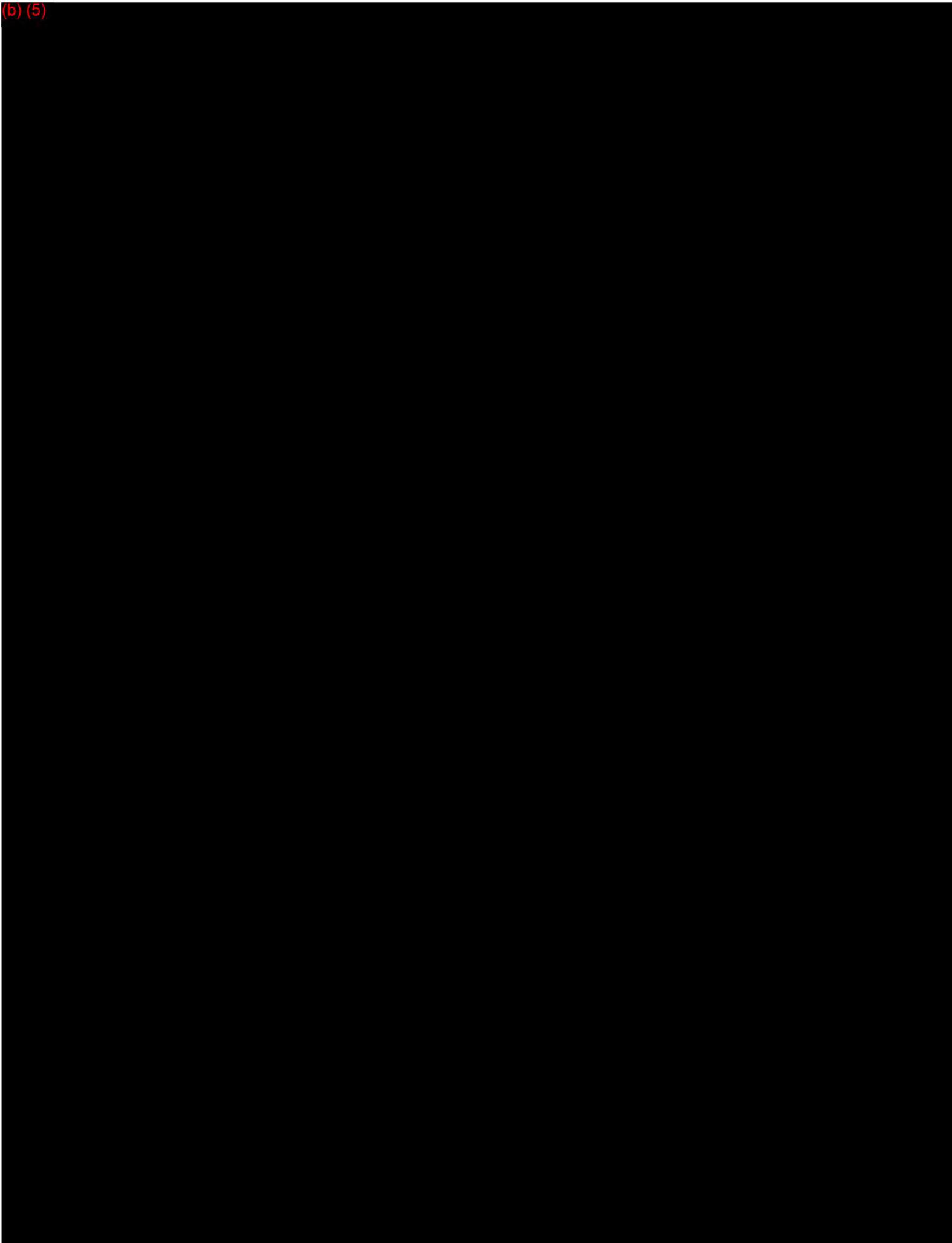


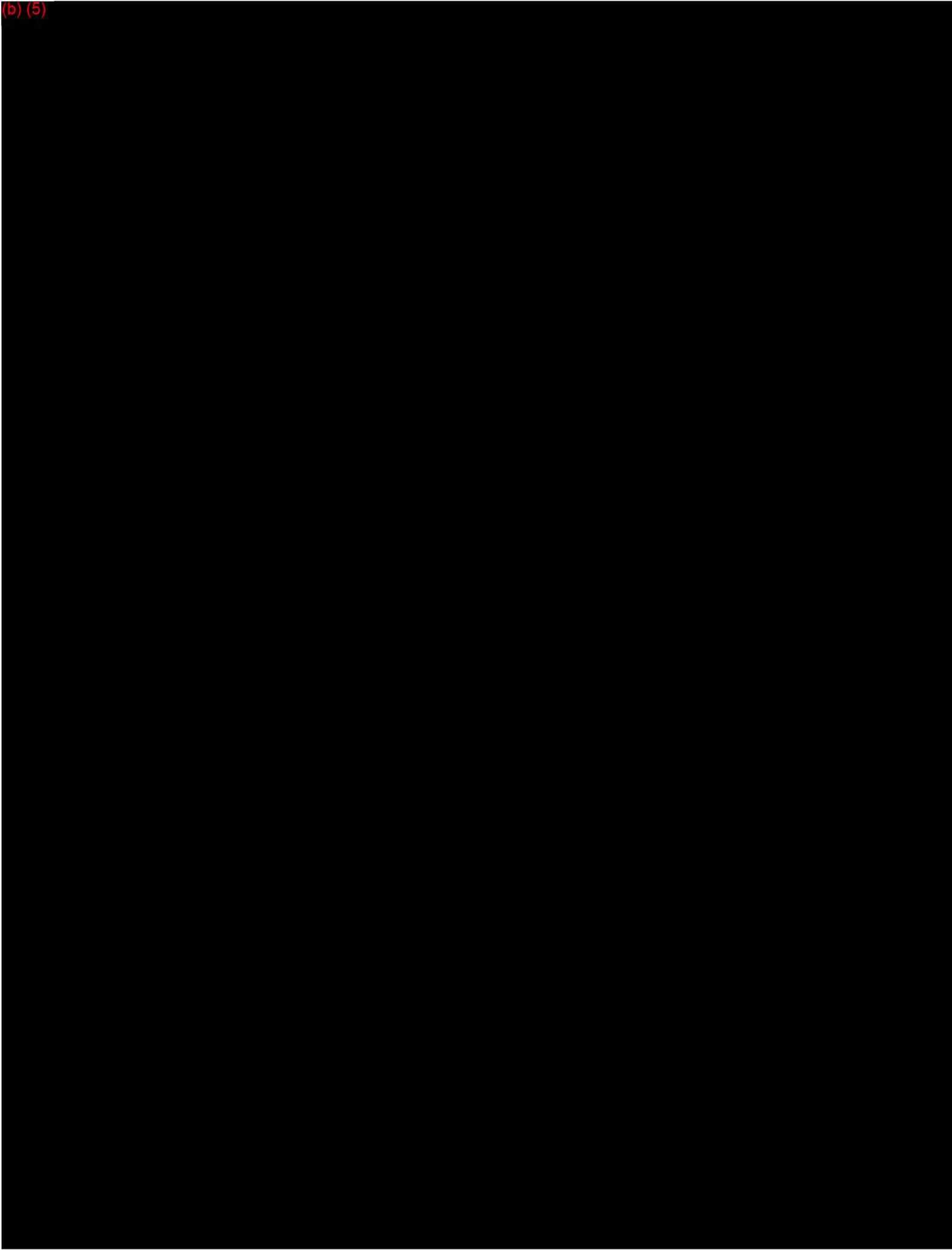


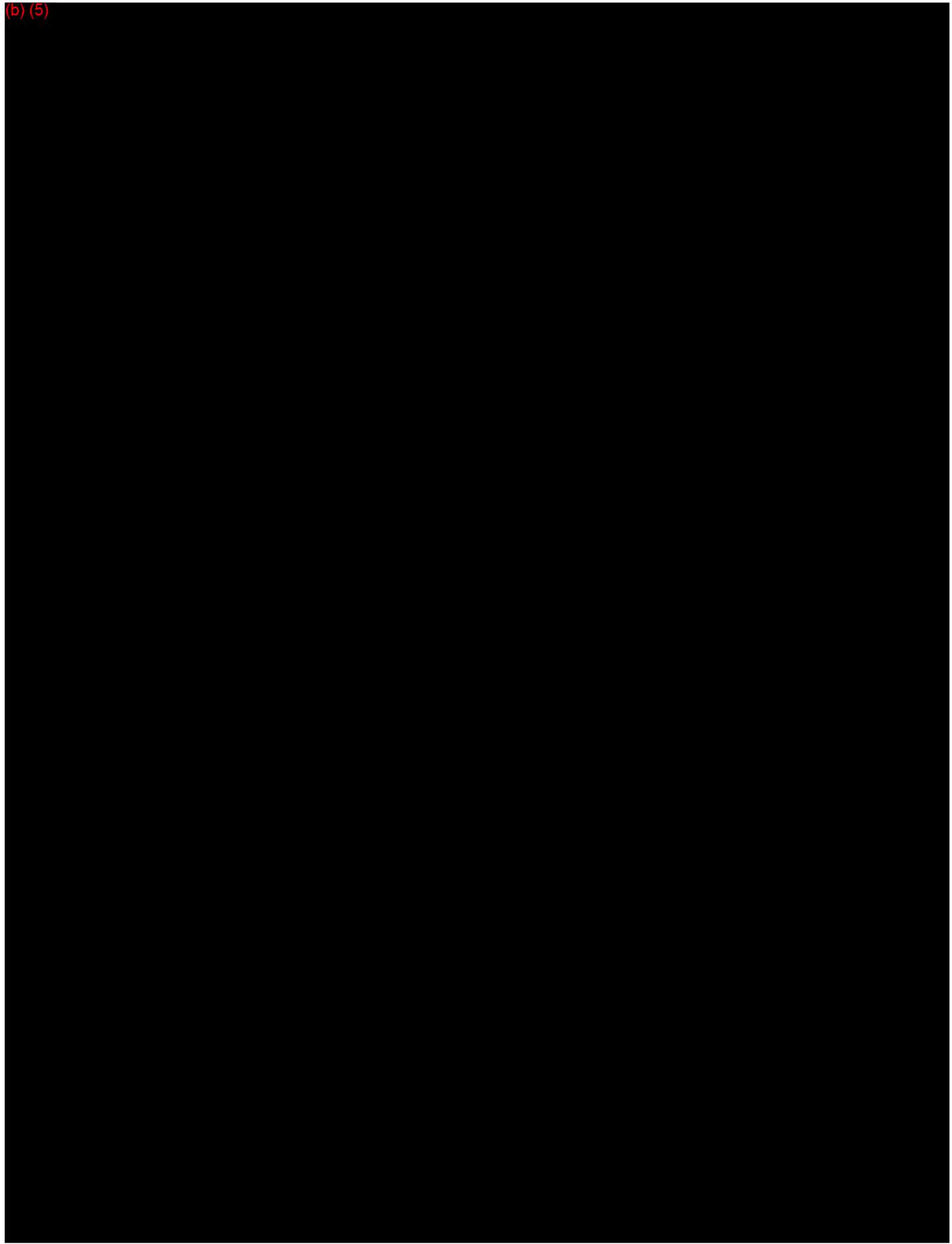


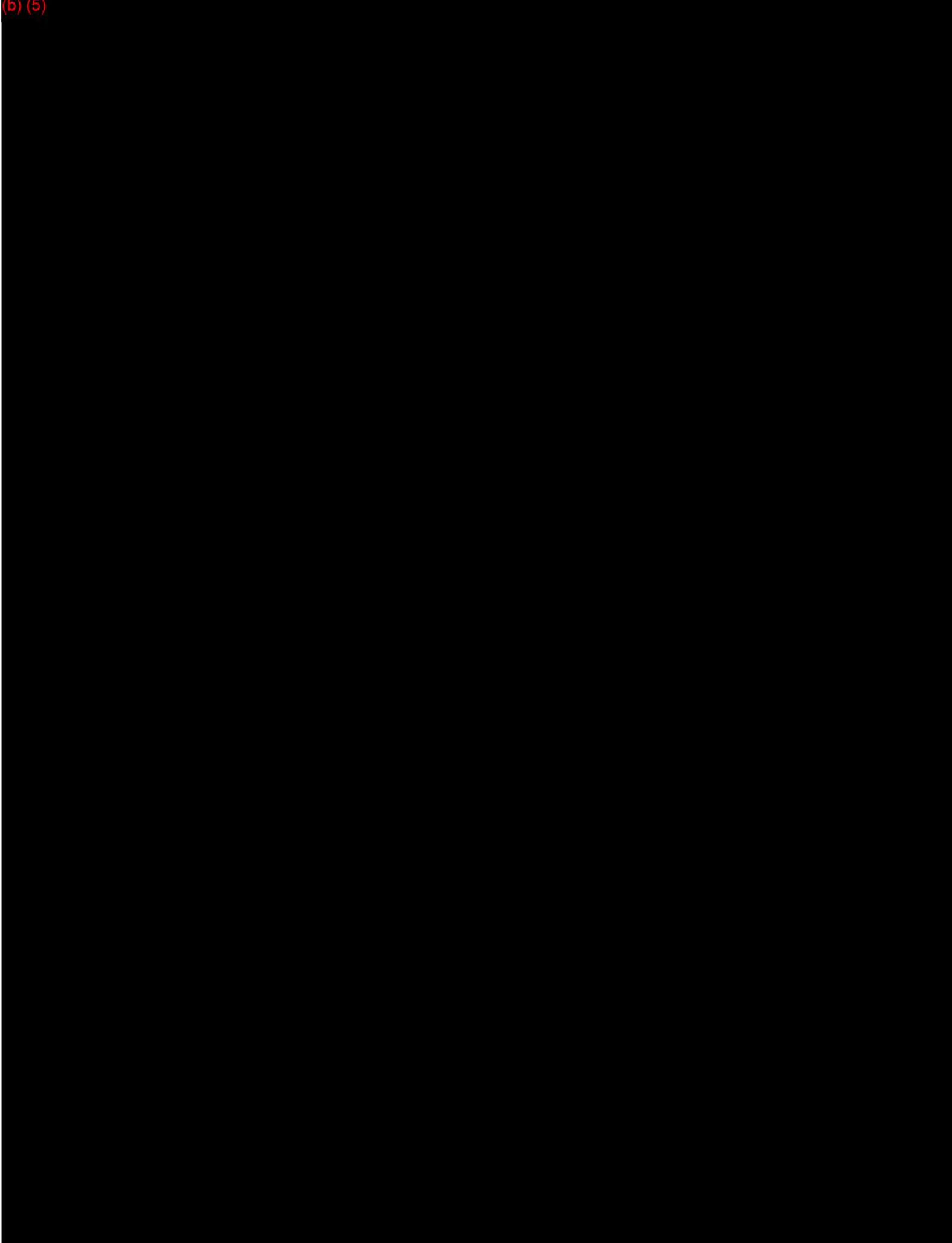


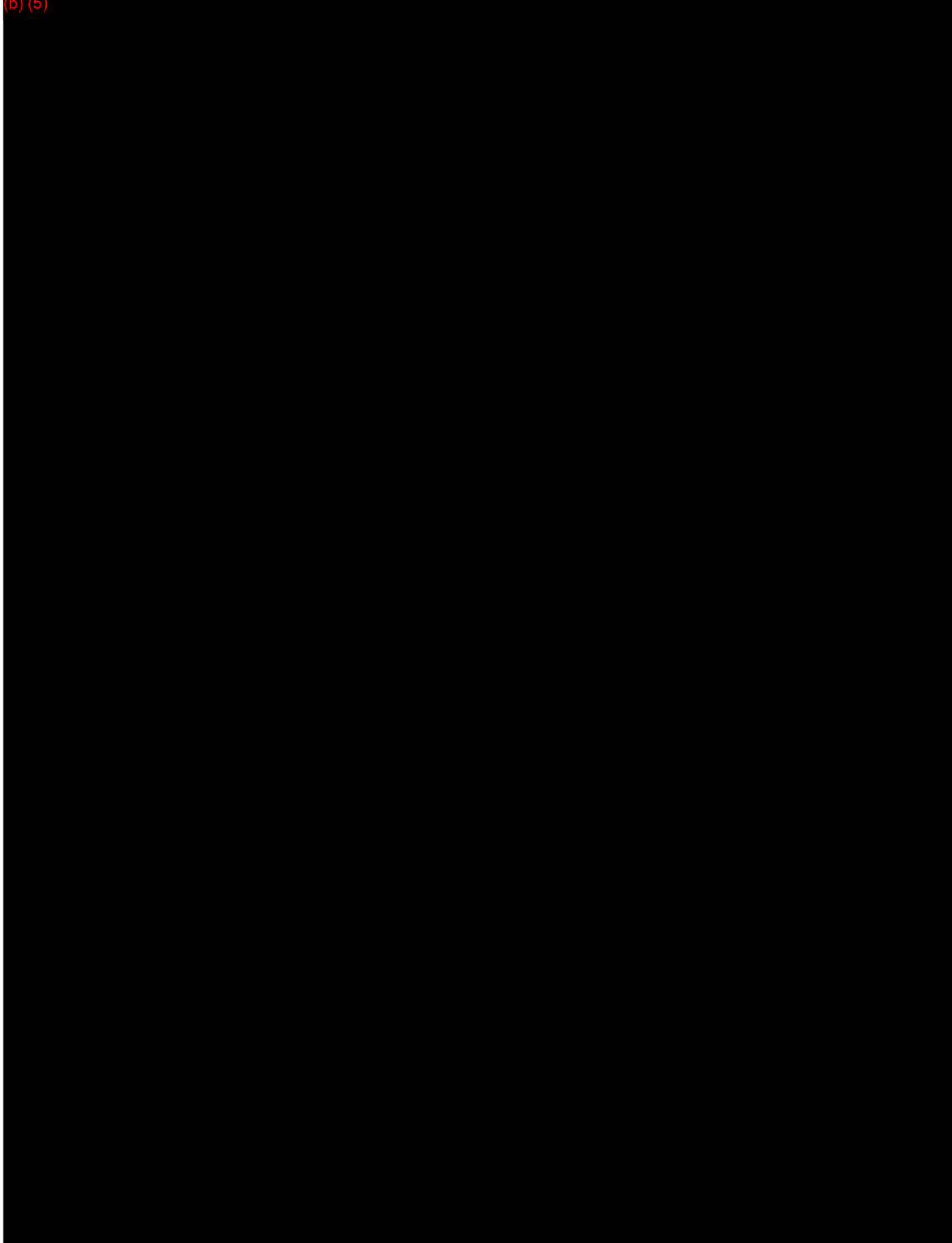


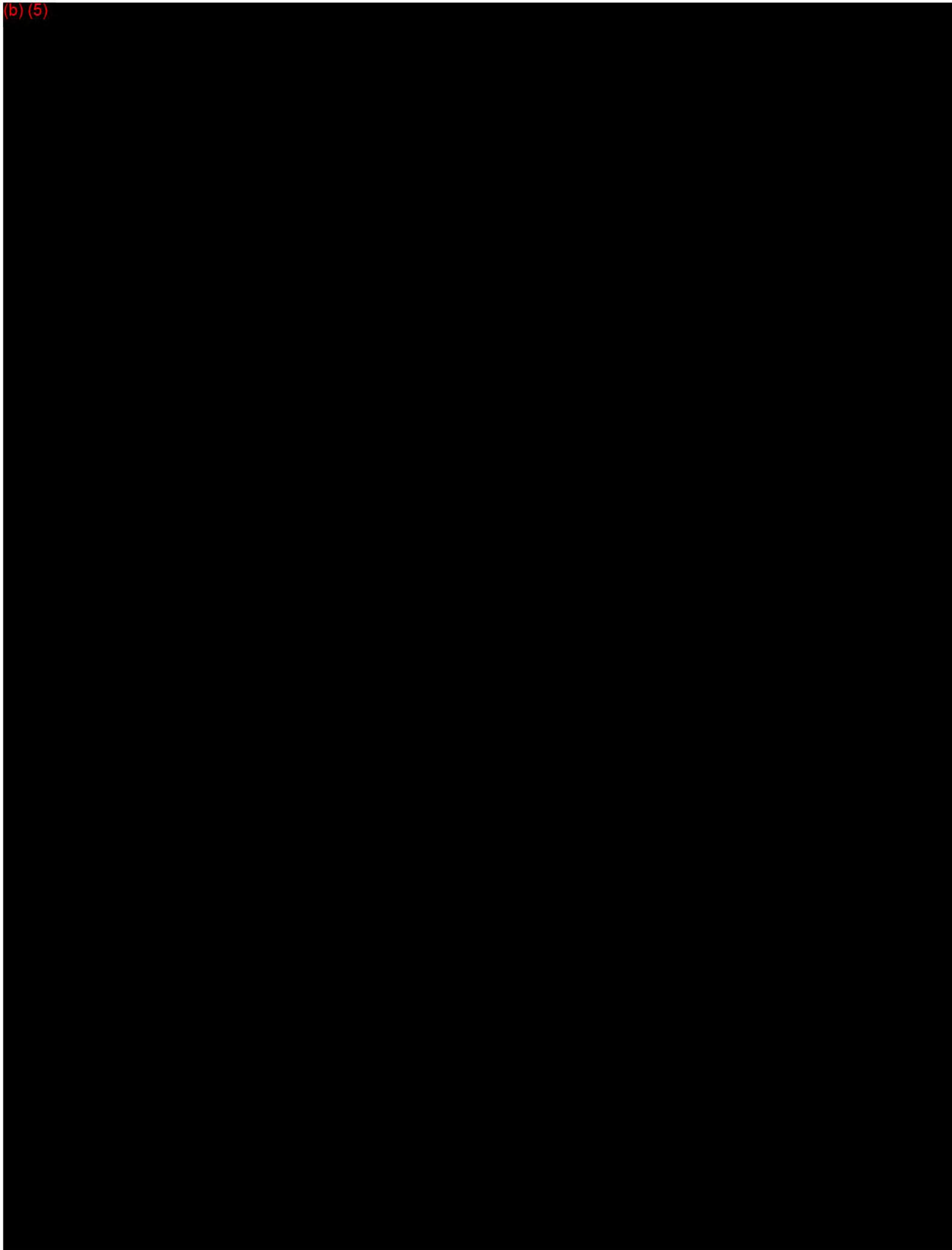


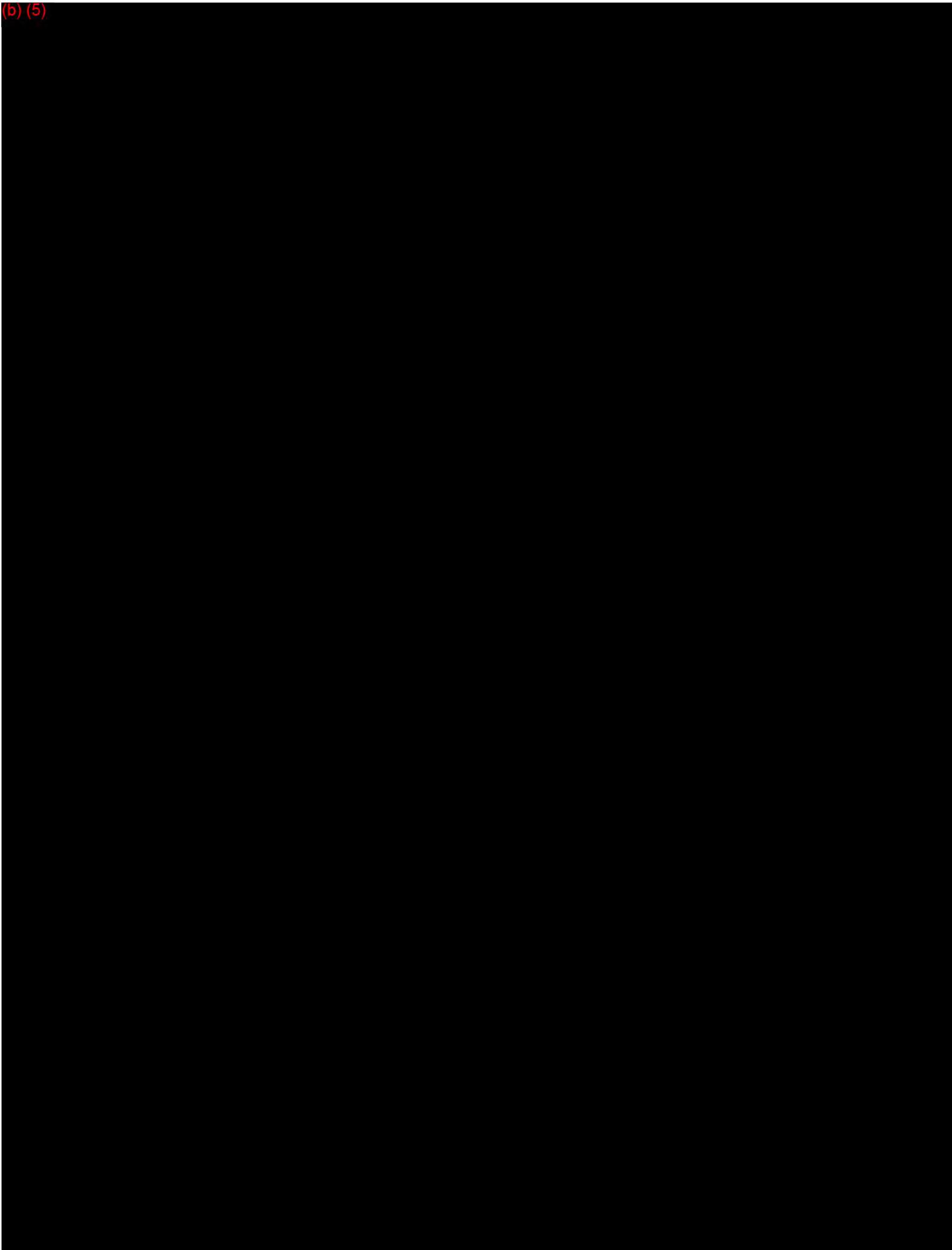


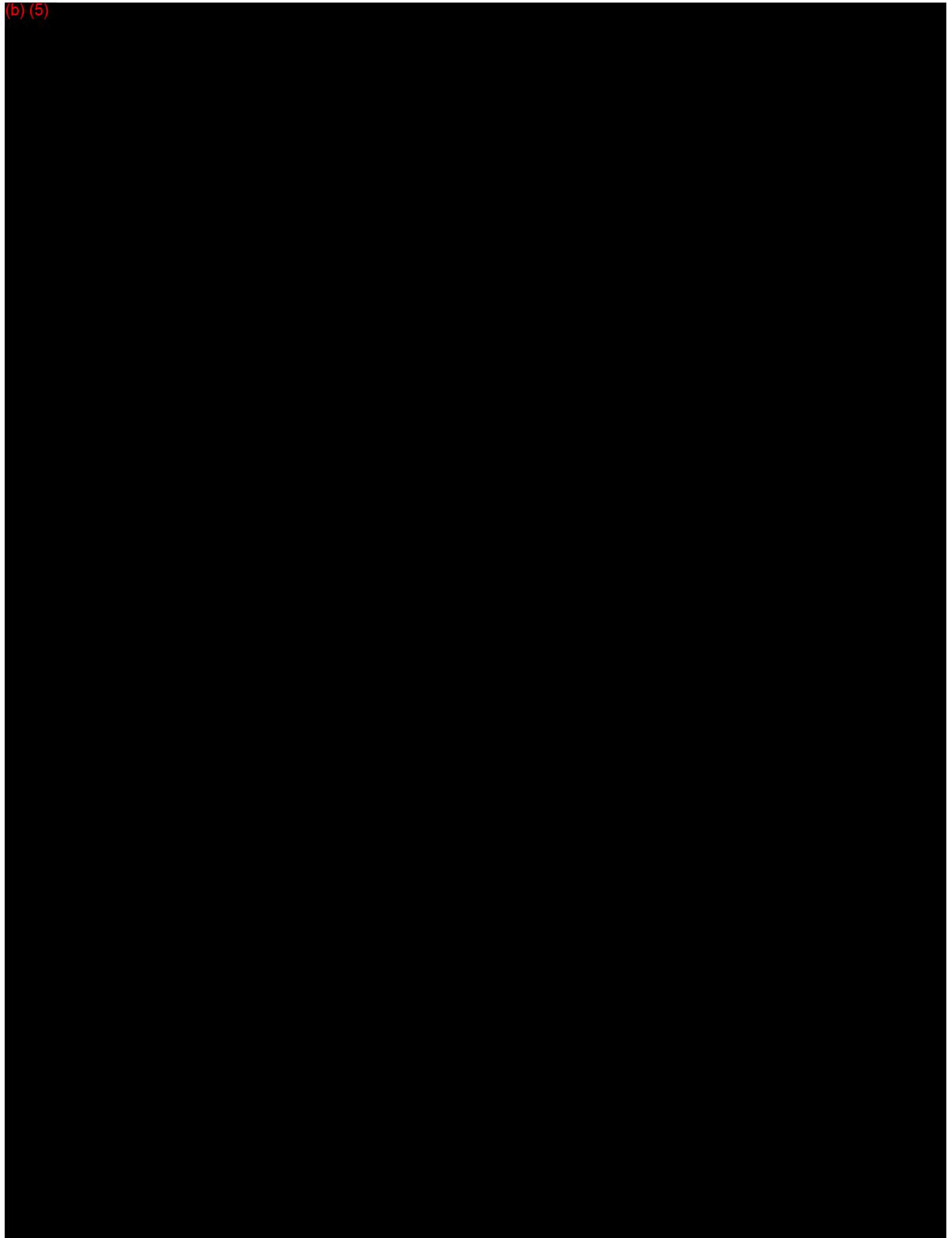


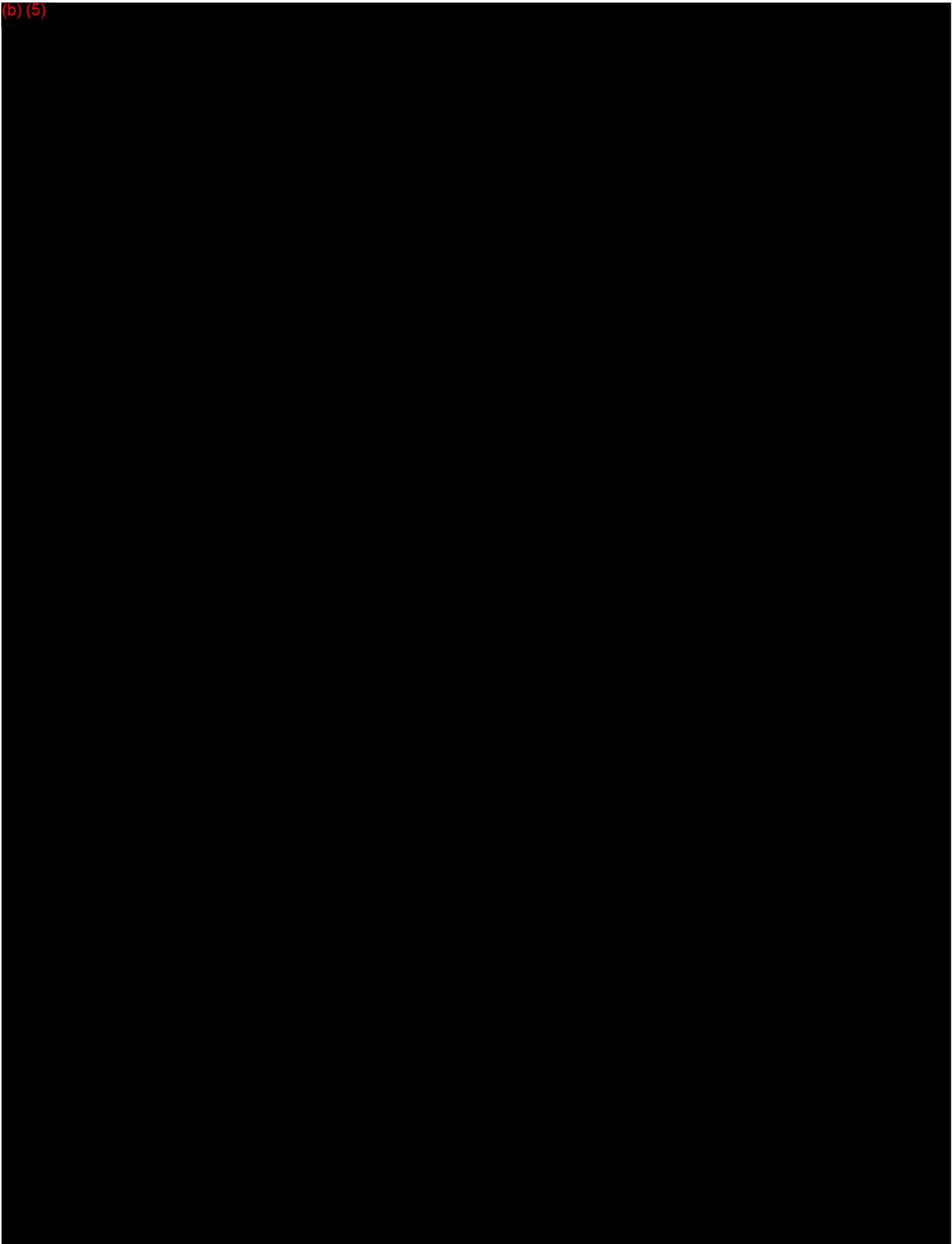


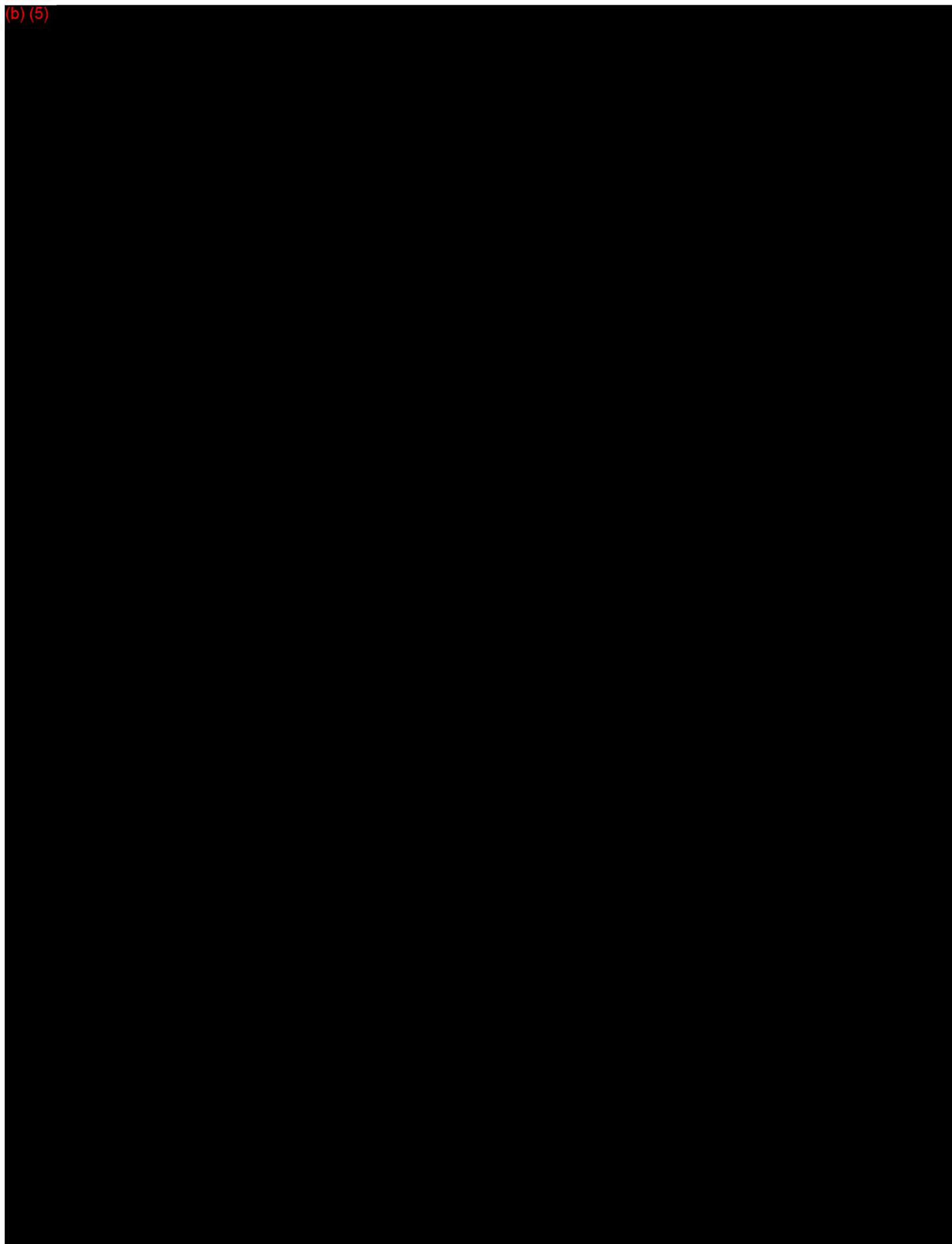


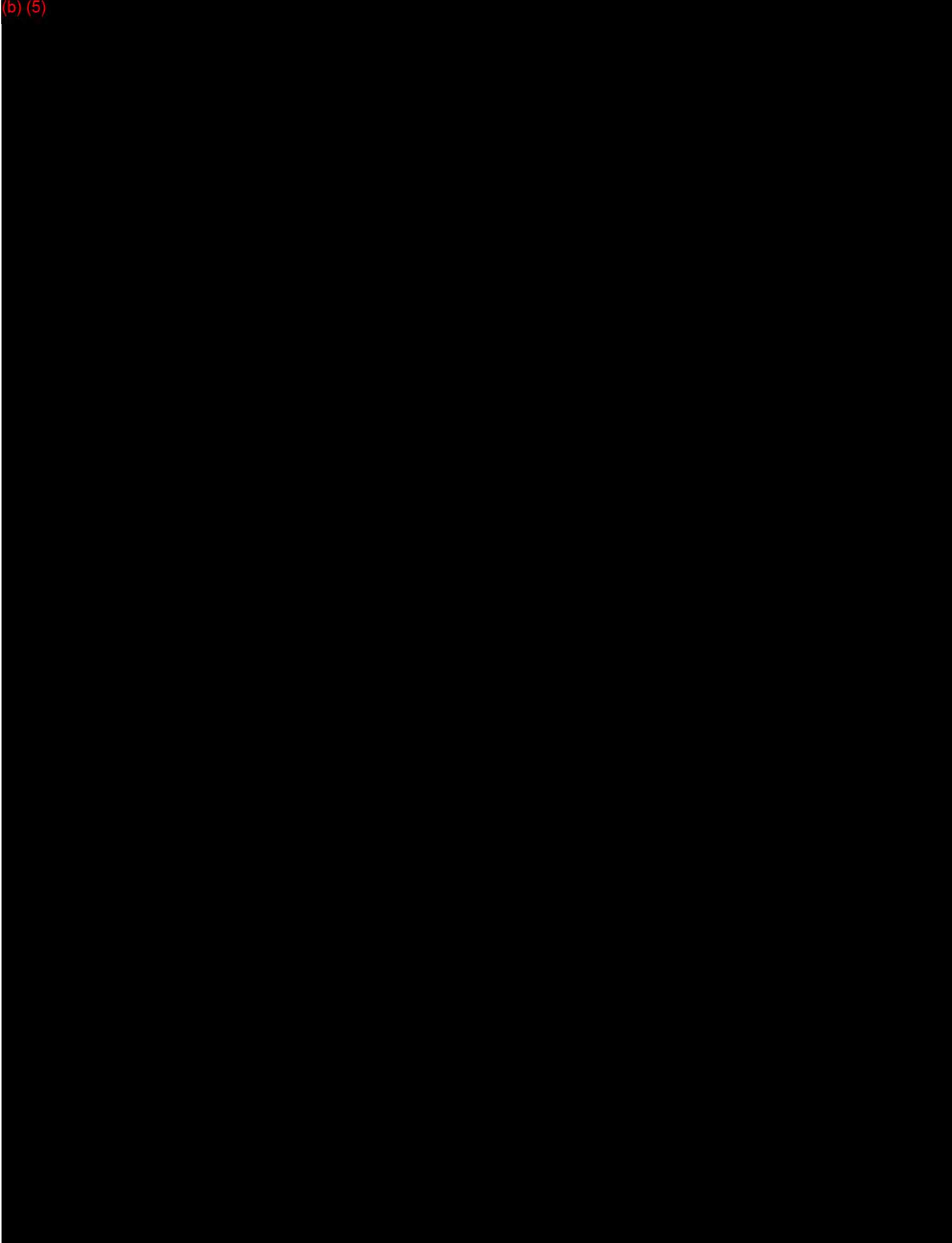


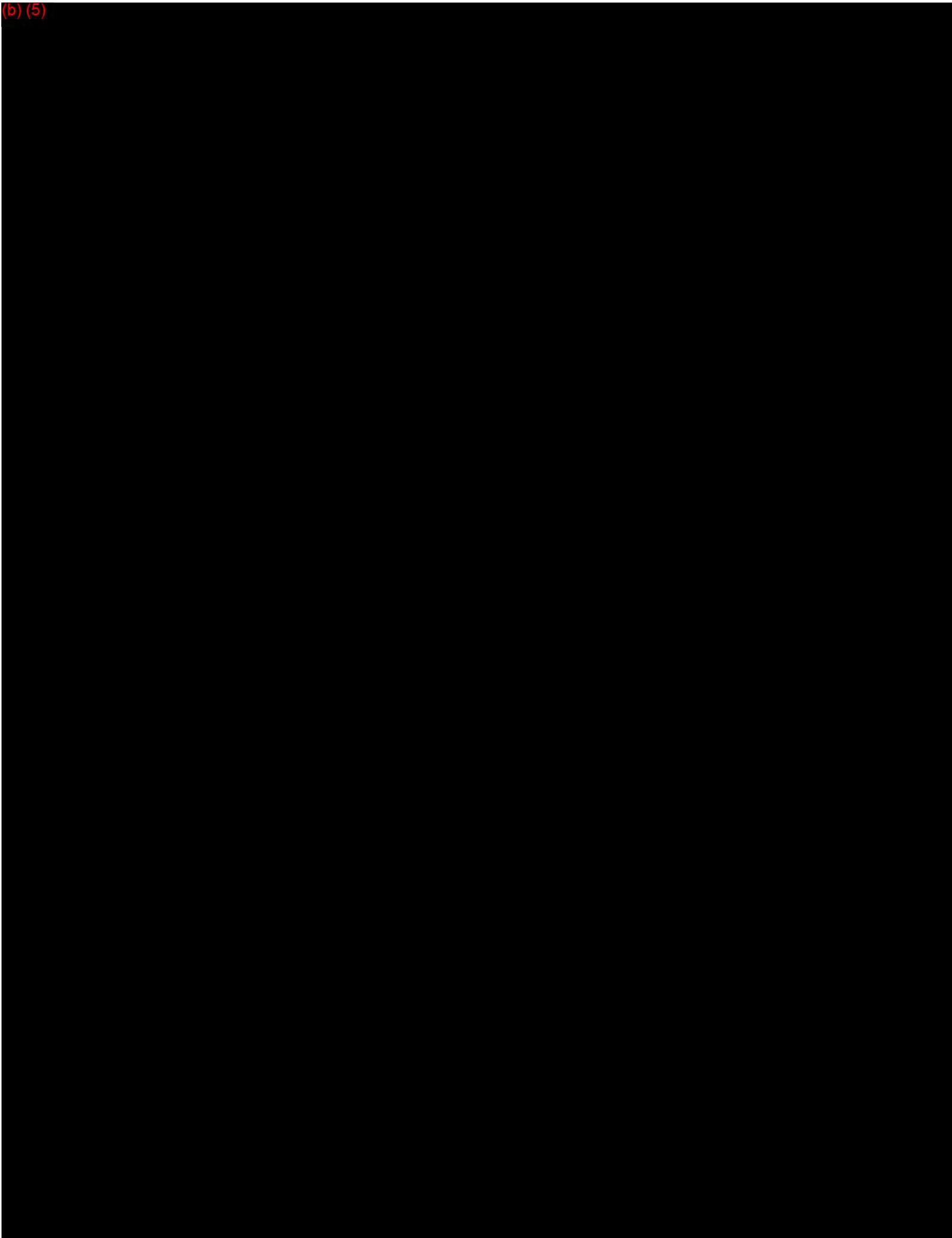


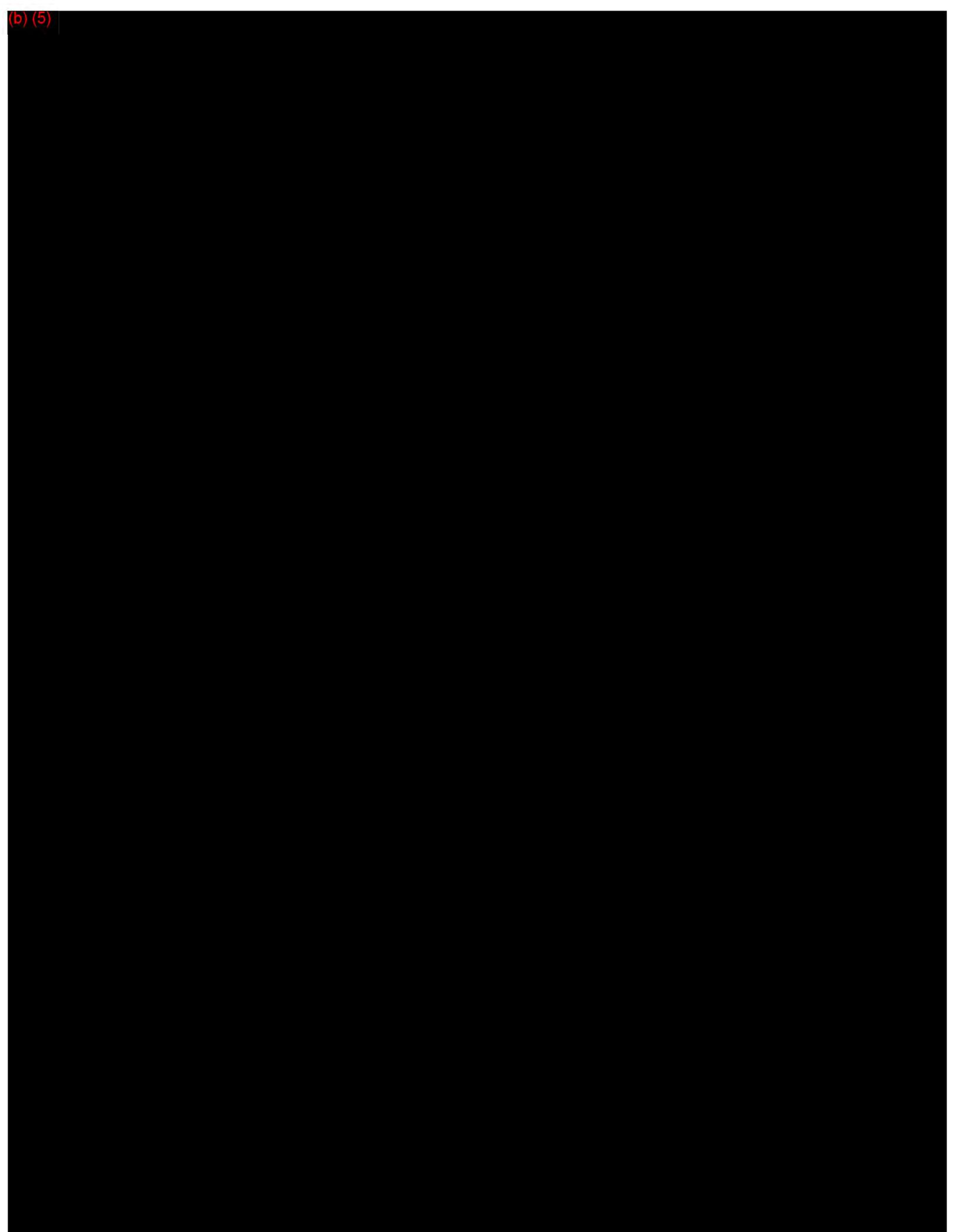






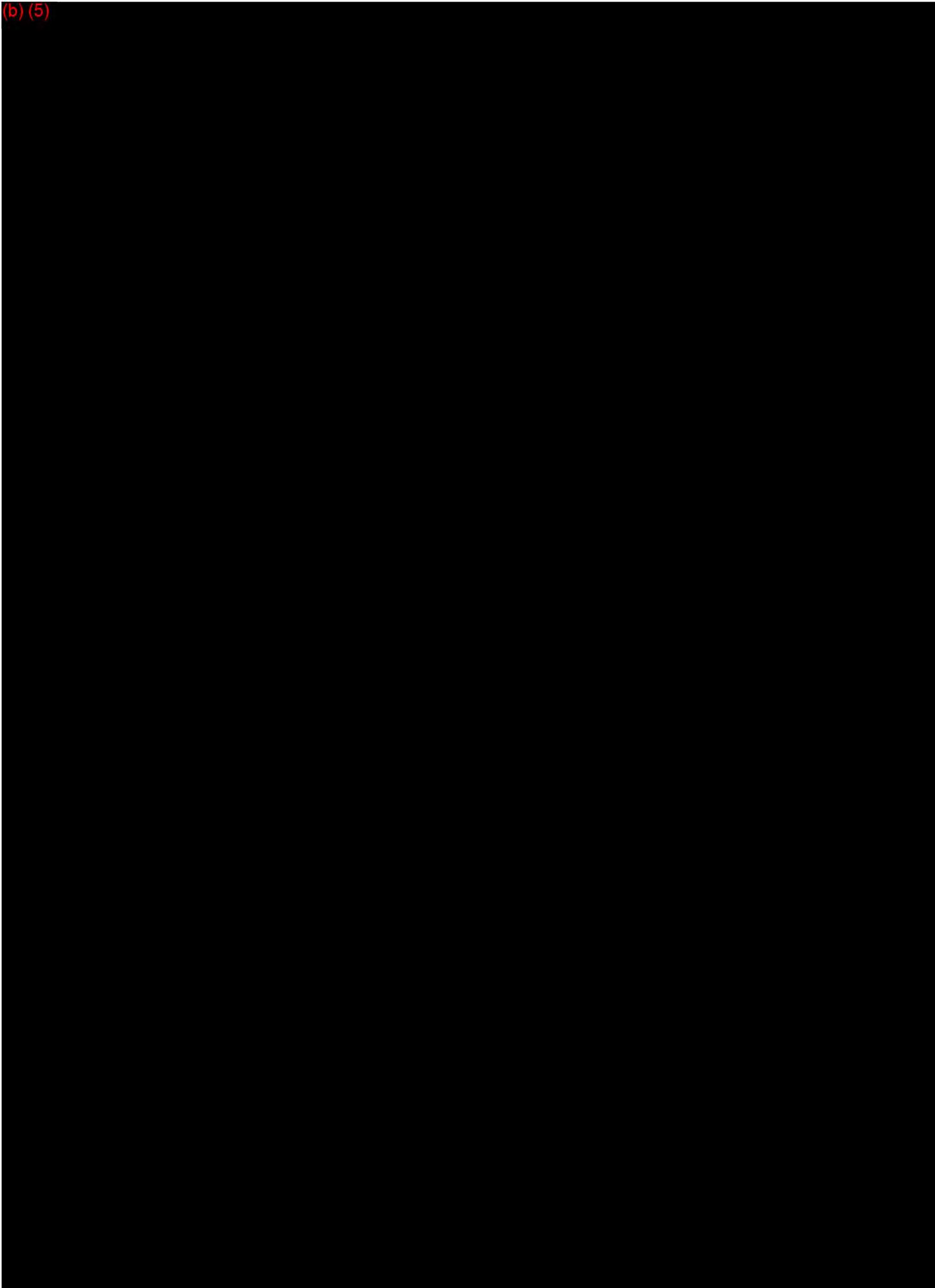


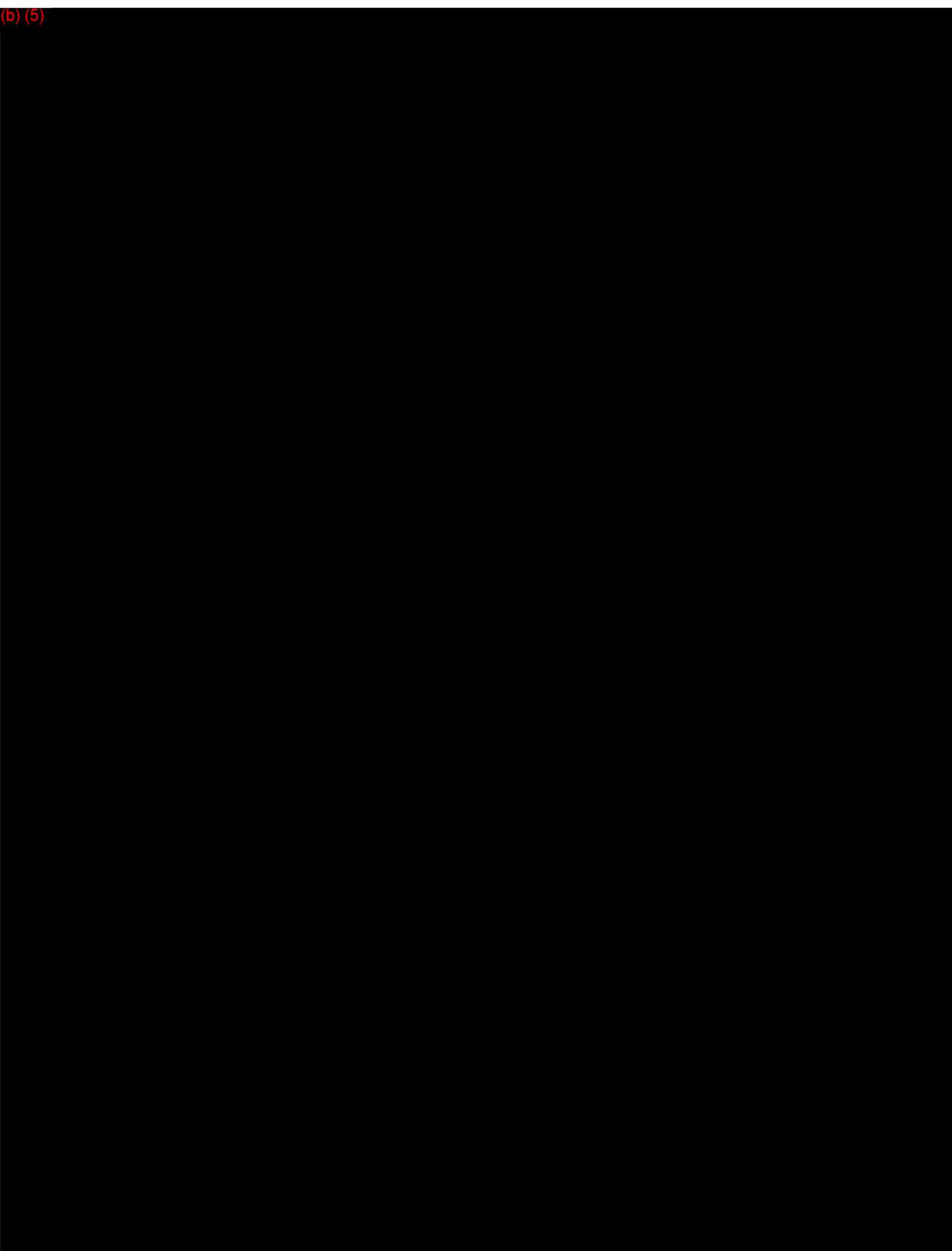


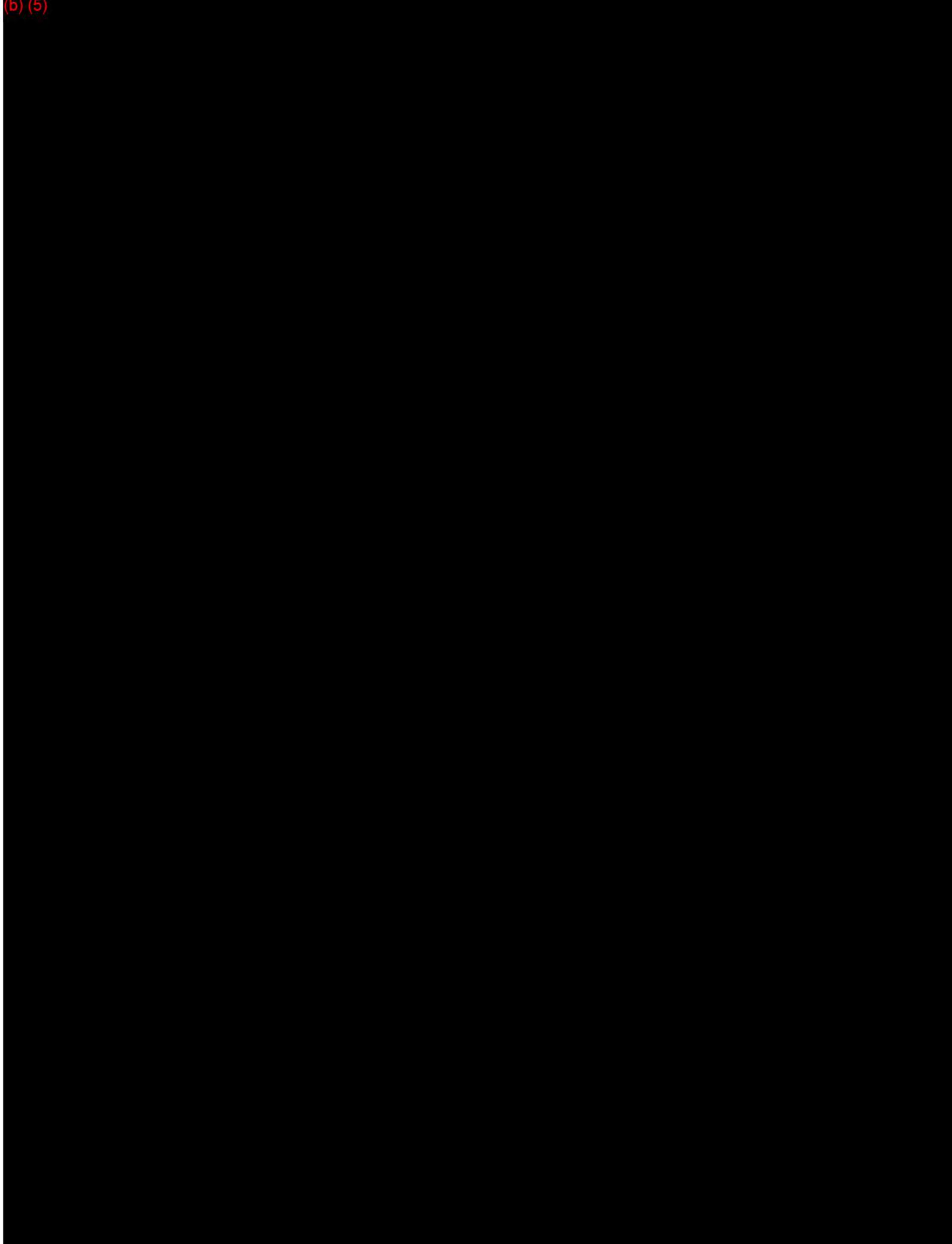


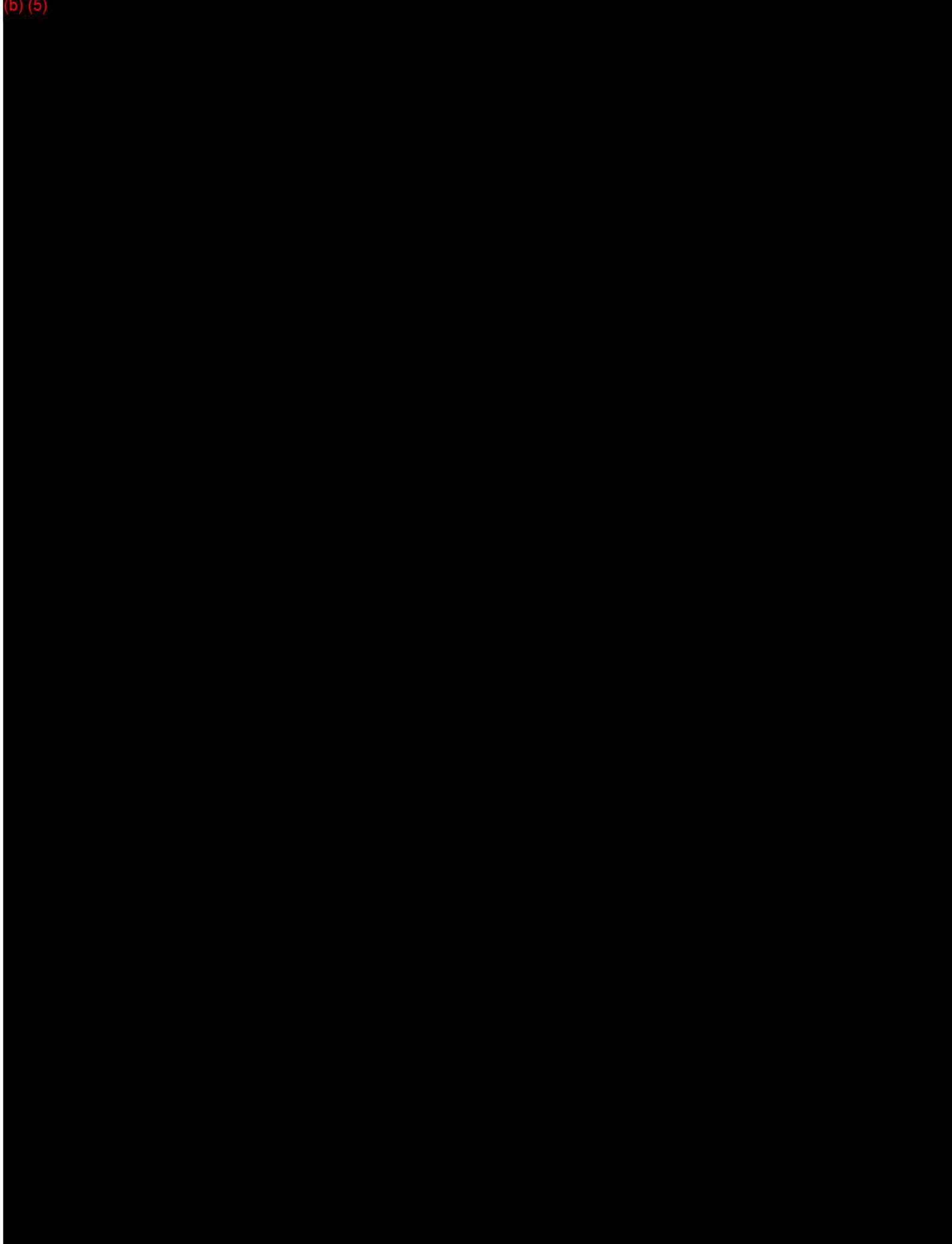
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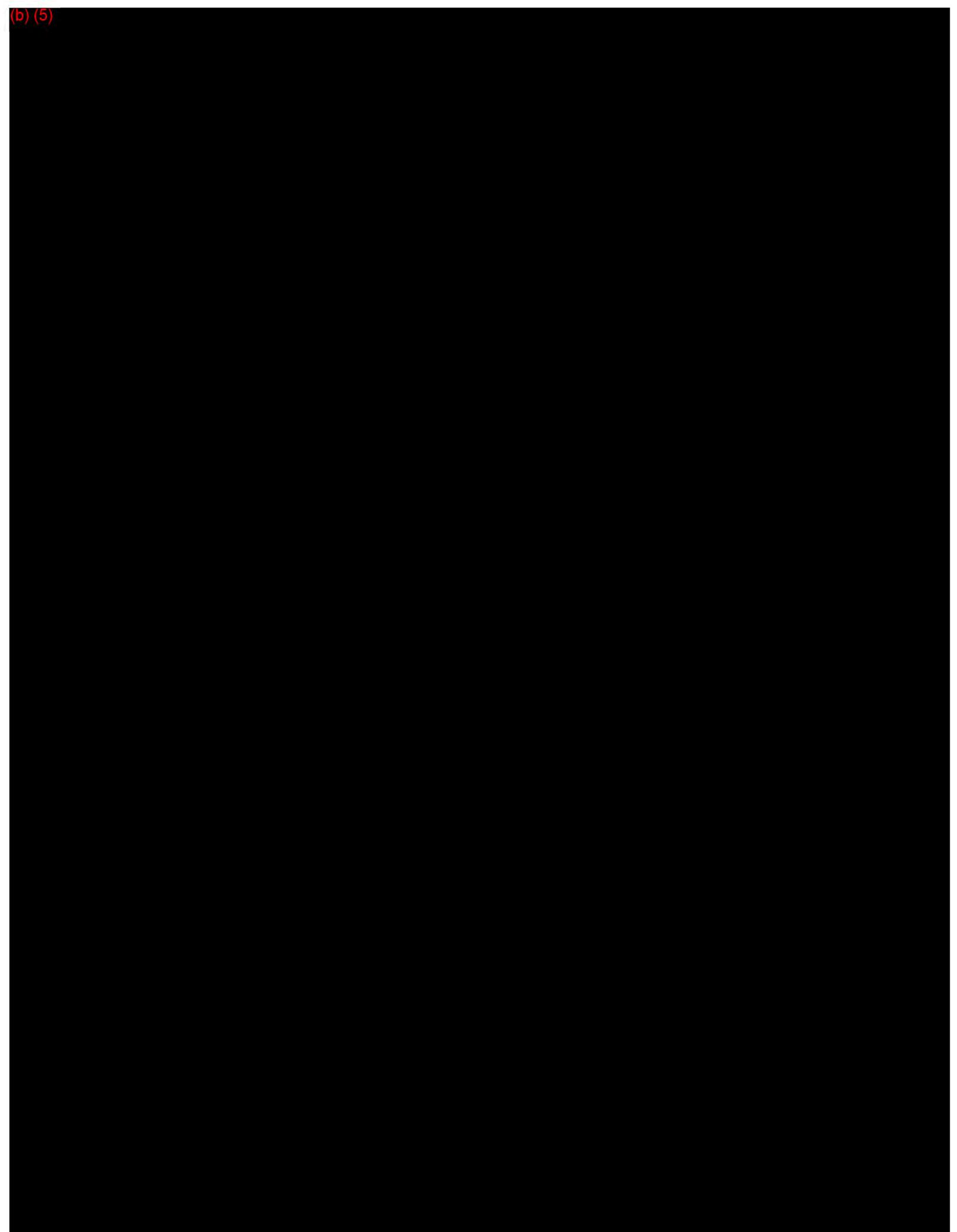
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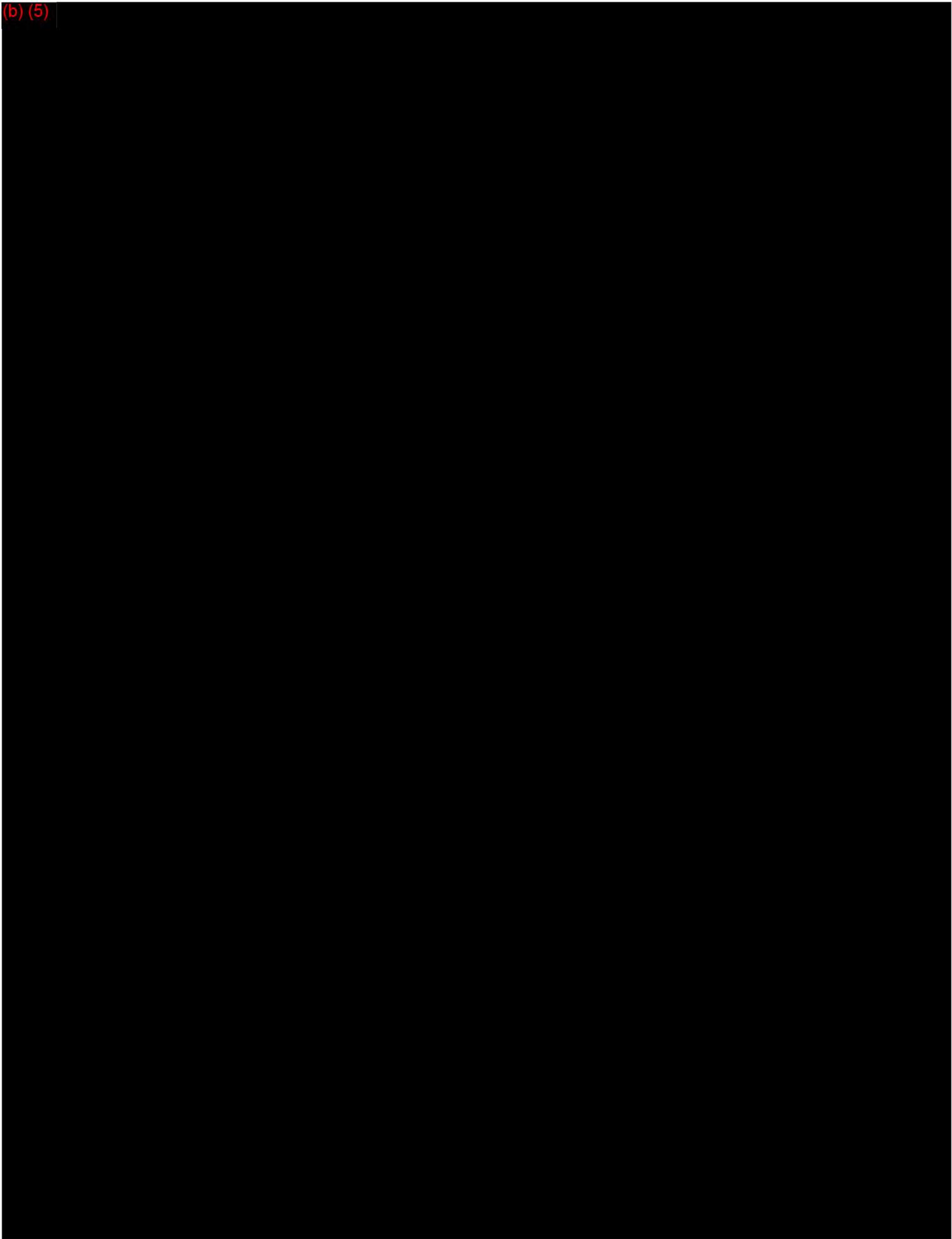


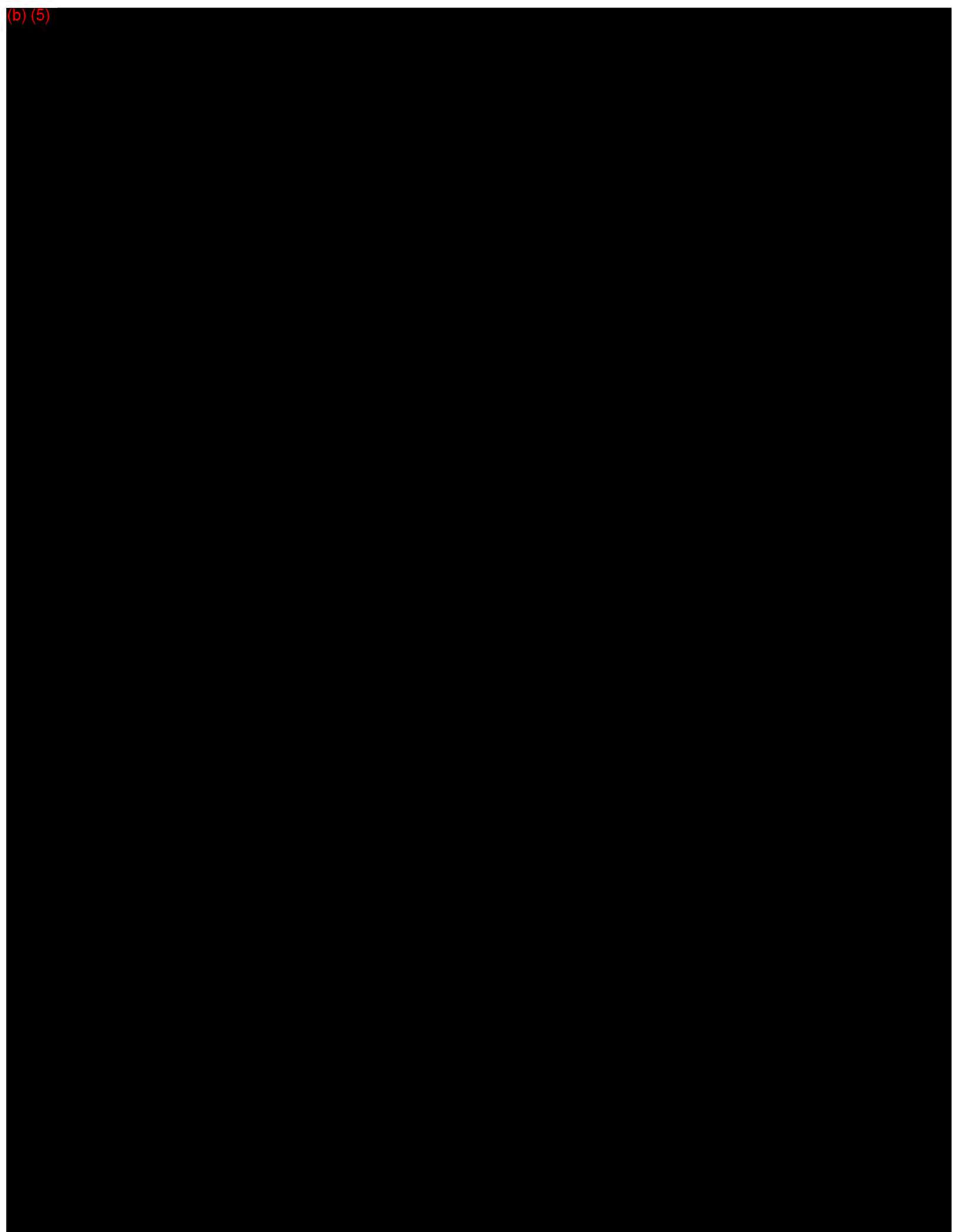




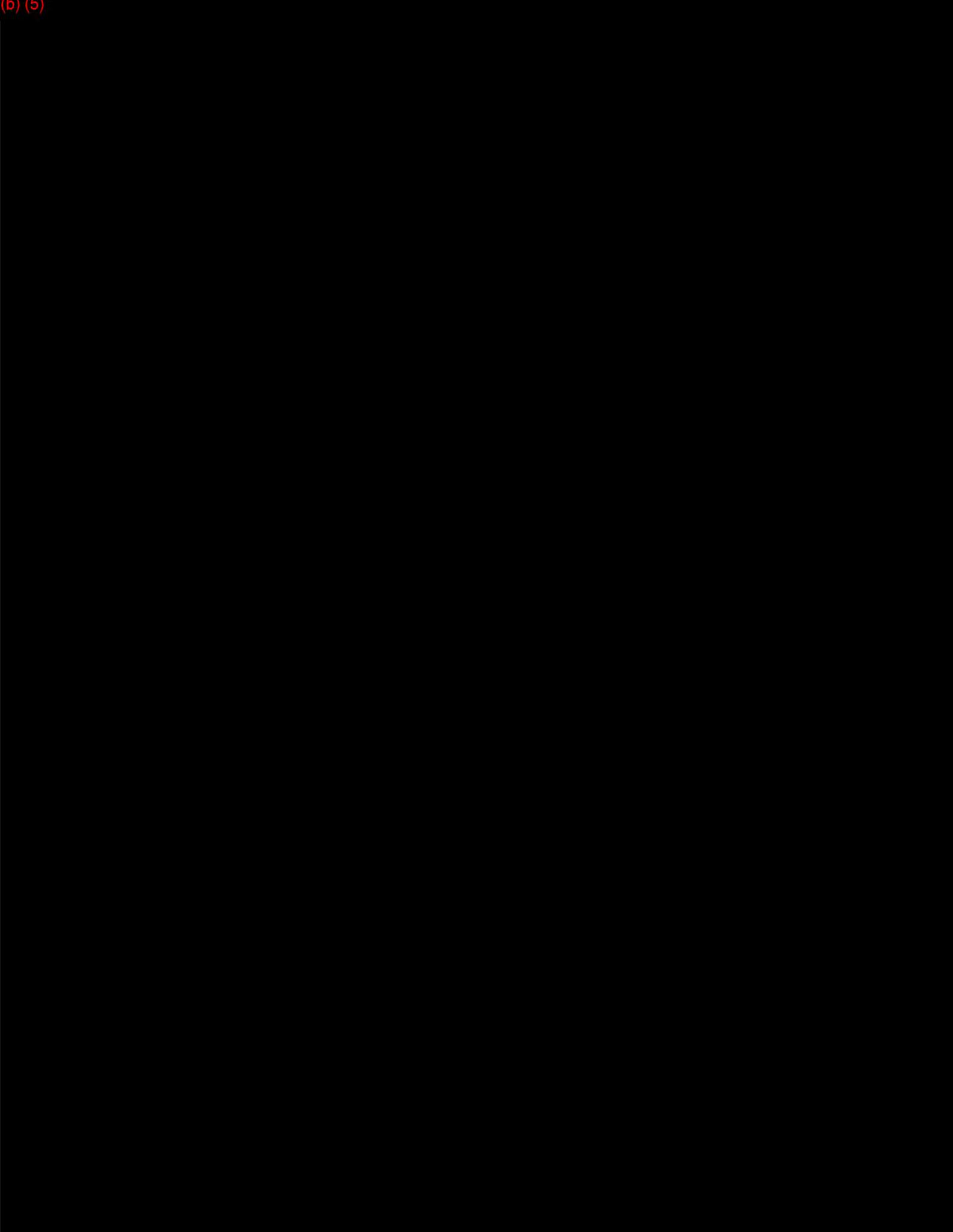


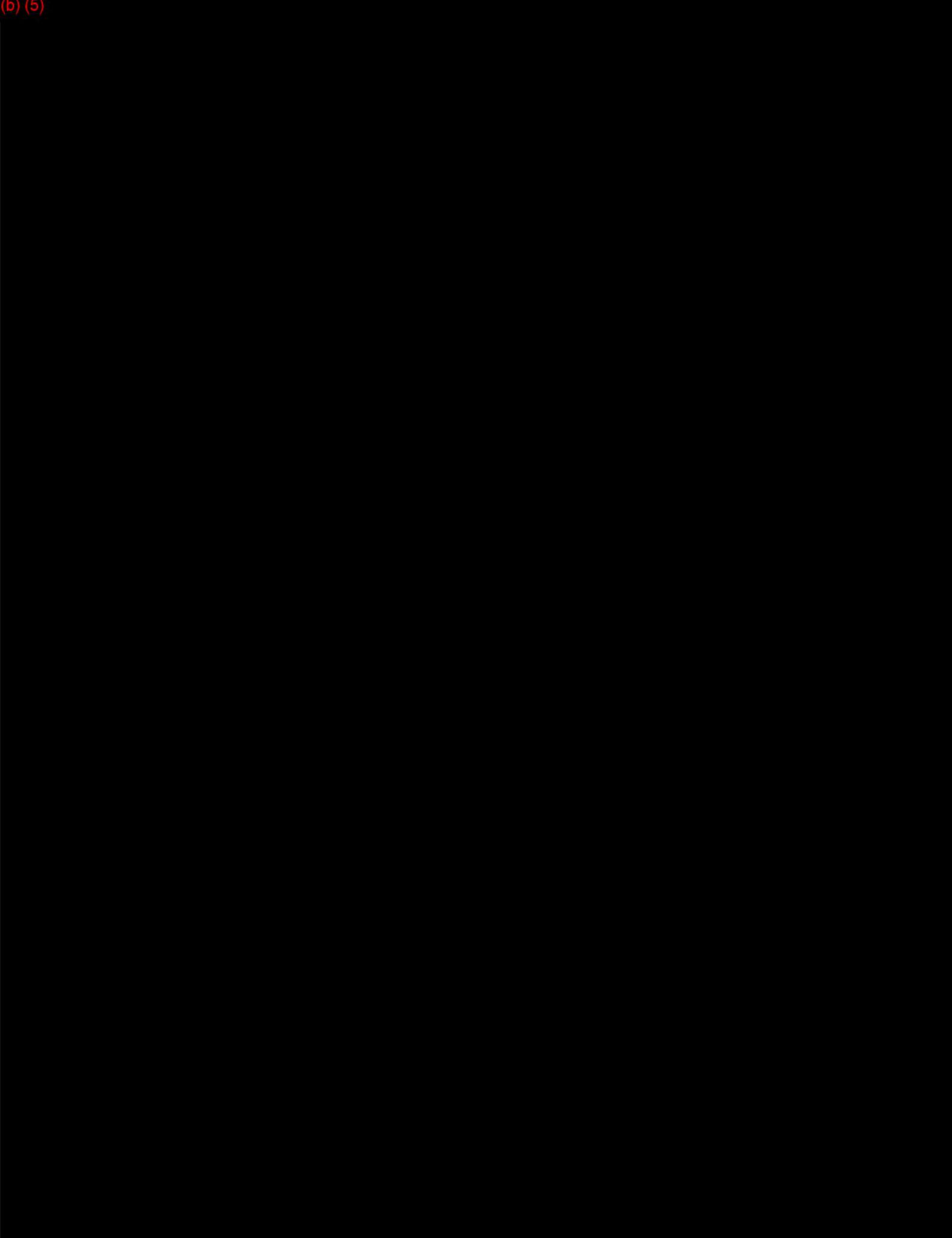
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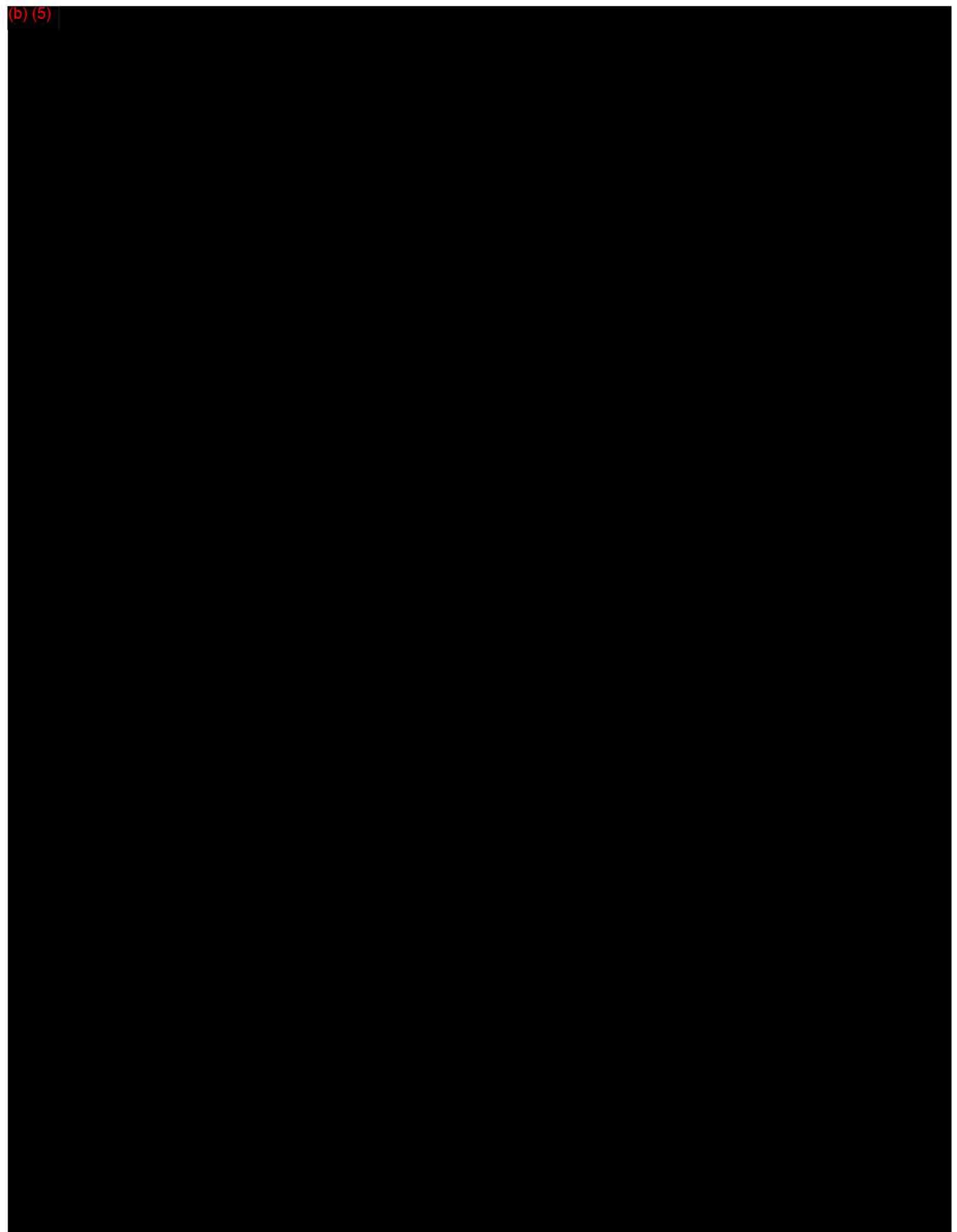


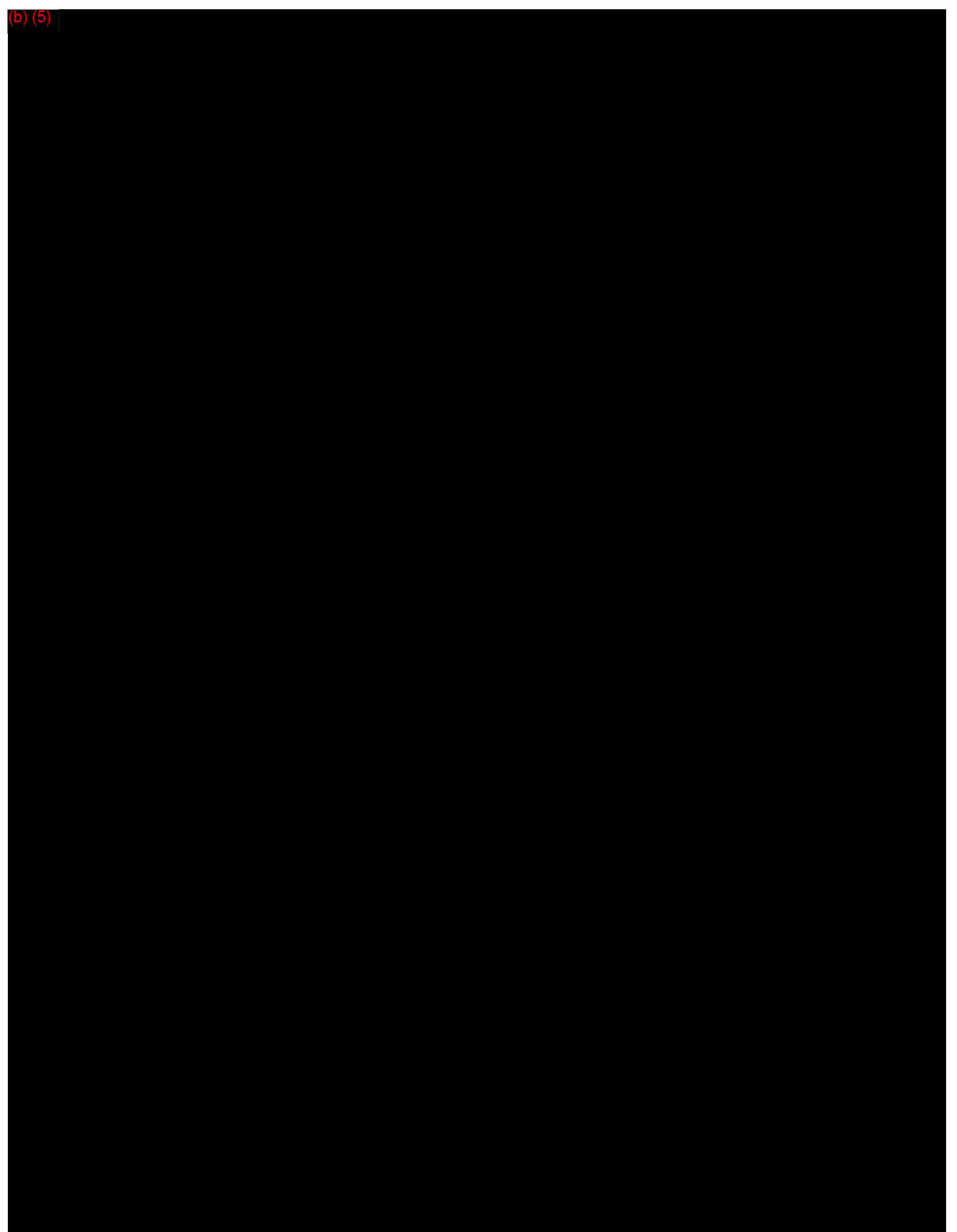


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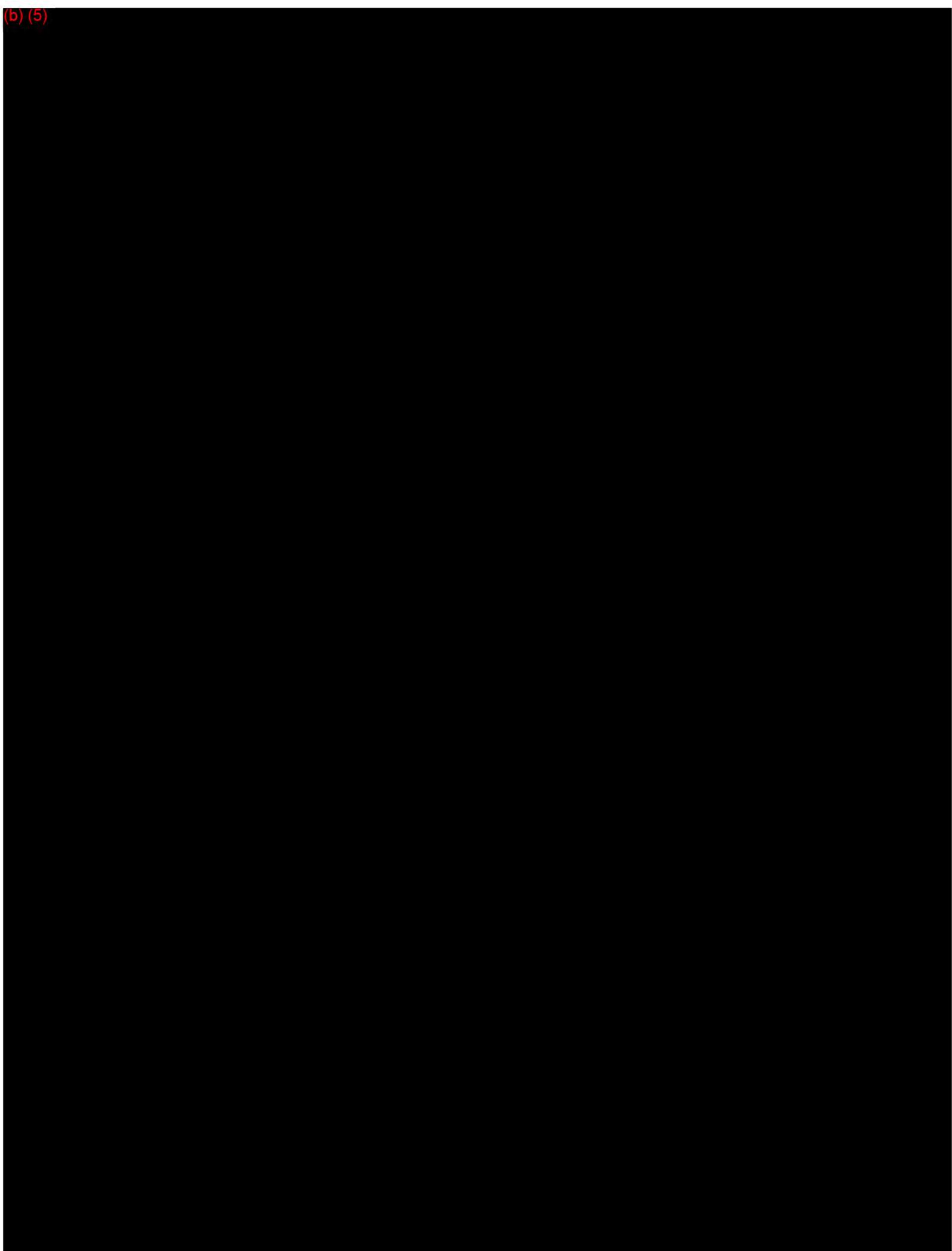


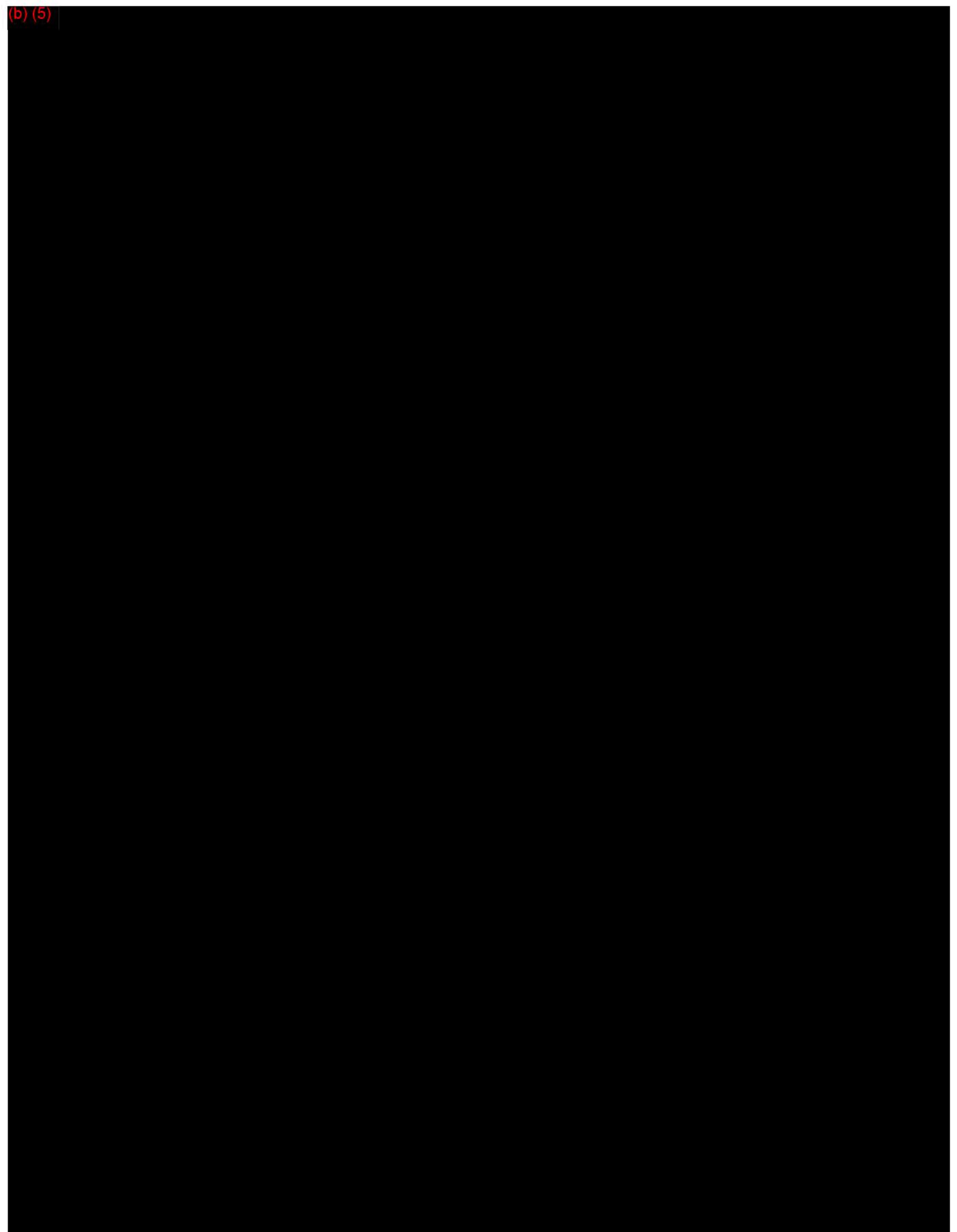


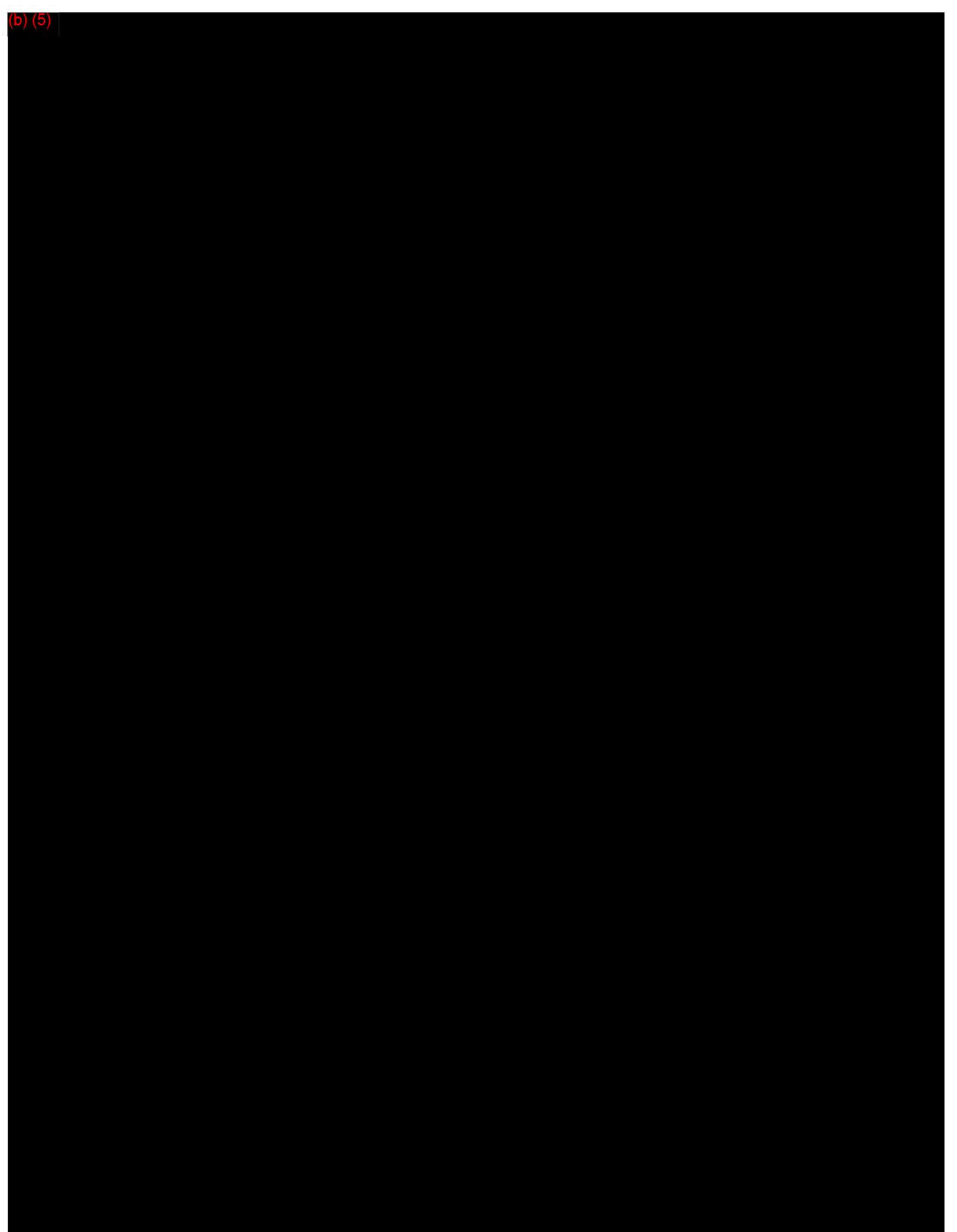




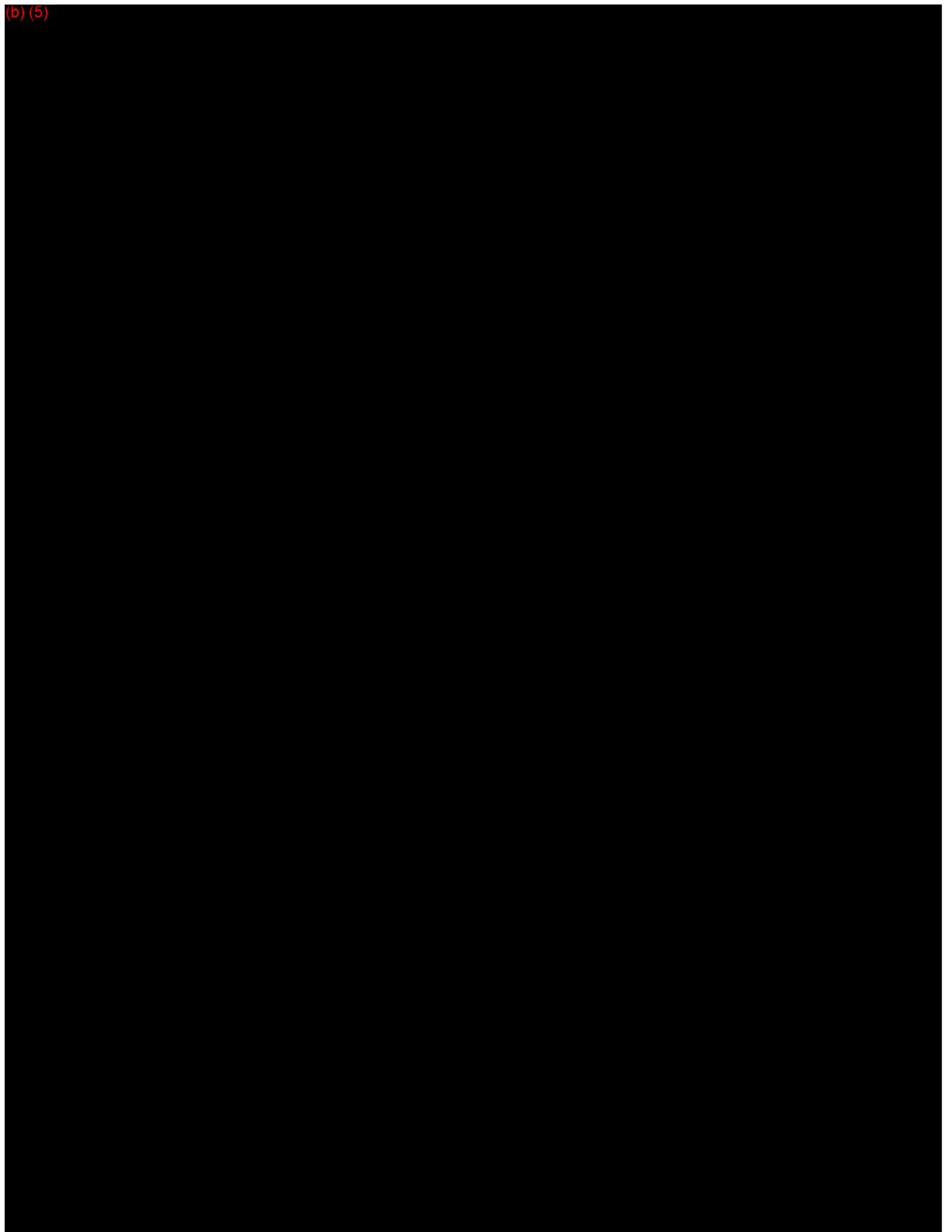
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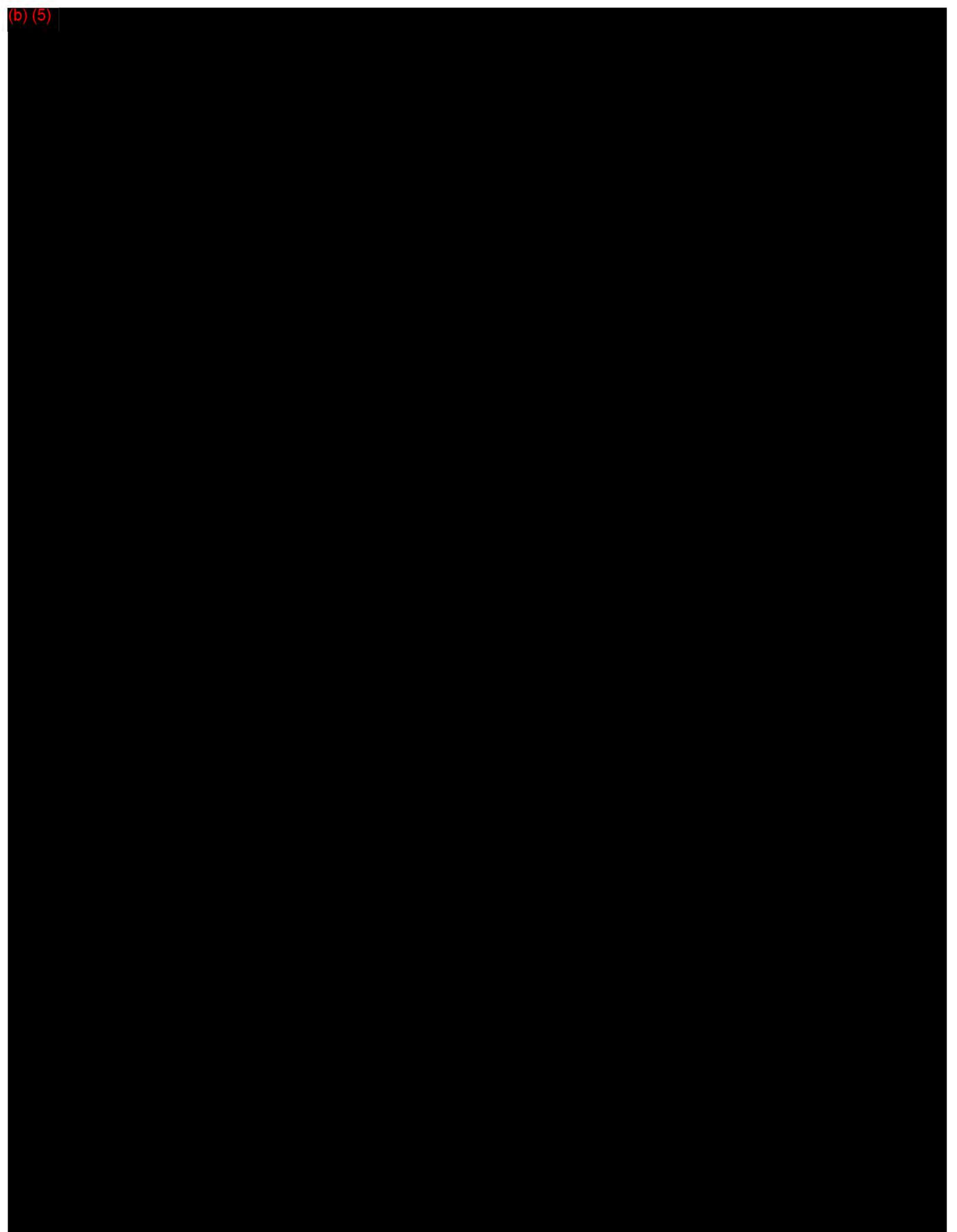




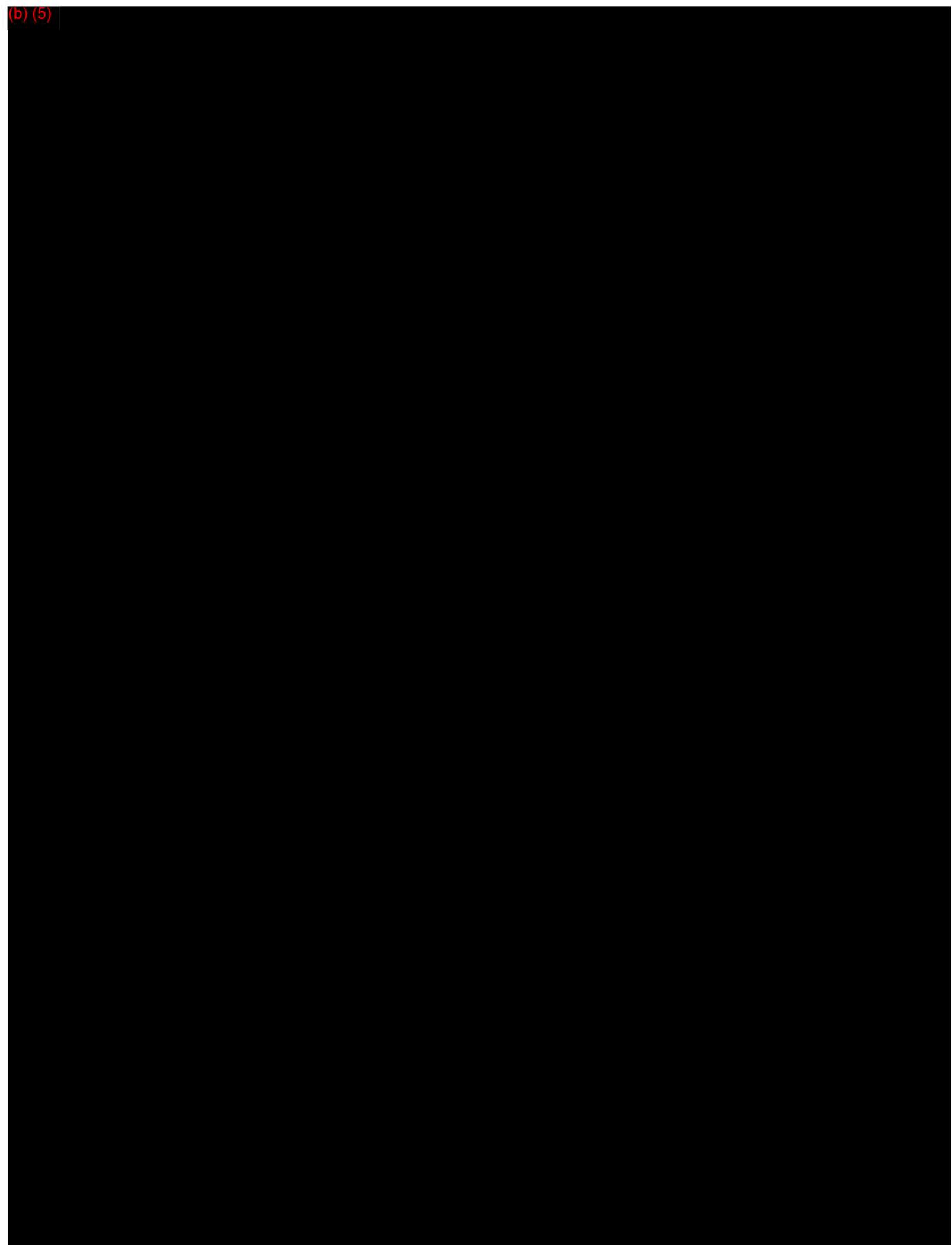


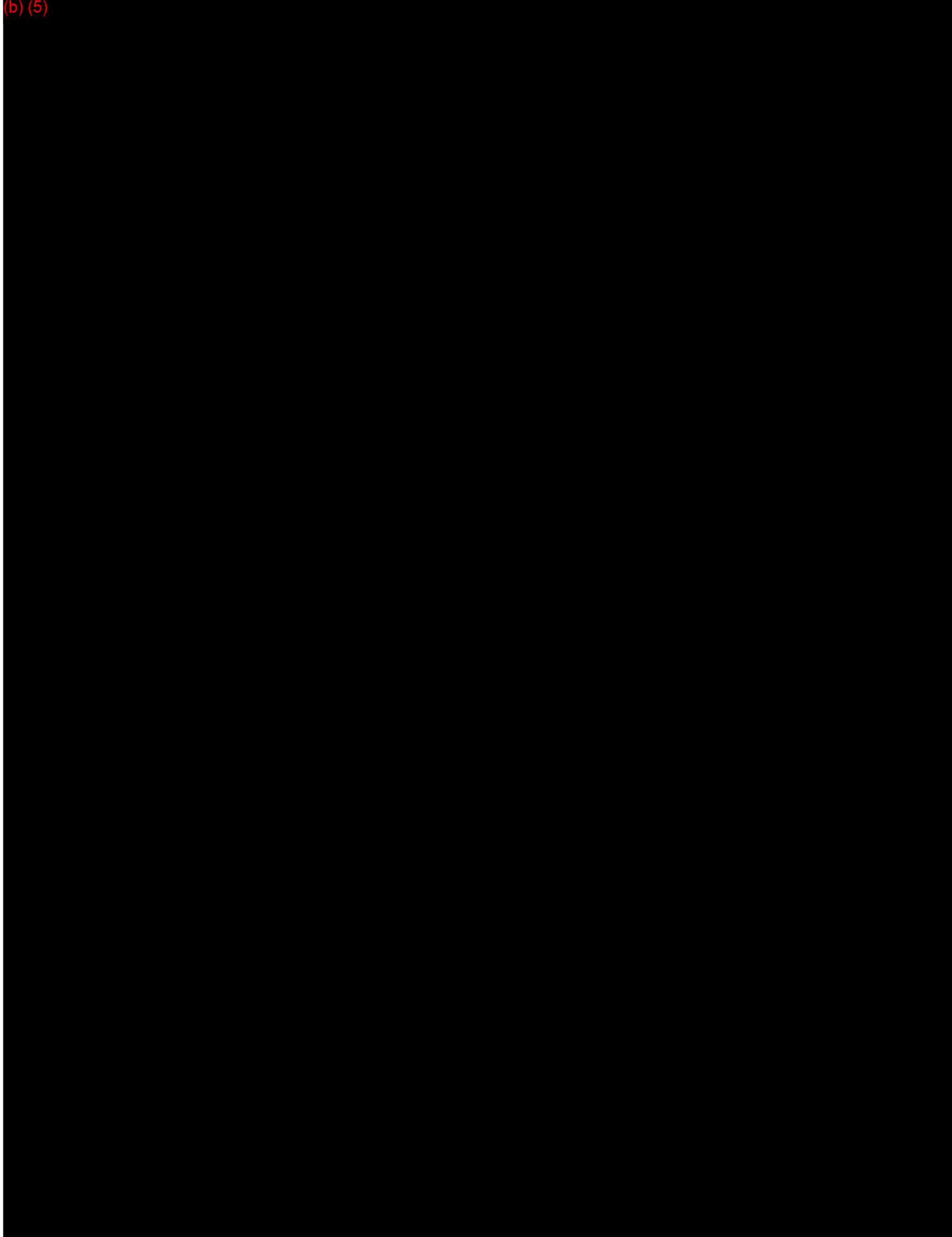
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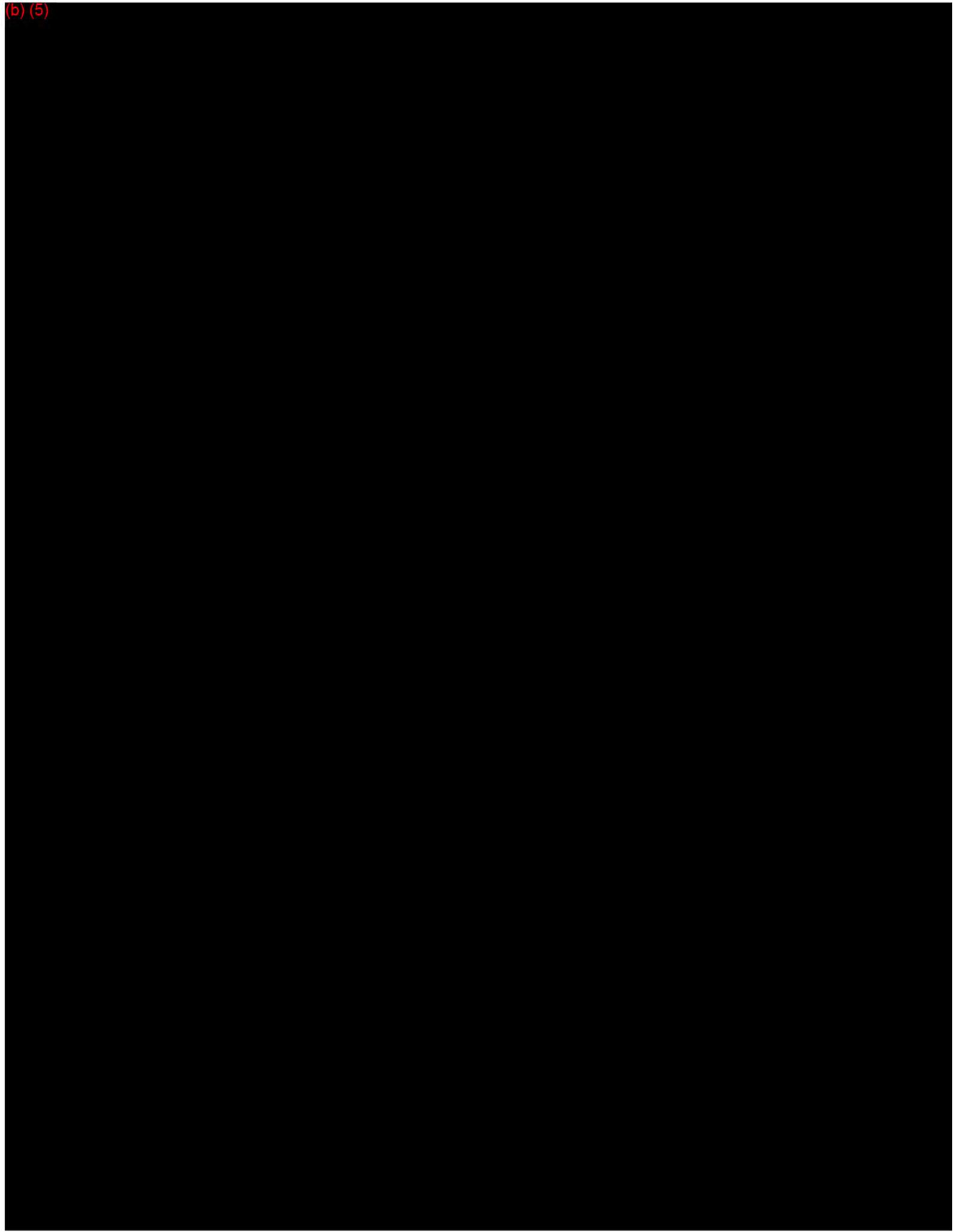


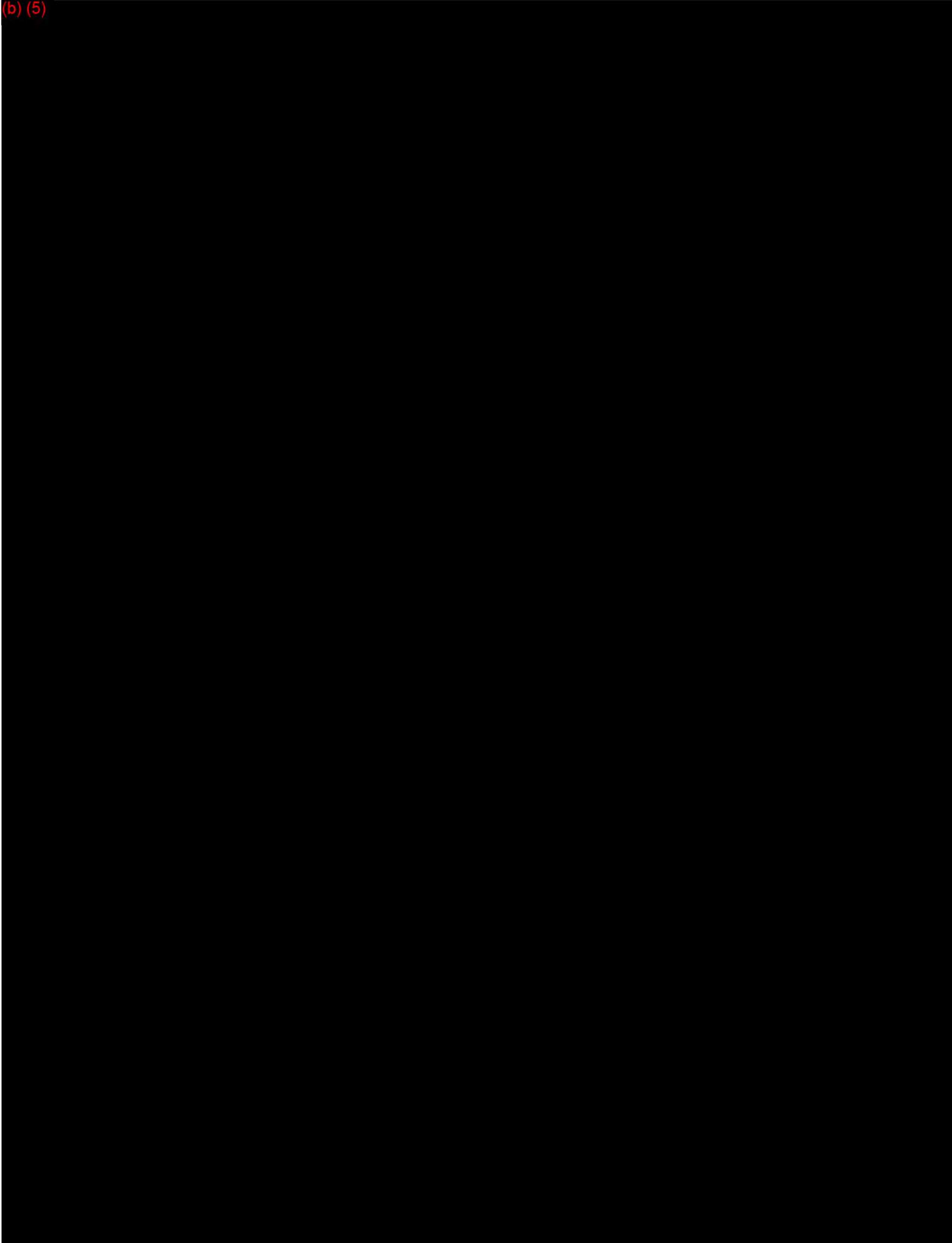


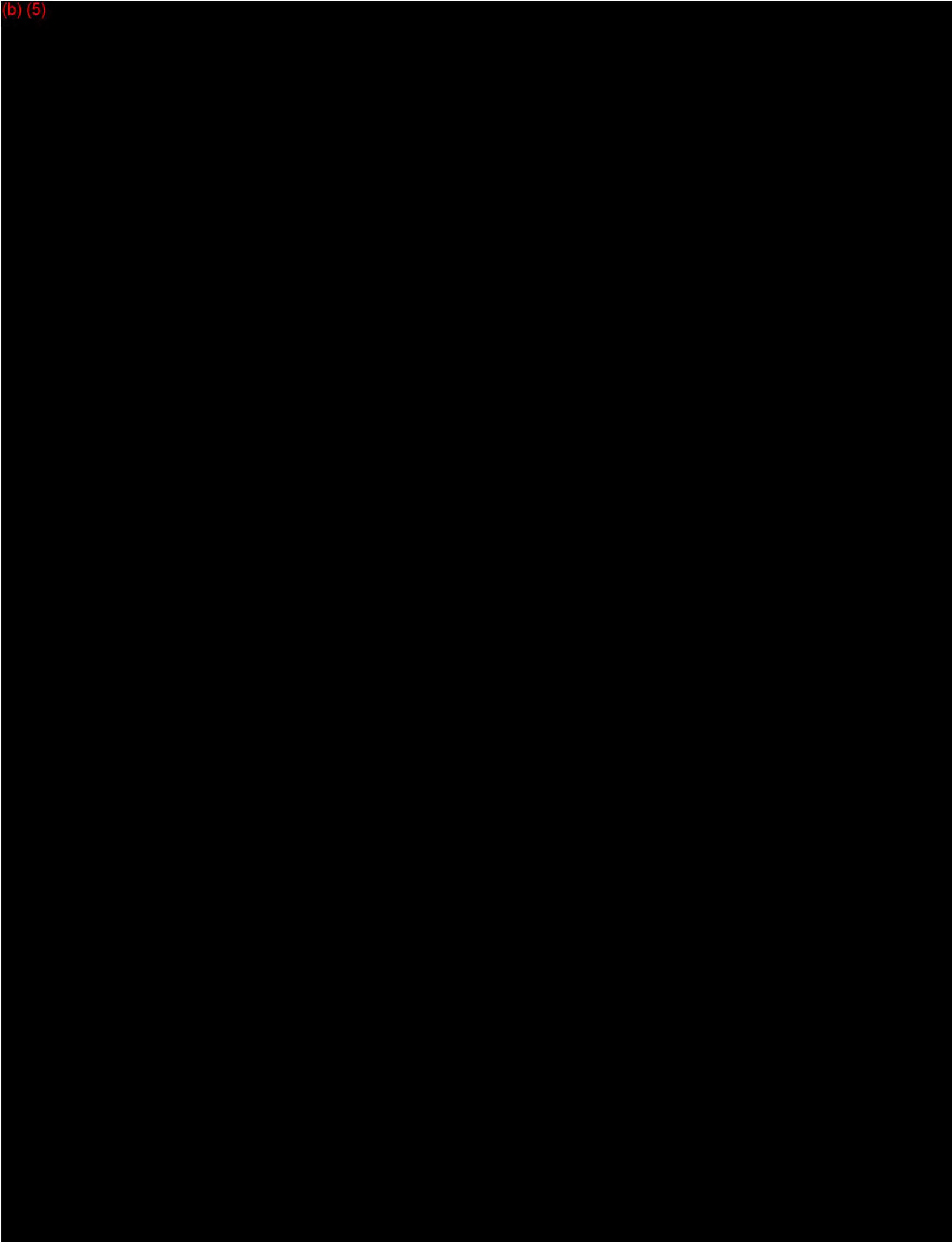
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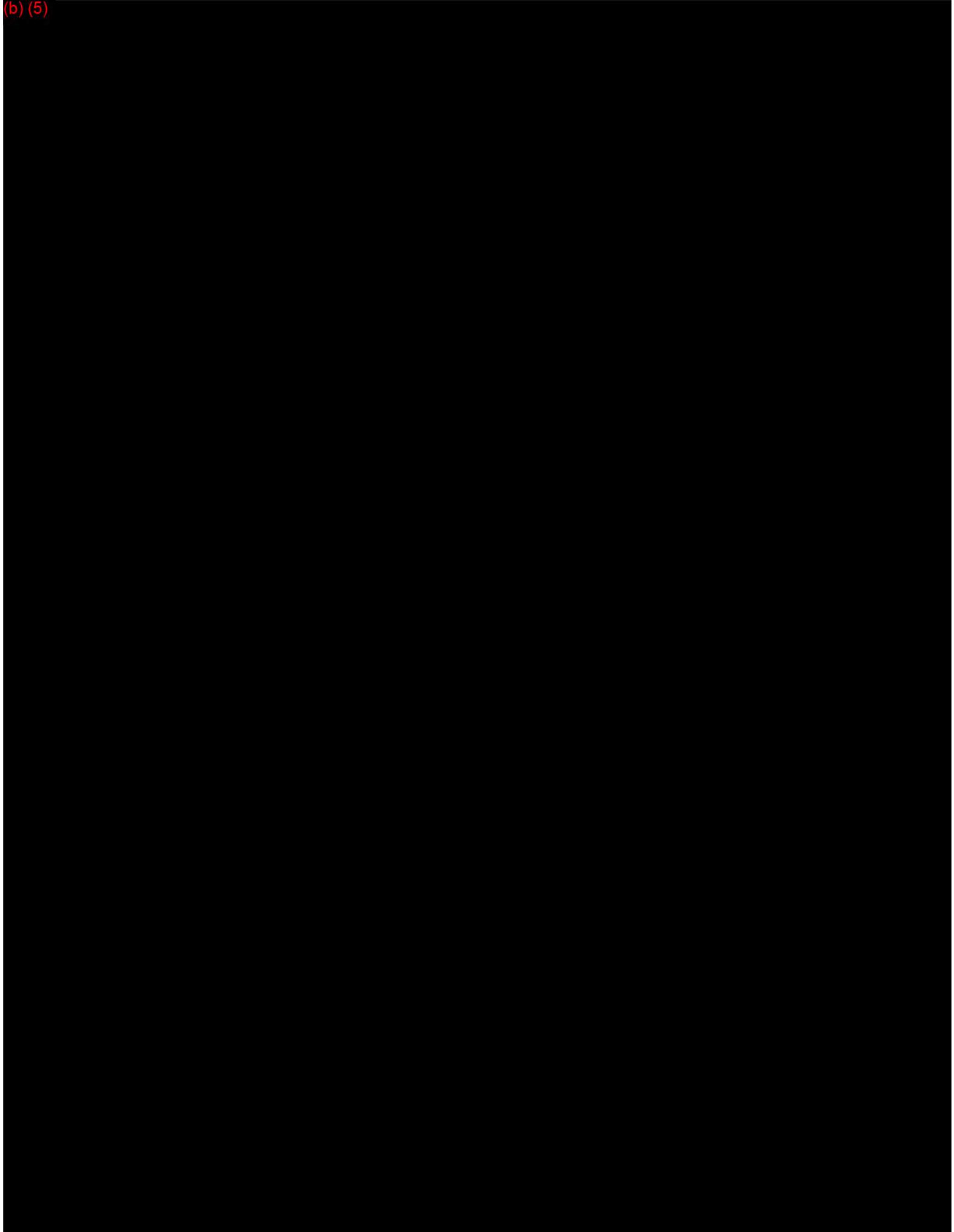


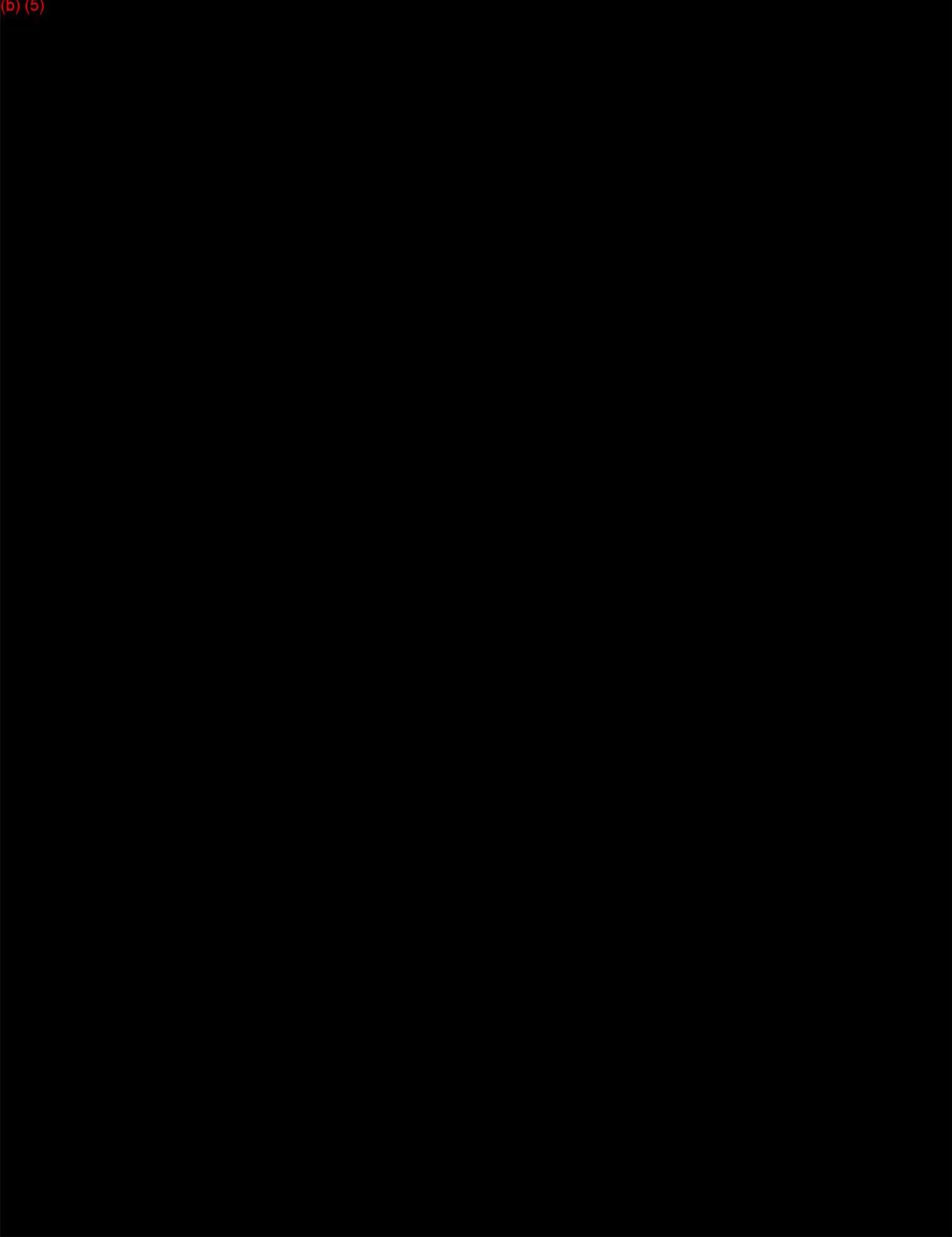












## Talking Points for ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 01 May 2018 15:37:16 -0400  
**Attachments:** Talking Points for CEQ ANPRM For OMB EO 12866 Submittal.docx (16.29 kB)

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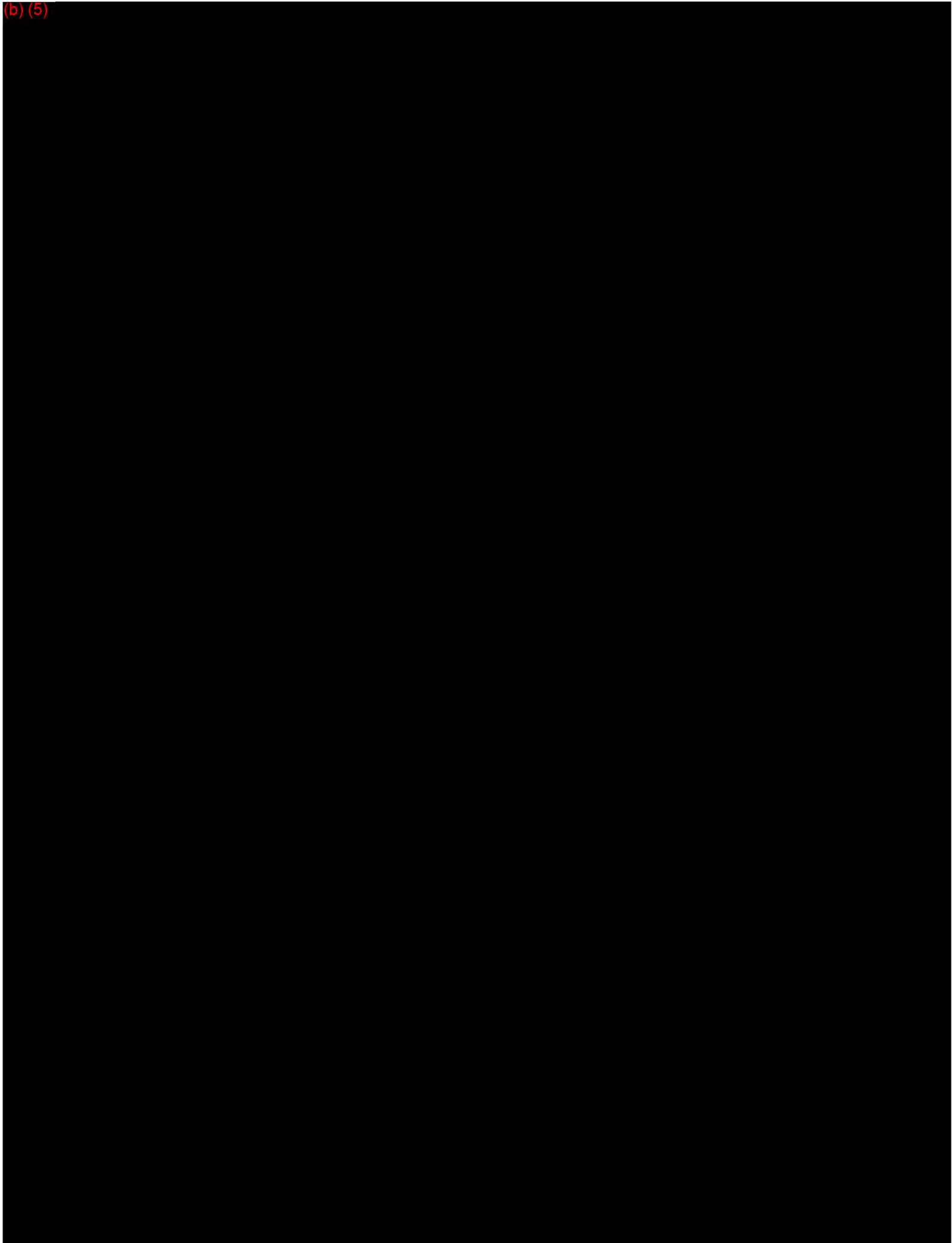
Mary, Viktoria and Dan,

Please find attached the talking points for the CEQ NEPA ANPRM for when it goes over to OIRA. This incorporates Dan's helpful comments as well.

Let me know the time-table that you would like for the rule so I can give OIRA a heads up.

Thanks.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)



## Talking Points for CEQ NEPA ANPRM to OIRA

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)> "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 02 May 2018 12:26:31 -0400  
**Attachments:** Talking Points for CEQ ANPRM For OMB EO 12866 Submittal.docx (16.29 kB)

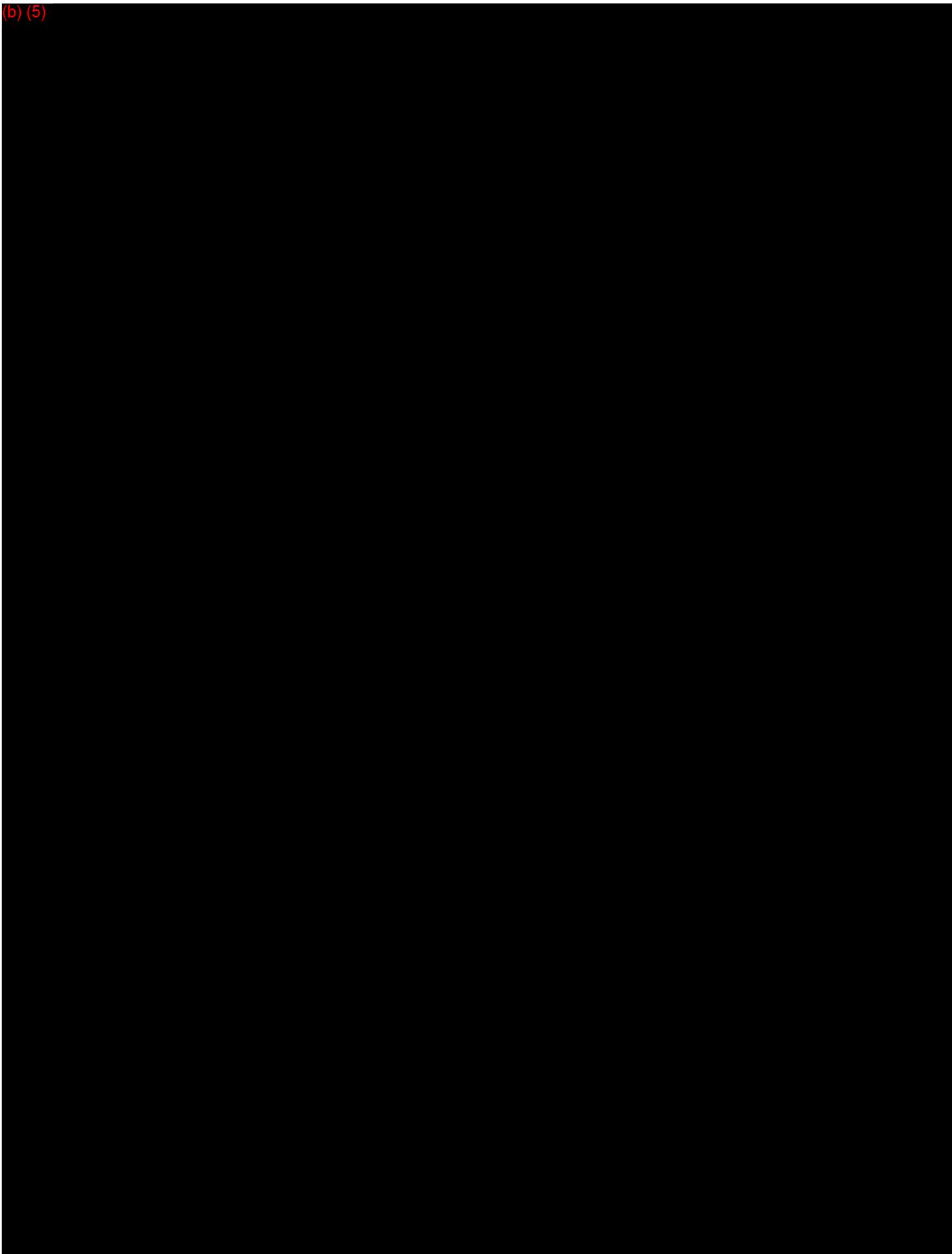
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All,

Please find the talking points for CEQ's NEPA ANPRM that is being sent to OIRA today and will show up on their website tomorrow morning ([www.RegInfo.gov](http://www.RegInfo.gov)).

Thank you and let me know if you have any questions.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)



## FOR REVIEW: EO 12866 Prep

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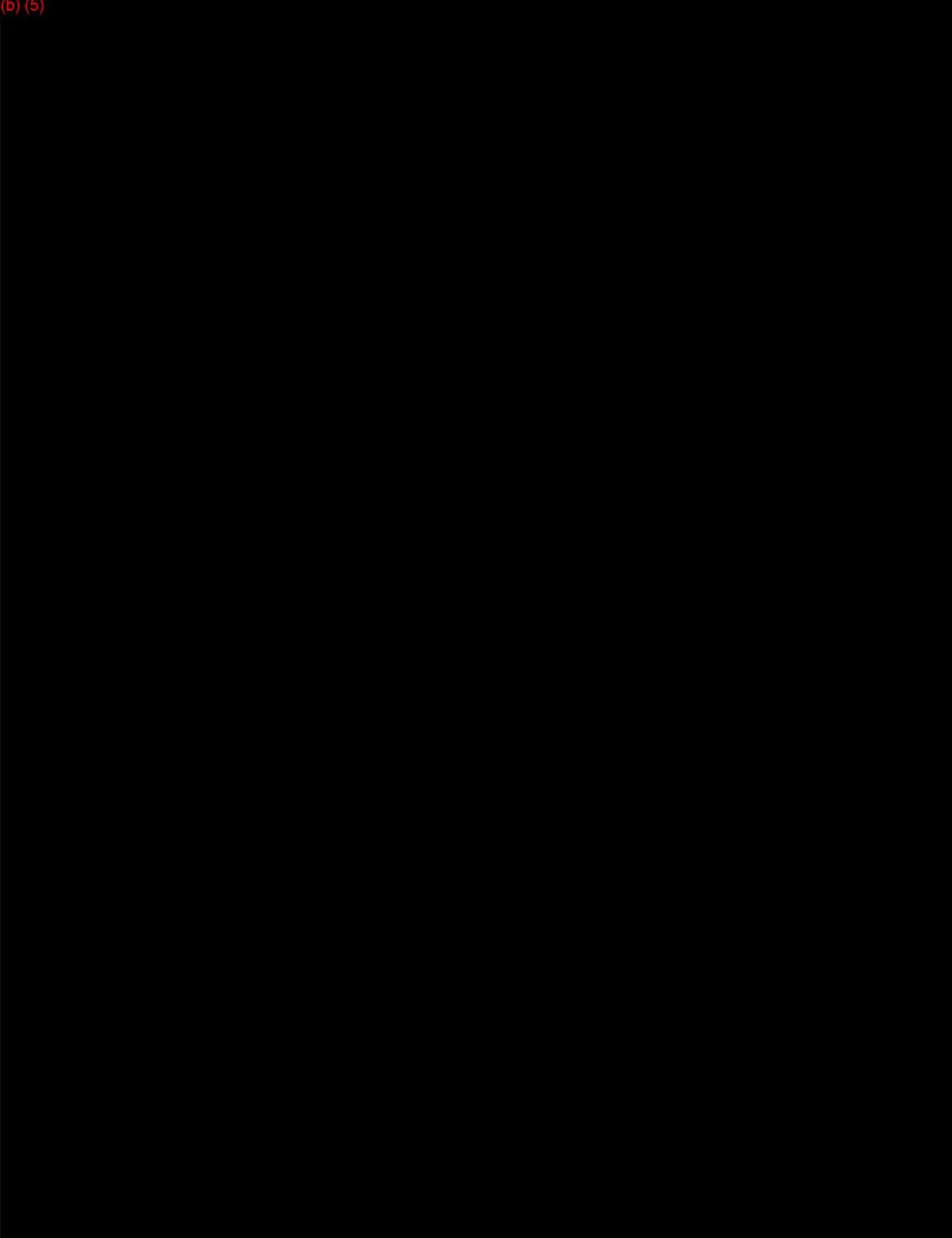
**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 03 May 2018 17:49:03 -0400  
**Attachments:** EO 12866 prep.docx (15.4 kB)

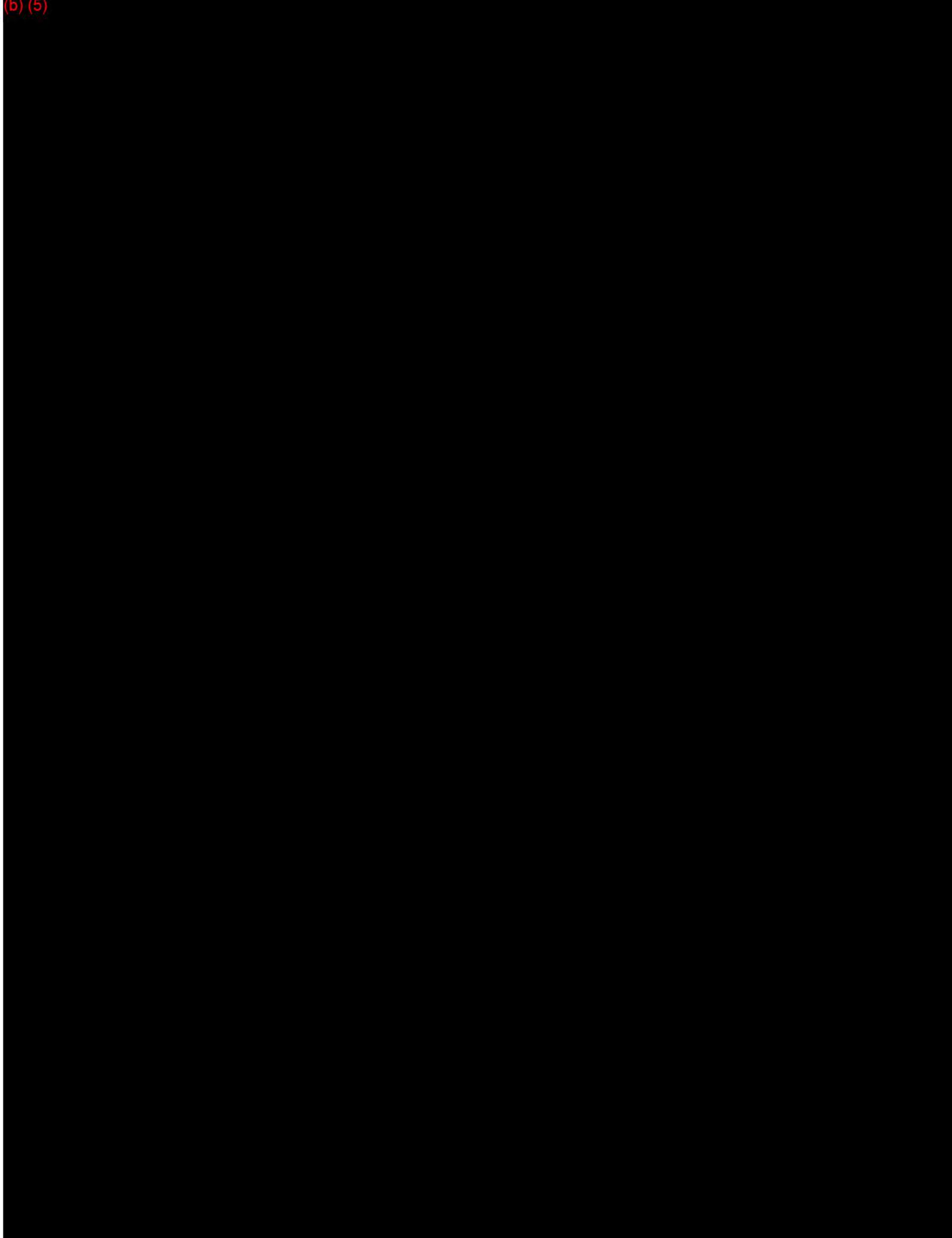
---

Hi Mary and Viktoria,

Please find attached for your review. I would like to send this out tomorrow, if possible, and follow up with in-person training at the end of the CEQ weekly on Tuesday.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)





## RE: Talking Points for CEQ NEPA ANPRM to OIRA

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)> "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 03 May 2018 10:58:49 -0400

All,

OIRA has accepted the package and the visible information to the public is available at: <https://www.reginfo.gov/public/do/eoReviewSearch> and go down to Council on Environmental Quality.

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Wednesday, May 2, 2018 12:26 PM  
**To:** Mary B. EOP/CEQ Neumayr ((b) (6)) <(b) (6)> Viktoria Z. EOP/CEQ Seale ((b) (6)) <(b) (6)> Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Katherine R. EOP/CEQ Smith ((b) (6)) <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** Talking Points for CEQ NEPA ANPRM to OIRA

All,

Please find the talking points for CEQ's NEPA ANPRM that is being sent to OIRA today and will show up on their website tomorrow morning ([www.RegInfo.gov](http://www.RegInfo.gov)).

Thank you and let me know if you have any questions.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)

## RE: FOR REVIEW: EO 12866 Prep

---

**From:** "Seale, Viktoria Z. EOP/CEQ" <"o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 04 May 2018 11:01:20 -0400  
**Attachments:** EO 12866 prep -edit.docx (17.25 kB)

Hi Aaron,

Attached are suggested edits and formatting changes in redline.

Thanks

Viktoria

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Thursday, May 3, 2018 5:49 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** FOR REVIEW: EO 12866 Prep

Hi Mary and Viktoria,

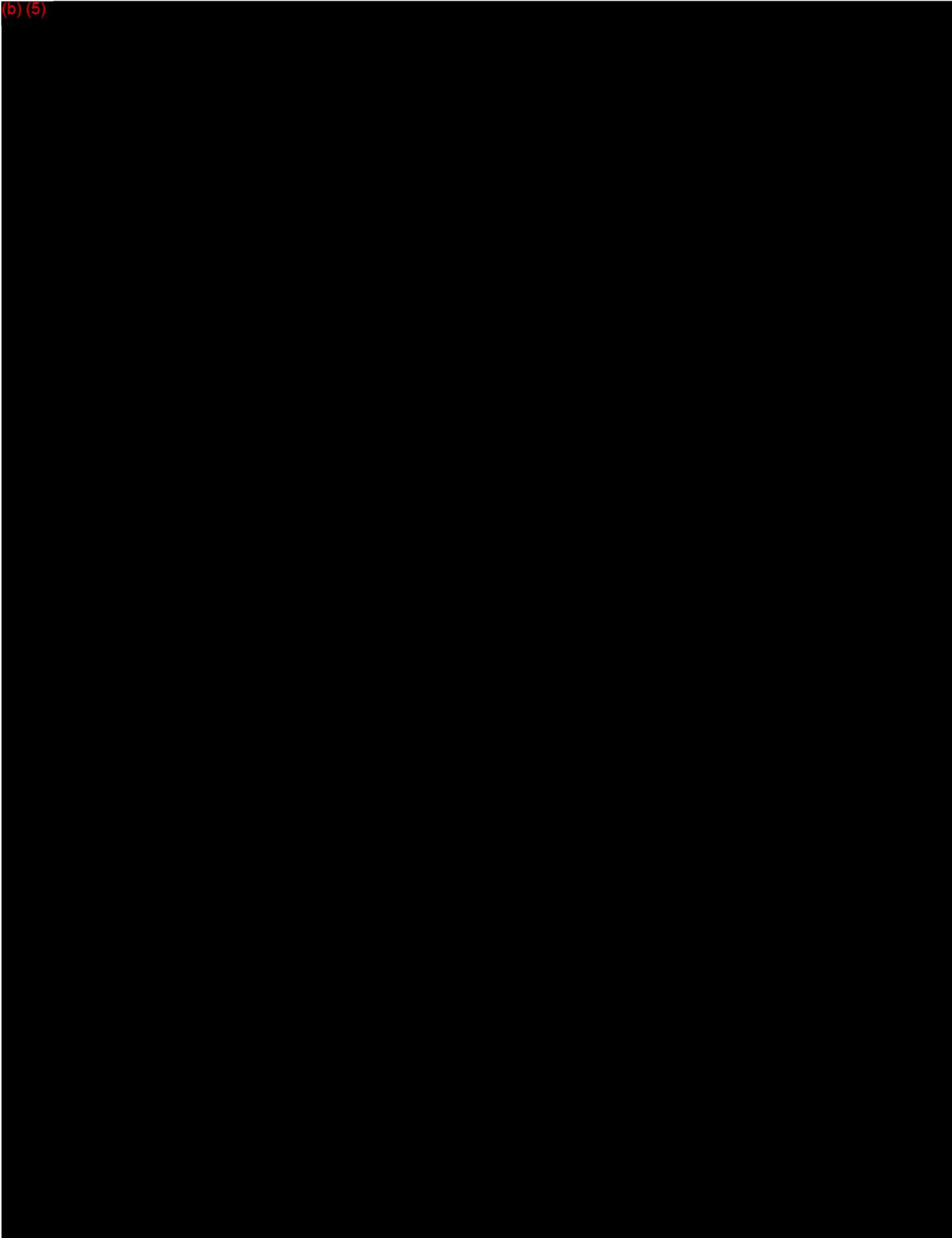
Please find attached for your review. I would like to send this out tomorrow, if possible, and follow up with in-person training at the end of the CEQ weekly on Tuesday.

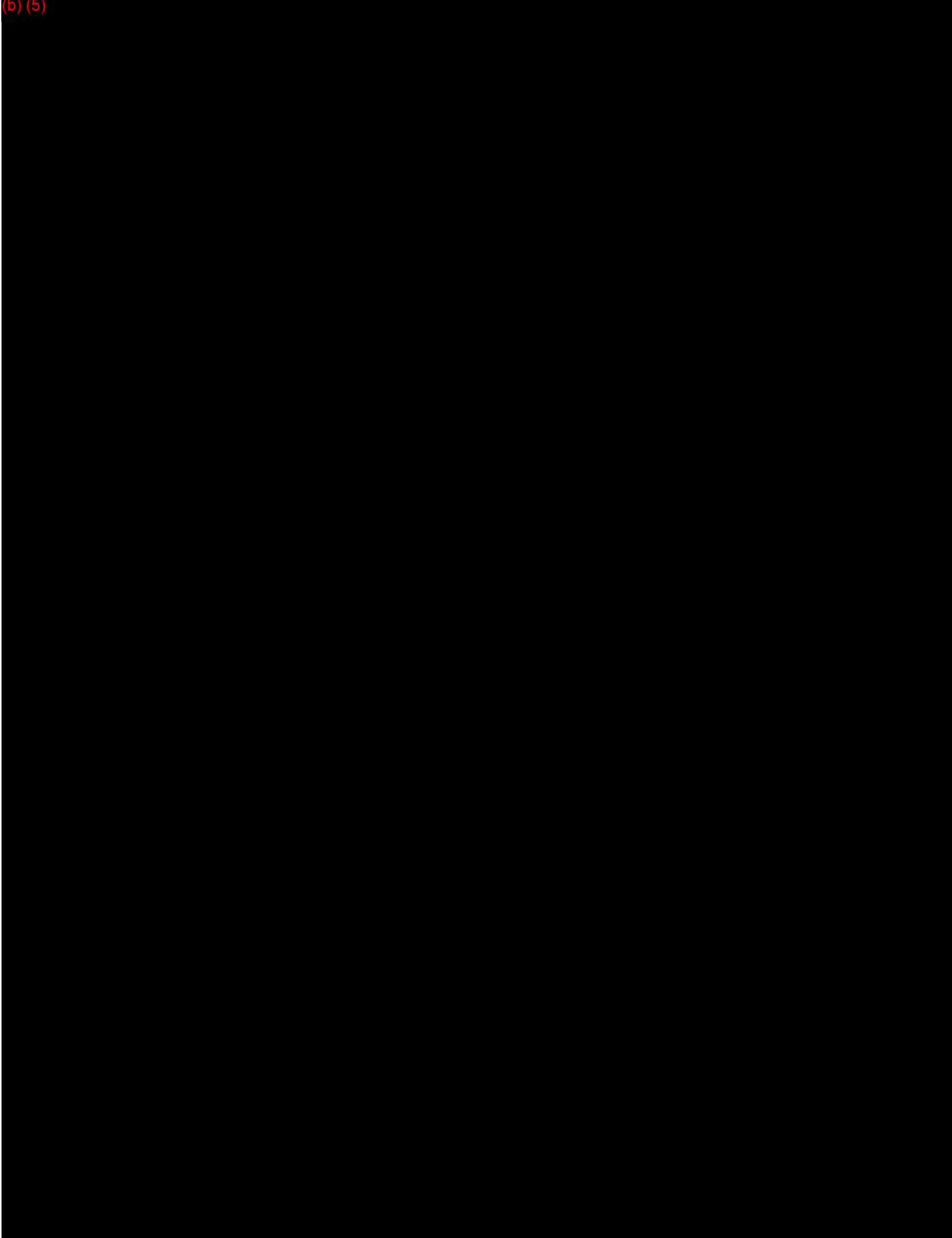
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)





## RE: FOR REVIEW: EO 12866 Prep

---

**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 07 May 2018 17:58:26 -0400  
**Attachments:** EO 12866 prep -edit.docx (17.26 kB)

Aaron: I have added one minor edit to Viktoria's revisions. Thanks, Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Friday, May 4, 2018 11:01 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** RE: FOR REVIEW: EO 12866 Prep

Hi Aaron,

Attached are suggested edits and formatting changes in redline.

Thanks

Viktoria

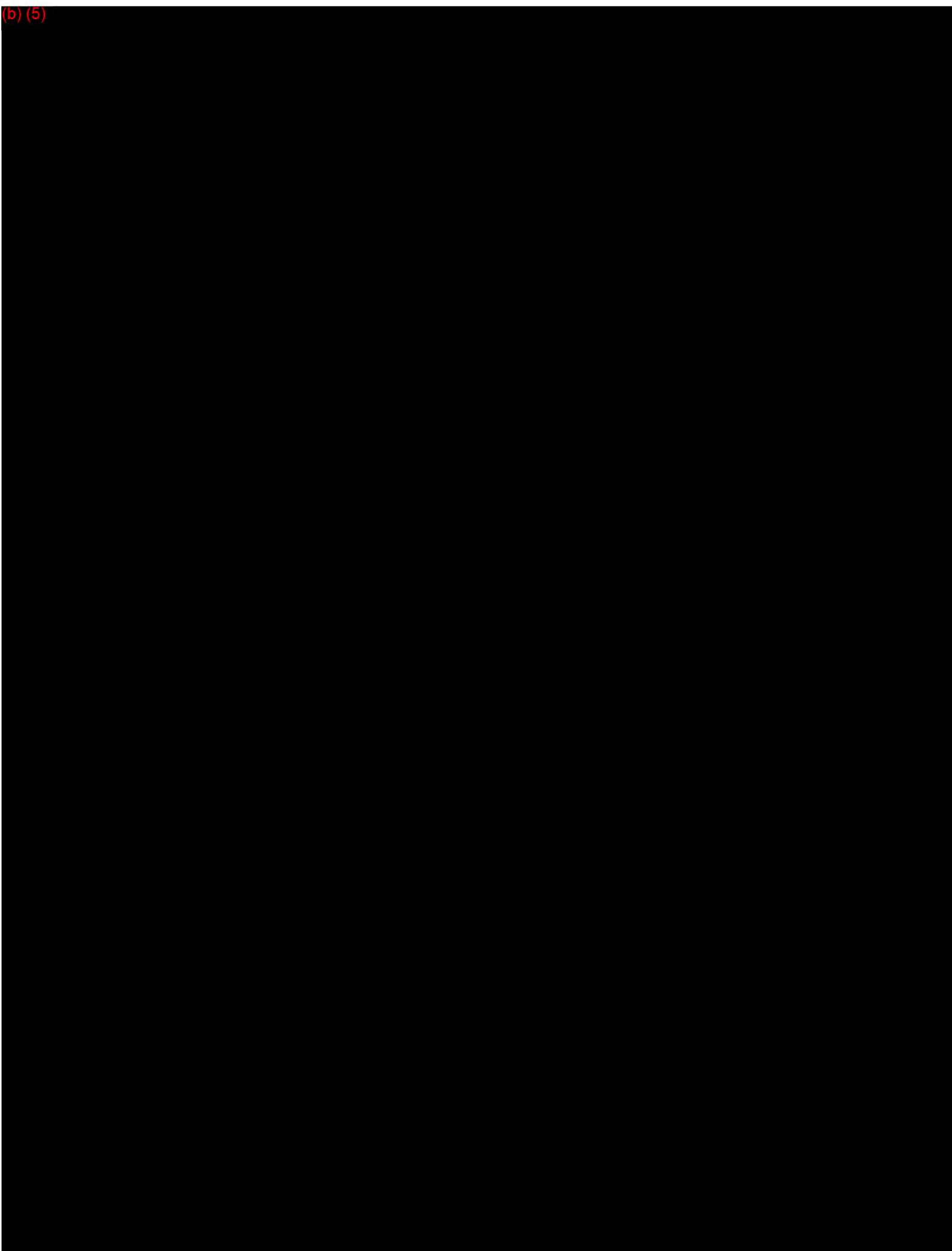
**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Thursday, May 3, 2018 5:49 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** FOR REVIEW: EO 12866 Prep

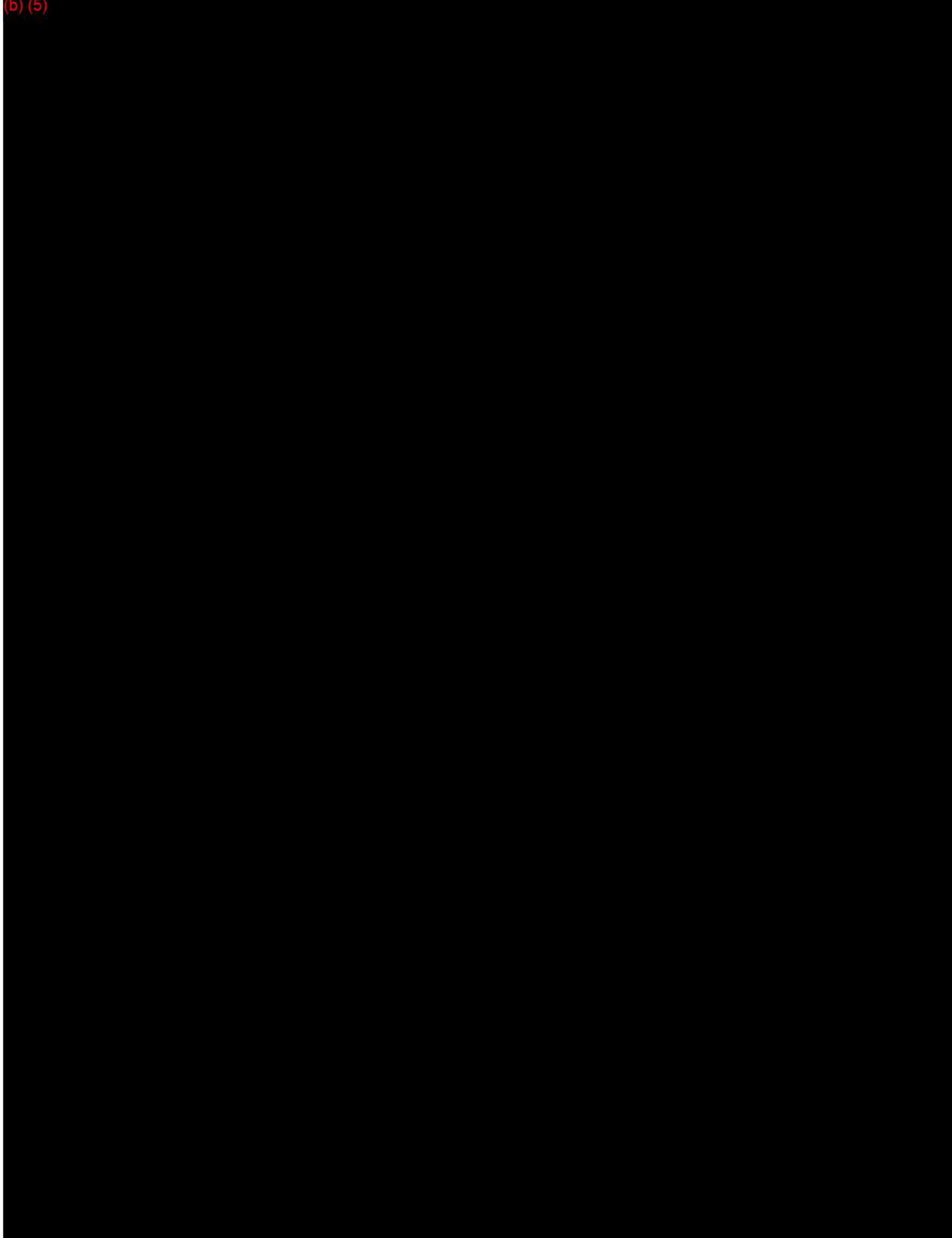
Hi Mary and Viktoria,

Please find attached for your review. I would like to send this out tomorrow, if possible, and follow up with in-person training at the end of the CEQ weekly on Tuesday.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)

(b) (6) [REDACTED] (Cell)  
(b) (6) [REDACTED]





# EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - comments due COB on 5/14

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**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
"Wold, Theo J. EOP/WHO" <(b) (6)> "Jain, Varun M. EOP/OMB" <(b) (6)> "Upadhyaya, Shraddha A. EOP/OMB" <(b) (6)>, "Thomas, Amanda L. EOP/OMB" <(b) (6)> "Wackler, Ted M. EOP/OSTP" <ted\_m\_wackler@ostp.eop.gov>, "Salvi, Mary E. EOP/WHO" <(b) (6)> "White, Peter J. EOP/WHO" <(b) (6)> "Smith, Ja'Ron K. EOP/WHO" <(b) (6)> "Starling, Ray A. EOP/WHO" <(b) (6)> "Brooke, Francis J. EOP/WHO" <(b) (6)> "Fitzgerald, Timothy W. EOP/CEA" <(b) (5)>, "Abajian, Xander C. EOP/CEA" <(b) (5)>, "Pinkos, Stephen M. EOP/OVP" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Loyola, Mario A. EOP/CEQ" <(b) (6)> "Hickey, Mike J. EOP/OMB" <(b) (6)> "Burgess, Scott H. EOP/OMB" <(b) (6)>, "Winters, Paul A. EOP/OMB" <(b) (6)>, "Derentz, Landon R. EOP/NSC" <(b) (6)>, "Abbey, Tristan C. EOP/NSC" <(b) (6)>, "Laing, Sally S. EOP/USTR" <sally\_s\_laing@ustr.eop.gov>, "Patel, Mayur R. EOP/USTR" <mayur\_r\_patel@ustr.eop.gov>, "Stradtman, Jennifer A. EOP/USTR" <jennifer\_a\_stradtman@ustr.eop.gov>, "Miller, Ashley A. EOP/USTR" <ashley\_a\_miller@ustr.eop.gov>, "Dougherty, Emily I. EOP/USTR" <emily\_i\_dougherty@ustr.eop.gov>, "Moran, John S. EOP/WHO" <(b) (6)> "Palmieri, Rosario A. EOP/OMB" <(b) (6)>, "Laity, Jim A. EOP/OMB" <(b) (6)>, "Prandoni, Christopher D. EOP/CEQ" <(b) (6)> "Trick, Bryant P. EOP/USTR" <bryant\_trick@ustr.eop.gov>, "Abrams, Andrew D. EOP/OMB" <(b) (6)>, "Crutchfield, Craig C. EOP/OMB" <(b) (6)>, "McDonald, Christine A. EOP/OMB" <(b) (6)>, "Roach, Emma K. EOP/OMB" <(b) (6)>, "Burnett, Ben D. EOP/OMB" <(b) (6)>, "Vallina, Cyndi A. EOP/OMB" <(b) (6)>, "Nelson, Kimberly P. EOP/OMB" <(b) (6)>, "Lucas, Adrienne E. EOP/OMB" <(b) (6)>  
**To:**  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>

**Date:** Mon, 07 May 2018 09:38:10 -0400

**Attachments:** EO12866 Review CEQ NEPA ANPRM - 5-07-2018.docx (47.71 kB)

All,

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Please review and send to me any EO 12866 comments on the Council on Environmental Quality (CEQ) advanced notice of proposed rulemaking, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," (RIN 0331-AA03) by **5pm on Monday, May 14th**.

As a reminder, the attached materials are deliberative and pre-decisional while under OMB review and may not be shared or discussed with anyone outside of the Executive Branch. If there are others within the EOP that you believe should review the rule, please let me know so that I can send the rule to them and add them to my distribution list so that they will receive future communications/versions of the rule. As a note, I have distributed the rule to agencies in a separate email. If you have contacts in the agencies that you believe should review, please let me know and I will forward to them.

**Summary:** CEQ is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ is soliciting public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

If you have questions or would like to discuss any aspect of the final rule, please feel free to contact me.

Thank you,  
Chad

Chad Whiteman  
Natural Resources and Environment Branch | Office of Information and Regulatory Affairs  
Office of Management and Budget | Executive Office of the President  
202-395-4718

(b) (6)

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500-1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ted Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W, Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required

by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. The revised Section 3(h) included specific direction on the process and goals of this rulemaking process:

Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.

CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807

directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. The E.O. stated:

Such actions should include issuing such regulations, guidance, and directives as CEQ may deem necessary to:

- (A) ensure optimal interagency coordination of environmental review and authorization decisions, including by providing for an expanded role and authorities for lead agencies, more clearly defined responsibilities for cooperating and participating agencies, and Government-wide applicability of NEPA decisions and analyses;
- (B) ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient;
- (C) provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support of earlier Federal, State, tribal, or local environmental reviews or authorization decisions; and
- (D) ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ's authority to interpret NEPA to simplify and accelerate the NEPA review process.

In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

### ***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### ***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
6. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
  - a. Major Federal Action;
  - b. Effects;
  - c. Cumulative Impact;
  - d. Significantly;
  - e. Scope; and
  - f. Other NEPA terms.
7. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
  - a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
8. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
  - a. Categorical Exclusions;
  - b. Environmental Assessments;
  - c. Findings of No Significant Impact;
  - d. Environmental Impact Statements;

- e. Records of Decision; and
  - f. Supplements.
9. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
  10. Should the provisions in CEQ's NEPA regulations related to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
  11. Should the provisions in CEQ's NEPA regulations related to programmatic NEPA documents and tiering be revised, and if so, how?
  12. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

**General:**

13. Which provisions of the regulations are currently obsolete? If any, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
14. Are there additional ways CEQ's NEPA regulations should be revised to promote interagency coordination of environmental review and authorization decisions, and if so, how?
15. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the NEPA process in implementing NEPA, and if so, how?

*\*\*\*E.O. 12866 Review-Draft-Do Not Cite, Quote, or Release During Review\*\*\**

16. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?
17. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Dated: [Month] \_\_\_\_, 2018.

Page [APG] of [ANP]

Mary Neumayr,

*Chief of Staff, Council on Environmental Quality.*

# RE: CEQ's ANPRM on NEPA: Process and Communications During the Interagency Review Process

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**To:** "Herrgott, Alex H. EOP/CEQ" <(b) (6)> "Barnett, Steven W. EOP/CEQ" <(b) (6)>  
<(b) (6)> "Osterhues, Marlys A. EOP/CEQ"  
<(b) (6)> "Patella, Michael A. EOP/CEQ"  
<(b) (6)> "Sharp, Thomas L. EOP/CEQ"  
<(b) (6)> "Vandegrift, Scott F. EOP/CEQ"  
<(b) (6)> "Pettigrew, Theresa L. EOP/CEQ"  
<(b) (6)> "Schneider, Daniel J. EOP/CEQ"  
<(b) (6)> "Boling, Ted A. EOP/CEQ"  
<(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)> "Prandoni, Christopher D. EOP/CEQ"  
<(b) (6)> "Loyola, Mario A. EOP/CEQ"  
<(b) (6)> "Mansoor, Yardena M. EOP/CEQ"

**Cc:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>

**Date:** Tue, 08 May 2018 10:46:02 -0400

All,

For your awareness, here is the link for requesting a meeting about a regulatory action under OIRA review: <https://www.reginfo.gov/public/jsp/Utilities/faq.jsp>.

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 8, 2018 10:18 AM  
**To:** Herrgott, Alex H. EOP/CEQ <(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)>  
<(b) (6)> Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
Patella, Michael A. EOP/CEQ <(b) (6)> Sharp, Thomas L. EOP/CEQ <(b) (6)>  
<(b) (6)> Vandegrift, Scott F. EOP/CEQ <(b) (6)>  
Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)>  
<(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
Drummond, Michael R. EOP/CEQ <(b) (6)> Prandoni, Christopher D. EOP/CEQ <(b) (6)>  
<(b) (6)> Loyola, Mario A. EOP/CEQ <(b) (6)>  
<(b) (6)> Mansoor, Yardena M. EOP/CEQ <(b) (6)>

**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)> Viktoria Z. EOP/CEQ Seale <(b) (6)>  
<(b) (6)> <(b) (6)> Mary B. EOP/CEQ Neumayr <(b) (6)>  
<(b) (6)> <(b) (6)>

**Subject:** CEQ's ANPRM on NEPA: Process and Communications During the Interagency Review Process

All,

For those who have not been involved in the process, CEQ submitted an Advanced Notice for Proposed Rulemaking (ANPRM) to the Office of Information and Regulatory Affairs (OIRA) for interagency review titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." This marks the first of many more milestones ahead of us during this rulemaking process. CEQ is taking this action in response to Executive Order 13807 and the list of actions related to NEPA that CEQ developed in September 2017.

Now that the ANPRM is under review with OIRA, there are certain communication rules that CEQ must follow related to the ANPRM. These rules do not apply to discussing issues outside of the scope of the ANPRM.

### **Interactions with the Public (including Congress):**

- The purpose of the EO 12866 meeting process, which is run by OIRA, is to provide members of the public an opportunity to voice their thoughts to the EOP and the respective promulgating agency (here, CEQ).
  - In 12866 meetings, CEQ staff should primarily be in listening mode and only if necessary, ask clarifying questions based on the information provided. CEQ staff should not make declarative statements during the meetings or state explicit agreement or disagreement with anything stated by members of the public. In addition, CEQ staff should not state or hint anything that is in the predecisional document.
- CEQ should not discuss anything that is included within the ANPRM until it is publically released.
  - This is a predecisional document that is subject to change. Telling members of the public what is in the document before it is finalized hurts the internal deliberation process and creates a chilling effect on the honest and open dialogue that occurs between agencies.
- CEQ should not hold meetings with members of the public on the ANPRM.
  - If a member of the public would like to discuss the ANPRM with CEQ, you should work through OIRA to schedule a meeting.
- If you are holding a meeting on another topic and the ANPRM is raised, you should state that you cannot discuss the ANPRM since it is under EO 12866 review.
  - However, you should tell members of the public that they can contact OIRA and request a meeting to discuss the ANPRM as part of the EO 12866 process.

### **Interactions with Other Agencies:**

- CEQ should not have meetings with other agencies regarding the ANPRM without OIRA being invited and having prior knowledge.

- It is strongly discouraged that CEQ set up meetings with other agencies. Other agencies should work through OIRA to set up such meetings, as necessary. This ensures that proper process is followed for the interagency review and there is no “end-running” of the process.
- If speaking or writing on this issue with other agencies, CEQ staff must properly vet comments within CEQ. This ensures that there is no pre-commitment on issues before the issue is properly briefed up to CEQ management.
- The EO 12866 process should be a constructive process that permits other agencies to provide input into the rulemaking process. When interacting with others, always be respectful, regardless of whether you agree with their statement.
- I will act as the point-of-contact with OIRA, with Viktoria Seale acting as the back up. This will ensure that CEQ is responding with one voice and there is no potential confusion created within the process (e.g., how CEQ is responding to comments).

If you have any questions, please do not hesitate to reach out to me. Thank you.

**Aaron L. Szabo**

Senior Counsel

Council on Environmental Quality

(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)

# FOR AWARENESS: Version of CEQ ANPRM on NEPA Provided for Interagency Review

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
"Herrgott, Alex H. EOP/CEQ" <(b) (6)> "Barnett, Steven  
W. EOP/CEQ" <(b) (6)> "Osterhues, Marlys A. EOP/CEQ"  
<(b) (6)> "Patella, Michael A. EOP/CEQ"  
<(b) (6)> "Sharp, Thomas L. EOP/CEQ"  
<(b) (6)> "Vandegrift, Scott F. EOP/CEQ"  
**To:** <(b) (6)> "Pettigrew, Theresa L. EOP/CEQ"  
<(b) (6)> "Schneider, Daniel J. EOP/CEQ"  
<(b) (6)> "Boling, Ted A. EOP/CEQ"  
<(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)> "Prandoni, Christopher D. EOP/CEQ"  
<(b) (6)> "Loyola, Mario A. EOP/CEQ"  
<(b) (6)> "Mansoor, Yarden M. EOP/CEQ"  
<(b) (6)>  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Neumayr, Mary B.  
EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ"  
<(b) (6)>  
**Date:** Tue, 08 May 2018 10:19:46 -0400  
**Attachment  
s:** EO12866 Review CEQ NEPA ANPRM - 5-07-2018.docx (47.71 kB)

---

All,

Please find attached for your awareness, the version of the CEQ Advanced Notice of Proposed Rulemaking (ANPRM) that was sent to OIRA for interagency review. This is a pre-decisional document and should not be shared. If members from other agencies have not received the document, please let me know and ask them to work through their agency's OIRA point of contact. Please do not send this document directly to anyone else to ensure version control.

Thank you very much and please let me know if you have any questions.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500-1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ted Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W, Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required

by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. The revised Section 3(h) included specific direction on the process and goals of this rulemaking process:

Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.

CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807

directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. The E.O. stated:

Such actions should include issuing such regulations, guidance, and directives as CEQ may deem necessary to:

- (A) ensure optimal interagency coordination of environmental review and authorization decisions, including by providing for an expanded role and authorities for lead agencies, more clearly defined responsibilities for cooperating and participating agencies, and Government-wide applicability of NEPA decisions and analyses;
- (B) ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient;
- (C) provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support of earlier Federal, State, tribal, or local environmental reviews or authorization decisions; and
- (D) ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ's authority to interpret NEPA to simplify and accelerate the NEPA review process.

In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

### ***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### ***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
6. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
  - a. Major Federal Action;
  - b. Effects;
  - c. Cumulative Impact;
  - d. Significantly;
  - e. Scope; and
  - f. Other NEPA terms.
7. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
  - a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
8. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
  - a. Categorical Exclusions;
  - b. Environmental Assessments;
  - c. Findings of No Significant Impact;
  - d. Environmental Impact Statements;

- e. Records of Decision; and
  - f. Supplements.
9. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
  10. Should the provisions in CEQ's NEPA regulations related to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
  11. Should the provisions in CEQ's NEPA regulations related to programmatic NEPA documents and tiering be revised, and if so, how?
  12. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

***General:***

13. Which provisions of the regulations are currently obsolete? If any, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
14. Are there additional ways CEQ's NEPA regulations should be revised to promote interagency coordination of environmental review and authorization decisions, and if so, how?
15. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the NEPA process in implementing NEPA, and if so, how?

*\*\*\*E.O. 12866 Review-Draft-Do Not Cite, Quote, or Release During Review\*\*\**

16. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?
17. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Dated: [Month] \_\_\_\_, 2018.

Page [APG] of [ANP]

Mary Neumayr,

*Chief of Staff, Council on Environmental Quality.*

# CEQ's ANPRM on NEPA: Process and Communications During the Interagency Review Process

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**From :** "Szabo, Aaron L. EOP/CEQ" (b) (6)

"Herrgott, Alex H. EOP/CEQ" (b) (6) "Barnett, Steven W. EOP/CEQ" (b) (6)  
"Osterhues, Marlys A. EOP/CEQ"  
(b) (6) "Patella, Michael A. EOP/CEQ"  
(b) (6) "Sharp, Thomas L. EOP/CEQ"  
(b) (6) "Vandegrift, Scott F. EOP/CEQ"  
(b) (6) "Pettigrew, Theresa L. EOP/CEQ"  
**To:** (b) (6) "Schneider, Daniel J. EOP/CEQ"  
(b) (6) "Boling, Ted A. EOP/CEQ"  
(b) (6) "Drummond, Michael R. EOP/CEQ"  
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(b) (6) "Loyola, Mario A. EOP/CEQ"  
(b) (6) "Mansoor, Yardena M. EOP/CEQ"  
(b) (6)

**Cc:** "Szabo, Aaron L. EOP/CEQ" (b) (6) "Seale, Viktoria Z. EOP/CEQ"  
(b) (6) "Neumayr, Mary B. EOP/CEQ"  
(b) (6)

**Date:** Tue, 08 May 2018 10:18:24 -0400

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All,

For those who have not been involved in the process, CEQ submitted an Advanced Notice for Proposed Rulemaking (ANPRM) to the Office of Information and Regulatory Affairs (OIRA) for interagency review titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." This marks the first of many more milestones ahead of us during this rulemaking process. CEQ is taking this action in response to Executive Order 13807 and the list of actions related to NEPA that CEQ developed in September 2017.

Now that the ANPRM is under review with OIRA, there are certain communication rules that CEQ must follow related to the ANPRM. These rules do not apply to discussing issues outside of the scope of the ANPRM.

## Interactions with the Public (including Congress):

- 
- The purpose of the EO 12866 meeting process, which is run by OIRA, is to provide members of the public an opportunity to voice their thoughts to the EOP and the respective promulgating agency (here, CEQ).
    - In 12866 meetings, CEQ staff should primarily be in listening mode and only if necessary, ask clarifying questions based on the information provided. CEQ staff should not make declarative statements during the meetings or state explicit agreement or disagreement with anything stated by members of the public. In

addition, CEQ staff should not state or hint anything that is in the predecisional document.

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- CEQ should not discuss anything that is included within the ANPRM until it is publically released.
    - This is a predecisional document that is subject to change. Telling members of the public what is in the document before it is finalized hurts the internal deliberation process and creates a chilling effect on the honest and open dialogue that occurs between agencies.
  - CEQ should not hold meetings with members of the public on the ANPRM.
    - If a member of the public would like to discuss the ANPRM with CEQ, you should work through OIRA to schedule a meeting.
  - If you are holding a meeting on another topic and the ANPRM is raised, you should state that you cannot discuss the ANPRM since it is under EO 12866 review.
    - However, you should tell members of the public that they can contact OIRA and request a meeting to discuss the ANPRM as part of the EO 12866 process.
- 

#### **Interactions with Other Agencies:**

- CEQ should not have meetings with other agencies regarding the ANPRM without OIRA being invited and having prior knowledge.
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- 

If you have any questions, please do not hesitate to reach out to me. Thank you.

**Aaron L. Szabo**  
Senior Counsel

---

Council on Environmental Quality

(b) (6) [REDACTED] (Desk)

(b) (6) [REDACTED] (Cell)

(b) (6) [REDACTED]

# FW: FOR AWARENESS: Version of CEQ ANPRM on NEPA Provided for Interagency Review

---

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

**To:** "Upchurch, Sara H. EOP/CEQ" <(b) (6)>

**Date:** Wed, 09 May 2018 17:01:35 -0400

**Attachments**  
: EO12866 Review CEQ NEPA ANPRM - 5-07-2018.docx (47.71 kB)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 8, 2018 10:20 AM  
**To:** Herrgott, Alex H. EOP/CEQ <(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)> Osterhues, Marlys A. EOP/CEQ <(b) (6)> Patella, Michael A. EOP/CEQ <(b) (6)> Sharp, Thomas L. EOP/CEQ <(b) (6)> Vandegrift, Scott F. EOP/CEQ <(b) (6)> Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)> Prandoni, Christopher D. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ <(b) (6)> Mansoor, Yarden M. EOP/CEQ <(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Subject:** FOR AWARENESS: Version of CEQ ANPRM on NEPA Provided for Interagency Review

All,

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Thank you very much and please let me know if you have any questions.

**Aaron L. Szabo**  
Senior Counsel

Council on Environmental Quality

(b) (6) [redacted] (Desk)

(b) (6) [redacted] (Cell)

(b) (6) [redacted]

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500-1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ted Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W, Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

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Such actions should include issuing such regulations, guidance, and directives as CEQ may deem necessary to:

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## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

### ***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
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3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### ***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
6. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
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  - b. Effects;
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  - e. Scope; and
  - f. Other NEPA terms.
7. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
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  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
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8. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
  - a. Categorical Exclusions;
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- e. Records of Decision; and
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9. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
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  12. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

***General:***

13. Which provisions of the regulations are currently obsolete? If any, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
14. Are there additional ways CEQ's NEPA regulations should be revised to promote interagency coordination of environmental review and authorization decisions, and if so, how?
15. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the NEPA process in implementing NEPA, and if so, how?

**\*\*\*E.O. 12866 Review-Draft-Do Not Cite, Quote, or Release During Review\*\*\***

16. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?

17. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Dated: [Month] \_\_\_\_, 2018.

Page [APG] of [ANP]

Mary Neumayr,

*Chief of Staff, Council on Environmental Quality.*

## FW: CEQ's ANPRM on NEPA: Process and Communications During the Interagency Review Process

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**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Upchurch, Sara H. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 09 May 2018 17:01:05 -0400

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 8, 2018 10:46 AM  
**To:** Herrgott, Alex H. EOP/CEQ <(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)> Osterhues, Marlys A. EOP/CEQ <(b) (6)> Patella, Michael A. EOP/CEQ <(b) (6)> Sharp, Thomas L. EOP/CEQ <(b) (6)> Vandegrift, Scott F. EOP/CEQ <(b) (6)> Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)> Prandoni, Christopher D. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ <(b) (6)> Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Cc:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** RE: CEQ's ANPRM on NEPA: Process and Communications During the Interagency Review Process

All,

For your awareness, here is the link for requesting a meeting about a regulatory action under OIRA review: <https://www.reginfo.gov/public/jsp/Utilities/faq.jsp>.

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 8, 2018 10:18 AM  
**To:** Herrgott, Alex H. EOP/CEQ <(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)> Osterhues, Marlys A. EOP/CEQ <(b) (6)> Patella, Michael A. EOP/CEQ <(b) (6)> Sharp, Thomas L. EOP/CEQ <(b) (6)> Vandegrift, Scott F. EOP/CEQ <(b) (6)> Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)> Prandoni, Christopher D. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ <(b) (6)> Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)> Viktoria Z. EOP/CEQ Seale <(b) (6)> Mary B. EOP/CEQ Neumayr <(b) (6)>

(b) (6)

(b) (6)

**Subject:** CEQ's ANPRM on NEPA: Process and Communications During the Interagency Review Process

All,

For those who have not been involved in the process, CEQ submitted an Advanced Notice for Proposed Rulemaking (ANPRM) to the Office of Information and Regulatory Affairs (OIRA) for interagency review titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." This marks the first of many more milestones ahead of us during this rulemaking process. CEQ is taking this action in response to Executive Order 13807 and the list of actions related to NEPA that CEQ developed in September 2017.

Now that the ANPRM is under review with OIRA, there are certain communication rules that CEQ must follow related to the ANPRM. These rules do not apply to discussing issues outside of the scope of the ANPRM.

#### **Interactions with the Public (including Congress):**

- The purpose of the EO 12866 meeting process, which is run by OIRA, is to provide members of the public an opportunity to voice their thoughts to the EOP and the respective promulgating agency (here, CEQ).
  - In 12866 meetings, CEQ staff should primarily be in listening mode and only if necessary, ask clarifying questions based on the information provided. CEQ staff should not make declarative statements during the meetings or state explicit agreement or disagreement with anything stated by members of the public. In addition, CEQ staff should not state or hint anything that is in the predecisional document.
- CEQ should not discuss anything that is included within the ANPRM until it is publically released.
  - This is a predecisional document that is subject to change. Telling members of the public what is in the document before it is finalized hurts the internal deliberation process and creates a chilling effect on the honest and open dialogue that occurs between agencies.
- CEQ should not hold meetings with members of the public on the ANPRM.
  - If a member of the public would like to discuss the ANPRM with CEQ, you should work through OIRA to schedule a meeting.
- If you are holding a meeting on another topic and the ANPRM is raised, you should state that you cannot discuss the ANPRM since it is under EO 12866 review.
  - However, you should tell members of the public that they can contact OIRA and request a meeting to discuss the ANPRM as part of the EO 12866 process.

### **Interactions with Other Agencies:**

- CEQ should not have meetings with other agencies regarding the ANPRM without OIRA being invited and having prior knowledge.
  - It is strongly discouraged that CEQ set up meetings with other agencies. Other agencies should work through OIRA to set up such meetings, as necessary. This ensures that proper process is followed for the interagency review and there is no “end-running” of the process.
- If speaking or writing on this issue with other agencies, CEQ staff must properly vet comments within CEQ. This ensures that there is no pre-commitment on issues before the issue is properly briefed up to CEQ management.
- The EO 12866 process should be a constructive process that permits other agencies to provide input into the rulemaking process. When interacting with others, always be respectful, regardless of whether you agree with their statement.
- I will act as the point-of-contact with OIRA, with Viktoria Seale acting as the back up. This will ensure that CEQ is responding with one voice and there is no potential confusion created within the process (e.g., how CEQ is responding to comments).

If you have any questions, please do not hesitate to reach out to me. Thank you.

**Aaron L. Szabo**

Senior Counsel

Council on Environmental Quality

(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)

## [EXTERNAL] Re: ANPRM at OIRA

---

**From:** Stephen Schima <sschima@partnershipproject.org>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 11 May 2018 14:13:17 -0400

Ted,

Apologies for the delayed reply – I've just now (reluctantly) emerged from the mountains near Yellowstone where I was gleefully disconnected. Nevertheless, thank you for taking the time to chat and sending along the information – I'm going to pass along to my colleagues.

Didn't get to see any bison, but did see a Grizzly and her cub!

Cheers,  
Stephen

---

**From:** Ted Boling <(b) (6)>  
**Date:** Tuesday, May 8, 2018 at 10:56 AM  
**To:** Stephen Schima <sschima@partnershipproject.org>  
**Cc:** Michael Drummond <(b) (6)>  
**Subject:** ANPRM at OIRA

Steve,

Thanks for your call this morning. For your awareness, here is the link for requesting a meeting about a regulatory action under OIRA review: <https://www.reginfo.gov/public/jsp/Utilities/faq.jsp>  
Please spread the word and have a great time in Yellowstone!

Best,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

# HOLD: Interagency Phone Call on CEQ NEPA ANPRM

---

Where: 734 JP 2nd Floor

When: Wed May 30 15:00:00 2018 (America/New\_York)

Until: Wed May 30 16:00:00 2018 (America/New\_York)

Organiser: "Szabo, Aaron L. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

Required Attendees :  
"Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
"Boling, Ted A. EOP/CEQ" <(b) (6)>  
"Barnett, Steven W. EOP/CEQ" <(b) (6)>  
"Sharp, Thomas L. EOP/CEQ" <(b) (6)>  
"Loyola, Mario A. EOP/CEQ" <(b) (6)>  
"Smith, Katherine R. EOP/CEQ" <(b) (6)>  
"Drummond, Michael R. EOP/CEQ" <(b) (6)>  
"Osterhues, Marlys A. EOP/CEQ" <(b) (6)>  
"Herrgott, Alex H. EOP/CEQ" <(b) (6)>  
"Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
"Schneider, Daniel J. EOP/CEQ" <(b) (6)>

---

Participant Dial-In: (b) (6) Participant Code: (b) (6)

## Re: HOLD: Interagency Phone Call on CEQ NEPA ANPRM

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Date:** Tue, 29 May 2018 22:03:01 -0400

---

Have the call later this week.

Sent from my iPhone

On May 29, 2018, at 9:36 PM, Boling, Ted A. EOP/CEQ <(b) (6)> wrote:

---

[What's the plan?](#)

-----Original Appointment-----

**From:** Szabo, Aaron L. EOP/CEQ

**Sent:** Tuesday, May 29, 2018 9:36 PM

**To:** Seale, Viktoria Z. EOP/CEQ; Boling, Ted A. EOP/CEQ; Barnett, Steven W. EOP/CEQ; Sharp, Thomas L. EOP/CEQ; Loyola, Mario A. EOP/CEQ; Smith, Katherine R. EOP/CEQ; Drummond, Michael R. EOP/CEQ; Osterhues, Marlys A. EOP/CEQ; Herrgott, Alex H. EOP/CEQ; Pettigrew, Theresa L. EOP/CEQ; Schneider, Daniel J. EOP/CEQ

**Subject:** Canceled: HOLD: Interagency Phone Call on CEQ NEPA ANPRM

**When:** Wednesday, May 30, 2018 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** 734 JP 2nd Floor

**Importance:** High

**Participant Dial-In:** (b) (6) **Participant Code:** (b) (6)

# Canceled: HOLD: Interagency Phone Call on CEQ NEPA ANPRM

---

Where: 734 JP 2nd Floor

When: Wed May 30 15:00:00 2018 (America/New\_York)

Until: Wed May 30 16:00:00 2018 (America/New\_York)

Organiser: "Szabo, Aaron L. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

Required Attendees  
:  
"Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
"Boling, Ted A. EOP/CEQ" <(b) (6)>  
"Barnett, Steven W. EOP/CEQ" <(b) (6)>  
"Sharp, Thomas L. EOP/CEQ" <(b) (6)>  
"Loyola, Mario A. EOP/CEQ" <(b) (6)>  
"Smith, Katherine R. EOP/CEQ" <(b) (6)>  
"Drummond, Michael R. EOP/CEQ" <(b) (6)>  
"Osterhues, Marlys A. EOP/CEQ" <(b) (6)>  
"Herrgott, Alex H. EOP/CEQ" <(b) (6)>  
"Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
"Schneider, Daniel J. EOP/CEQ" <(b) (6)>

---

Participant Dial-In: (b) (6) Participant Code: (b) (6)

## FOR REVIEW: Response to Interagency Comments on CEQ ANPRM

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 29 May 2018 21:35:27 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-29-18.docx (33.05 kB)

---

Mary and Viktoria,

Please find attached the cleared staff comments on the response to interagency comments on CEQ ANPRM.

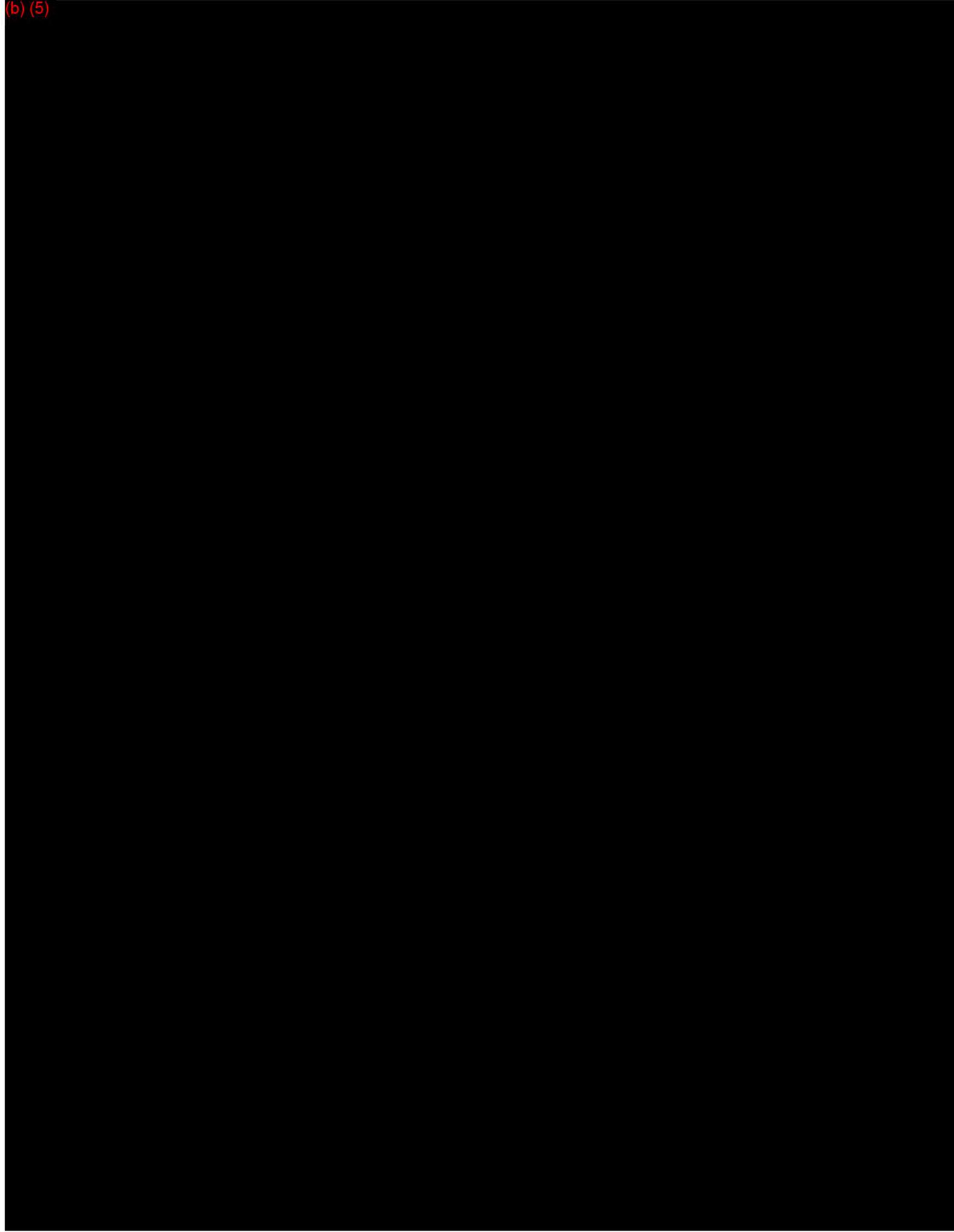
Let me know if you would like to talk through the comments. I am going to cancel the phone call for tomorrow, but would like to try and schedule one either Thursday or Friday.

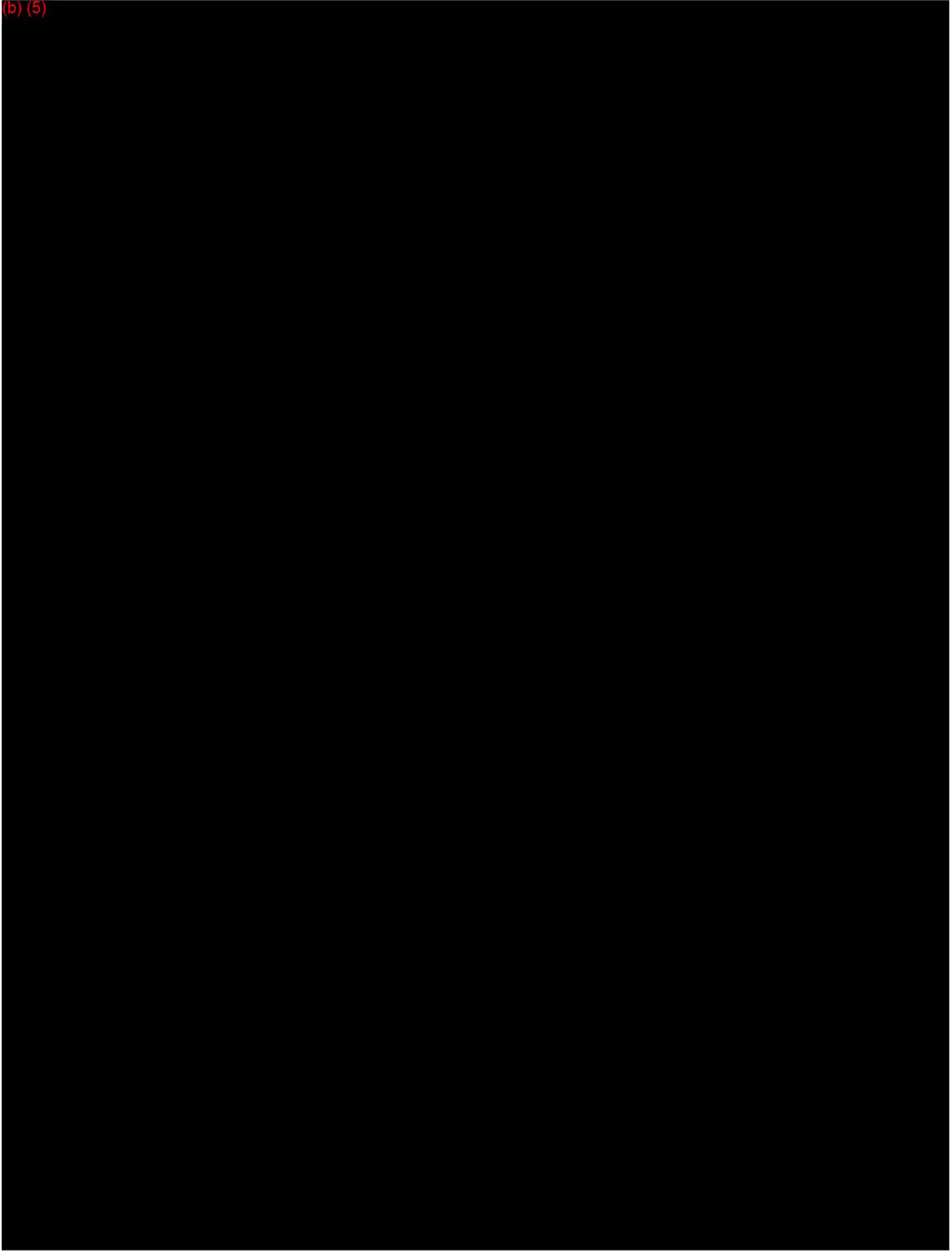
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

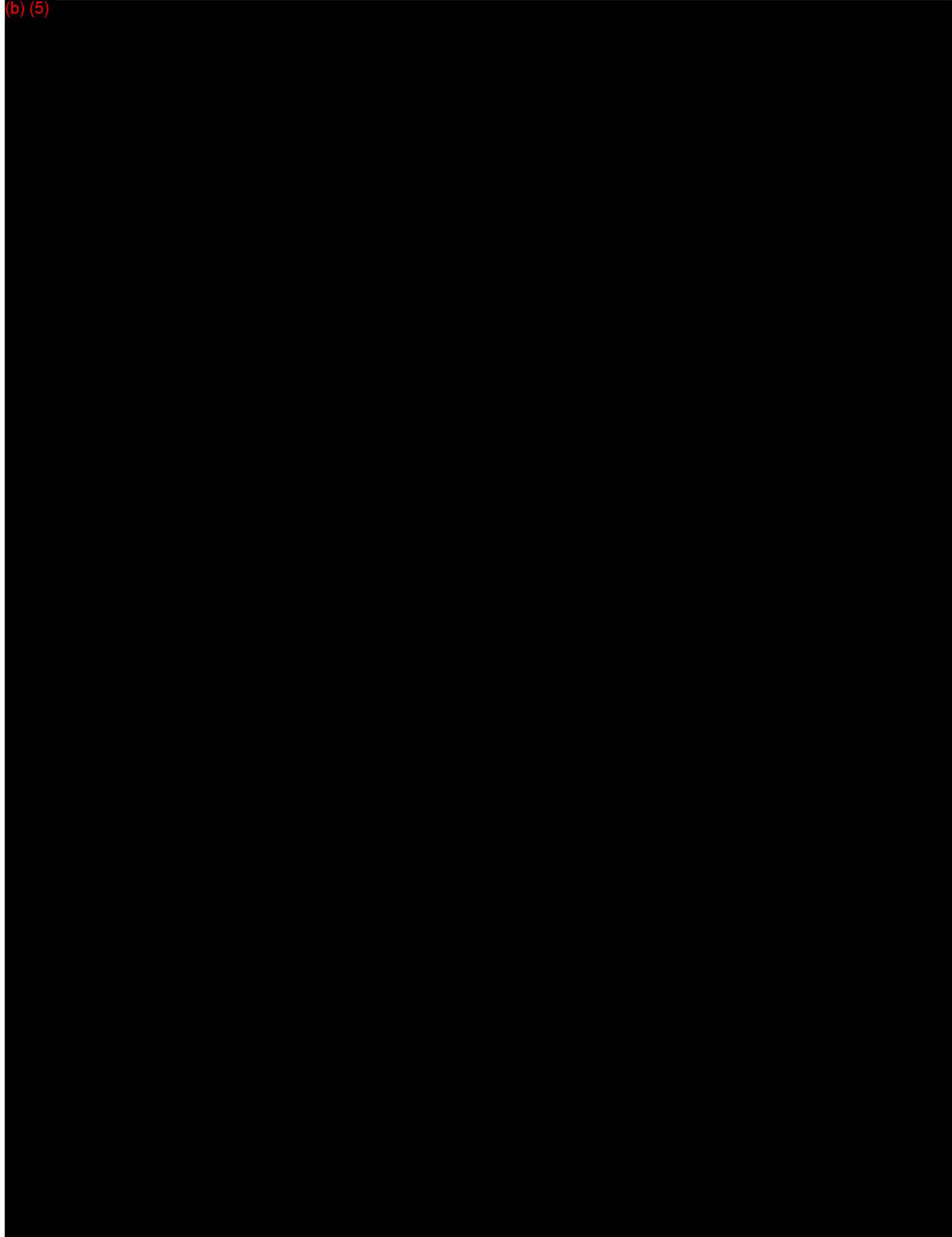
(b) (6) (Desk)

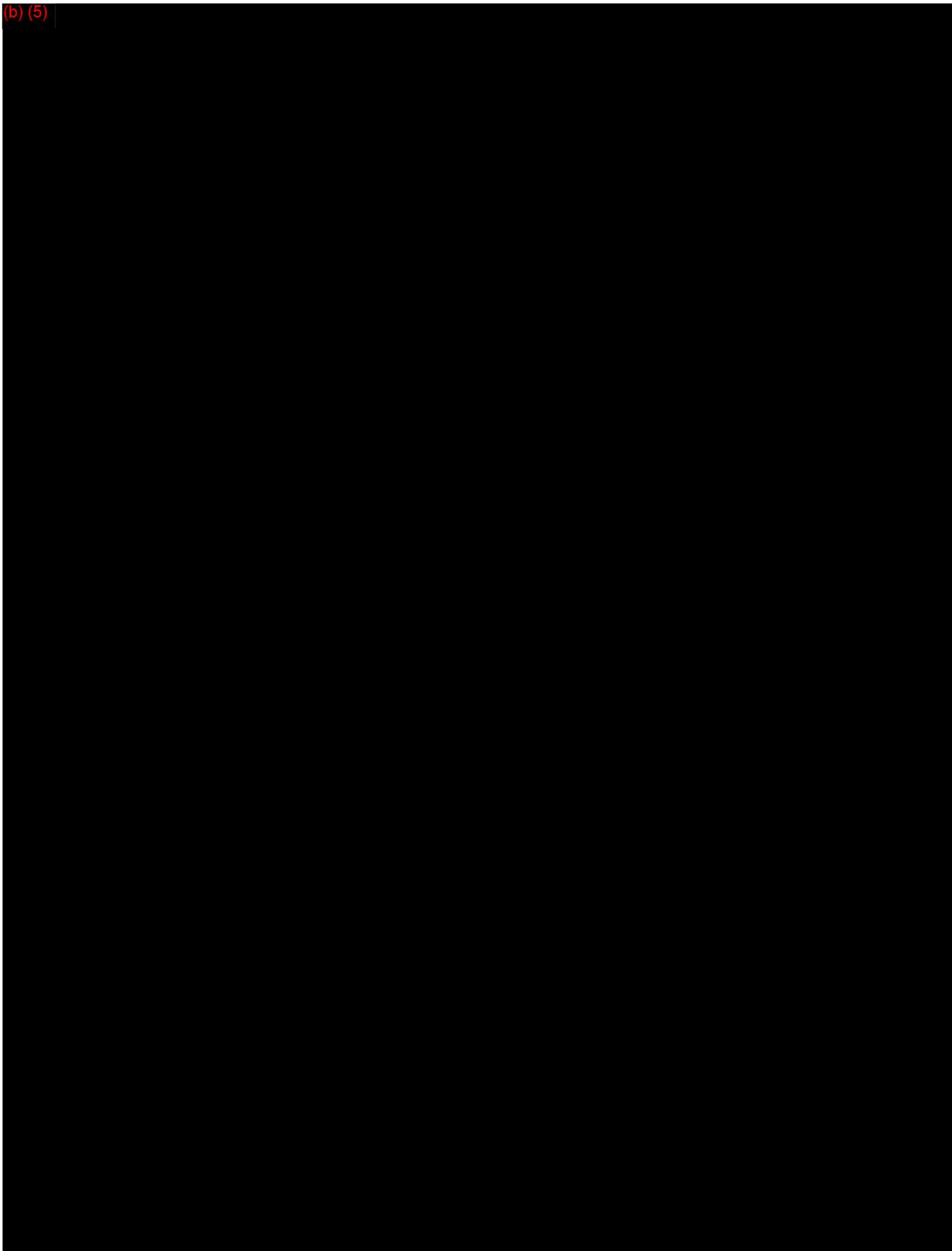
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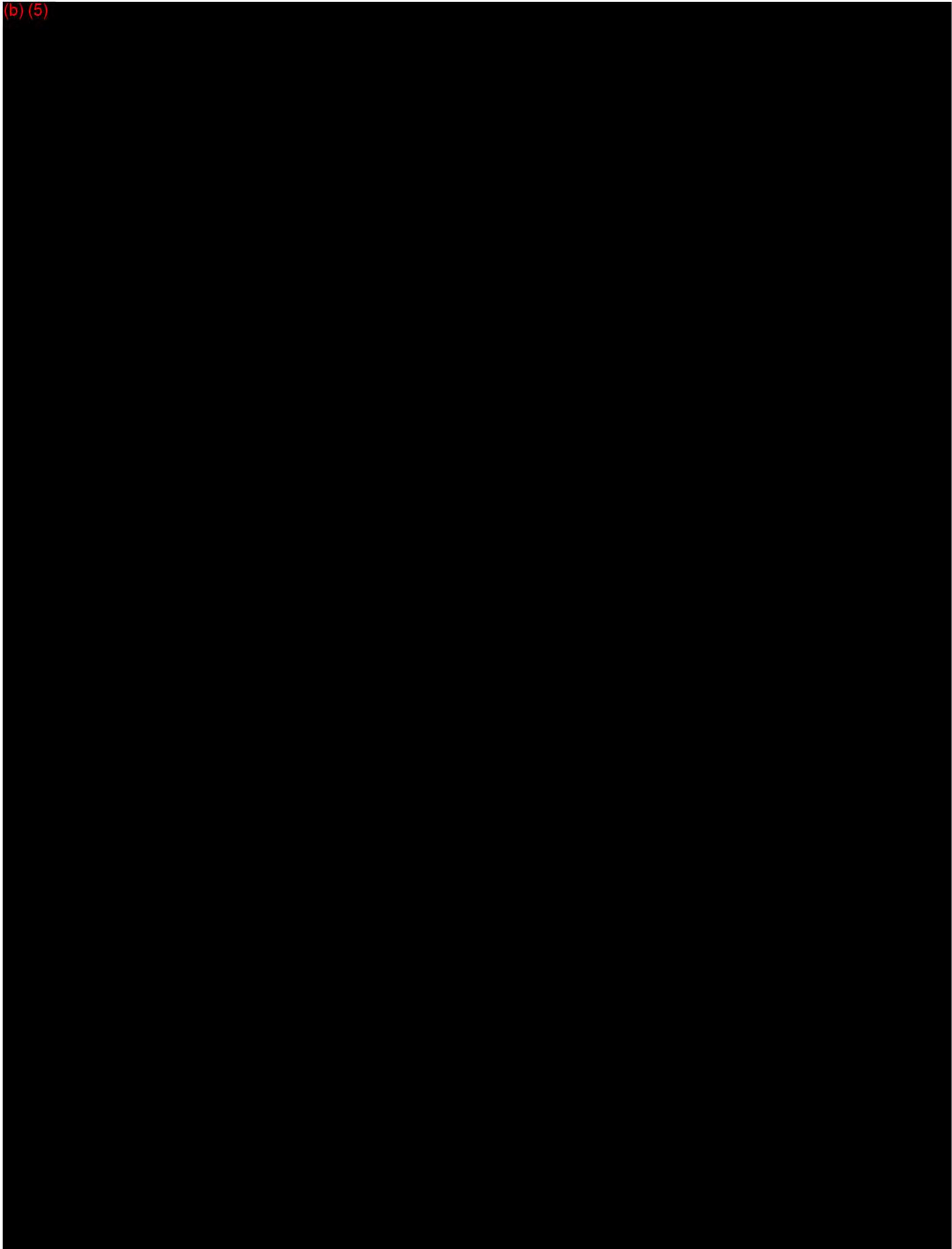
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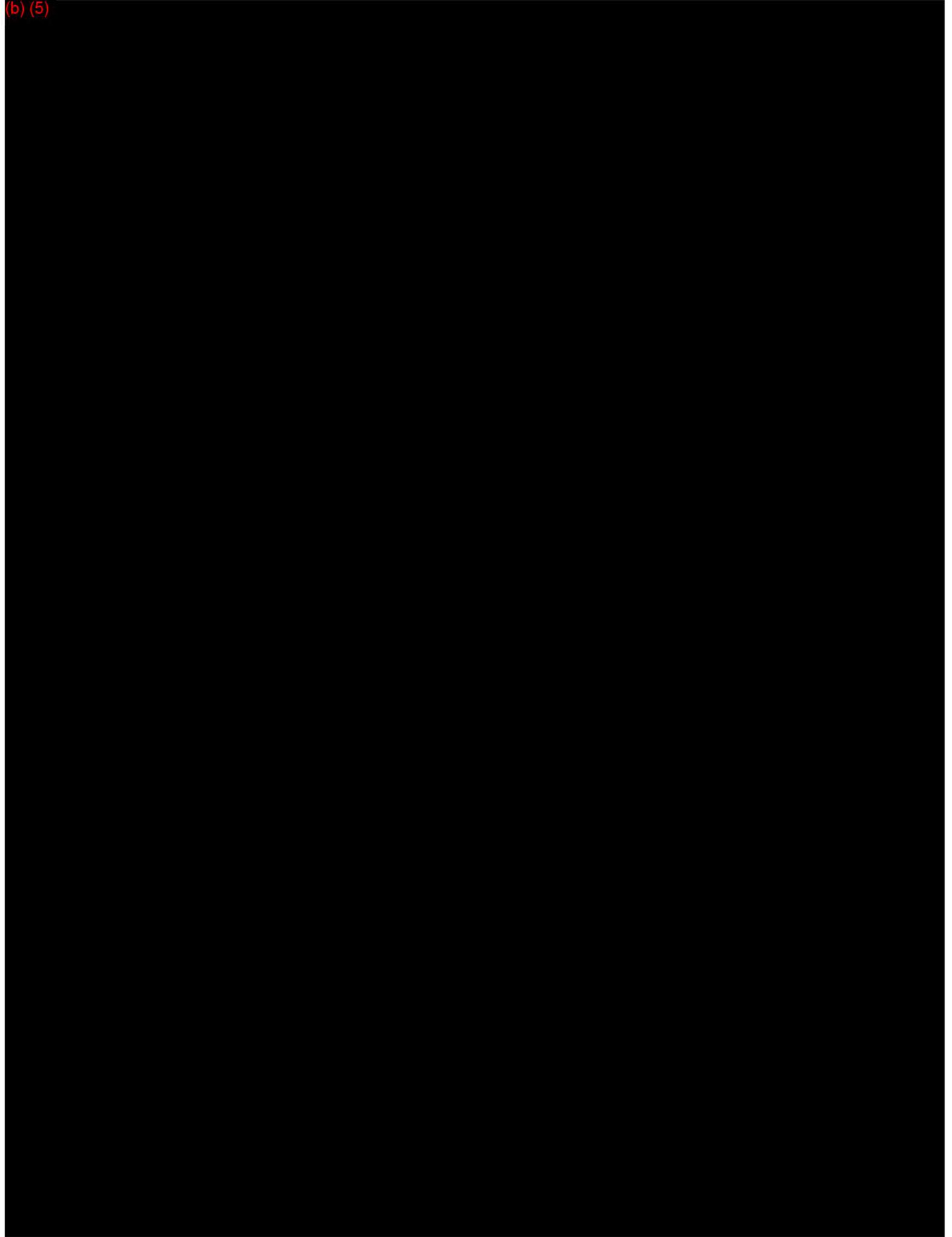


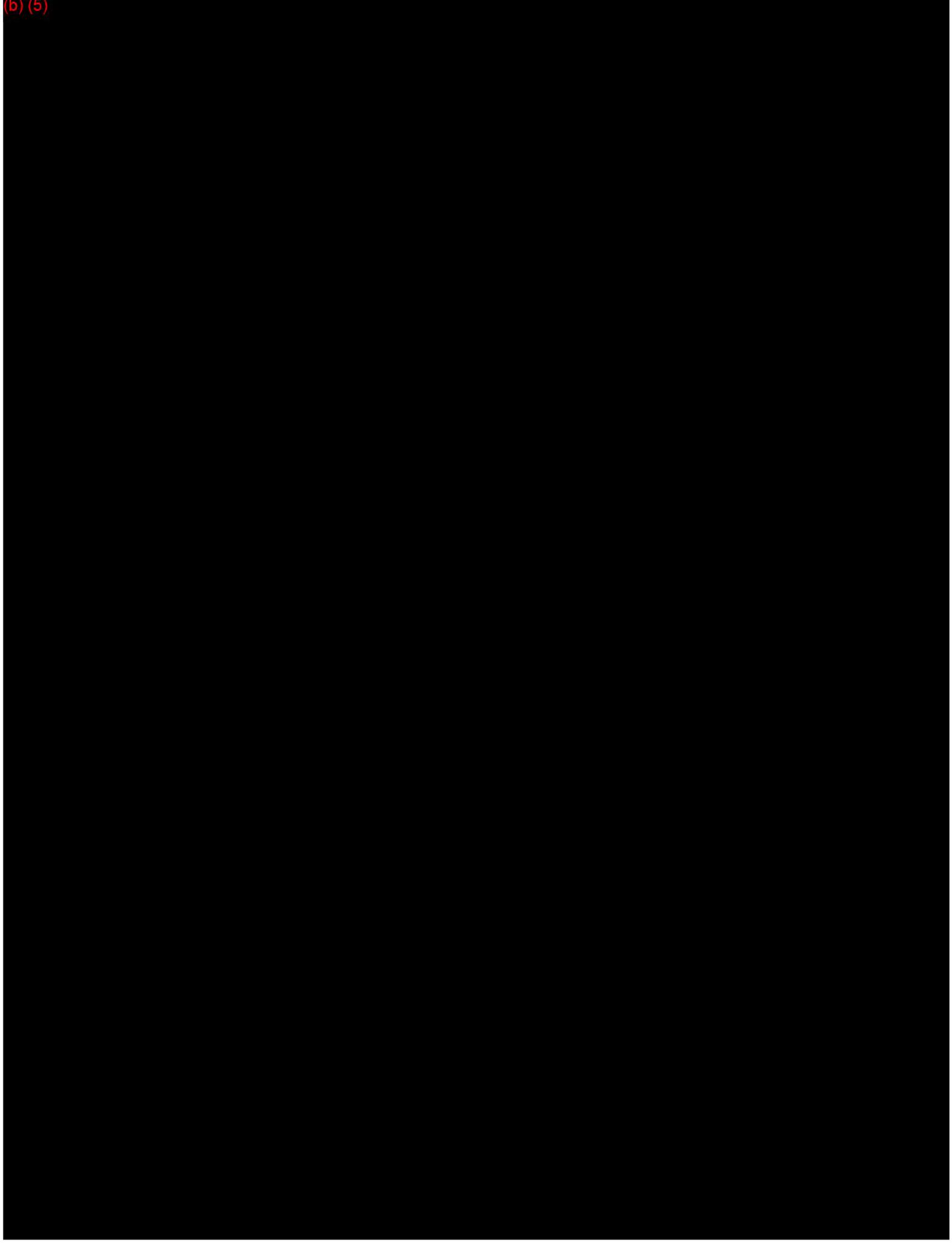


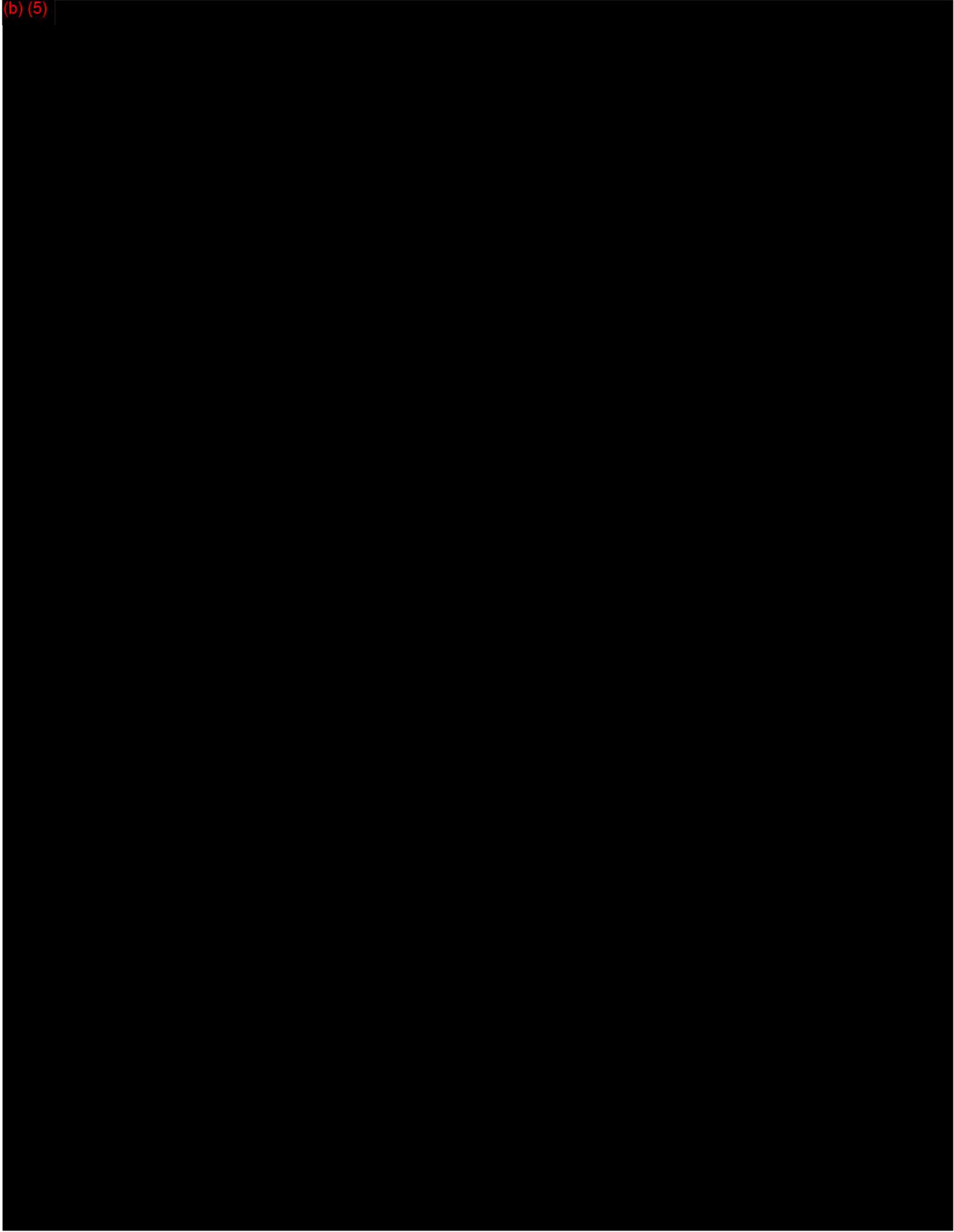


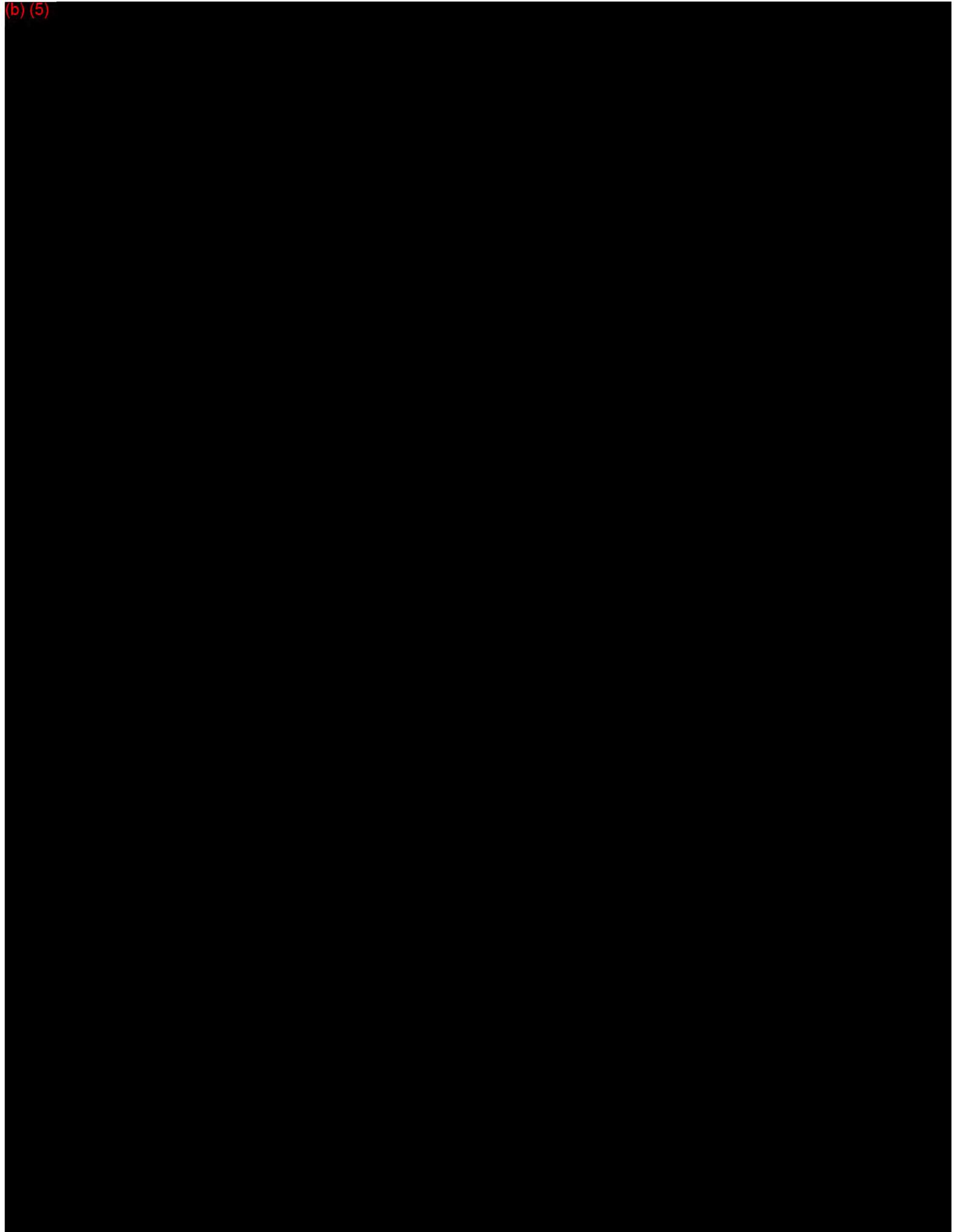












# FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
"Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)>  
<(b) (6)> "Barnett, Steven W. EOP/CEQ"  
<(b) (6)> "Sharp, Thomas L. EOP/CEQ"  
<(b) (6)> "Loyola, Mario A. EOP/CEQ"  
**To:** <(b) (6)> "Smith, Katherine R. EOP/CEQ"  
<(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)> "Osterhues, Marlys A. EOP/CEQ"  
<(b) (6)> "Herrgott, Alex H. EOP/CEQ"  
<(b) (6)> "Pettigrew, Theresa L. EOP/CEQ"  
<(b) (6)> "Schneider, Daniel J. EOP/CEQ"  
<(b) (6)>  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 29 May 2018 13:52:58 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-29-18.docx (32.87 kB)

---

All,

Please find attached for your review **by COB today**, CEQ's draft responses to the interagency comments that we received on the CEQ ANPRM.

Thank you Tom for putting this together.

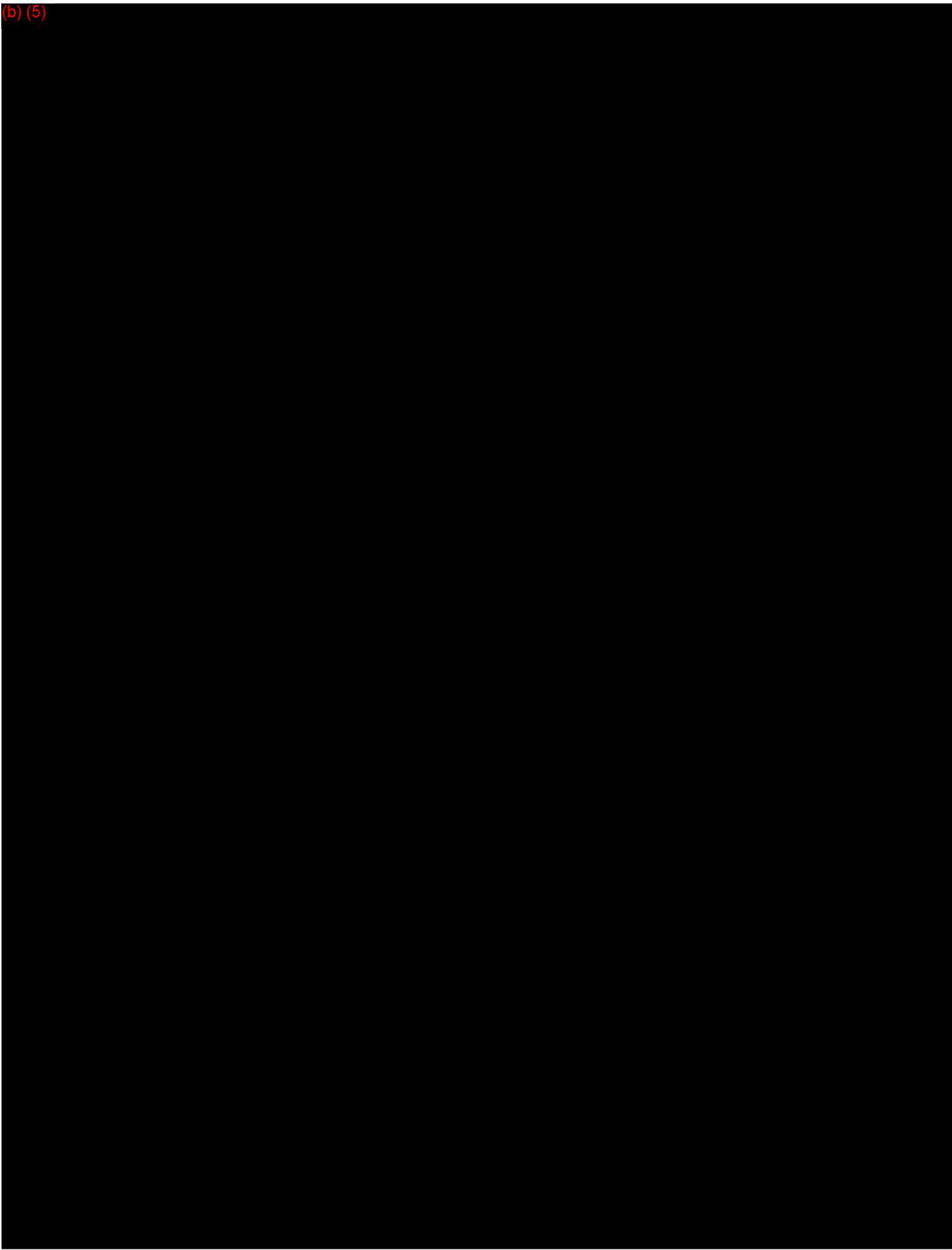
Please let Tom or I know if you have any questions.

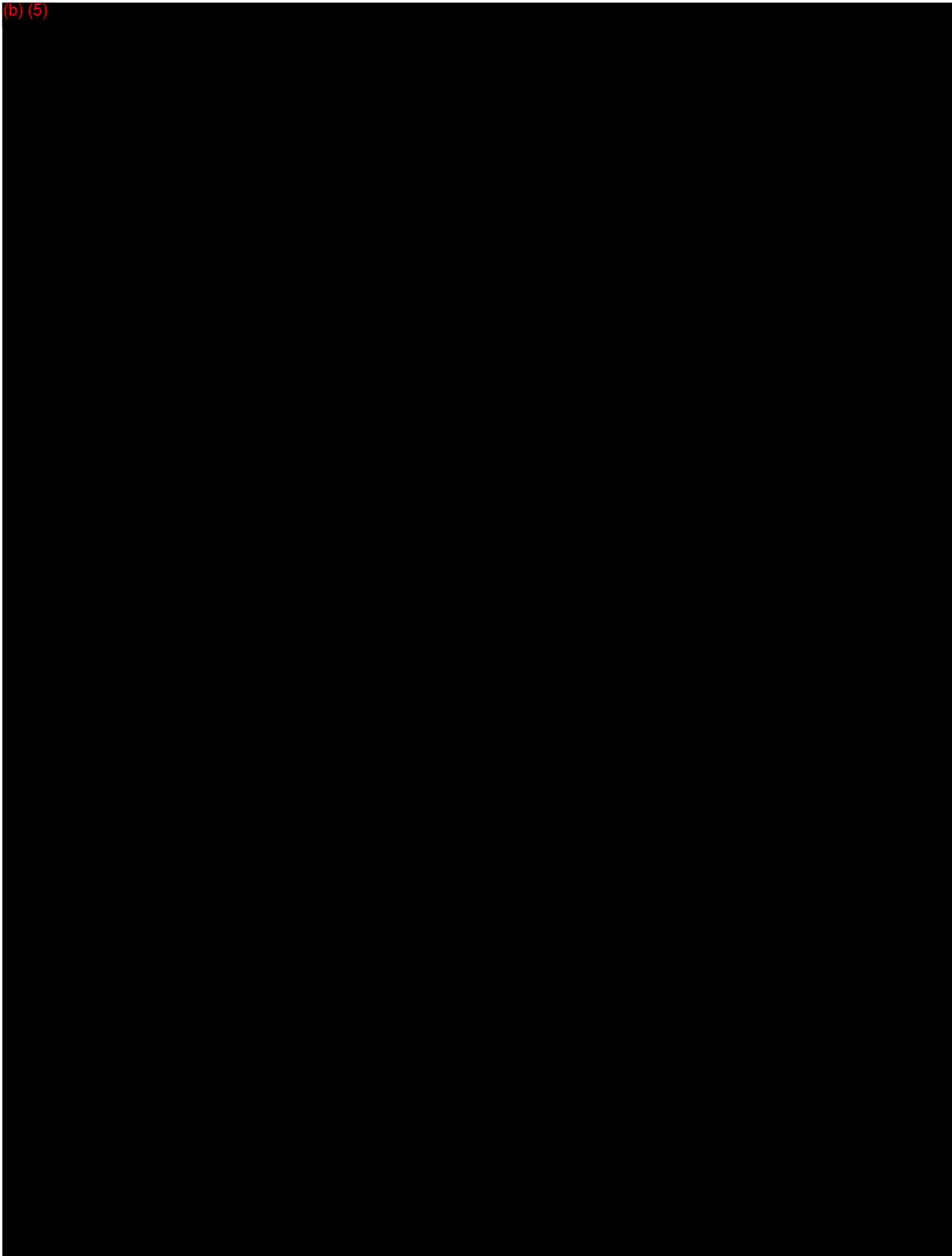
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

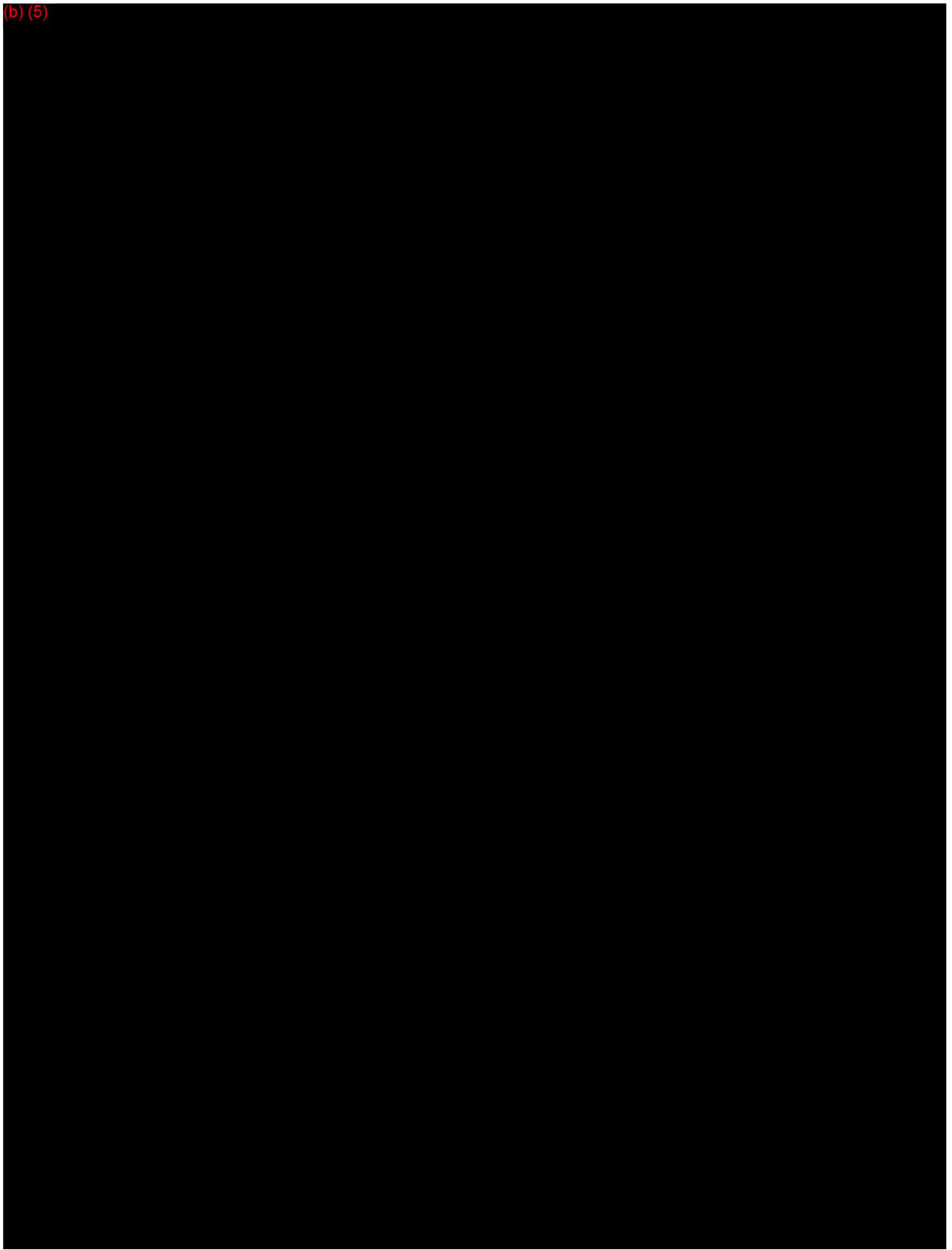
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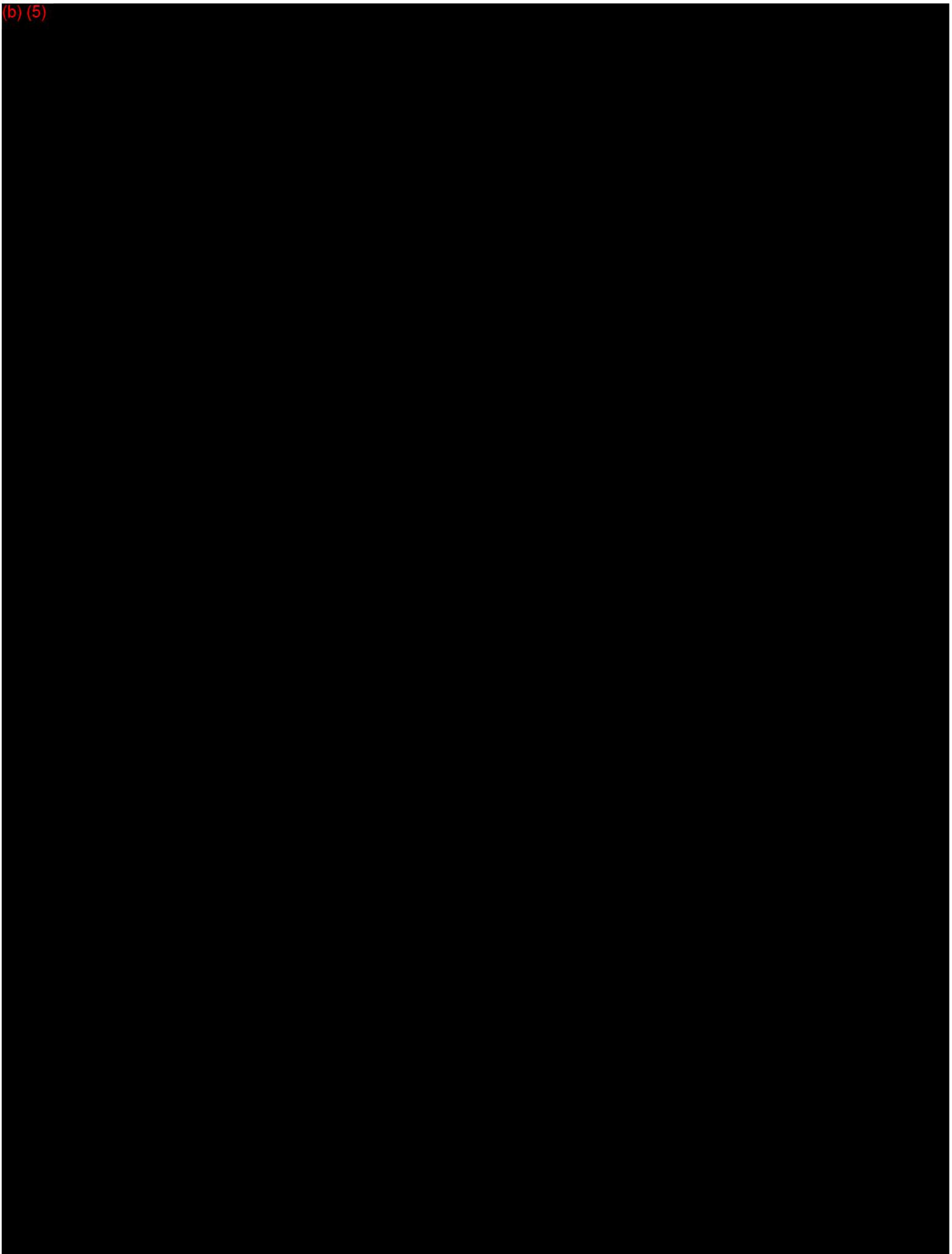
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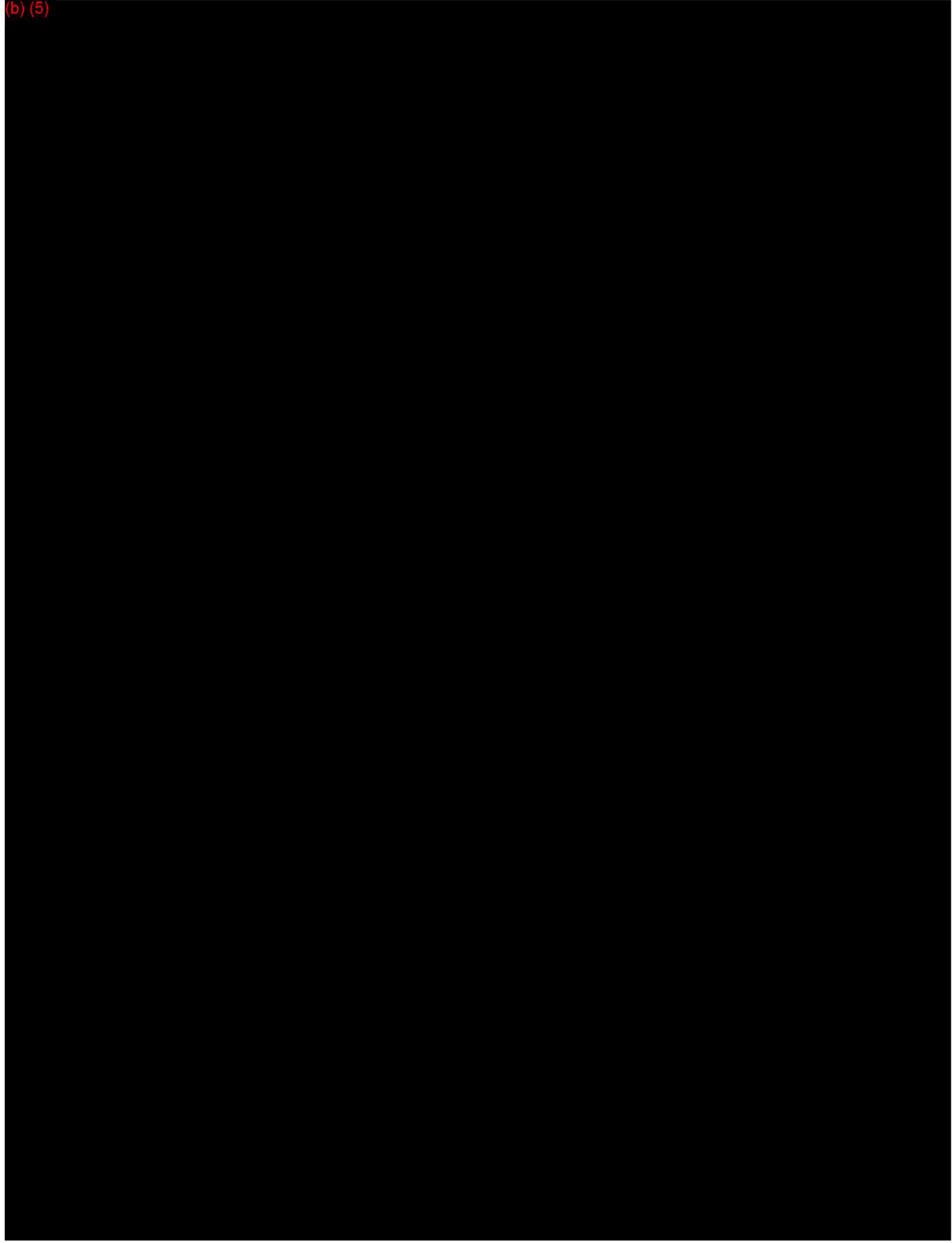
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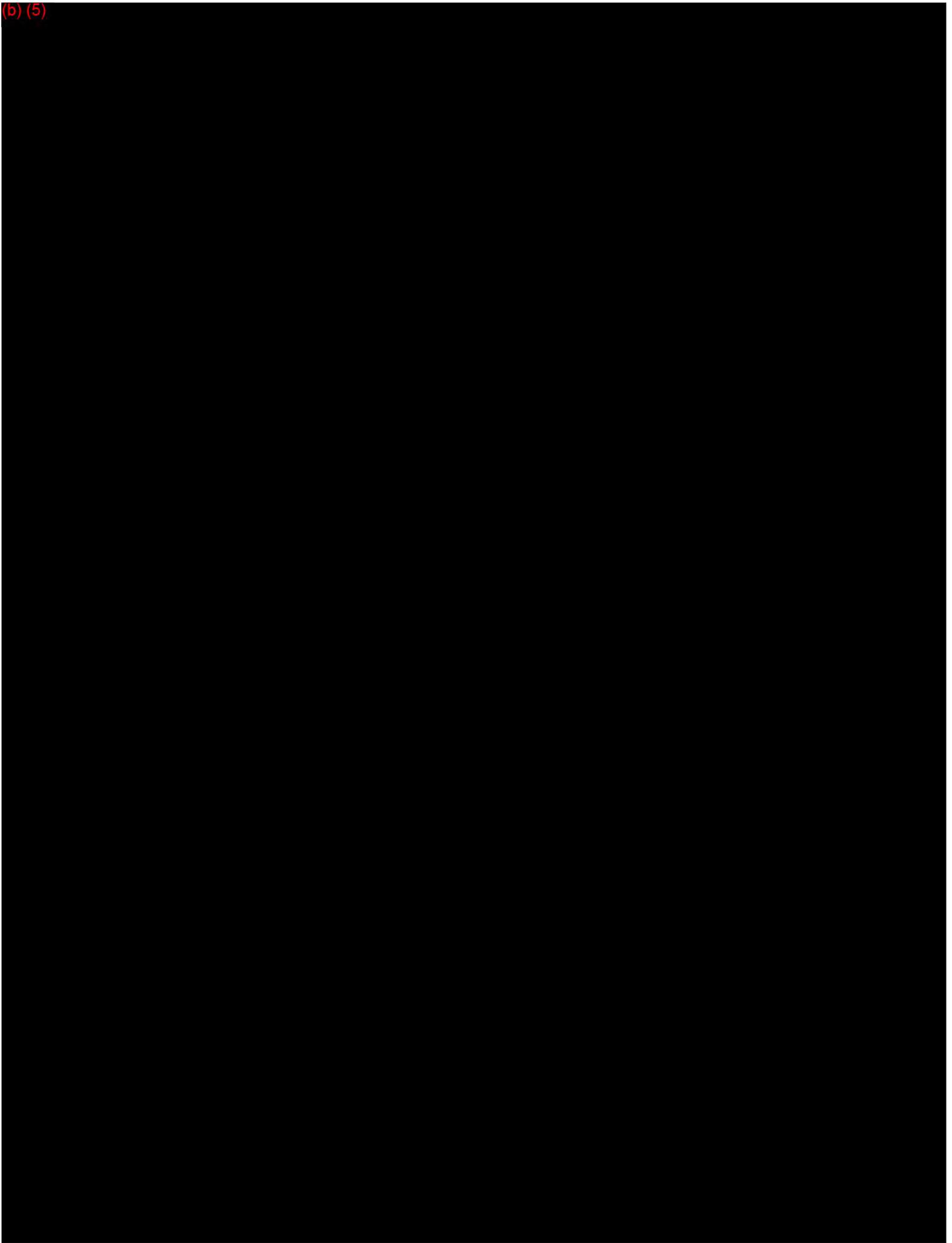


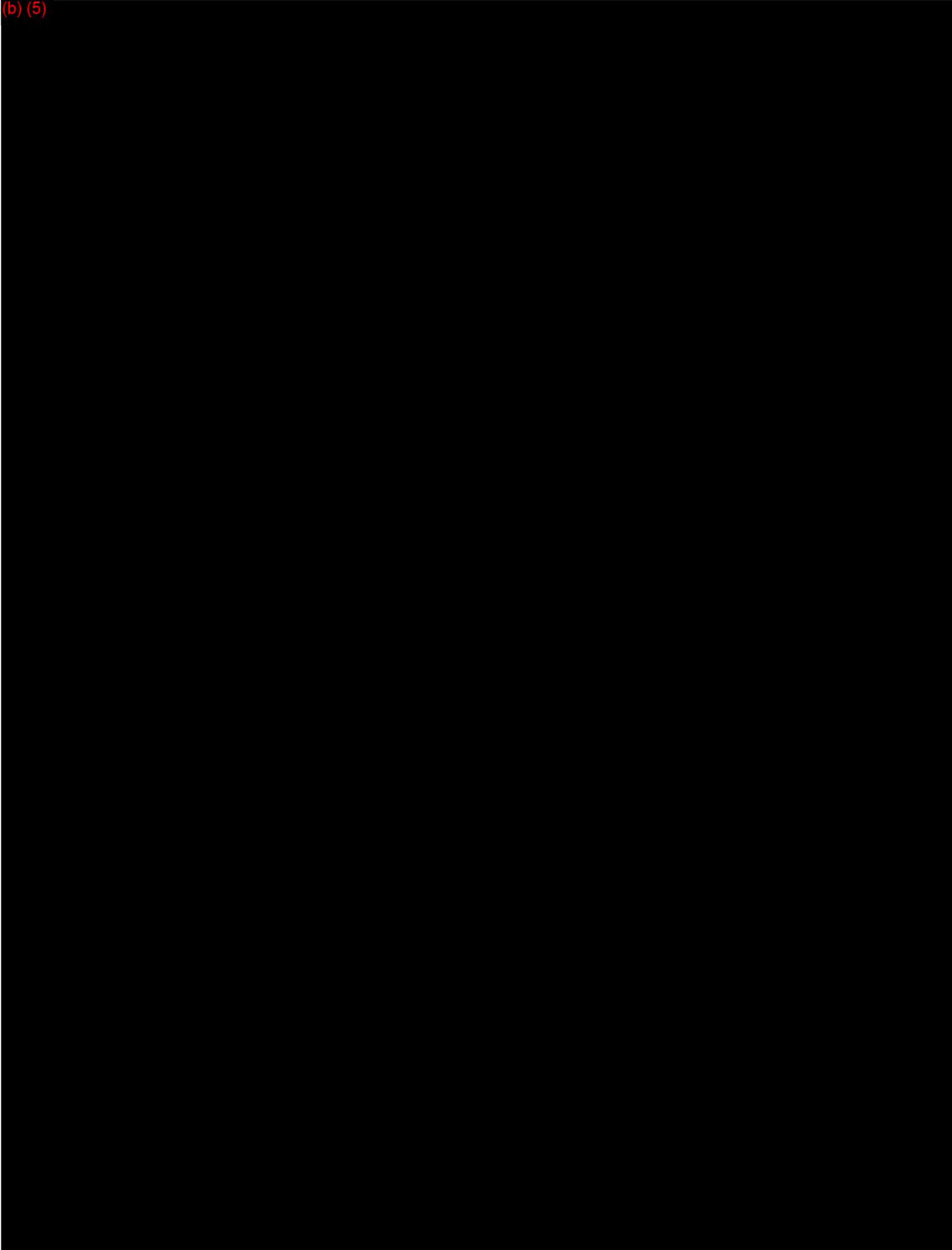


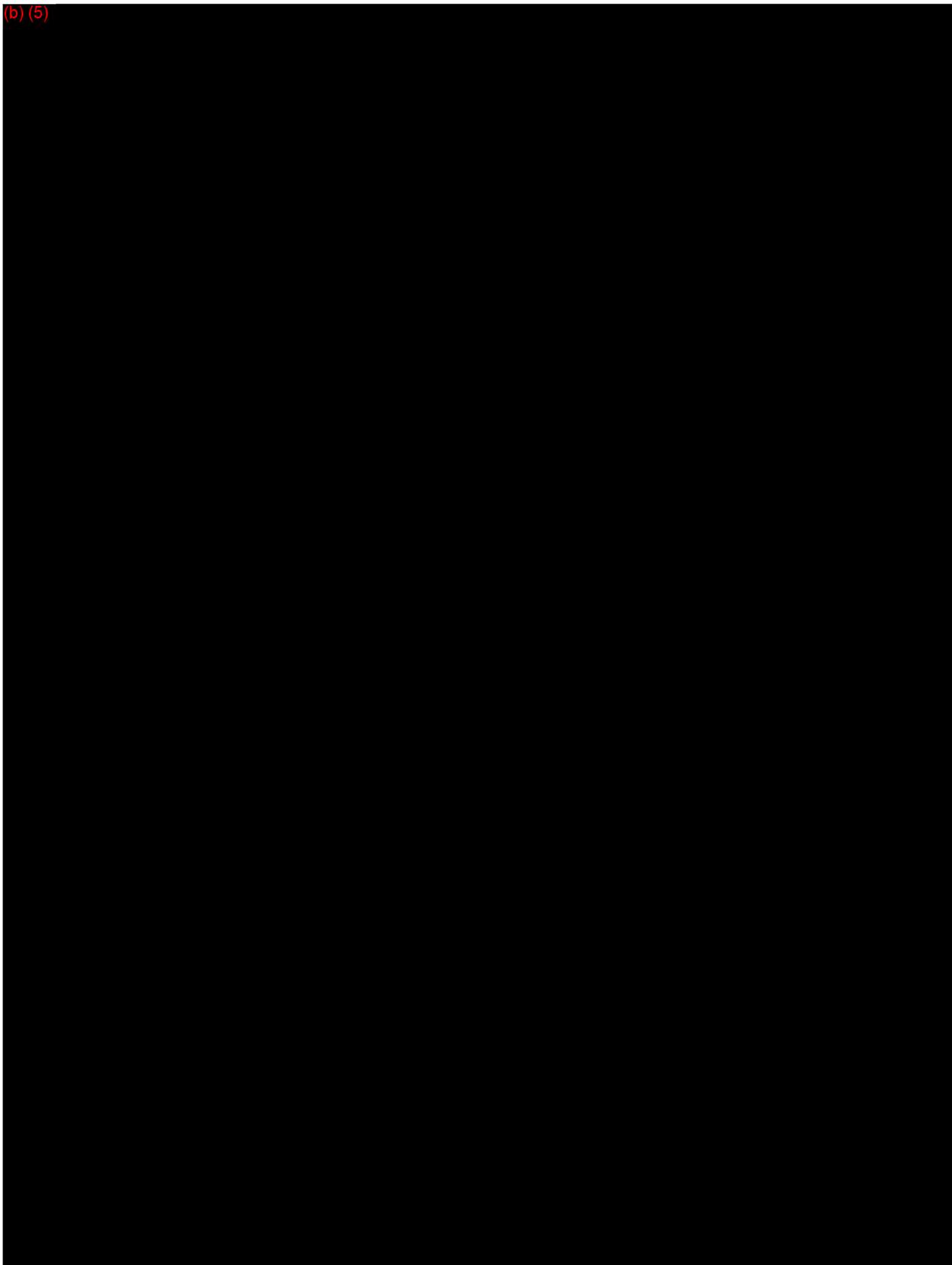


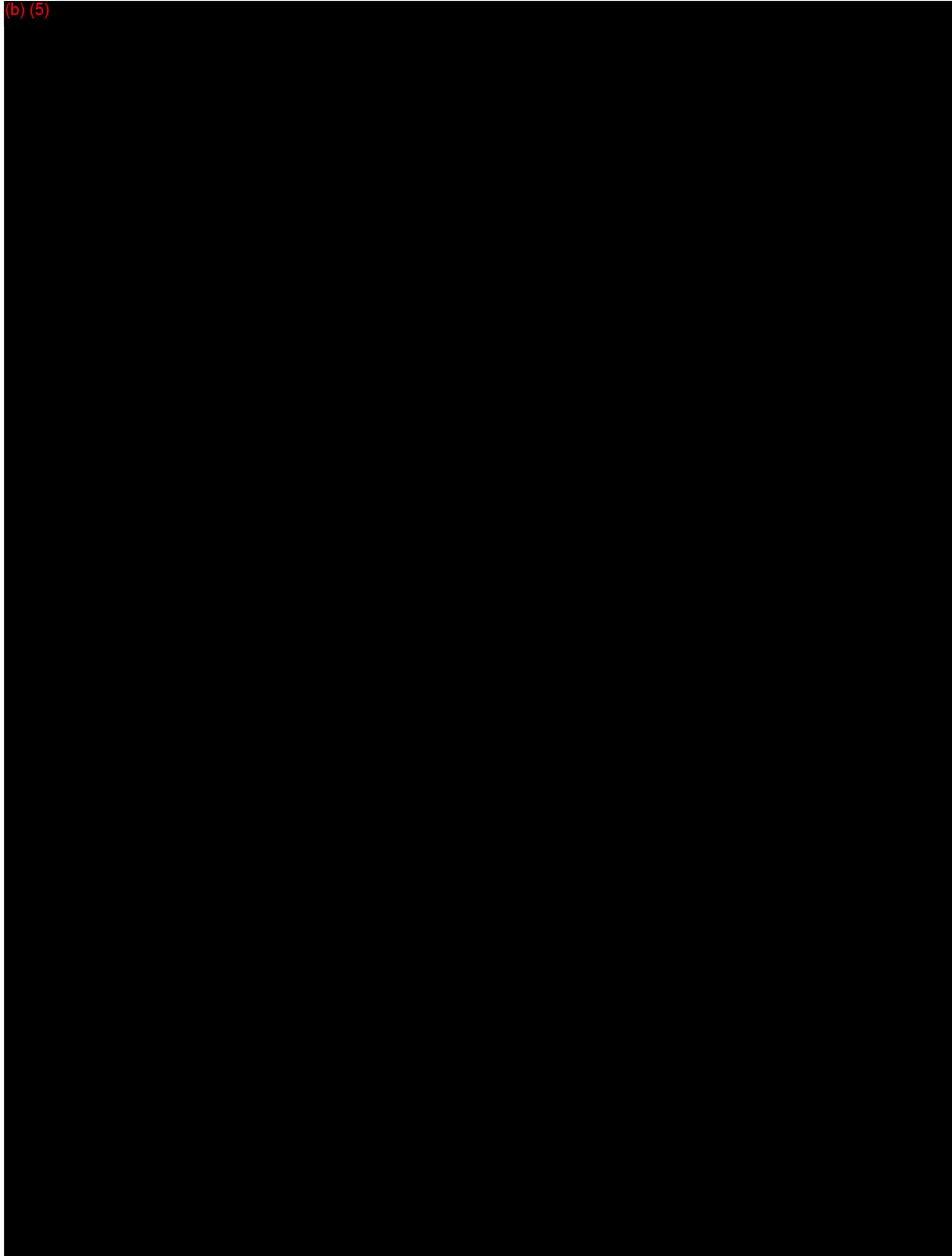












## RE: HOLD: Interagency Phone Call on CEQ NEPA ANPRM

---

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**Date:** Tue, 29 May 2018 21:36:29 -0400

---

What's the plan?

-----Original Appointment-----

**From:** Szabo, Aaron L. EOP/CEQ

**Sent:** Tuesday, May 29, 2018 9:36 PM

**To:** Seale, Viktoria Z. EOP/CEQ; Boling, Ted A. EOP/CEQ; Barnett, Steven W. EOP/CEQ; Sharp, Thomas L. EOP/CEQ; Loyola, Mario A. EOP/CEQ; Smith, Katherine R. EOP/CEQ; Drummond, Michael R. EOP/CEQ; Osterhues, Marlys A. EOP/CEQ; Herrgott, Alex H. EOP/CEQ; Pettigrew, Theresa L. EOP/CEQ; Schneider, Daniel J. EOP/CEQ

**Subject:** Canceled: HOLD: Interagency Phone Call on CEQ NEPA ANPRM

**When:** Wednesday, May 30, 2018 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** 734 JP 2nd Floor

**Importance:** High

Participant Dial-In: (b) (6) Participant Code: (b) (6)

# RE: FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

**From:** "Smith, Katherine R. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlf)/cn=recipients/cn=e45de0bbb5ca4e87a4c4528ec12a7b03-sm">  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 29 May 2018 17:10:50 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-29-18\_KS Edits.docx (37.99 kB)

I've made a few small suggested edits for consistency within the document.

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 29, 2018 1:53 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ  
<(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)>  
Sharp, Thomas L. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ  
<(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
Drummond, Michael R. EOP/CEQ <(b) (6)> Osterhues, Marlys A. EOP/CEQ  
<(b) (6)> Herrgott, Alex H. EOP/CEQ <(b) (6)>  
Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ  
<(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

All,

Please find attached for your review **by COB today**, CEQ's draft responses to the interagency comments that we received on the CEQ ANPRM.

Thank you Tom for putting this together.

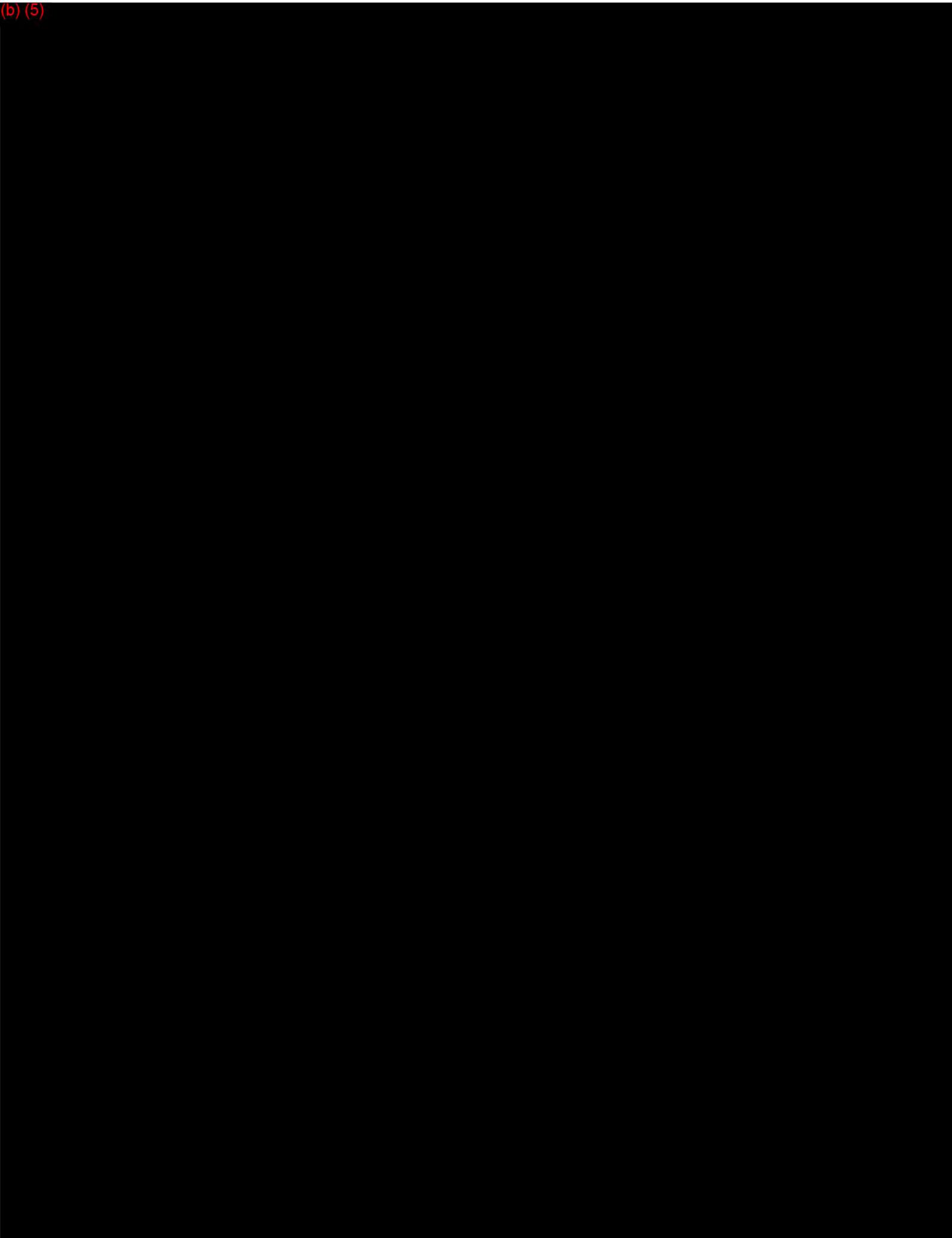
Please let Tom or I know if you have any questions.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

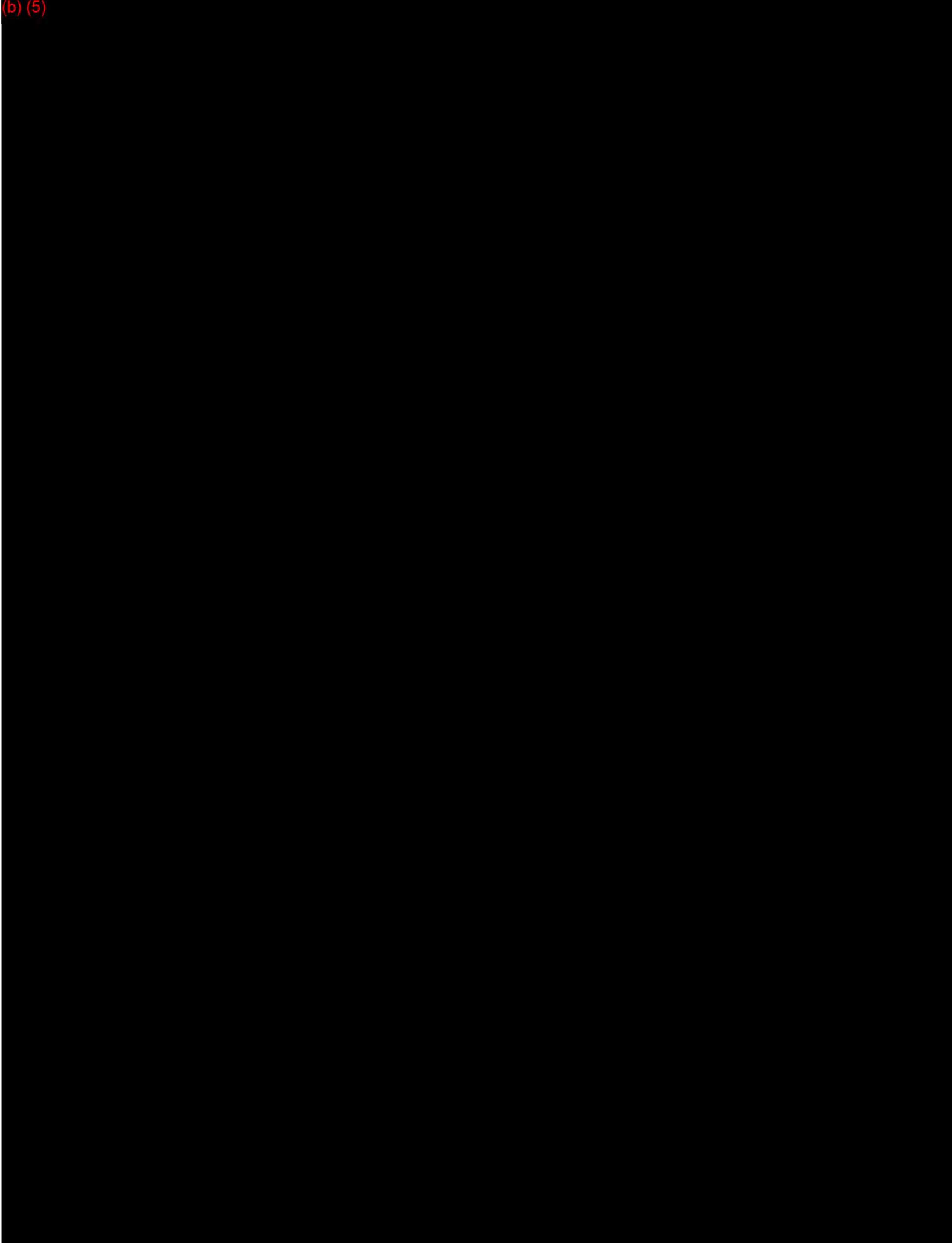
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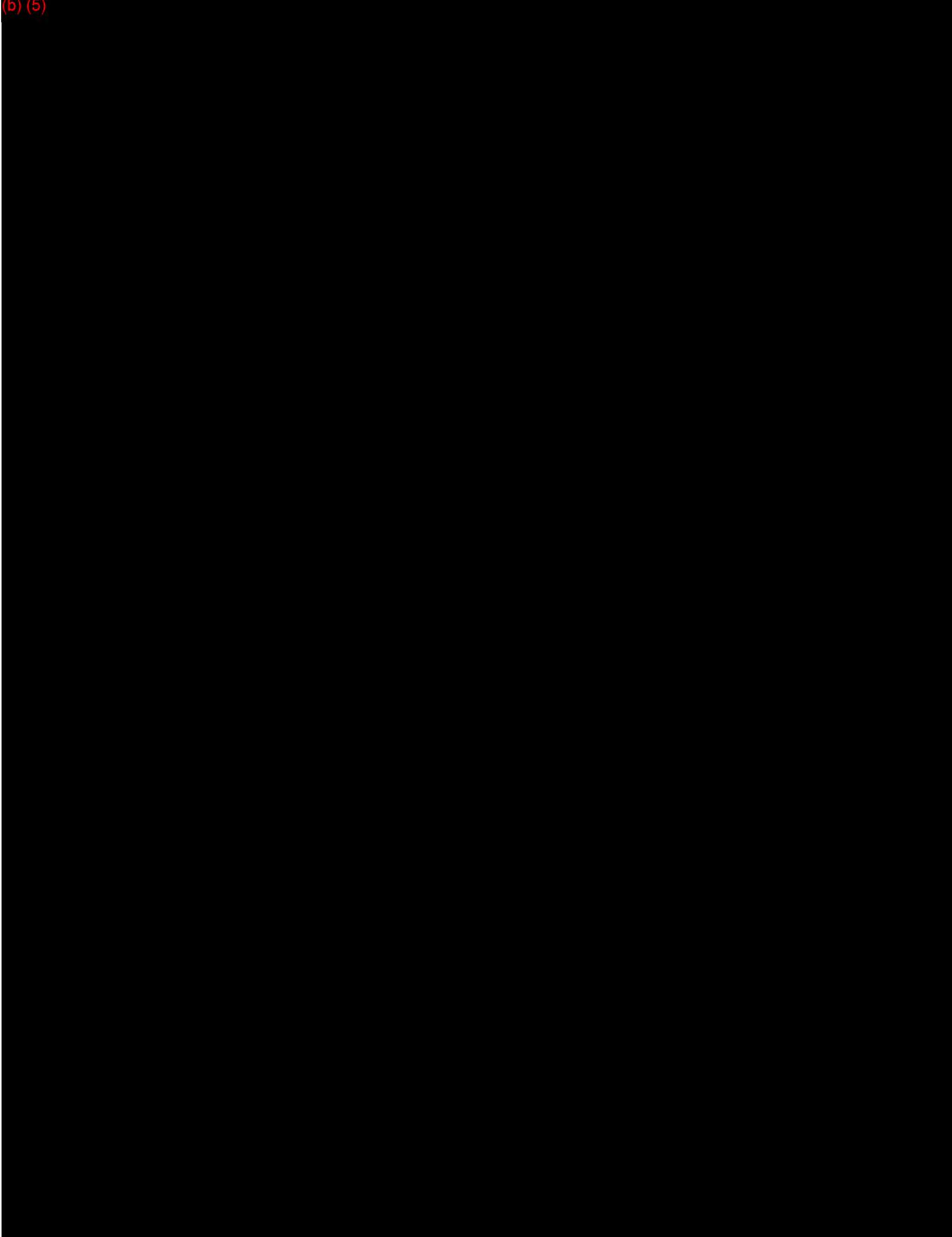
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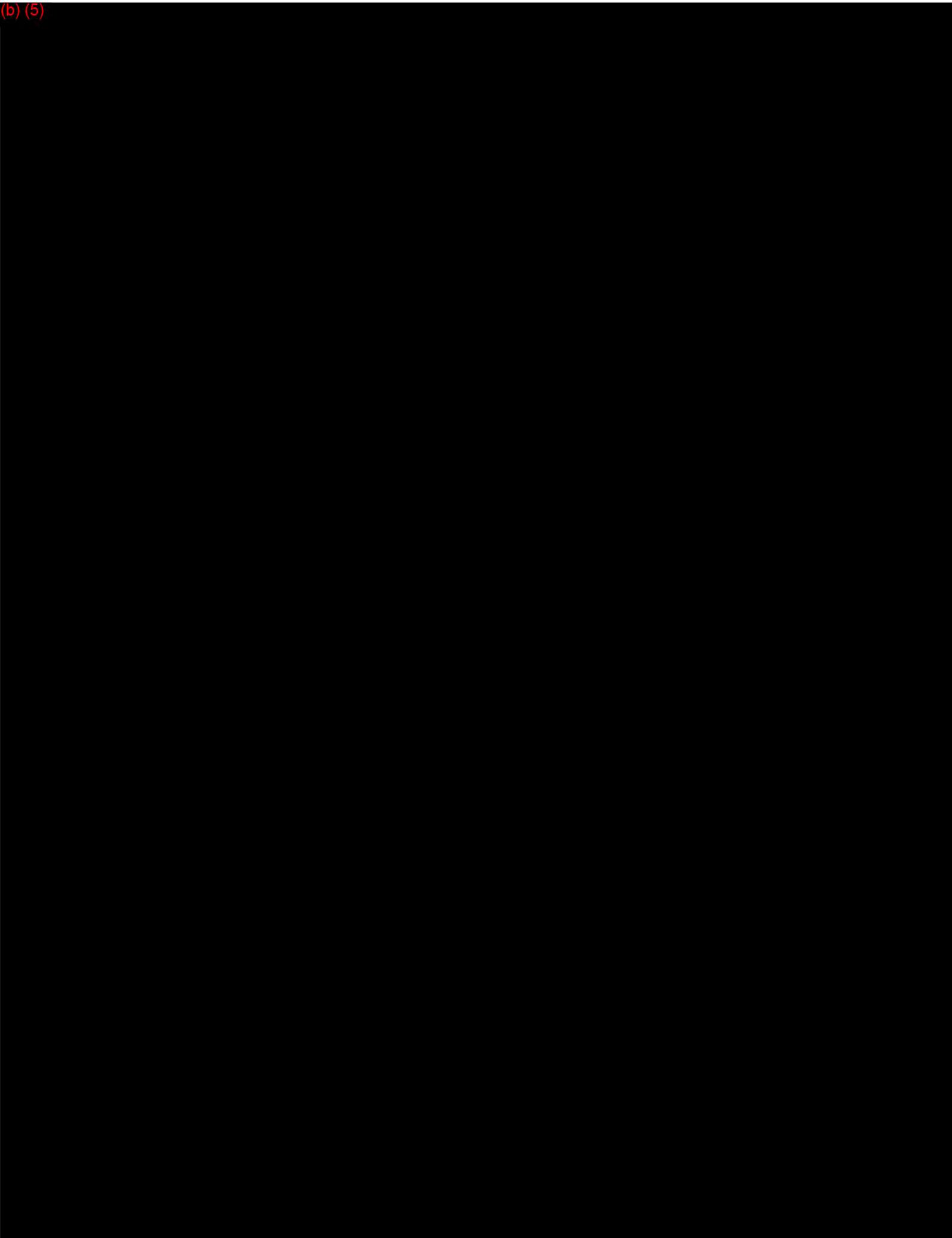
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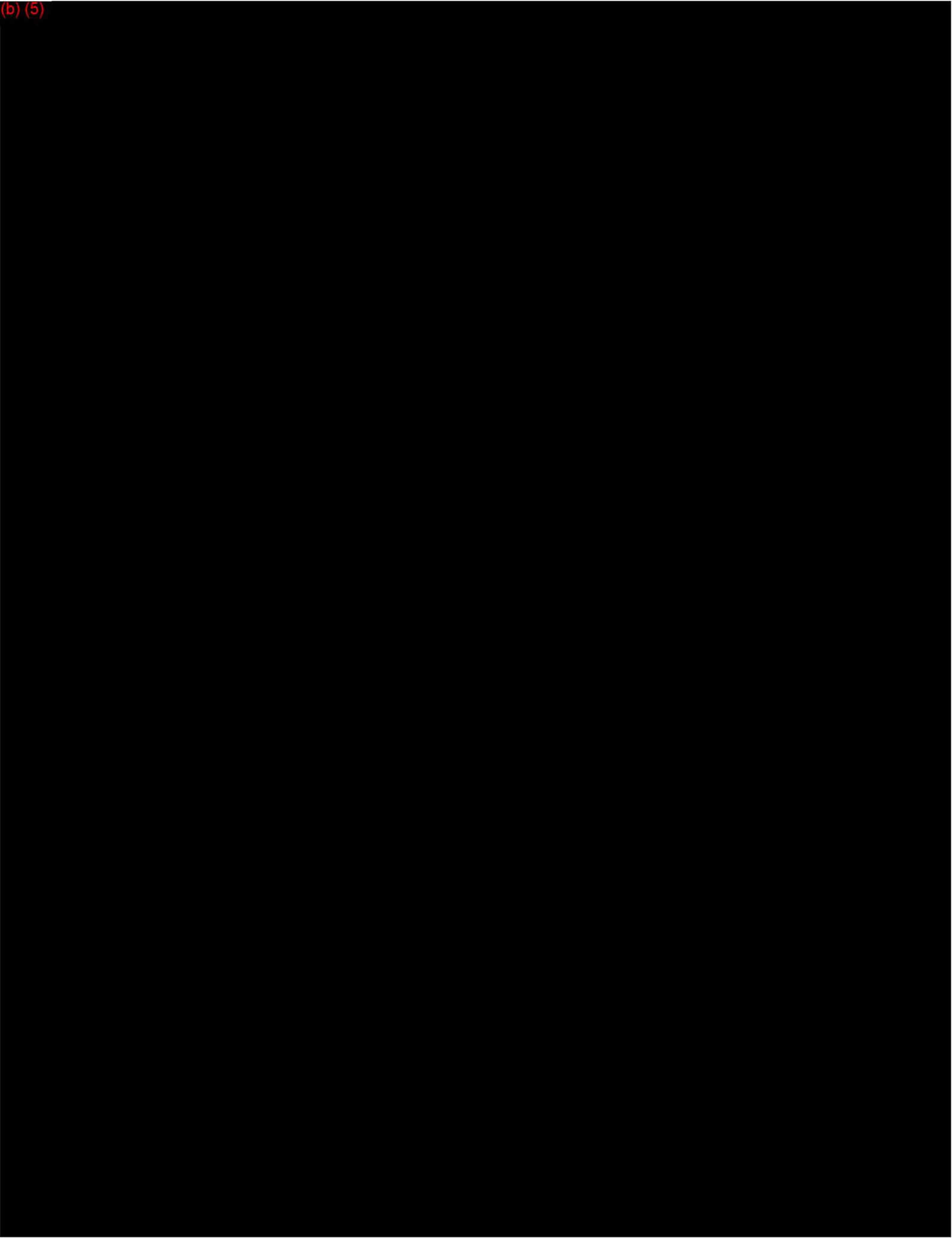


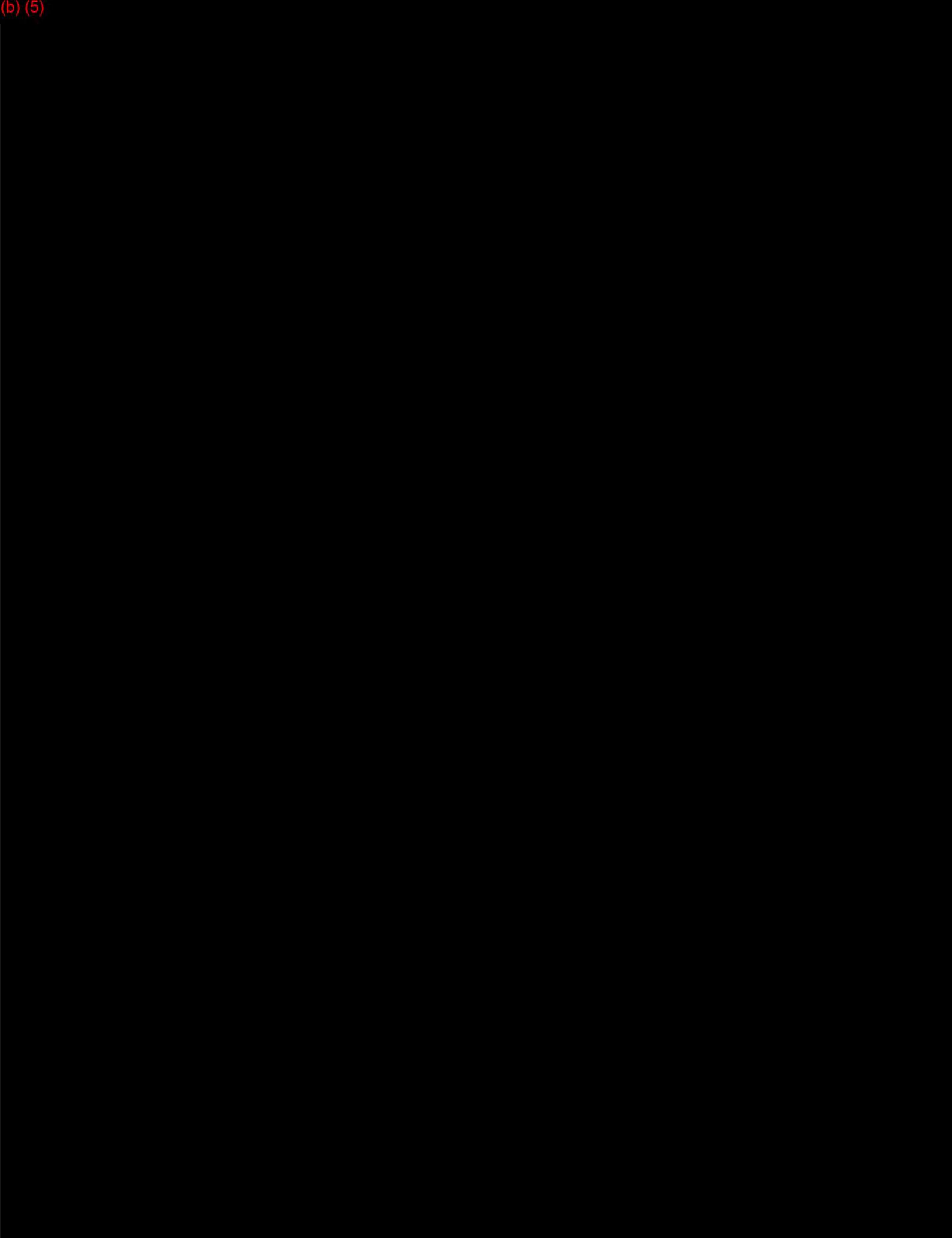


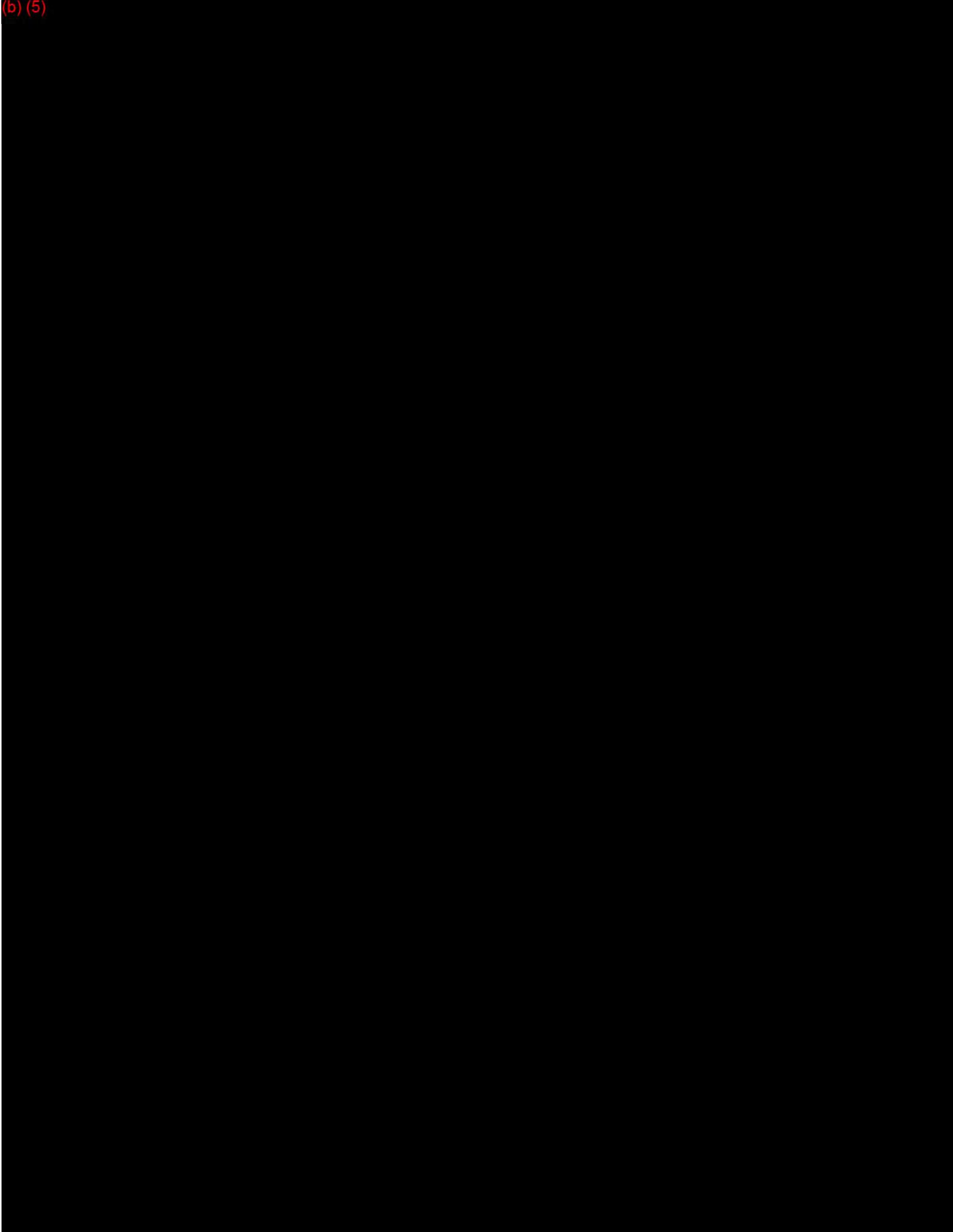


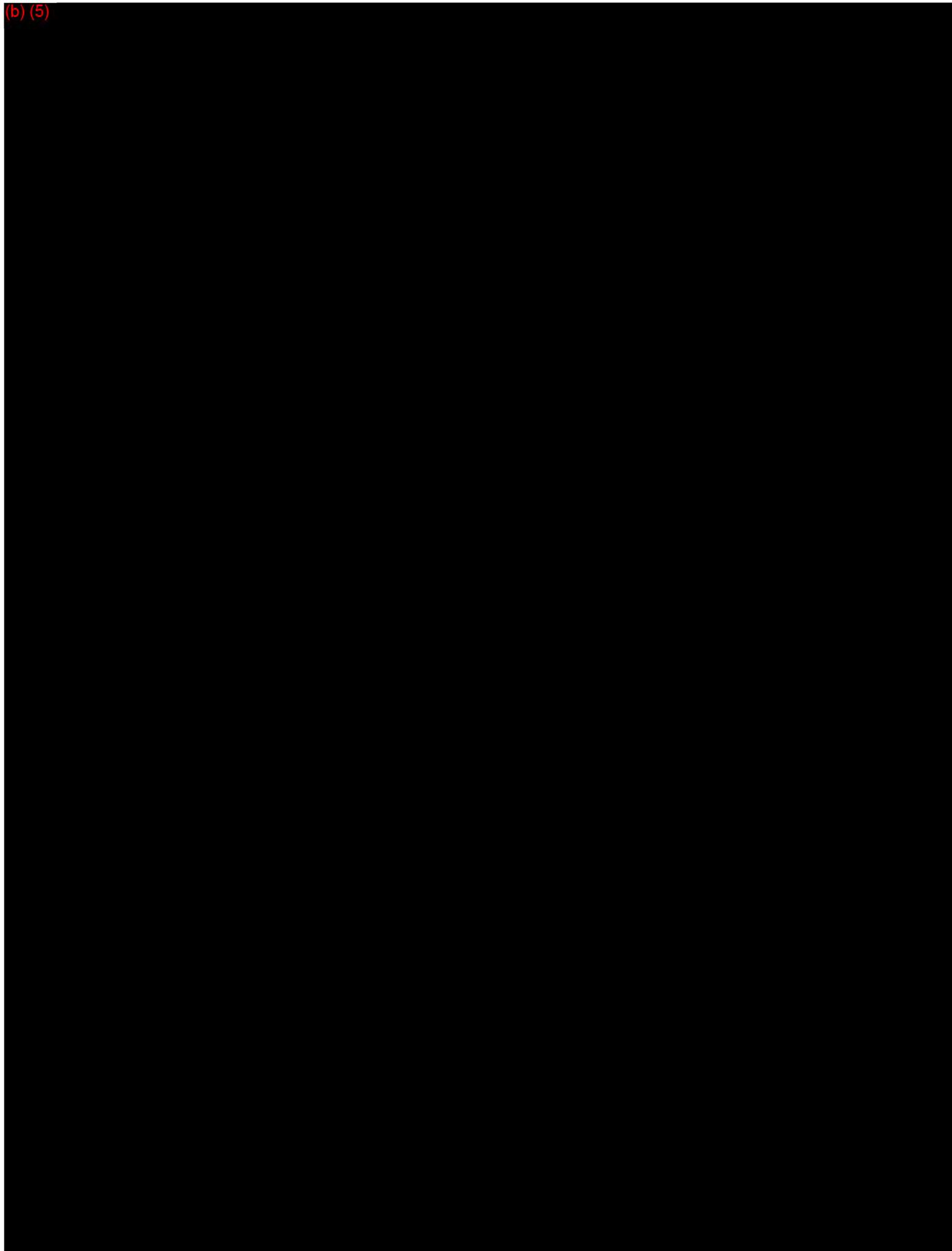












# RE: FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

**From:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 29 May 2018 17:10:52 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-29-18\_KS Edits.docx (37.99 kB)

I've made a few small suggested edits for consistency within the document.

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 29, 2018 1:53 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ  
<(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)>  
Sharp, Thomas L. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ  
<(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
Drummond, Michael R. EOP/CEQ <(b) (6)> Osterhues, Marlys A. EOP/CEQ  
<(b) (6)> Herrgott, Alex H. EOP/CEQ <(b) (6)>  
Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ  
<(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

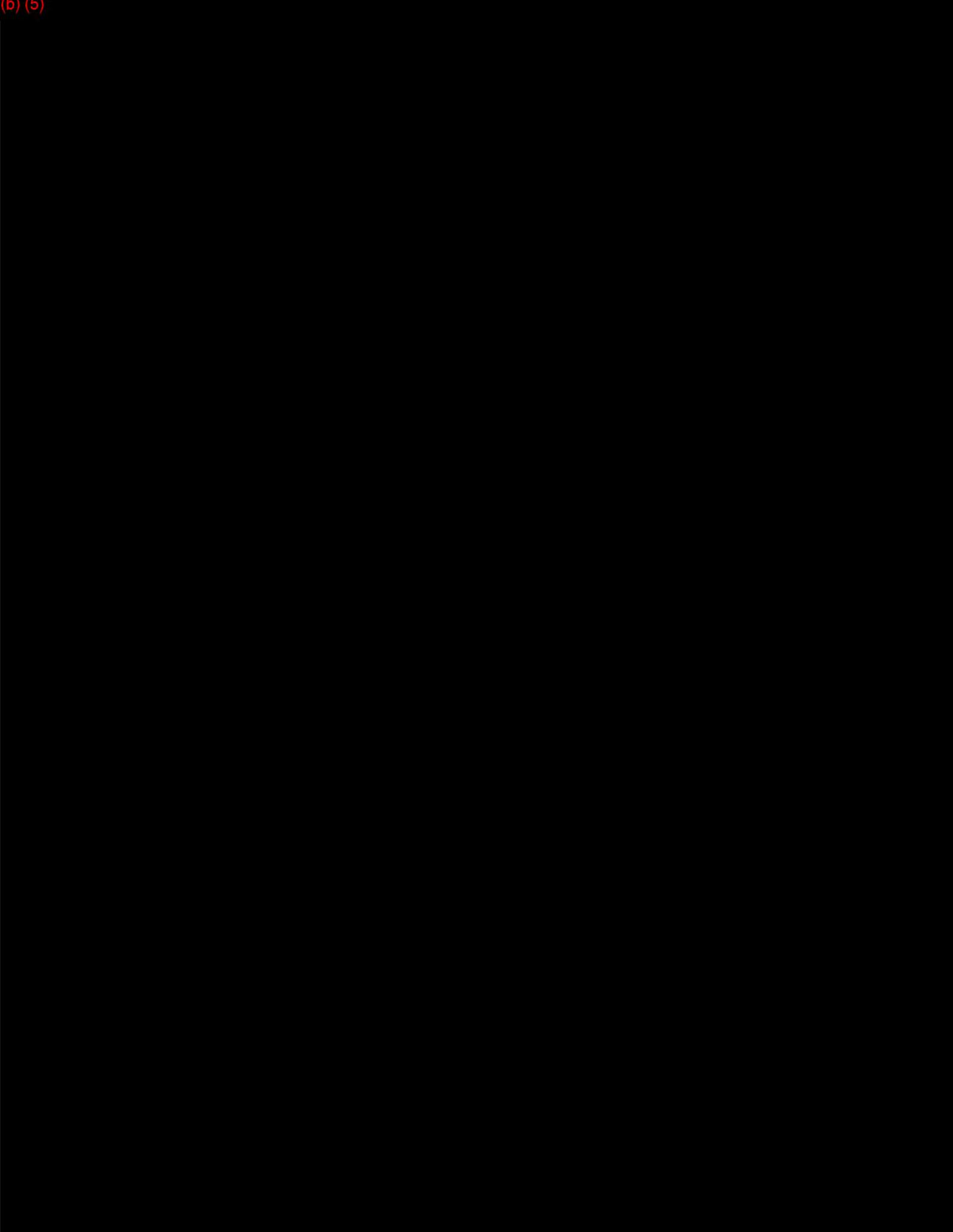
All,

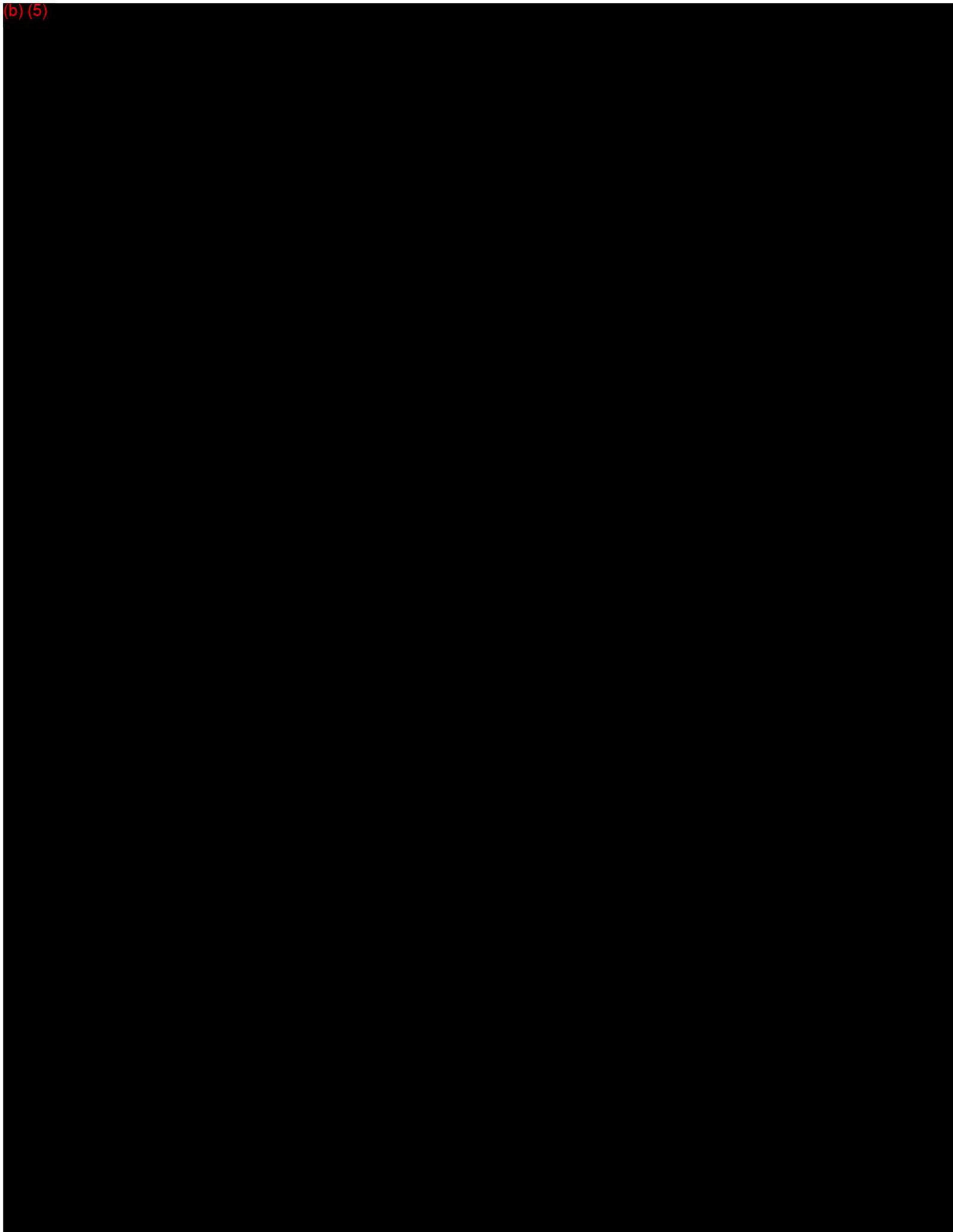
Please find attached for your review **by COB today**, CEQ's draft responses to the interagency comments that we received on the CEQ ANPRM.

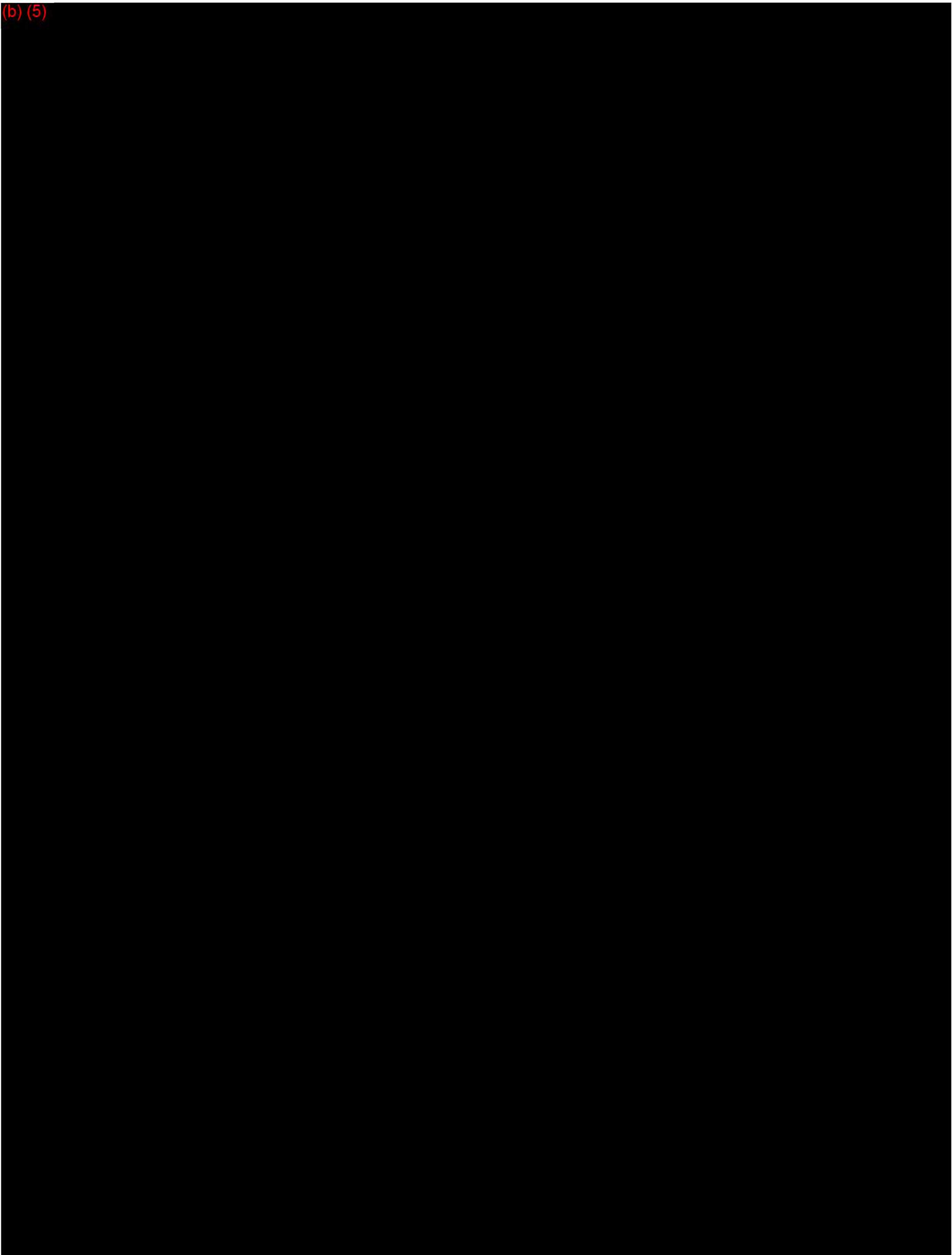
Thank you Tom for putting this together.

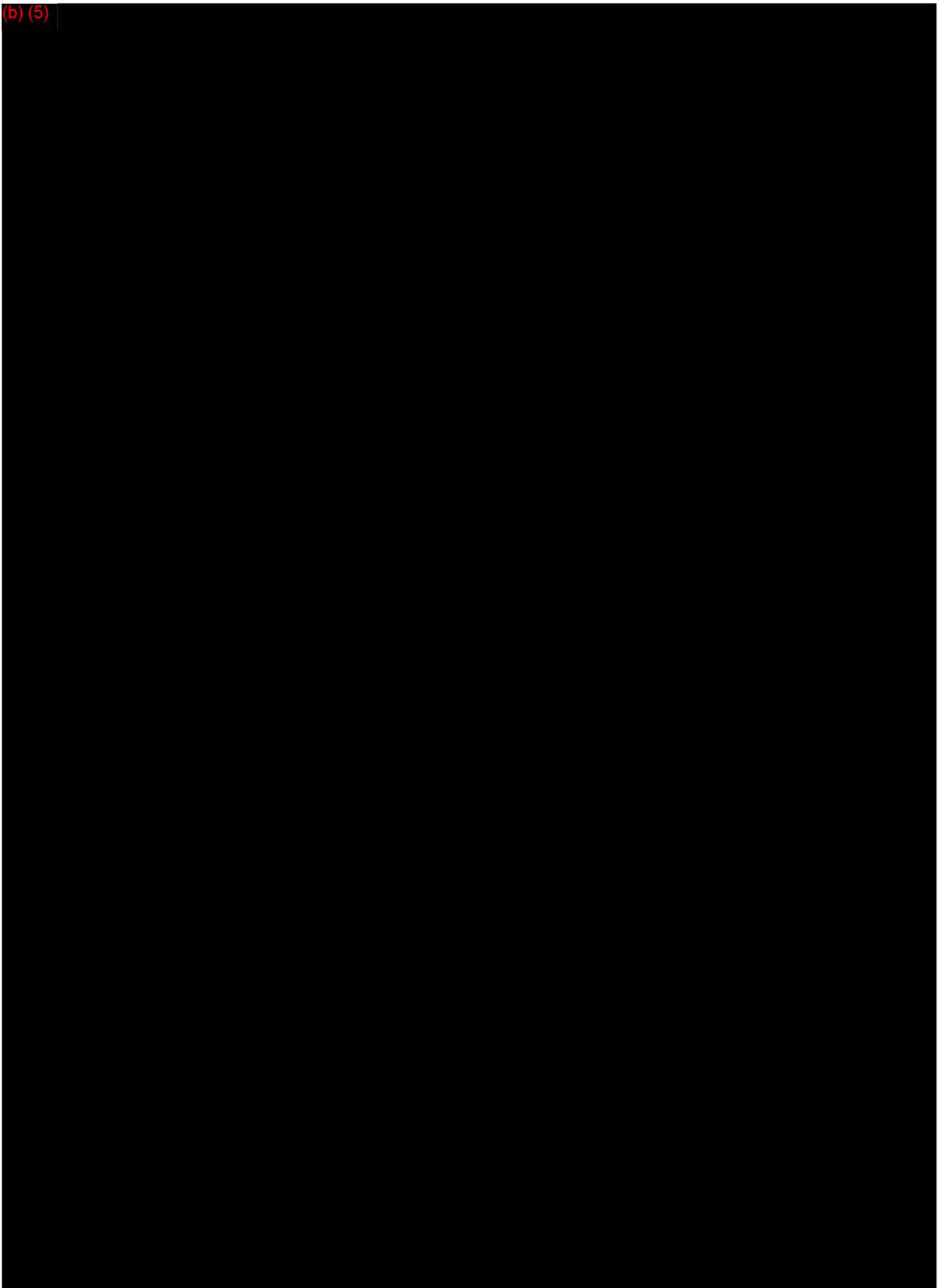
Please let Tom or I know if you have any questions.

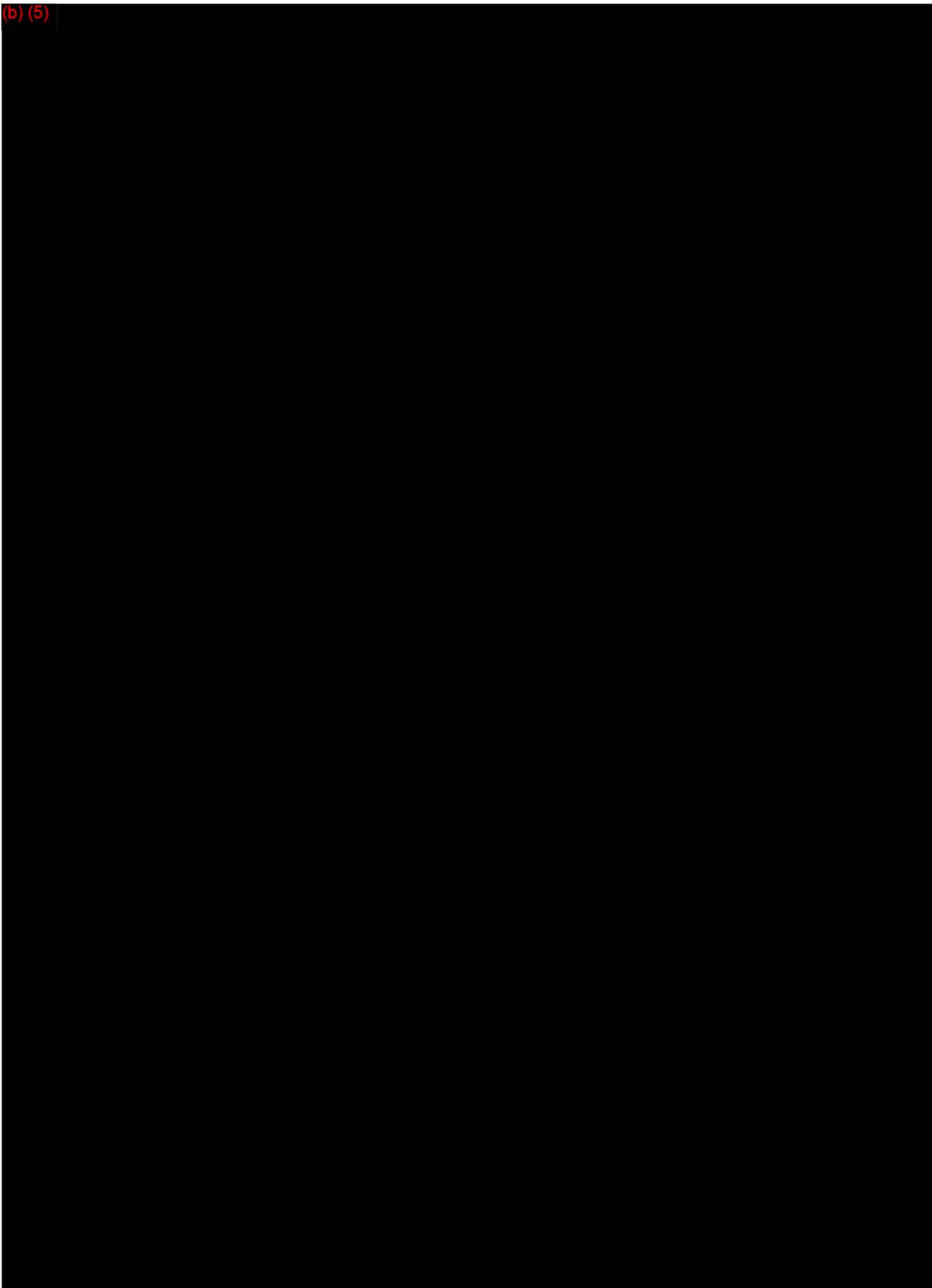
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)



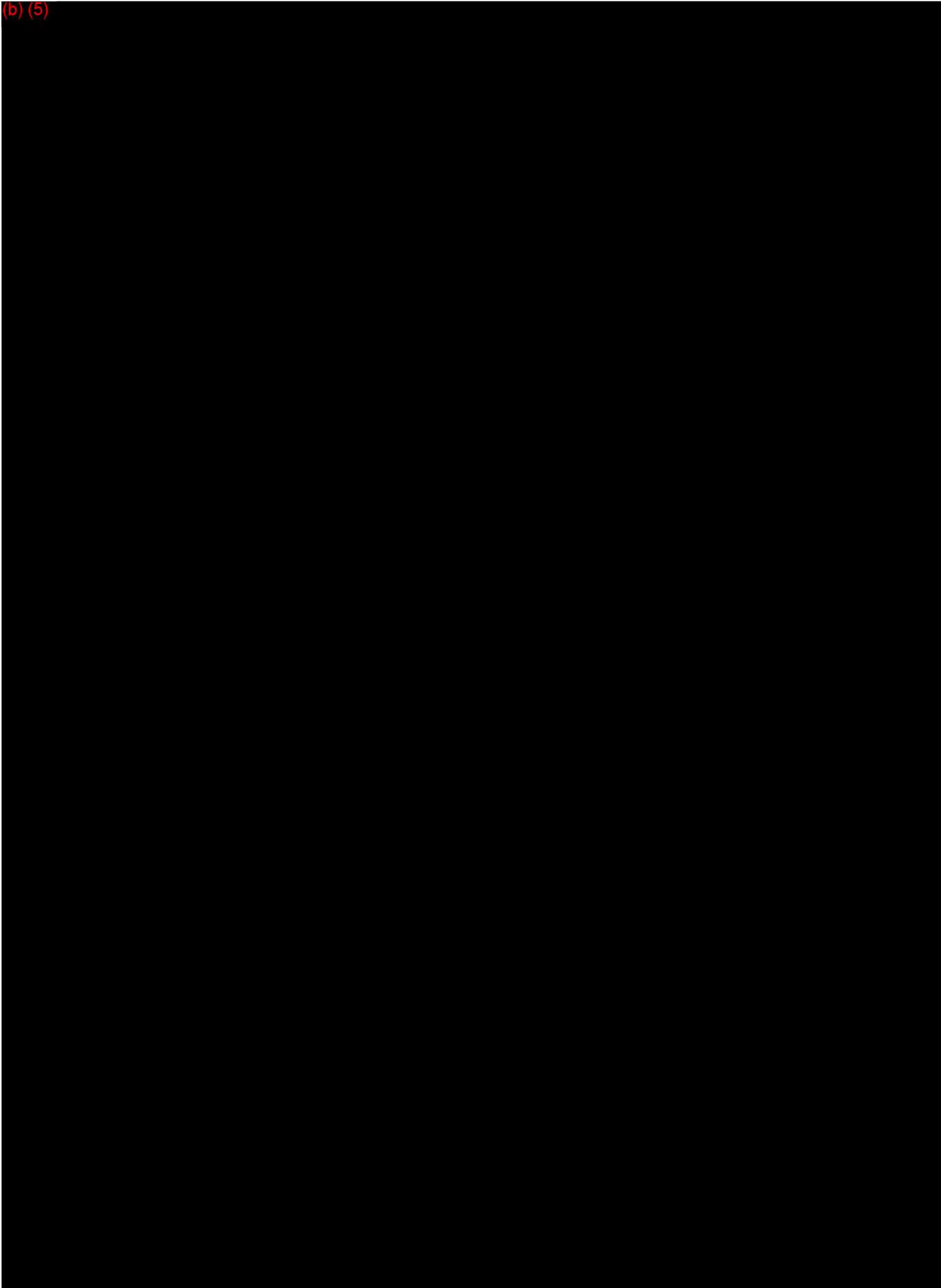


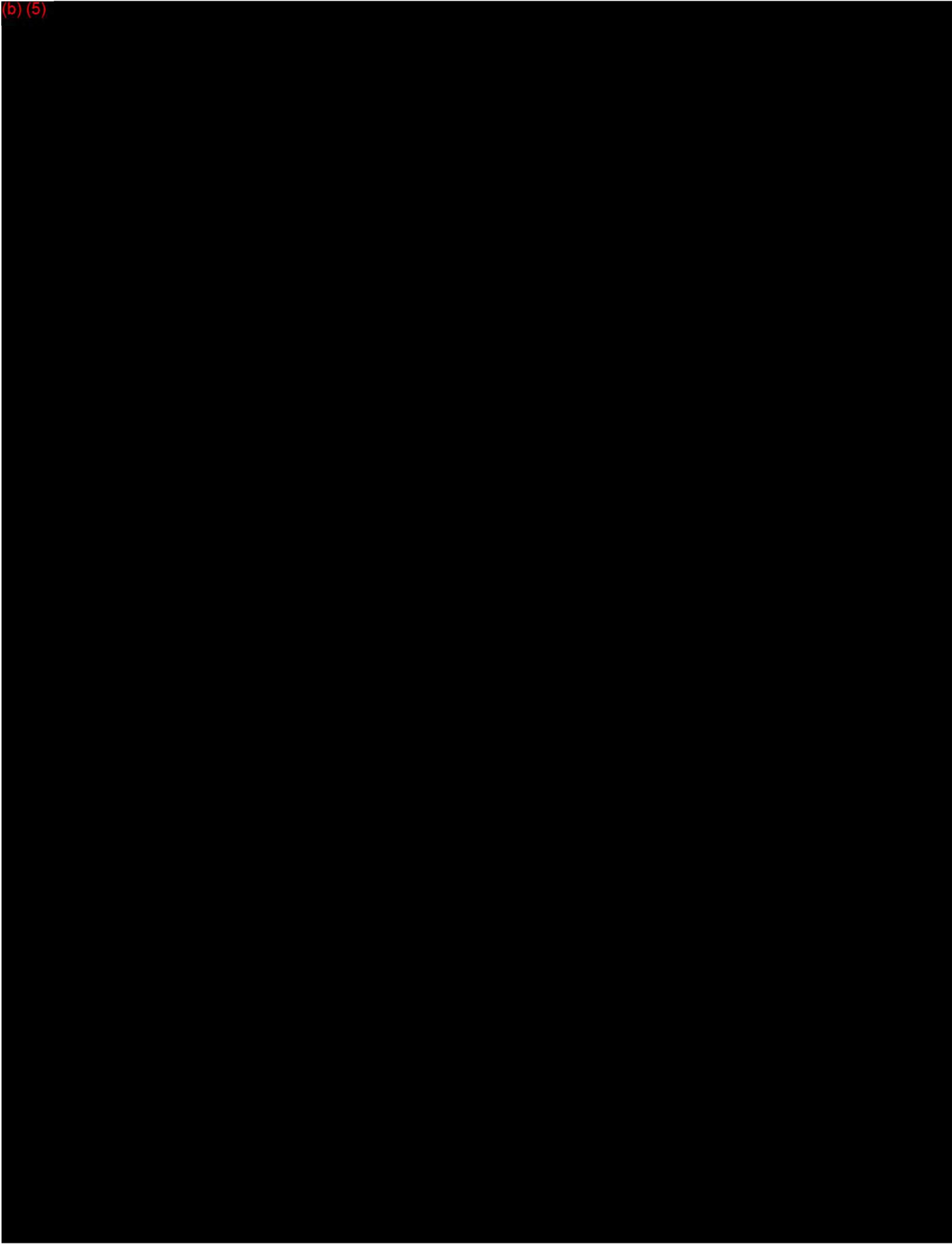


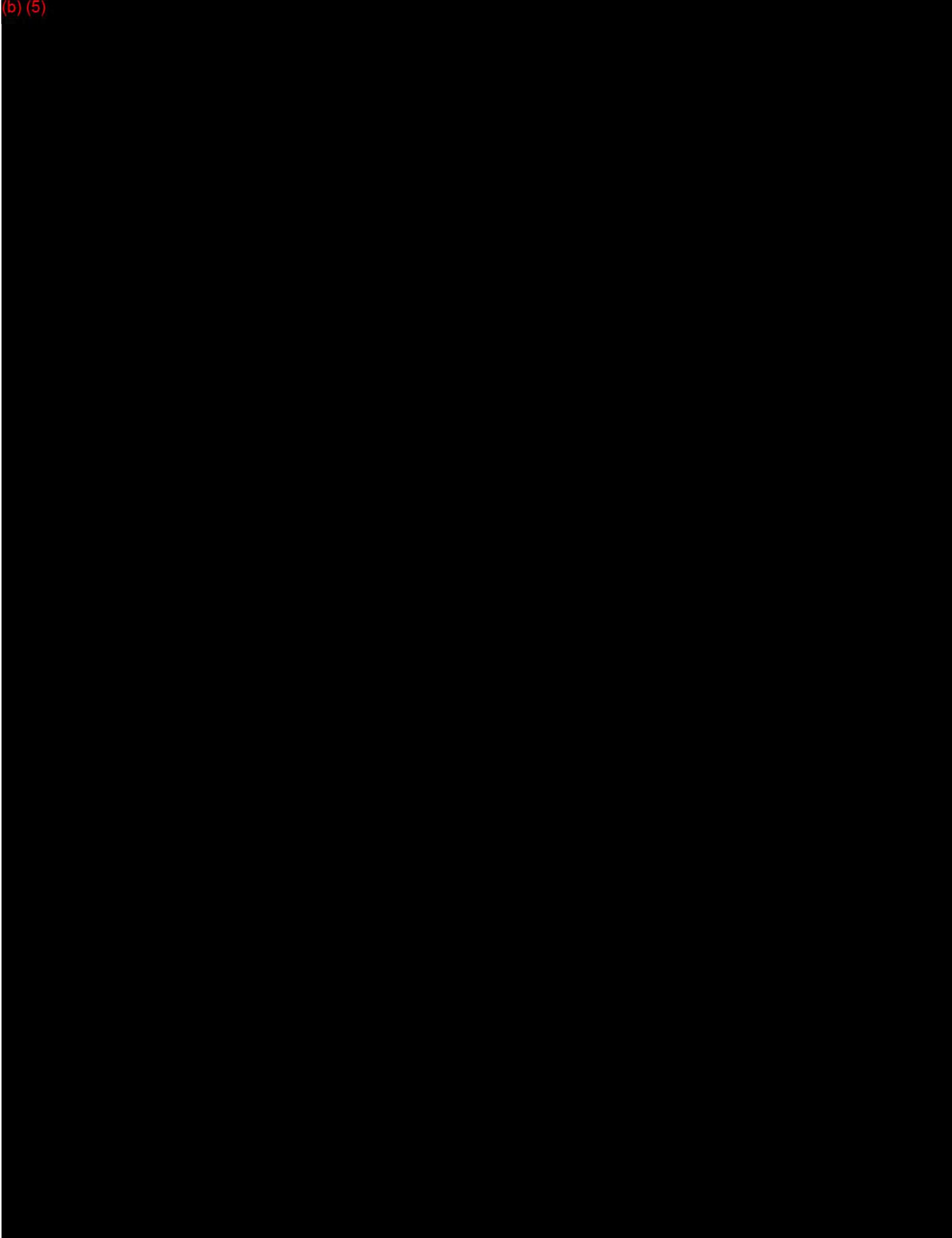


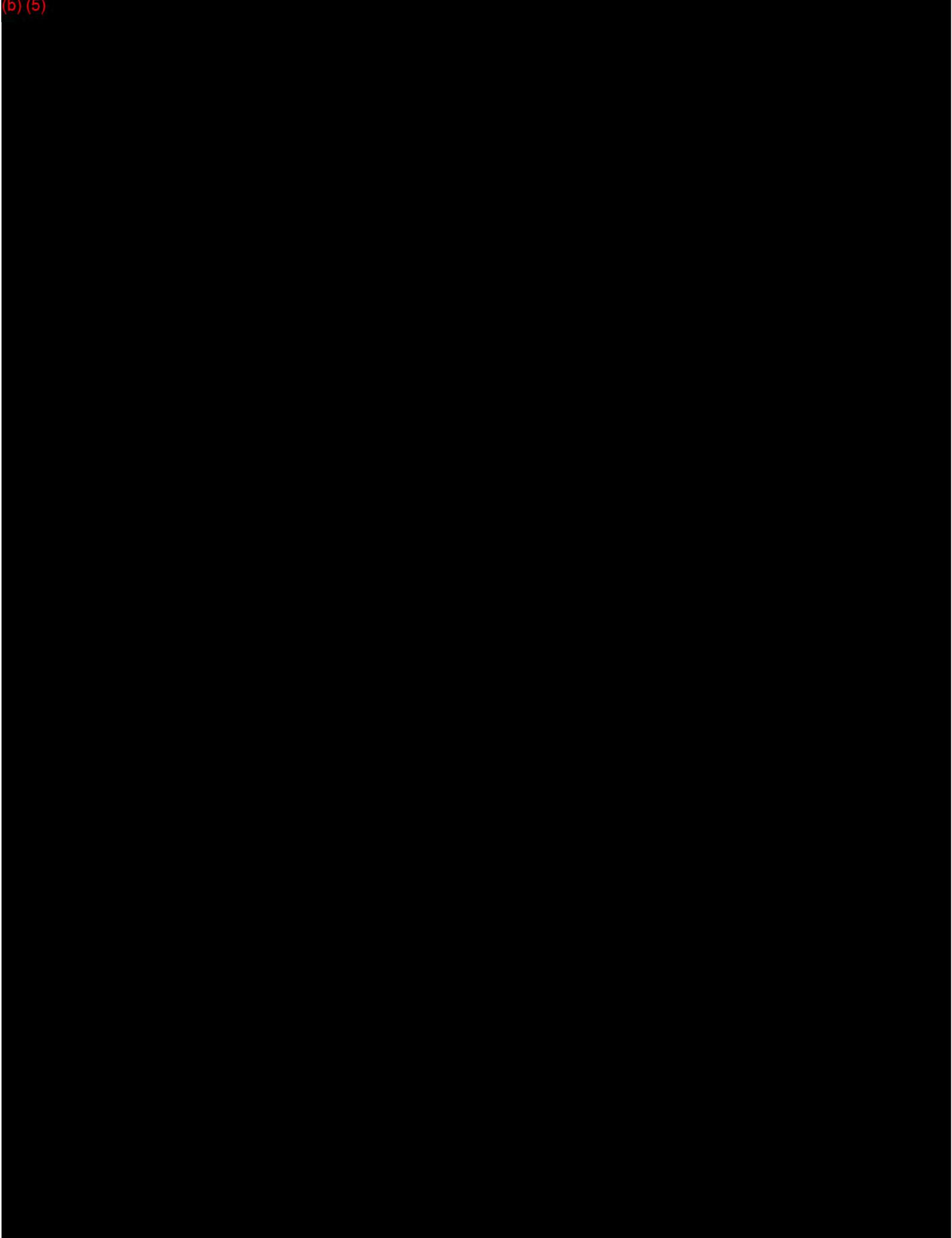


(b) (5)









## RE: FOR REVIEW: Response to Interagency Comments on CEQ ANPRM

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**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 30 May 2018 14:16:46 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-30-18 Edits.docx (35.67 kB)

Minor suggested edits attached.

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Wednesday, May 30, 2018 12:30 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** RE: FOR REVIEW: Response to Interagency Comments on CEQ ANPRM

Mary and Viktoria,

Not sure if you have started reviewing, but I received a couple of late (but helpful) comments that I have included. Please see attached.

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 29, 2018 9:35 PM  
**To:** Viktoria Z. EOP/CEQ Seale (b) (6) <(b) (6)> Mary B. EOP/CEQ Neumayr ((b) (6)) <(b) (6)>  
**Subject:** FOR REVIEW: Response to Interagency Comments on CEQ ANPRM

Mary and Viktoria,

Please find attached the cleared staff comments on the response to interagency comments on CEQ ANPRM.

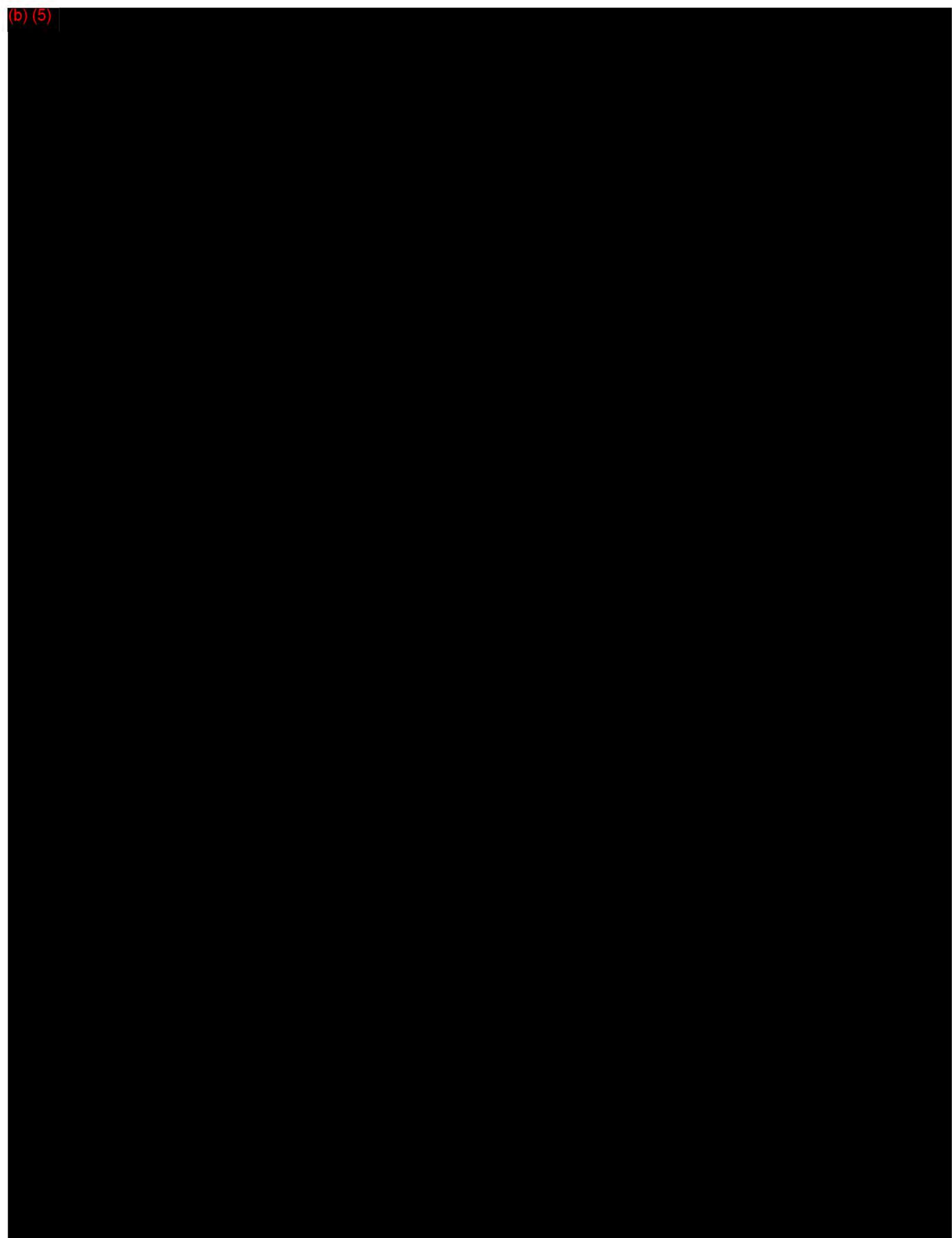
Let me know if you would like to talk through the comments. I am going to cancel the phone call for tomorrow, but would like to try and schedule one either Thursday or Friday.

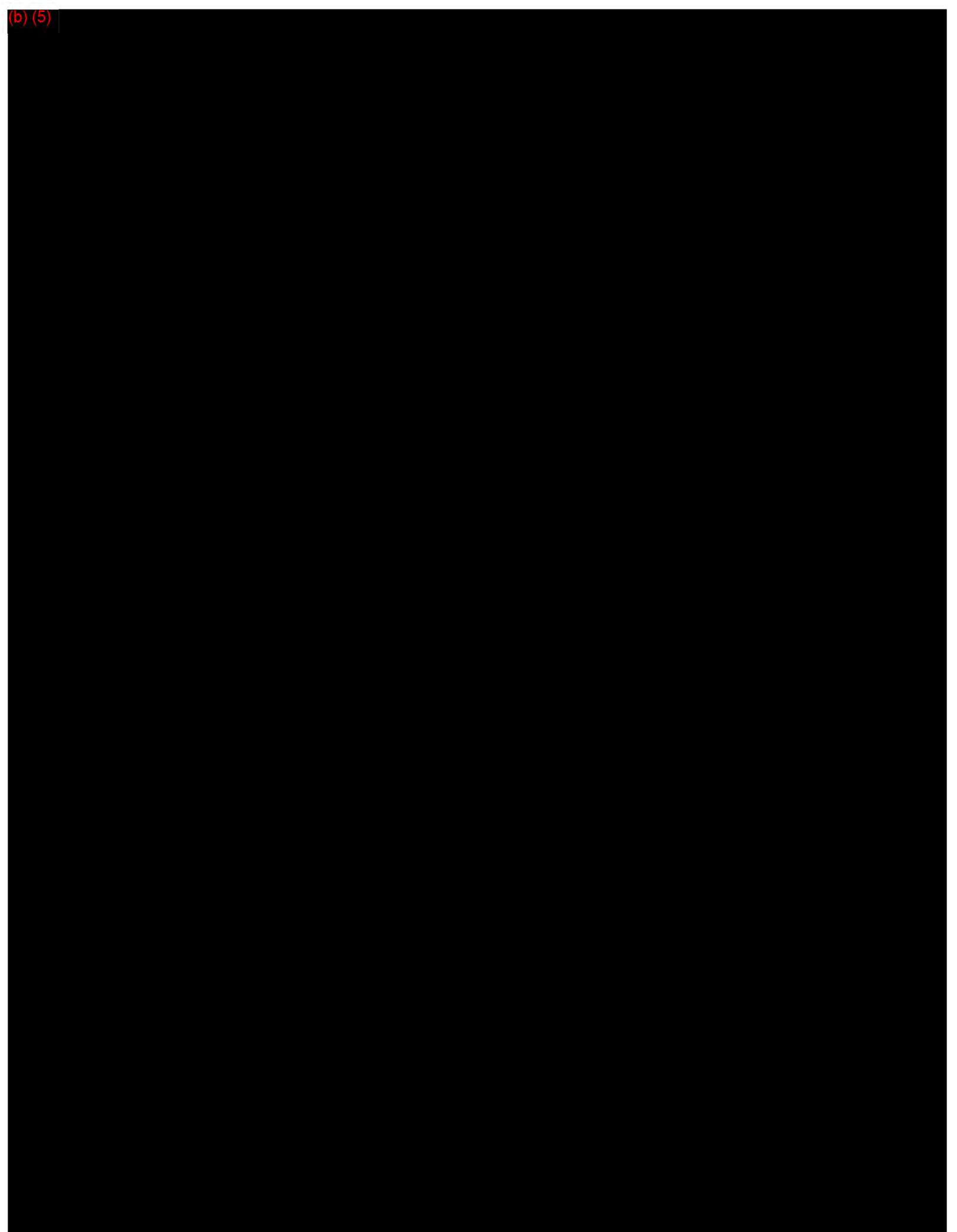
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

(b) (6) [redacted] (Desk)

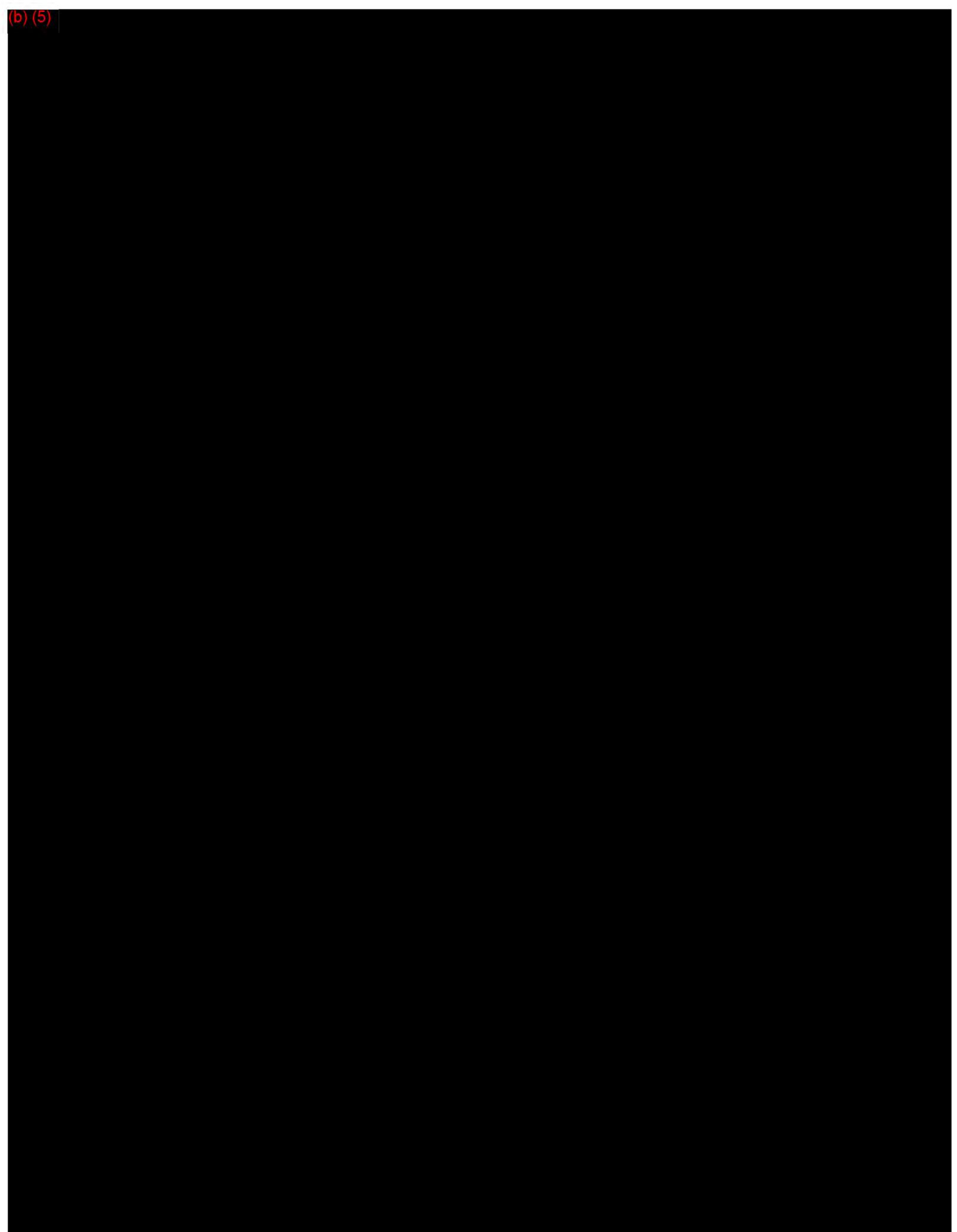
(b) (6) [redacted] (Cell)

(b) (6) [redacted]

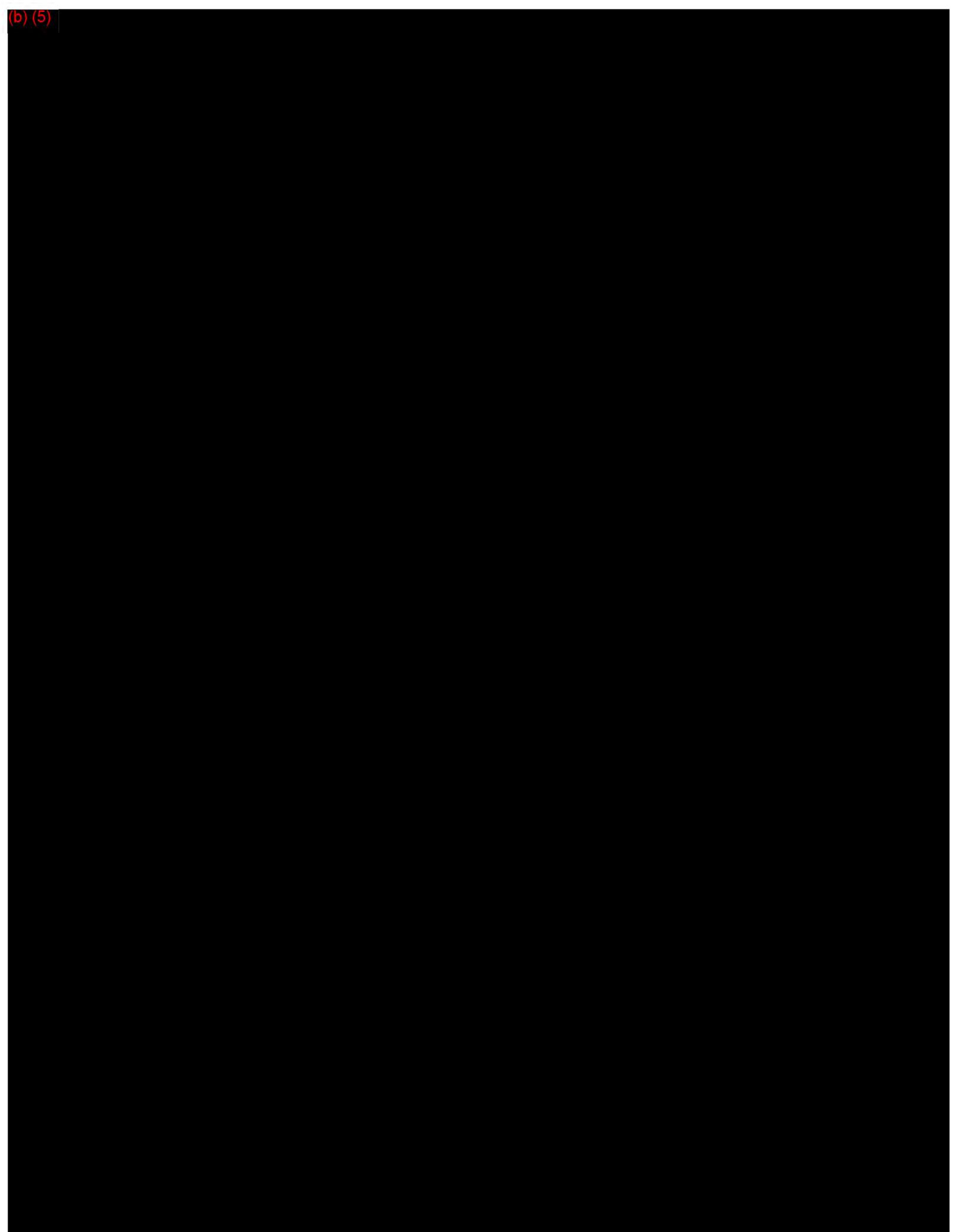




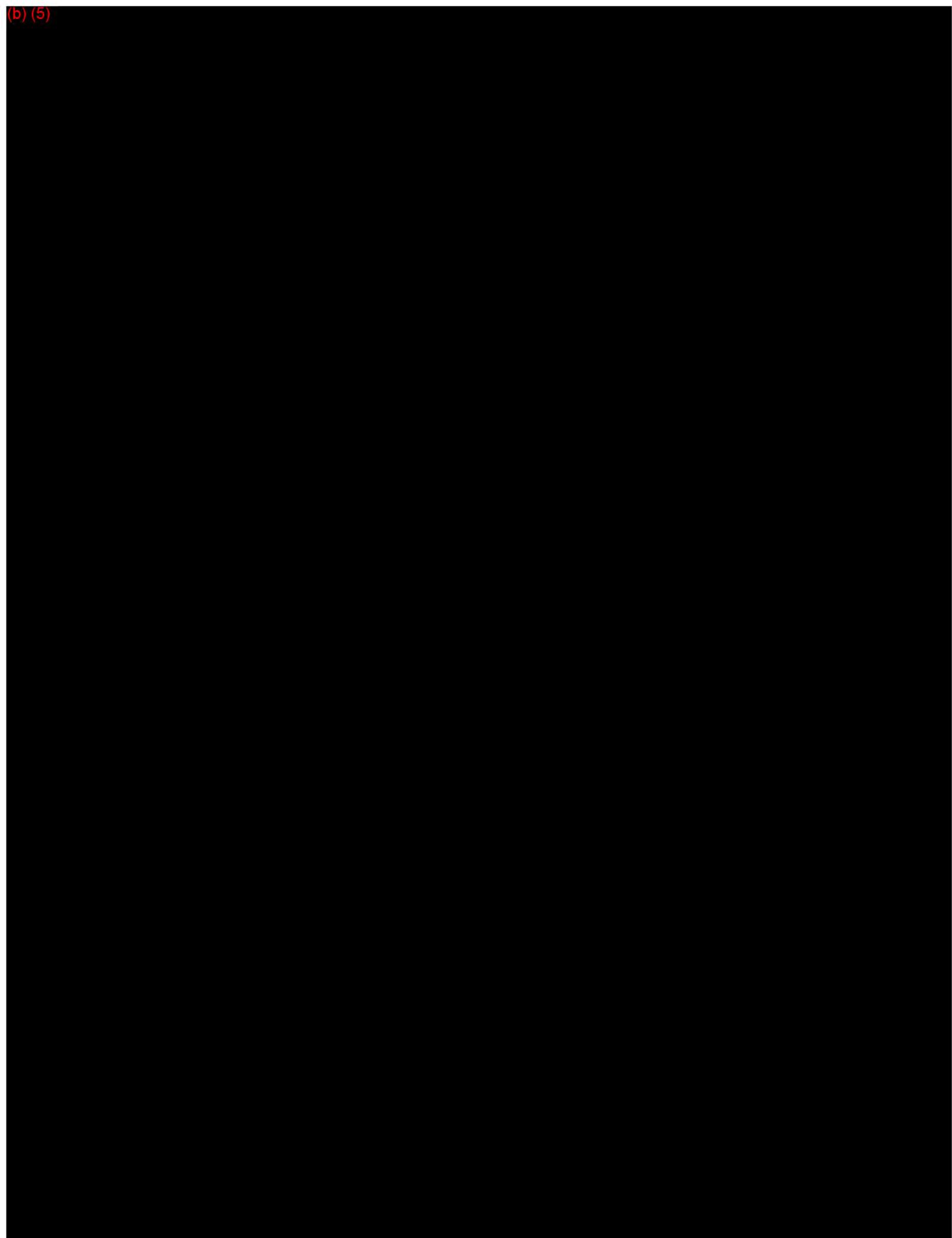
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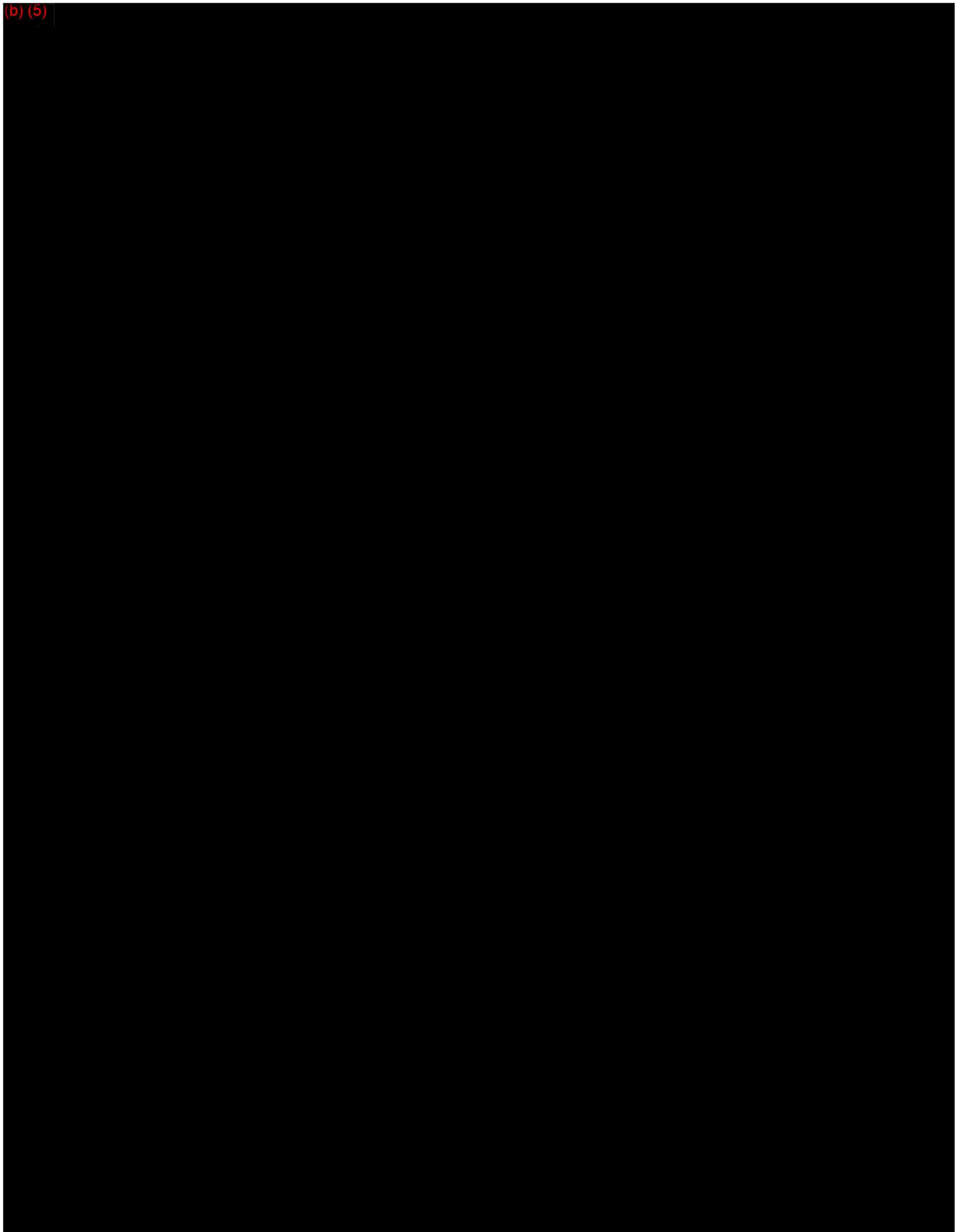


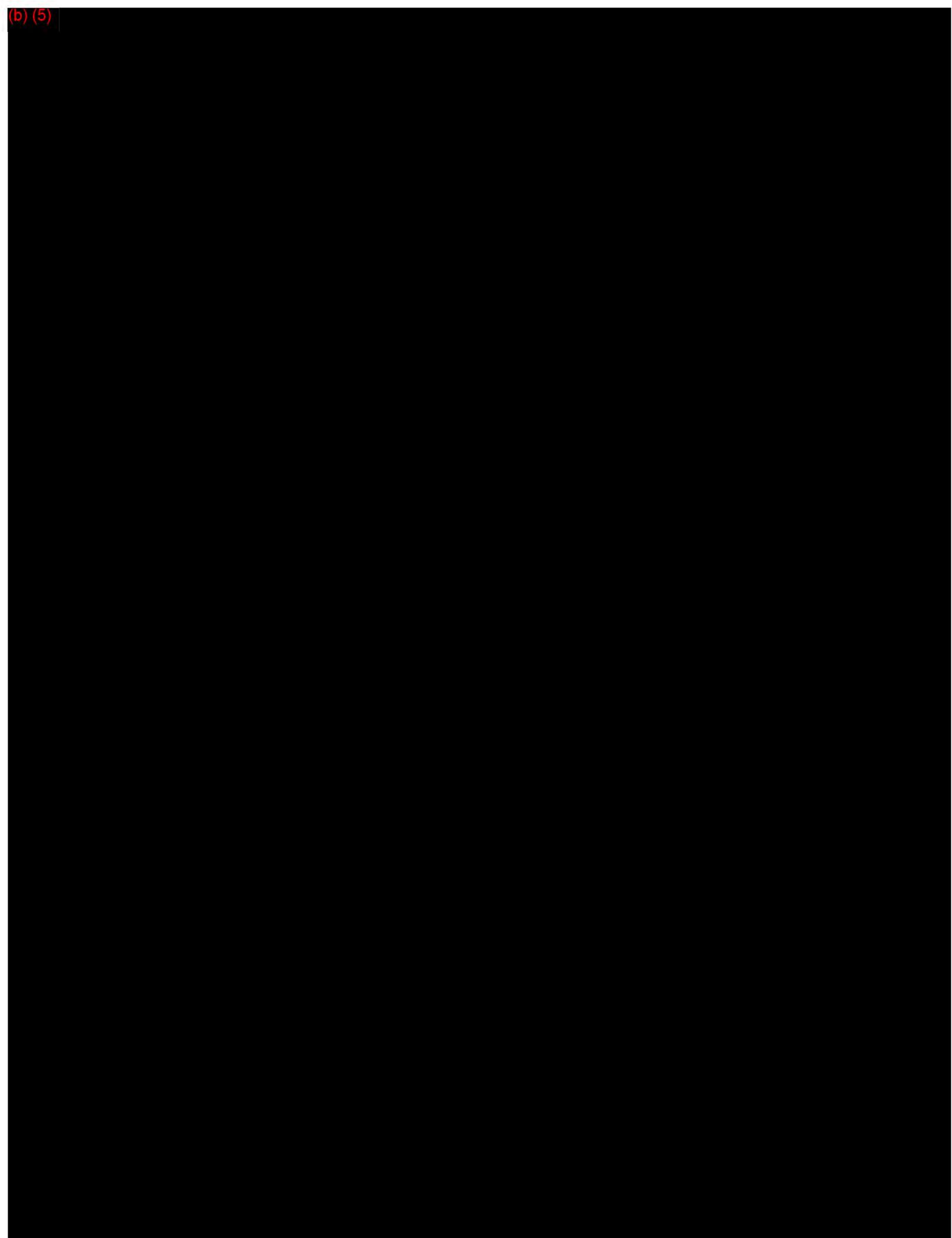
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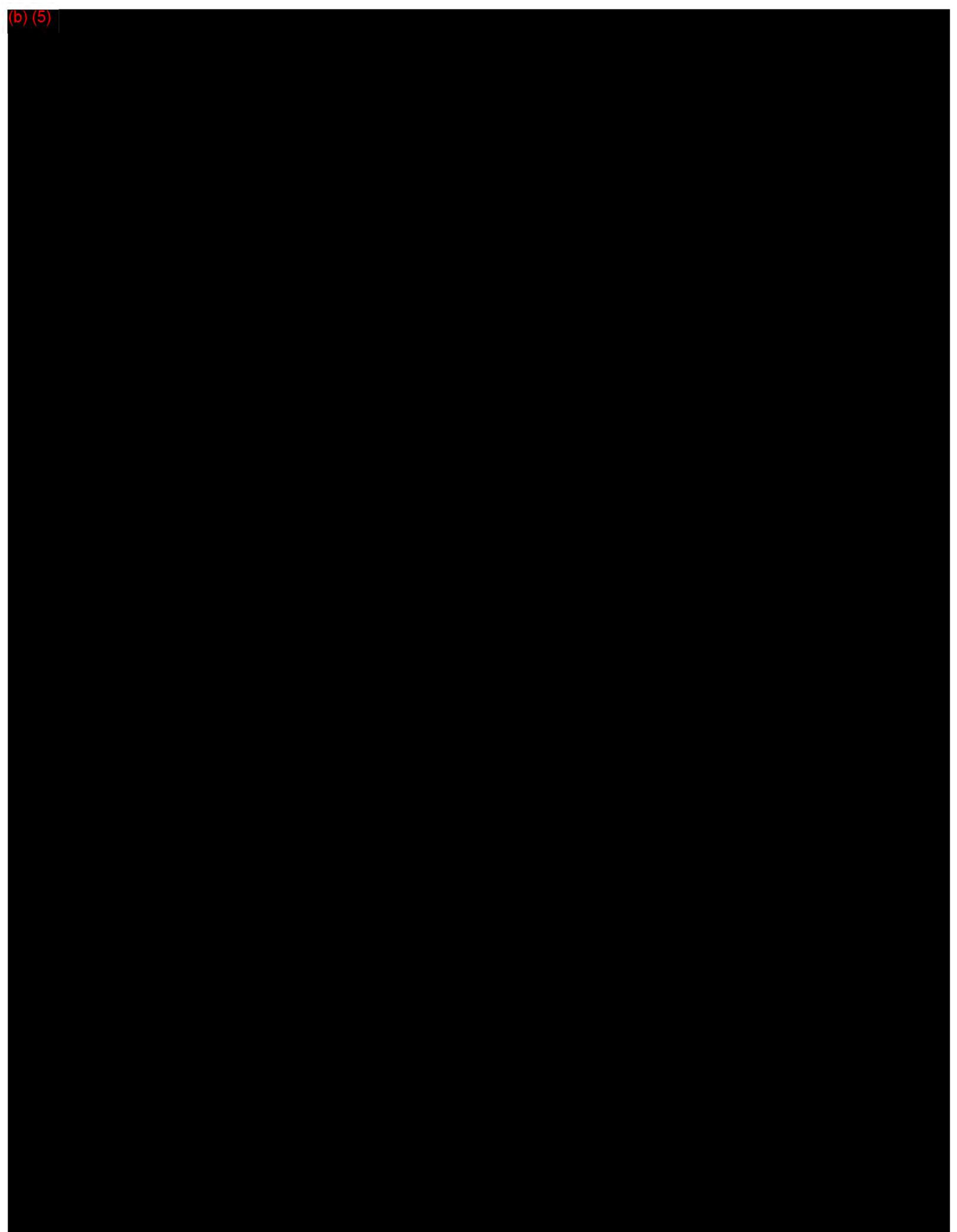


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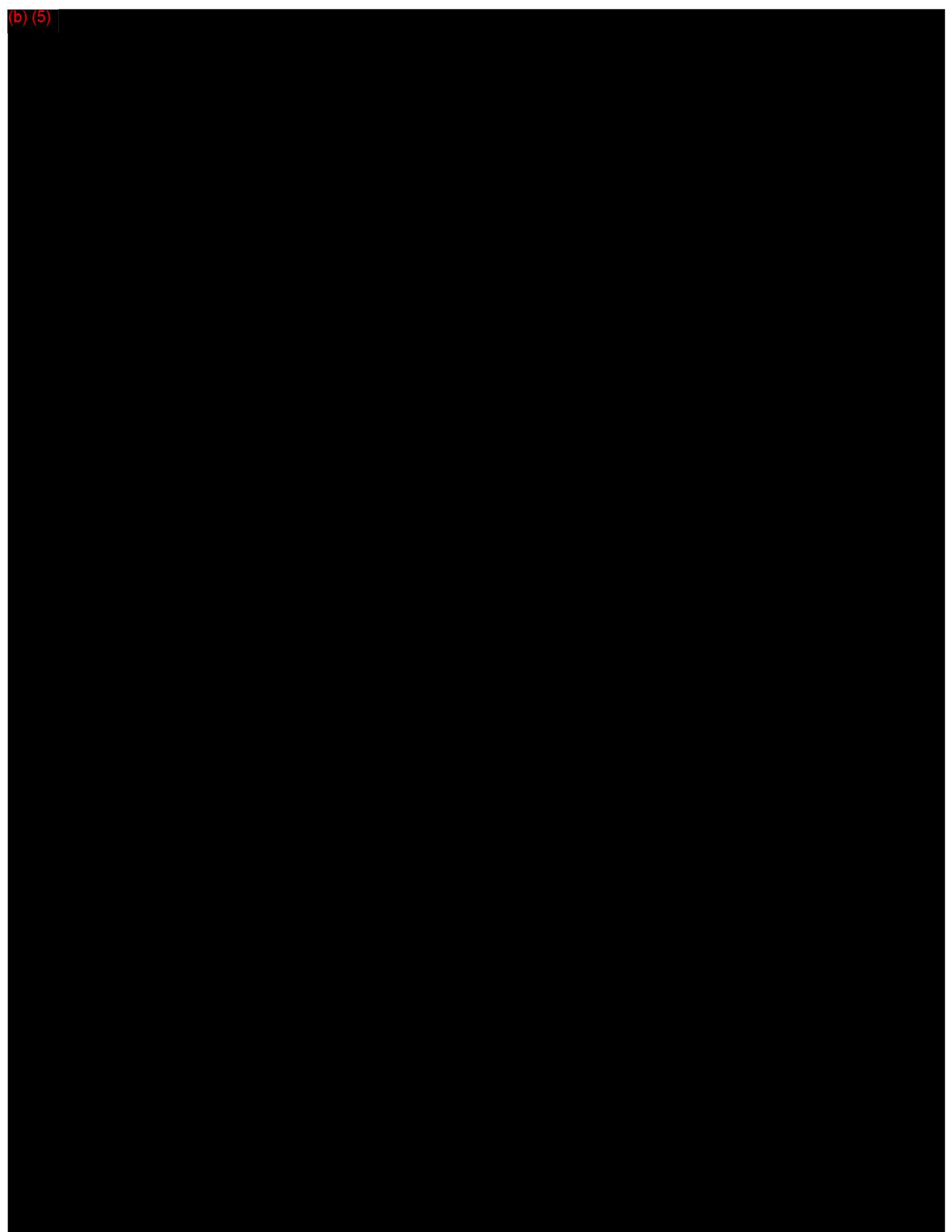








(b) (5)



(b) (5)

## RE: FOR REVIEW: Response to Interagency Comments on CEQ ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 30 May 2018 12:29:33 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-30-18.docx (33.26 kB)

Mary and Viktoria,

Not sure if you have started reviewing, but I received a couple of late (but helpful) comments that I have included. Please see attached.

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 29, 2018 9:35 PM  
**To:** Viktoria Z. EOP/CEQ Seale ((b) (6)) <(b) (6)> Mary B. EOP/CEQ Neumayr ((b) (6)) <(b) (6)>  
**Subject:** FOR REVIEW: Response to Interagency Comments on CEQ ANPRM

Mary and Viktoria,

Please find attached the cleared staff comments on the response to interagency comments on CEQ ANPRM.

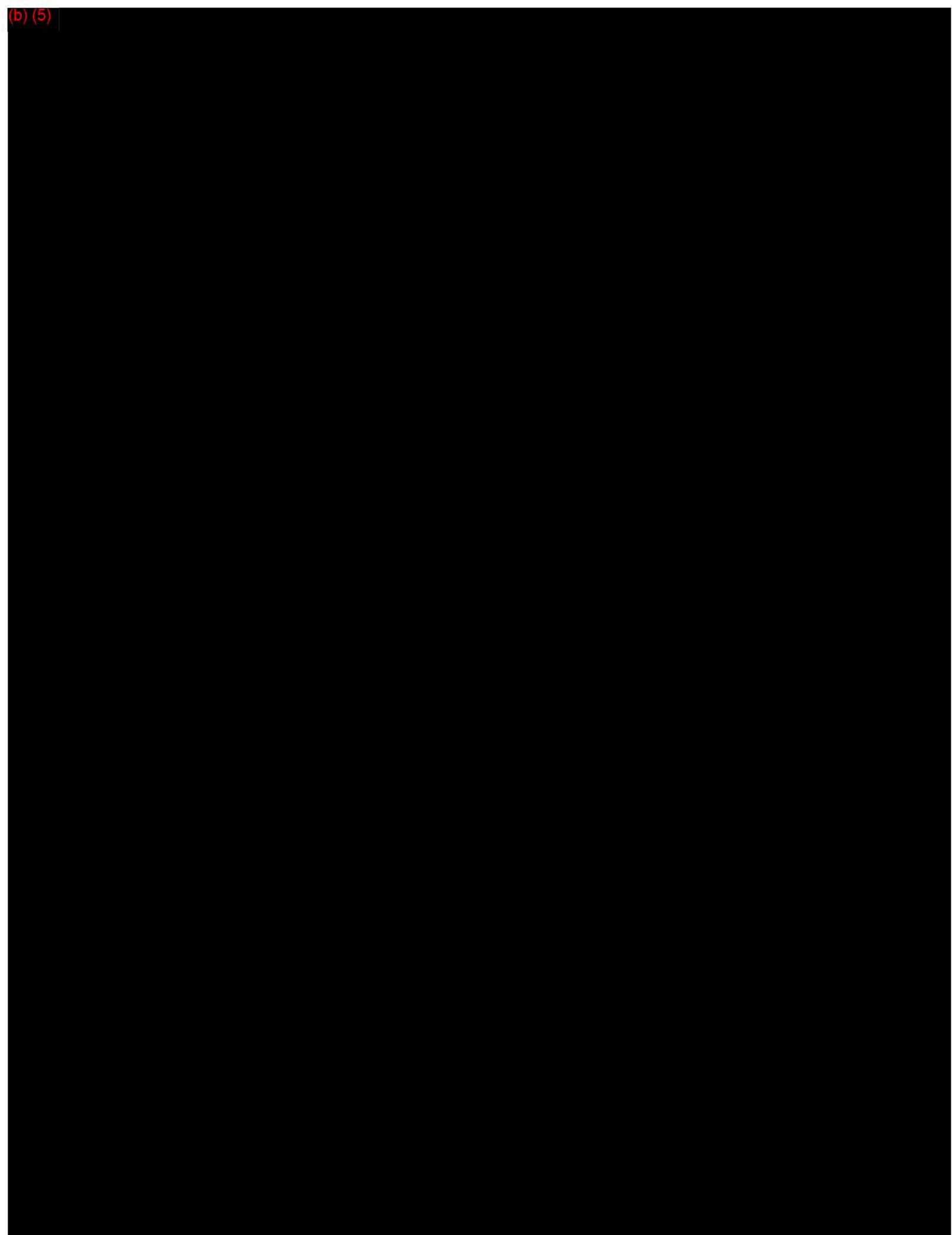
Let me know if you would like to talk through the comments. I am going to cancel the phone call for tomorrow, but would like to try and schedule one either Thursday or Friday.

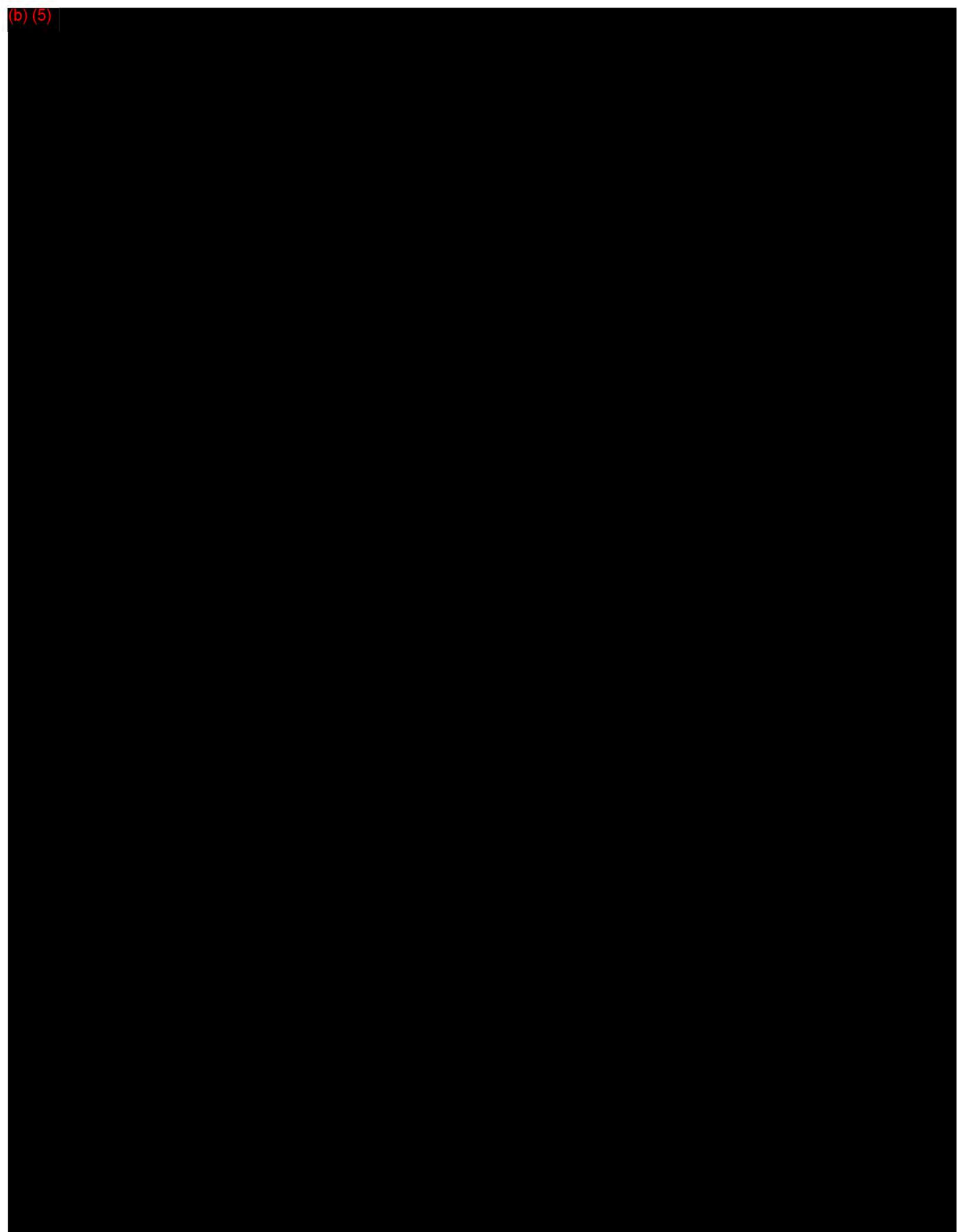
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

(b) (6) (Desk)

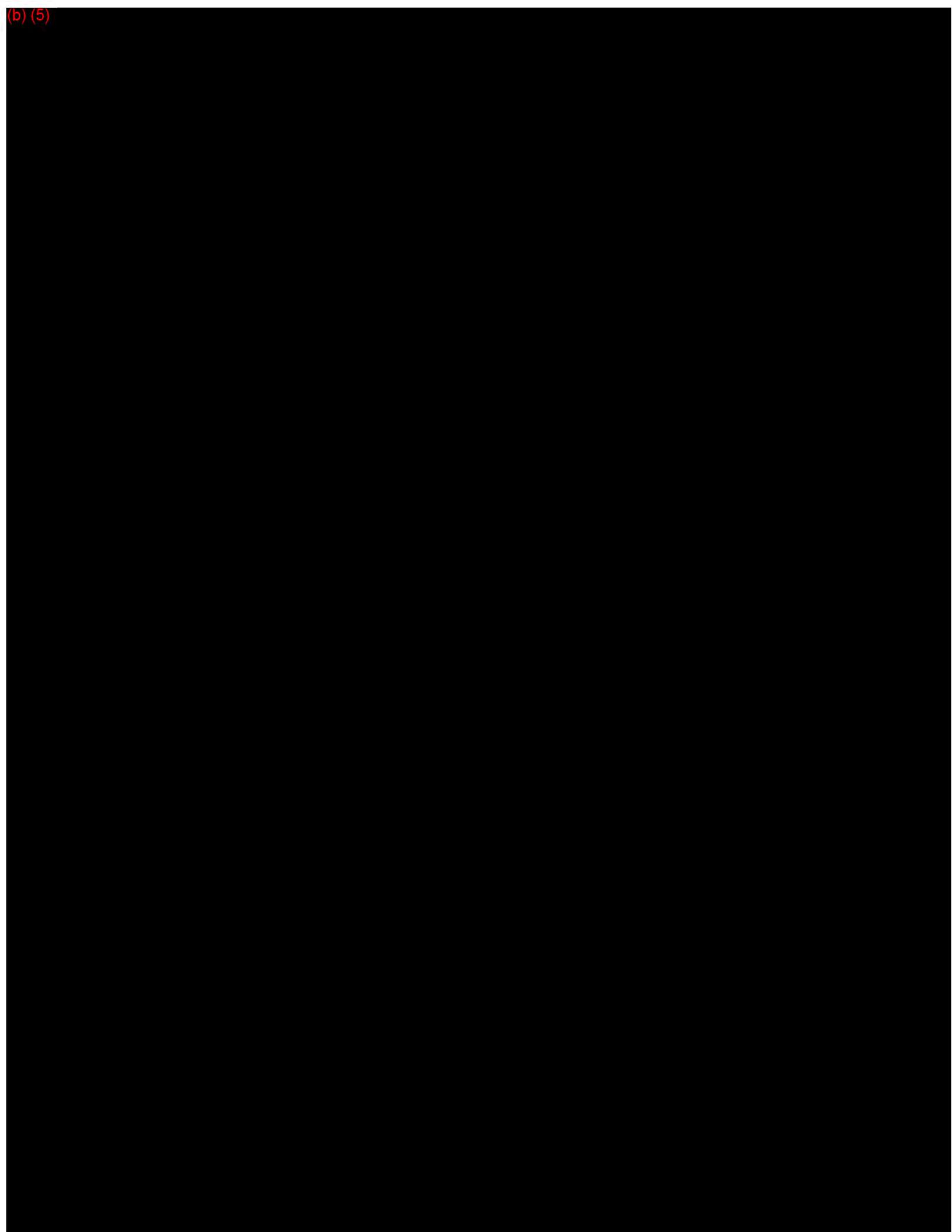
(b) (6) (Cell)

(b) (6)

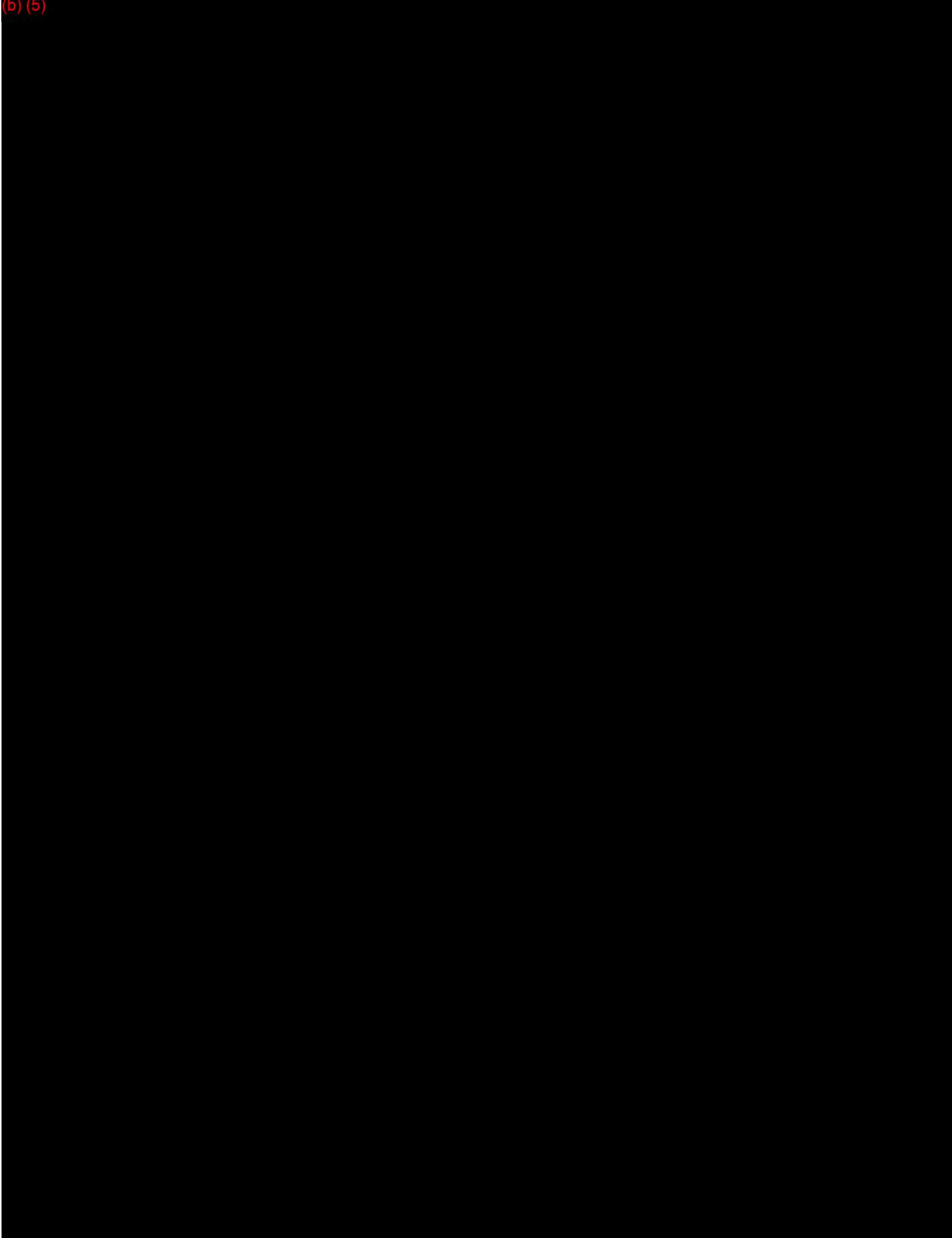


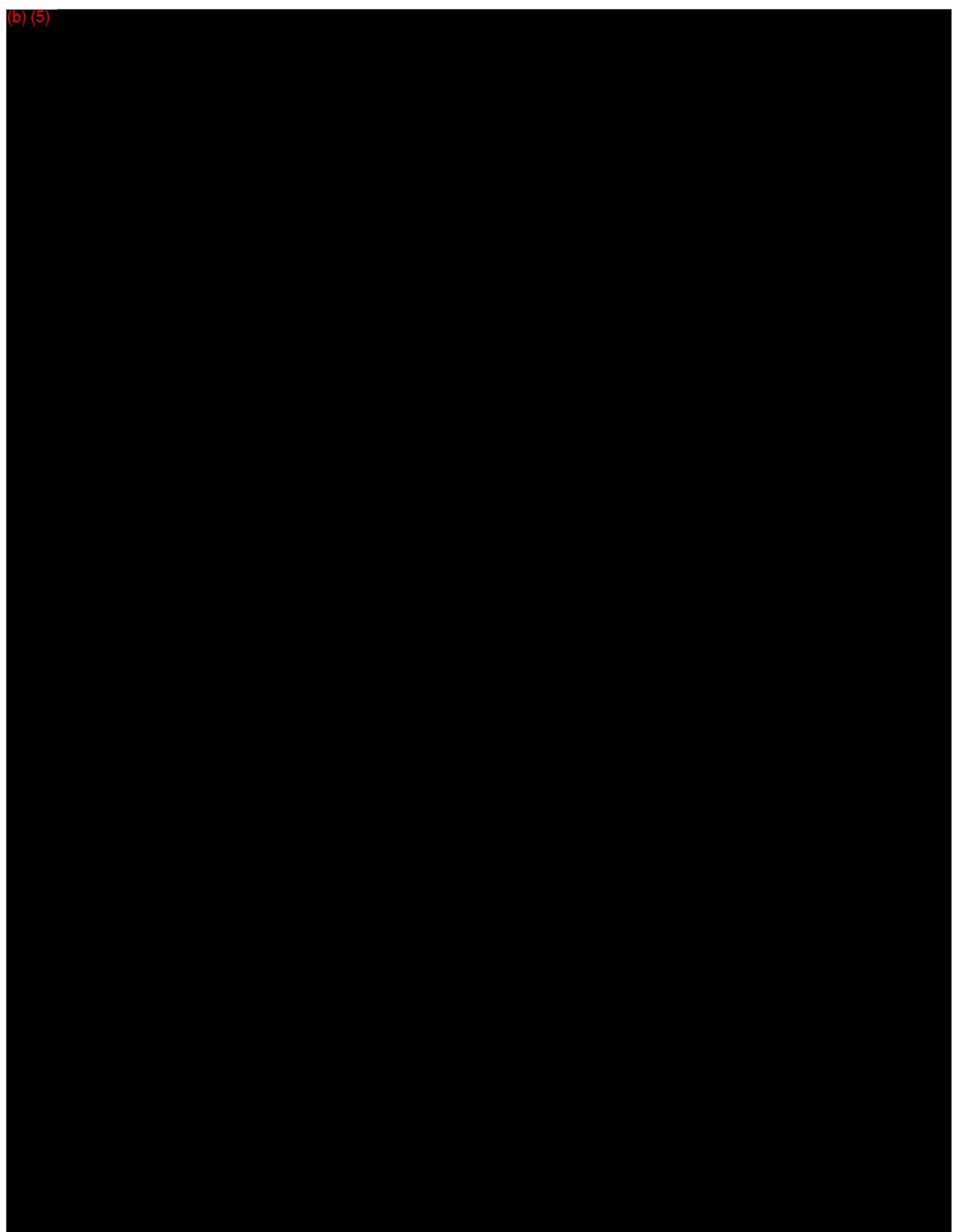


(b) (5)

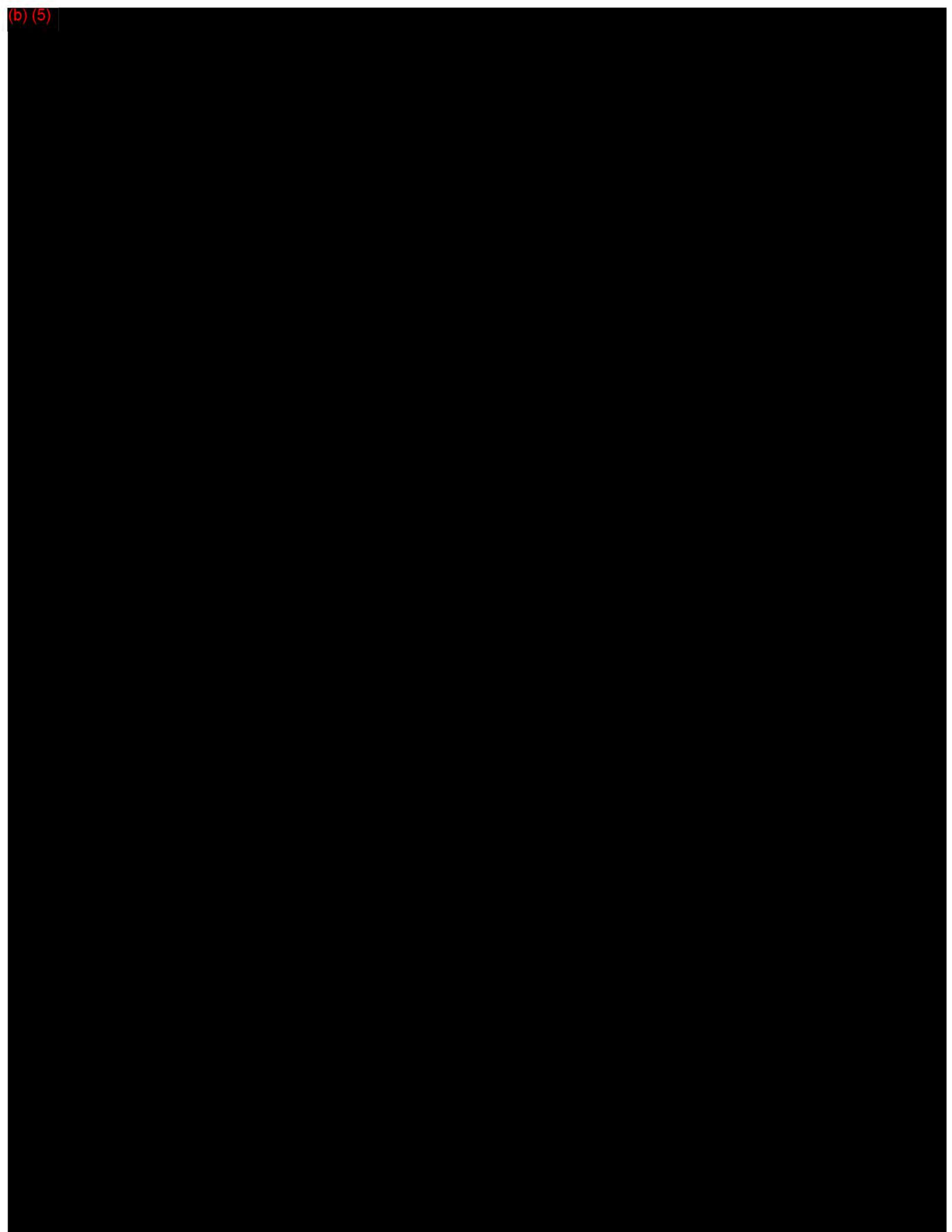


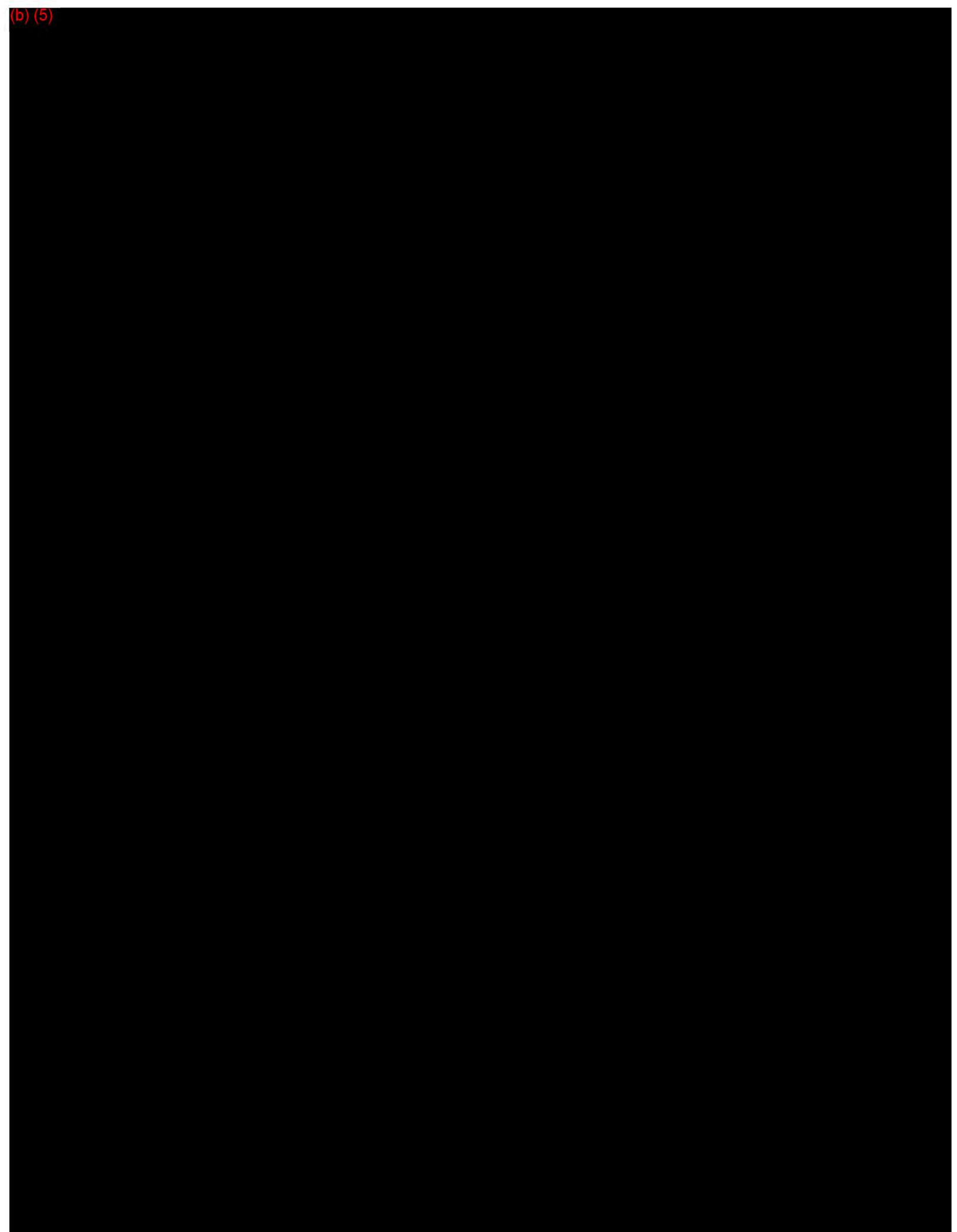
(b) (5)



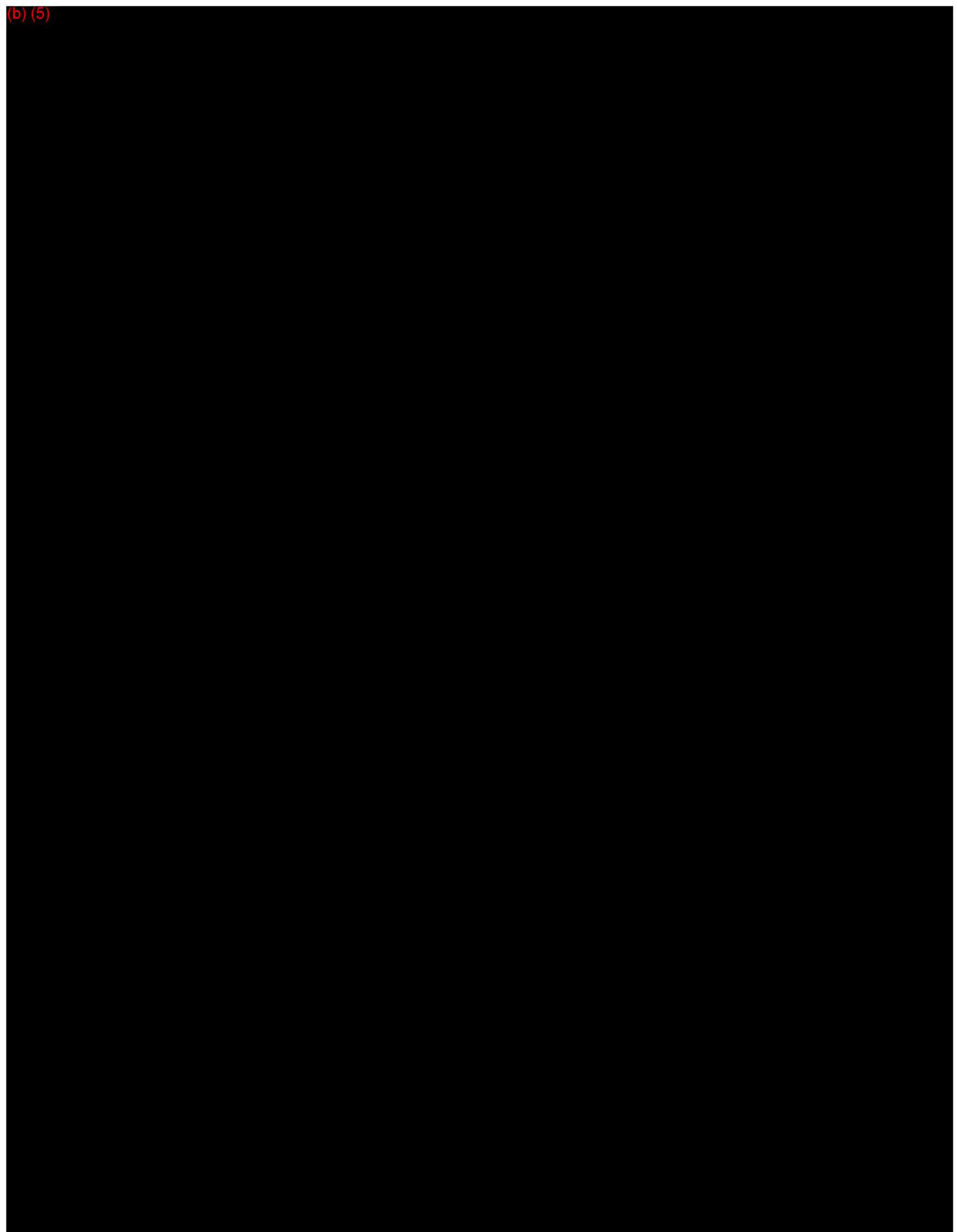


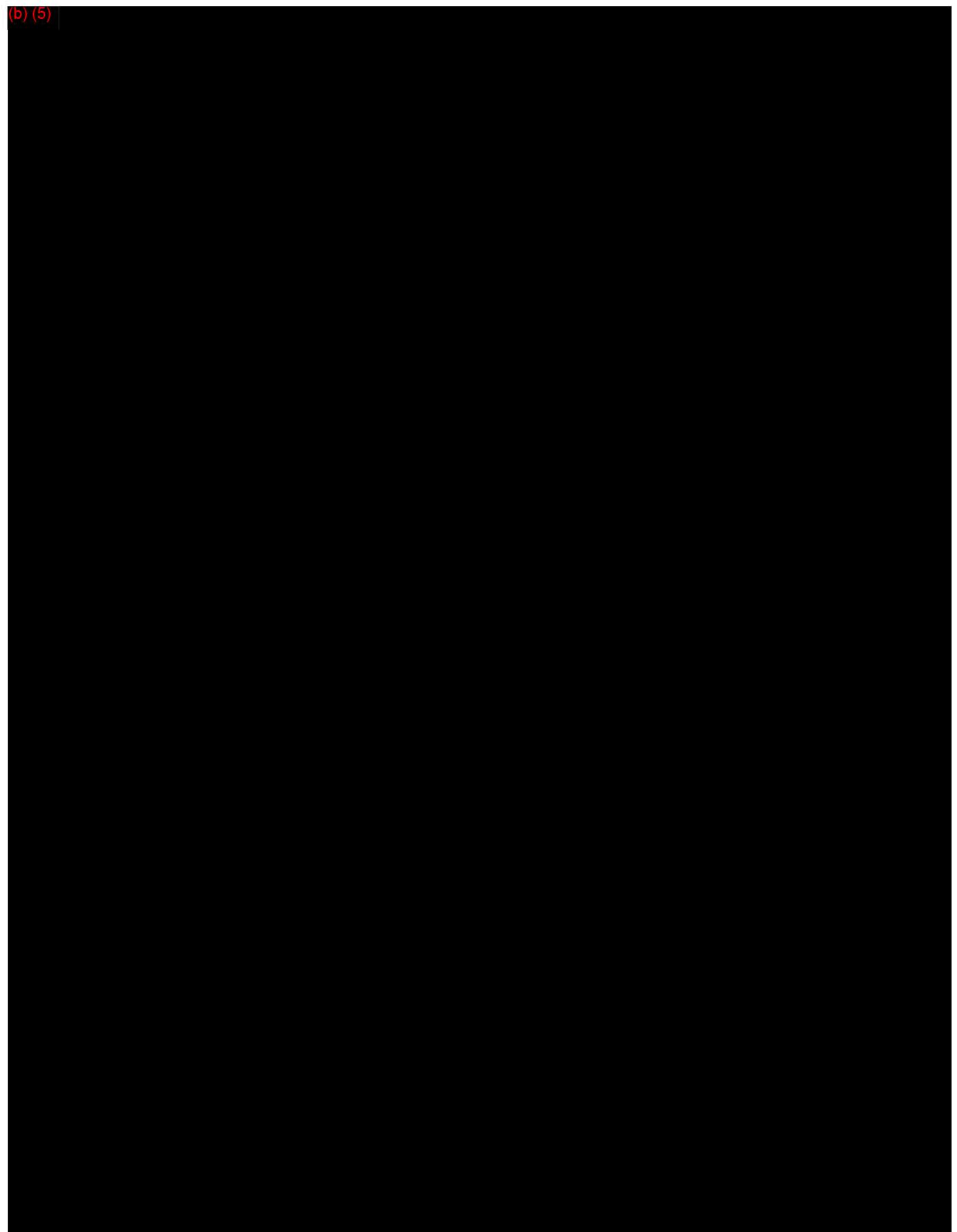
(b) (5)





(b) (5)





# RE: FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
"Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
<(b) (6)> "Boling, Ted A. EOP/CEQ"  
<(b) (6)> "Barnett, Steven W. EOP/CEQ"  
<(b) (6)> "Sharp, Thomas L. EOP/CEQ"  
**To:** <(b) (6)> "Loyola, Mario A. EOP/CEQ"  
<(b) (6)> "Smith, Katherine R. EOP/CEQ"  
<(b) (6)> "Osterhues, Marlys A. EOP/CEQ"  
<(b) (6)> "Herrgott, Alex H. EOP/CEQ"  
<(b) (6)> "Pettigrew, Theresa L. EOP/CEQ"  
<(b) (6)> "Schneider, Daniel J. EOP/CEQ"  
**Date:** Wed, 30 May 2018 10:50:09 -0400  
**Attachments:** Draft Responses to Agency Comments Draft 3 5-29-18 MRD edits.docx (39.4 kB)

Aaron,

Please see my attached edits in track changes.

Note, I have one edit potential edit to the ANPRM itself that I came across during my review of the comment response document. I propose we consider (b) (5)

Best,

Michael

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, May 29, 2018 1:53 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
<(b) (6)> Barnett, Steven W. EOP/CEQ <(b) (6)>  
Sharp, Thomas L. EOP/CEQ <(b) (6)> Loyola, Mario A. EOP/CEQ <(b) (6)>  
<(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
Drummond, Michael R. EOP/CEQ <(b) (6)> Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
<(b) (6)> Herrgott, Alex H. EOP/CEQ <(b) (6)>  
Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** FOR REVIEW BY COB TODAY: CEQ Draft Responses to Interagency Comments on CEQ ANPRM

All,

Please find attached for your review **by COB today**, CEQ's draft responses to the interagency comments that we received on the CEQ ANPRM.

Thank you Tom for putting this together.

Please let Tom or I know if you have any questions.

**Aaron L. Szabo**

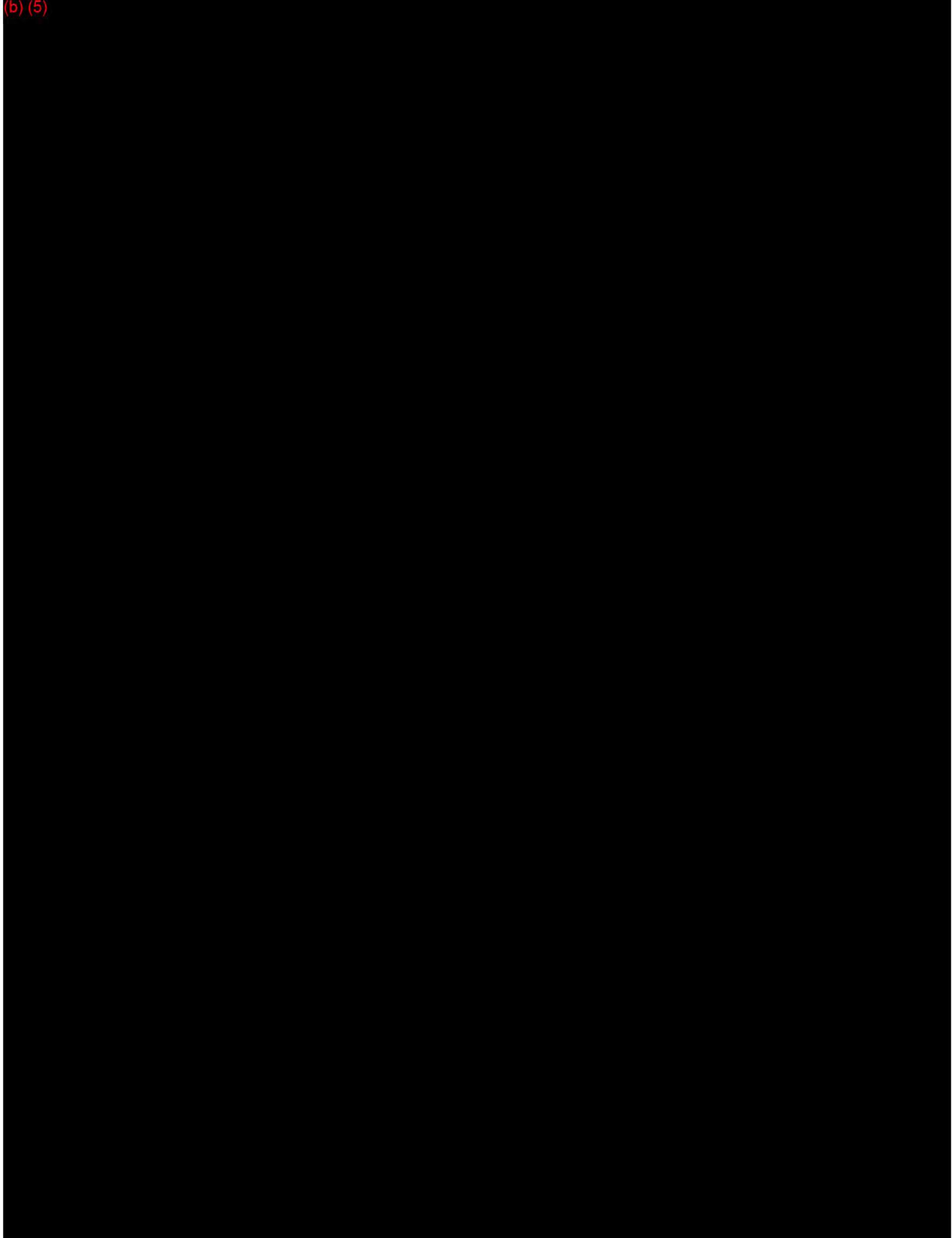
Senior Counsel

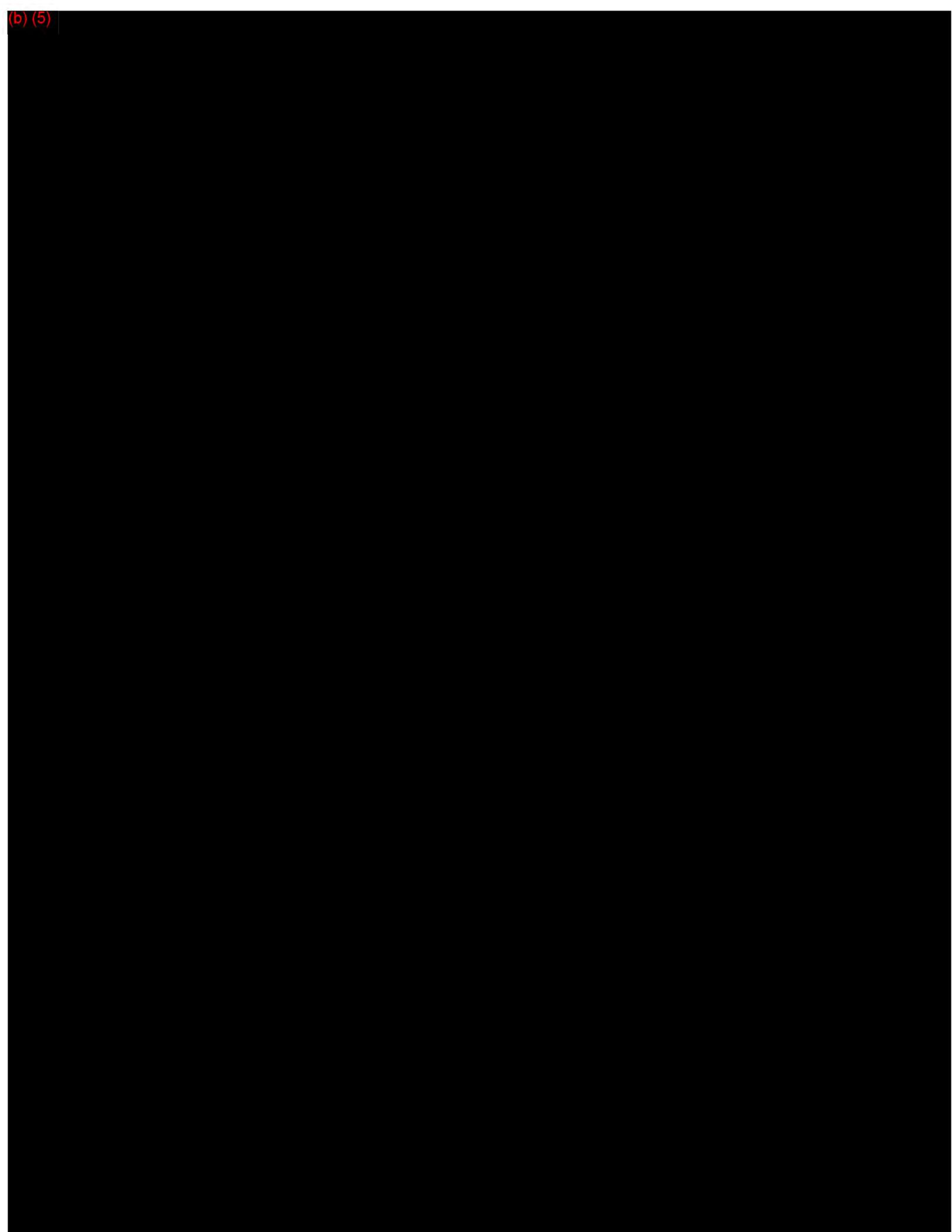
Council on Environmental Quality

(b) (6) (Desk)

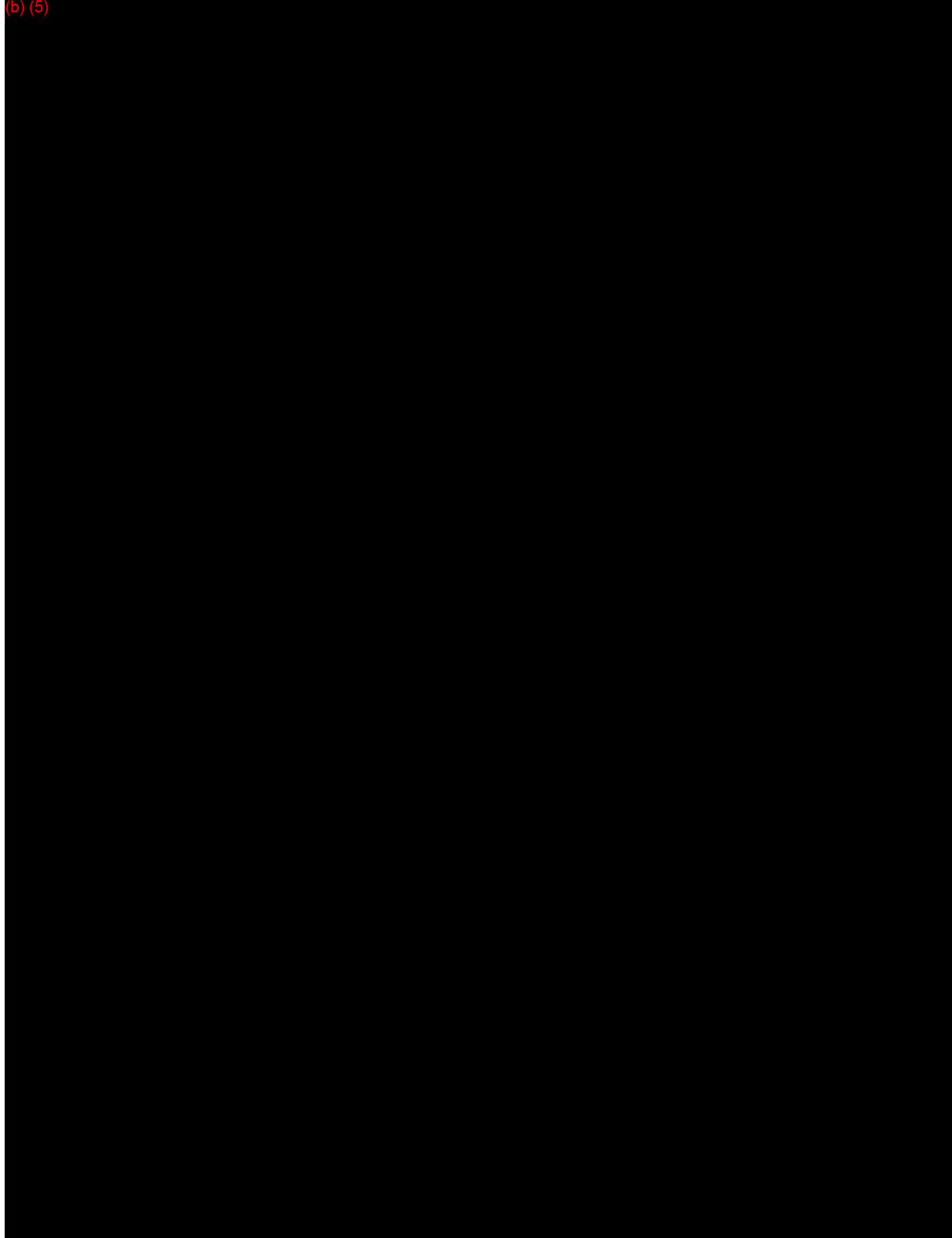
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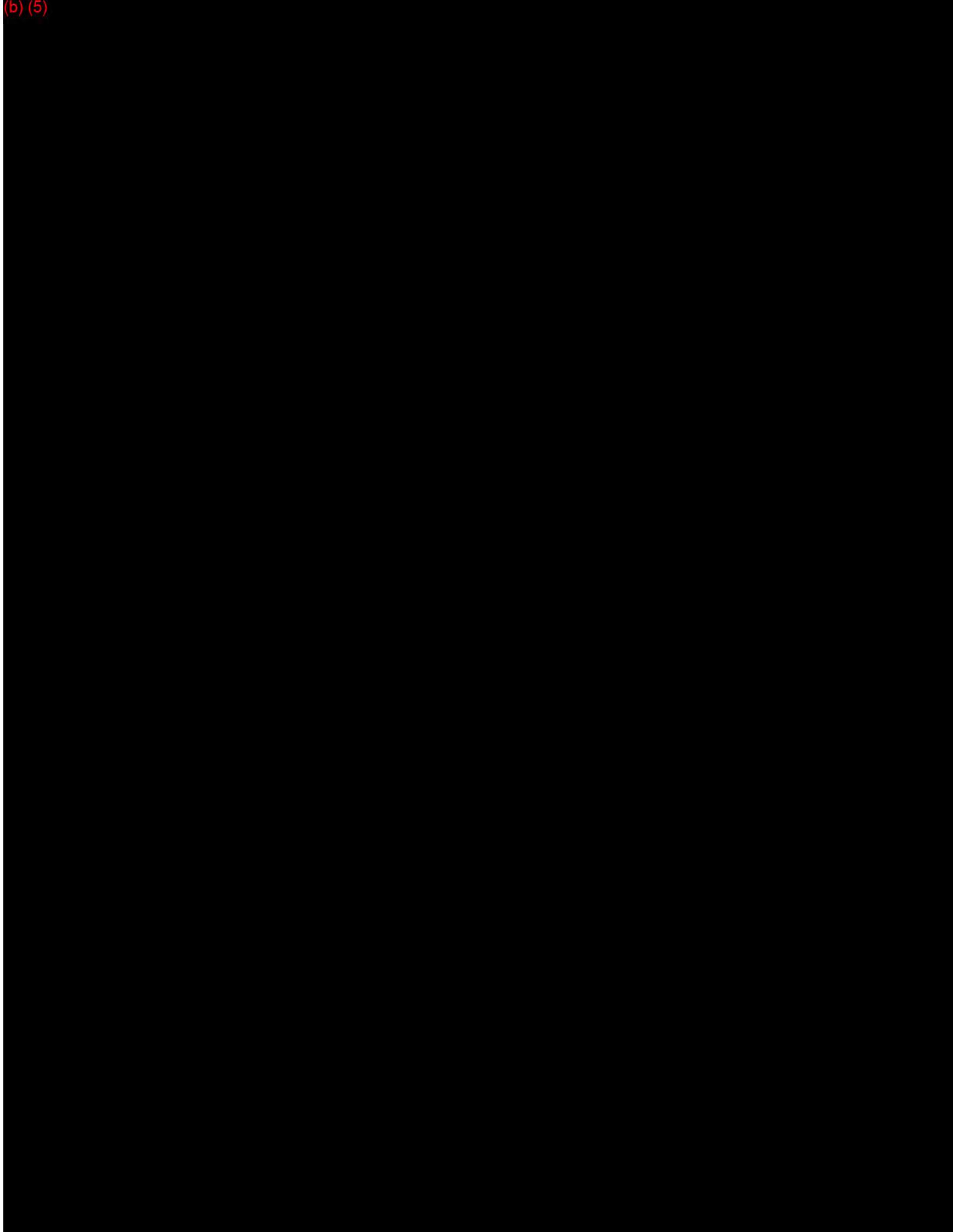
(b) (6)

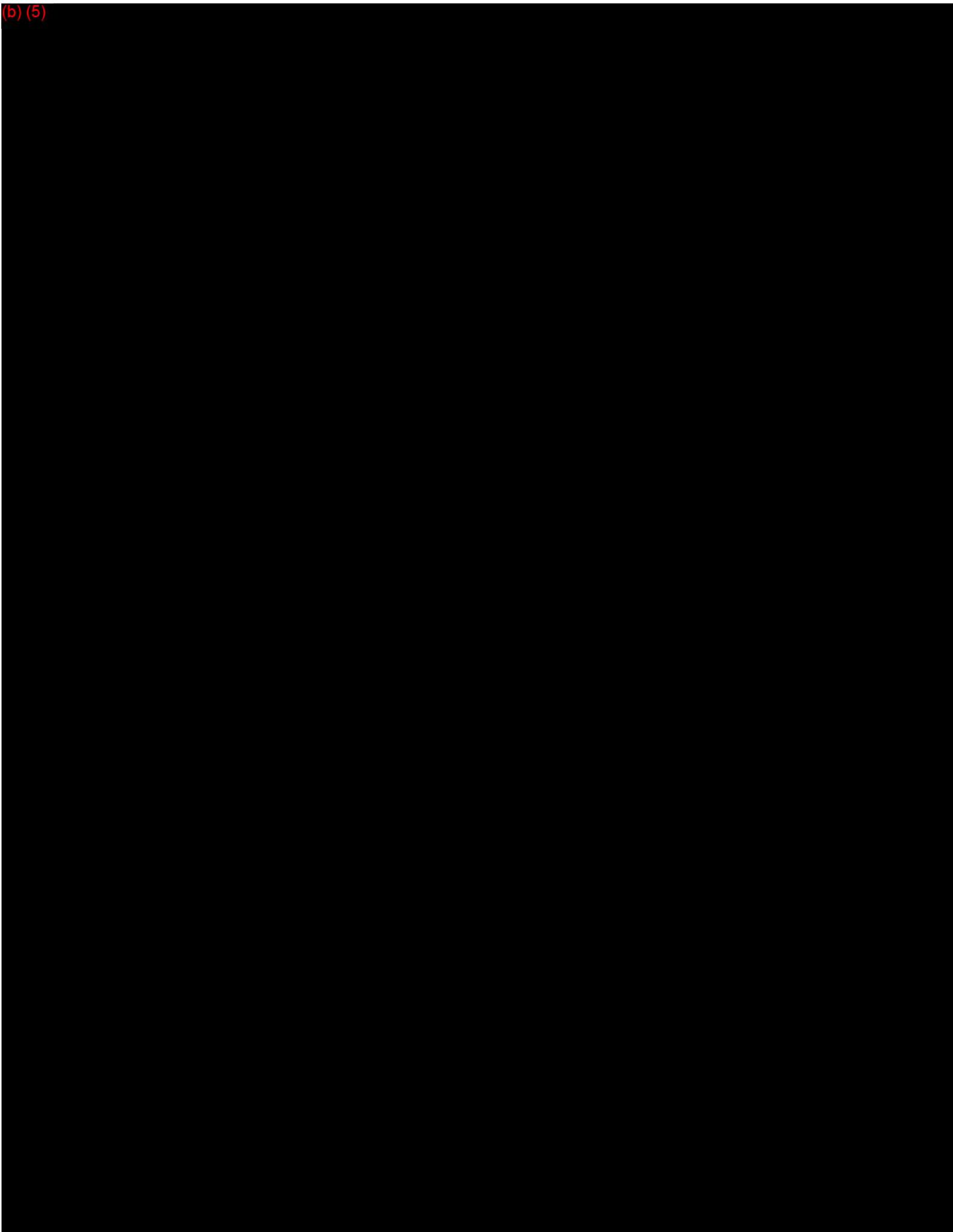


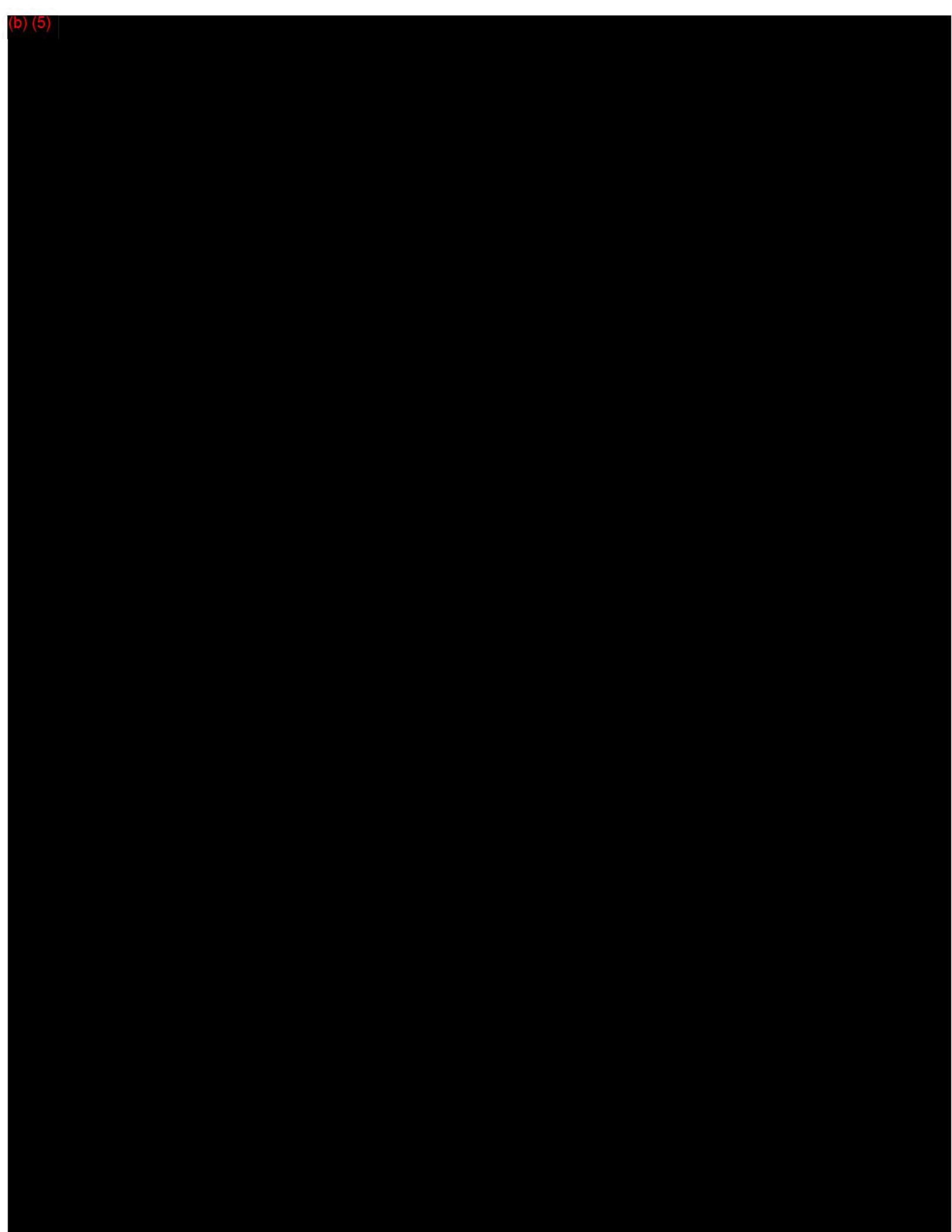


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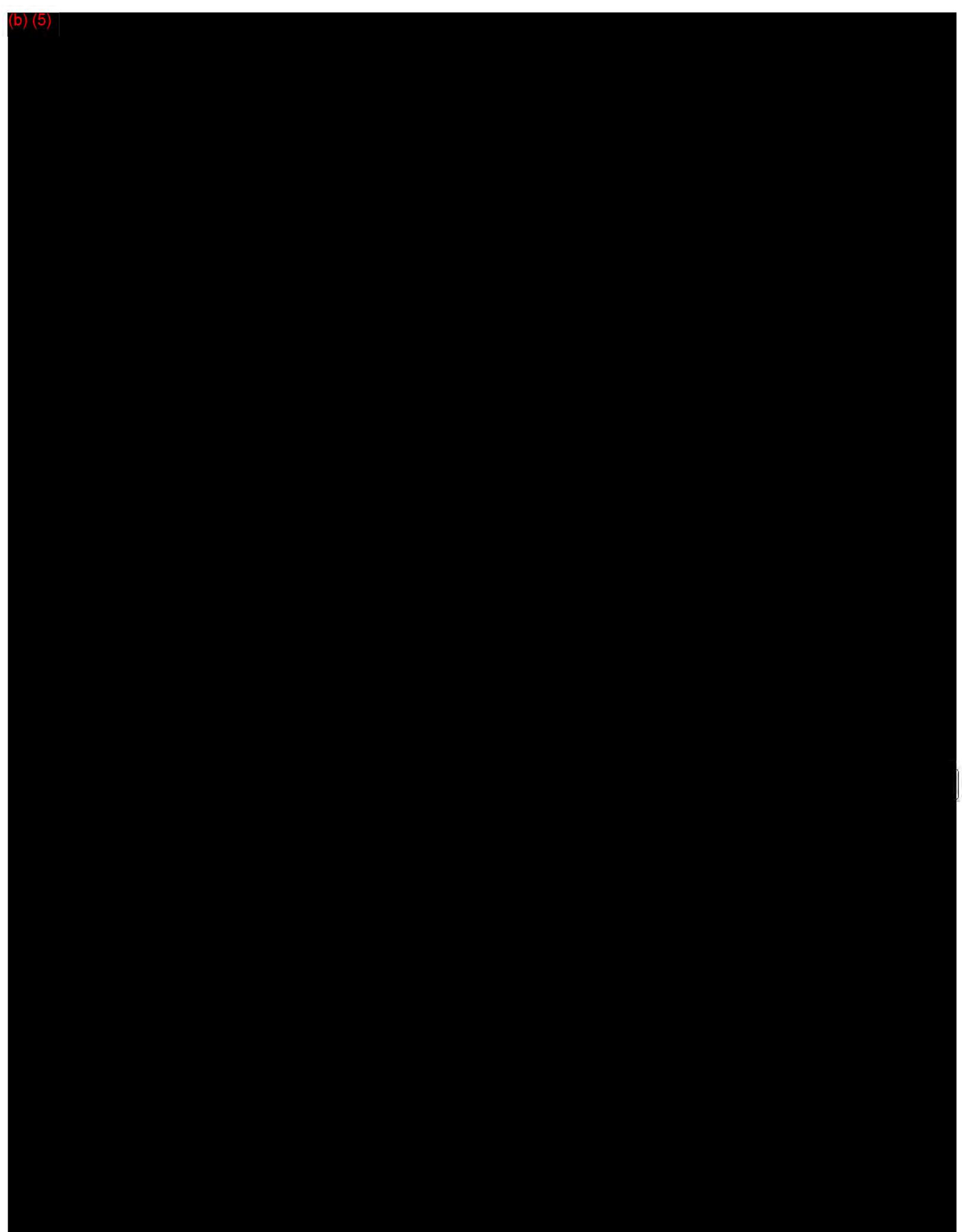




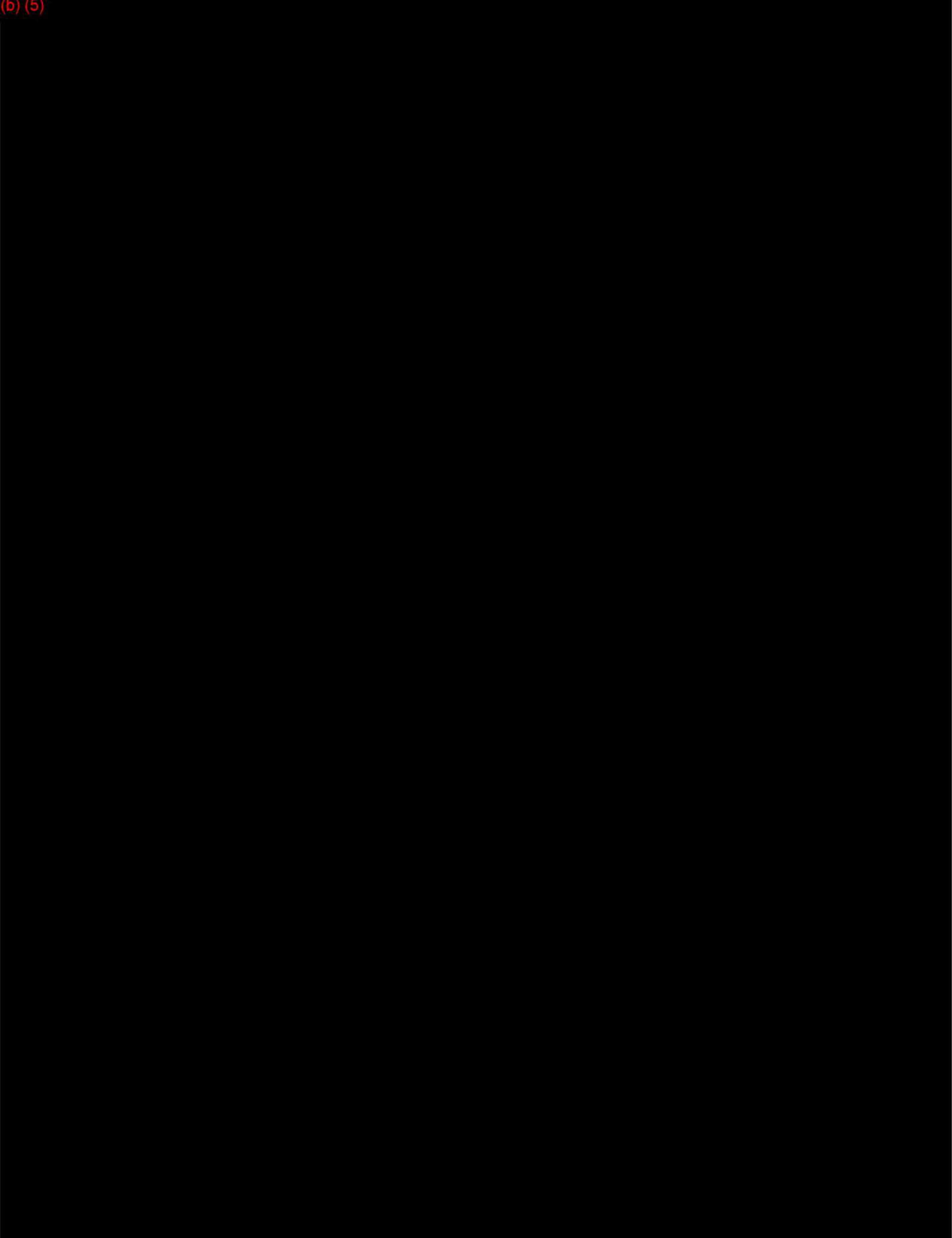


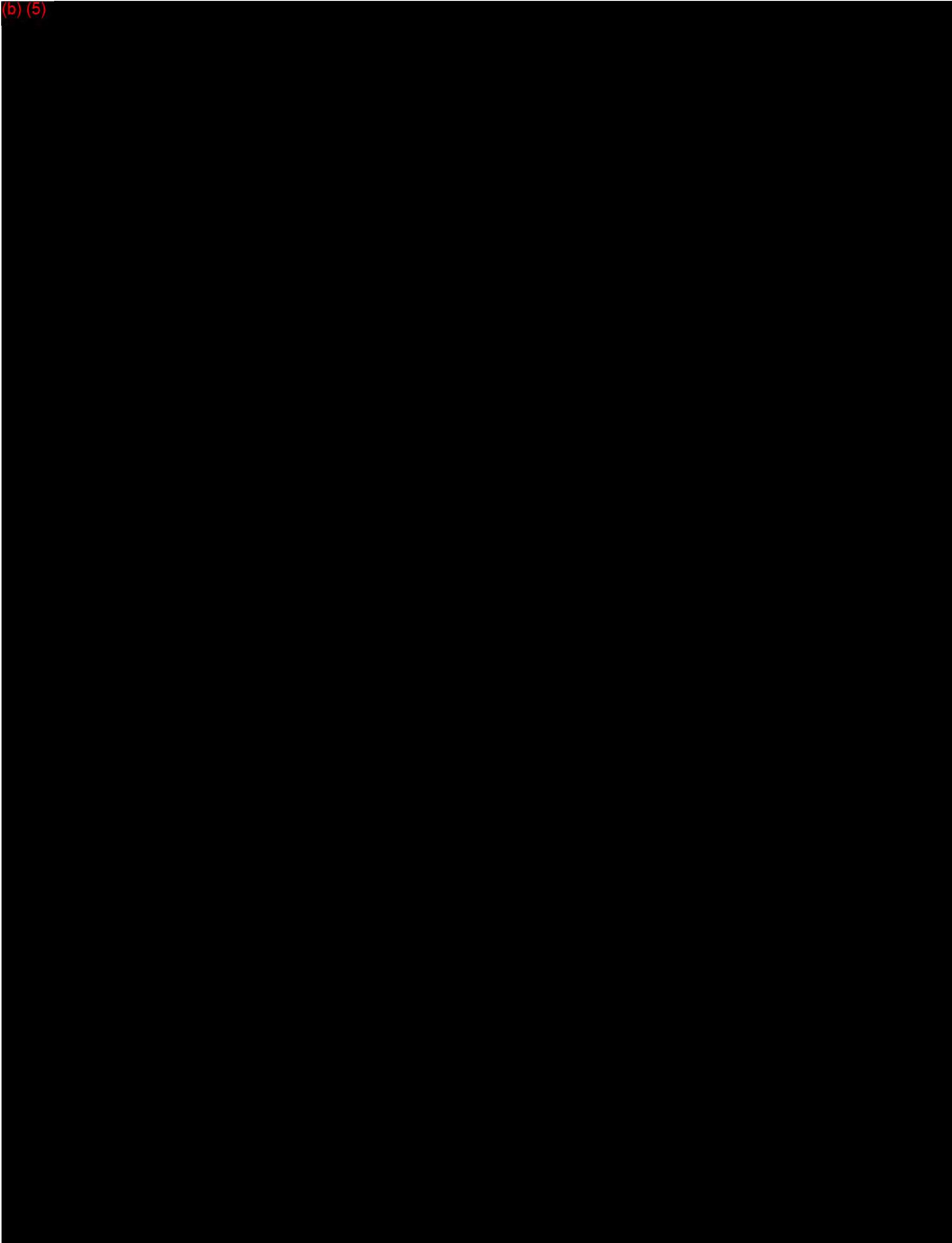


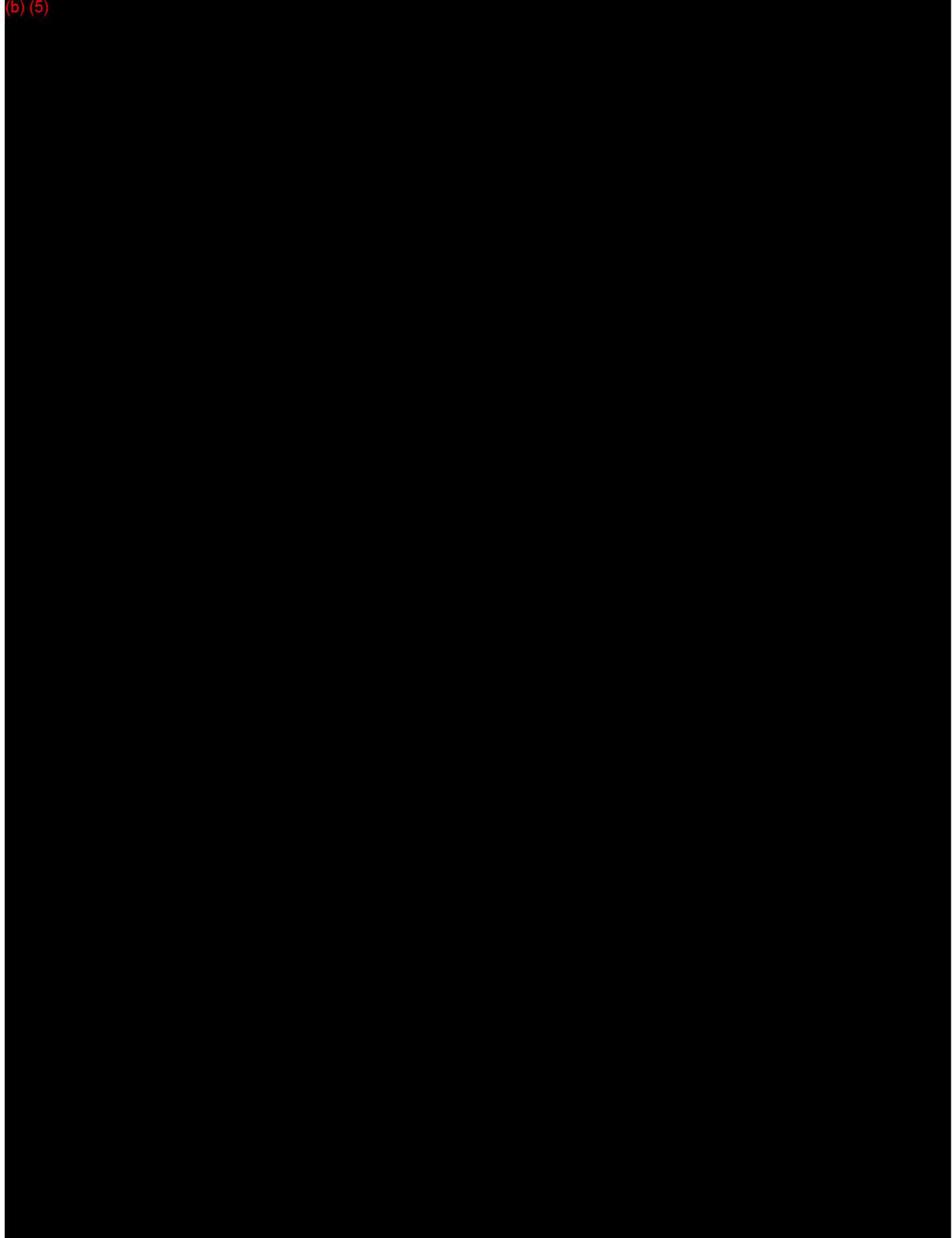
(b) (5)



(b) (5)







## Proposed Regulation Amendments and Preamble Skeleton

---

**From:** "Loyola, Mario A. EOP/CEQ" (b) (6)  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 01 Jun 2018 09:59:13 -0400  
**Attachments:** CEQ Proposed Revised Regulation v6.docx (233.59 kB); Preamble Skeleton - Proposed Rule - CEQ Regulation Amendment v2.docx (54.62 kB)

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Dear Mary and Viktoria, please see attached for your review. (b) (5)

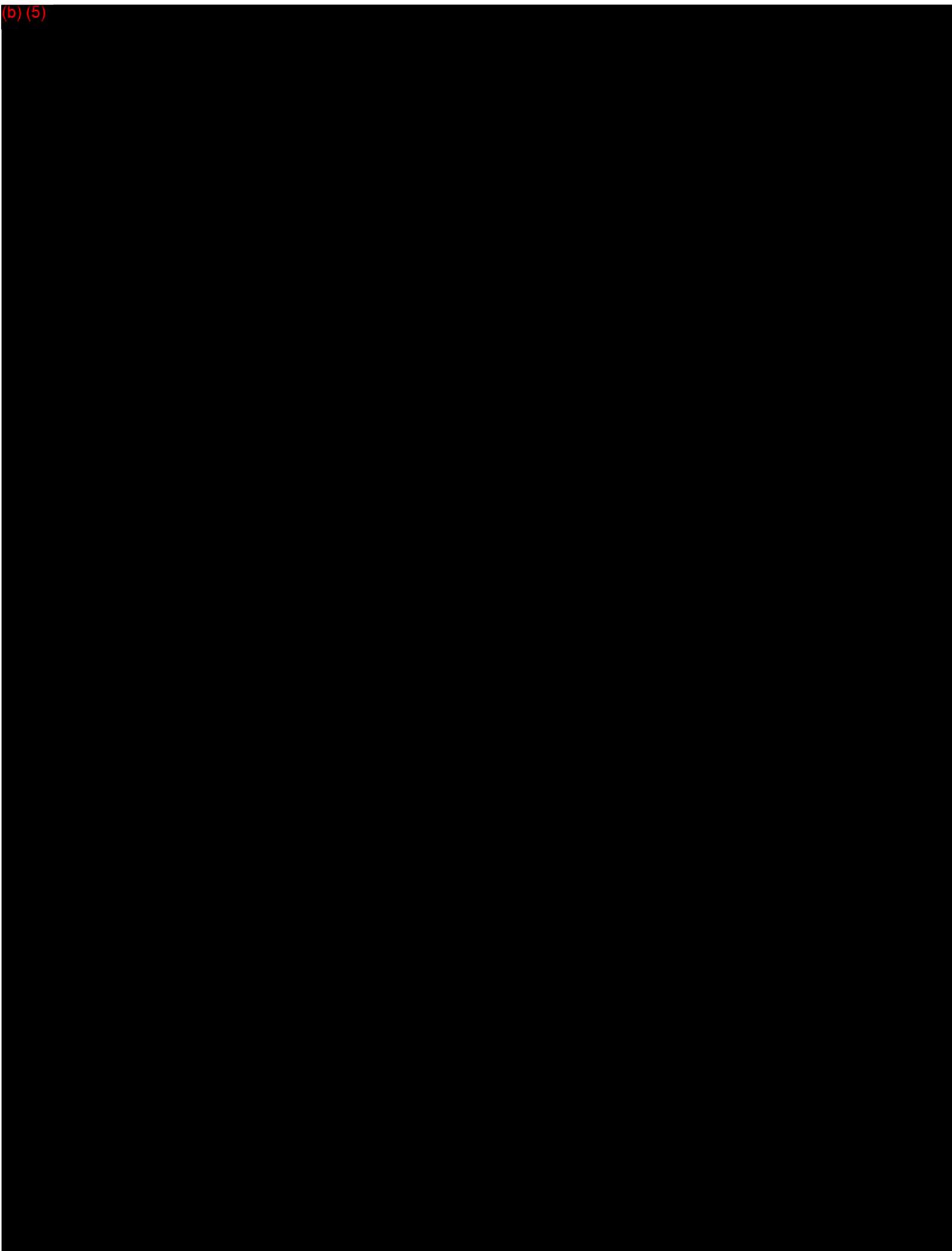
I look forward to your comments.

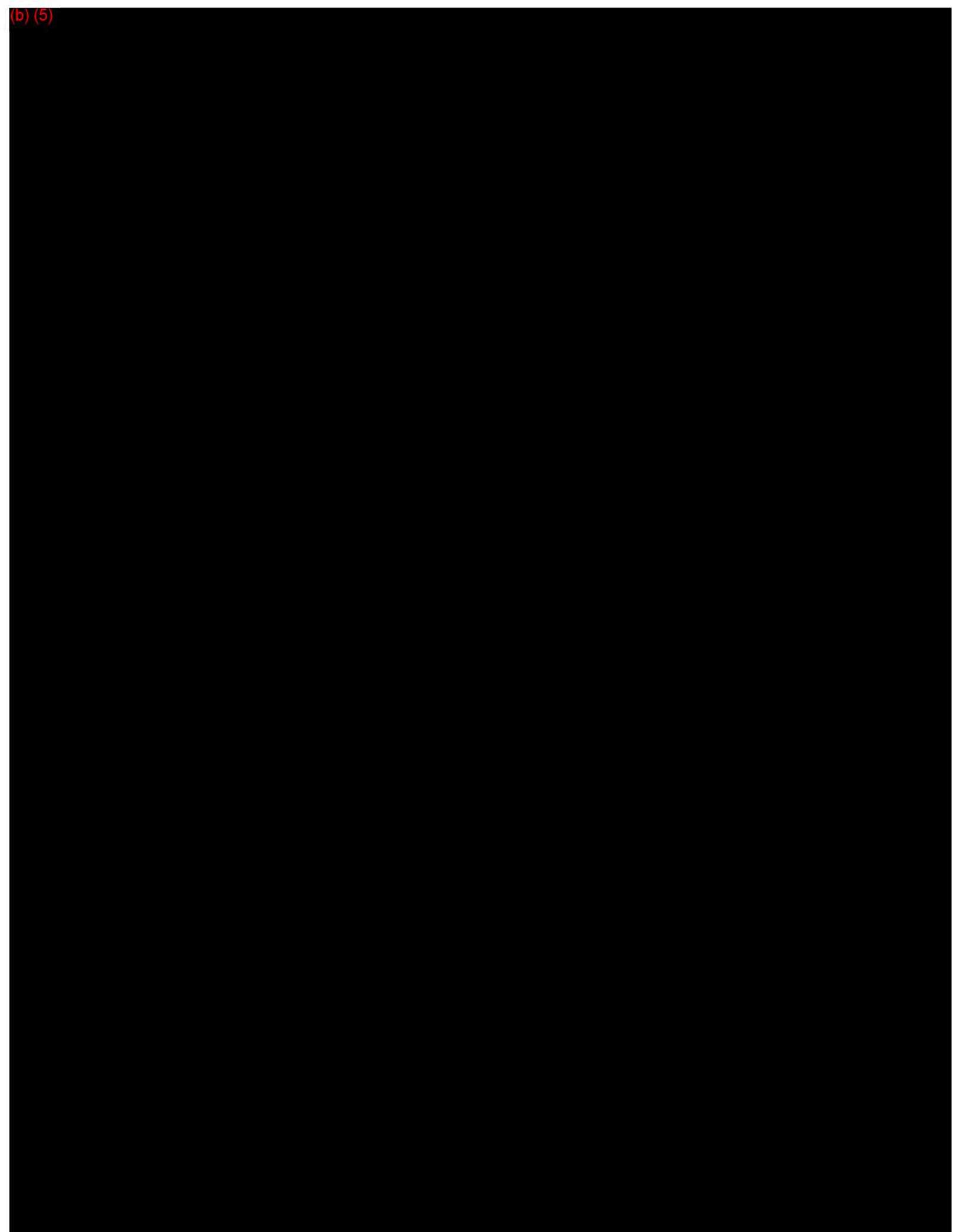
A couple of notes: (b) (5)

(b) (5)

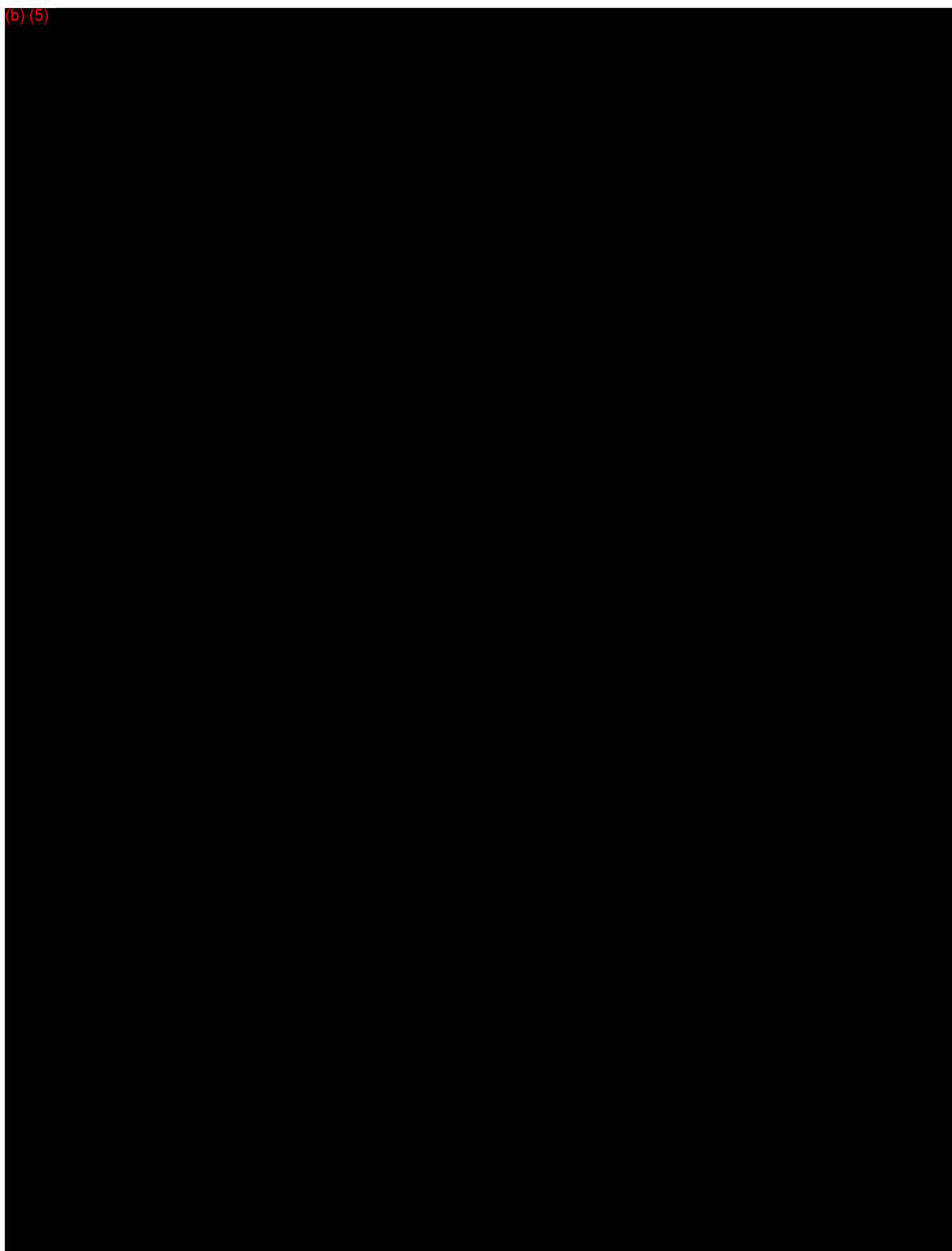
With that, I'm on the road!

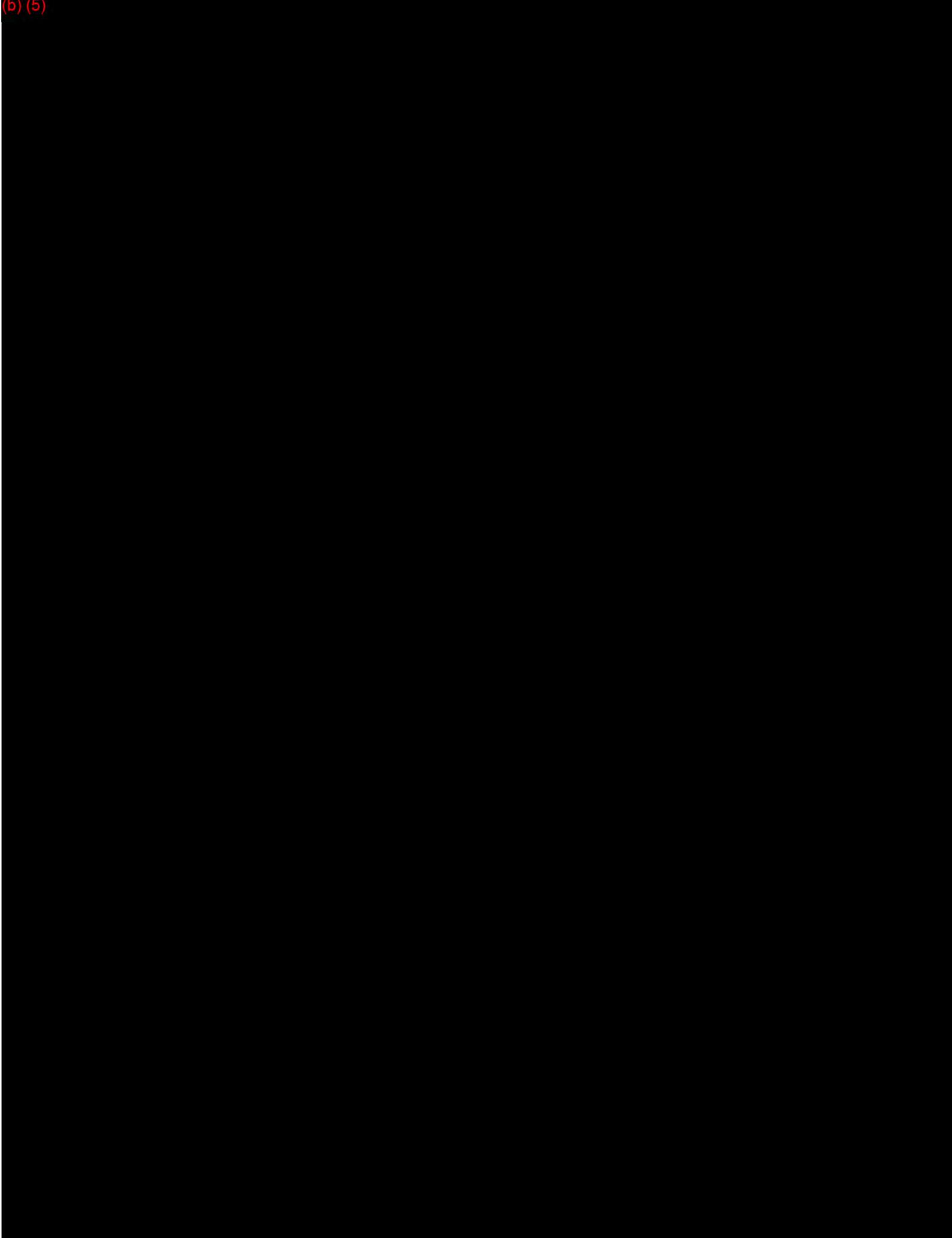
Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

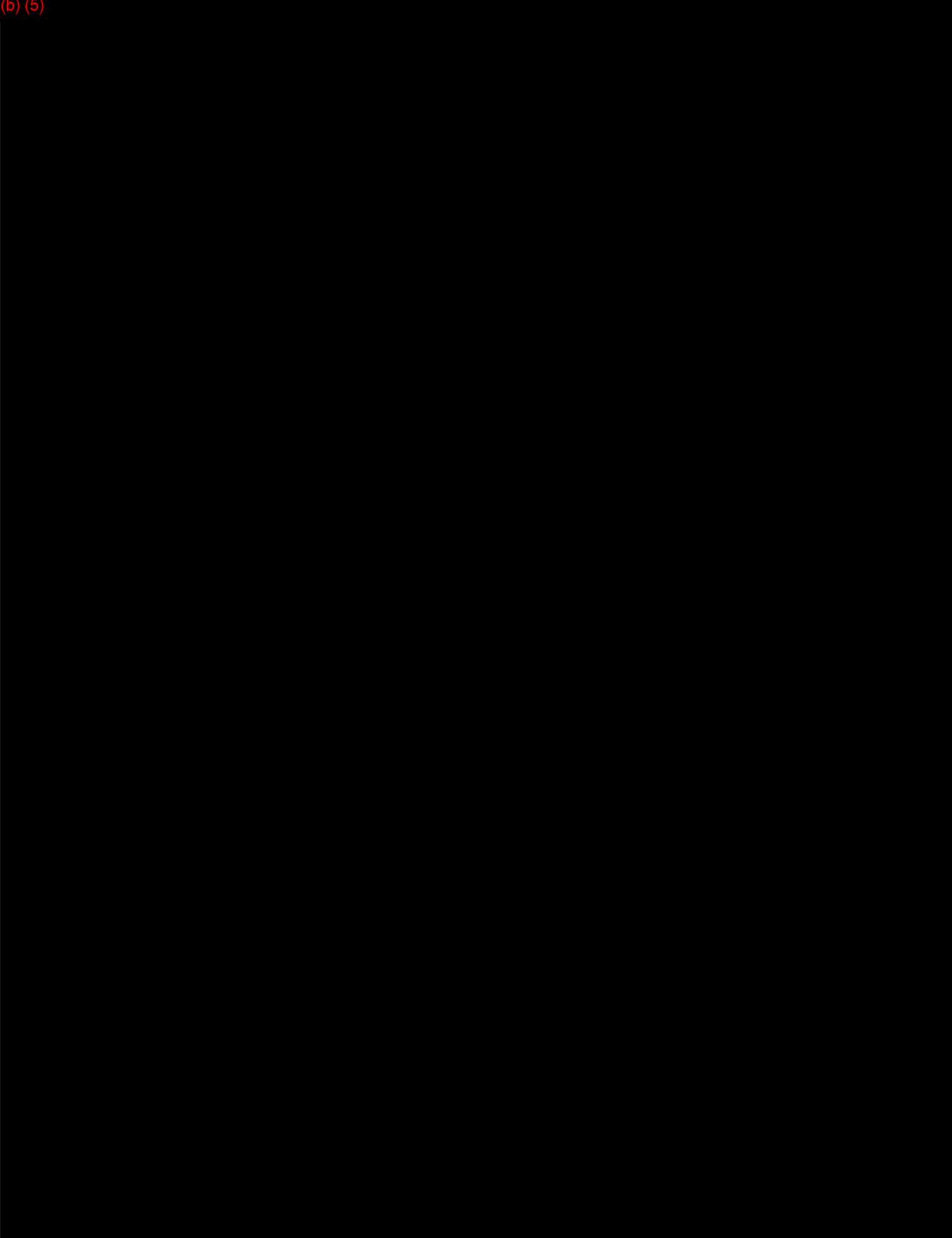


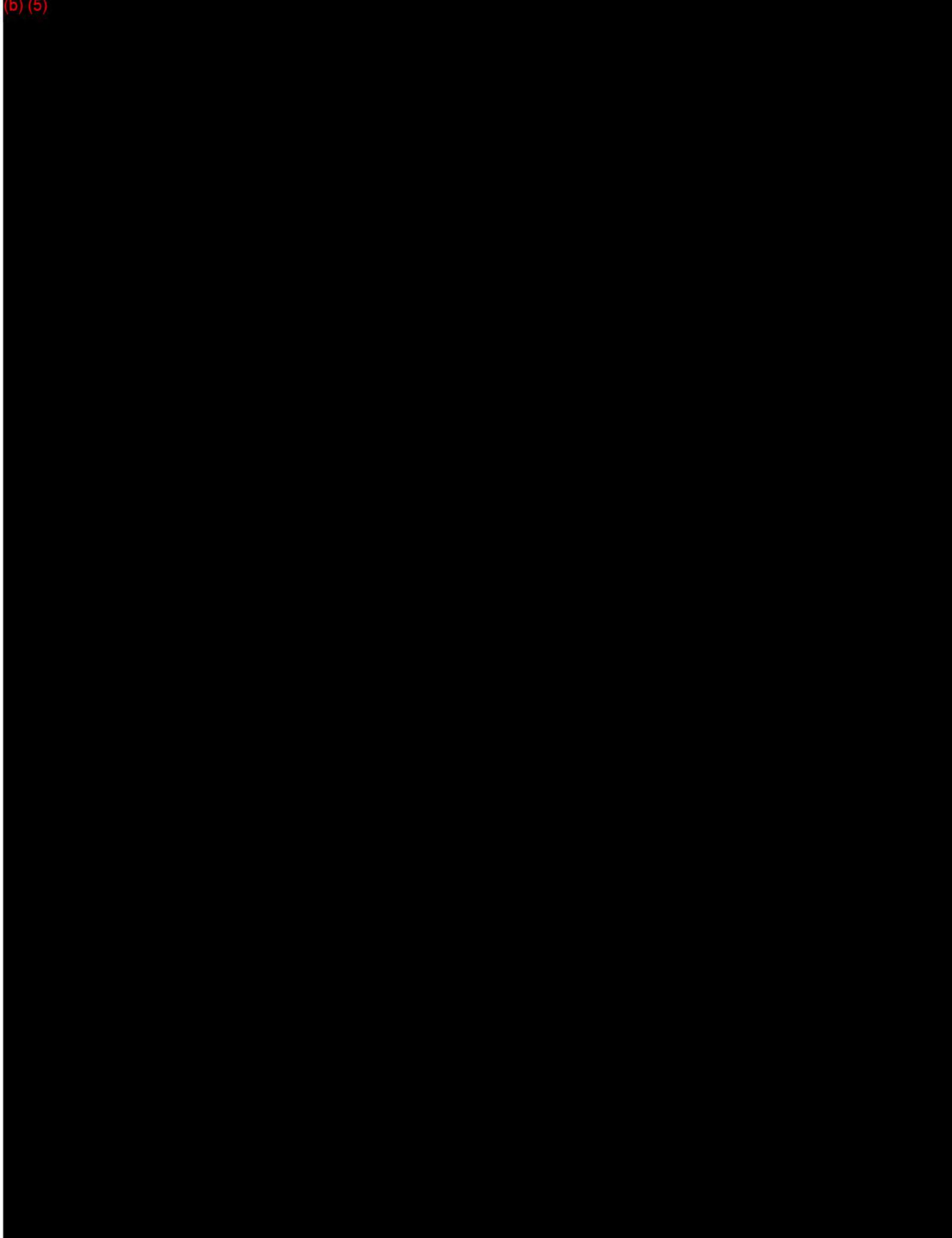


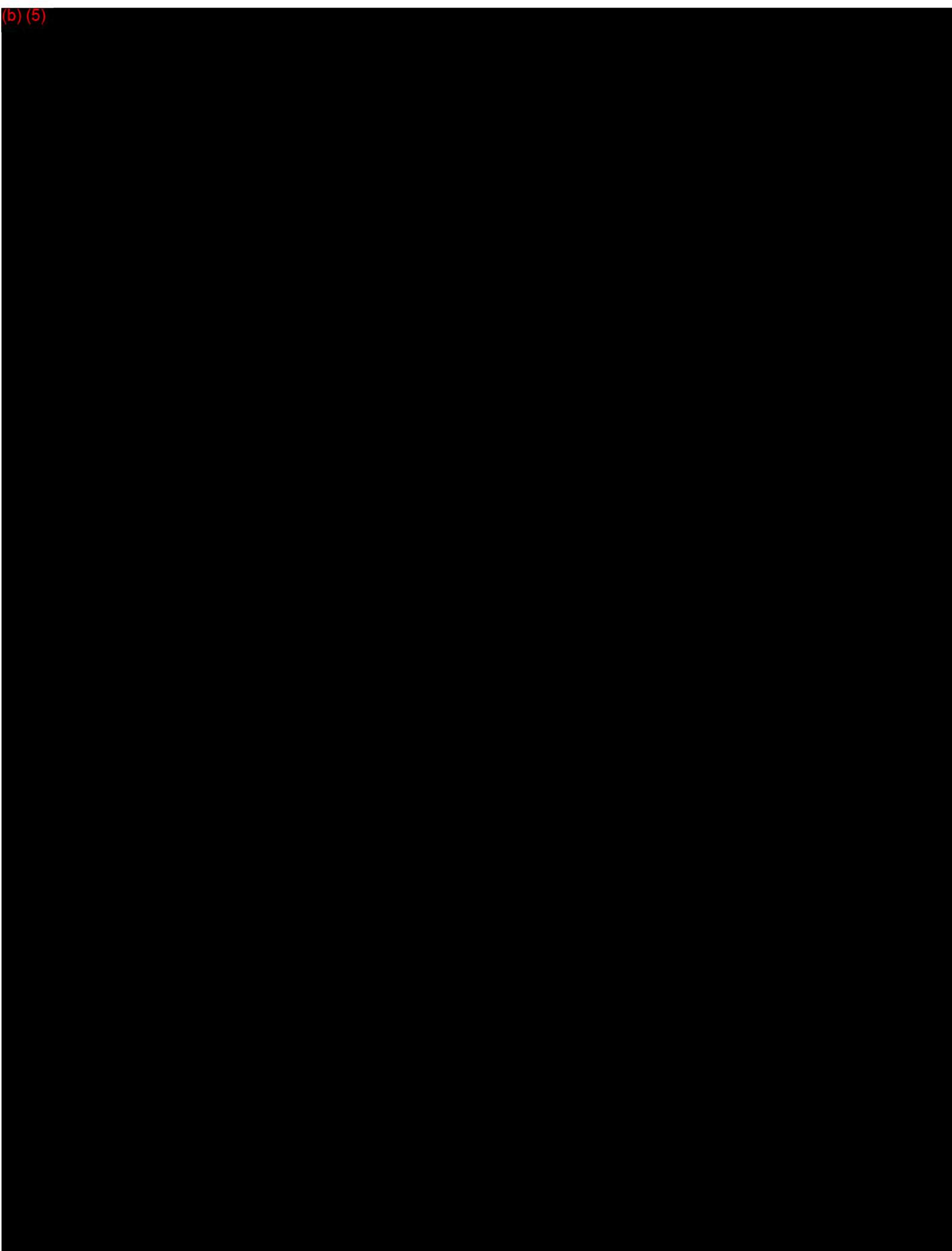
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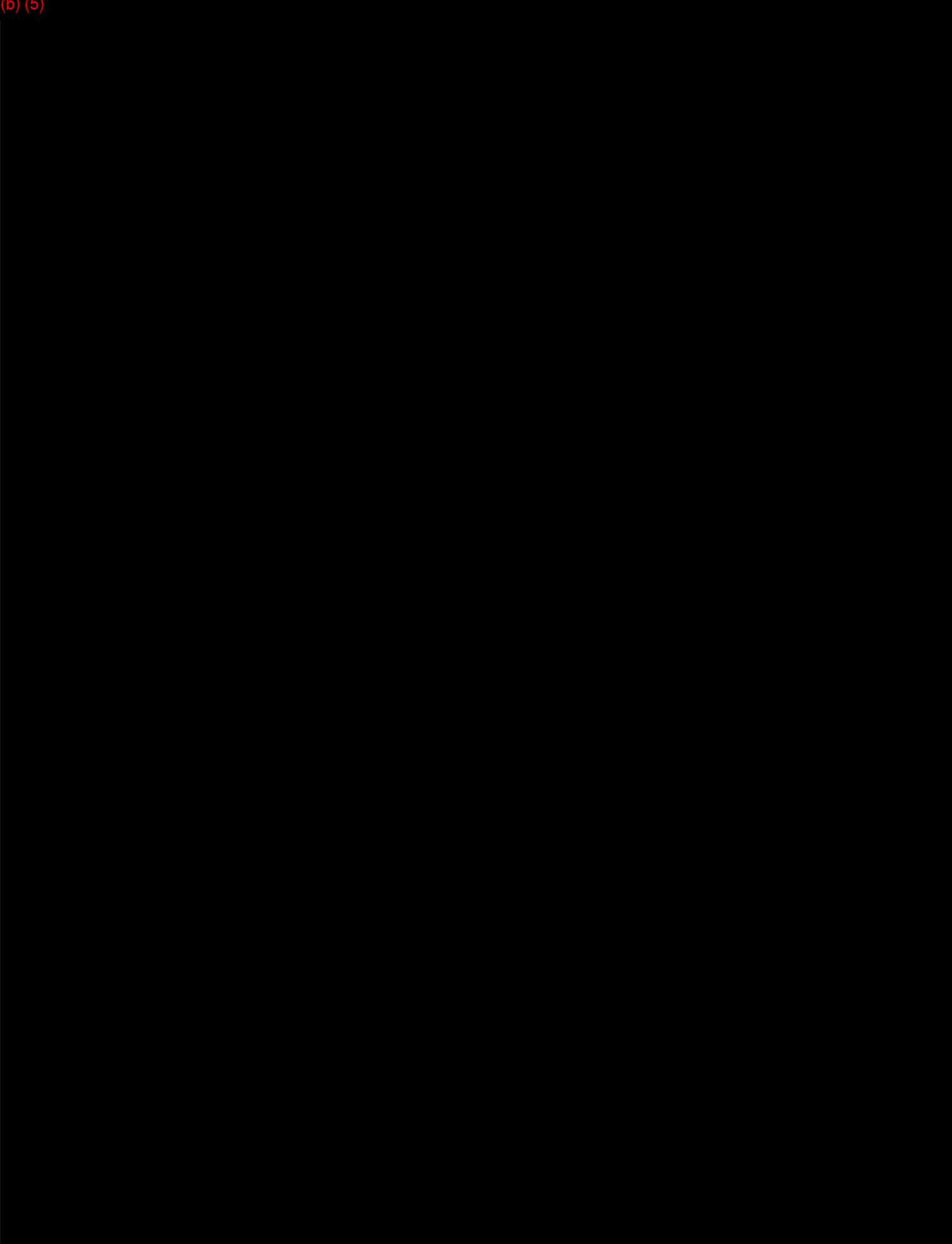


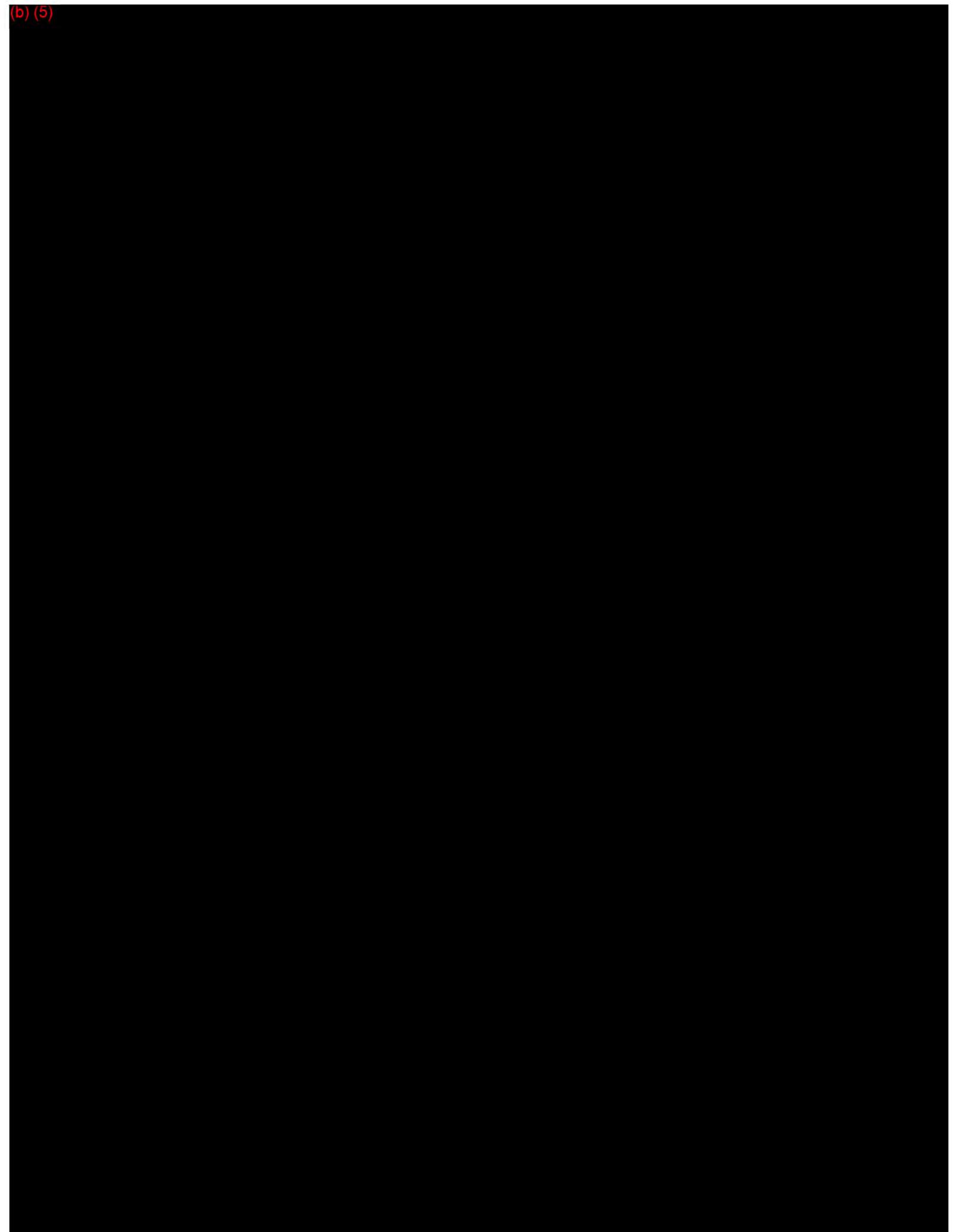


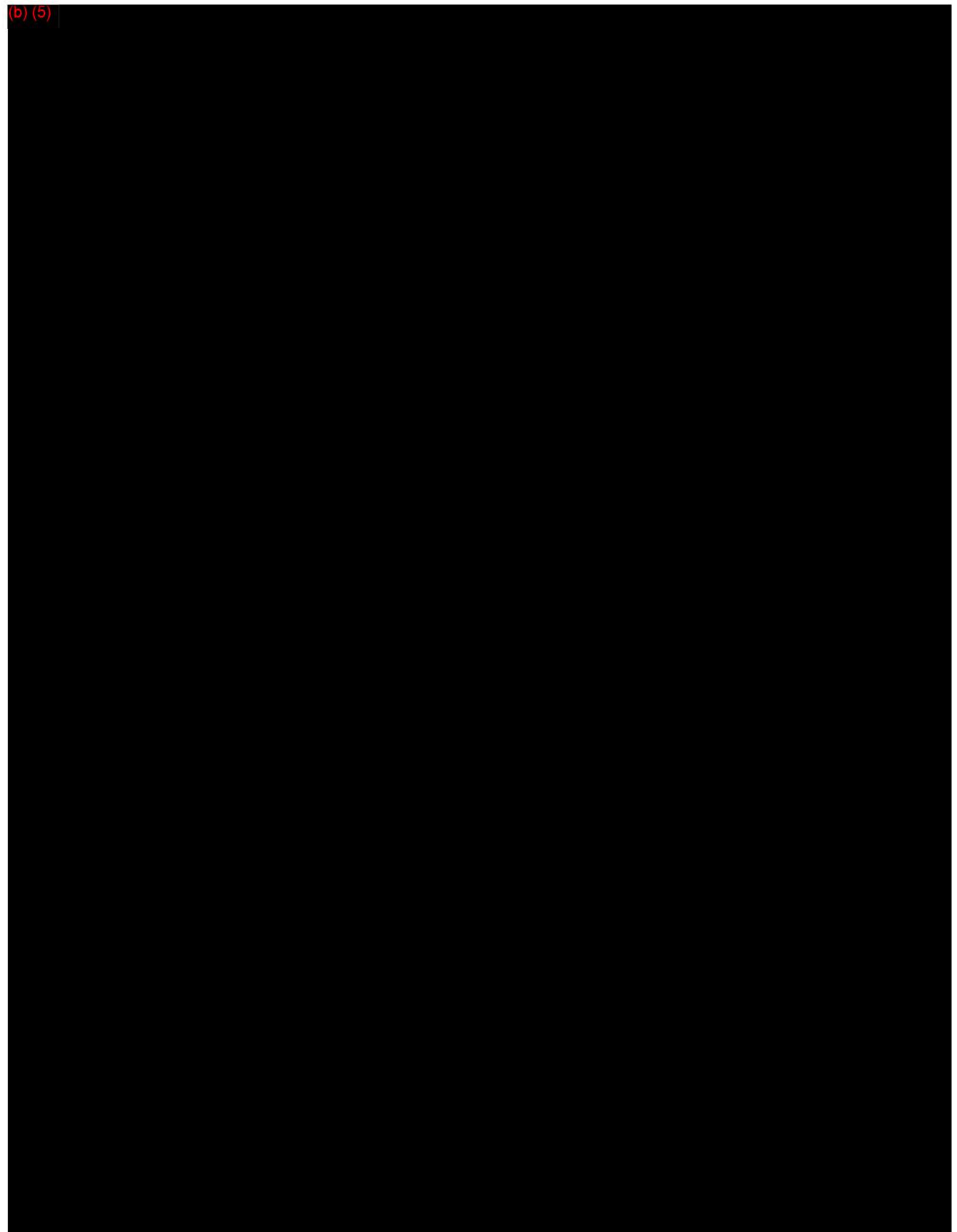


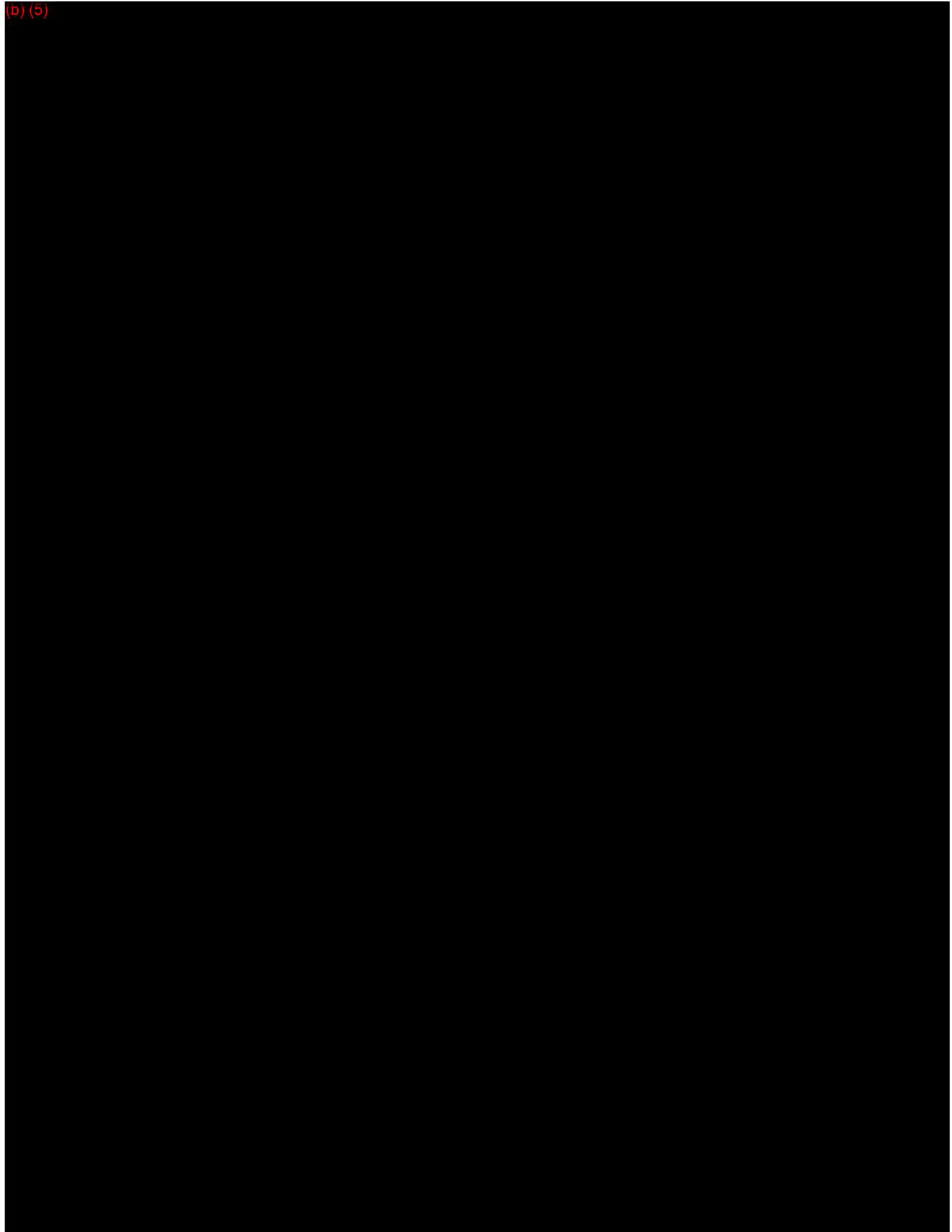


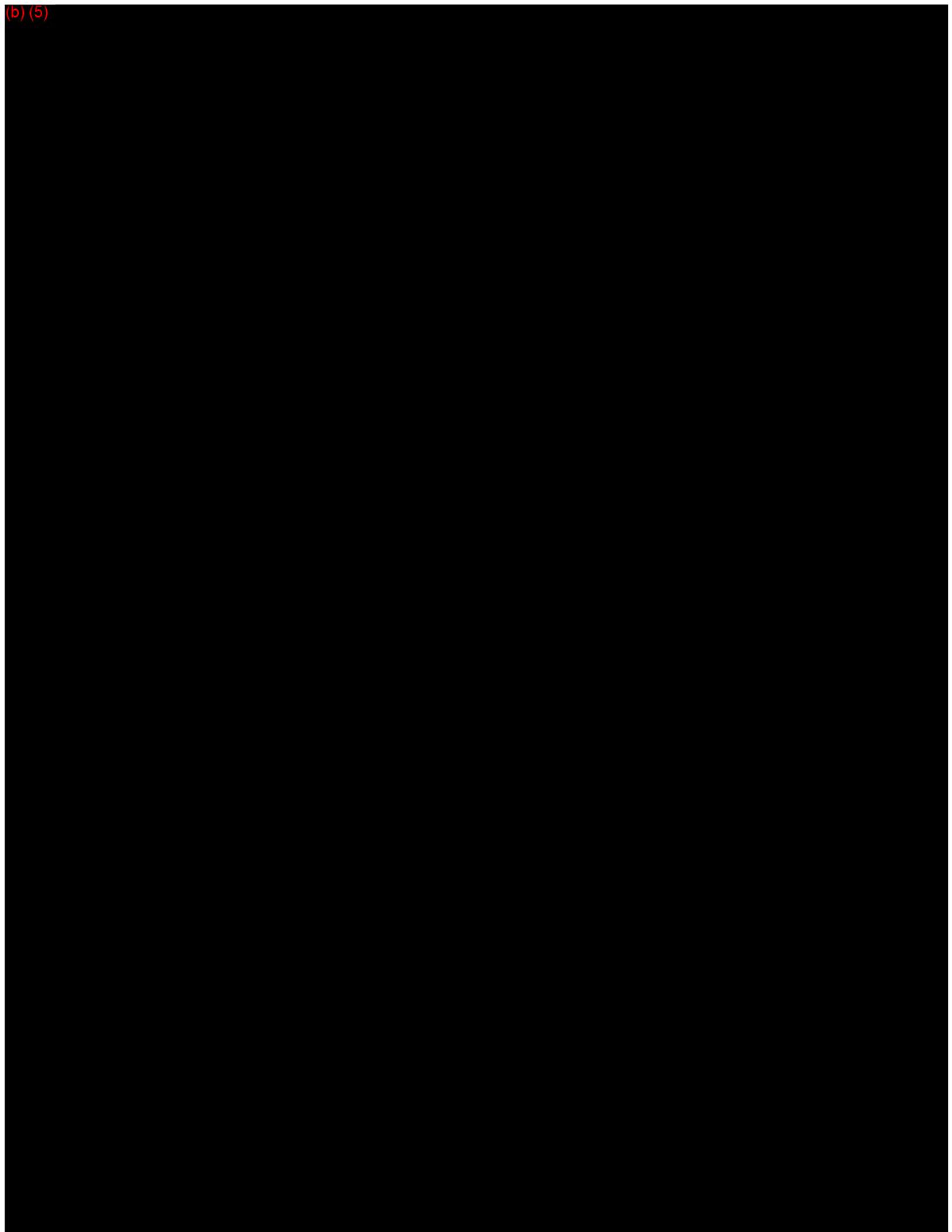


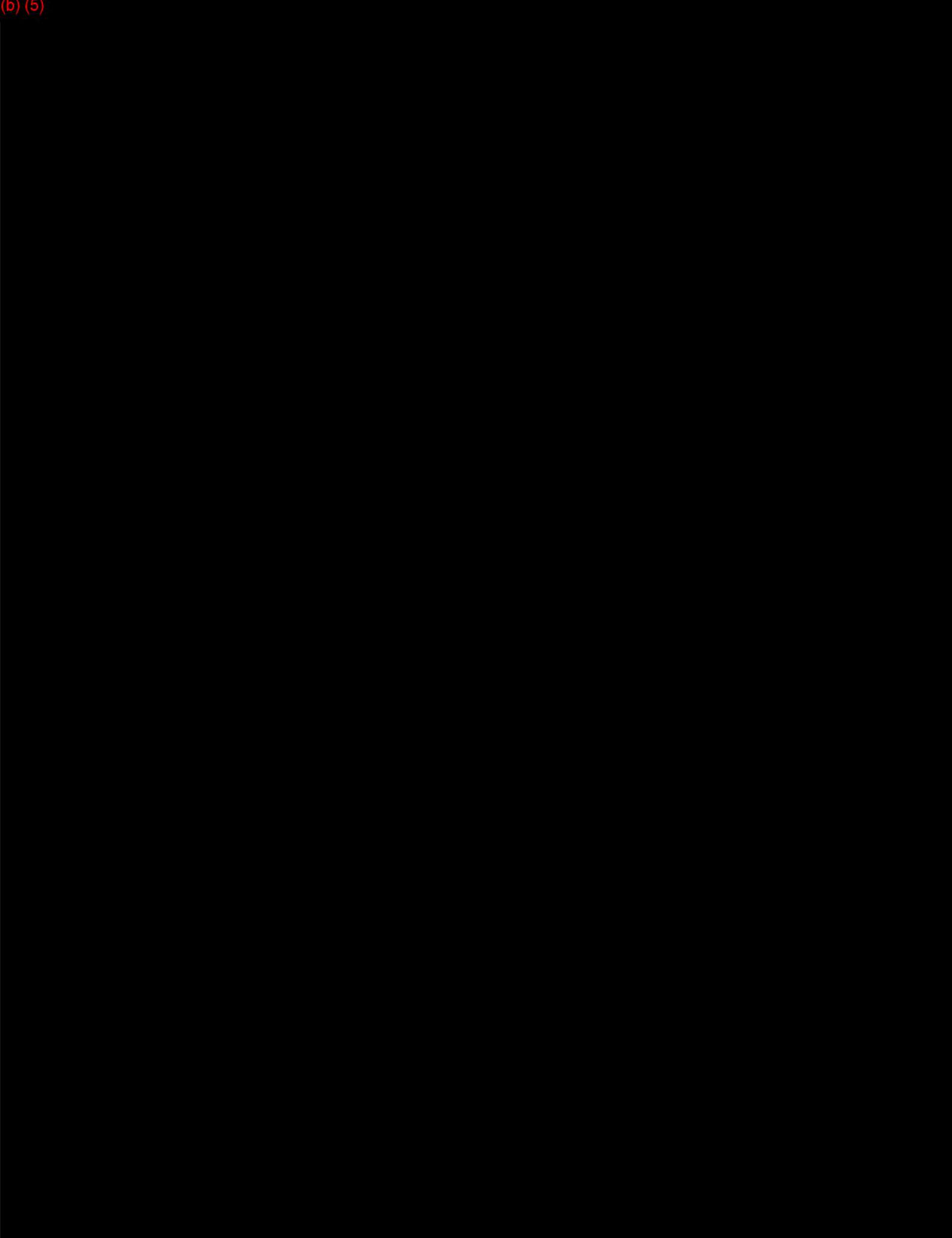


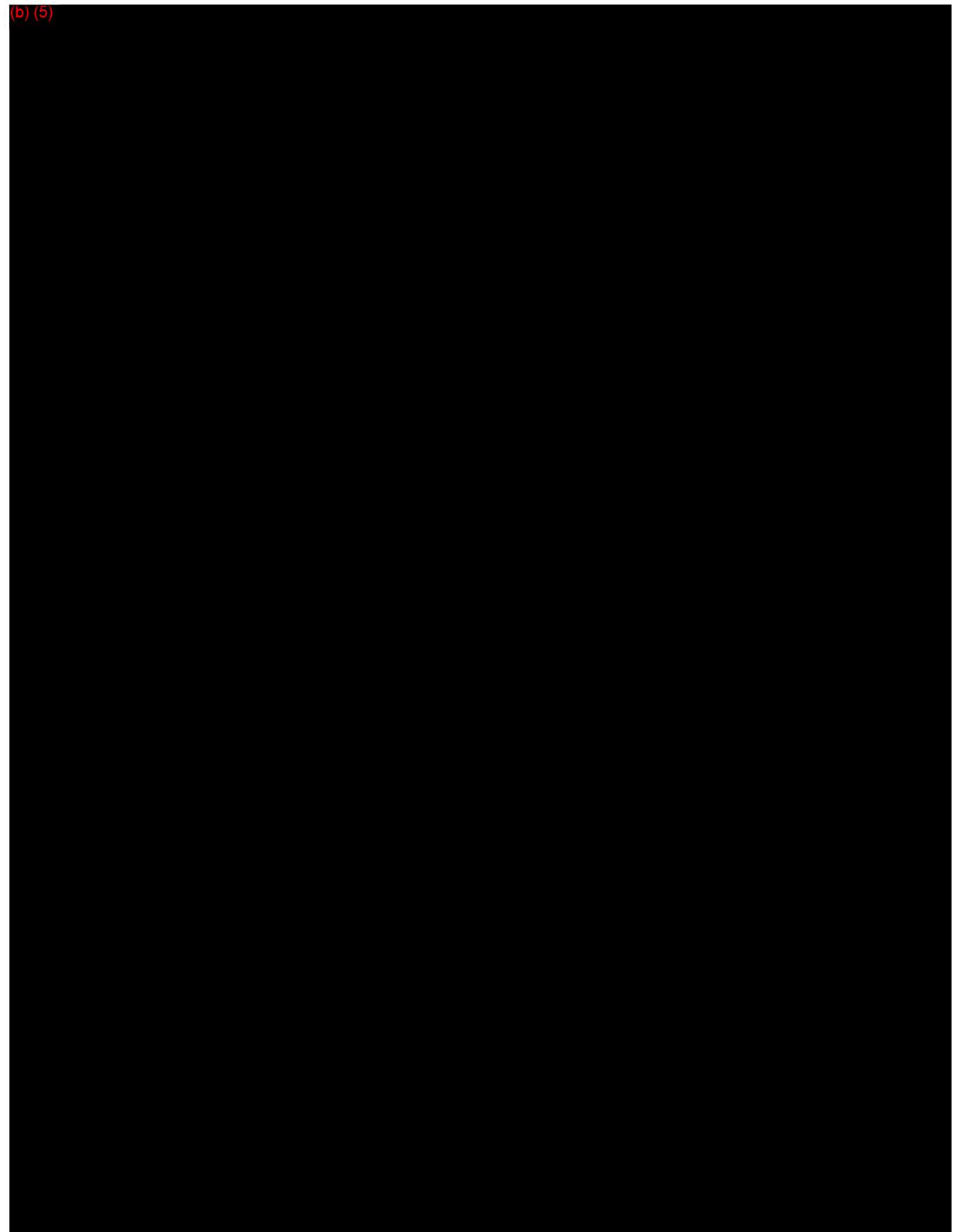




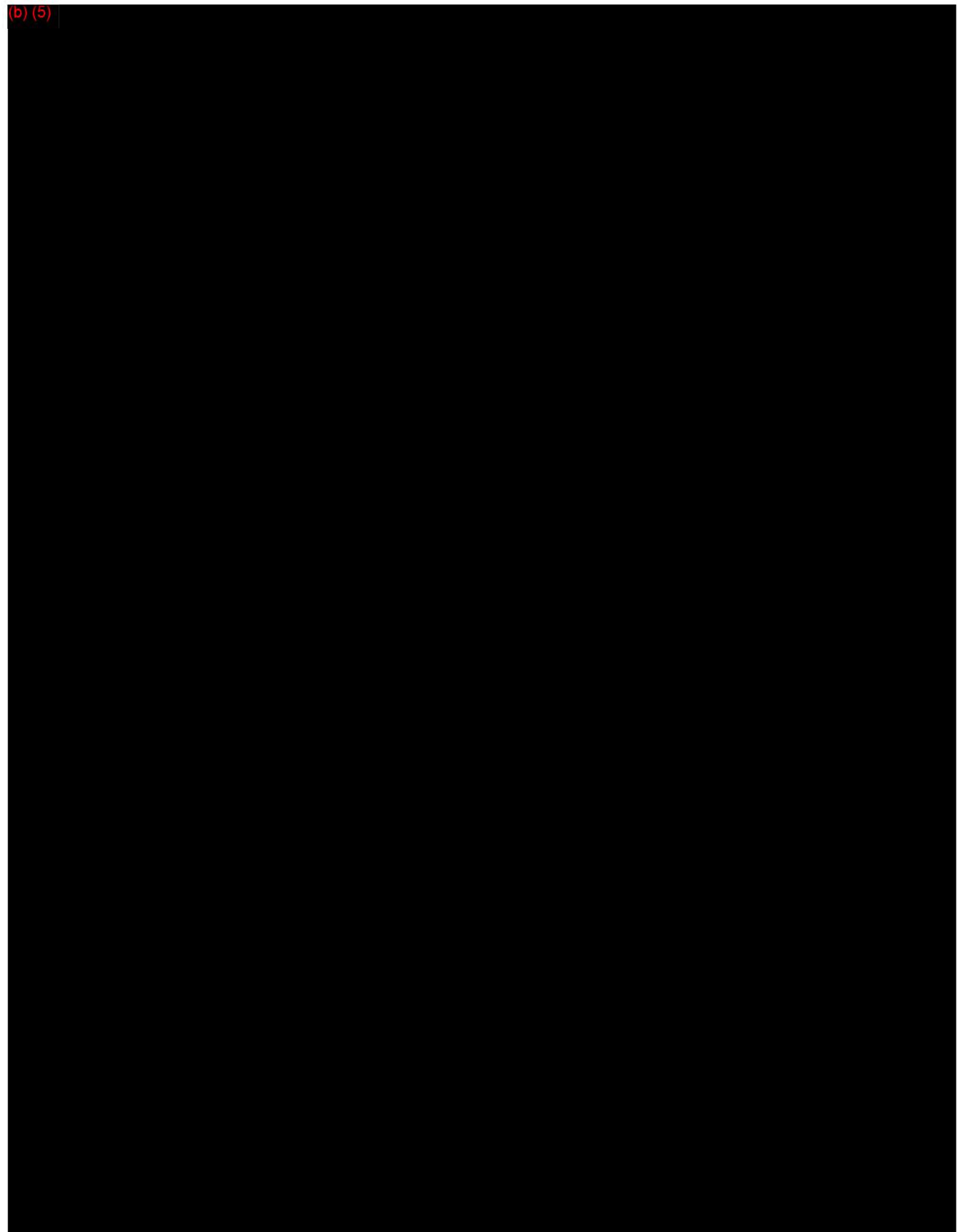


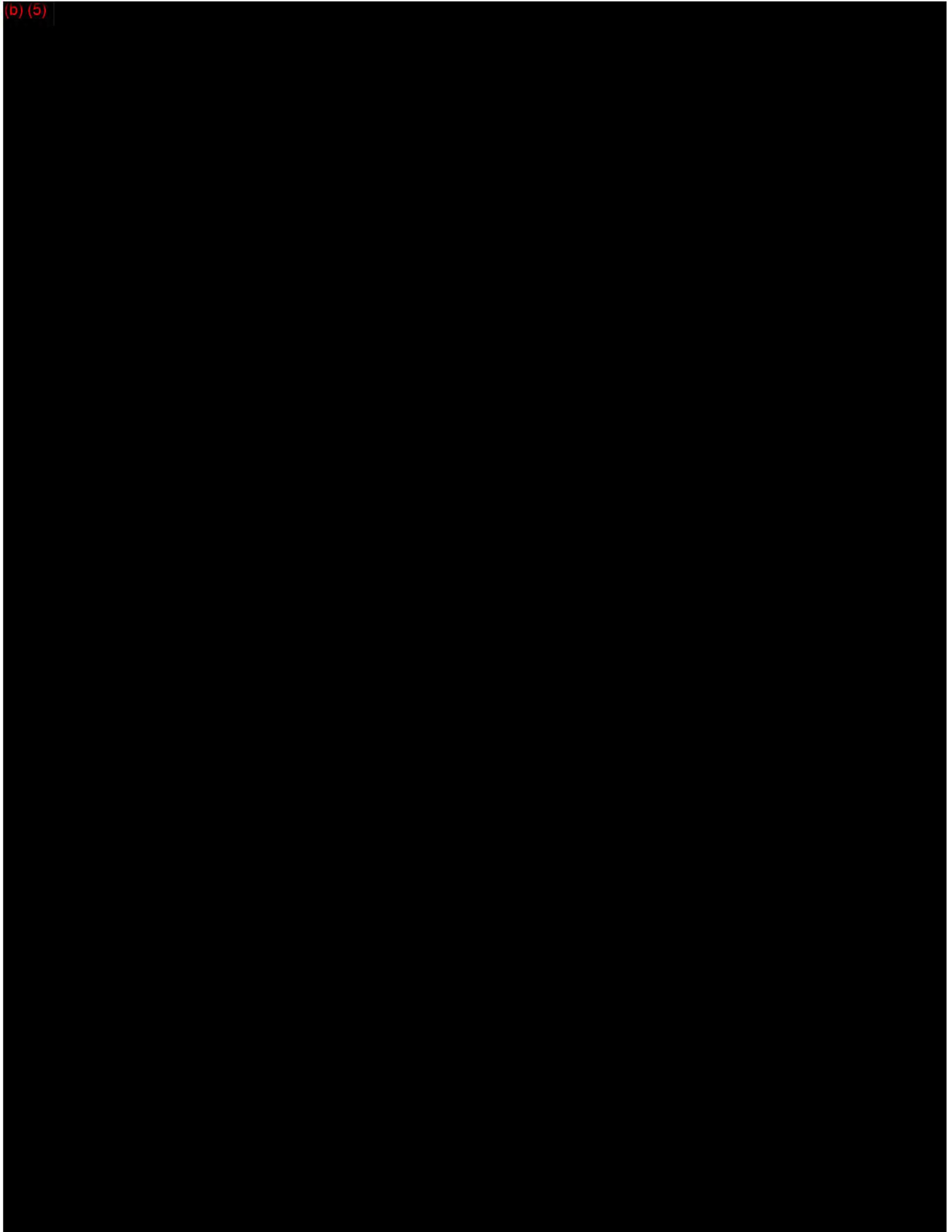


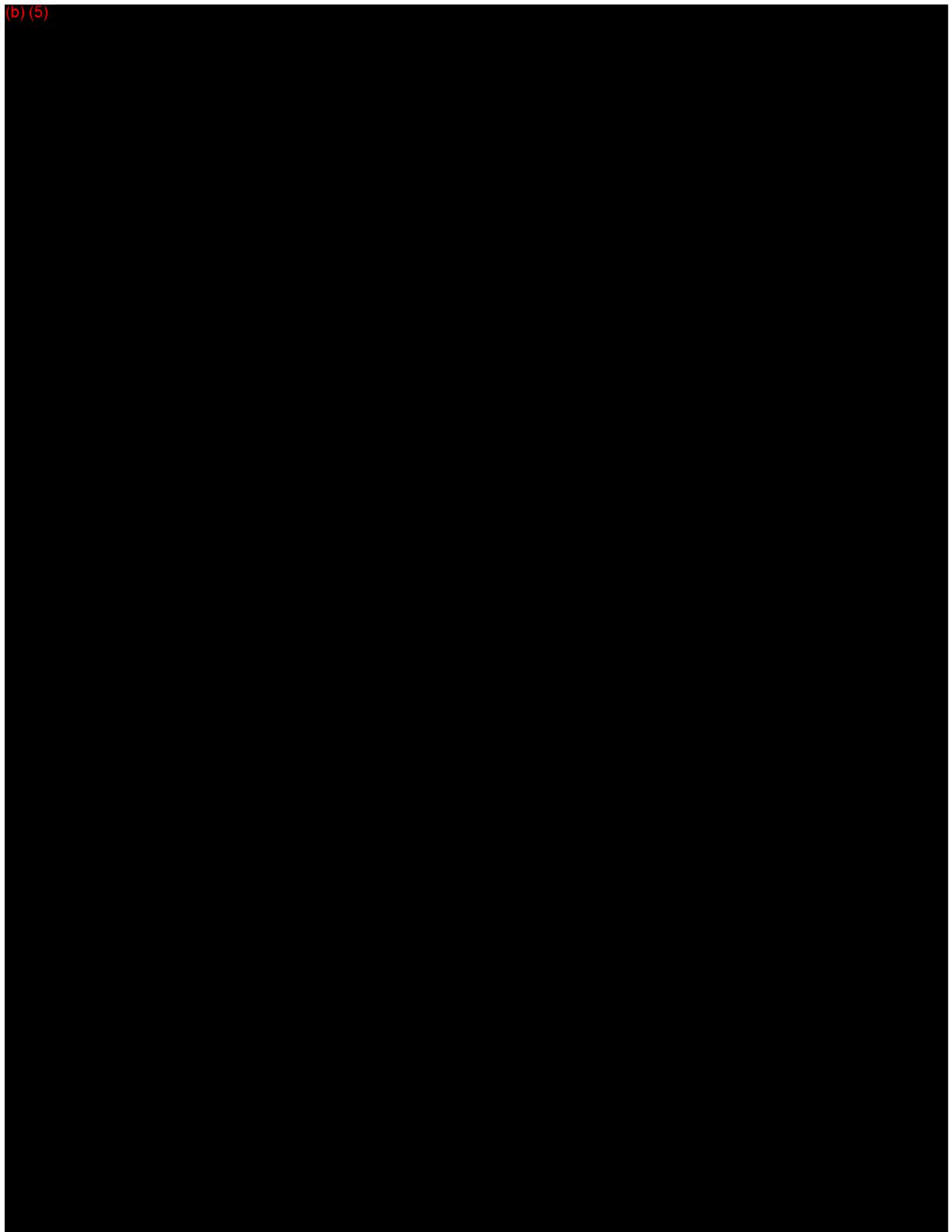


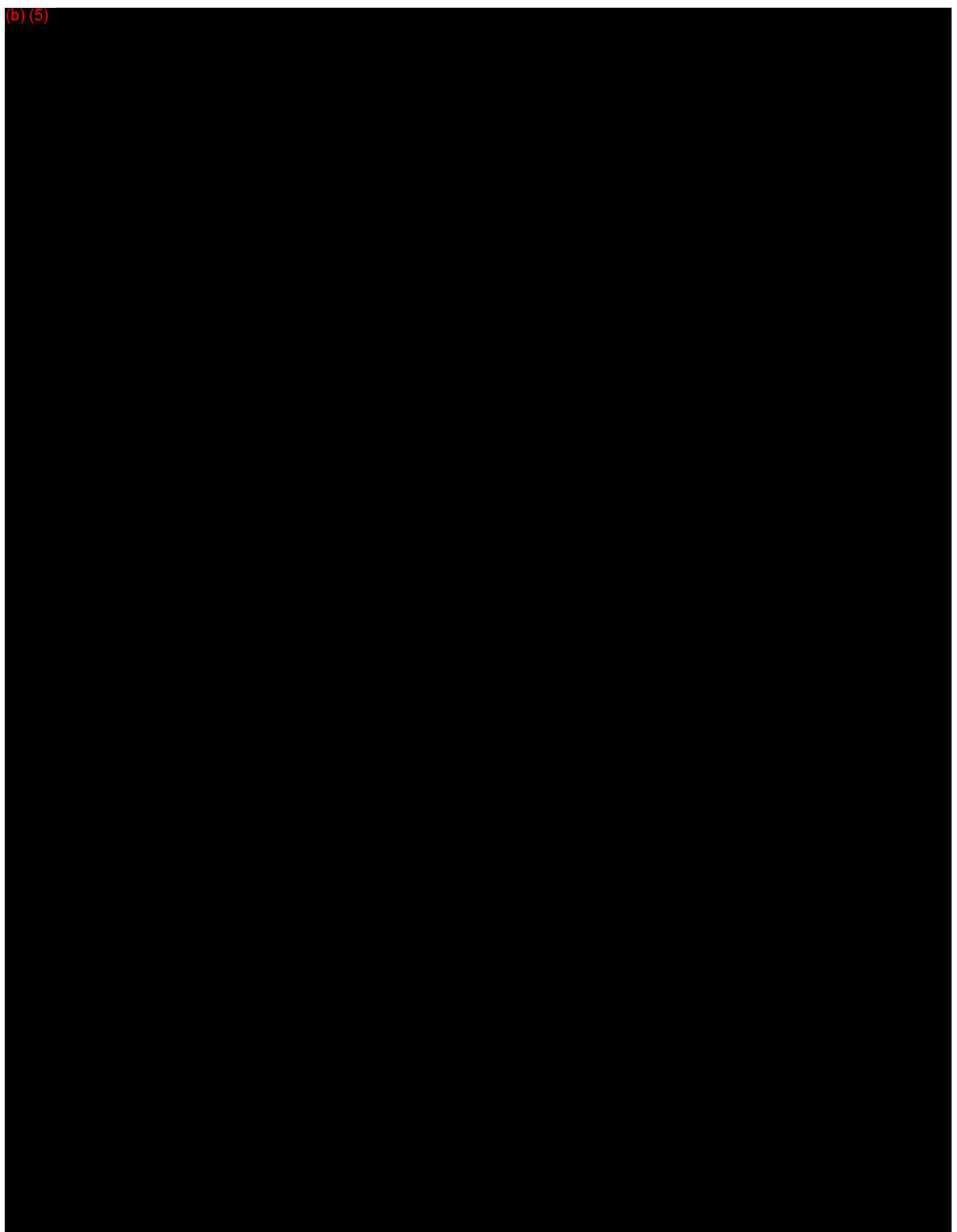


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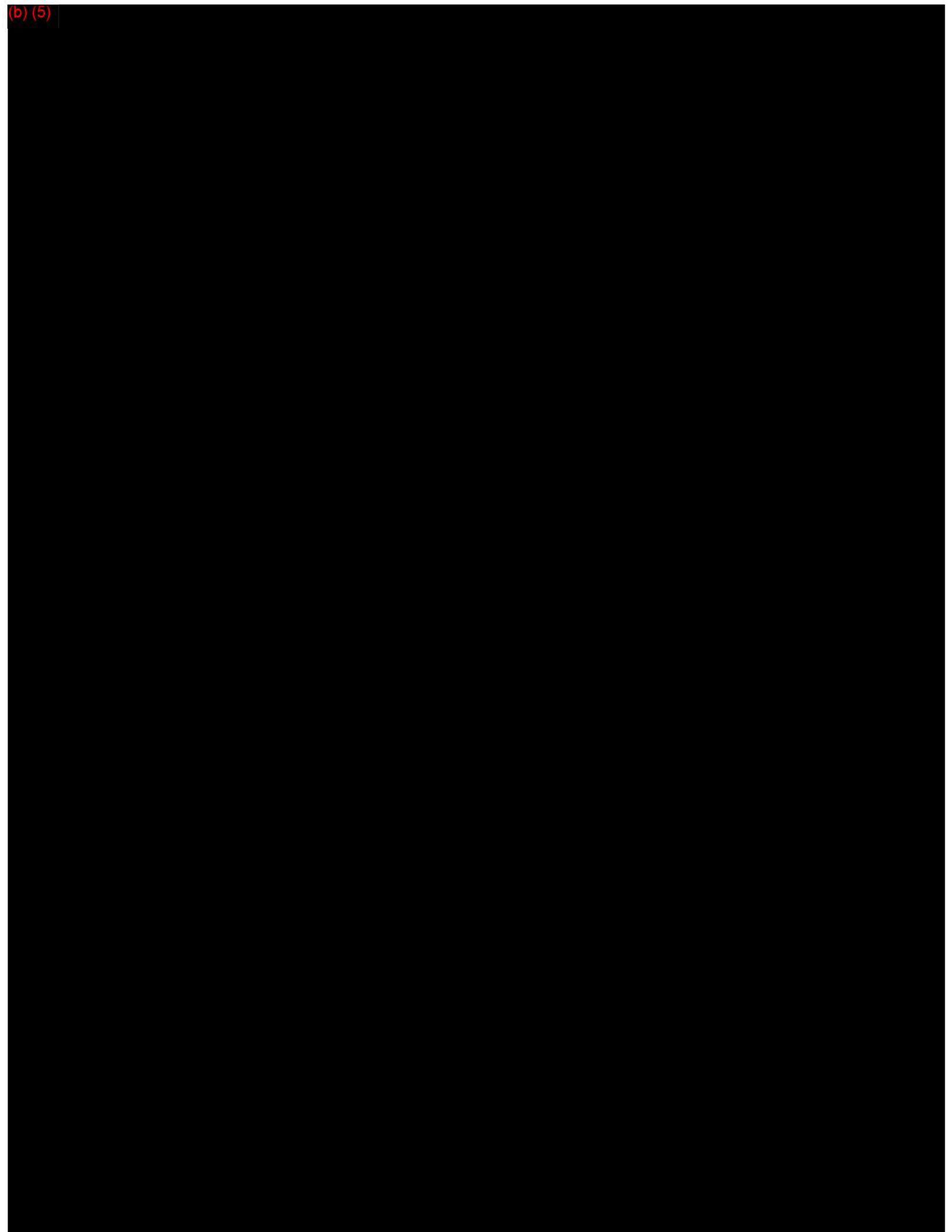


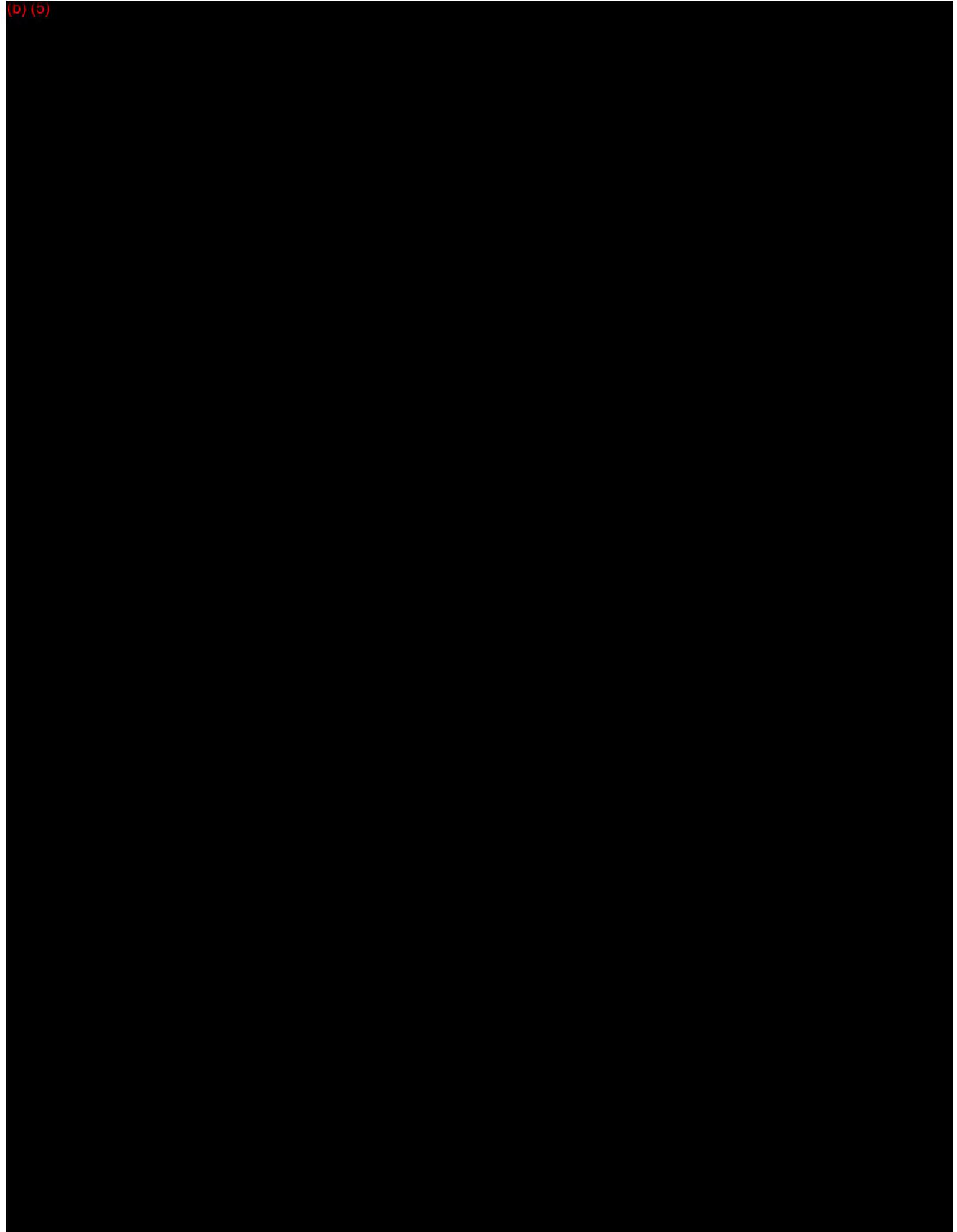


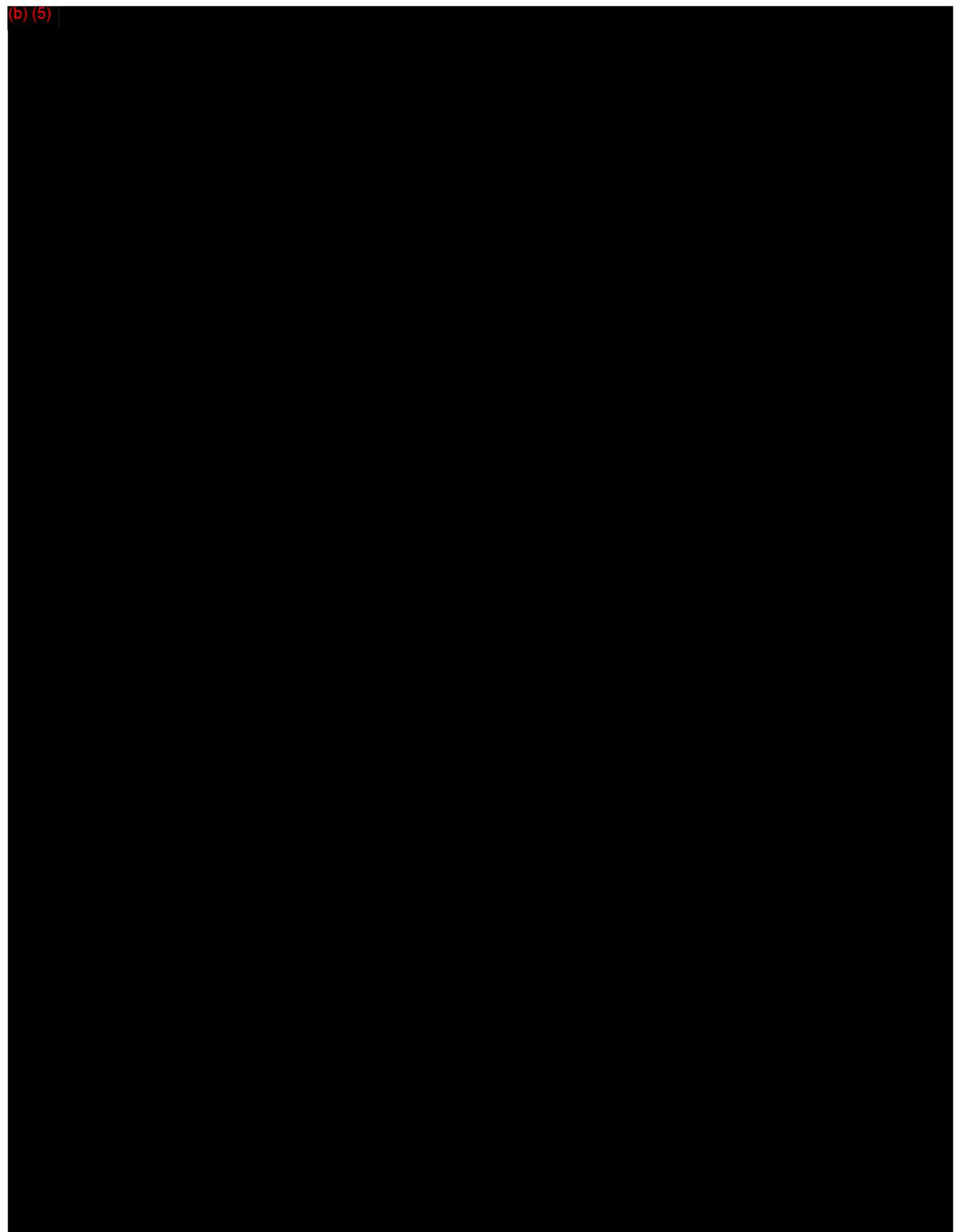


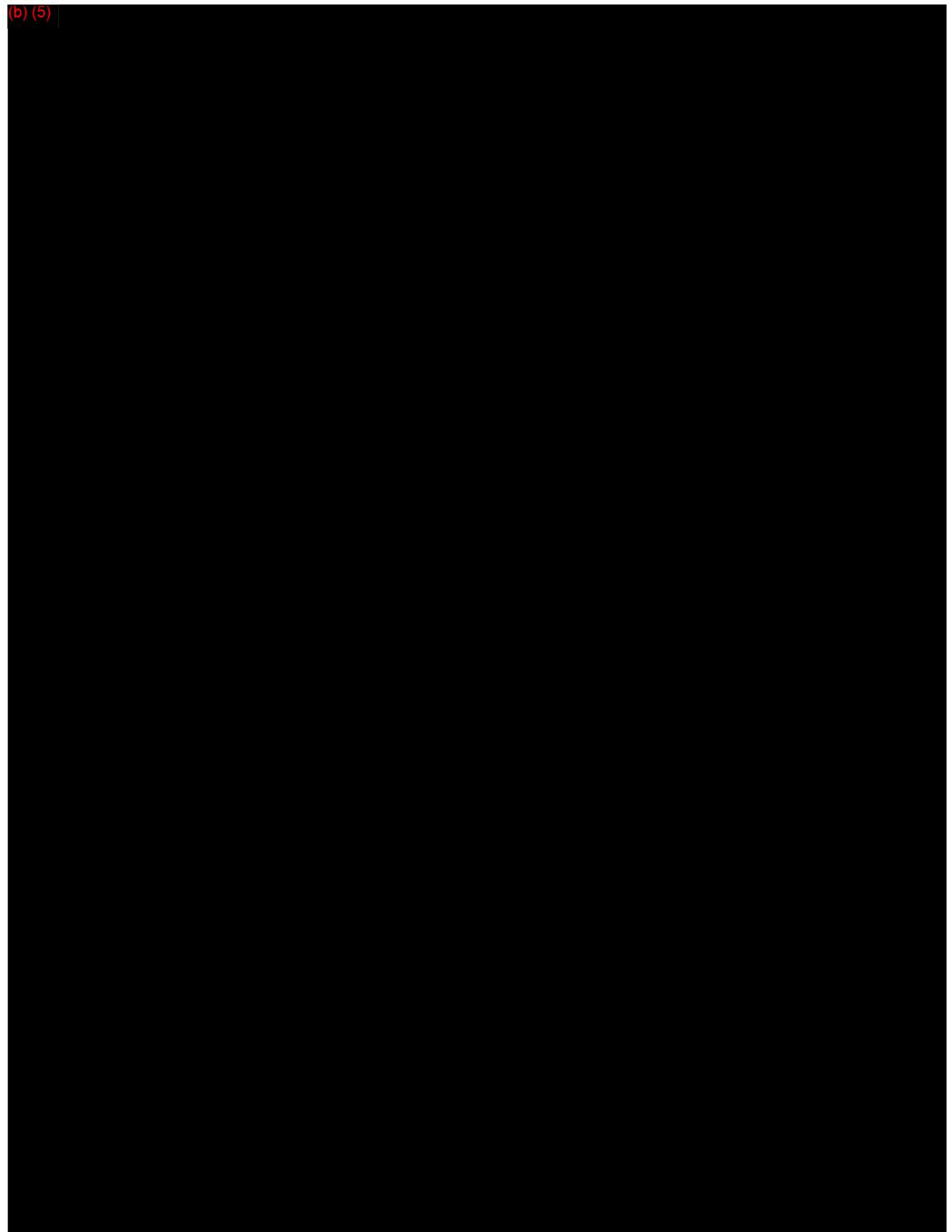


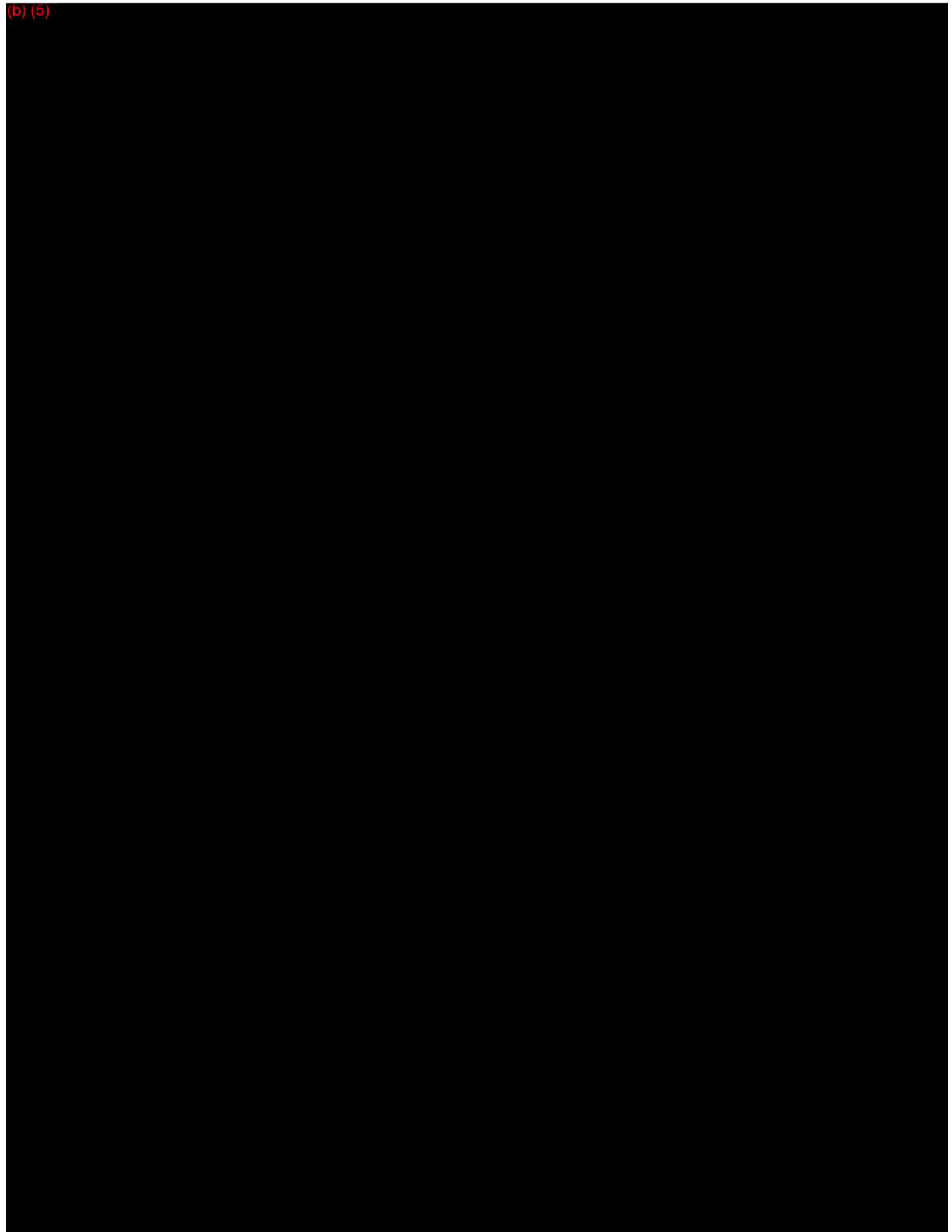
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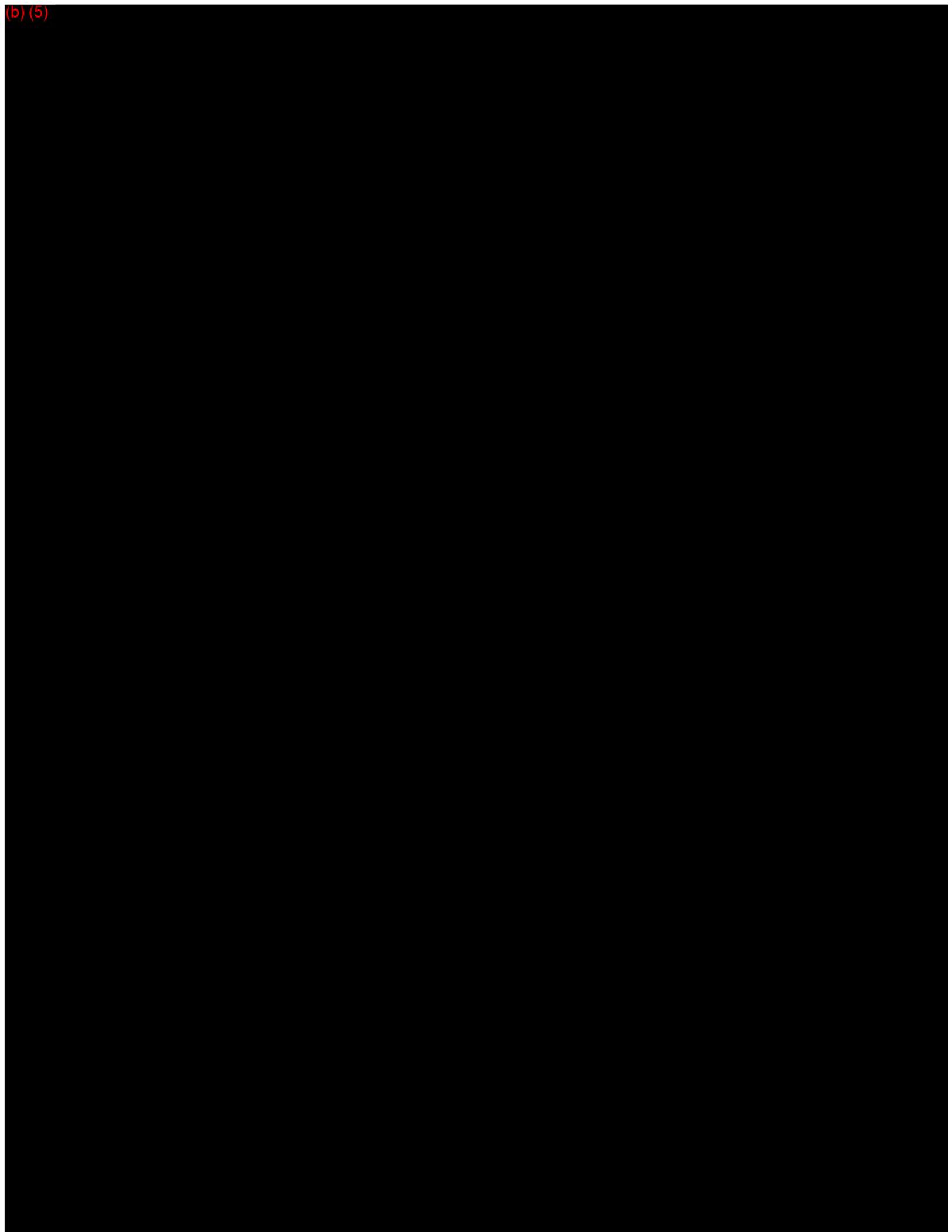


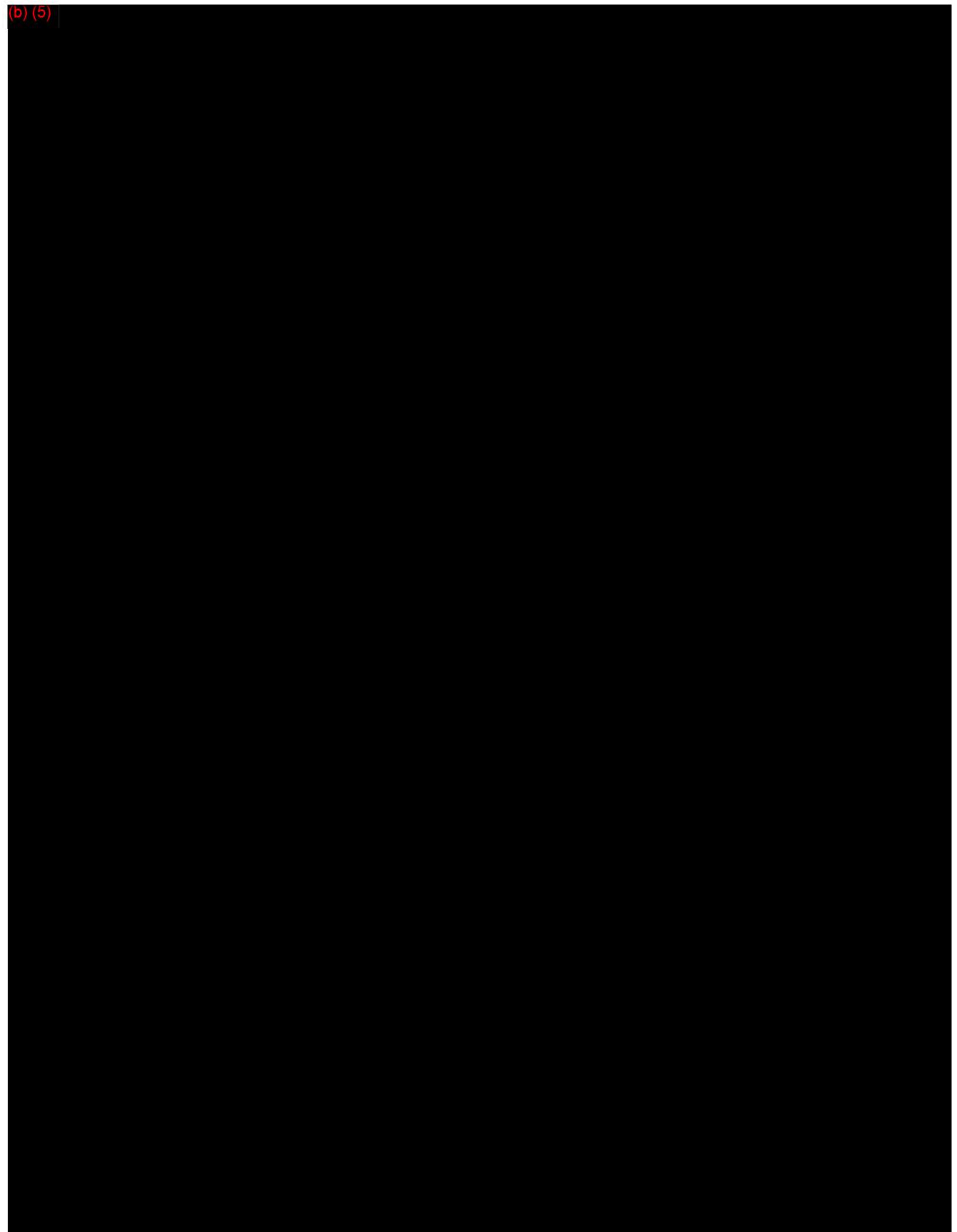


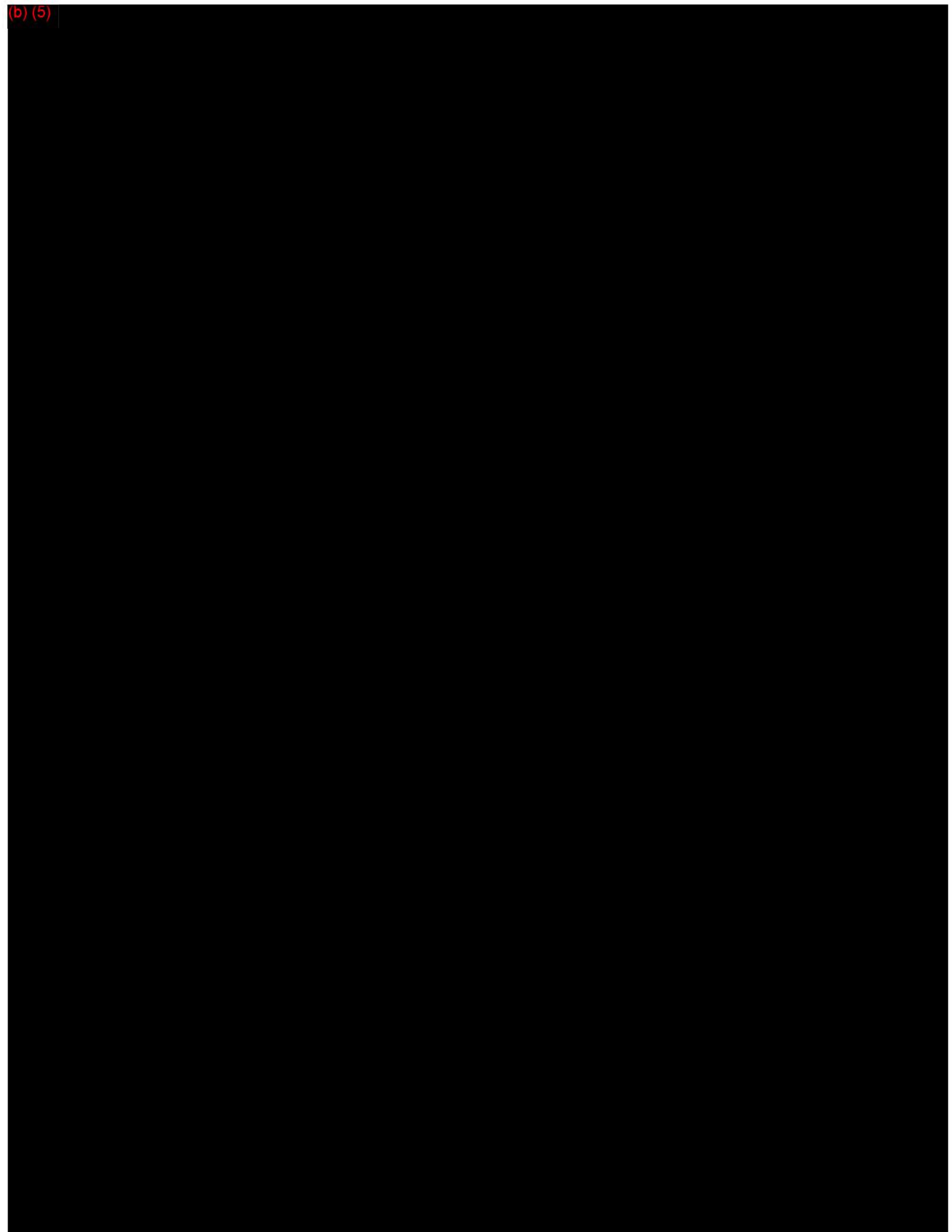


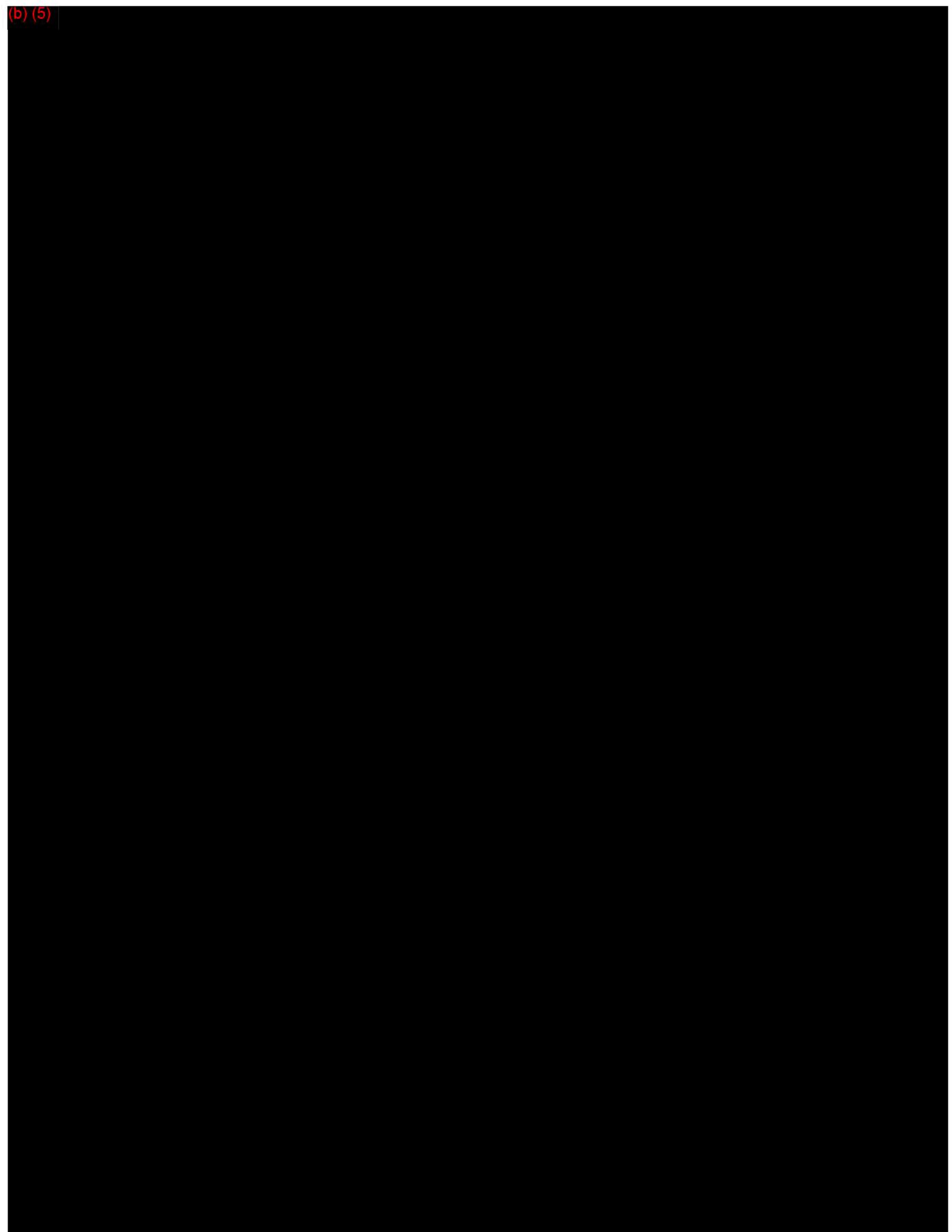


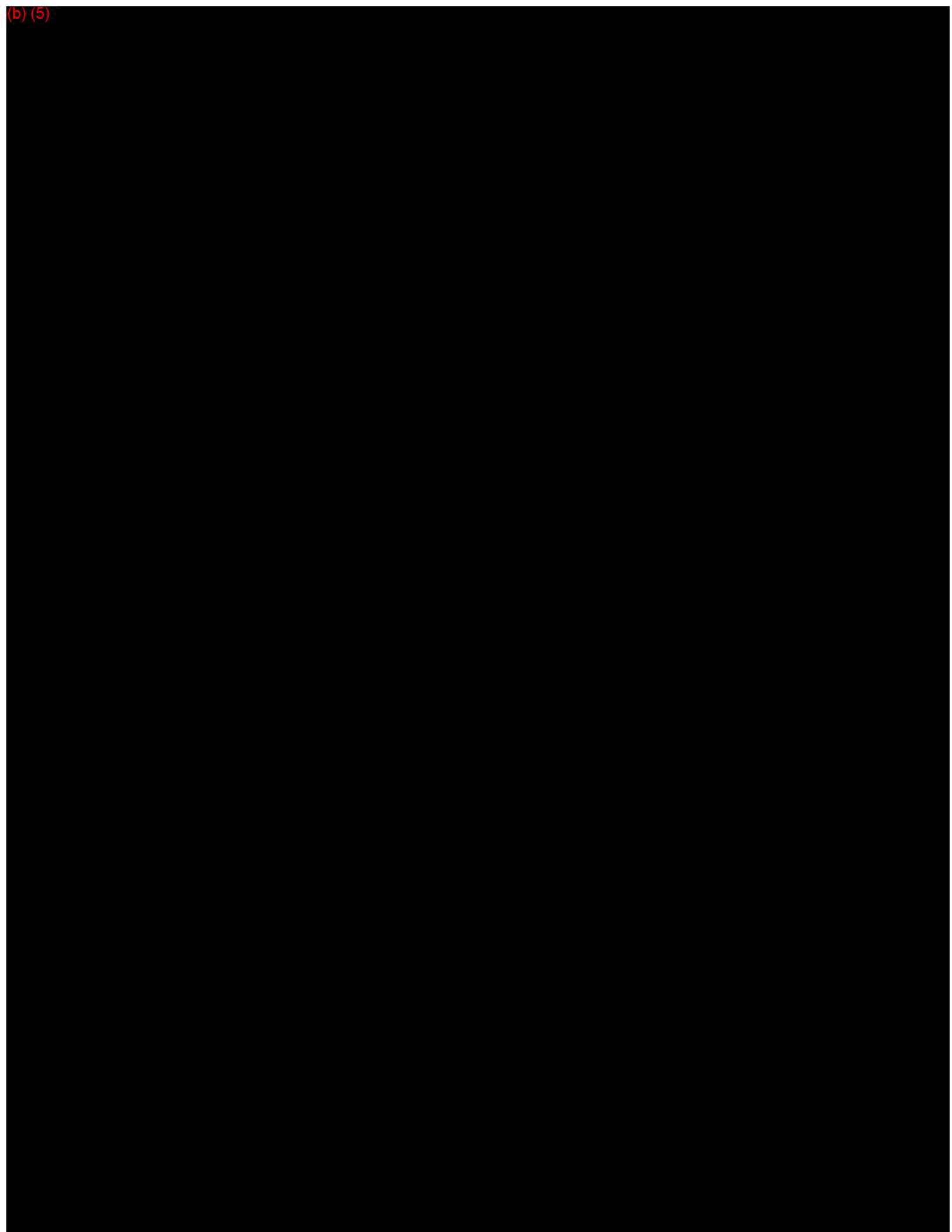




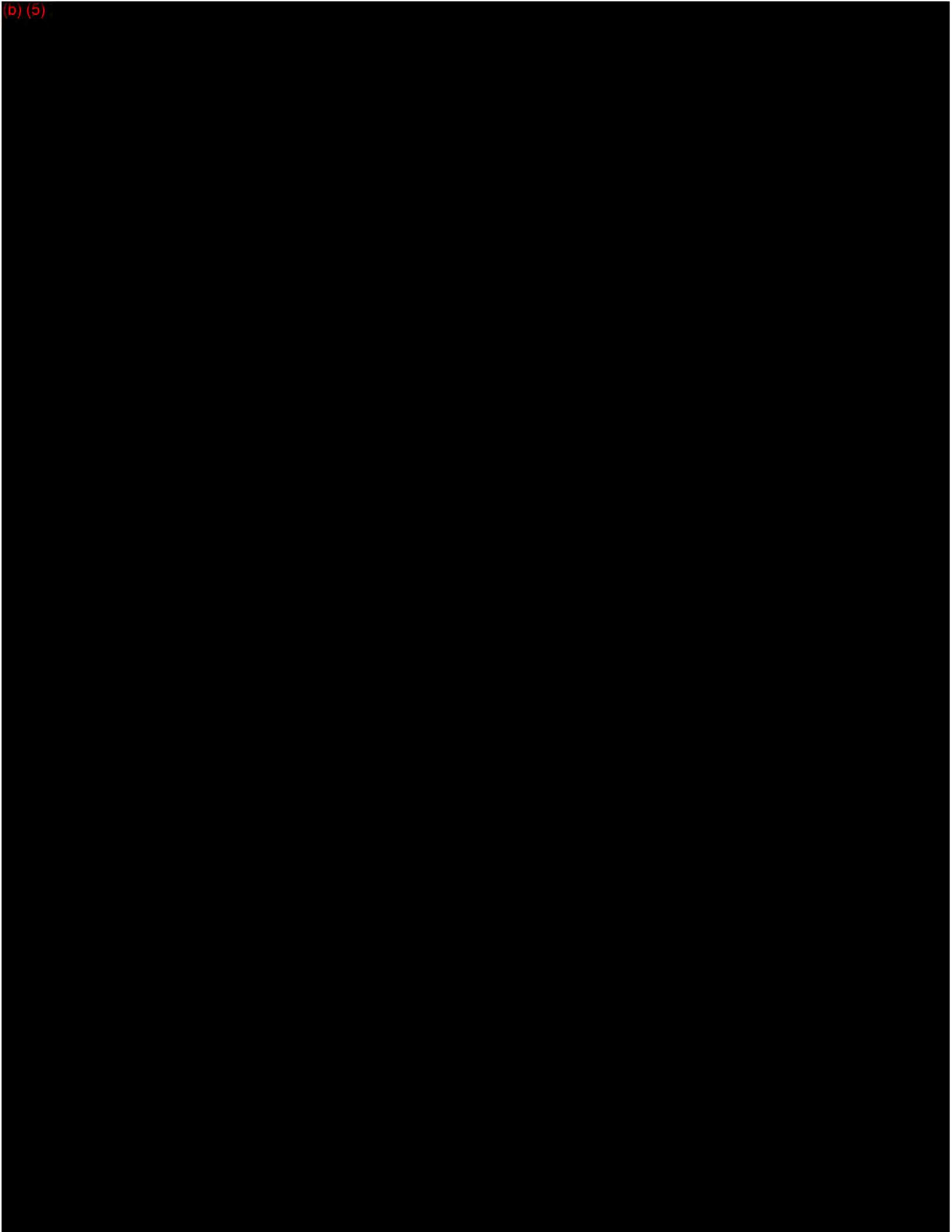


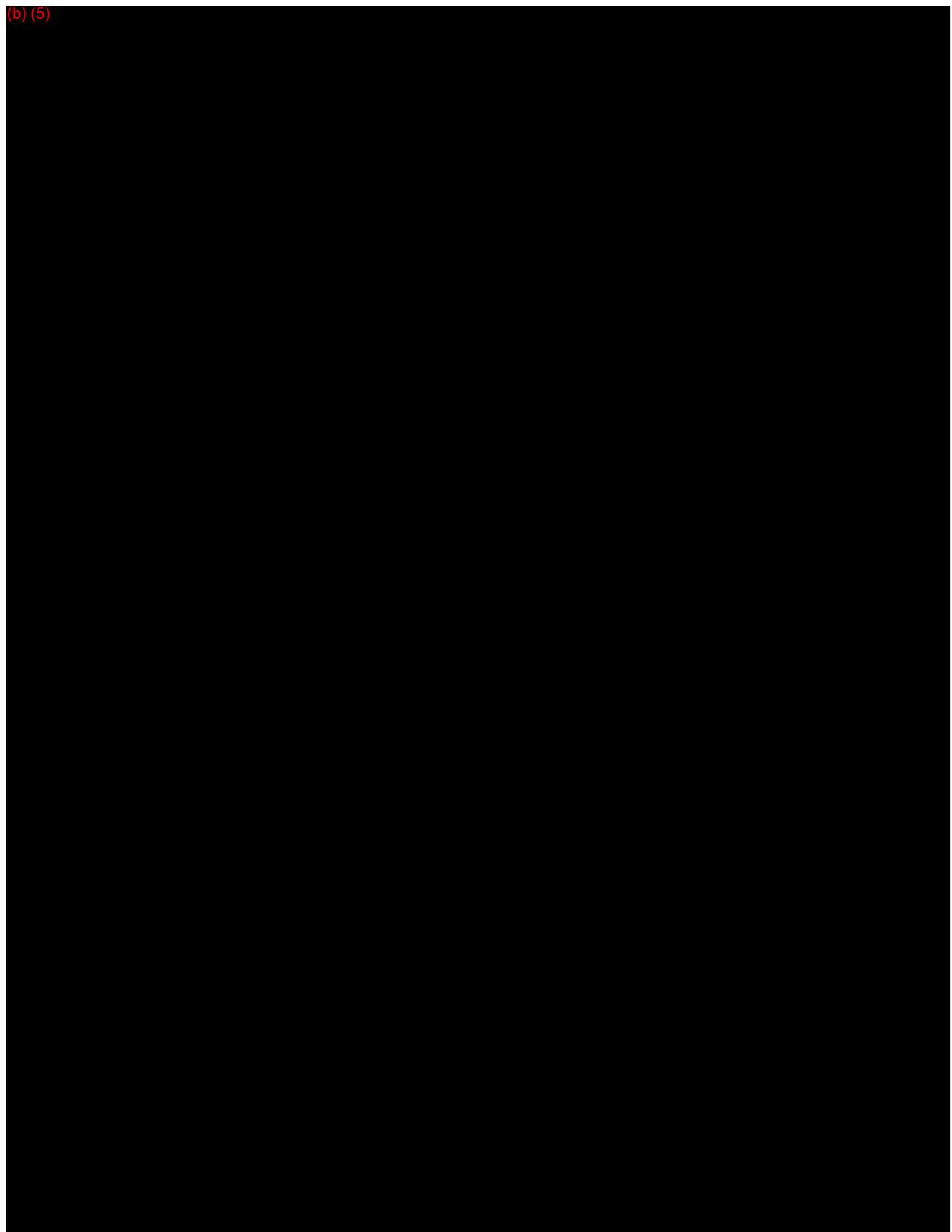


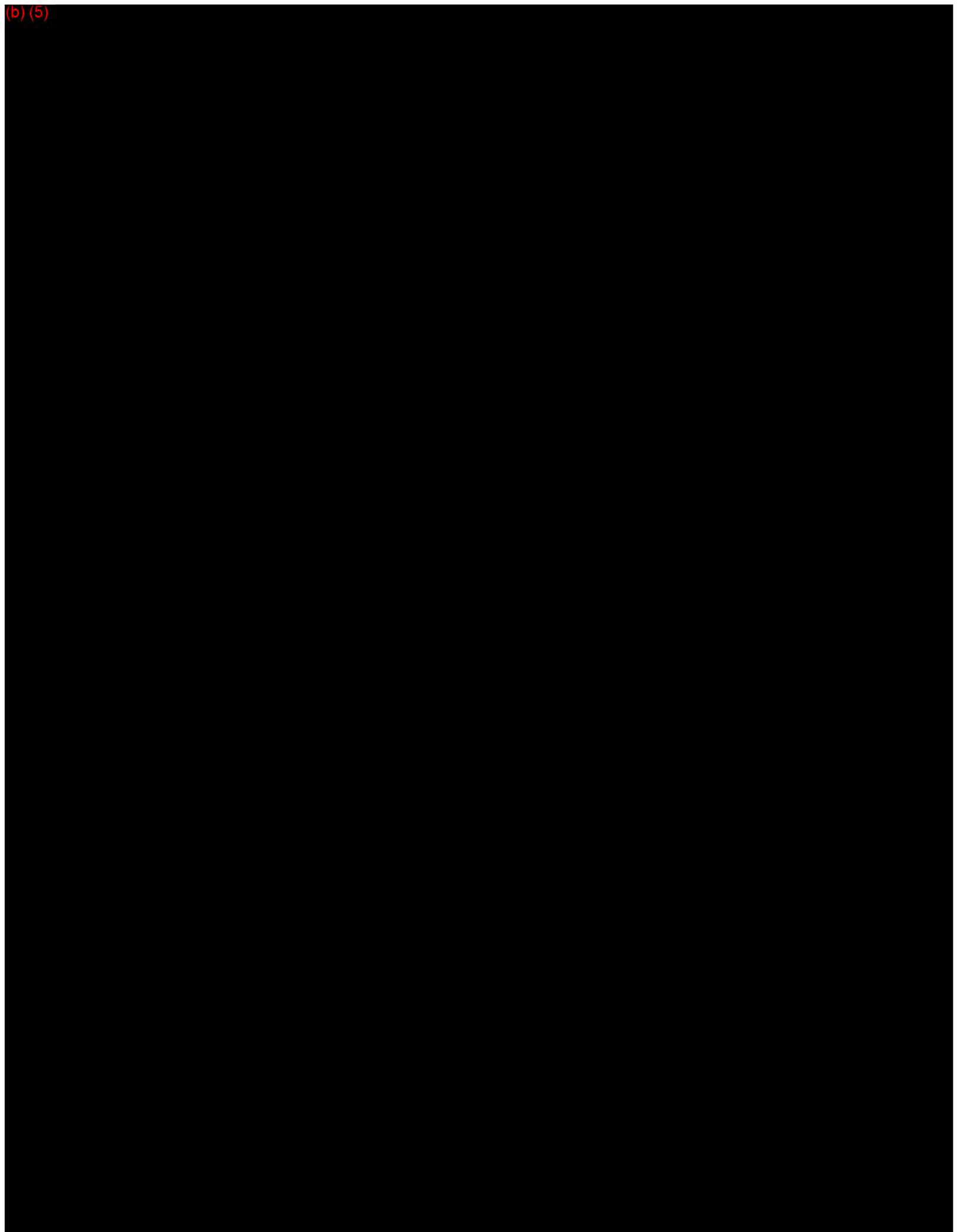


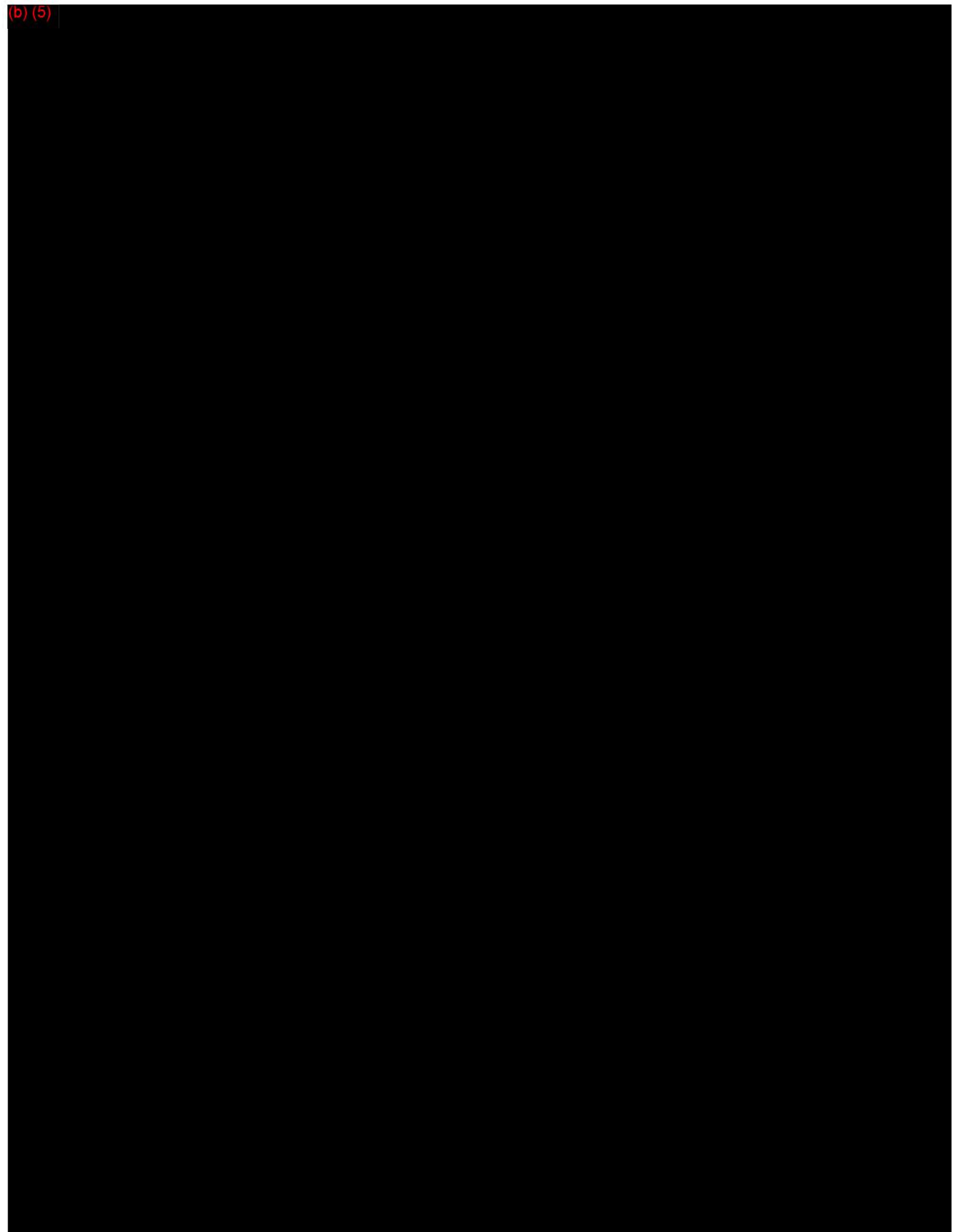


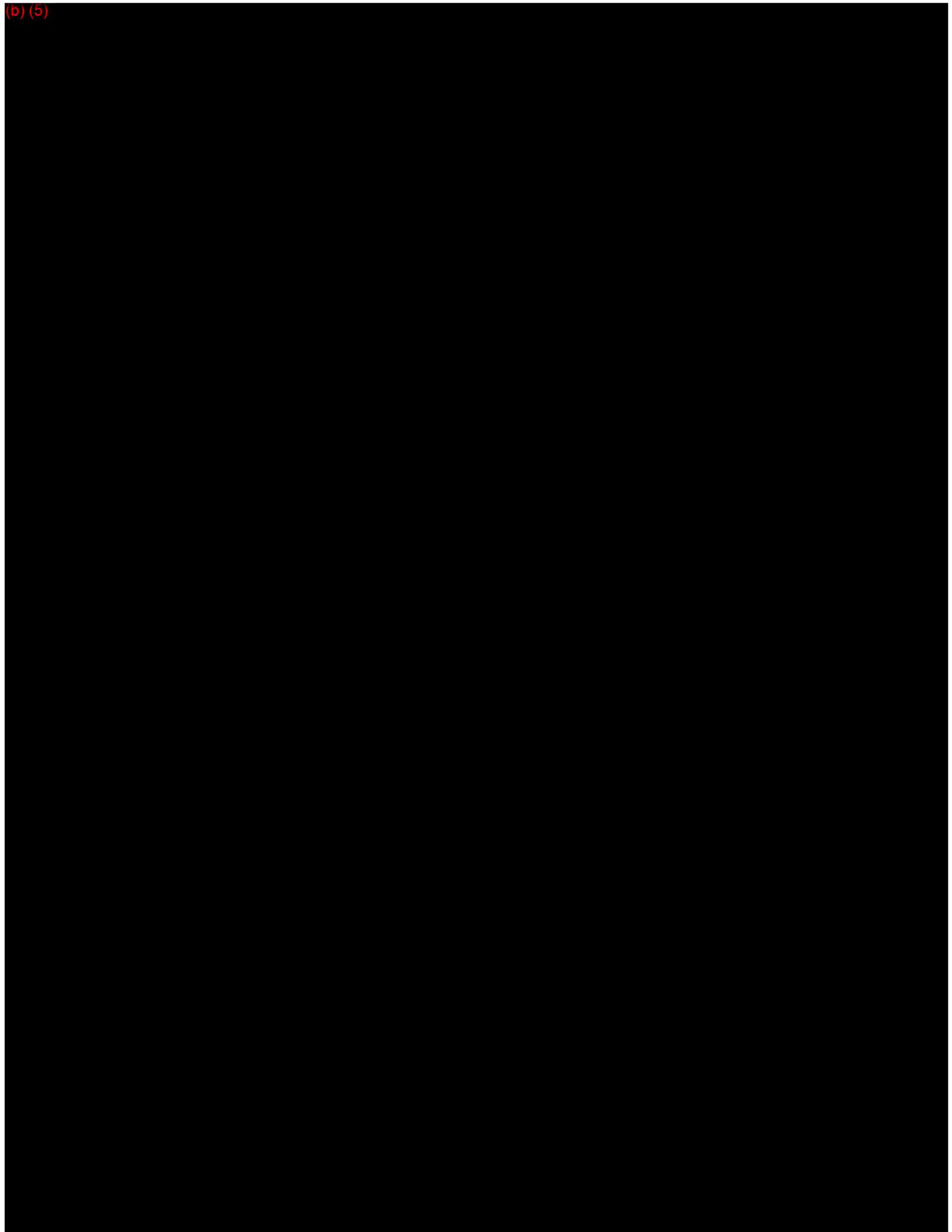
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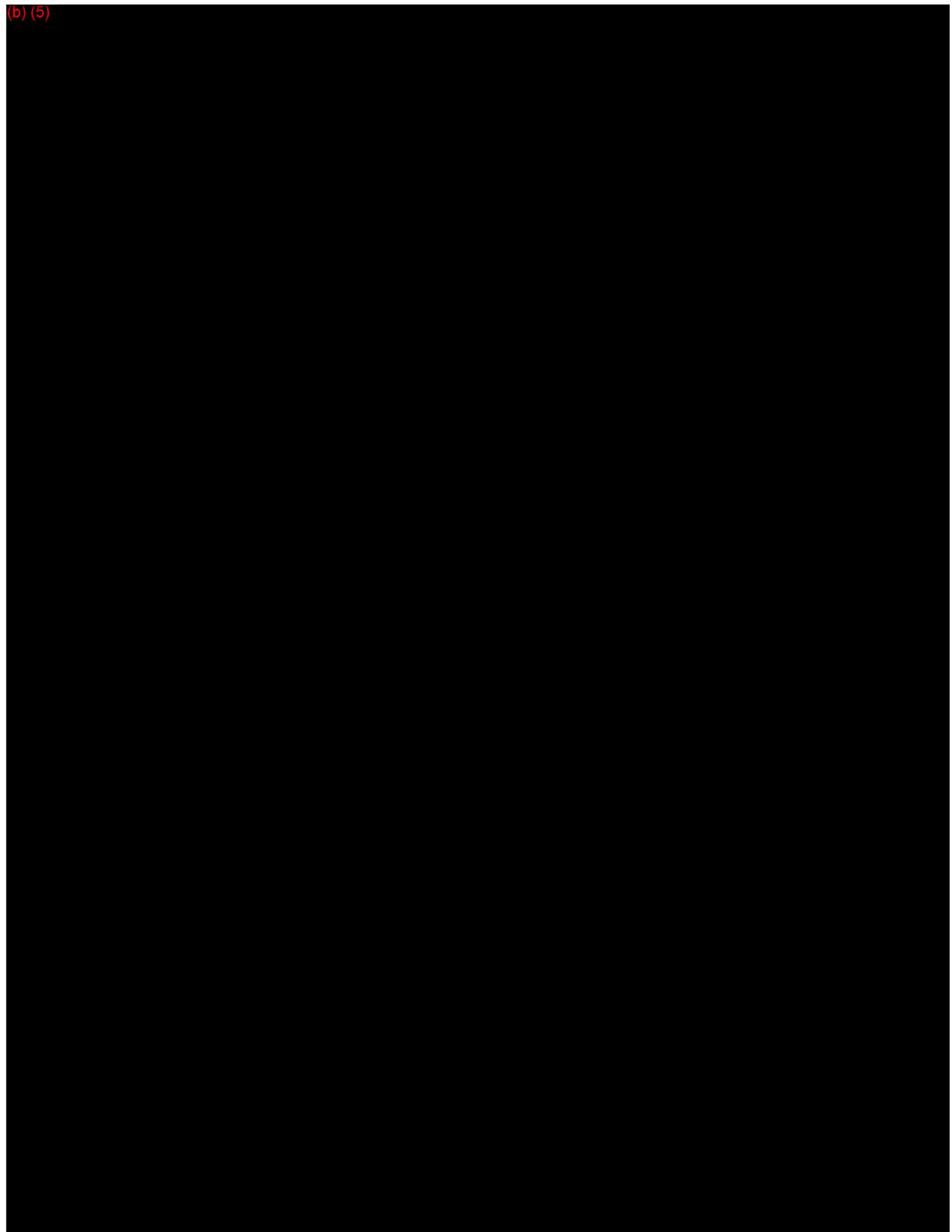


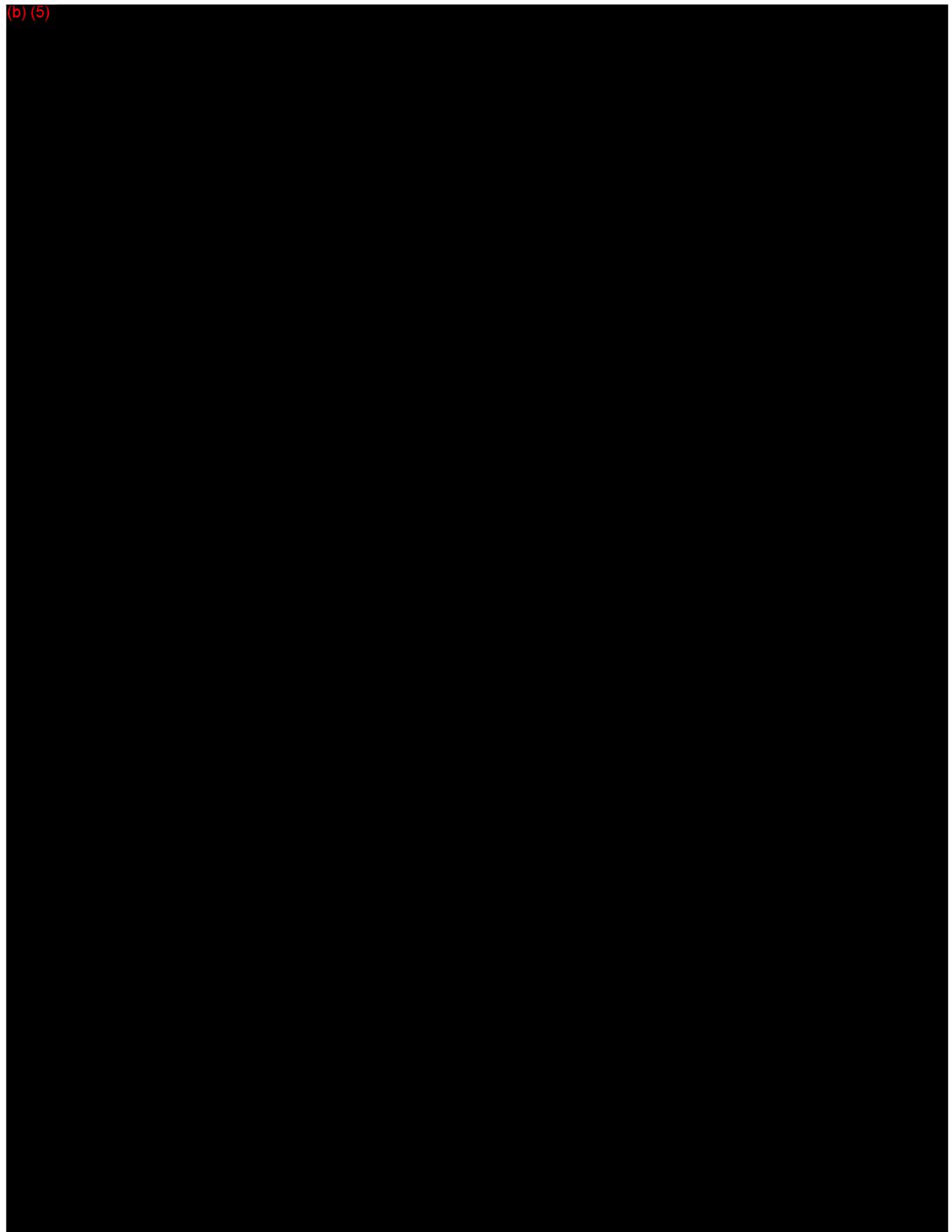


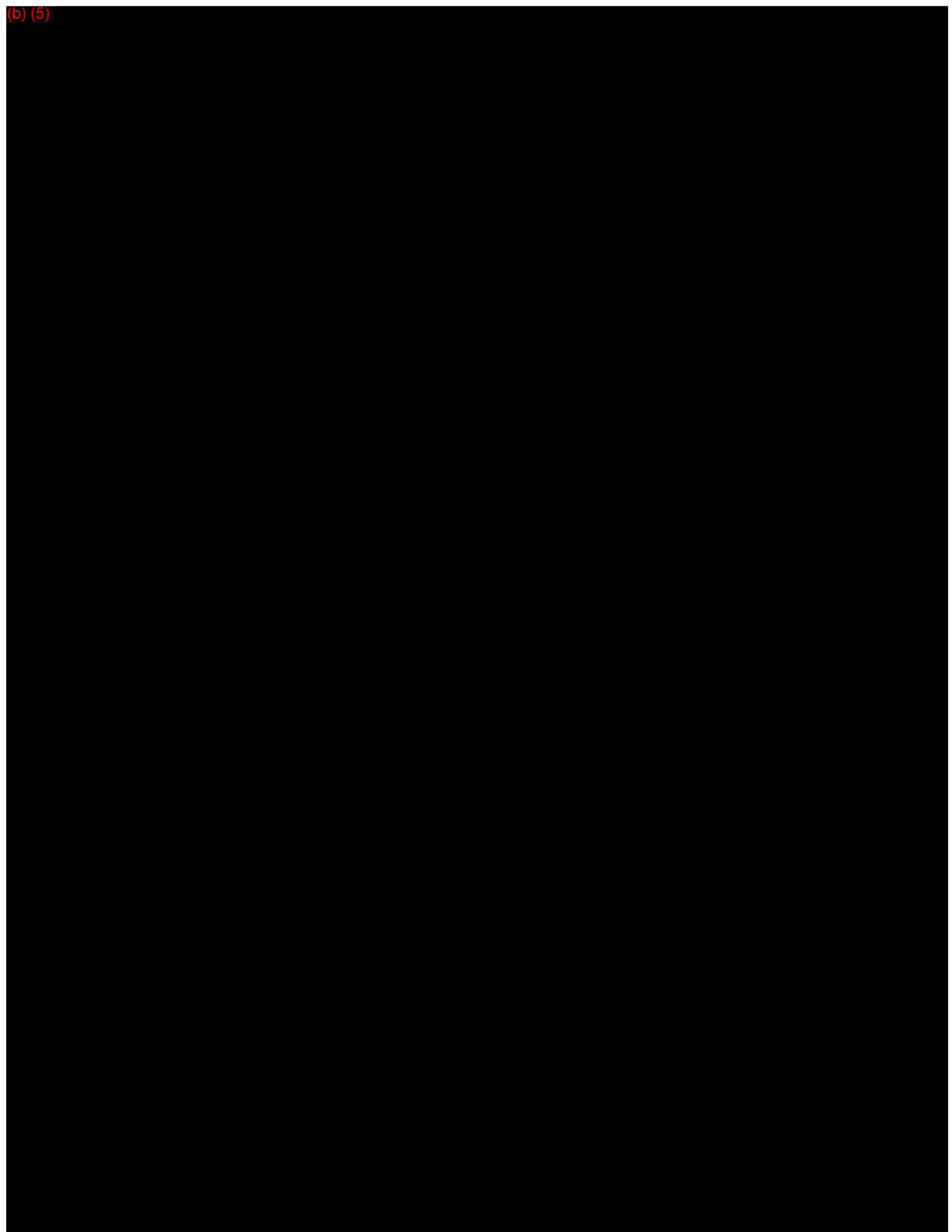


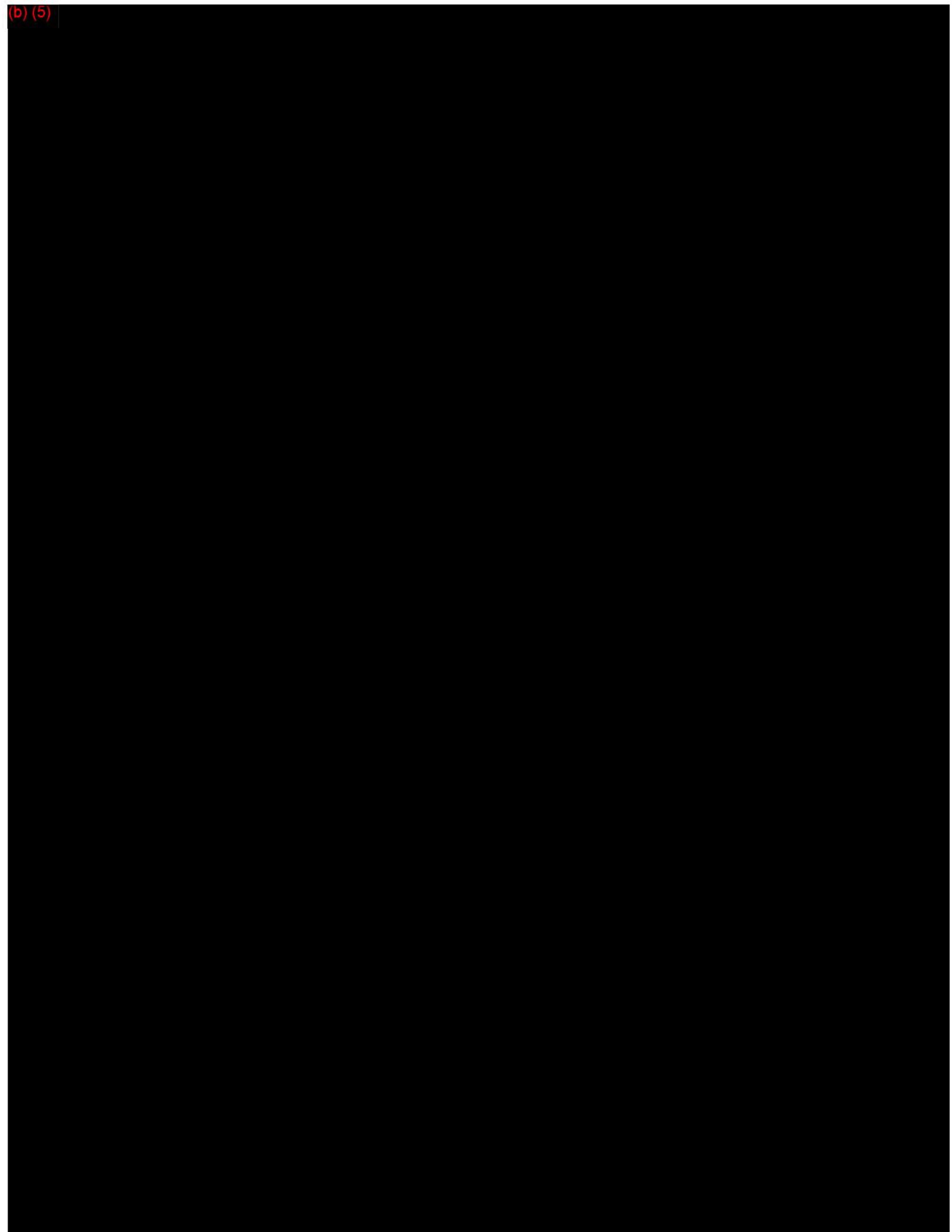


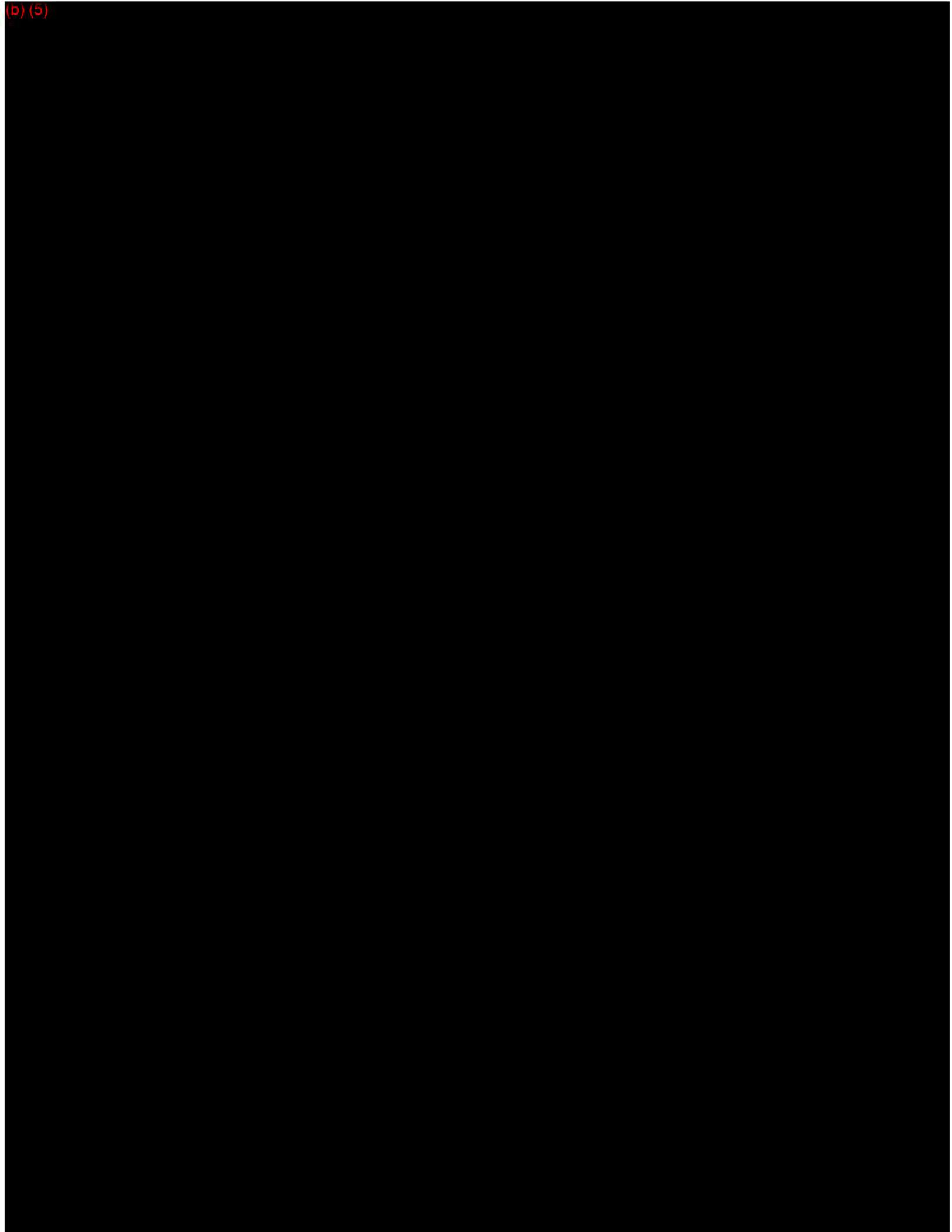


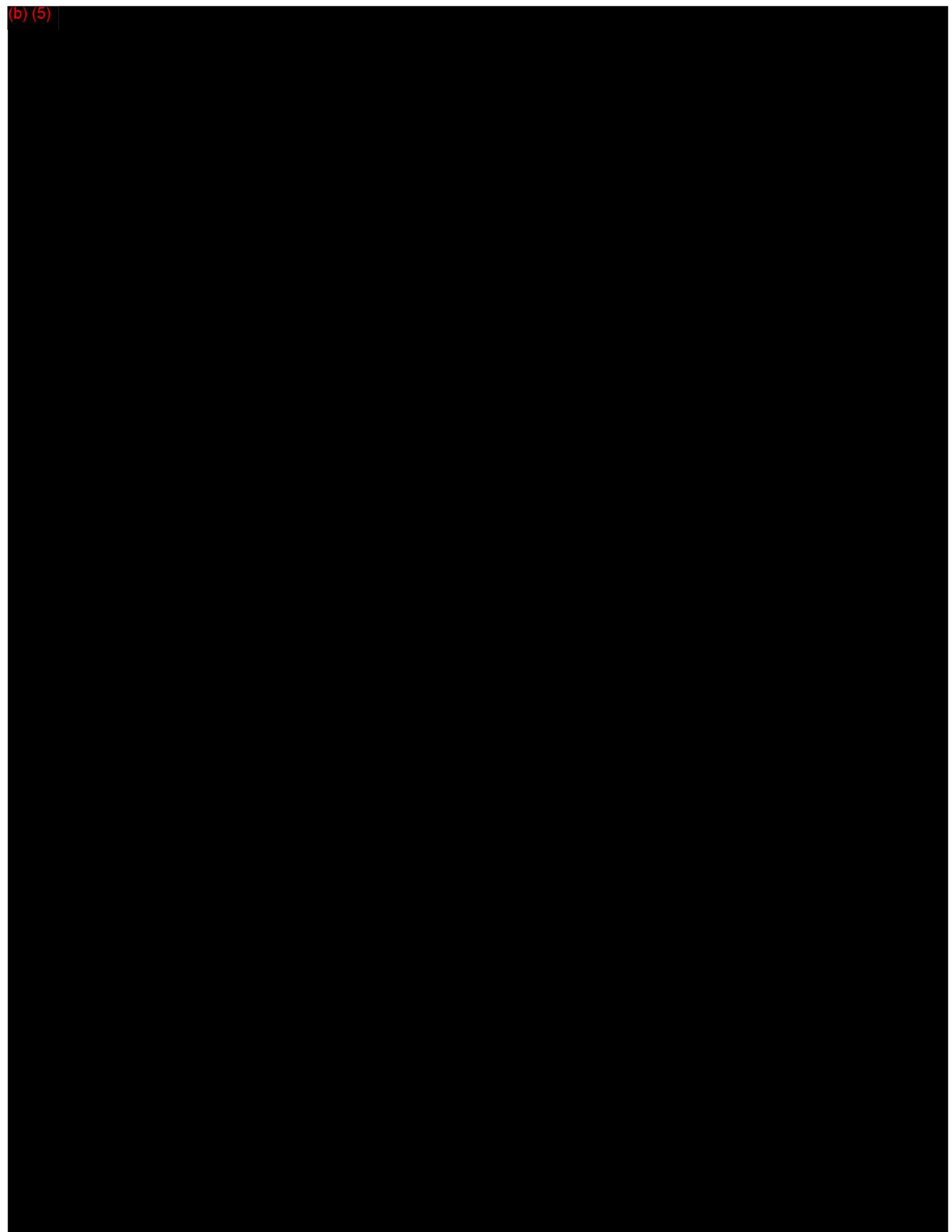


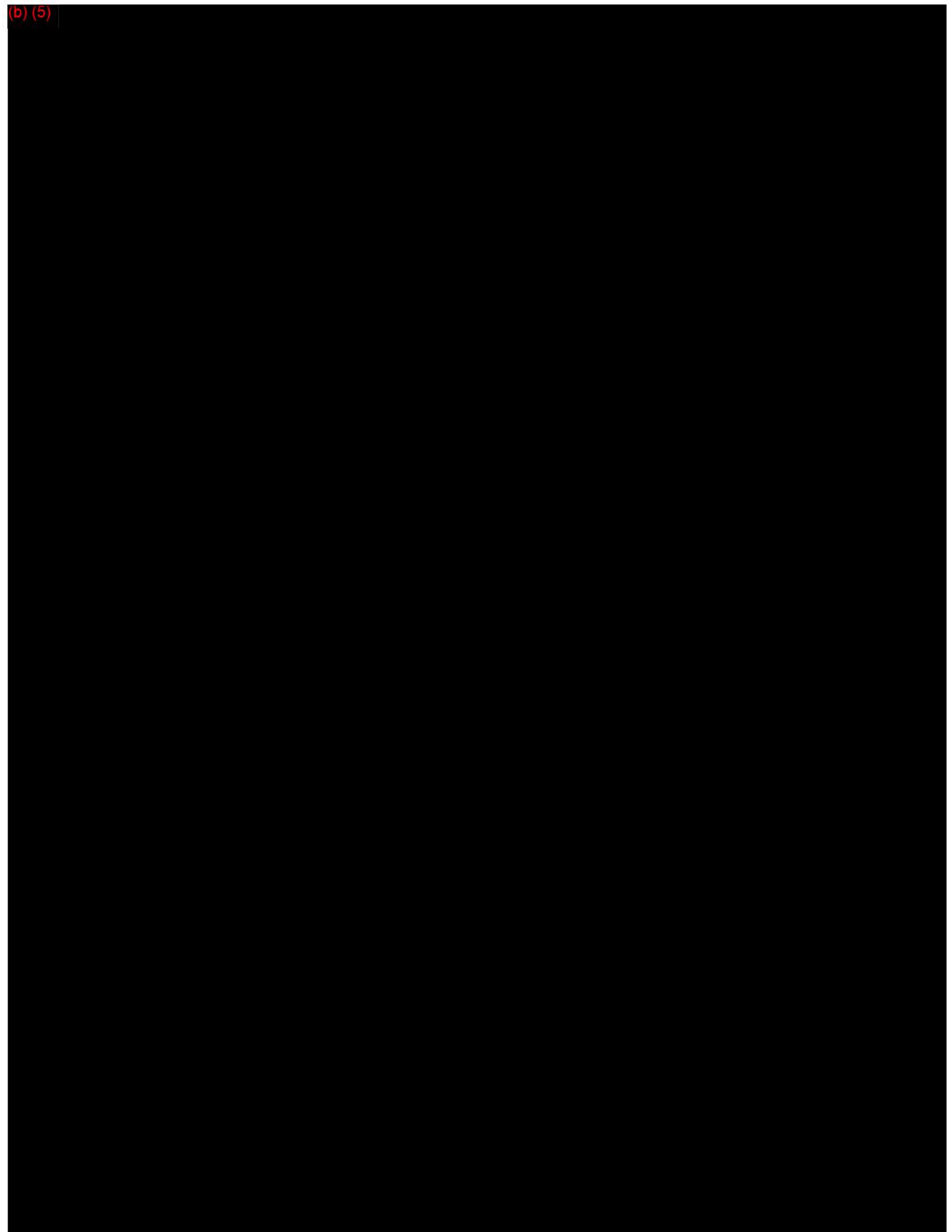


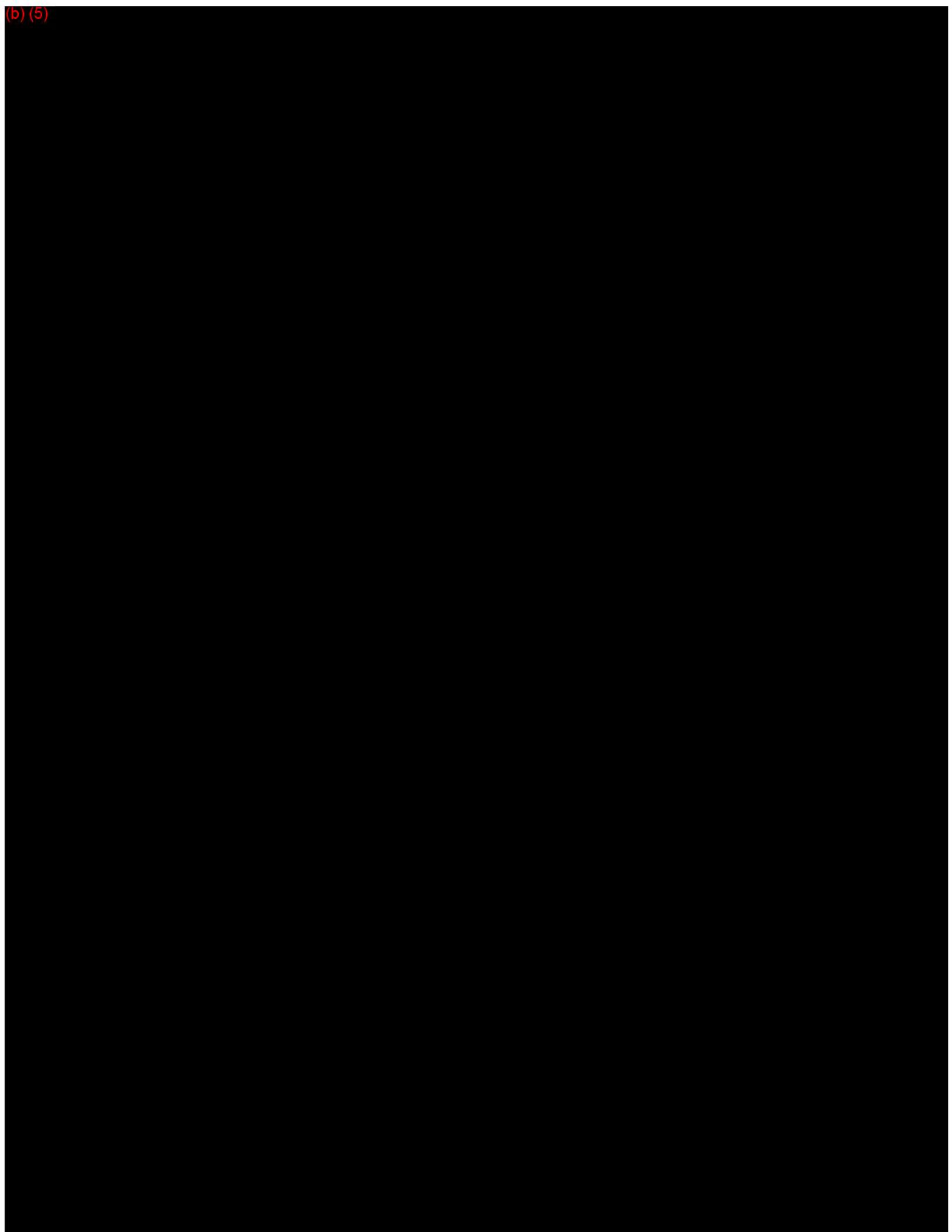


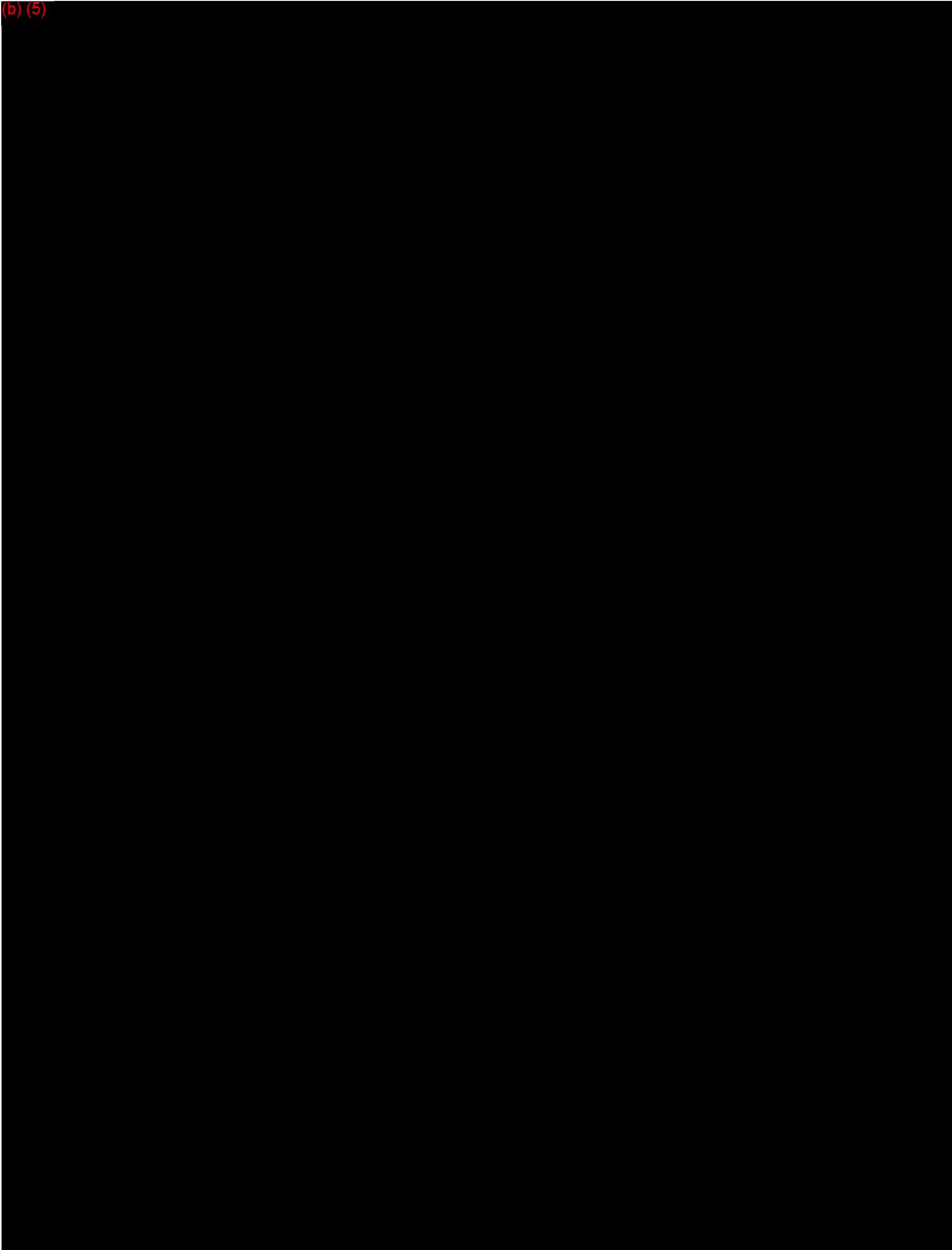


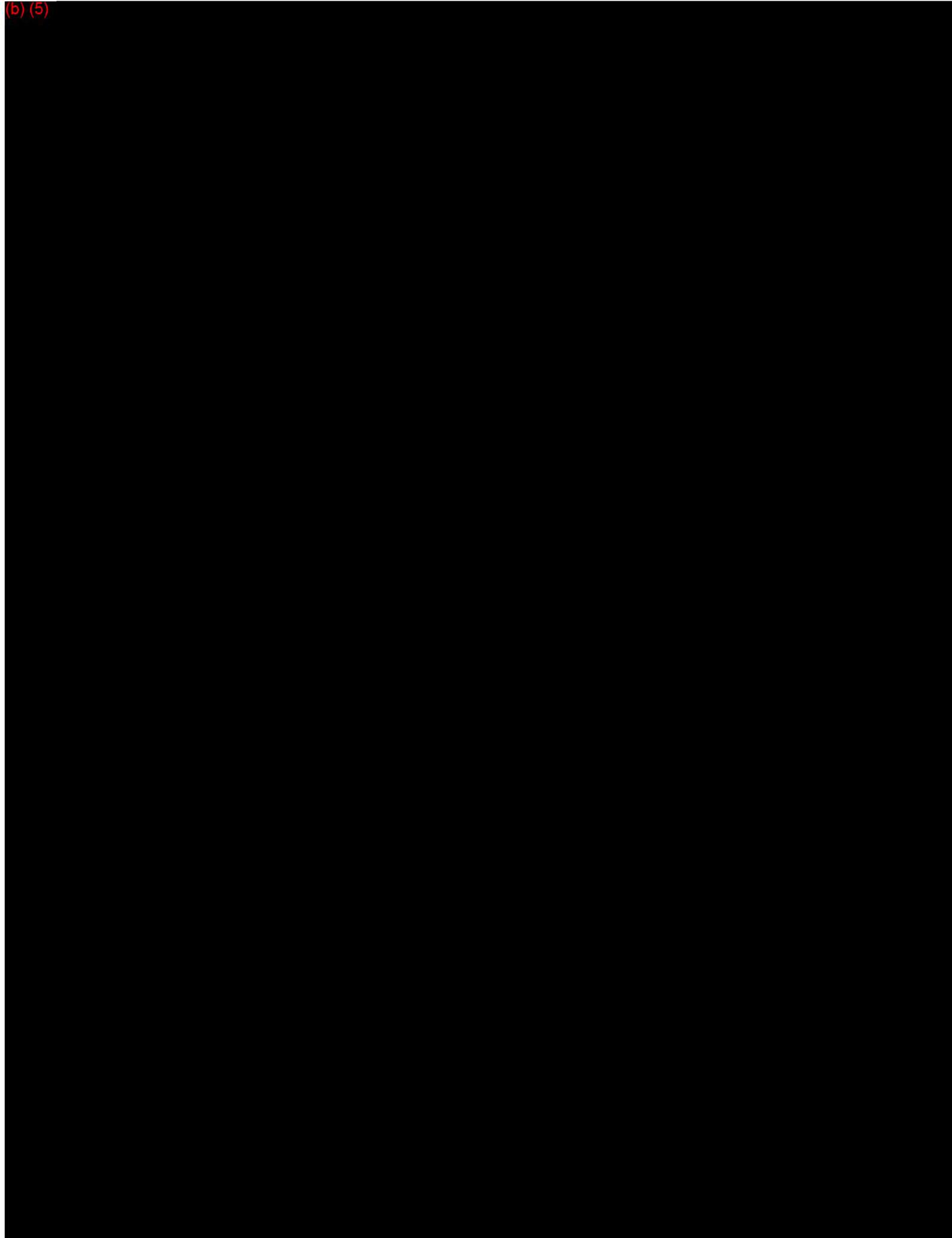


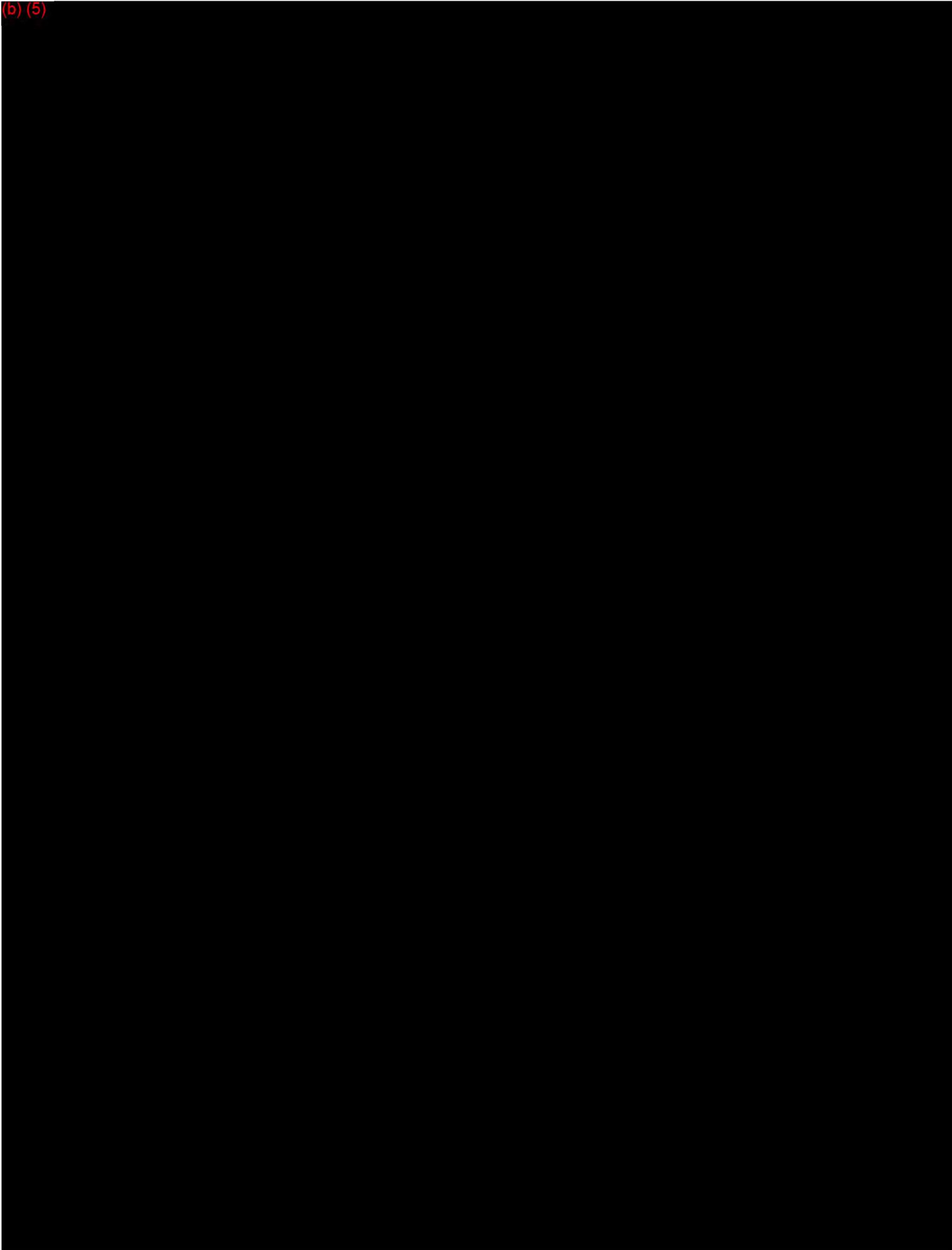


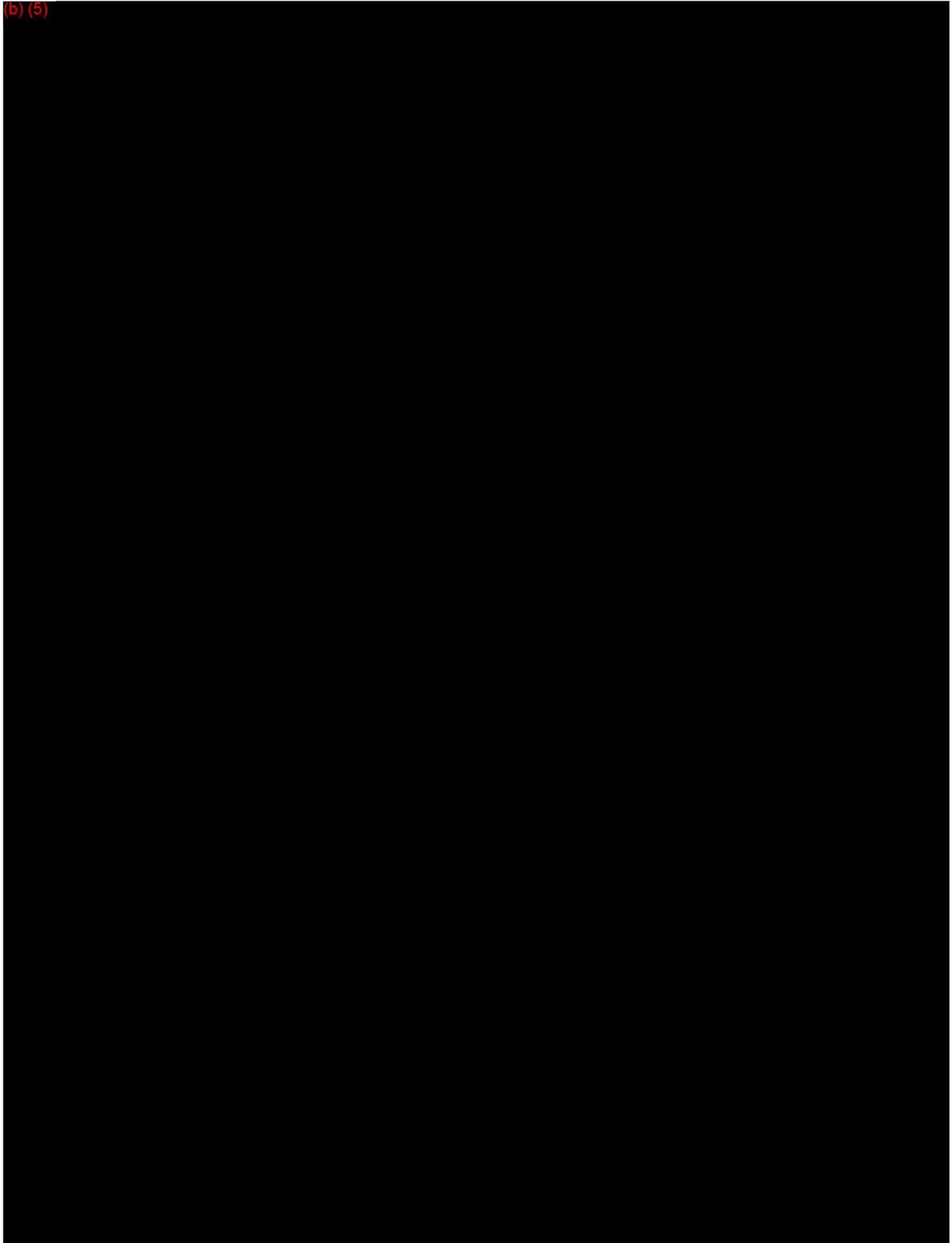


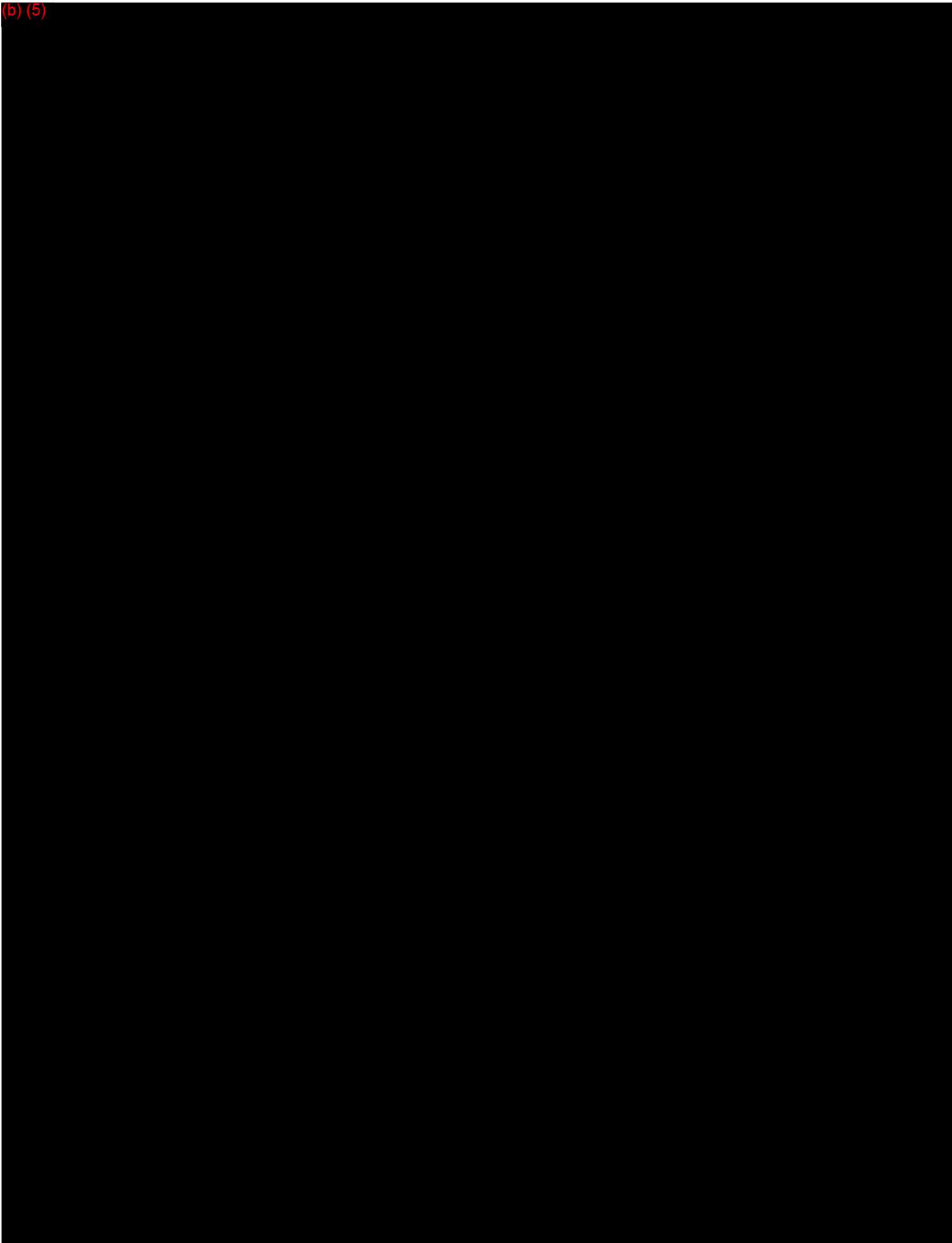


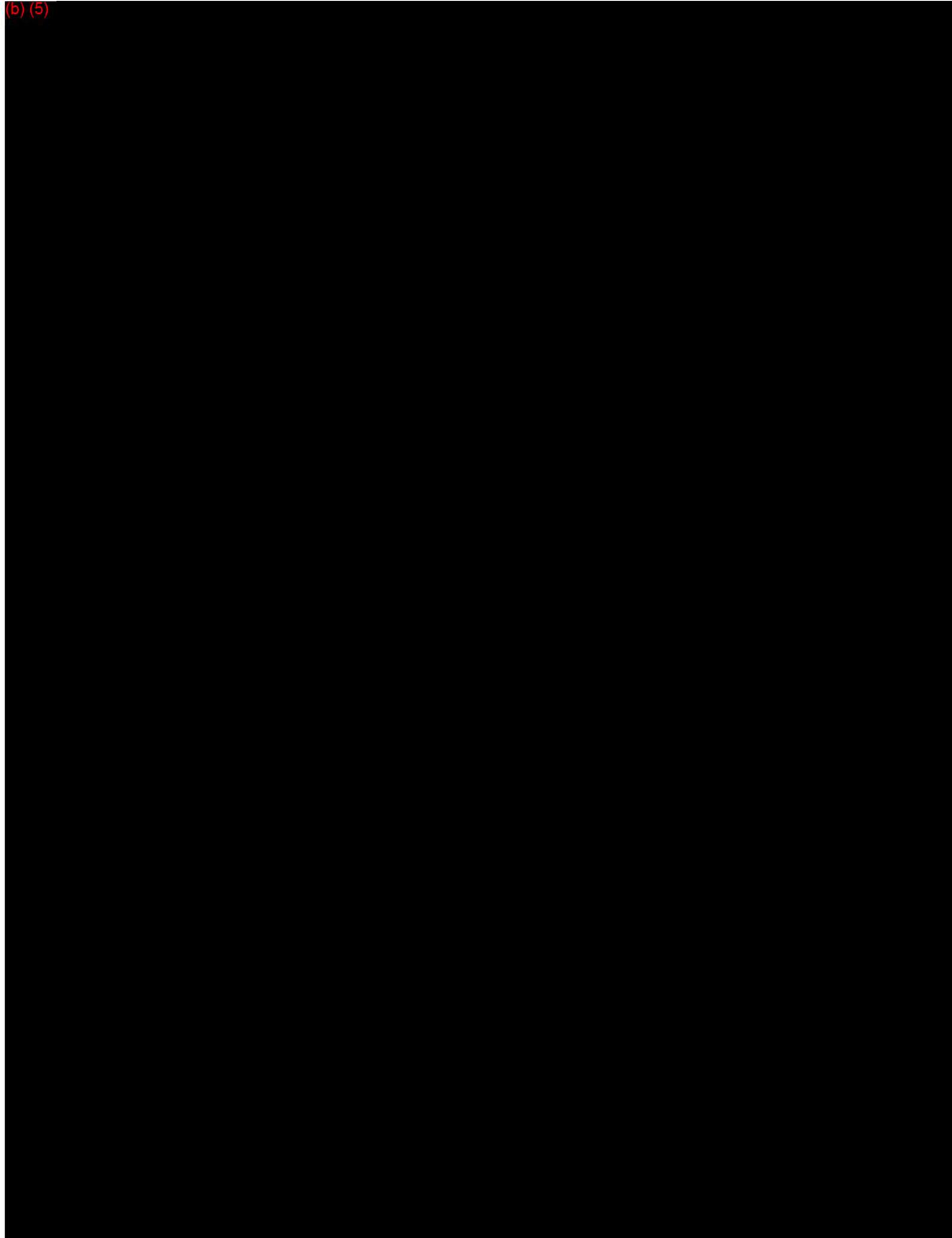


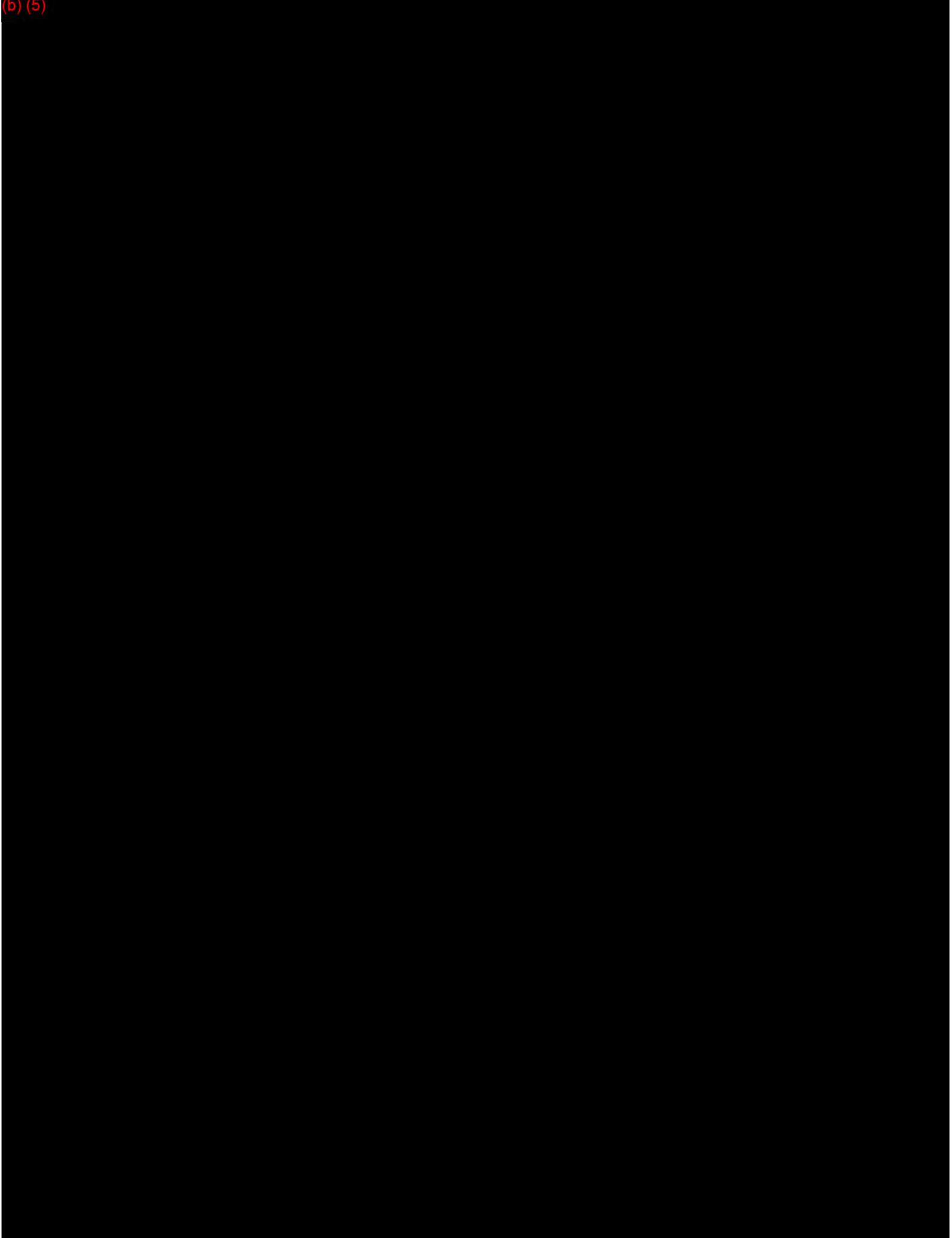


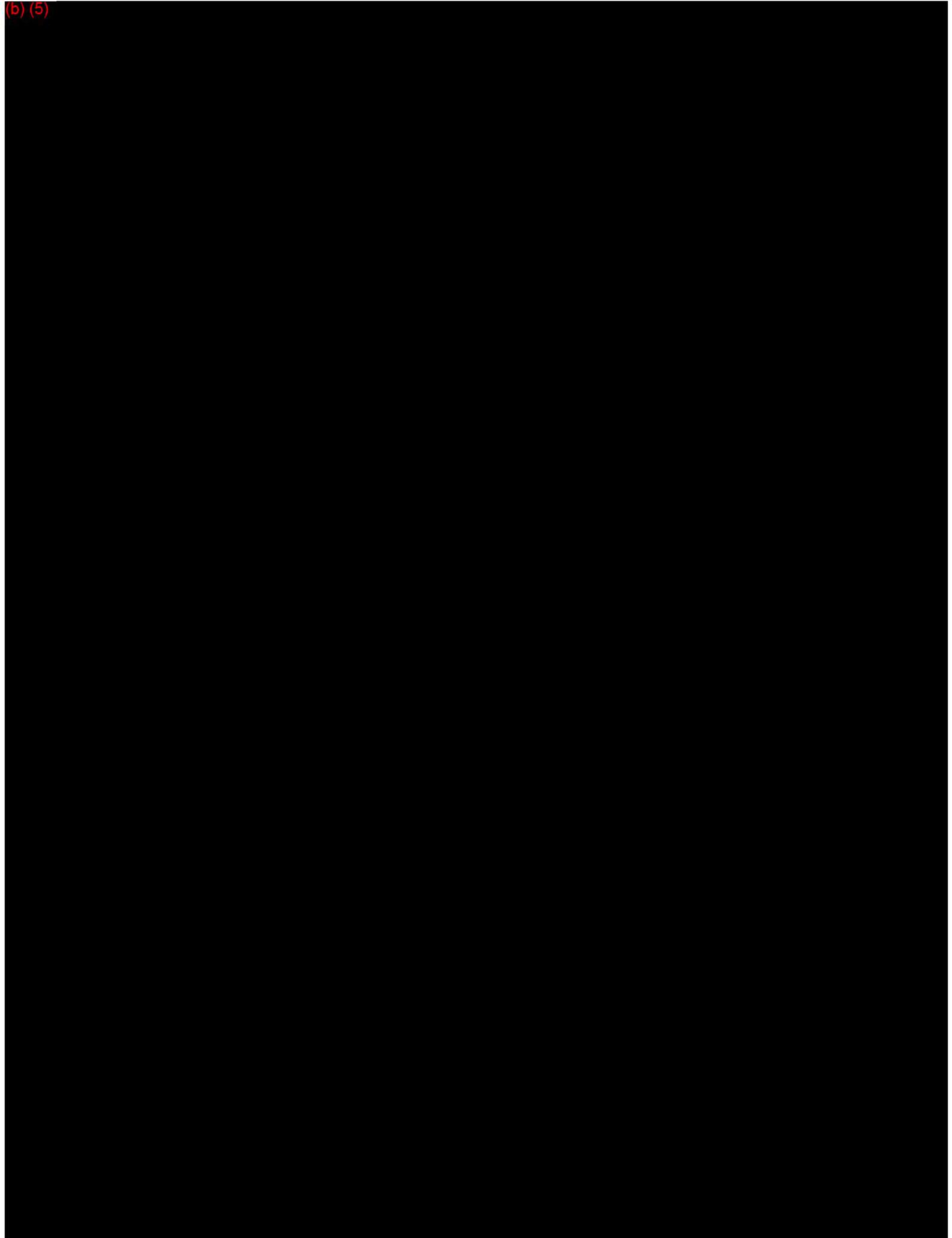


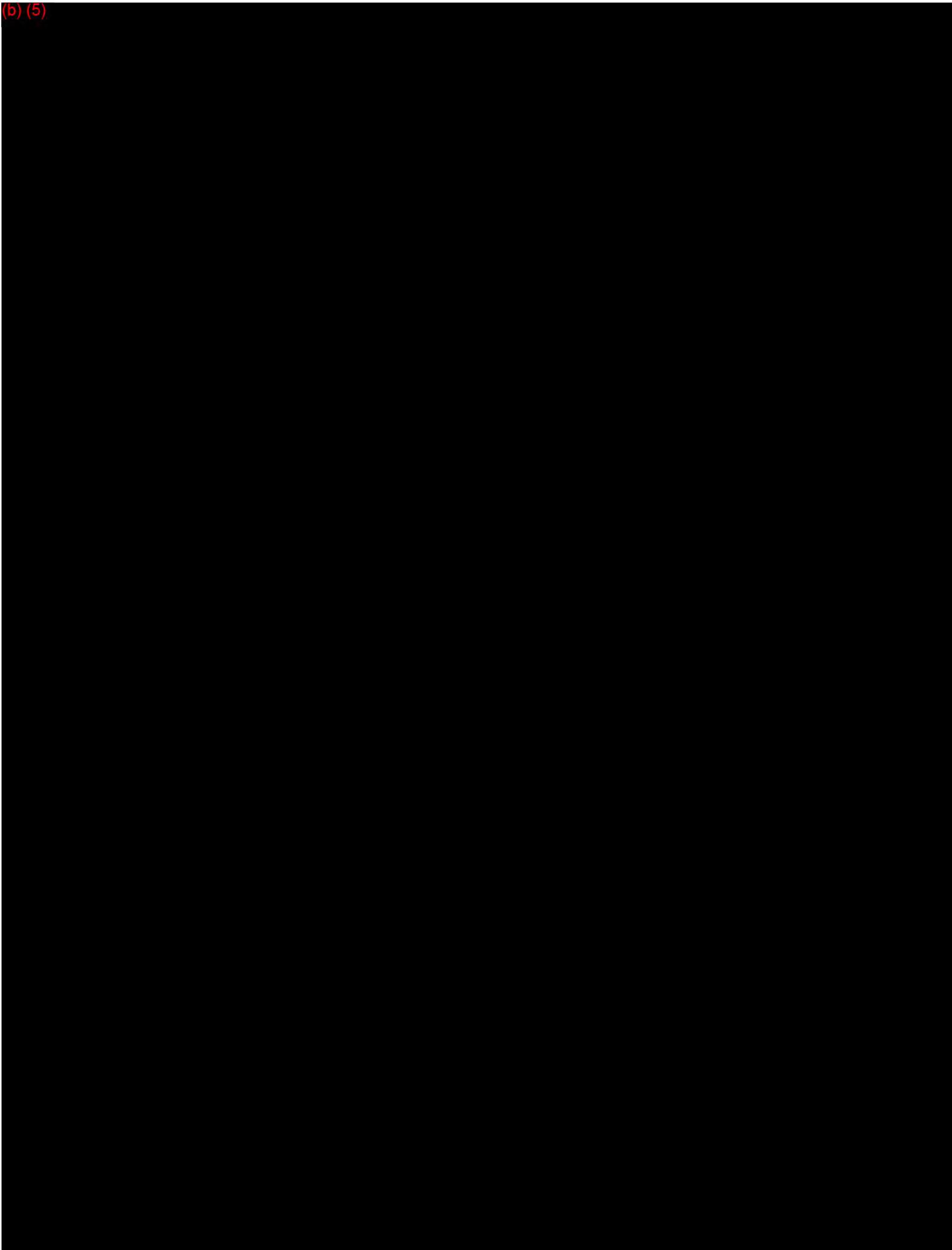


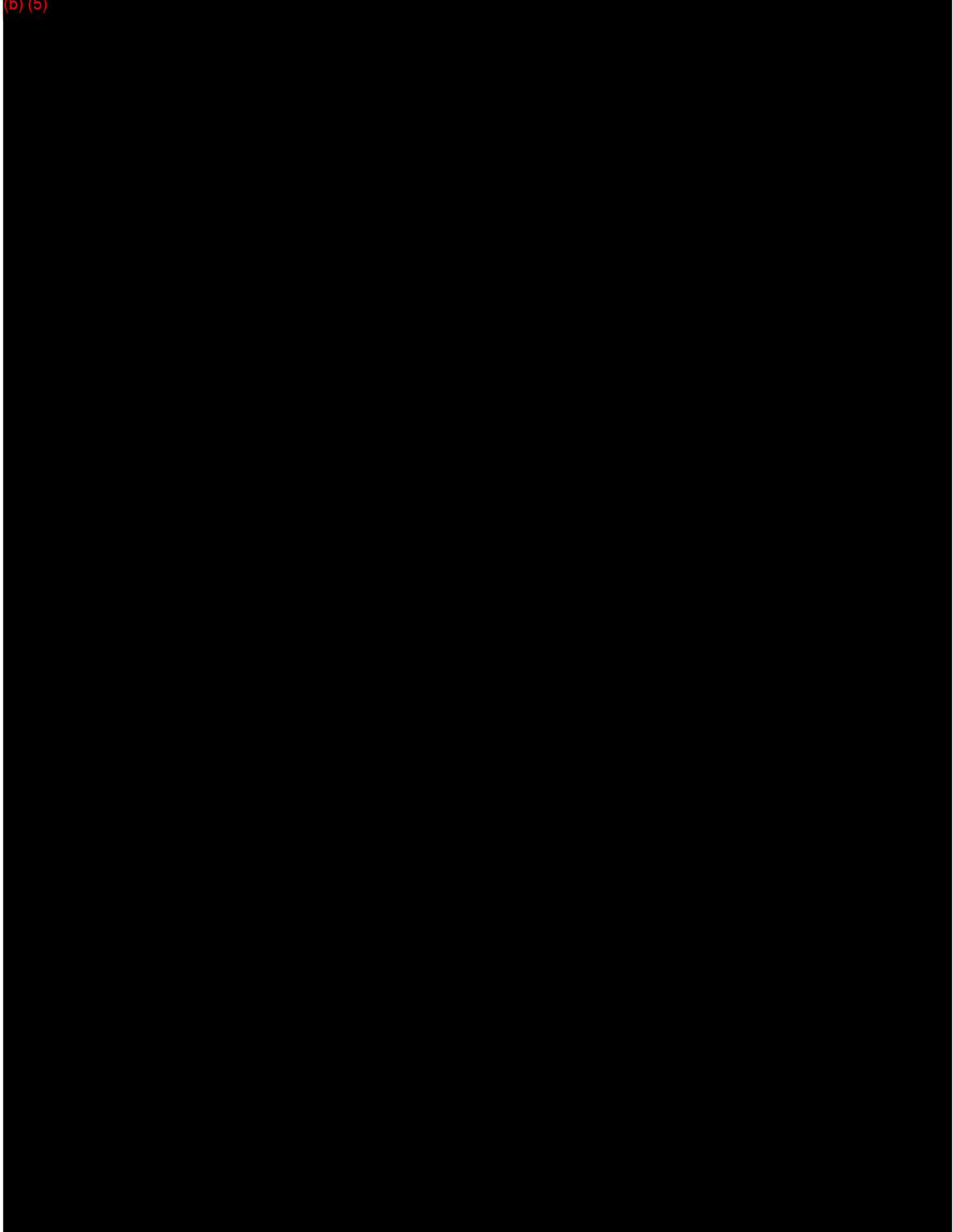


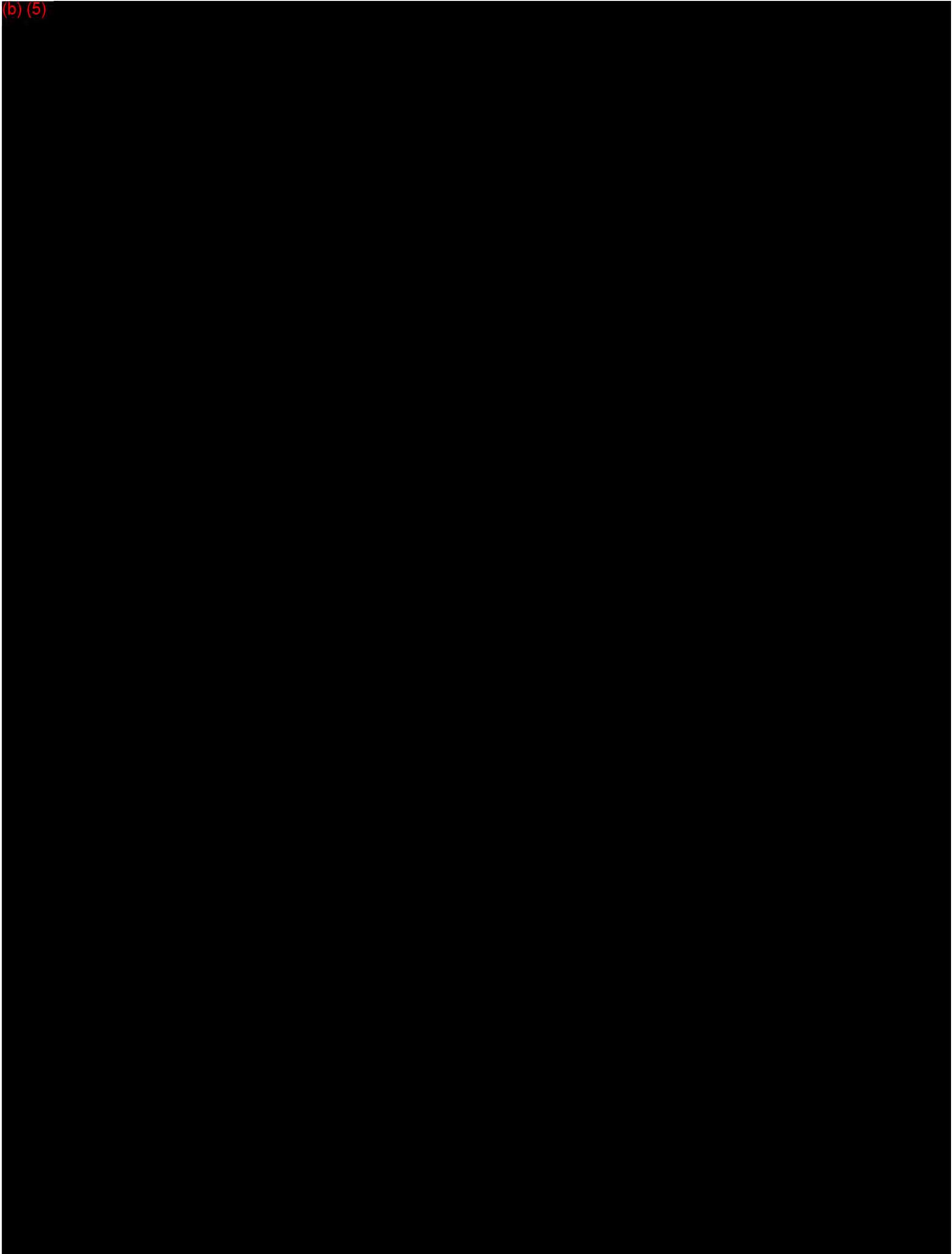


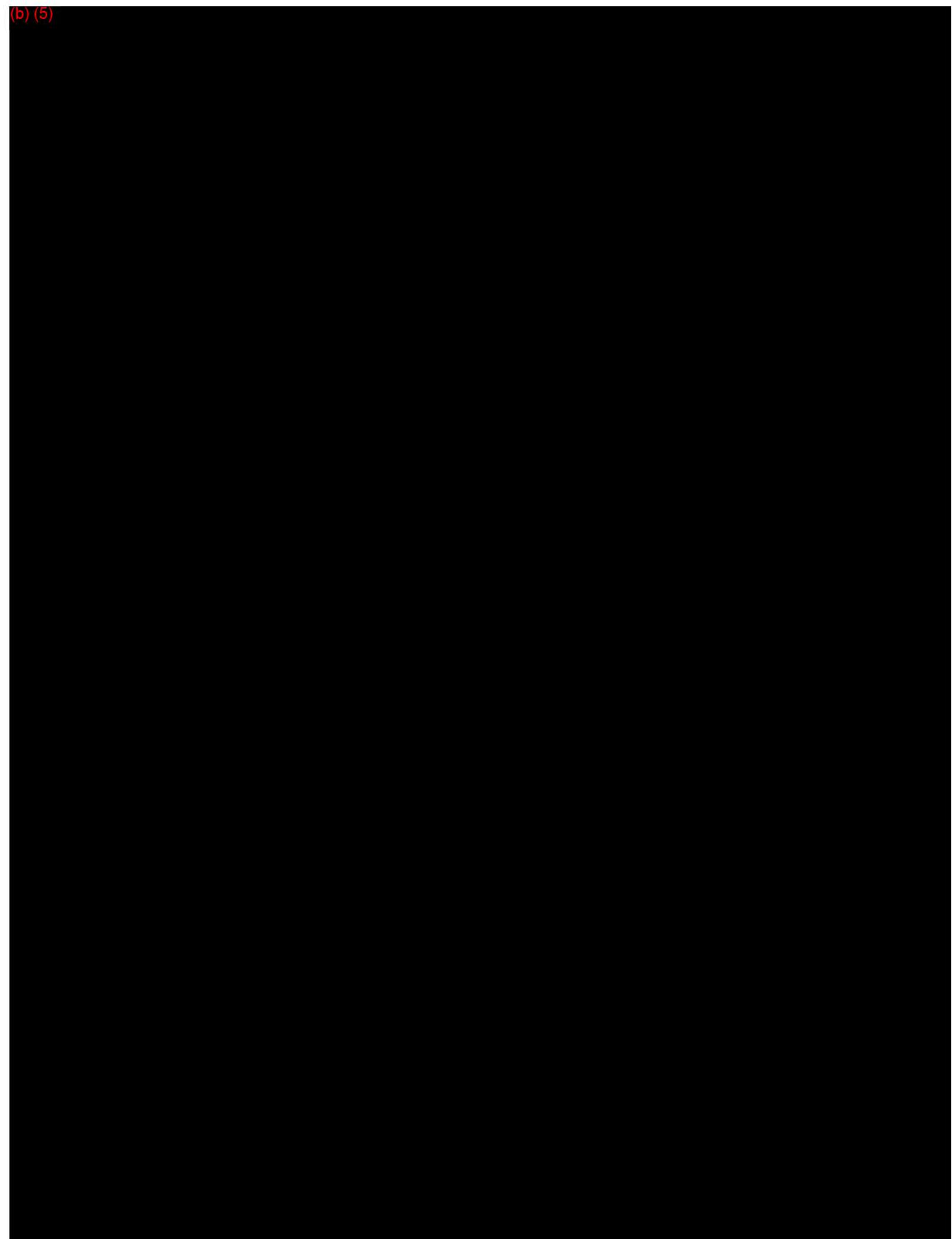


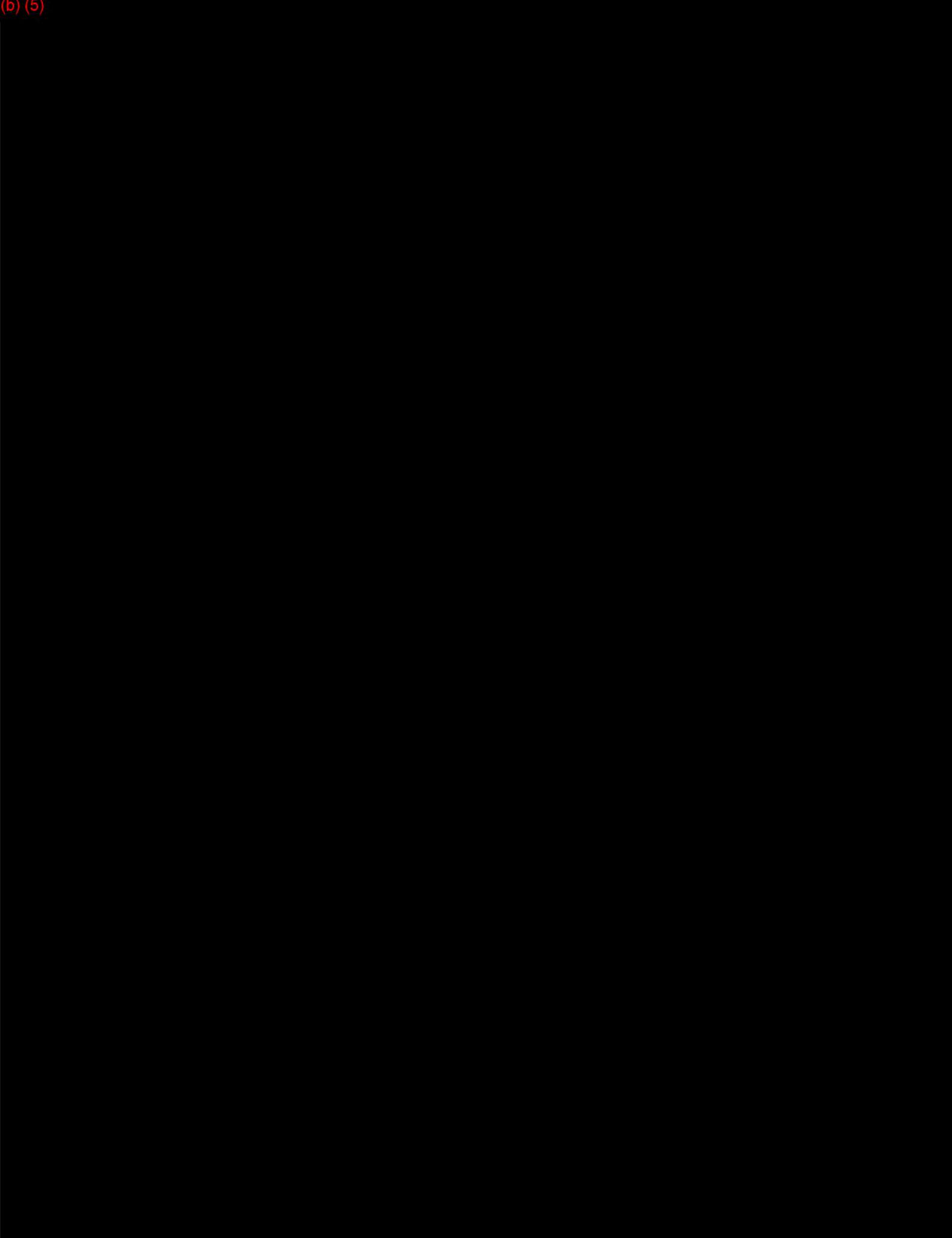


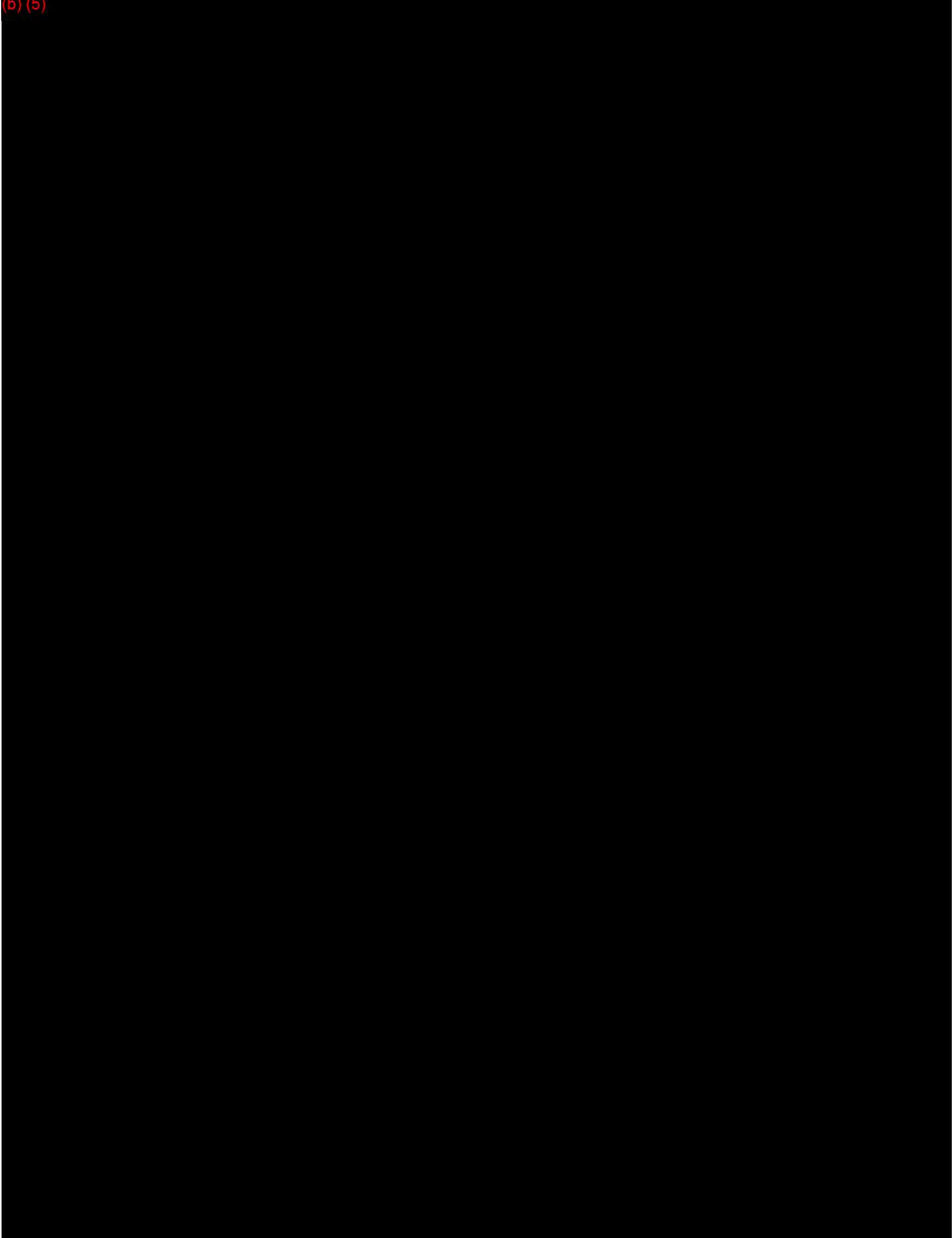


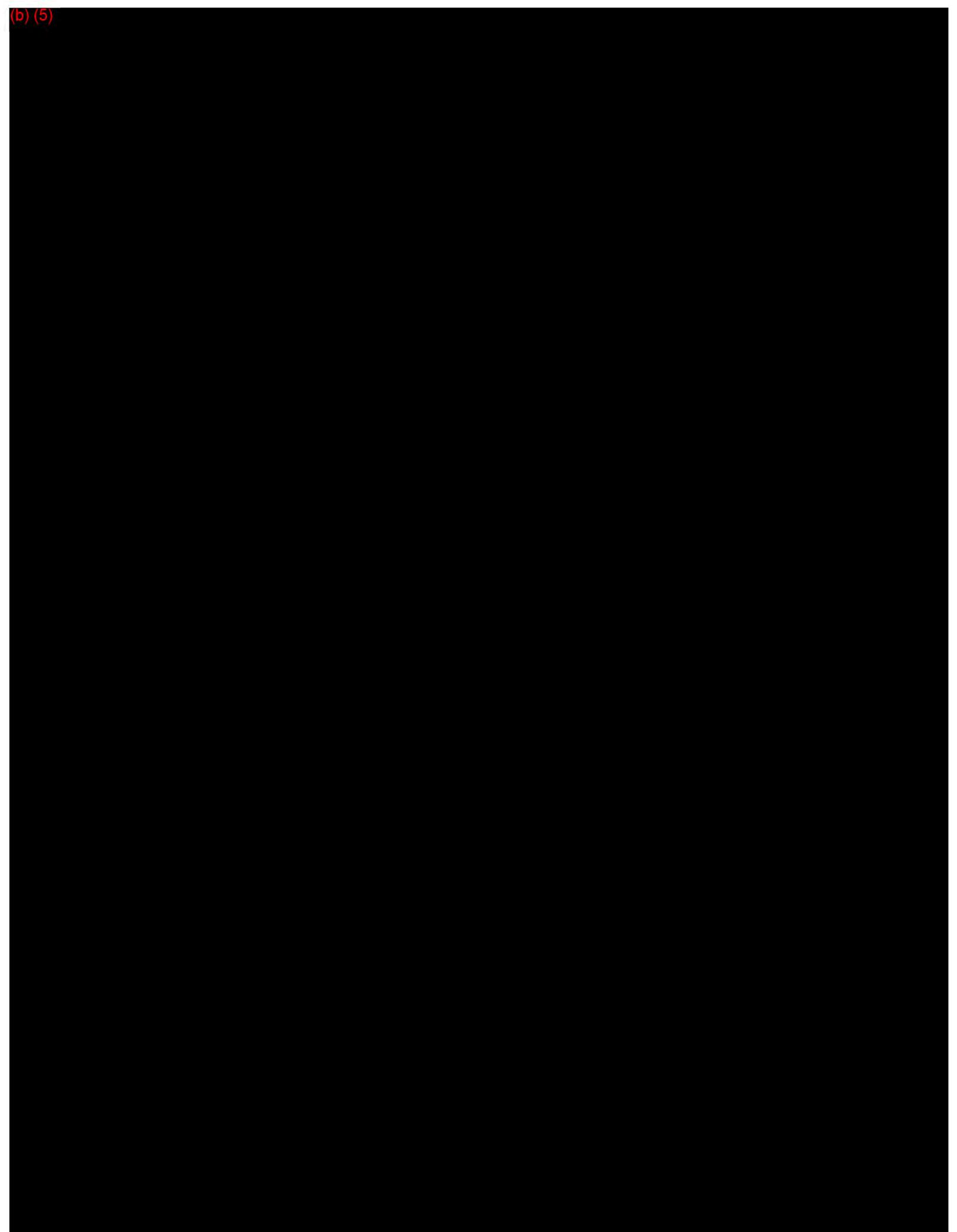




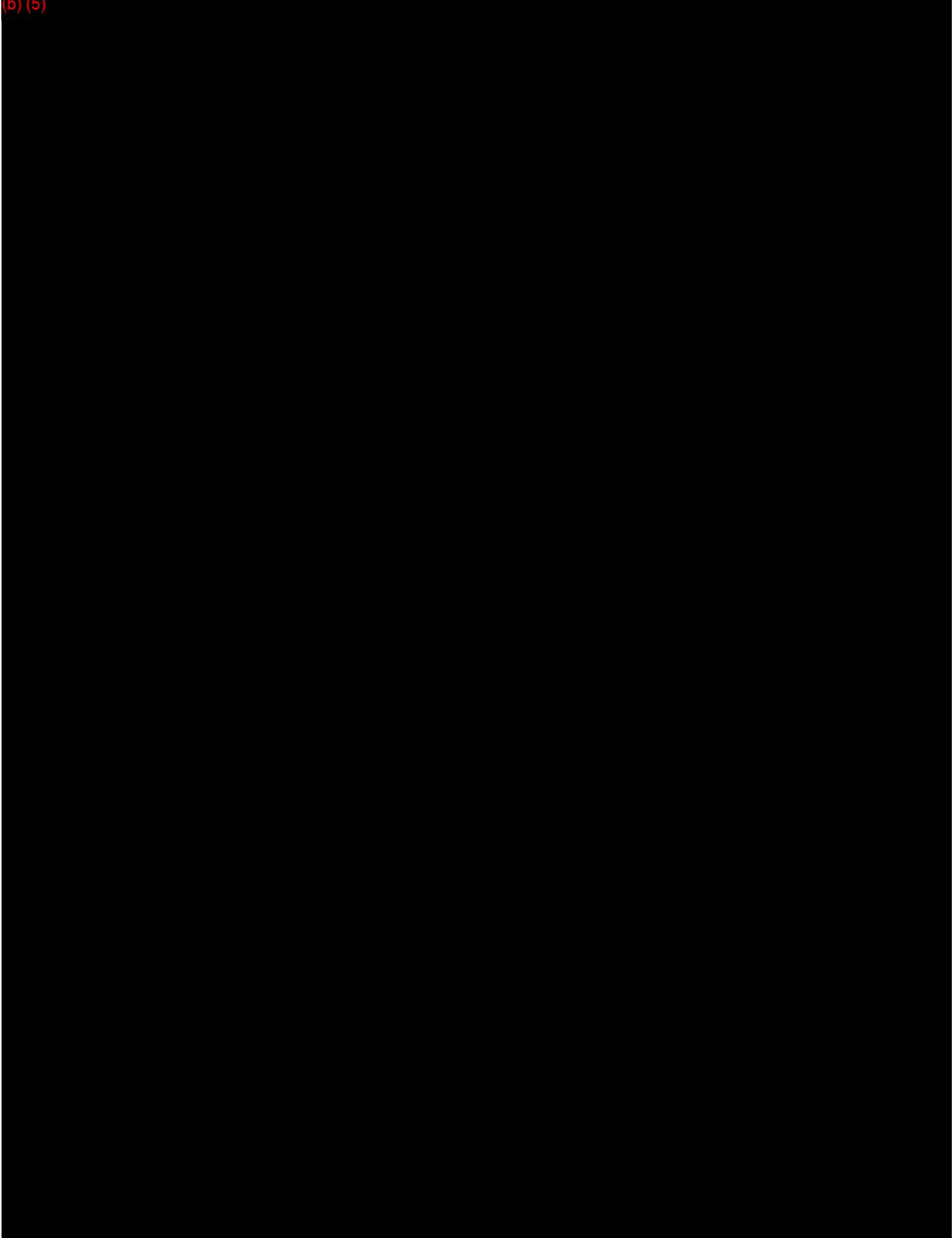


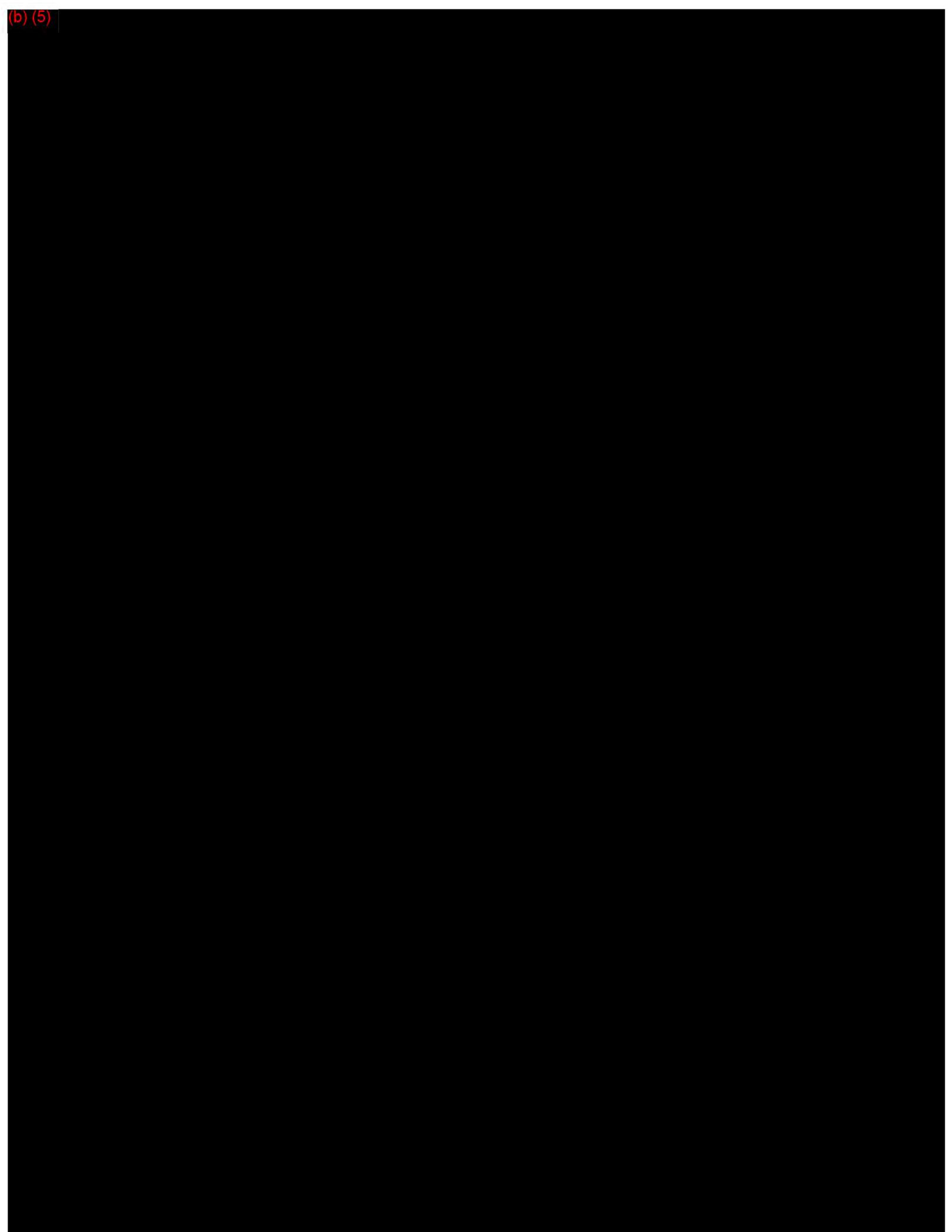




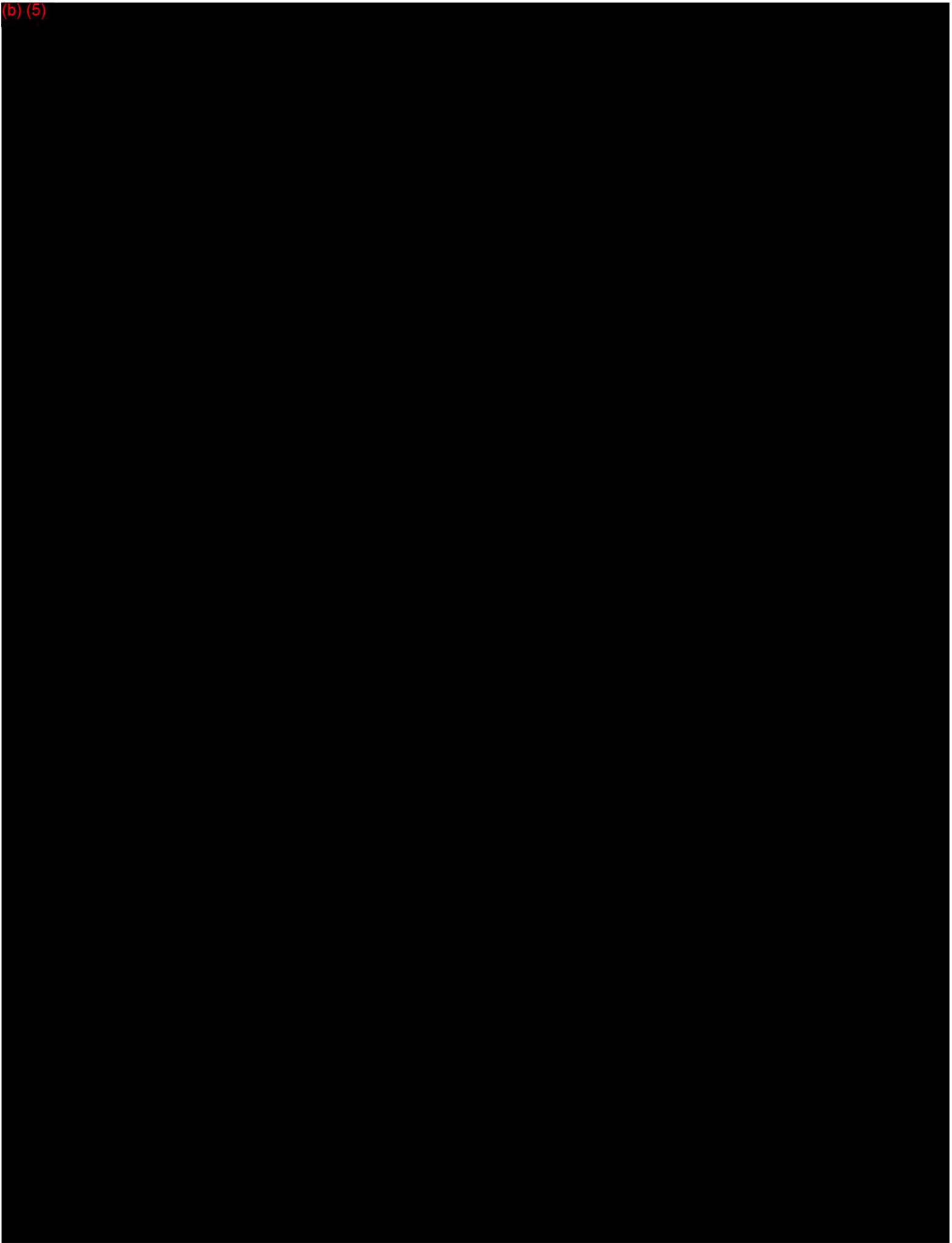


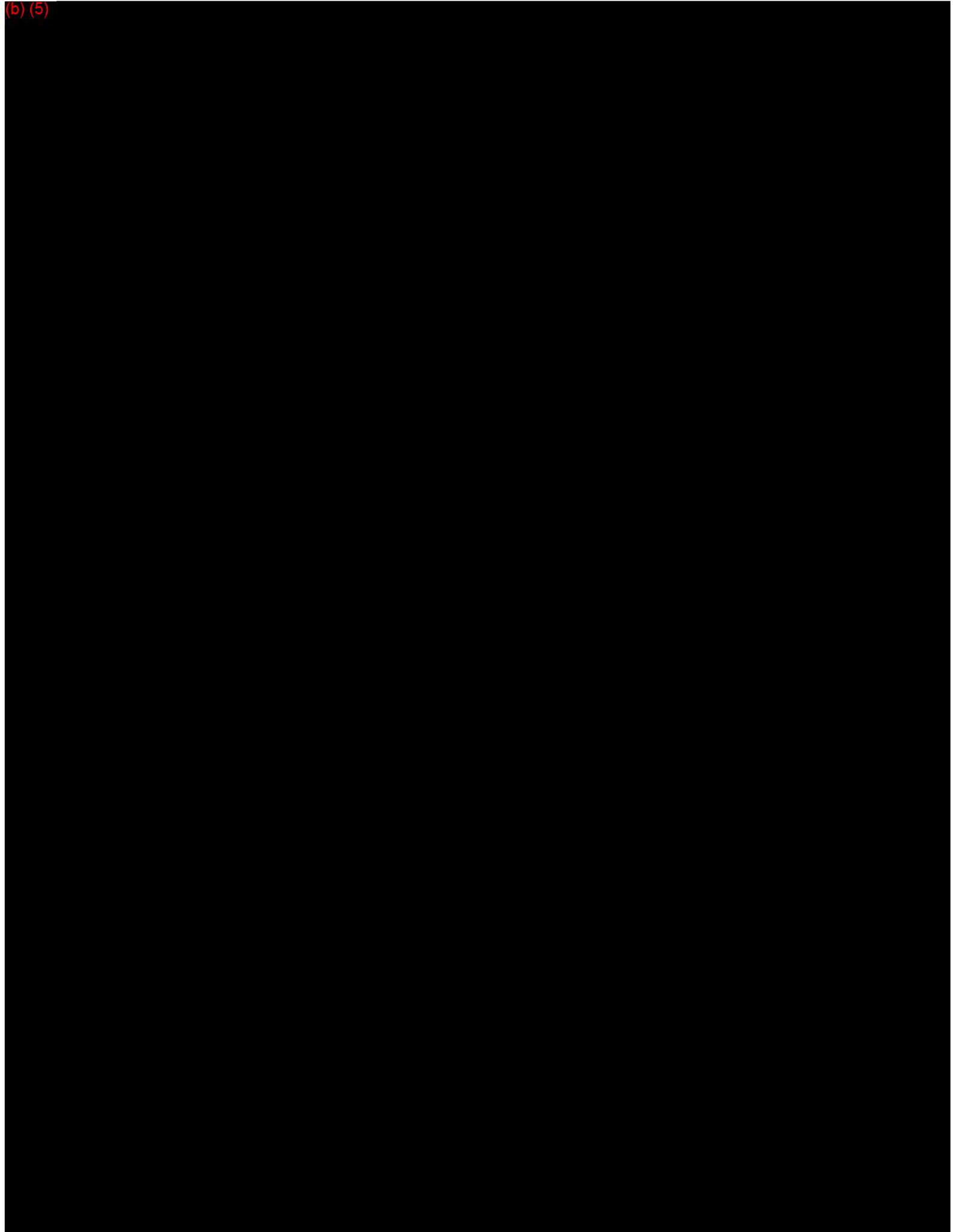
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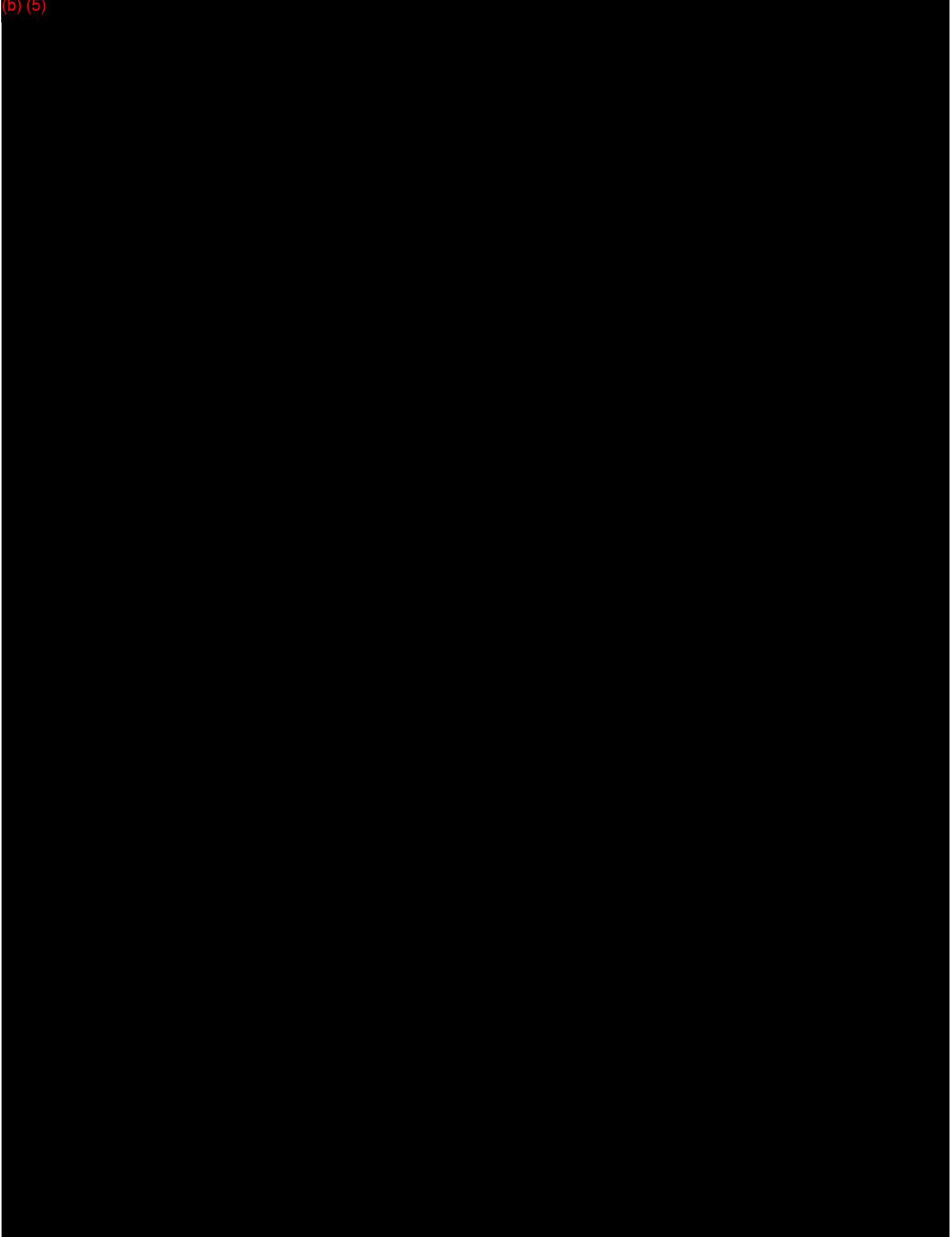


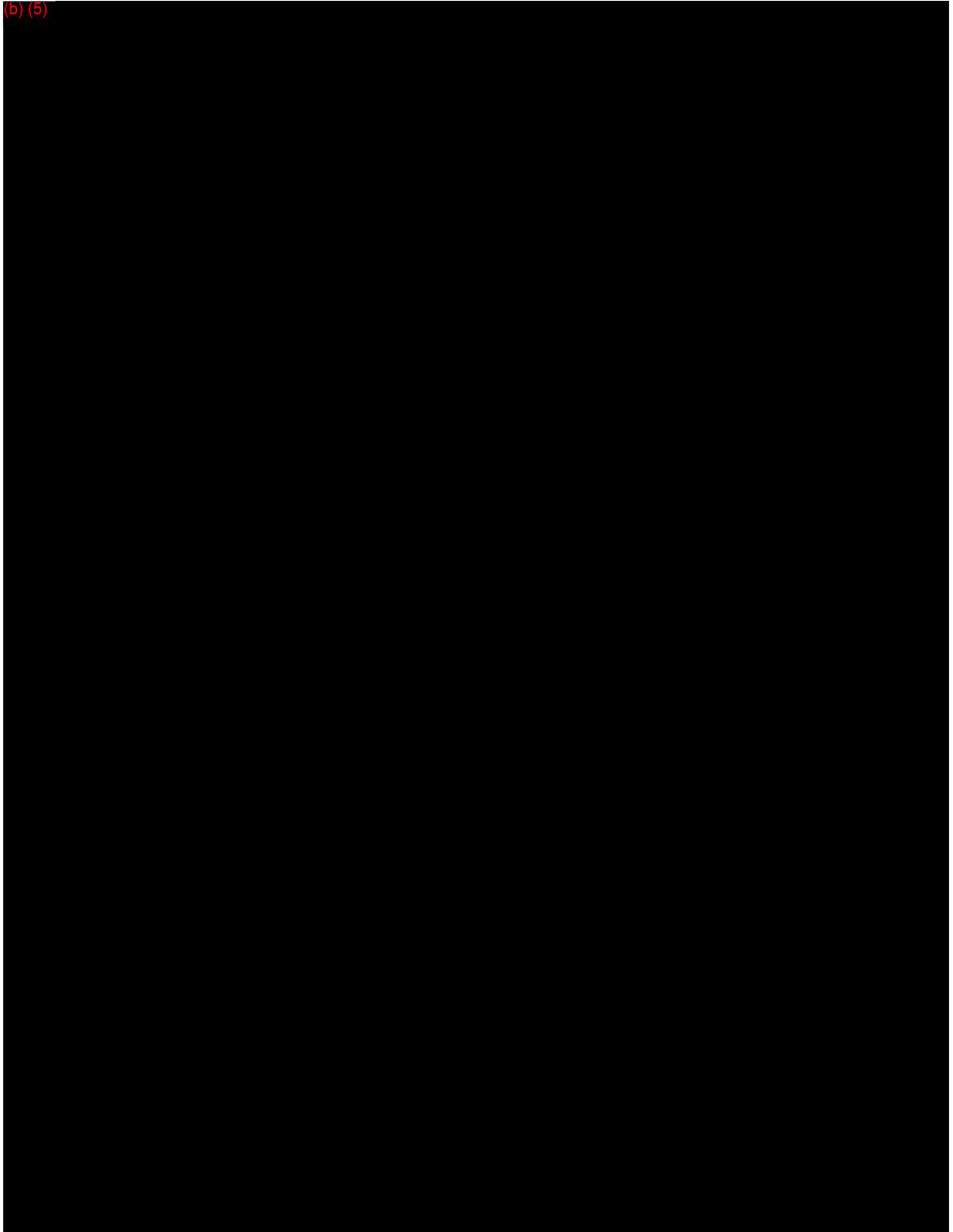


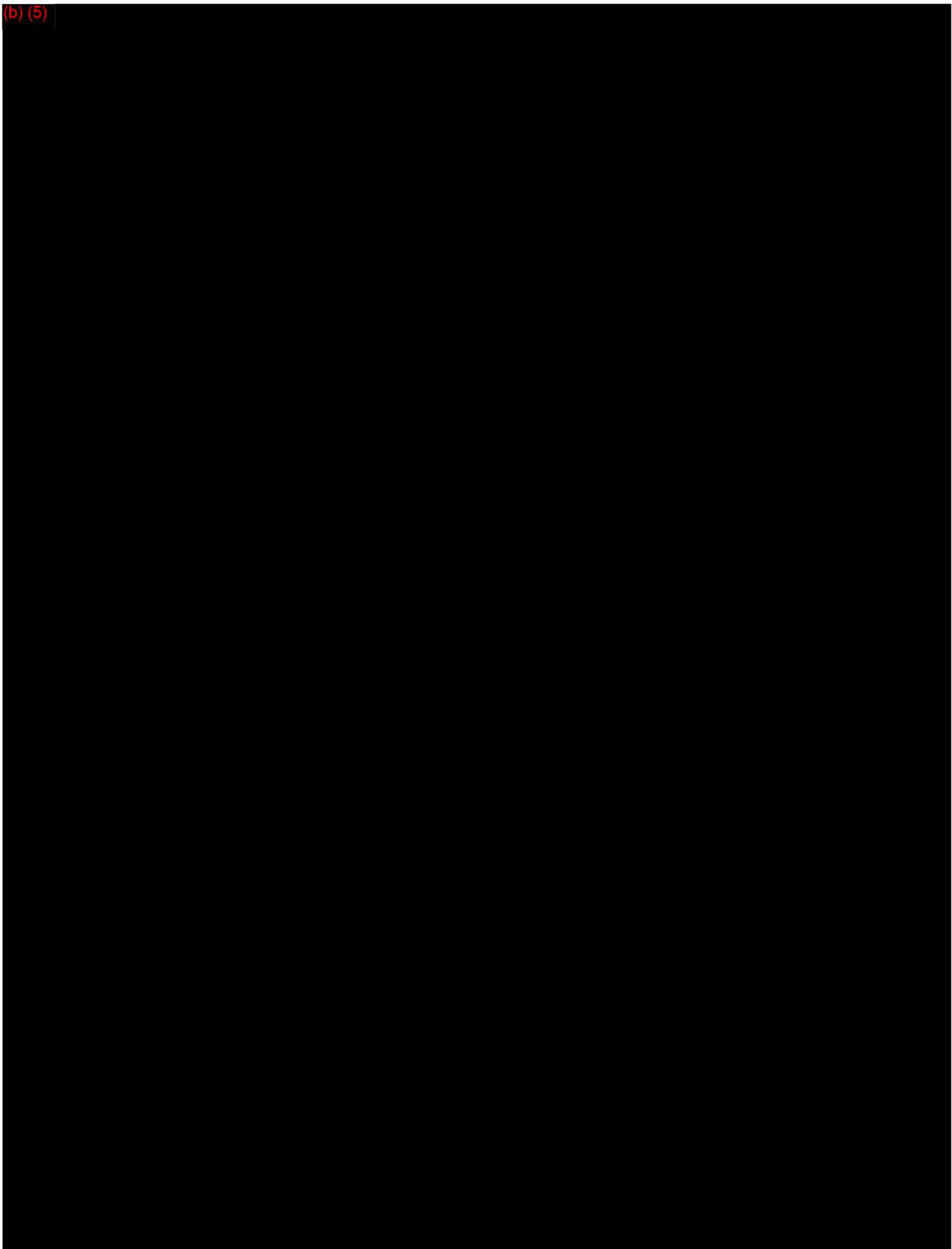
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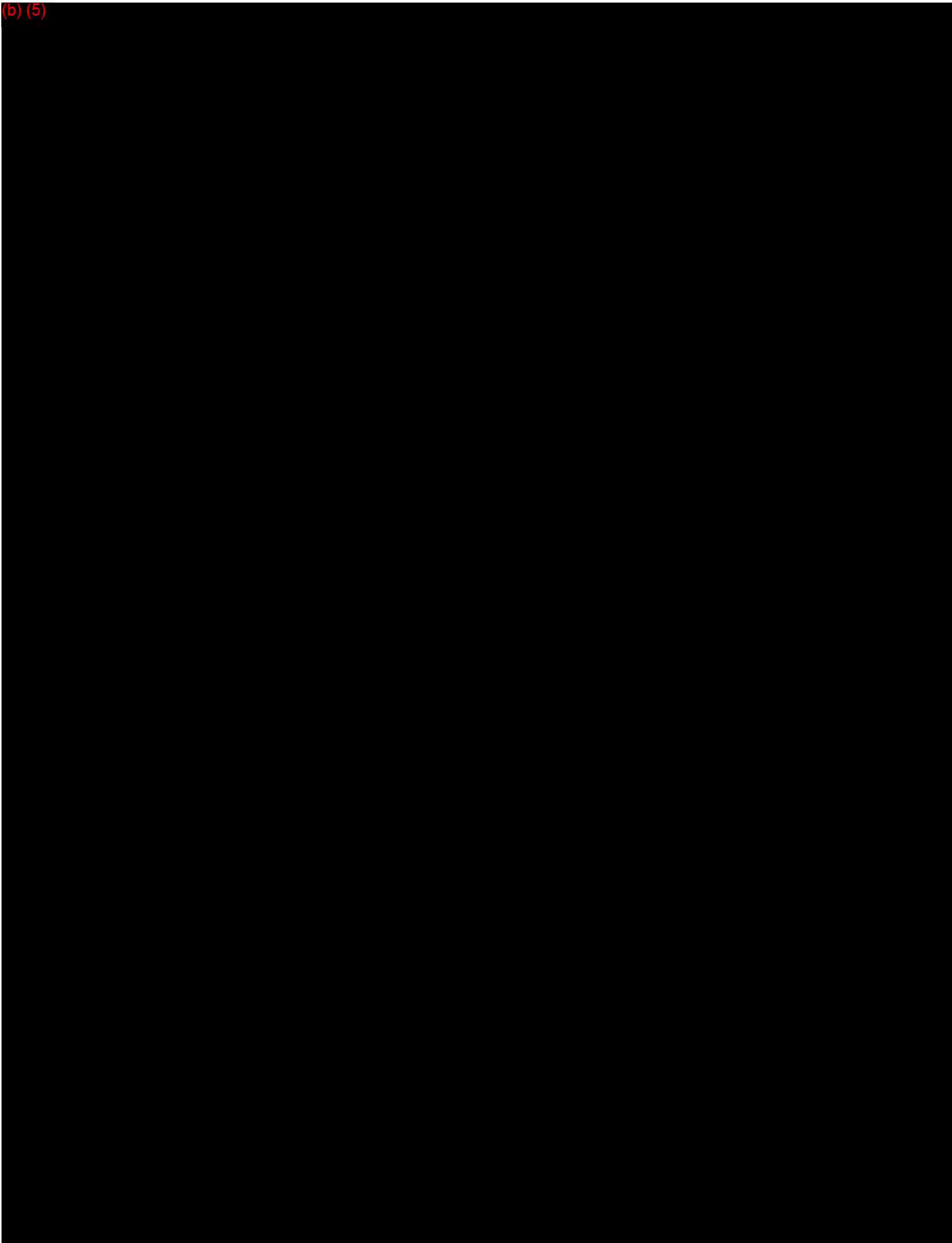


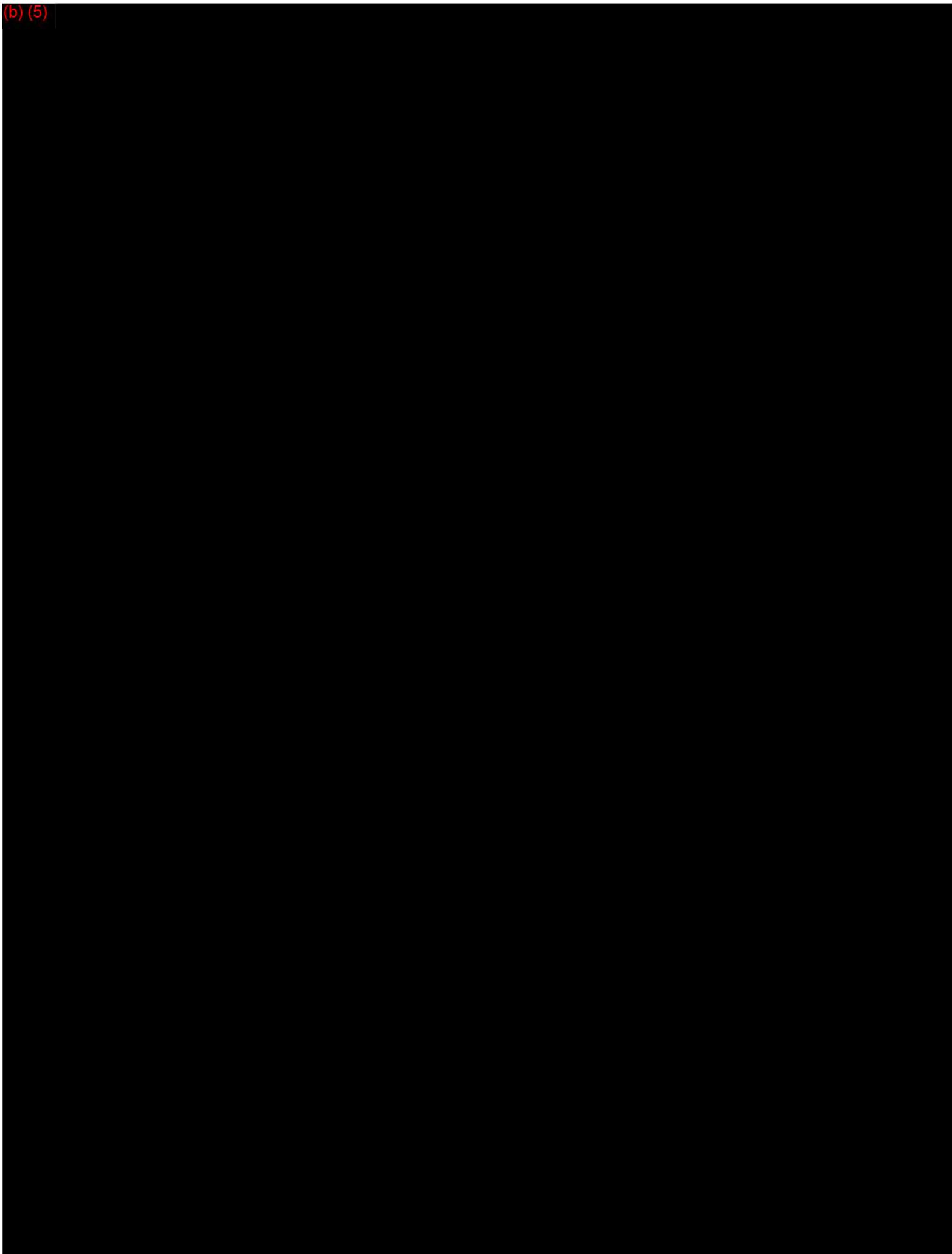


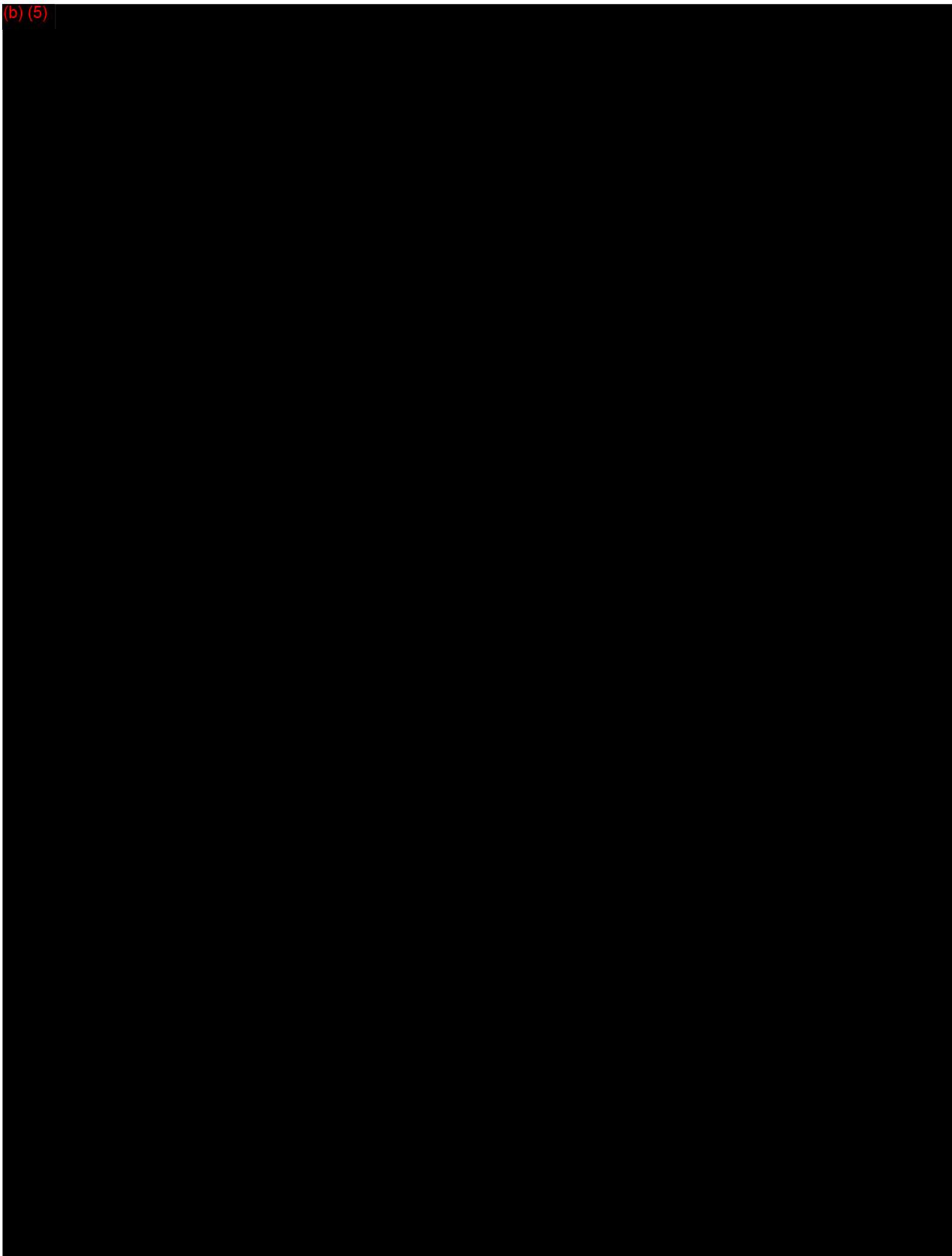


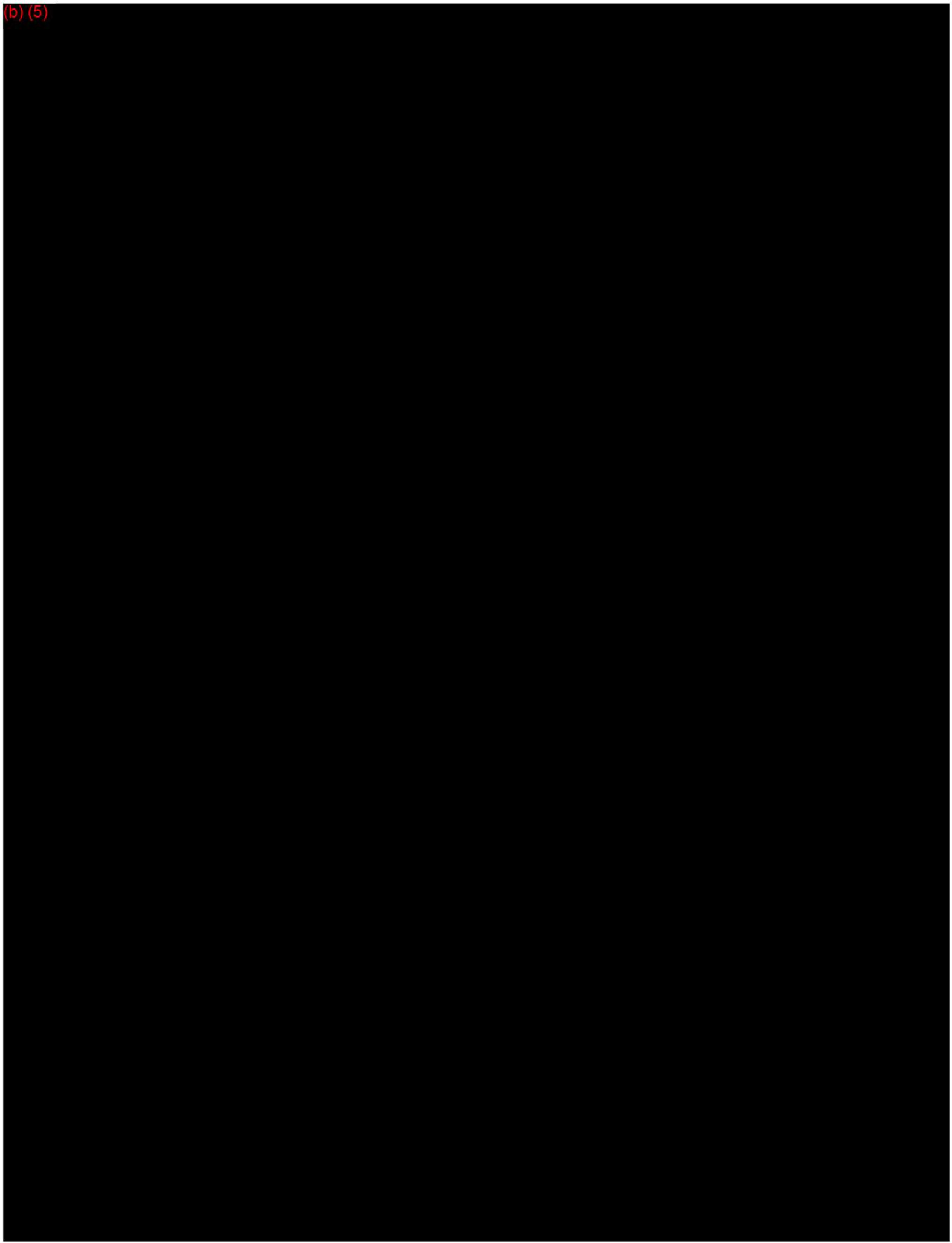


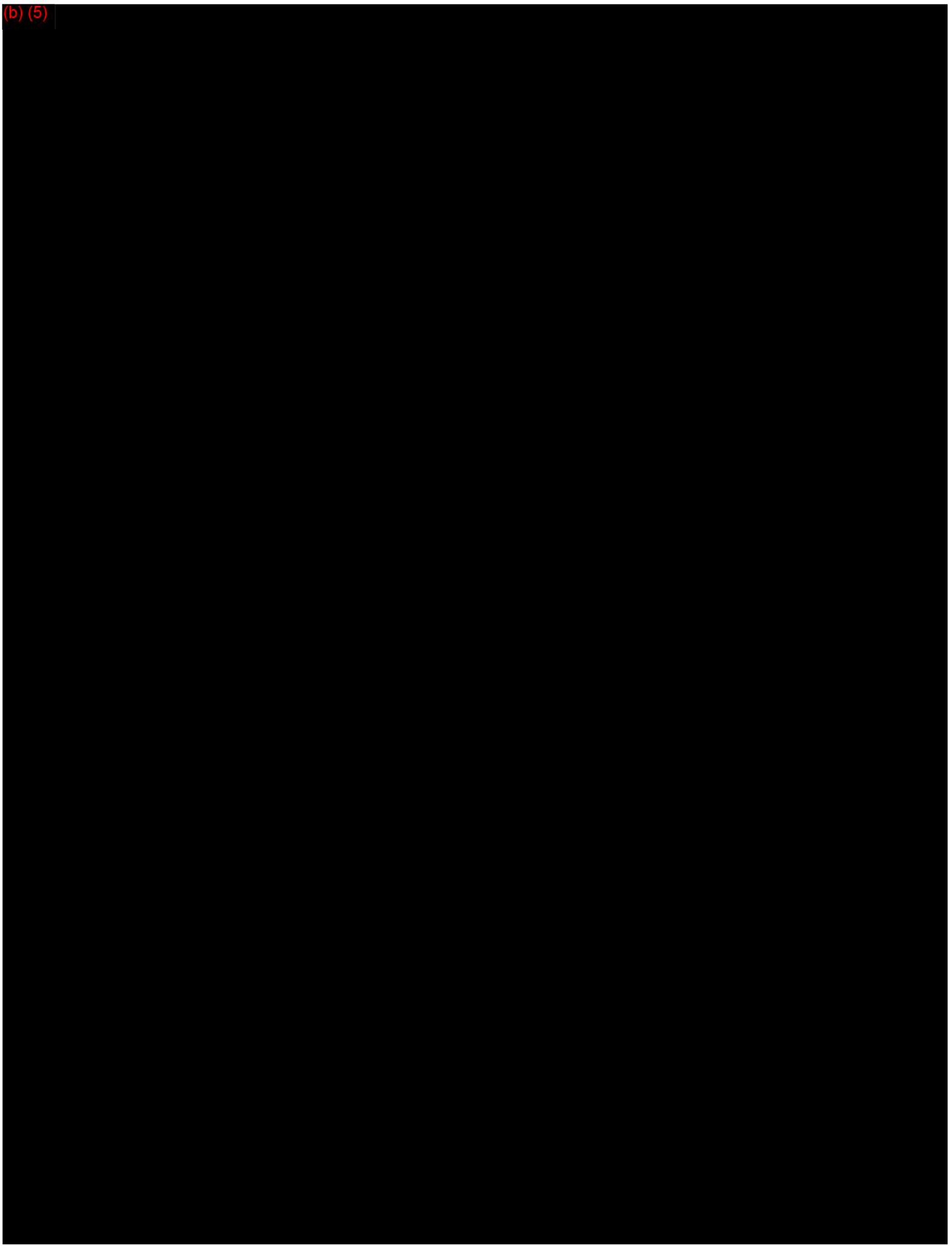


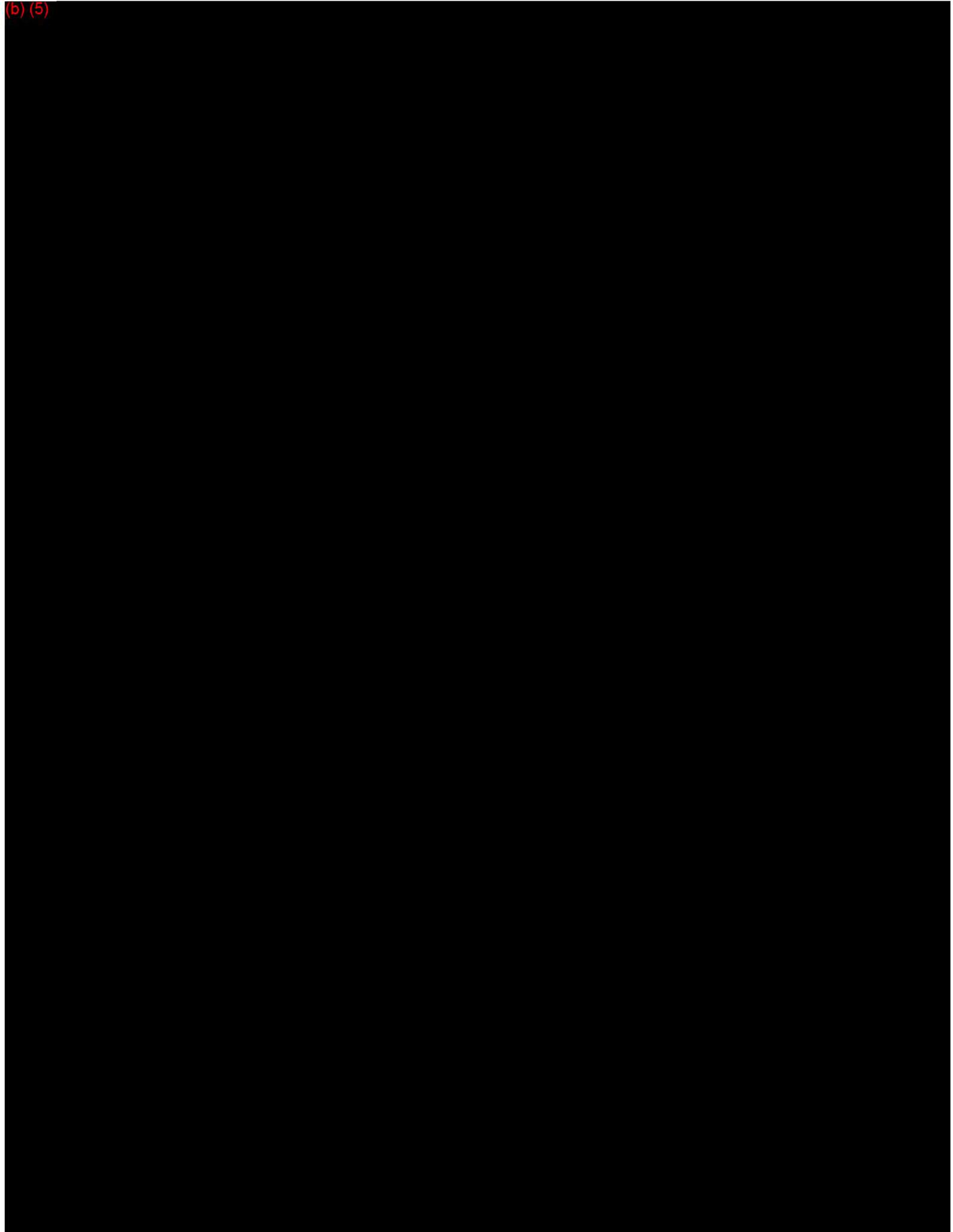












## RE: Ted out

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**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

**To:** "Loyola, Mario A. EOP/CEQ" <(b) (6)>

**Date:** Fri, 01 Jun 2018 11:41:59 -0400

I'm happy to do it. (b) (5)

I'm trying to relax, recalling the song "The Road Goes on Forever, and the Party Never Ends"  
I recommend Robert Earl Keane for your road trip.

**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Friday, June 1, 2018 11:38 AM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** Re: Ted out

Ted thank you so much for being so responsive helpful and patient. I'll call this afternoon to go over where we are and next steps. Thank you!

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(a) (b) (6) | (c) (b) (6)

On May 31, 2018, at 9:53 PM, Boling, Ted A. EOP/CEQ <(b) (6)> wrote:

Mario,

I'm out of v5  
Have a great road trip!

Best,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

## [EXTERNAL] quick question for you

---

**From:** dawn reeves <dawn.reeves@iwpnews.com>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Date:** Wed, 06 Jun 2018 13:18:32 -0400

---

Hi Ted,

It's Dawn at Inside EPA. We have a reporter at a meeting in NY at Columbia law school featuring EPA Region 2 folks and someone from EPA there said that CEQ is working on a new guidance to agencies for how to implement NEPA.

I don't know if this is the same/related/the next step after the ANPRM that is over at the WH re updating CEQ's NEPA regulations.

Do you have any information you can share?

Please let me know, thanks.

Dawn

(b) (6) – on cell today if you want to chat

## [EXTERNAL] FS Comments on CEQ ANPR

---

**From:** "Gaugush, Samuel F - FS" <sfgaugush@fs.fed.us>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Date:** Fri, 08 Jun 2018 13:14:29 -0400

Ted – Jim followed up with the Forest Service office that handles regulatory affairs. We will be making sure that CEQ receives a single, consolidated set of Forest Service comments in subsequent stages of CEQ’s rulemaking process. We are also working with our regulatory affairs office to ensure Forest Service comments are run through the NEPA shop before submission. Sorry that didn’t happen this time around—and for any extra work it caused you all.

Sam



**Sam Gaugush**  
**National Environmental Policy Act Specialist**  
**Forest Service**  
**Ecosystem Management Coordination Staff**

p: 202-205-0917

[sfgaugush@fs.fed.us](mailto:sfgaugush@fs.fed.us)

1400 Independence Ave SW

Washington, DC 20250

>[www.fs.fed.us](http://www.fs.fed.us)<



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## [EXTERNAL] RE: EO 12866 Call on CEQ NEPA Procedural Provisions Prerule

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**From:** "Gaugush, Samuel F - FS" <sfgaugush@fs.fed.us>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Date:** Fri, 08 Jun 2018 09:22:12 -0400

---

Thanks, Ted.

-----Original Appointment-----

**From:** (b) (6) [mailto:(b) (6)] On Behalf Of Whiteman, Chad S. EOP/OMB  
**Sent:** Friday, June 8, 2018 9:21 AM  
**To:** Gaugush, Samuel F - FS  
**Subject:** Fwd: EO 12866 Call on CEQ NEPA Procedural Provisions Prerule  
**When:** Friday, June 8, 2018 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Dial-In: (b) (6) Code: (b) (6)

Sent from my iPhone

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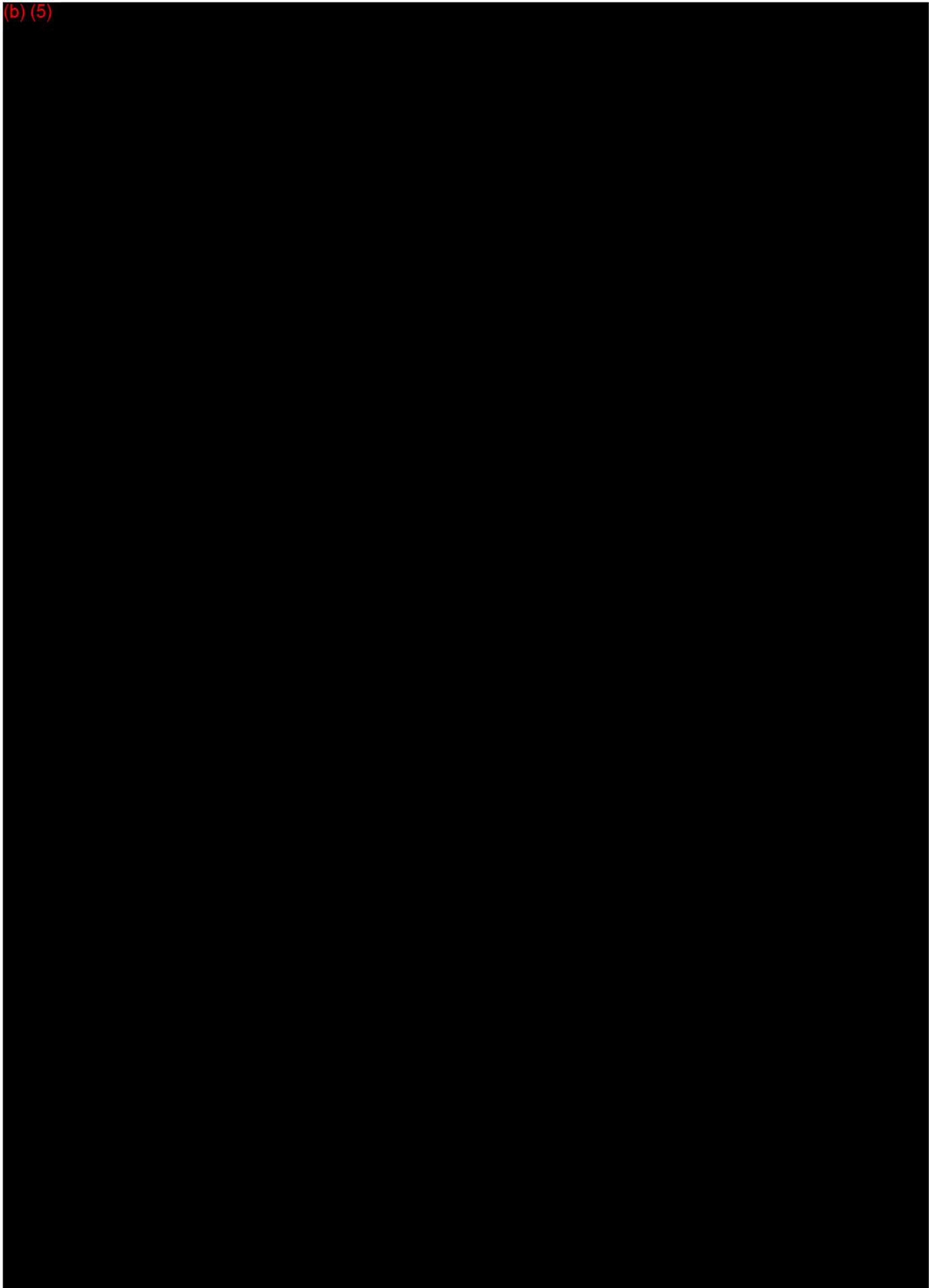
**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
**Date:** June 7, 2018 at 6:10:41 PM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>, "Boling, Ted A. EOP/CEQ" <(b) (6)>, "Drummond, Michael R. EOP/CEQ" <(b) (6)>, "Barnett, Steven W. EOP/CEQ" <(b) (6)>, "Sharp, Thomas L. EOP/CEQ" <(b) (6)>, "Gignoux, Caroline M. EOP/CEQ (Intern)" <(b) (6)>, "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Cc:** "Bolen, Brittany" <bolen.brittany@epa.gov>, "Justin Schwab" <schwab.justin@epa.gov> <schwab.justin@epa.gov>  
**Subject:** FW: EO 12866 Call on CEQ NEPA Procedural Provisions Prerule

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All, In order to work through the comments in an expedited manner (b) (5)

Chad

(b) (5)



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# Fwd: EO 12866 Call on CEQ NEPA Procedural Provisions Prerule

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Where: Dial-In: (b) (6) Code: (b) (6)  
When: Fri Jun 08 09:00:00 2018 (America/New\_York)  
Until: Fri Jun 08 10:00:00 2018 (America/New\_York)  
Organiser: "Whiteman, Chad S. EOP/OMB" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=1eab5b65831b4f7fb65d73703504e13e-wh">  
Required Attendee: sfgaugush@fs.fed.us

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Sent from my iPhone

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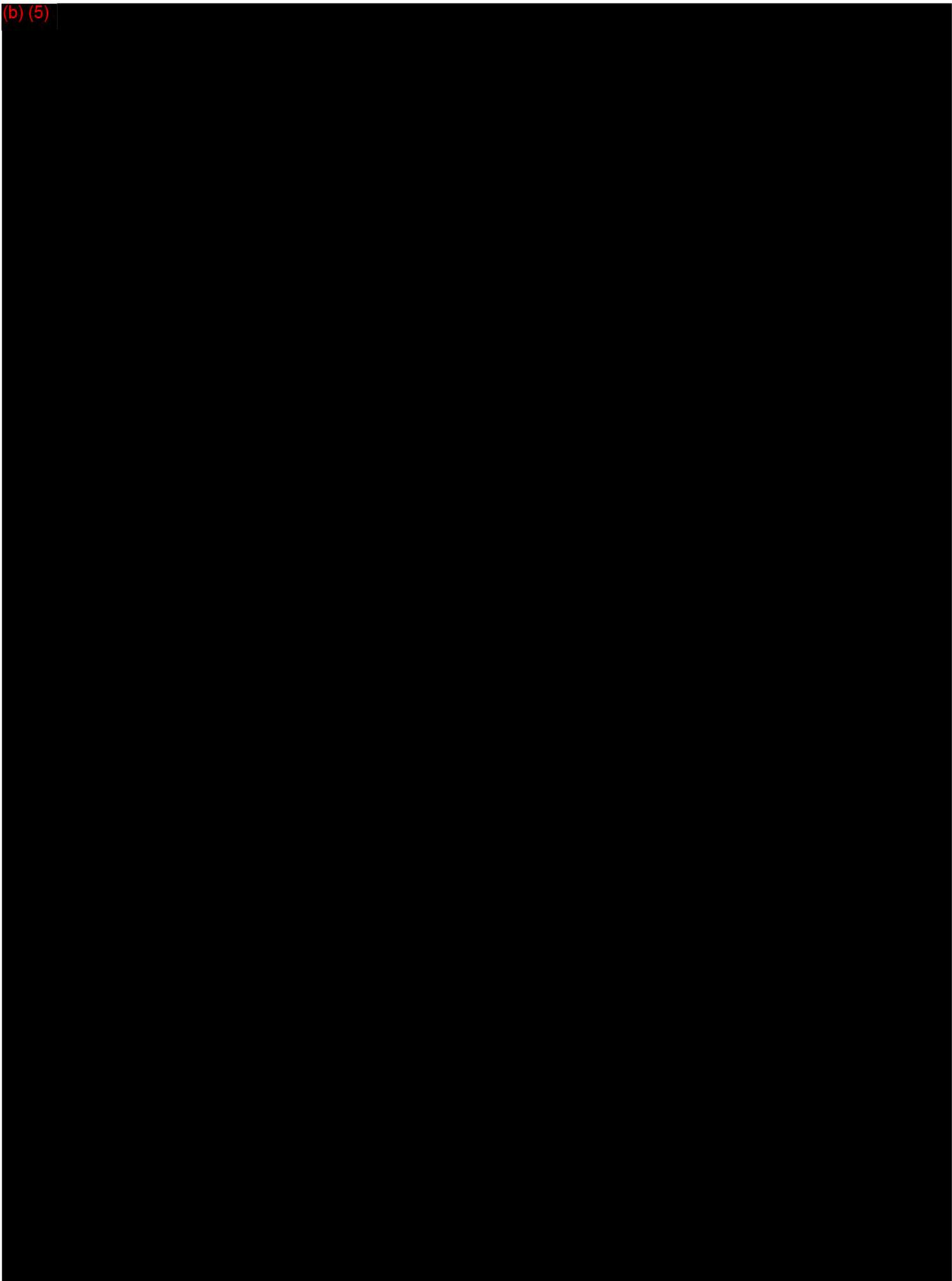
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**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
**Date:** June 7, 2018 at 6:10:41 PM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)>, "Drummond, Michael R. EOP/CEQ" <(b) (6)>, "Barnett, Steven W. EOP/CEQ" <(b) (6)>, "Sharp, Thomas L. EOP/CEQ" <(b) (6)>, "Gignoux, Caroline M. EOP/CEQ (Intern)" <(b) (6)>, "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Cc:** "Bolen, Brittany" <bolen.brittany@epa.gov>, "Justin Schwab" (<schwab.justin@epa.gov> <schwab.justin@epa.gov>)  
**Subject:** FW: EO 12866 Call on CEQ NEPA Procedural Provisions Prerule

All, In order to work through the comments in an expedited manner, (b) (5)

Chad

(b) (5)



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## Draft ANPRM Fact Sheet

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**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 12 Jun 2018 09:52:49 -0400  
**Attachments:** Draft ANPRM Fact Sheet 6-12-18 V2 als.docx (22.18 kB)

---

Please see the attached document for review. Aaron's tracked edits are included.

Dan

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President  
(b) (6) (desk)  
(b) (6)  
[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

Version 6.12.18

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### Council on Environmental Quality Requests Public Comment on Potential Revisions to Update the National Environmental Policy Act

On June XX, 2018, the Council on Environmental Quality (CEQ) submitted an Advance Notice of Proposed Rulemaking entitled, “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for public comment.

#### Background:

- On August 15, 2017, President Trump issued [Executive Order 13807](#) which directed CEQ to develop an initial list of actions it would take to enhance and modernize the Federal environmental review and authorization process.
- CEQ’s [initial list of actions](#) was published in the *Federal Register* on September 14, 2017 and stated CEQ intended to review existing CEQ regulations implementing the procedural requirements of NEPA.
- Over the past four decades, CEQ issued numerous guidance documents but has amended its regulations only once. Given the length of time since [CEQ’s National Environmental Policy Act \(NEPA\) implementing regulations](#) were issued, CEQ has determined it appropriate to solicit public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.
- [On May 3, 2018, CEQ submitted the draft ANPRM to the Office of Management and Budget for interagency review consistent with Executive Order 12866. Following the interagency review, CEQ believes it is appropriate to now solicit public comment.](#)

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Commented [ALS1]: I do not think this is necessary and could be deleted, but I defer to Mary’s judgment. Usually agencies do not discuss the EO 12866 process in their fact sheets.

#### Request for Public Comment:

- CEQ requests comment on potential revisions to update and clarify CEQ NEPA regulations. Comments should be submitted on or before 30 days after the date of publication in the *Federal Register*. [To comment, go to https://www.regulations.gov and follow the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.](https://www.regulations.gov)
- Through a series of 20 questions, CEQ is requesting comments on the NEPA process, the scope of NEPA review, and ways to improve and make the NEPA [better for all stakeholders](#).

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#### Next Steps:

- Following the conclusion of the public comment period, CEQ will review the comments before taking any potential further action.

## RE: Draft ANPRM Fact Sheet

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**From:** "Neumayr, Mary B. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=4e618ec0a8d749c29c9f64889897f4bb-ne">  
**To:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 10:03:22 -0400  
**Attachments:** Draft ANPRM Fact Sheet 6-12-18 V2 als MN 6 14 18.docx (23.64 kB)

Apologies for my delayed response and attached are proposed revisions.

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Thursday, June 14, 2018 9:41 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** FW: Draft ANPRM Fact Sheet

Hey Mary – just wanted to resend this for your review.

Dan

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Tuesday, June 12, 2018 9:53 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** Draft ANPRM Fact Sheet

Please see the attached document for review. Aaron's tracked edits are included.

Dan

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President  
(b) (6) (desk)  
(b) (6)  
[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

Version 6.14.18

### Council on Environmental Quality Requests Public Comment on Potential Revisions to Update National Environment Policy Act Regulations

On June XX, 2018, the Council on Environmental Quality (CEQ) submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for publication and public comment.

#### Background:

- On August 15, 2017, President Trump issued Executive Order 13807 which directed CEQ to develop an initial list of actions it would take to enhance and modernize the Federal environmental review and authorization process.
- In its initial list of actions published in the *Federal Register* on September 14, 2017, CEQ stated that it intended to review its 1978 regulations implementing the procedural requirements of the National Environmental Policy Act (NEPA) in order to identify potential updates and clarifications to those regulations.
- Over the past four decades, CEQ has issued numerous guidance documents but has amended its NEPA regulations substantively only once in 1986. Given the length of time since those regulations were issued, CEQ has determined it appropriate to solicit public comment on potential revisions to update the regulations.

#### Request for Public Comment:

- CEQ requests comment on potential revisions to update and clarify CEQ’s NEPA regulations. Comments should be submitted on or before 30 days after the date of publication in the *Federal Register*. To comment, go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.
- Through a series of 20 questions, CEQ is requesting comments on the NEPA process, the scope of NEPA review, and ways to improve the NEPA process.

#### Next Steps:

- Following the conclusion of the public comment period, CEQ will review the comments before taking any potential further action.

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Deleted: process more efficientbetter for all stakeholders.

## FW: Draft ANPRM Fact Sheet

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**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 09:41:27 -0400  
**Attachments:** Draft ANPRM Fact Sheet 6-12-18 V2 als.docx (22.18 kB)

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Dan

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Tuesday, June 12, 2018 9:53 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** Draft ANPRM Fact Sheet

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Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President  
(b) (6) (desk)  
(b) (6)  
[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

Version 6.12.18

Deleted: 1

### Council on Environmental Quality Requests Public Comment on Potential Revisions to Update the National Environmental Policy Act

On June XX, 2018, the Council on Environmental Quality (CEQ) submitted an Advance Notice of Proposed Rulemaking entitled, “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for public comment.

#### Background:

- On August 15, 2017, President Trump issued [Executive Order 13807](#) which directed CEQ to develop an initial list of actions it would take to enhance and modernize the Federal environmental review and authorization process.
- CEQ’s [initial list of actions](#) was published in the *Federal Register* on September 14, 2017 and stated CEQ intended to review existing CEQ regulations implementing the procedural requirements of NEPA.
- Over the past four decades, CEQ issued numerous guidance documents but has amended its regulations only once. Given the length of time since [CEQ’s National Environmental Policy Act \(NEPA\) implementing regulations](#) were issued, CEQ has determined it appropriate to solicit public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.
- [On May 3, 2018, CEQ submitted the draft ANPRM to the Office of Management and Budget for interagency review consistent with Executive Order 12866. Following the interagency review, CEQ believes it is appropriate to now solicit public comment.](#)

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Commented [ALS1]: I do not think this is necessary and could be deleted, but I defer to Mary’s judgment. Usually agencies do not discuss the EO 12866 process in their fact sheets.

#### Request for Public Comment:

- CEQ requests comment on potential revisions to update and clarify CEQ NEPA regulations. Comments should be submitted on or before 30 days after the date of publication in the *Federal Register*. [To comment, go to https://www.regulations.gov and follow the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.](https://www.regulations.gov)
- Through a series of 20 questions, CEQ is requesting comments on the NEPA process, the scope of NEPA review, and ways to improve and make the NEPA [better for all stakeholders.](#)

Deleted: process more efficient

#### Next Steps:

- Following the conclusion of the public comment period, CEQ will review the comments before taking any potential further action.

**FW: FR 2018-13246 1644312** (b) (5)

**From:** "Sun, Howard C. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">  
**To:** "Reid, Chipp (OFR)" <creid@gpo.gov>  
**Date:** Fri, 15 Jun 2018 15:33:20 -0400  
**Attachments:** FR 2018-13246\_1644312 (b) (5).docx (49.52 kB)

Hi Chipp,

Revised (b) (5) in redline. Can you please send us a final version for our records?

Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Friday, June 15, 2018 3:18 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Cc:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Baling, Ted A. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (b) (5)

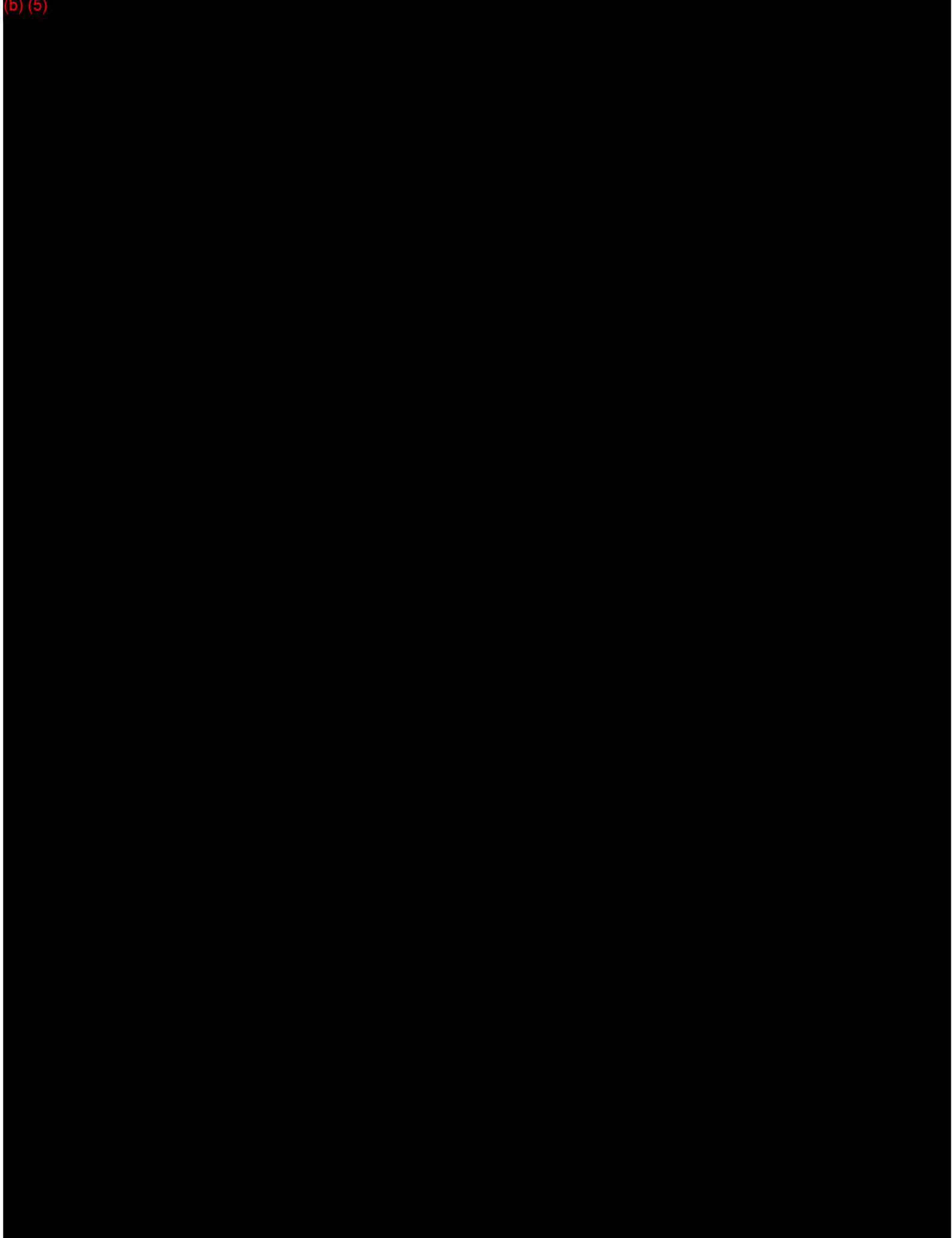
Howard,

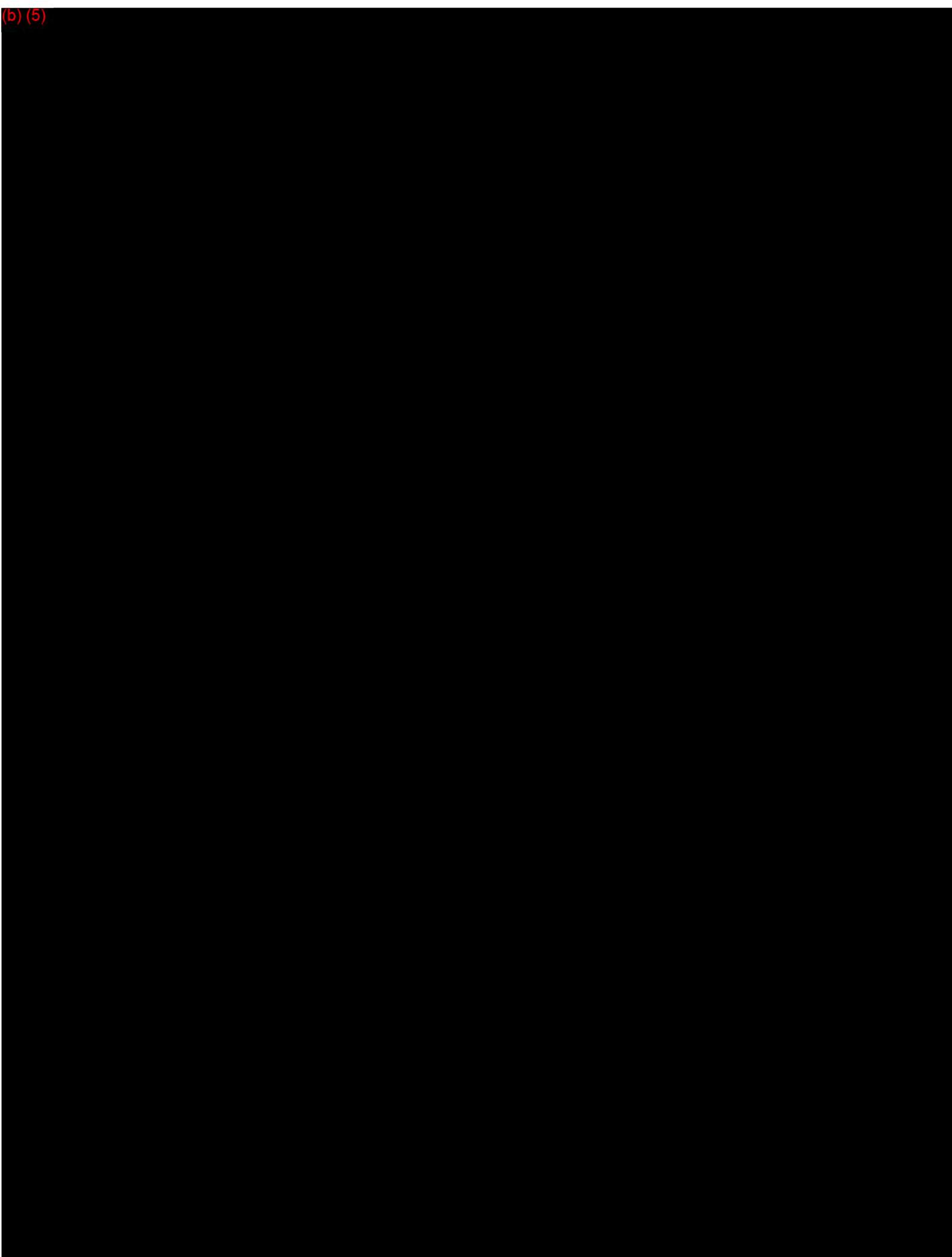
Please send the attached version (b) (5) back to Chipp.

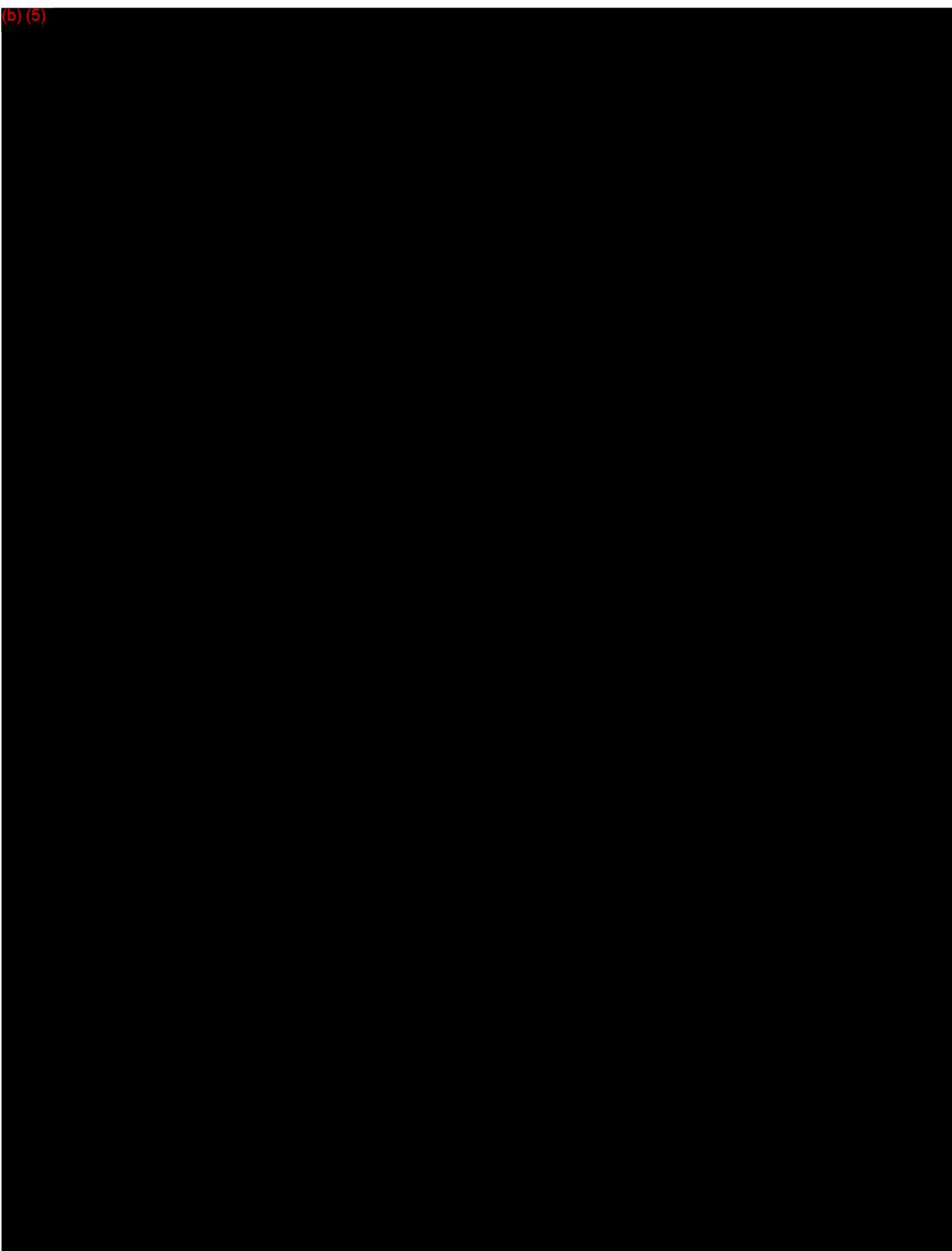
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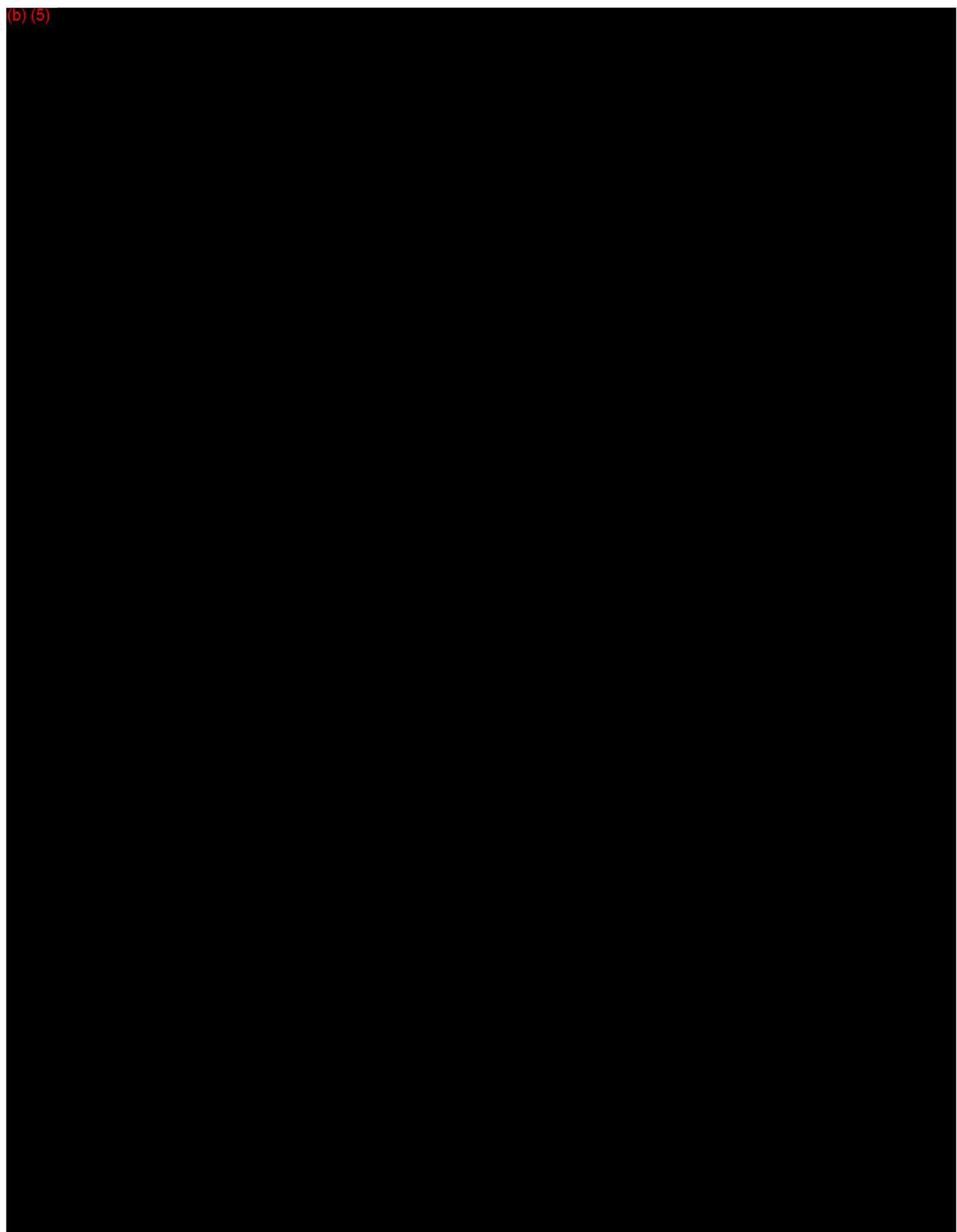
Viktoria



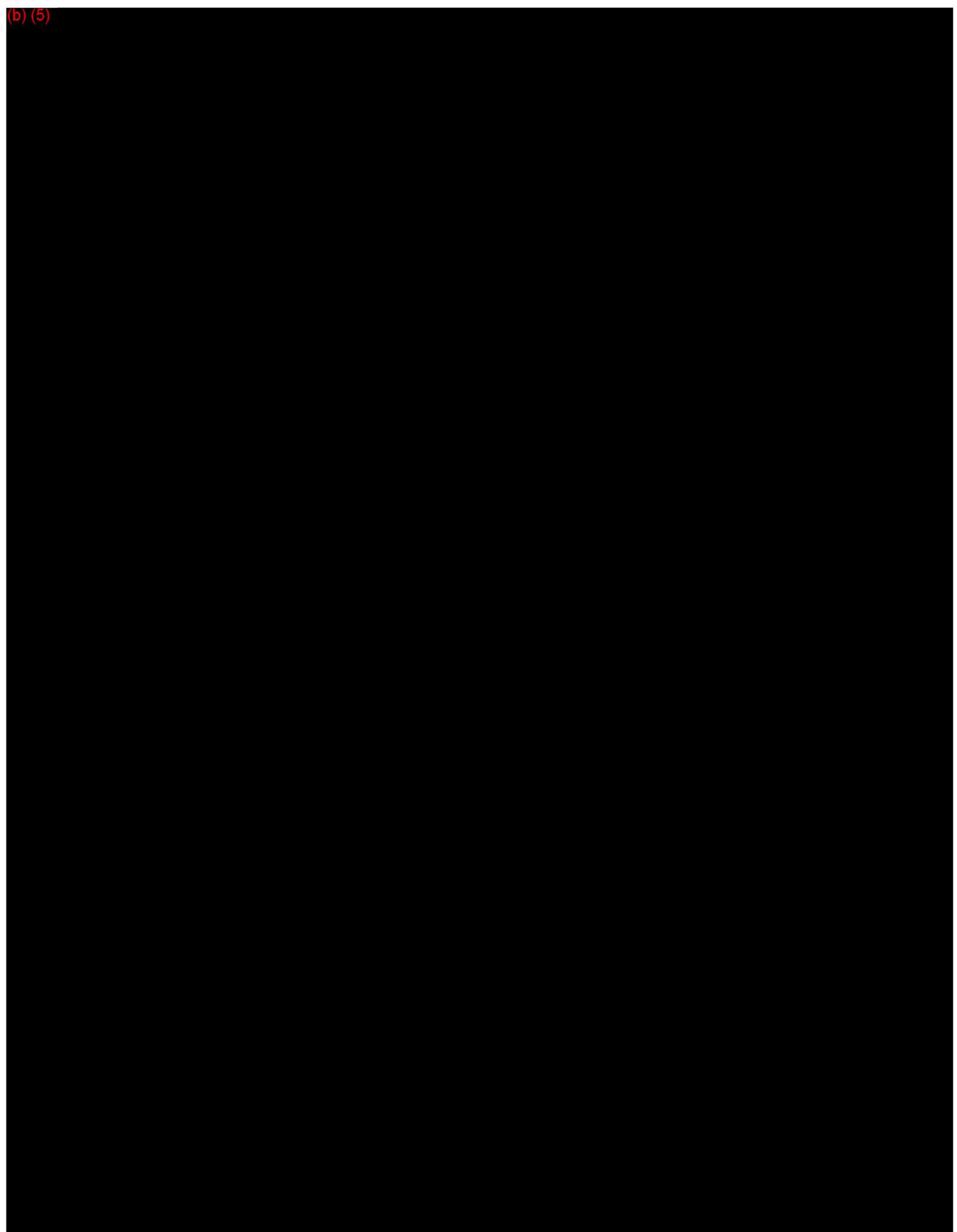




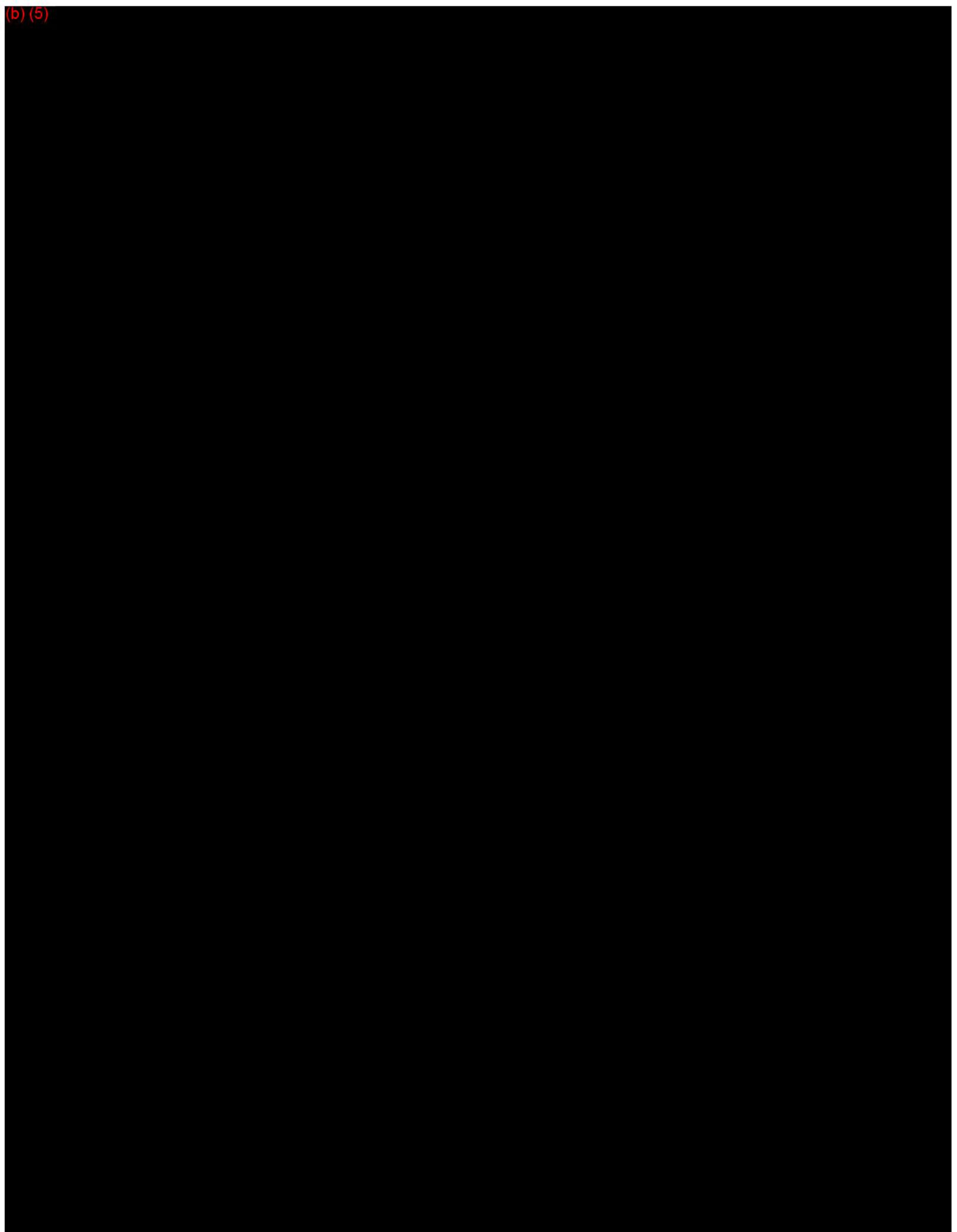




(b) (5)



(b) (5)



**FW: [EXTERNAL] Office of the federal Register:Submission Status: ID:W6152018115024354**

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**From:** "Sun, Howard C. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Schneider, Daniel J. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 15 Jun 2018 12:07:23 -0400

**From:** noreply@fedreg.gov <noreply@fedreg.gov>  
**Sent:** Friday, June 15, 2018 11:50 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] Office of the federal Register:Submission Status: ID:W6152018115024354

**Submission ID: W6152018115024354**

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CEQ NEPA ANPRM_FRVersion.docx.p7m	PASSED			PASSED	

**FR 2018-13246 1644312** (b) (5)

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**From:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Cc:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 15 Jun 2018 15:17:51 -0400  
**Attachments:** FR 2018-13246\_1644312 (b) (5).docx (49.52 kB)

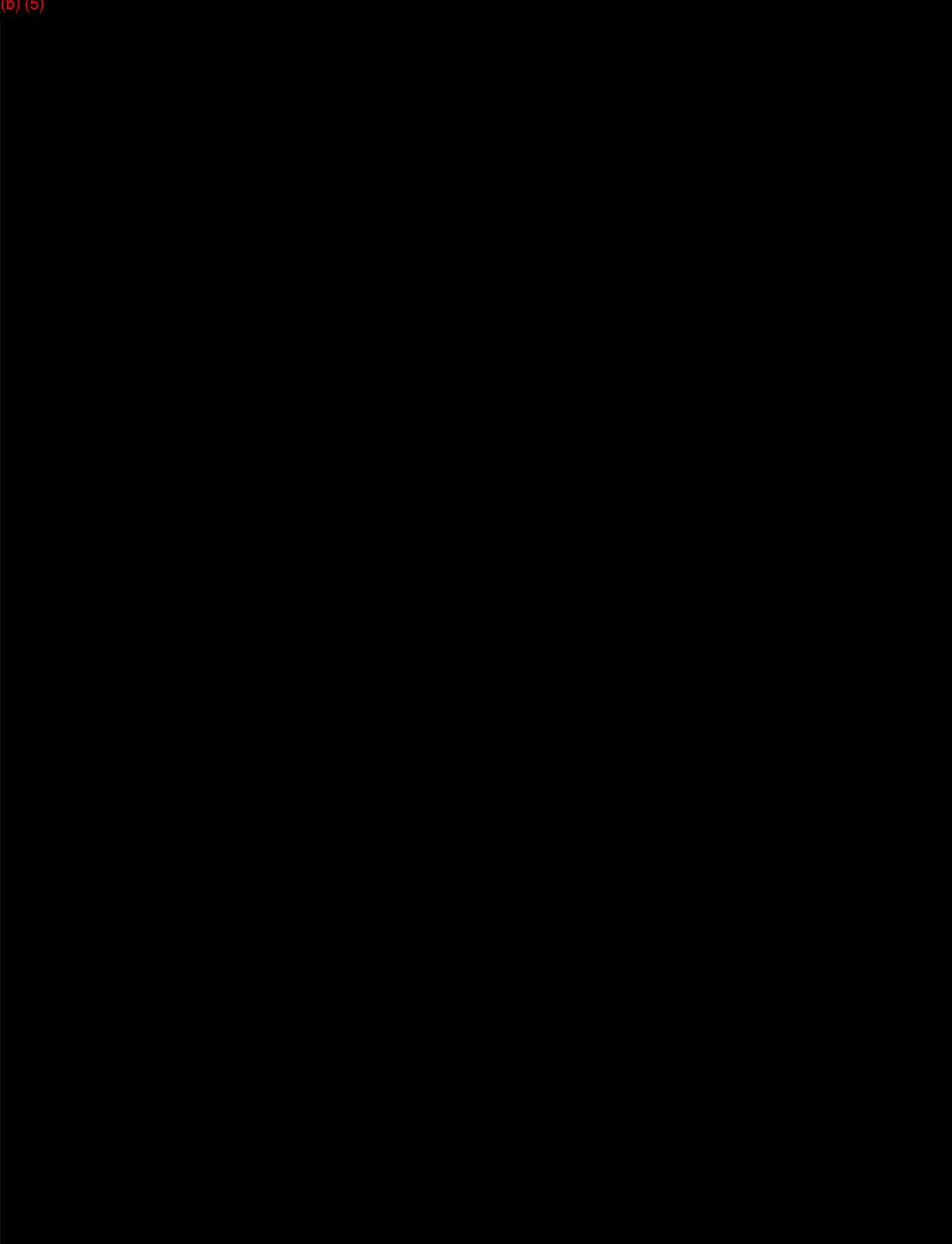
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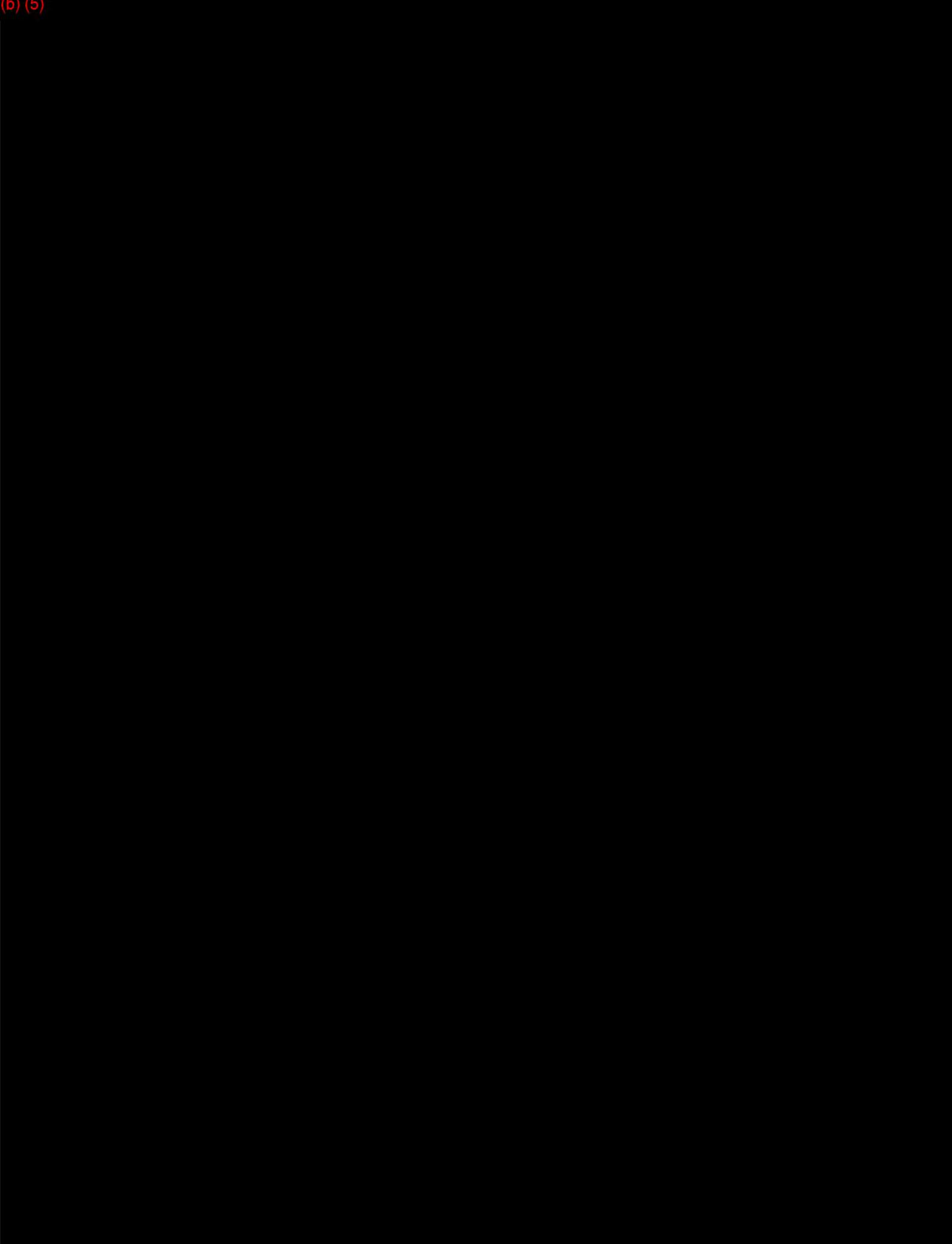
Howard,

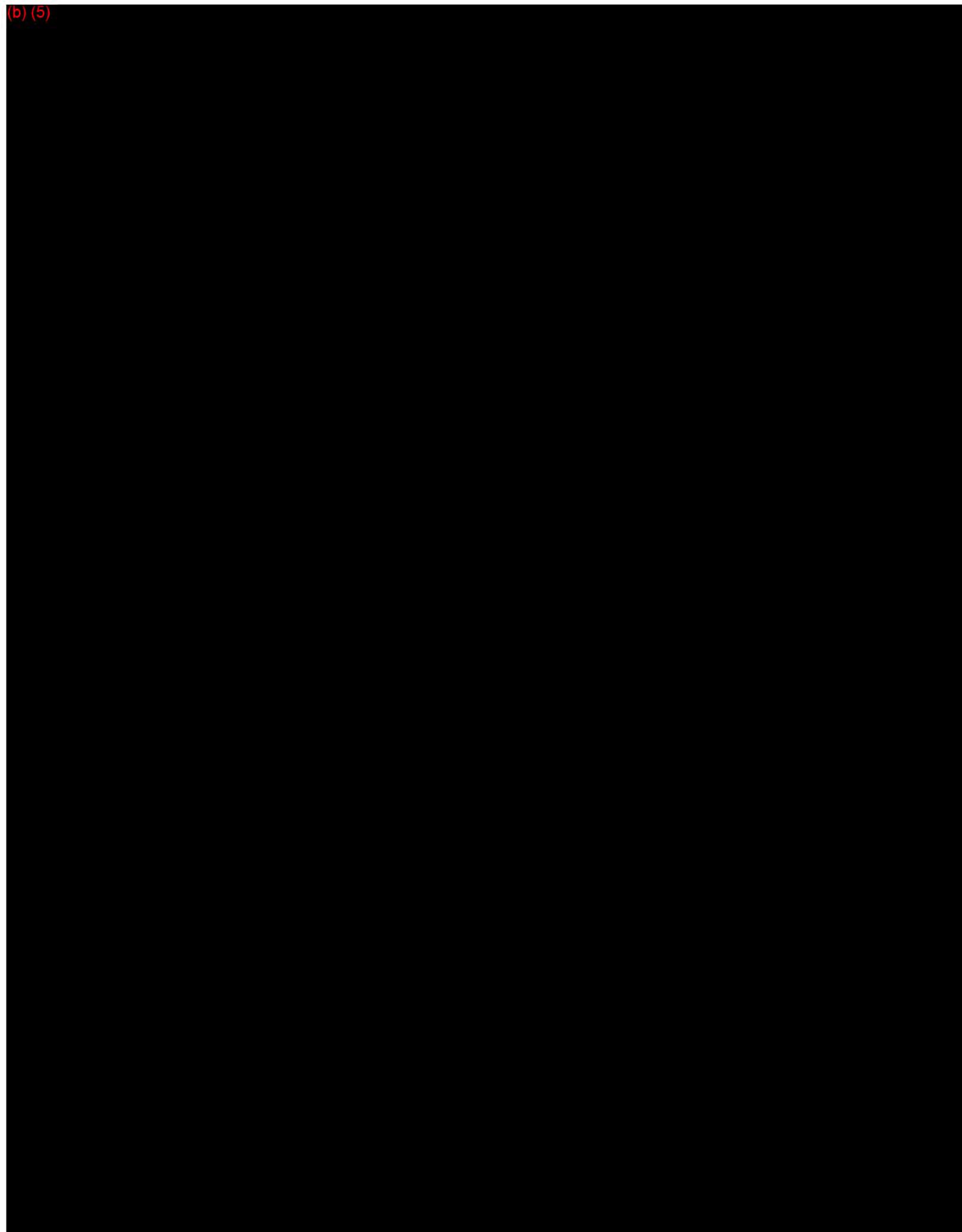
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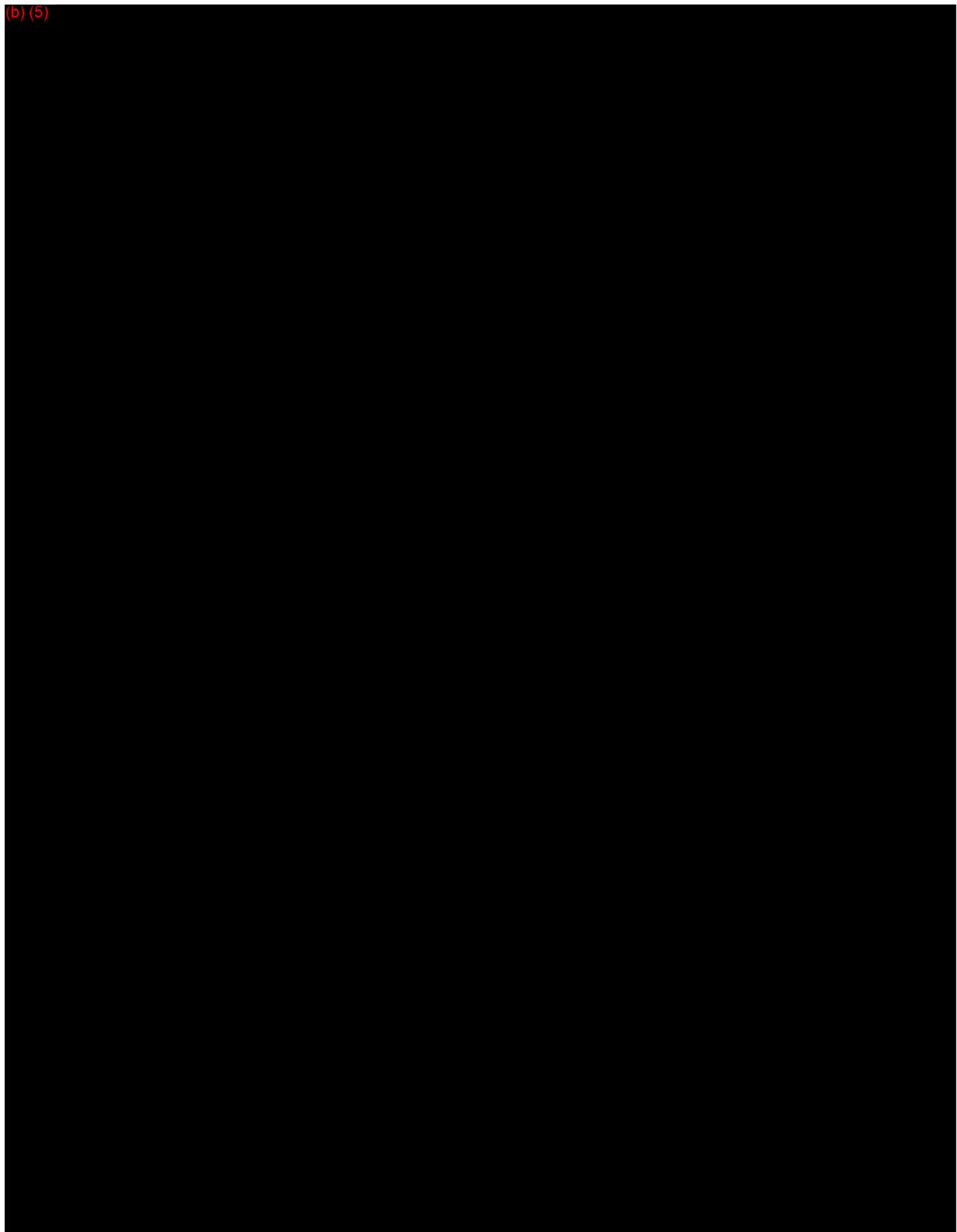
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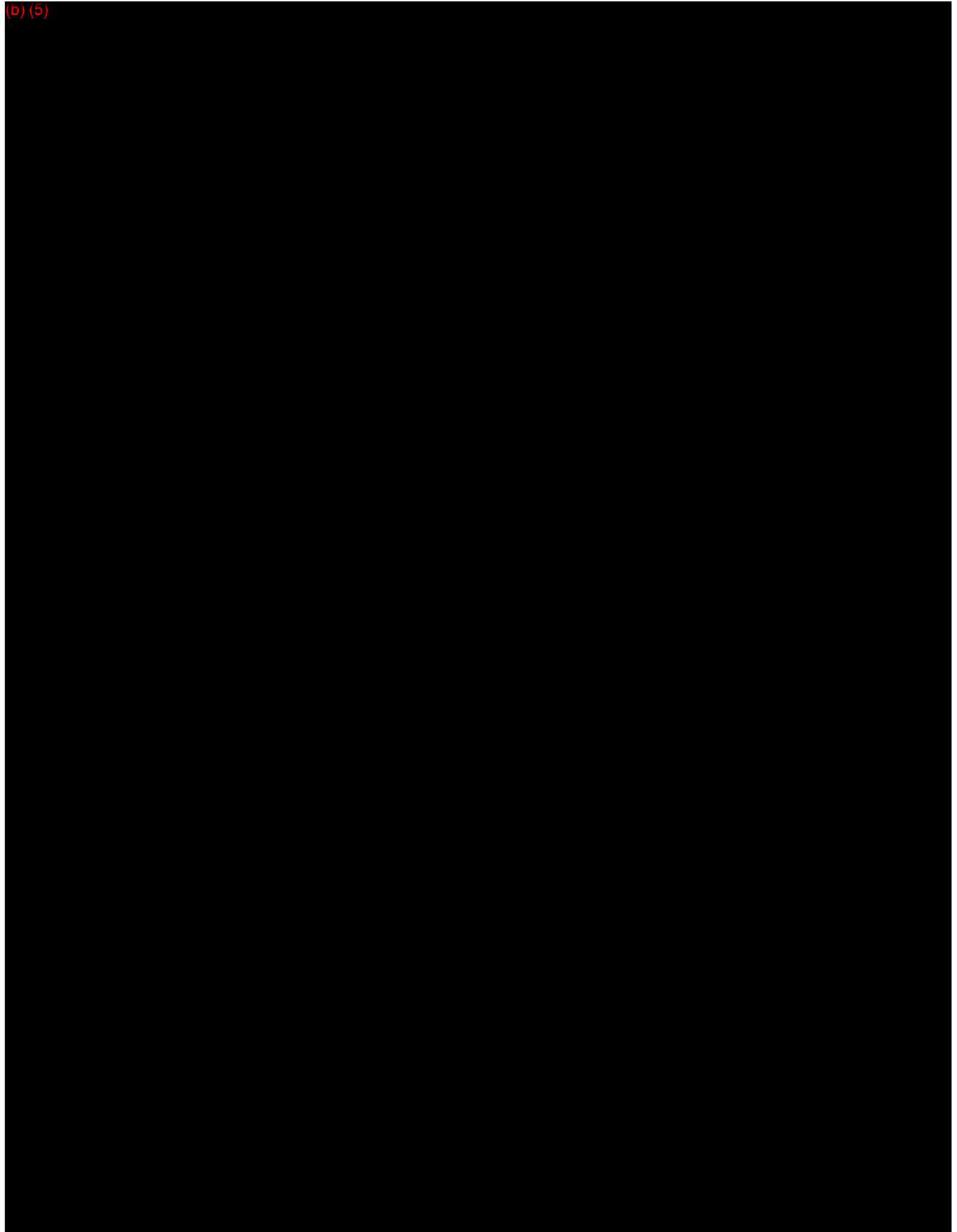
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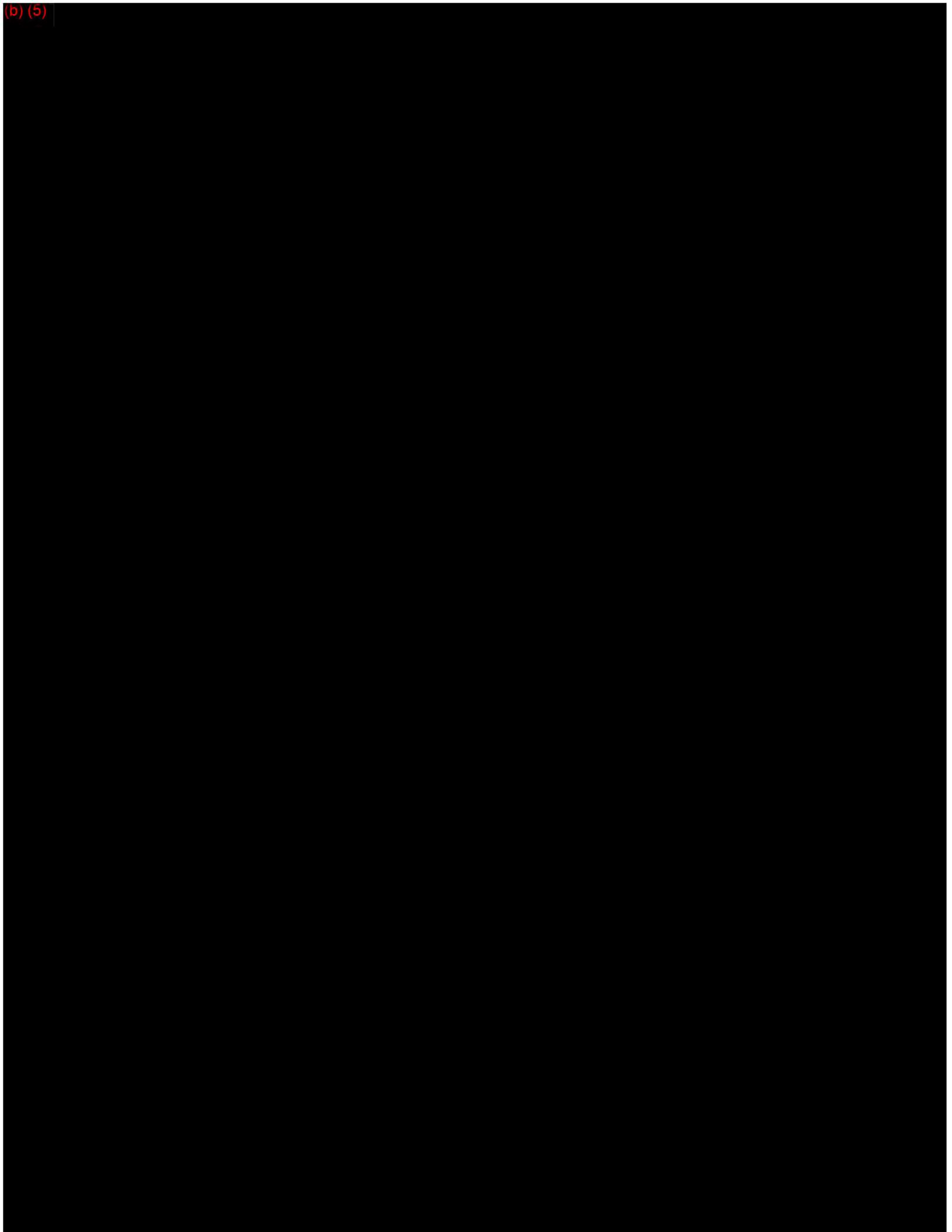


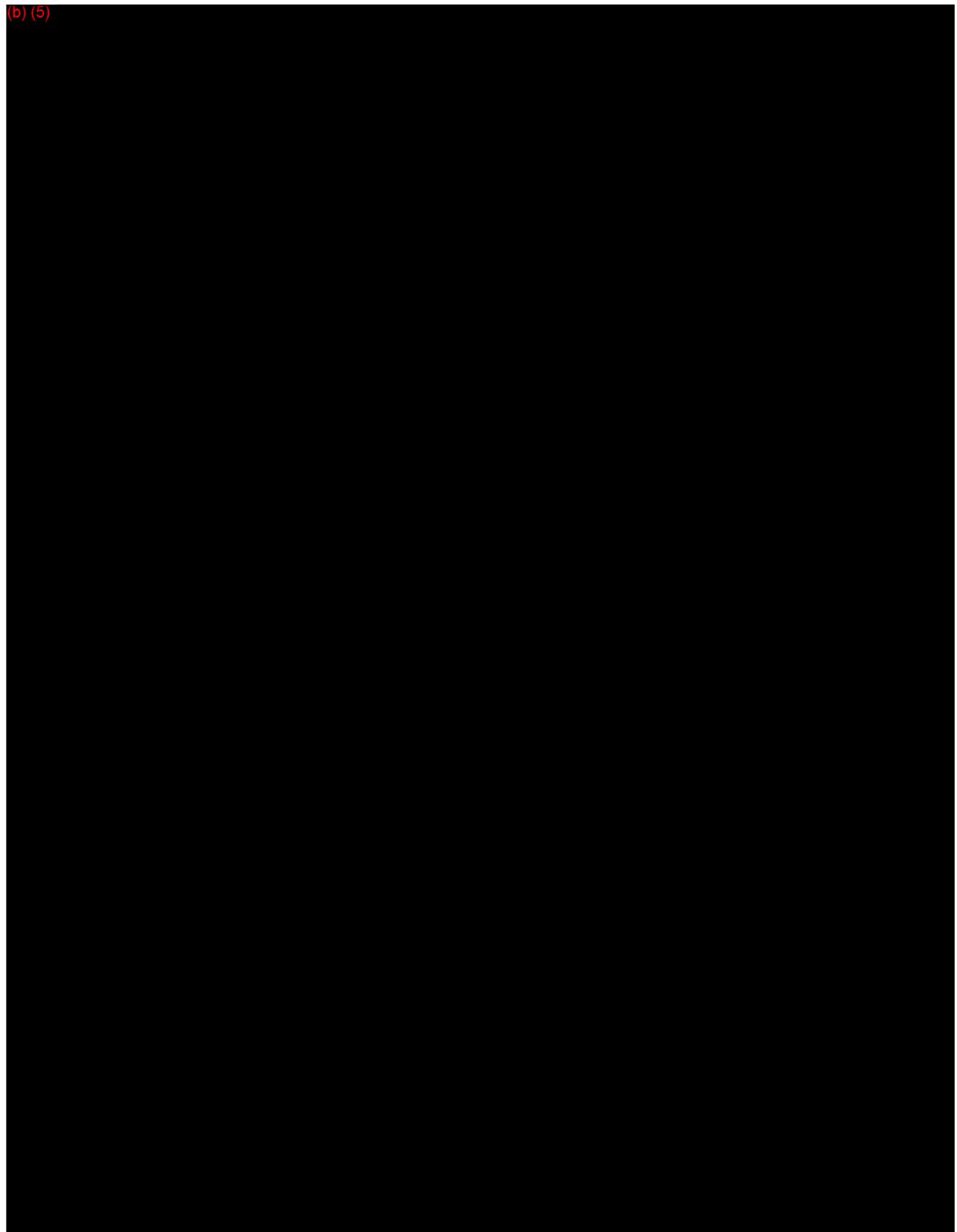












**[EXTERNAL] Office of the federal Register:Submission  
Status: ID:W6152018115024354**

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**From:** noreply@fedreg.gov

**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)>

**Date:** Fri, 15 Jun 2018 11:50:26 -0400

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**Submission ID:** W6152018115024354

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FR 2018-13246\_1644312 (b) (5)

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**From:** "Seale, Viktoria Z. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">

**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)>

**Cc:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**Date:** Fri, 15 Jun 2018 15:17:49 -0400

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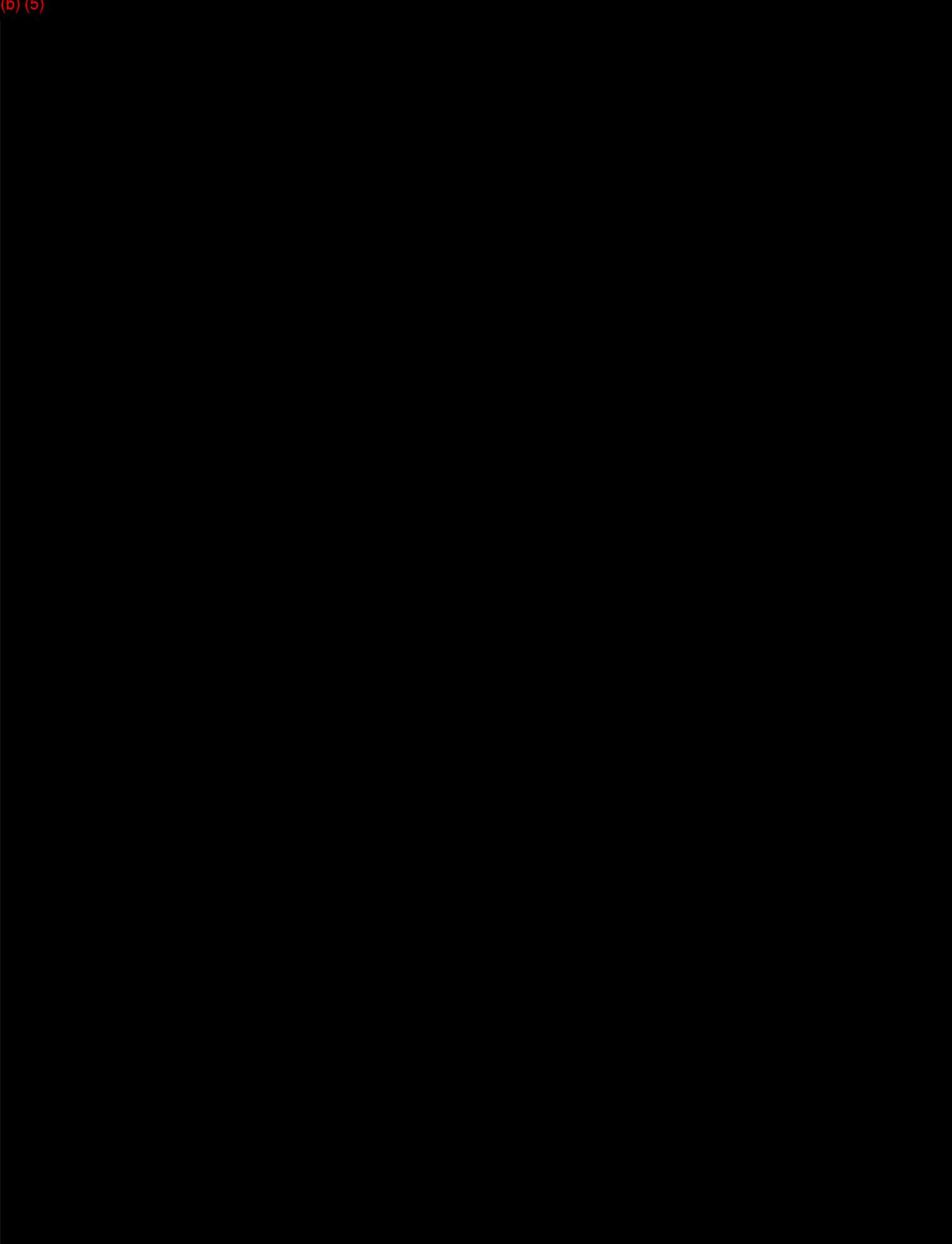
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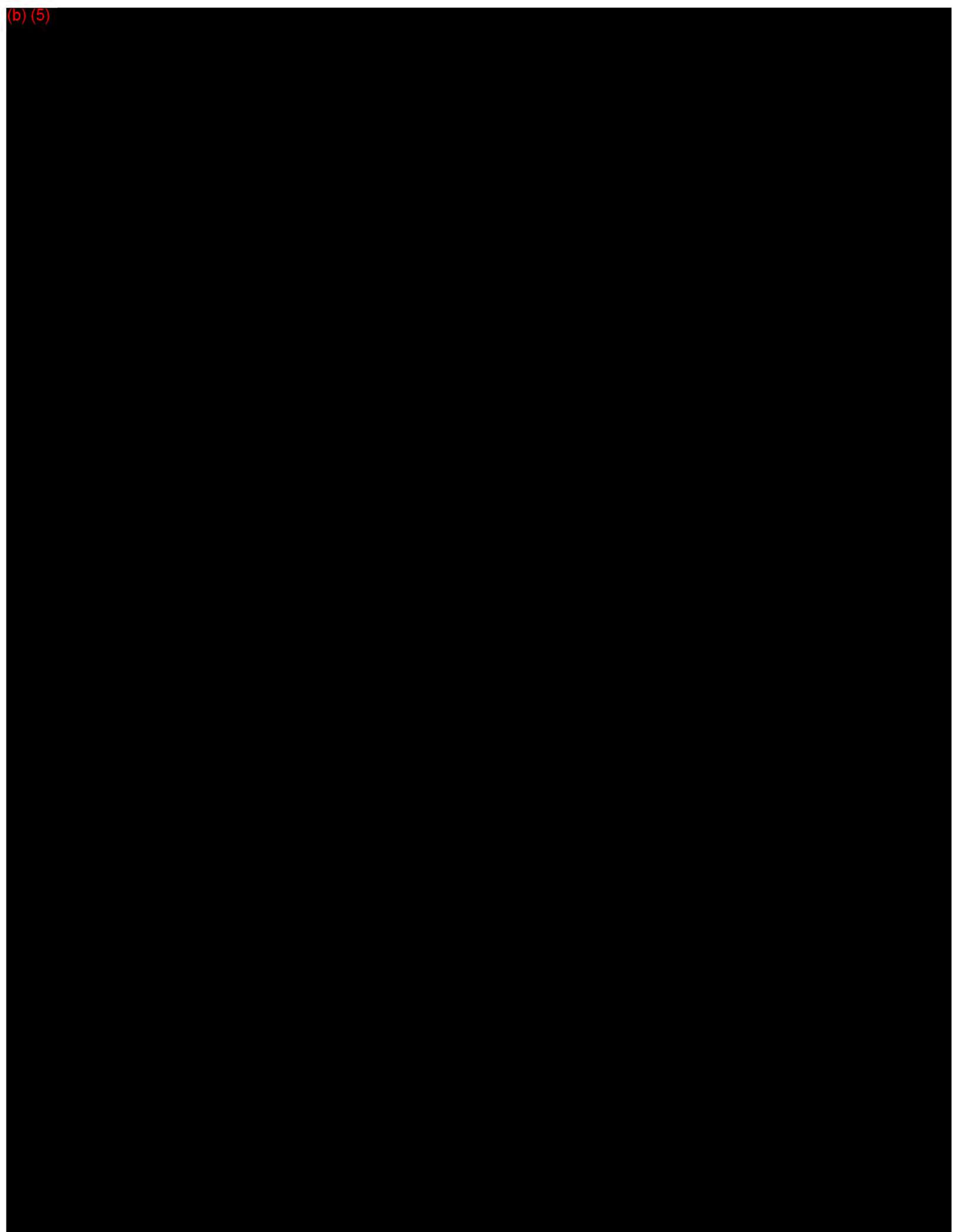
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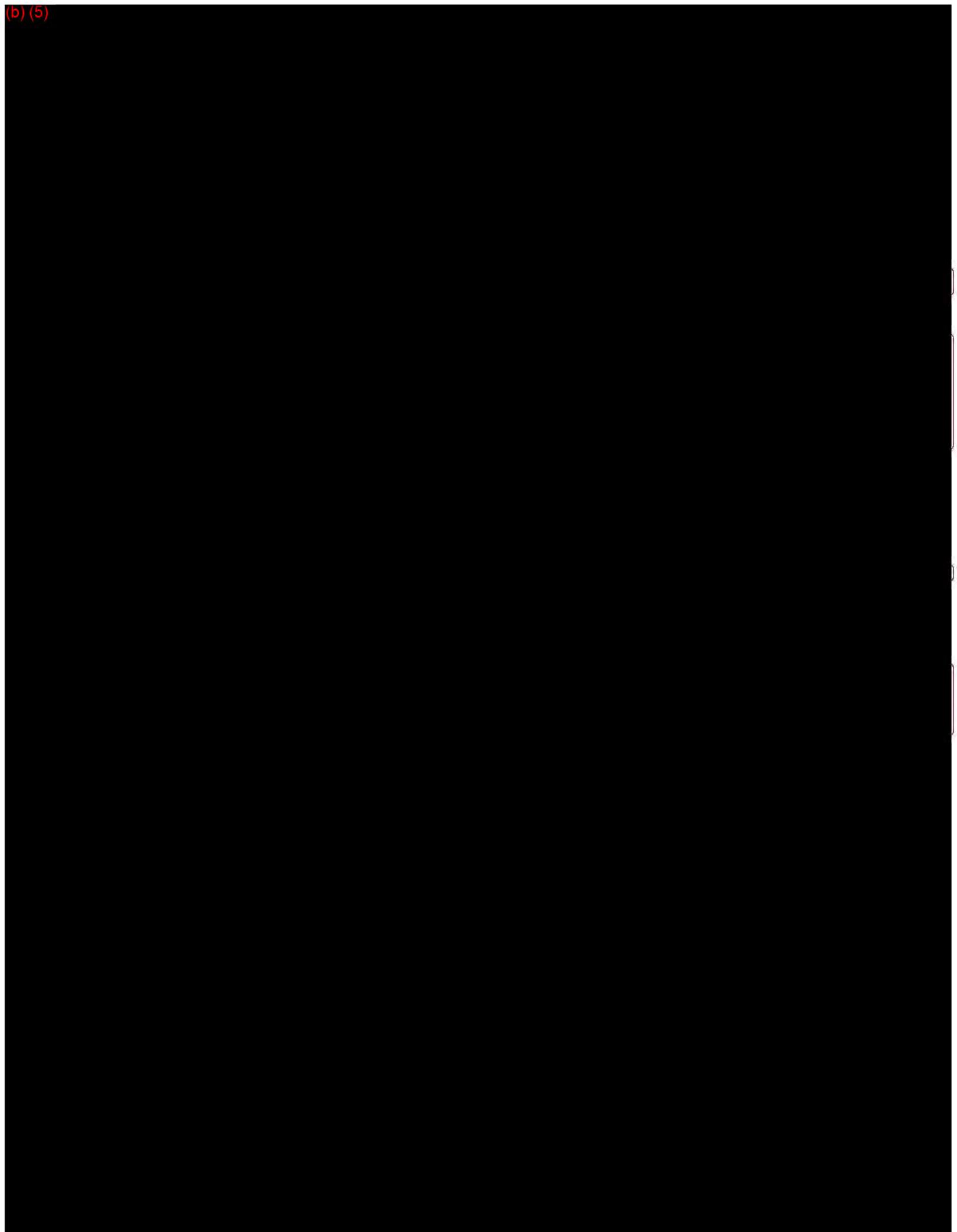
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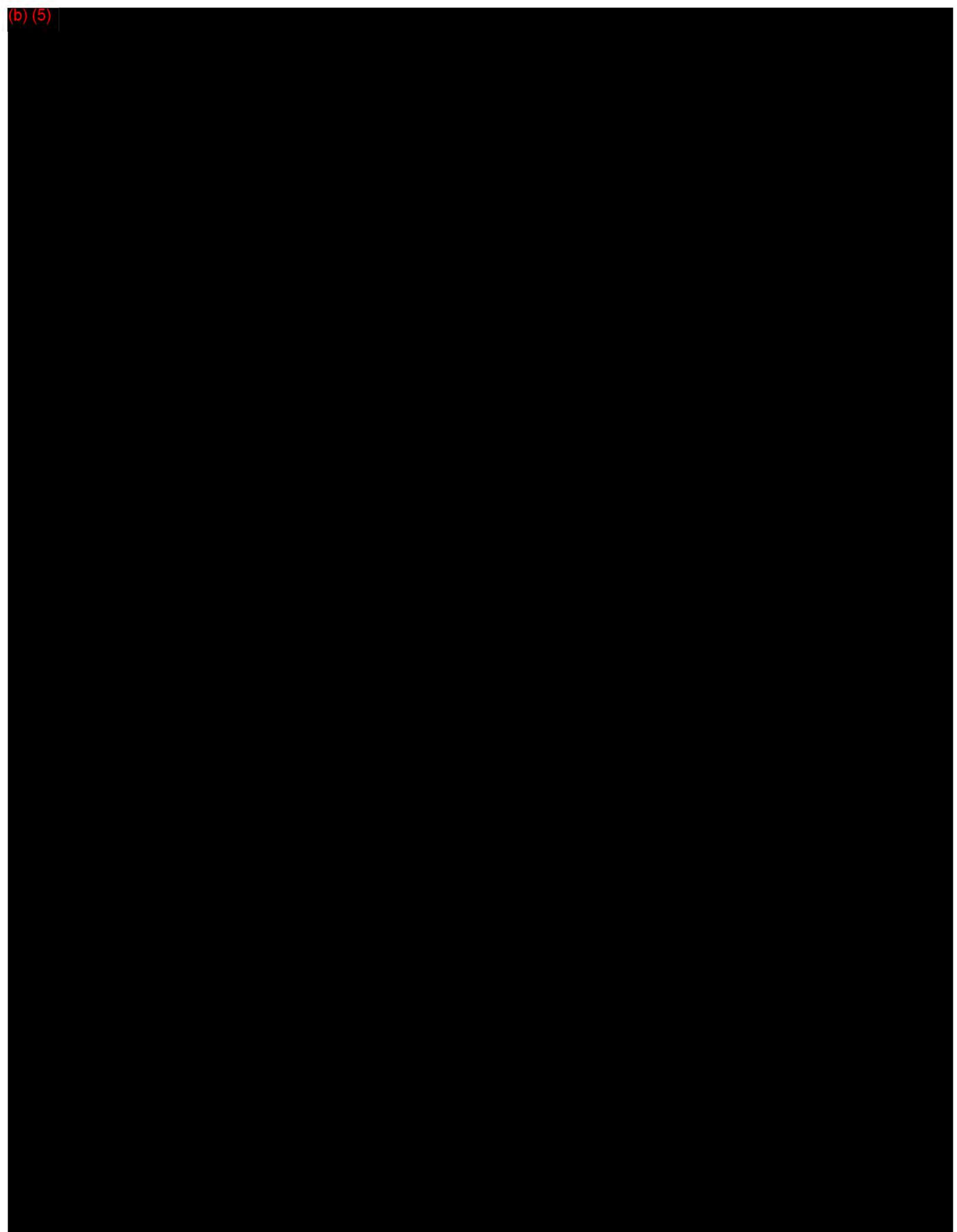
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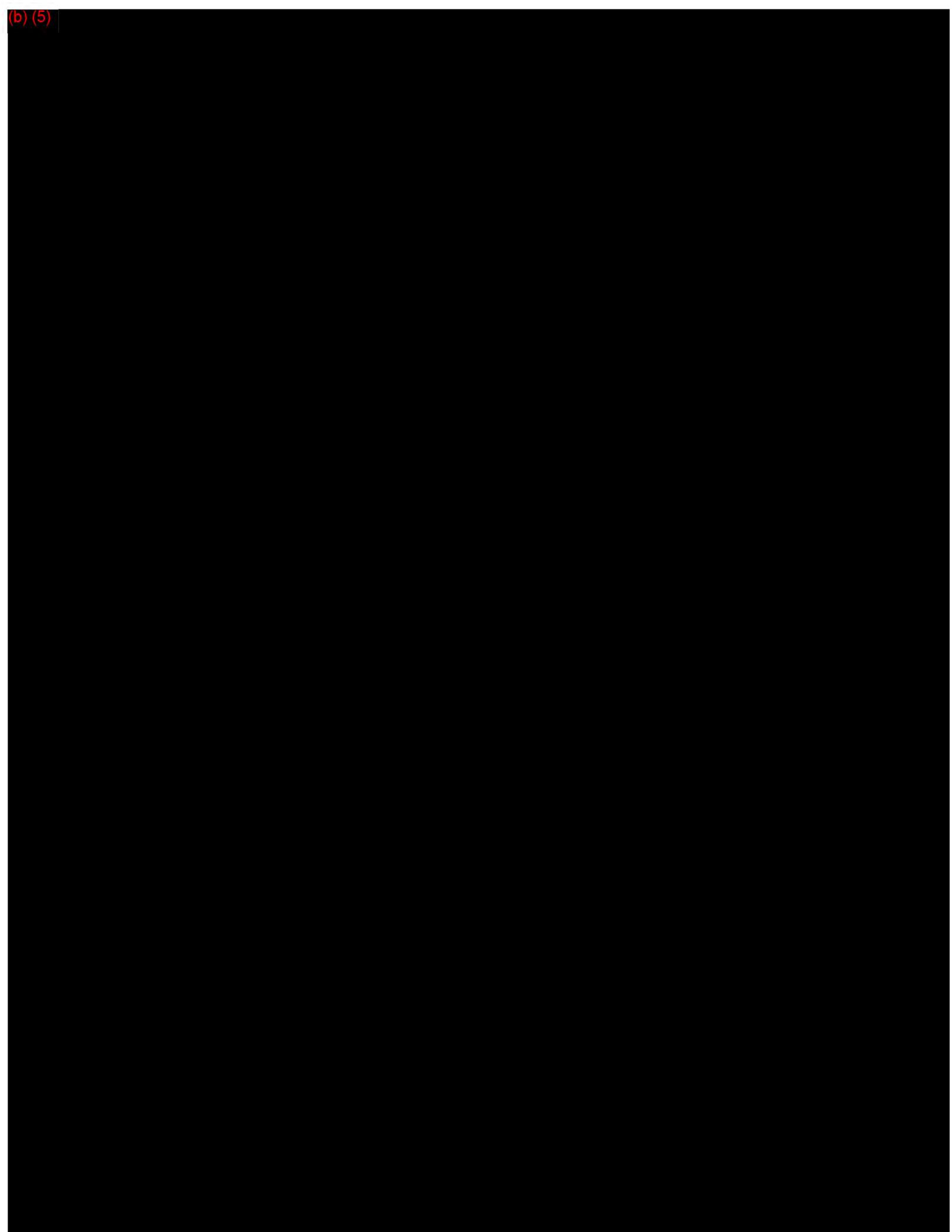


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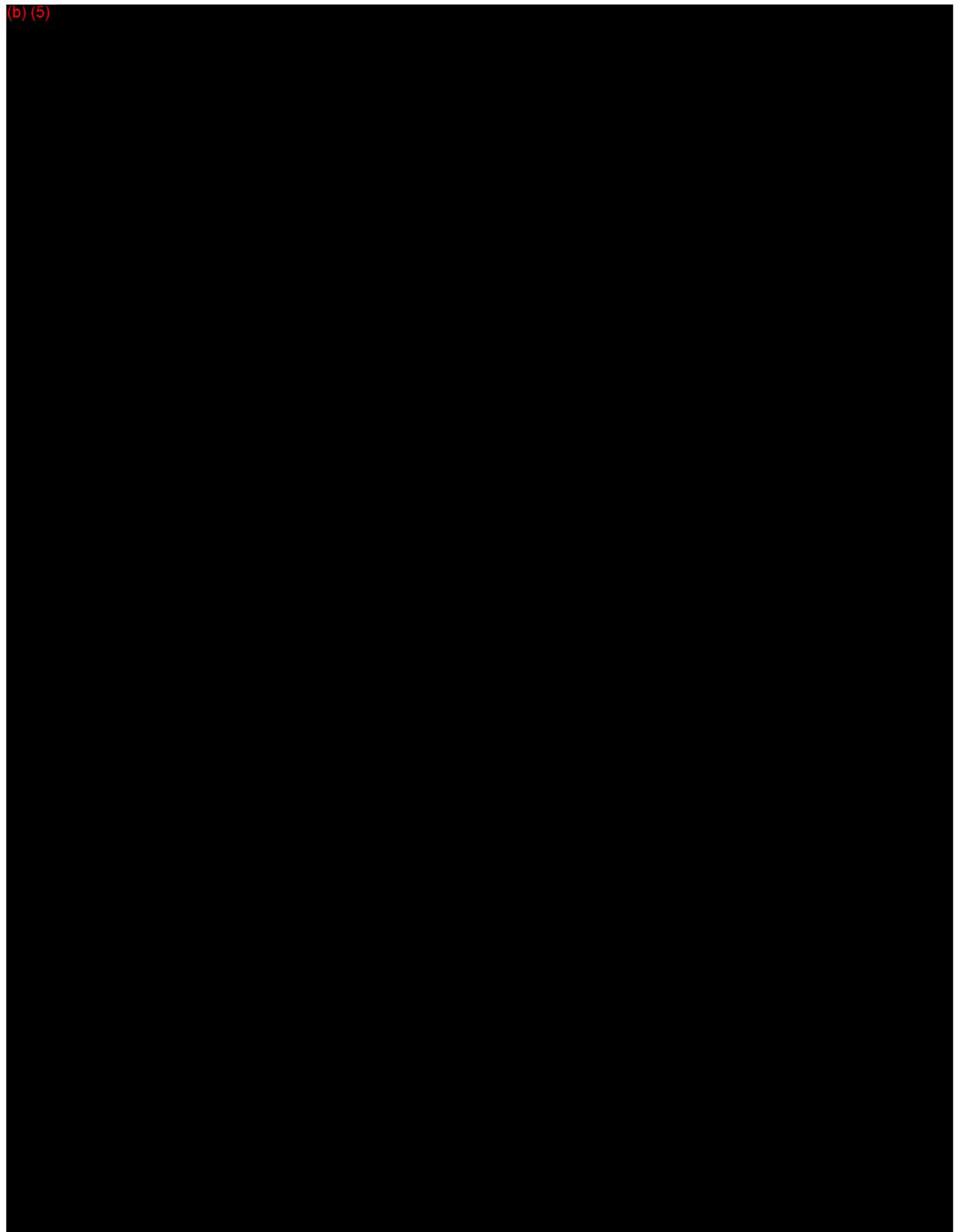


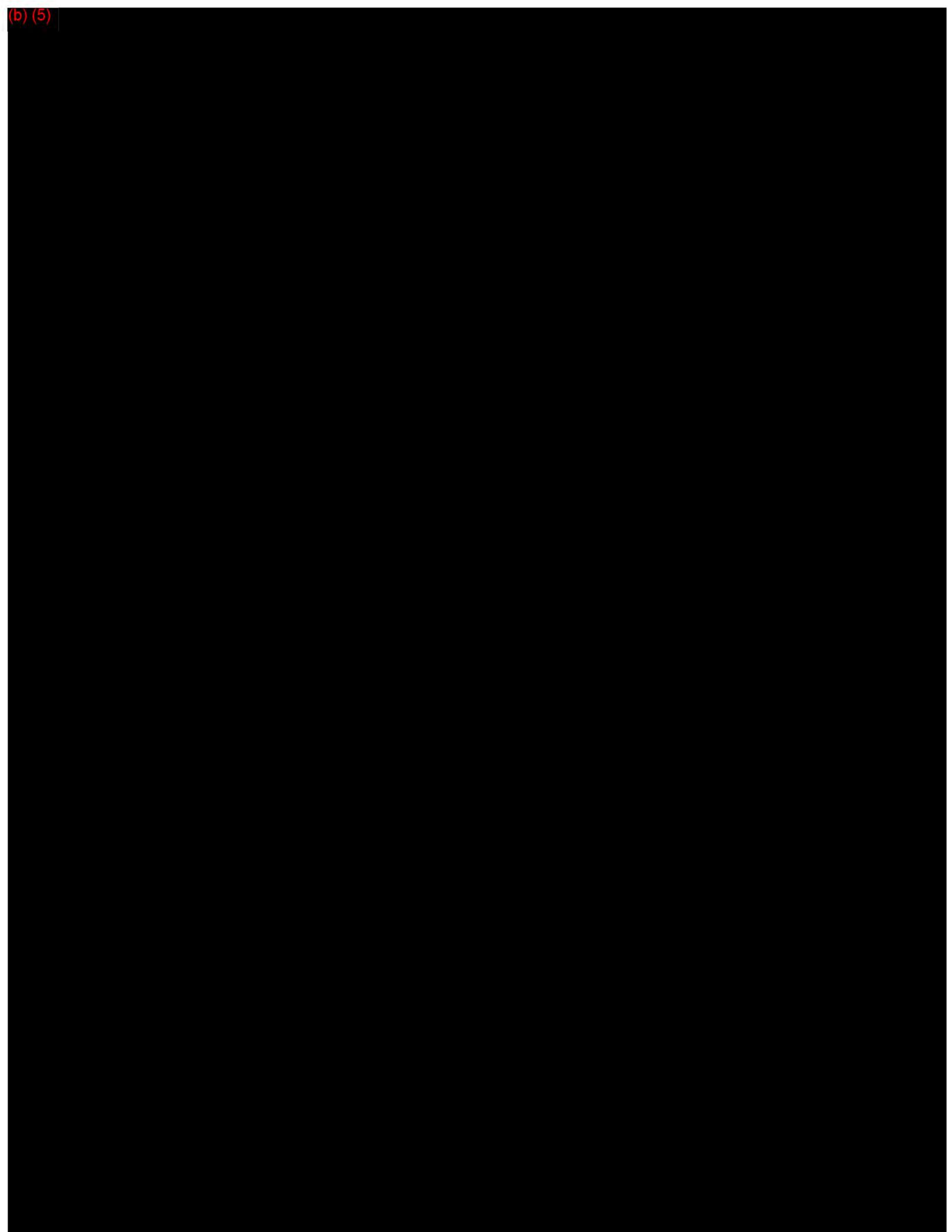


(b) (5)



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**FW: [EXTERNAL] Office of the federal Register:Submission Status: ID:W6152018115024354**

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**From :** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Schneider, Daniel J. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 15 Jun 2018 12:07:27 -0400

**From:** noreply@fedreg.gov <noreply@fedreg.gov>  
**Sent:** Friday, June 15, 2018 11:50 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] Office of the federal Register:Submission Status: ID:W6152018115024354

**Submission ID: W6152018115024354**

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**FW: FR 2018-13246\_1644312** (b) (5)

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Drummond, Michael R. EOP/CEQ" (b) (6)  
"Mansoor, Yarden M. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 10:21:47 -0400  
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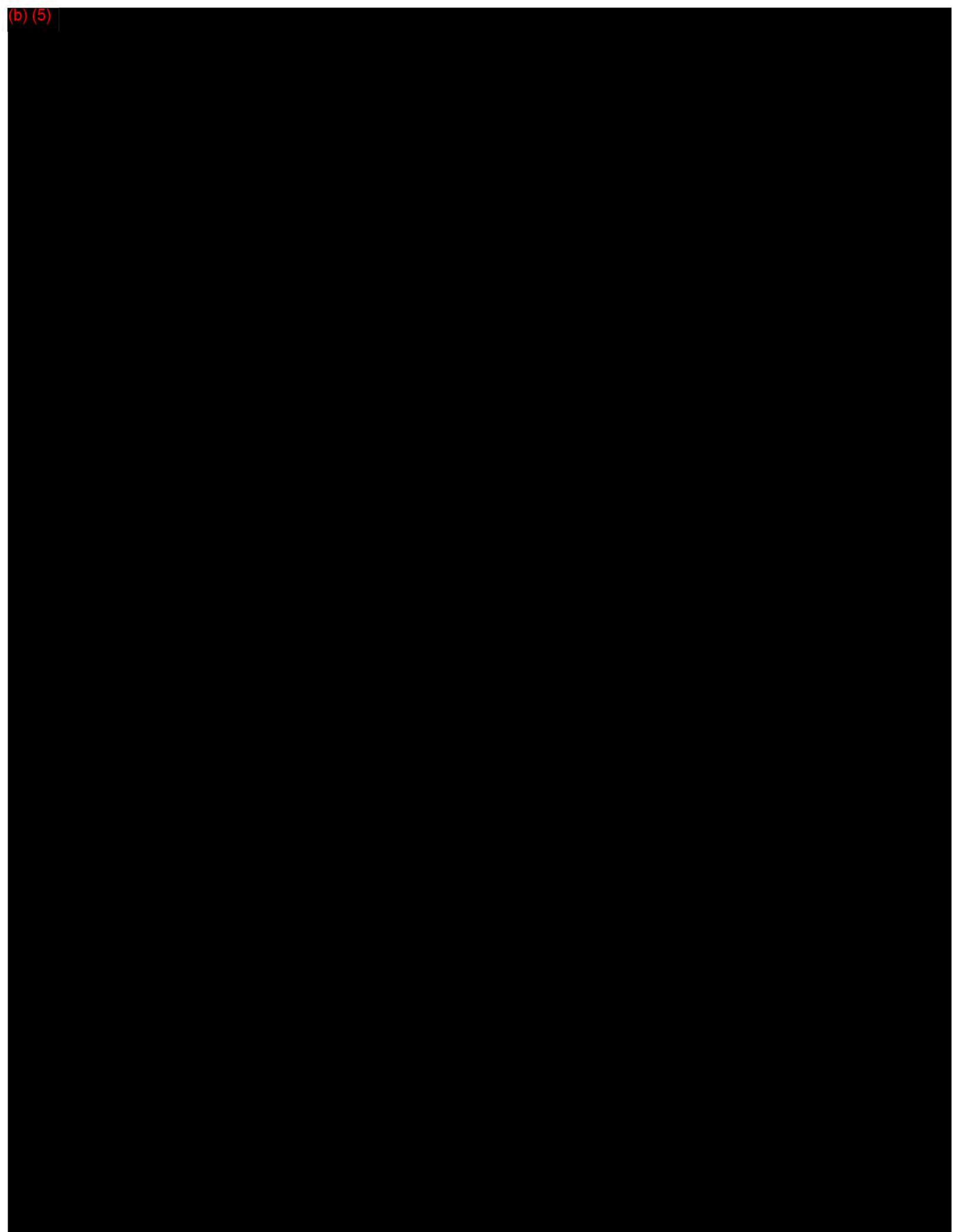
**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Friday, June 15, 2018 3:18 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Cc:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ  
<(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (b) (5)

Howard,

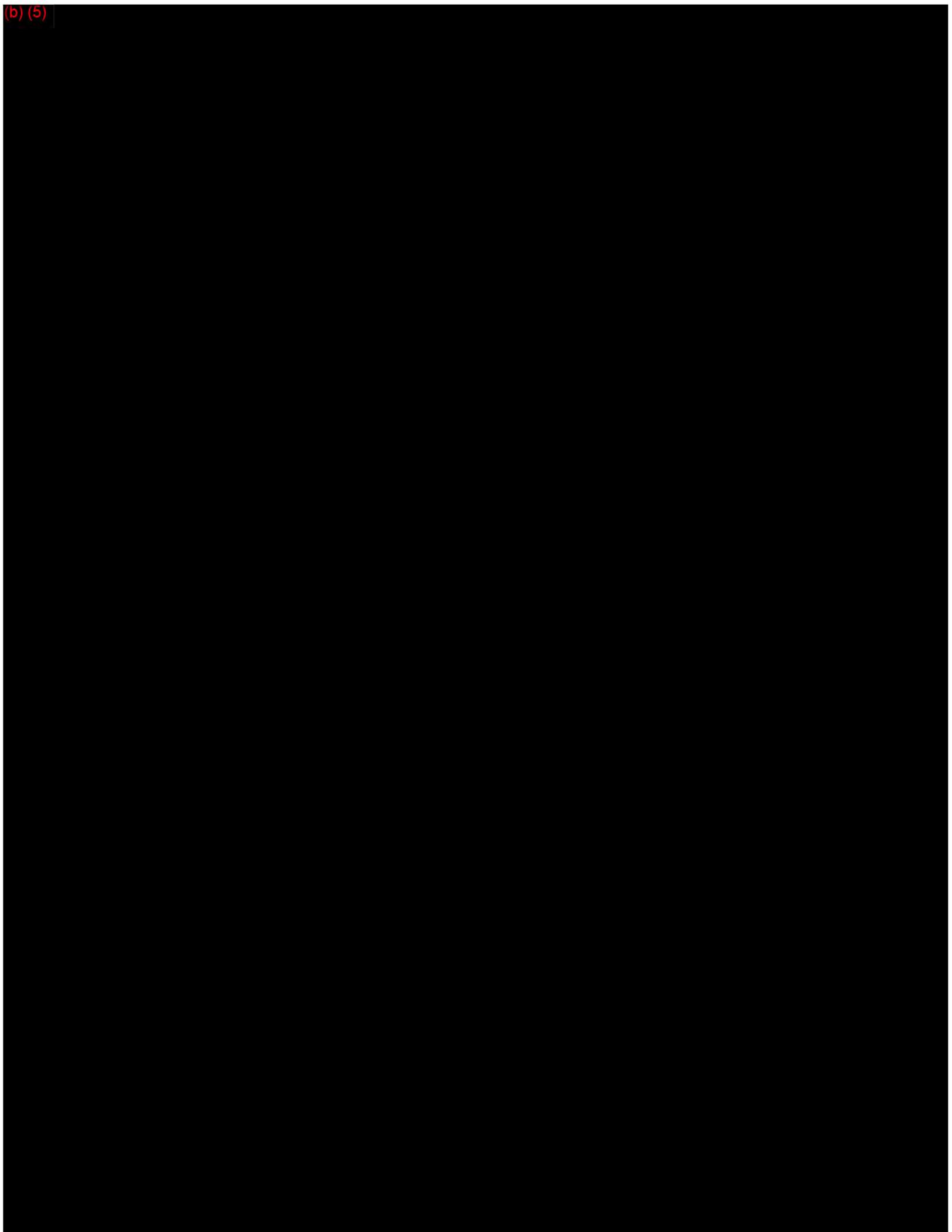
Please send the attached version (b) (5) back to Chipp.

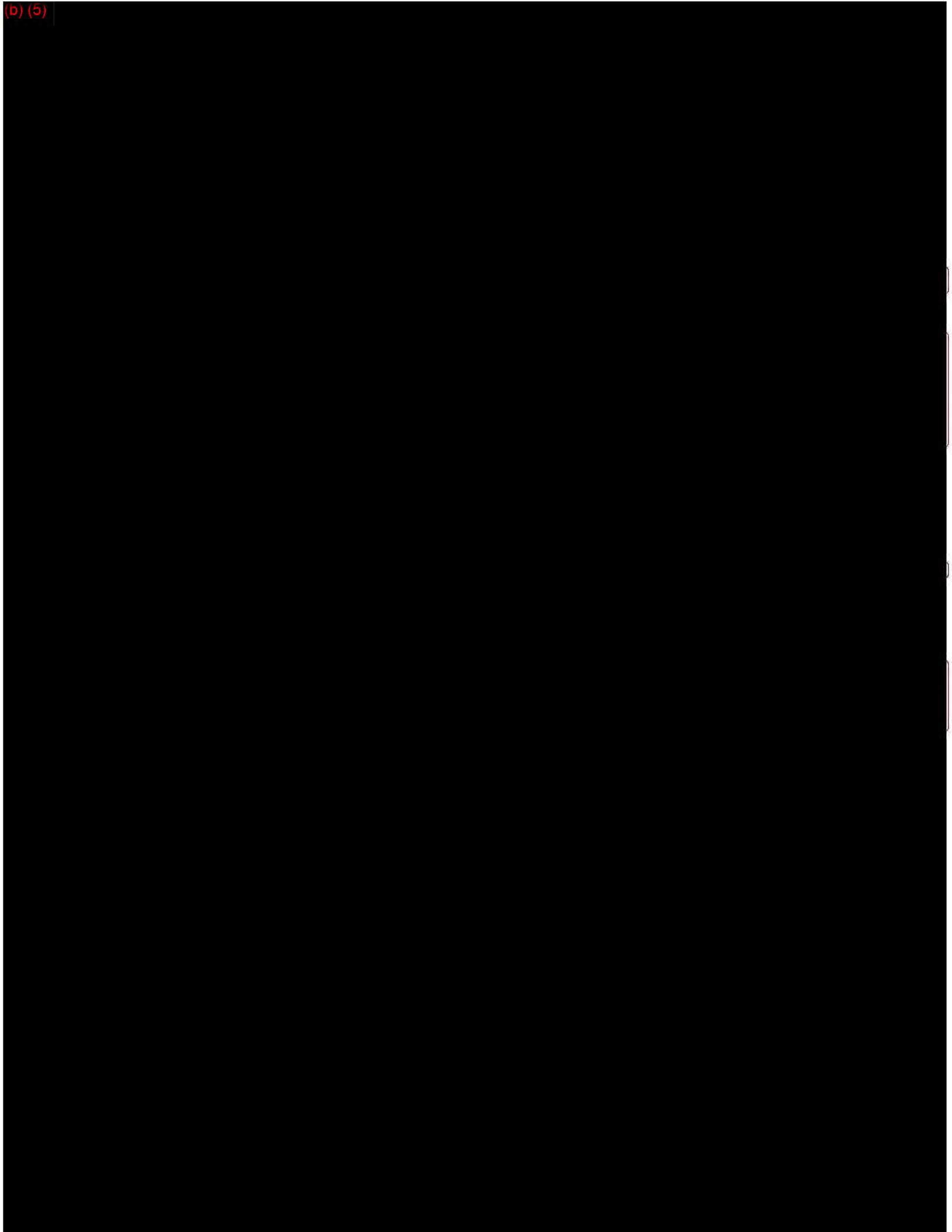
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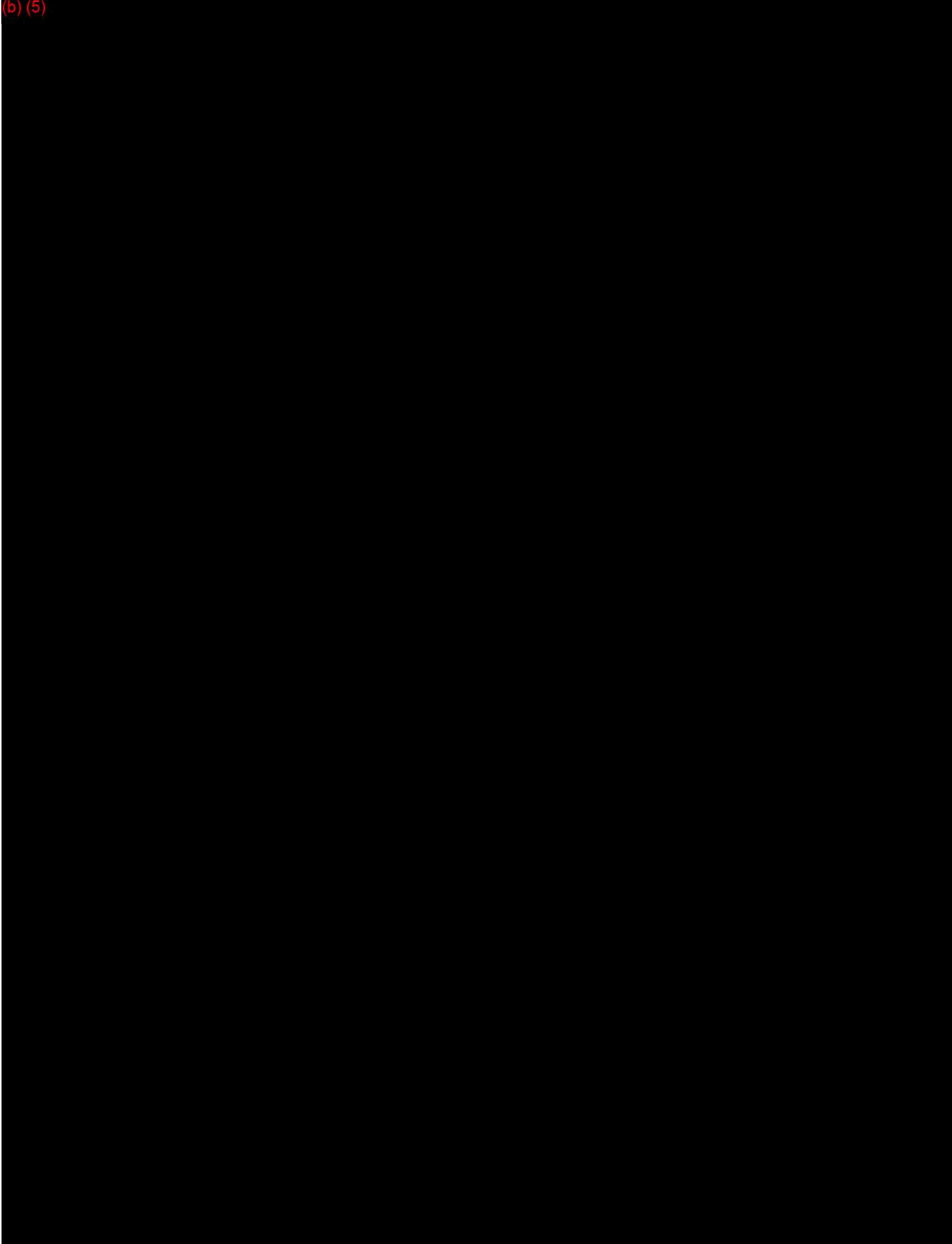
Viktoria

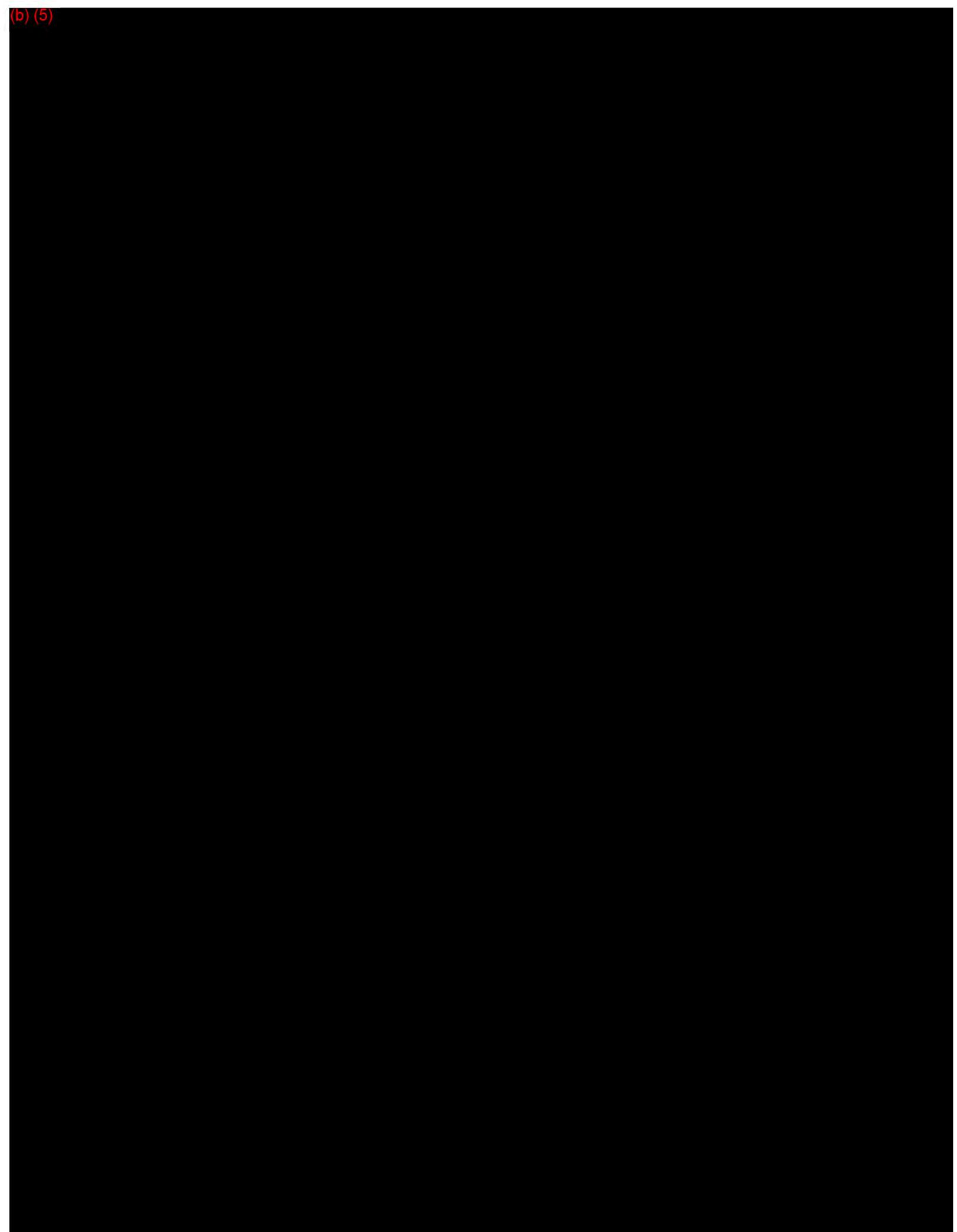


(b) (5)

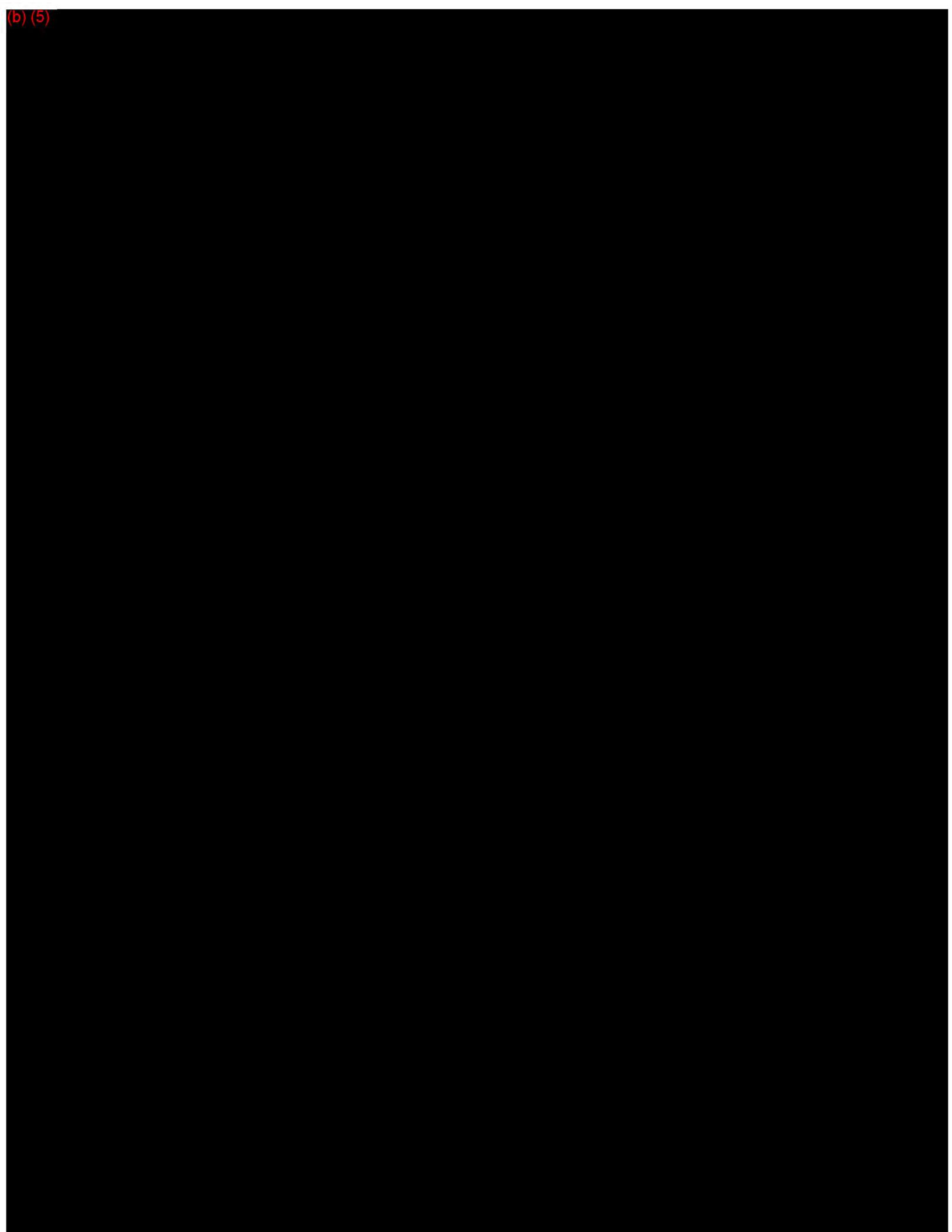




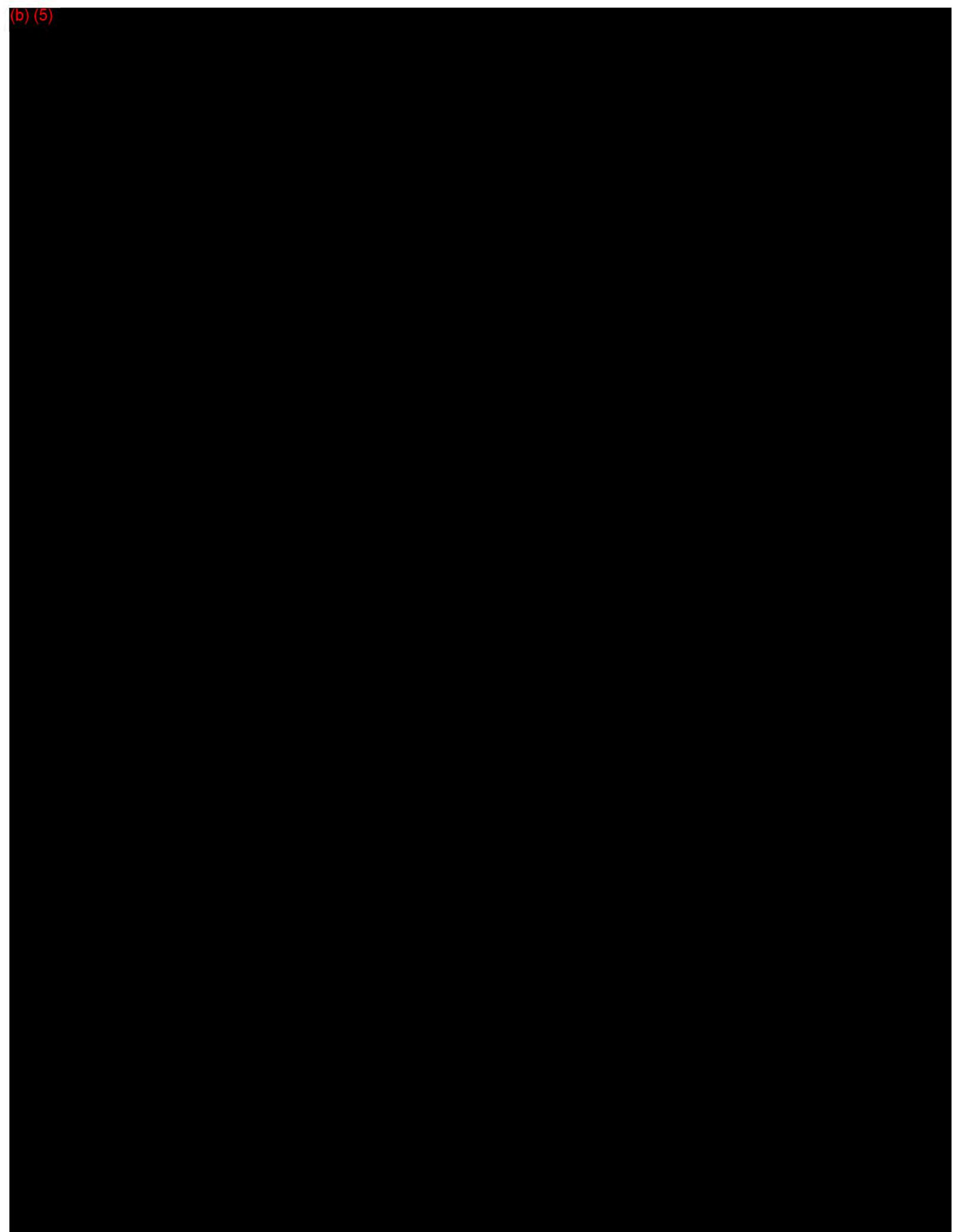




(b) (5)



(b) (5)



## RE: [EXTERNAL] RE: thanks for the great discussion yesterday

---

**From:** "Symmes, Gregory" <gsymmes@nas.edu>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
"Staudt, Amanda" <astaudt@nas.edu>, "DeFeo, Laura" <ldefeo@nas.edu>, "Geller, Laurie" <lgeller@nas.edu>, "Osterhues, Marlys A. EOP/CEQ" <(b) (6)>  
**Cc:** "Jones, Dawn" <djones@nas.edu>, "Drummond, Michael R. EOP/CEQ" <(b) (6)>, "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 20 Jun 2018 17:24:43 -0400

Ted:

Thanks for letting us know about the advance notice of proposed rulemaking. We'll take a look at the notice.

We also continue to stand ready to be of assistance to CEQ as the review progresses if you identify such an opportunity.

Best,

Greg

**From:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Sent:** Wednesday, June 20, 2018 5:15 PM  
**To:** Symmes, Gregory <GSymmes@nas.edu>  
**Cc:** Staudt, Amanda <AStaudt@nas.edu>; DeFeo, Laura <LDeFeo@nas.edu>; Geller, Laurie <LGeller@nas.edu>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>; Jones, Dawn <DJones@nas.edu>; Drummond, Michael R. EOP/CEQ <(b) (6)>; Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Subject:** RE: [EXTERNAL] RE: thanks for the great discussion yesterday

Greg, et al.,

As expected during our meeting, the Council on Environmental Quality has published an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (><https://www.regulations.gov/document?D=CEQ-2018-0001-0001><). As a respected member of the NEPA community, I would like to ensure that you and your colleagues at the Academies are engaged early in the process as CEQ begins this significant undertaking. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ's NEPA regulations. Comments should be submitted on or before July 20, 2018, and should be submitted through ><https://www.regulations.gov>< by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

If I find an opportunity for a the Academies to provide greater assistance to CEQ as this review progresses. I would appreciate any and all comments in that regard.

Sincerely,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Tuesday, May 8, 2018 1:14 PM  
**To:** 'Symmes, Gregory' <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>; Jones, Dawn <[DJones@nas.edu](mailto:DJones@nas.edu)>; Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** RE: [EXTERNAL] RE: thanks for the great discussion yesterday

Greg,

Thank you for such a timely and well-developed response. I am particularly interested in the designation of a standing advisory committee to provide:

- Advice on public participation in science-based decision making
- Approaches for effective science communication with decision makers
- Structured engagement with academics, decision makers, and other stakeholders throughout the NEPA update process
- Expert reviews of draft regulations or other documents authored by CEQ

I will queue this up for discussion with CEQ leadership and get back to you soon on our inclinations.

Best,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

---

**From:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Sent:** Tuesday, May 8, 2018 11:58 AM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)> Jones, Dawn <[DJones@nas.edu](mailto:DJones@nas.edu)>  
**Subject:** RE: [EXTERNAL] RE: thanks for the great discussion yesterday

Ted:

It was great to talk with you on Friday afternoon. Attached as promised is a brief discussion paper describing some of the options for how the Academies could be of assistance to CEQ and the agencies during the process of updating NEPA regulations.

Please let us know what you think. We would be happy to provide additional details about any of the options and/or continue our conversations if it would be helpful.

Best,

Greg

Gregory H. Symmes, Ph.D.  
Executive Director  
Division on Earth and Life Studies  
The National Academies of Sciences, Engineering, and Medicine  
500 Fifth Street, NW  
Washington, DC 20001  
202-334-2500  
[gsymmes@nas.edu](mailto:gsymmes@nas.edu)

---

**From:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Sent:** Friday, May 04, 2018 7:35 AM  
**To:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)> Jones, Dawn <[DJones@nas.edu](mailto:DJones@nas.edu)>  
**Subject:** Re: [EXTERNAL] RE: thanks for the great discussion yesterday

4pm would work nicely  
I can send around a conference line  
There are no materials to share at this point  
Thanks

Sent from my iPhone

On May 4, 2018, at 7:18 AM, Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)> wrote:

Ted-

Thanks for your note. We would be happy to talk with you about potential NAS participation in the CEQ update to NEPA regulations.

Are you available for a call this afternoon at 4pm? Some of my staff will be offsite, so if that works for you we'll set up a conference call.

We look forward to talking with you. Are there any background materials? I was able to find the notice on OMB's website ( >>><https://www.reginfo.gov/public/do/eoDetails?rrid=128051><<< ) but don't see any supporting documents. If there are any such documents that you can share please send them along so we can look them over before our call.

Best,

Greg

Gregory H. Symmes, Ph.D.  
Executive Director  
Division on Earth and Life Studies  
The National Academies of Sciences, Engineering, and Medicine  
500 Fifth Street, NW  
Washington, DC 20001  
202-334-2500  
[gsymmes@nas.edu](mailto:gsymmes@nas.edu)

**From:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Sent:** Thursday, May 03, 2018 8:36 PM  
**To:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** RE: thanks for the great discussion yesterday

Greg,

I regret having taken so long to get back to you. I was at an Arctic Council meeting on environmental impact assessment in Canada last week which, coincidentally, was directly related to this proposal. I'd like to talk with you tomorrow or next week about potential NAS participation in the CEQ update to its NEPA regulations, which would be the first comprehensive update of the regulations in 40 years. Today, OMB recorded the receipt of our ANPRM for clearance (see >>><https://www.reginfo.gov/public/do/eoReviewSearch><<<;). If you are available tomorrow afternoon or next Monday afternoon, I'd like to talk with you about this.

Regards,  
Ted

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**From:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Sent:** Tuesday, April 24, 2018 1:50 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] RE: thanks for the great discussion yesterday

Ted-

Great to hear from you. We'd be happy to continue the discussion about the potential for an NAS review of promising practices in environmental impact assessment.

Attached is a short version of a draft NAS proposal focused on "cumulative effects" that was circulated around CEQ and a number of offices within DOI in the 2013-2015 time frame. As you'll see, at the time discussions were focused primarily on Arctic-region dynamics, although the issue could be framed more broadly if that is what you have in mind today. Hopefully this provides a useful starting point for further discussions.

Should we try to schedule a call or in-person meeting with you and your team for some time next week (after April 30)?

Greg

---

**From:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Sent:** Friday, April 20, 2018 10:50 AM  
**To:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** RE: thanks for the great discussion yesterday

Thanks, Greg – I'd like to pick up where we left off in the potential for NAS review of promising practices in environmental impact assessment (EIA).

As I noted in our meeting, CEQ has announced that it is reviewing the CEQ NEPA regulations in order to identify changes needed to update and clarify those regulations. We discussed some work that NAS did about five years ago to develop a proposal for reviewing the state of EIA practice. I'd like to look at whatever you have from that collaboration with CEQ to see if we might be able to use the same scope of work. I'm thinking that it may be useful to have NAS engaged in tandem with a public process.

Looping Amanda, Laura, and Laurie back into the email chain. I'm happy to discuss this, today after April 30, if you have any questions.

Regards,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Sent:** Friday, April 20, 2018 7:53 AM  
**To:** Marchese, April L. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] RE: thanks for the great discussion yesterday

April-

Thanks for letting me know of your transition back to DOT.

My colleagues and I look forward to continuing the conversation with Ted and Marlys, when you are ready.

Greg

**From:** Marchese, April L. EOP/CEQ <(b) (6)>  
**Sent:** Thursday, April 19, 2018 9:27 PM  
**To:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** RE: thanks for the great discussion yesterday

Greg, I apologize for the belated follow up. Easy to get sidetracked here. I wanted to let you know that I will be returning to my home agency, DOT, but Ted will continue to pursue the issues that we've discussed and will be reaching out to you (although I believe in the near term he is traveling). I'm also copying Marlys Osterhues, on detail to CEQ from DOT, who will also be engaged in this effort.

I really appreciated the good discussions and information that you and your folks provided, and hope we can make some progress on resolving these difficult issues.

Thanks again—  
April

**From:** Symmes, Gregory <[GSymmes@nas.edu](mailto:GSymmes@nas.edu)>  
**Sent:** Friday, February 23, 2018 3:57 PM  
**To:** Marchese, April L. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Staudt, Amanda <[ASTaudt@nas.edu](mailto:ASTaudt@nas.edu)>; DeFeo, Laura <[LDeFeo@nas.edu](mailto:LDeFeo@nas.edu)>; Geller, Laurie <[LGeller@nas.edu](mailto:LGeller@nas.edu)>  
**Subject:** [EXTERNAL] thanks for the great discussion yesterday

Dear April and Ted-

Amanda, Laura, Laurie, and I really enjoyed our conversation with you yesterday.

I hope our wide-ranging discussion was of some use as you continue to develop near-term guidance and consider potential longer-term efforts to improve the efficiency and effectiveness of environmental reviews.

We would be happy to continue the conversation on any of the topics after you've had a chance to reflect on our discussions and confer with your colleagues. My sense is that some of the more promising areas where the Academies could be of assistance include the idea of having carrying out technical peer reviews of key documents, convening workshops to bring together experts and other stakeholders to provide input or feedback on your plans, and carrying out consensus studies that would provide advice on particularly challenging issues such as improving methods for evaluating cumulative effects and/or characterizing and communicating uncertainties to decision makers and the public.

I'm copying my colleagues so you can reach out to any of us individually or as a group if you want to follow up on specific issues that arose during yesterday's meeting.

Best,

Greg

Gregory H. Symmes, Ph.D.  
Executive Director  
Division on Earth and Life Studies  
The National Academies of Sciences, Engineering, and Medicine  
500 Fifth Street, NW  
Washington, DC 20001  
202-334-2500  
[gsymmes@nas.edu](mailto:gsymmes@nas.edu)

## Fwd: CEQ NEPA Regulations ANPRM

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**From:** "Upchurch, Sara" <sara.upchurch@fema.dhs.gov>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6)  
**Date:** Wed, 20 Jun 2018 13:43:28 -0400  
**Attachments:** 2018-13246.pdf (195.85 kB)

FYSA

Sara Upchurch, AICP  
Office of Environmental Planning and Historic Preservation (OEHP)  
Unified Federal Review (UFR)  
Liaison to Council on Environmental Quality (CEQ)  
FIMA/FEMA/DHS  
400 C Street SW  
Washington, DC 20472-3020  
(b) (6) (c)  
[sara.upchurch@fema.dhs.gov](mailto:sara.upchurch@fema.dhs.gov)

---

**From:** "Ketchum, John" <[John.Ketchum@fema.dhs.gov](mailto:John.Ketchum@fema.dhs.gov)>  
**Date:** Wednesday, June 20, 2018 at 1:29:18 PM  
**To:** "Ross, Portia" <[Portia.Ross@fema.dhs.gov](mailto:Portia.Ross@fema.dhs.gov)>, "Weisgerber, Julie" <[julie.weisgerber@fema.dhs.gov](mailto:julie.weisgerber@fema.dhs.gov)>, "Potosnak, Ryan" <[Ryan.Potosnak@fema.dhs.gov](mailto:Ryan.Potosnak@fema.dhs.gov)>, "Upchurch, Sara" <[sara.upchurch@fema.dhs.gov](mailto:sara.upchurch@fema.dhs.gov)>, "Dodds, Luke" <[luke.dodds@fema.dhs.gov](mailto:luke.dodds@fema.dhs.gov)>, "Feldman, Rebecca" <[rebecca.feldman@fema.dhs.gov](mailto:rebecca.feldman@fema.dhs.gov)>  
**Cc:** "Weinhouse, Amy" <[Amy.Weinhouse@fema.dhs.gov](mailto:Amy.Weinhouse@fema.dhs.gov)>  
**Subject:** FW: CEQ NEPA Regulations ANPRM

Fyi.

**From:** Reid Nelson [mailto:[rnelson@achp.gov](mailto:rnelson@achp.gov)]  
**Sent:** Wednesday, June 20, 2018 1:14 PM  
**To:** shpo <[shpo@achp.gov](mailto:shpo@achp.gov)>; Tribal 106 Contacts <[Tribal106Contacts@achp.gov](mailto:Tribal106Contacts@achp.gov)>; NHO 106 Contacts <[NHO106Contacts@achp.gov](mailto:NHO106Contacts@achp.gov)>; fpo <[fpo@achp.gov](mailto:fpo@achp.gov)>; FPOrep <[FPOrep@achp.gov](mailto:FPOrep@achp.gov)>  
**Subject:** CEQ NEPA Regulations ANPRM

The Council on Environmental Quality (CEQ) has issued an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." The notice was published in the *Federal Register* and is now open for public comment. The official *Federal Register* version is attached and available here: <https://www.federalregister.gov/documents/2018/06/20/2018-13246/update-to-the-regulations-for-implementing-the-procedural-provisions-of-the-national-environmental-act>. It is also available on regulations.gov at <https://www.regulations.gov/docket?D=CEQ-2018-0001>.

The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify its

NEPA regulations. Given the important intersections between environmental reviews carried out under NEPA and those carried out under Section 106 of the National Historic Preservation Act, we encourage you to consider providing your responses to these questions. Note that Questions 3 and 16 in particular request the public's views on the coordination of environmental reviews, and that Question 18 speaks to the role of Indian tribes in NEPA reviews.

Further questions on the ANPRM should be directed to CEQ using the contact information provided in the *Federal Register*.

Reid Nelson  
Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation

requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Dated:** May 30, 2018.

**Cosmo Servidio,**

*Regional Administrator, U.S. Environmental Protection Agency Region 3.*

[FR Doc. 2018–12709 Filed 6–10–18; 8:45 am]

**BILLING CODE 6560–50–P**

## COUNCIL ON ENVIRONMENTAL QUALITY

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

[Docket No. CEQ–2018–0001]

**RIN: 0331–AA03**

### Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before July 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ–2018–0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500–1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to

review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## II. Request for Comment

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ’s NEPA regulations and their justifications.

### NEPA Process

1. Should CEQ’s NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?

2. Should CEQ’s NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?

3. Should CEQ’s NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### Scope of NEPA Review

4. Should the provisions in CEQ’s NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should CEQ’s NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?

6. Should the provisions in CEQ’s NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

7. Should definitions of any key NEPA terms in CEQ’s NEPA regulations, such as those listed below, be revised, and if so, how?

- a. Major Federal Action;
- b. Effects;
- c. Cumulative Impact;
- d. Significantly;
- e. Scope; and
- f. Other NEPA terms.

8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

- a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?

- a. Notice of Intent;
- b. Categorical Exclusions Documentation;
- c. Environmental Assessments;
- d. Findings of No Significant Impact;
- e. Environmental Impact Statements;
- f. Records of Decision; and
- g. Supplements.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

#### General

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary

burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### III. Statutory and Executive Order Reviews

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

**Mary B. Neumayr**,  
Chief of Staff, Council on Environmental Quality.

[FR Doc. 2018-13246 Filed 6-19-18; 8:45 am]

BILLING CODE 3225-F8-P

### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 105-60

[GSPMR Case 2016-105-1; Docket No. 2016-0004, Sequence No. 1]

RIN 3090-AJ74

#### Public Availability of Agency Records and Informational Materials

**AGENCY:** Office of Administrative Services (OAS), General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline the language of several procedural provisions and to incorporate certain changes brought about by the amendments to the FOIA under both statutory and nonstatutory authorities. This rule also amends the

GSA's regulations under the Freedom of Information Act (FOIA) to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016.

Additionally, the regulations are being updated to reflect developments in case law, executive guidance from the Department of Justice—Office of Information Policy, technological advancements in how the FOIA is administered, and to include current cost figures to be used in calculating and charging fees. Finally, the revisions increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive disclosures.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before August 20, 2018 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to GSPMR case 2016-105-1 by any of the following methods:

- [Regulations.gov](http://www.regulations.gov); <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "GSPMR Case 2016-105-1". Select the link "Comment Now" that corresponds with "GSPMR Case 2016-105-1." Follow the instructions provided on the screen. Please include your name, company name (if any), and "GSPMR Case 2016-105-1" on your attached document.

- **Mail:** General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

**Instructions:** Please submit comments only and cite GSPMR Case 2016-105-1, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Travis S. Lewis, Director of GSA, OAS, Freedom of Information Act and Records Management Division, at 202-219-3078 via email at [travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite GSPMR Case 2016-105-1.

## FW: CEQ NEPA Regulations ANPRM

---

**From:** John Fowler <jfowler@achp.gov>  
**To:** councilmembers <councilmembers@achp.gov>  
**Cc:** Reid Nelson <rnelson@achp.gov>, Blythe Semmer <bsemmer@achp.gov>, Charlene Vaughn <cvaughn@achp.gov>, Kelly Yasaitis Fanizzo <kfanizzo@achp.gov>, Javier Marques <jmarques@achp.gov>, Javier Marques <jmarques@achp.gov>  
**Date:** Thu, 21 Jun 2018 11:10:40 -0400  
**Attachments:** 2018-13246.pdf (195.85 kB)

I wanted to share with you an important call for input on potential revisions to CEQ's NEPA regulations. We have shared them widely with our Section 106 stakeholders and urge members to take a close look at them.

You may recall that CEQ and the AHCP jointly issued a handbook on coordinating NEPA and NHPA reviews: [http://www.achp.gov/docs/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013.pdf](http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf) So potential NEPA regulation changes that might affect the relationship between the two statutes are of particular interest to the ACHP.

John

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**From:** Reid Nelson  
**Sent:** Wednesday, June 20, 2018 1:14 PM  
**To:** shpo; Tribal 106 Contacts; NHO 106 Contacts; fpo; FPOrep  
**Subject:** CEQ NEPA Regulations ANPRM

The Council on Environmental Quality (CEQ) has issued an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." The notice was published in the *Federal Register* and is now open for public comment. The official *Federal Register* version is attached and available here: <https://www.federalregister.gov/documents/2018/06/20/2018-13246/update-to-the-regulations-for-implementing-the-procedural-provisions-of-the-national-environmental>. It is also available on regulations.gov at <https://www.regulations.gov/docket?D=CEQ-2018-0001>.

The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify its NEPA regulations. Given the important intersections between environmental reviews carried out under NEPA and those carried out under Section 106 of the National Historic Preservation Act, we encourage you to consider providing your responses to these questions. Note that Questions 3 and 16 in particular request the public's views on the coordination of environmental reviews, and that Question 18 speaks to the role of Indian tribes in NEPA reviews.

Further questions on the ANPRM should be directed to CEQ using the contact information provided in the *Federal Register*.

Reid Nelson  
Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation

requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Dated:** May 30, 2018.

**Cosmo Servidio,**

*Regional Administrator, U.S. Environmental Protection Agency Region 3.*

[FR Doc. 2018–12709 Filed 6–10–18; 8:45 am]

**BILLING CODE 6560–50–P**

## COUNCIL ON ENVIRONMENTAL QUALITY

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

[Docket No. CEQ–2018–0001]

**RIN: 0331–AA03**

### Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before July 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ–2018–0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500–1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

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review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

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3. Should CEQ’s NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### Scope of NEPA Review

4. Should the provisions in CEQ’s NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should CEQ’s NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?

6. Should the provisions in CEQ’s NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

7. Should definitions of any key NEPA terms in CEQ’s NEPA regulations, such as those listed below, be revised, and if so, how?

- a. Major Federal Action;
- b. Effects;
- c. Cumulative Impact;
- d. Significantly;
- e. Scope; and
- f. Other NEPA terms.

8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

- a. Alternatives;  
 b. Purpose and Need;  
 c. Reasonably Foreseeable;  
 d. Trivial Violation; and  
 e. Other NEPA terms.
9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?  
 a. Notice of Intent;  
 b. Categorical Exclusions Documentation;  
 c. Environmental Assessments;  
 d. Findings of No Significant Impact;  
 e. Environmental Impact Statements;  
 f. Records of Decision; and  
 g. Supplements.
10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?
- General**
14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?
17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?
18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?
19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary

burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### III. Statutory and Executive Order Reviews

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

**Mary B. Neumayr**,  
 Chief of Staff, Council on Environmental Quality.

[FR Doc. 2018-13246 Filed 6-19-18; 8:45 am]

BILLING CODE 3225-F8-P

### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 105-60

[GSPMR Case 2016-105-1; Docket No. 2016-0004, Sequence No. 1]

RIN 3090-AJ74

#### Public Availability of Agency Records and Informational Materials

**AGENCY:** Office of Administrative Services (OAS), General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline the language of several procedural provisions and to incorporate certain changes brought about by the amendments to the FOIA under both statutory and nonstatutory authorities. This rule also amends the

GSA's regulations under the Freedom of Information Act (FOIA) to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016. Additionally, the regulations are being updated to reflect developments in case law, executive guidance from the Department of Justice—Office of Information Policy, technological advancements in how the FOIA is administered, and to include current cost figures to be used in calculating and charging fees. Finally, the revisions increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive disclosures.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before August 20, 2018 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to GSPMR case 2016-105-1 by any of the following methods:

- *Regulations.gov*; <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "GSPMR Case 2016-105-1". Select the link "Comment Now" that corresponds with "GSPMR Case 2016-105-1." Follow the instructions provided on the screen. Please include your name, company name (if any), and "GSPMR Case 2016-105-1" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

*Instructions:* Please submit comments only and cite GSPMR Case 2016-105-1, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Travis S. Lewis, Director of GSA, OAS, Freedom of Information Act and Records Management Division, at 202-219-3078 via email at [travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite GSPMR Case 2016-105-1.

# **[EXTERNAL] Request for Sixty-day Extension for Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (Docket No. CEQ-2018-0001)**

---

**From:** Kameran Onley <konley@tnc.org>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 26 Jun 2018 13:00:30 -0400  
**Attachments:** TNC NEPA Comment Period Extension Request 06 26 2018.pdf (82.97 kB)

Dear Mr. Boling:

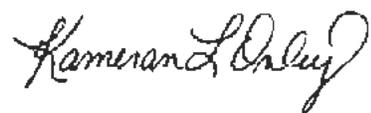
I am writing to request a sixty-day extension to the comment period for CEQ's advanced notice of proposed rulemaking (ANPRM) to "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (Docket No. CEQ-2018-0001).

Our mission at The Nature Conservancy is to conserve the lands and waters on which all life depends. Today, we operate in all 50 U.S. states and contribute to conservation outcomes in 72 countries around the world. Environmental laws adopted over the last five decades in the United States have dramatically improved the quality of the nation's air and water, reduced the public's exposure to harmful chemicals, given the public a greater voice in government decisions, and conserved our fish, wildlife, and other natural resources. Generations of Americans have benefitted from this legacy of leadership in environmental protection.

Because of its broad application to federal actions, strong commitment to public engagement, and pathways for scientific input to inform and improve our decision making, the National Environmental Policy Act (NEPA), as implemented by CEQ regulations, is one of the most important bedrock environmental laws in the United States. Given the importance of NEPA and implementing regulations, and the complexity of the issues implicated by the questions posed in the ANPRM, I am requesting an extension of the public comment period.

An extension of the comment period is necessary to provide sufficient time to provide detailed responses to the questions in the ANPRM that will be most useful to the rule-making process, and to ensure that the general public has a sufficient opportunity to be made aware of this process and provide input. Accordingly, I respectfully request no less than a sixty-day extension of the comment period from the originally proposed end date for the ANPRM to Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

Sincerely,



Please consider the environment before printing this email.

**Kameran L. Onley**  
*Director, U.S. Government  
Relations*  
[konley@tnc.org](mailto:konley@tnc.org)  
+1 703 841 4229

**The Nature Conservancy**  
Worldwide Office  
4245 N. Fairfax Drive, Suite  
100  
Arlington, VA  
United States



[nature.org](http://nature.org)



Kameran Onley  
Director  
U.S. Government Relations  
The Nature Conservancy  
4245 N. Fairfax Drive  
Arlington, VA 22203-1606

Tel (703) 841-4229  
Fax (703) 841-7400

konley@tnc.org  
nature.org

June 26, 2018

Edward A. Boling  
Associate Director for NEPA  
Council on Environmental Quality  
730 Jackson Place, NW  
Washington, DC 20503

RE: Request for Sixty-day Extension for Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (Docket No. CEQ-2018-0001).

Dear Mr. Boling:

I am writing to request a sixty-day extension to the comment period for CEQ's advanced notice of proposed rulemaking (ANPRM) to "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (Docket No. CEQ-2018-0001).

Our mission at The Nature Conservancy is to conserve the lands and waters on which all life depends. Today, we operate in all 50 U.S. states and contribute to conservation outcomes in 72 countries around the world. Environmental laws adopted over the last five decades in the United States have dramatically improved the quality of the nation's air and water, reduced the public's exposure to harmful chemicals, given the public a greater voice in government decisions, and conserved our fish, wildlife, and other natural resources. Generations of Americans have benefitted from this legacy of leadership in environmental protection.

Because of its broad application to federal actions, strong commitment to public engagement, and pathways for scientific input to inform and improve our decision making, the National Environmental Policy Act (NEPA), as implemented by CEQ regulations, is one of the most important bedrock environmental laws in the United States. Given the importance of NEPA and implementing regulations, and the complexity of the issues implicated by the questions posed in the ANPRM, I am requesting an extension of the public comment period.

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Sincerely,

A handwritten signature in black ink that reads "Kameran L. Onley".

Kameran L. Onley  
Director, U.S. Government Relations  
The Nature Conservancy

## [EXTERNAL] Request for Extension of Comment Period on NEPA ANPRM

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**From:** Stephen Schima <sschima@partnershipproject.org>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 26 Jun 2018 11:47:48 -0400  
**Attachments:** ANPRM Request for Extension of Public Comment Final.pdf (105.82 kB)

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Ted,

Attached is a request, on behalf of over 350 organizations, asking for an extension of the comment period on the NEPA ANPRM to 90 days.

Please let me know if you have any questions or have difficulty opening the document.

Thanks and I hope all is well,

Stephen Schima  
NEPA Director  
The Partnership Project  
Sschima@partnershipproject.org  
(c) (b) (6)

*The Partnership Project* A coalition of over twenty national environmental advocacy groups including *The Wilderness Society, Natural Resources Defense Council, and Sierra Club* united to advance and defend key environmental policies.

Edward A. Boling  
Associate Director for the National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place, N.W.  
Washington, DC 20503

June 25, 2018

**Re: Request for Sixty-day Extension on Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) [Docket No. CEQ-2018-0001]**

The 353 undersigned public interest organizations hereby request a sixty-day extension of the public comment period for the recently noticed Advance Notice of Proposed Rulemaking (ANPRM) on the “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.”

This ANPRM opens up the entire set of regulations applicable to almost all proposed executive branch actions, from energy development decisions on our public lands and waters to the construction of industrial facilities and major transportation infrastructure that release vast quantities of air, and water pollution and that will affect our planet’s future. Given that this proposal could fundamentally change how every single agency in the federal government considers the health and environmental impacts of federal decisions as well as public input under NEPA, we believe that a minimum of 90 days is necessary to provide everyone, but especially the public, the time to properly understand and meaningfully respond to the questions outlined in the ANPRM. We note that given the multiple subparts in several of the questions, there are closer to 40, not 20 questions, in the ANPRM. As you well know, many of the questions involve understanding not just the words in the regulation itself, but decades of administrative and judicial interpretation. The current comment period of 30 days is simply not adequate – especially for the public who rely on NEPA as the only way to weigh in on decisions impacting their communities and who must take time off work and away from their families to read the regulations and respond to this notice. Like previous processes accompanying CEQ promulgation regulations, we encourage CEQ to host public forums to listen to people’s experiences and views regarding the NEPA process. Such forums should be held in both urban and rural settings in several areas of the country. Indeed, a 30-day comment period, without a variety of public meetings, strongly suggests a lack of sincere interest in thoughtful comments and broad engagement with the diverse constituencies affected by America’s environmental Magna Carta.

We also request that CEQ give those without access to reliable internet service an opportunity to comment on this ANPRM by providing the option of submitting comments via regular mail. Currently, over 25% of U.S. adults do not have home broadband. However, the ANPRM only allows for comments to be submitted through the Federal eRulemaking portal. A U.S. Forest Service ANPRM released in January of 2018 that proposed to revise the agency’s NEPA regulations provided no less than three different ways to submit comments: online, by email, or by regular mail. This ANPRM has the potential to impact an exponentially larger number of people, and thus there is no reason why CEQ should not similarly accept these same three methods for

comment submission. Additionally, CEQ should provide an opportunity for in-person comments at the public meetings requested above.

For this request of public comment to be meaningful, it is critical that the entire public, not just those with internet access, be allowed to comment. This request is consistent with Question 6 concerning revision of the NEPA regulations to be more inclusive and efficient. Lack of reliable access to broadband, especially in rural, remote areas, further underscores the need to extend the comment period for this ANPRM.

Accordingly, we request the public comment period be extended to a minimum of 90 days, CEQ host public forums in urban and rural settings, and that CEQ provide the opportunity for comments to be submitted via mail as well as in person at the public meetings.

Respectfully submitted,

**350 Bay Area**  
**350 New Orleans**  
**350.org**  
**Alabama Environmental Council**  
**Alaska Clean Water Advocacy**  
**Alaska Climate Action Network**  
**Alaska Wilderness League**  
**Alaska's Big Village Network**  
**All-Creatures.org**  
**Allegheny Defense Project**  
**Alliance for Democracy**  
**Alliance for the Wild Rockies**  
**American Bird Conservancy**  
**American Rivers**  
**Americas for Conservation + the Arts**  
**Amigos de Tres Palmas**  
**Animal Legal Defense Fund**  
**Animal Welfare Institute**  
**Animas Valley Institute**  
**Arizona Mining Coalition**  
**Atchafalaya Basinkeeper**  
**Audubon Naturalist Society**  
**Ballona Institute**  
**Bark**  
**Basin and Range Watch**  
**Battle Creek Alliance**  
**Bay Area – System Change not Climate Change**  
**Berkshire Environmental Action Team (BEAT)**  
**Biofuelwatch**

**Bird Conservation Network**  
**Black Hills Clean Water Alliance**  
**Black Warrior Riverkeeper**  
**Blue Mountains Biodiversity Project**  
**Blue Water Baltimore**  
**Bold Alliance**  
**Boulder County Audubon Society**  
**Boulder Rights of Nature, Inc.**  
**Brass Tactics**  
**Buffalo Field Campaign**  
**Buka Environmental**  
**Bullitt Foundation**  
**Cahaba River Society**  
**California Brain Tumor Association**  
**California Chaparral Institute**  
**California Environmental Health Initiative**  
**California Native Plant Society**  
**California Sportfishing Protection Alliance**  
**Californians for Alternatives to Toxics**  
**Californians for Western Wilderness**  
**Cascade Forest Conservancy**  
**Cascades Raptor Center**  
**CEMAR**  
**Center for Biological Diversity**  
**Center for Climate Adaptation Science and Solutions, University of Arizona**  
**Center for International Environmental Law**  
**Center for People, Food and Environment**  
**Center for Safer Wireless**  
**Center for Science in the Public Interest**  
**Center for Sierra Nevada Conservation**  
**Central New Mexico Audubon Society**  
**Charleston Audubon**  
**Chesapeake Climate Action Network**  
**Citizens Action Coalition of Indiana**  
**Citizens Against Ruining the Environment**  
**Citizens Against the Newport Silicon Smelter**  
**Citizens Coalition for a Safe Community**  
**Citizens Committee to Complete the Refuge**  
**Clean Air Watch**  
**Clean Water Action**  
**Climate Law & Policy Project**  
**Climate Resilience Consulting**  
**The Clinch Coalition**  
**Coal River Mountain Watch**  
**Coalition for American Heritage**  
**Coast Action Group**

**Coast Range Association**  
**Colorado EcoWomen**  
**Colorado Native Plant Society**  
**Coming Clean**  
**Committee for Green Foothills**  
**Compassion Over Killing**  
**Concerned Health Professionals New York**  
**Conservation Congress**  
**Conservation Kids**  
**Conservation Northwest**  
**Conserve Southwest Utah**  
**Consumers for Safe Cell Phones**  
**CORALations**  
**County News Service**  
**Crawford Stewardship Project**  
**CRSP**  
**Cynthia Howard Architect & Preservation Planner**  
**Dakota Rural Action**  
**DC Environmental Network**  
**DC Statehood Green Party**  
**Deer Creek Valley Natural Resources Conservation Association**  
**Defenders of Wildlife**  
**Delaware-Otsego Audubon Society (NY)**  
**Desert Tortoise Council**  
**Dogwood Alliance**  
**Dolores River Boating Advocates**  
**Don't Waste Arizona**  
**Earth Guardians**  
**Earth Island Institute**  
**Earthjustice**  
**Earthworks**  
**EcoFlight**  
**Eco-Justice Ministries**  
**El Sendero Backcountry Ski and Snowshoe Club**  
**EMF Safety Network**  
**Endangered Habitats League**  
**Endangered Species Coalition**  
**Enterprise Community Partners**  
**Environment and Human Health Inc.**  
**Environment New Jersey**  
**Environmental Protection Information Center**  
**Environmental Protection Network EPN**  
**Eyak Preservation Council**  
**Fairmont, MN Peace Group**  
**Family Farm Defenders**  
**Farmworker Association of Florida**

**Food Democracy Now!**  
**Food Empowerment Project**  
**Foundation for Louisiana**  
**Four Years. Go.**  
**Franciscan Action Network**  
**Friends of Blackwater**  
**Friends of Corte Madera Creek Watershed**  
**Friends of Dyke Marsh**  
**Friends of Harbors, Beaches and Parks**  
**Friends of Merrymeeting Bay**  
**Friends of the Bitterroot**  
**Friends of the Clearwater**  
**Friends of the Earth US**  
**Friends of the Eel River**  
**Friends of the Inyo**  
**Friends of the Kalmiopsis**  
**Friends of the Locust Fork River**  
**Friends of the Northern San Jacinto Valley**  
**Friends of the Sonoran Desert**  
**Friends of the Weskeag**  
**Fund for Wild Nature**  
**GARDEN Inc. (Growing Alternative Resource Development and Enterprise Network)**  
**Gasp**  
**Generation E Political Action Committee**  
**Geos Institute**  
**Gila Conservation Coalition**  
**Gila Resources Information Project**  
**Global Justice Ecology Project**  
**Global Union Against Radiation Deployment from Space (GUARDS)**  
**Glynn Environmental Coalition**  
**Golden West Women Flyfishers**  
**Grand Canyon Trust**  
**Grand Canyon Wildlands Council**  
**Grassroots Ecology**  
**Great Egg Harbor Watershed Association**  
**Great Old Broads For Wilderness**  
**Great Rivers Environmental Law Center**  
**Greater Hells Canyon Council**  
**Green Retirement, Inc.**  
**Green River Action Network**  
**GreenARMY**  
**GreenLatinos**  
**Greenpeace USA**  
**Greg Alan Walter Insurance**  
**Gulf Restoration Network**  
**Hands Across the Sand**

**Harambee House, Inc./Coalition for Environmental Justice (CFEJ)**  
**Heartwood**  
**High Country Conservation Advocates**  
**Hilton Pond Center for Piedmont Natural History**  
**Honor the Earth**  
**Howarth & Marino Lab Group, Cornell University**  
**Humboldt Baykeeper**  
**Idaho Conservation League**  
**Idaho Sporting Congress, Inc.**  
**iMatter**  
**inNative**  
**Institute for Fisheries Resources**  
**International Wildlife Rehabilitation Council (IWRC)**  
**Kentucky Heartwood**  
**Kettle Range Conservation Group**  
**Klamath Forest Alliance**  
**KyotoUSA**  
**Lahontan Audubon Society**  
**Lake Superior Research Institute**  
**Laurie M. Tisch Center for Food, Education & Policy, Teachers College Columbia University**  
**Law for the Environmental Grassroots**  
**League of Conservation Voters**  
**Living Economy Advisors**  
**Local Clean Energy Alliance**  
**Long Beach 350**  
**Long Beach Gray Panthers**  
**Los Angeles Audubon Society**  
**Los Padres ForestWatch**  
**Louisiana Environmental Action Network/Lower Mississippi Riverkeeper (LEAN)**  
**Lower Brazos Riverwatch**  
**Lower Ohio River Waterkeeper**  
**Mankato Area Environmentalists**  
**Maryland Ornithological Society**  
**Maryland Smart Meter Awareness**  
**Mass Forest Rescue Campaign**  
**Miami Waterkeeper**  
**Midwest Pesticide Action Center**  
**Mining Action Group of the Upper Peninsula Environmental Coalition**  
**Moloka'i Community Service Council**  
**Moms Advocating Sustainability (MOMAS)**  
**Mount Graham Coalition**  
**MountainTrue**  
**National Alliance of Community Economic Development Associations (NACEDA)**  
**National Congress of American Indians**  
**National Institute for Science, Law & Public Policy**

**National Latino Farmers & Ranchers Trade Association**  
**National Wildlife Federation**  
**National Whistleblower Center**  
**National Wolfwatcher Coalition**  
**Native Conservancy Land Trust**  
**Native Justice Coalition**  
**Natural Resources Defense Council**  
**Nature Coast Conservation, Inc.**  
**NC WARN**  
**New Jersey Conservation Foundation**  
**New Jersey Highlands Coalition**  
**New Mexico Audubon Council**  
**New Mexico Wild**  
**No Smart Meters or Small Cells LI**  
**Northcoast Environmental Center**  
**Northeast Oregon Ecosystems**  
**Northeastern Minnesotans for Wilderness**  
**Northwest Animal Rights Network**  
**Ocean Conservancy**  
**Ocean Conservation Research**  
**Oceana**  
**Ohio Valley Environmental Coalition (OVEC)**  
**Olympic Forest Coalition**  
**Olympic Park Associates**  
**One More Generation™**  
**Operation HomeCare, Inc.**  
**Orca Conservancy**  
**Oregon Natural Desert Association**  
**Oregon Shores Conservation Coalition**  
**Oregon Wild**  
**Oxfam America**  
**Pacific Coast Federation of Fishermen's Associations**  
**Pacific Rivers**  
**Partnership for Policy Integrity**  
**Partnership for the National Trails System**  
**Partnership for Working Families**  
**Peace and Social Justice Center of South Central Kansas**  
**Pelican Media**  
**Penguin PI LLC**  
**Pinelands Preservation Alliance**  
**Pipeline Awareness Southern Oregon**  
**PolicyLink**  
**Post Carbon Institute**  
**Powder River Basin Resource Council**  
**Prairie Hills Audubon Society of Western South Dakota**  
**Presidio Historical Association**

**Progressive Caucus Action Fund**  
**PSR Arizona**  
**Public Citizen**  
**Public Lands Project**  
**Rails-to-Trails Conservancy**  
**Rainier Audubon Society**  
**Raptors Are The Solution**  
**Regional Association of Concerned Environmentalists (RACE)**  
**Regional Parks Association, Berkeley CA**  
**Richmond Trees**  
**Rivers Without Borders**  
**Rock Creek Alliance**  
**Rocky Mountain Wild**  
**Rural Coalition**  
**Sacramento Audubon Society**  
**Safe Alternatives for our Forest Environment**  
**San Bernardino Valley Audubon Society**  
**San Francisco Baykeeper**  
**San Juan Citizens Alliance**  
**San Luis Valley Ecosystem Council**  
**SanDiego350**  
**Save Nevada's Water: Ban Fracking In Nevada**  
**Save Our Cabinets**  
**Save Our Shores**  
**Save Our Sky Blue Waters**  
**SAVE THE FROGS!**  
**Save the Scenic Santa Ritas**  
**Science and Environmental Health Network**  
**Selkirk Conservation Allinace**  
**Sequoia ForestKeeper®**  
**Shawnee Chapter, Illinois Audubon Society**  
**Shawnee Forest Defense**  
**Shawnee Forest Sentinels**  
**Sierra Club**  
**Sky Island Alliance**  
**Slow Food USA**  
**Smith River Alliance**  
**Snake River Alliance**  
**Soda Mountain Wilderness Council**  
**Song to Gaia**  
**Southern Illinoisans Against Fracturing Our Environment**  
**Spottswoode Winery**  
**Sustain Rural Wisconsin Network**  
**Sustainable Arizona**  
**Swan View Coalition**  
**Talon Scientific**

**TAP Communications**  
**Tennessee Environmental Council**  
**The Bay Institute**  
**The Campaign for Sustainable Transportation**  
**The Coalition for Sonoran Desert Protection**  
**The Interfaith Council for the Protection of Animals and Nature**  
**The Lands Council**  
**The Moving Forward Network**  
**The Rewilding Institute**  
**The Story of Stuff Project**  
**The Urban Wildlands Group**  
**The Wilderness Society**  
**Time Laboratory**  
**Topanga Peace Alliance and MLK Coalition of Greater Los Angeles**  
**Torrance Refinery Action Alliance**  
**TransForm**  
**Transition Cornwall Network**  
**Tre Gatti Vineyards**  
**Tri-Valley CAREs (Communities Against a Radioactive Environment)**  
**Trustees for Alaska**  
**Tulane Institute on Water Resources Law and Policy, Tulane Law School**  
**Turtle Island Restoration Network**  
**Umpqua Watersheds, Inc.**  
**Upper Peninsula Environmental Coalition**  
**Uranium Watch**  
**Utah Physicians for a Healthy Environment**  
**Valley Watch**  
**Wallin Mental Medical**  
**Waterways Restoration Institute**  
**West Montgomery County Citizens Association**  
**Western Colorado Alliance for Community Action**  
**Western Environmental Law Center**  
**Western Nebraska Resources Council**  
**Western Organization of Resource Councils**  
**Western Watersheds Project**  
**Western Wildlife Conservation**  
**Western Wildlife Outreach**  
**Wbolly H2O**  
**Wild Connections**  
**Wild Heritage Planners**  
**Wild Horse Education**  
**Wild Nature Institute**  
**WILDCOAST**  
**WildEarth Guardians**  
**Wilderness Workshop**  
**Wildlands Network**

**Women's International League for Peace and Freedom, U.S./Earth Democracy Group  
Worksafe**

## RE: Questions

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**From:** "Osterhues, Marlys A. EOP/CEQ" <(b) (6)>  
**To:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 27 Jun 2018 17:14:23 -0400  
**Attachment  
s:** Draft Question and Answer for Senate Roundtable 6.27 swb CLEAN.DOCX (25.68  
kB)

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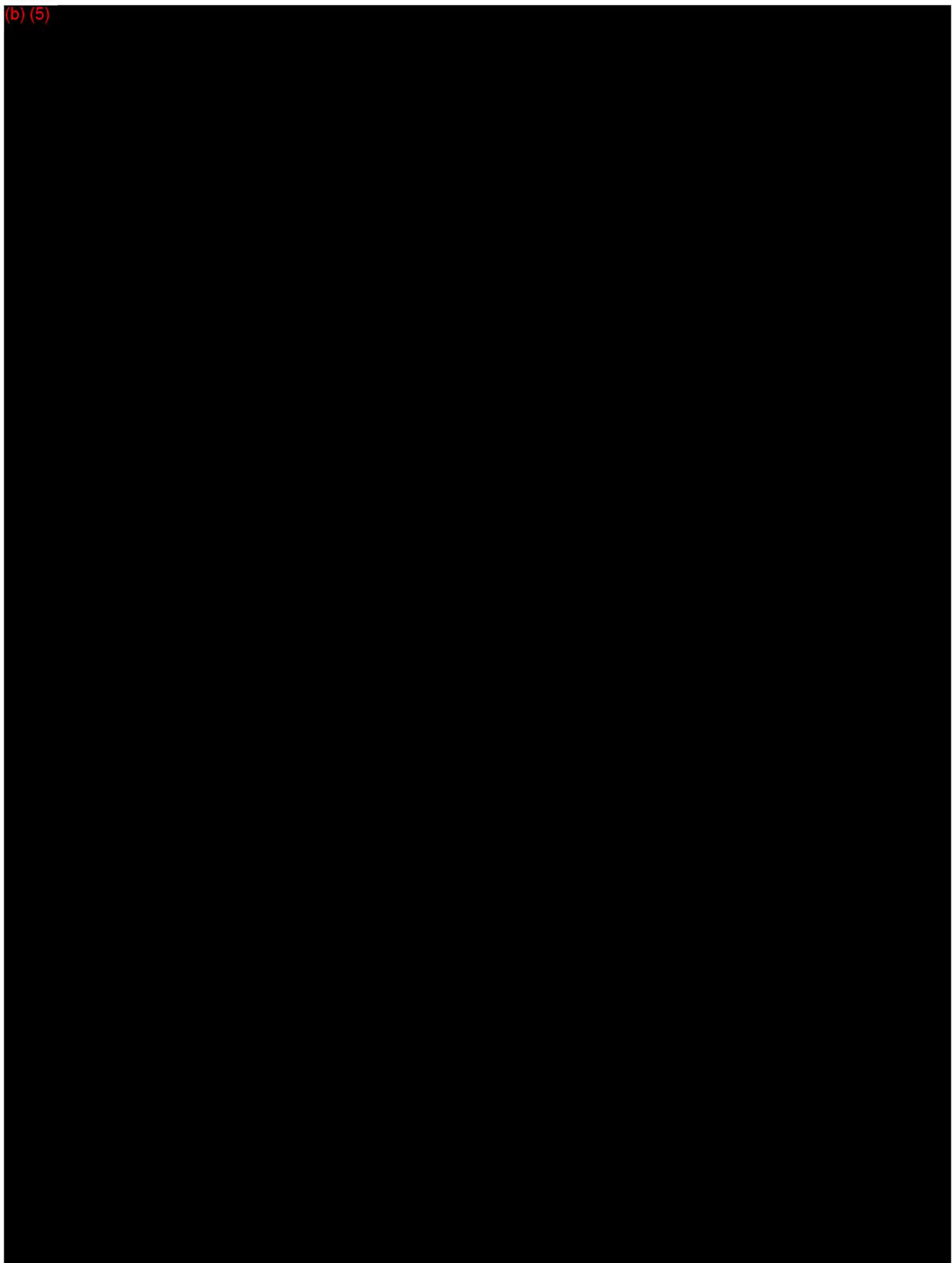
Here is what I believe is the final version of his Q&As.

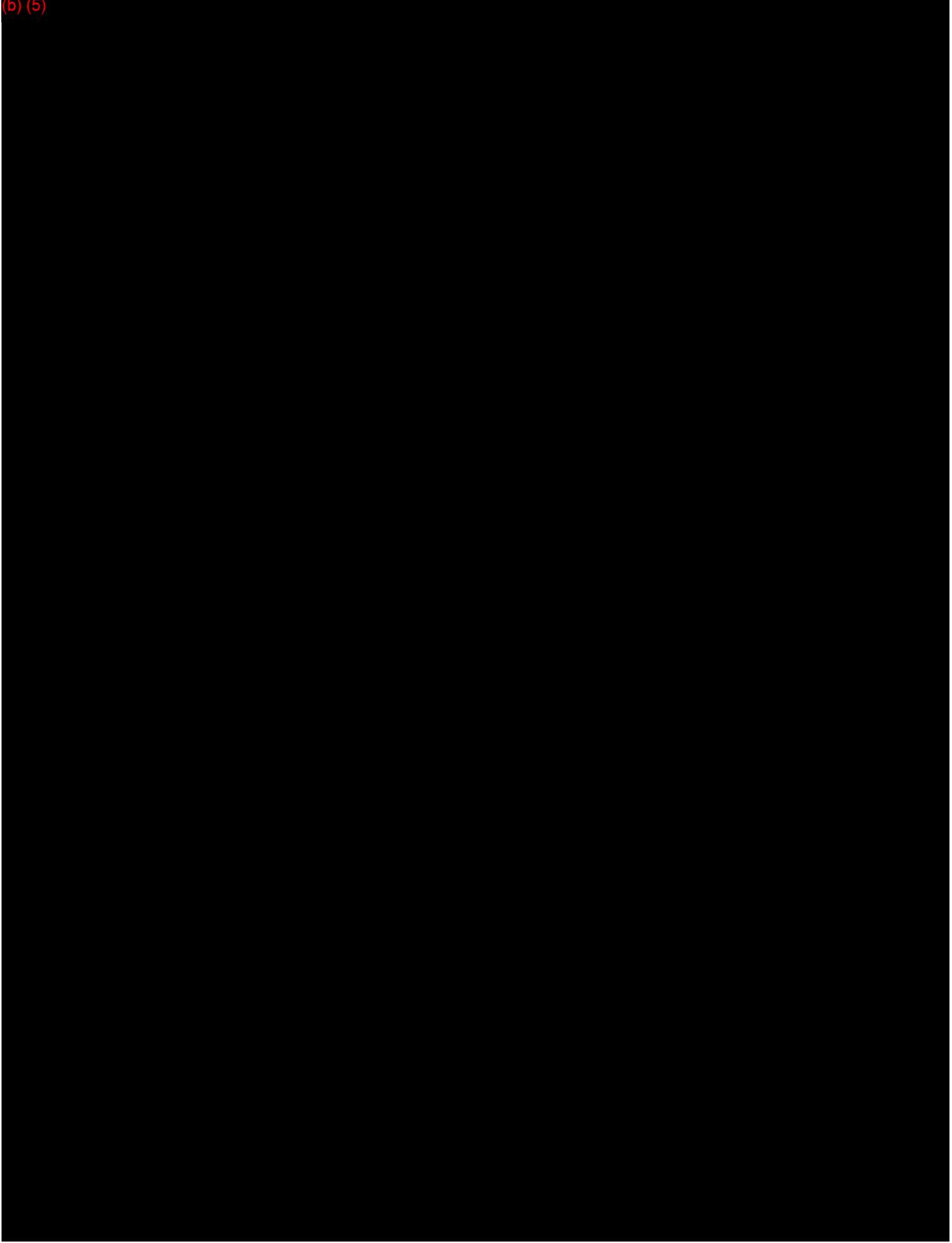
-----Original Message-----

**From:** Smith, Katherine R. EOP/CEQ  
**Sent:** Wednesday, June 27, 2018 4:24 PM  
**To:** Osterhues, Marlys A. EOP/CEQ <(b) (6)>  
**Subject:** Questions

Hey can you send me the prep questions doc you guys made for Alex please?

Sent from my iPhone







## [EXTERNAL] comments filed in CEQ-2018-0001-0001

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**From:** "Pidot, Justin" <jpidot@law.du.edu>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6)  
**Date:** Tue, 03 Jul 2018 16:40:50 -0400  
**Attachments:** NEPA extension comment\_filed.pdf (97.16 kB)

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Dear Mr. Boling and Mr. Drummond,

Please find attached comments I filed today on Regulations.gov on behalf of 36 law professors in response to CEQ's ANPR related to its NEPA regulations. As you will see, we request that CEQ extend the comment period for an addition 60 days, due to the breadth and complexity of issues that are raised in the ANPR.

Please don't hesitate to contact me if you have any questions.

Best,

Justin

Justin Pidot  
Associate Professor  
University of Denver Sturm College of Law  
><http://ssrn.com/author=1173128><

July 3, 2018

To: Council on Environmental Quality

RE: Comments on Advanced Notice of Proposed Rulemaking, Implementation of Procedural Provisions of National Environmental Policy Act, Docket Number CEQ-2018-0001-0001

**RIN: 0331-AA03**

We, 36 law professors with expertise related to the National Environmental Policy Act (NEPA), request an extension of the public comment period for the Council of Environmental Quality's (CEQ) Advanced Notice of Proposed Rulemaking (ANPR) titled "Implementation of Procedural Provisions of National Environmental Policy Act." 83 Fed. Reg. 28,591 (June 20, 2018) (2018 NEPA ANPR). We believe that a 30-day comment period provides the public with insufficient opportunity to address the complicated issues presented by the 2018 NEPA ANPR, and we would request that the comment period be extended for 60 additional days, providing for a 90-day comment period.

Congress enacted NEPA in 1970, to create the CEQ and to require that:

all of the Federal Government shall . . . include in every recommendation or report on proposals for legislation and other major Federal actions significant affecting the quality of the human environment, a detailed statement by the responsible official on – (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

42 U.S.C. § 4332(2)(C).

As the 2018 NEPA ANPR acknowledges, CEQ promulgated regulations in 1978 to govern compliance with NEPA and amended those regulations once in 1986. The CEQ regulations span 8 parts, including 67 sections, of the U.S. Code of Federal Regulations. *See* 40 C.F.R. §§ 1501.1-1508.28. Federal agencies have incorporated the CEQ regulations into their own implementing regulations and guidance documents. *See, e.g.*, 43 C.F.R. §§ 46.10-46.450 (Department of the Interior's regulations implementing NEPA); Department of the Interior, Departmental Manual parts 515-525.

NEPA and CEQ's implementing regulations have given rise to a substantial body of law and have generated extensive academic interest. Since the 1986 amendments to CEQ's regulations,

NEPA has been referenced in 5,278 court decisions,<sup>1</sup> nearly 60,000 Federal Register documents,<sup>2</sup> and thousands of congressional hearings.<sup>3</sup> During that same period, NEPA has been referenced in more than 8,700 law review articles.<sup>4</sup>

For the last thirty years, CEQ's NEPA regulations have anchored the process by which agencies across the federal government engage in environmental review. Agencies have adhered to the current procedures in making countless decisions affecting every state, industry, and American citizen. The process has largely worked smoothly. The nonpartisan Government Accountability Office has estimated that agencies rely on categorical exclusions—the least onerous form of NEPA compliance—to review at least 94% of federal actions, and they rely on environmental assessments—an intermediate form of NEPA compliance—to review less than 4% of federal actions. U.S. GOVERNMENT ACCOUNTABILITY OFFICE, GAO-14-370, NATIONAL ENVIRONMENTAL POLICY ACT: LITTLE INFORMATION EXISTS ON NEPA ANALYSES 8-9 (2014). Agencies rely on environmental impact statements—the most thorough and time-consuming form of NEPA compliance—to review less than 1% of federal actions. *Id.*

A 90-day comment period would provide the public with a reasonable opportunity to comment on the questions that CEQ has posed in the 2018 NEPA ANPR. Federal agencies have provided 90-day comment periods for ANPRs and Notices of Inquiry (NOIs), the functional equivalent of ANPRs, related to measures that would sweep much more narrowly. *See, e.g.*, 81 Fed. Reg. 83,190 (2016) (providing 90-day comment period for ANPR related to cargo tank identification numbers); 73 Fed. Reg. 5784 (2008) (providing 90-day comment period for NOI related to designation of constrictor snakes as injurious wildlife); 67 Fed. Reg. 51,800 (2002) (extending to 90 days comment period for ANPR related to Coastal Zone Management Act consistency regulations); 69 Fed. Reg. 21,800 (2004) (providing 90 day comment period for ANPR related to regulation of hazardous waste generators).

The federal government's experience over three decades may warrant some adjustment to CEQ's existing regulations. It may also be appropriate to amend the regulations to account for new

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<sup>1</sup> This number was obtained by searching Westlaw's "All Federal" database and reporting the numbers of "cases" returned by the search.

<sup>2</sup> This number includes 48,035 documents published in the Federal Register since 1994, a number obtained by searching the Federal Register's website, and 11,358 documents published after April 26, 1986 and before January 1, 1994, a number obtained by searching Westlaw's Federal Register database.

<sup>3</sup> This number was obtained by searching the ProQuest Congressional database using the search term "national environmental policy act," limiting the document type to "Hearings 1824-Present," and limiting the date to after April 26, 1986. The search returned 4,848 published hearings and 2,995 hearing transcripts.

<sup>4</sup> This number was obtained by searching Westlaw's "Secondary Sources – Law Reviews & Journals" database using the search term "advanced: 'national environmental policy act' & DA(aft 04-25-1986)," and selecting "Law Reviews & Journals" as the publication type.

information about environmental problems, like climate change, produced since 1986. Any process for considering and adopting amendments should, however, provide ample opportunity for public participation and comment, including at the ANPR stage.

For these reasons we respectfully request that the CEQ extend the period for comments on the 2018 NEPA ANPR to 90 days.

Sincerely yours,

(All of the following are signatories in their personal capacity only. Institutional affiliations are included for identification purposes only.)

David E. Adelman  
Harry Reasoner Regents Chair in Law  
University of Texas at Austin School of Law

Nadia B. Ahmad  
Assistant Professor of Law  
Barry University Dwayne O. Andreas  
School of Law

Hope Babcock  
Professor of Law;  
Director, Institute for Public Representation  
Georgetown University Law Center

Eric Biber  
Professor of Law  
U.C. Berkeley School of Law

Michael C. Blumm  
Jeffrey Bain Faculty Scholar &  
Professor of Law  
Lewis and Clark Law School

Sara A. Colangelo  
Environmental Law and Policy Program  
Director and Visiting Professor of Law  
Georgetown University Law Center

Alejandro E. Camacho  
Professor of Law and Director, Center for  
Land, Environment, and Natural Resources  
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Holly Doremus  
James H. House and Hiram H Hurd  
Professor of Environmental Regulation,  
Faculty Director, Law of the Sea Institute,  
and Co-Faculty Director, Center for Law,  
Energy the Environment,  
U.C. Berkeley School of Law

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Commonwealth Professor of Environmental  
Law and Sustainability  
Director, Environmental Law and  
Sustainability Center  
Widener University Commonwealth Law  
School

Greg Dotson  
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University of Oregon School of Law

John Echeverria  
Professor of Law  
Vermont Law School

Victor B. Flatt  
Dwight Olds Chair in Law  
Director, Environment Energy and Natural  
Resources Center  
University of Houston Law Center

Richard M. Frank  
Professor of Environmental Practice and  
Director, California Environmental Law &  
Policy Center  
University of California, Davis School of  
Law

Steve C. Gold  
Professor of Law and Judge Raymond J.  
Dearie Scholar  
Rutgers Law School  
Rutgers University -- Newark  
Rutgers, The State University of New Jersey

Emily Hammond  
Glen Earl Weston Research Professor of  
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The George Washington University Law  
School

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Tracy Hester  
Lecturer  
University of Houston Law Center

Jill Witkowski Heaps  
Assistant Professor and Director  
Environmental & Natural Resources Law  
Clinic  
Vermont Law School

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Professor of Law  
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Bruce Huber  
Professor of Law and Robert & Marion  
Short Scholar  
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University of Colorado Law School

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School of Law

Sam Kalen  
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Associate Dean Co-Director, CLERR  
University of Wyoming College of Law

Madeline June Kass  
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Professor Emeritus  
Thomas Jefferson School of Law

Alexandra B. Klass  
Distinguished McKnight University  
Professor  
University of Minnesota Law School

Kathryn E. Kovacs  
Professor of Law  
Rutgers Law School

Joel A. Mintz  
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Nova Southeastern University College of  
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Justin Pidot  
Professor of Law  
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School of Law

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John Ruple  
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William J. Snape, III  
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W. William Weeks  
Clinical Professor  
Indiana University Maurer School of Law

Todd A. Wildermuth  
Director Environmental Law Program and  
Policy Director Regulatory Environmental  
Law and Policy Clinic  
University of Washington School of Law

Sandra B. Zellmer  
Professor and Director of Natural Resources  
Clinics  
Alexander Blewett III School of Law  
University of Montana

## RE: CEQ 2018-14803 - IMPROPER SUBMISSION

---

**From:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Matos, Angela R. EQP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 11:32:19 -0400  
**Attachments:** CEQ NEPA ANPRM\_Comment Period Extension\_FRVersion.docx (39.75 kB)

+ Angela Matos

This was resubmitted using the original name.

Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

---

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Friday, July 6, 2018 11:08 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** RE: CEQ 2018-14803 - IMPROPER SUBMISSION

Howard,

Attached please find the revised document with the header removed.

Thanks

Viktoria

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**From:** Sun, Howard C. EOP/CEQ  
**Sent:** Friday, July 6, 2018 10:58 AM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** FW: CEQ 2018-14803 - IMPROPER SUBMISSION

FYI response from OFR. We will need to remove the draft language on page 3 and resubmit.

**From:** Grimm, Linda M. (OFR) <lgrimm@gpo.gov>  
**Sent:** Friday, July 6, 2018 10:55 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)> Matos, Angela R. EOP/CEQ  
<(b) (6)>  
**Subject:** CEQ 2018-14803 - IMPROPER SUBMISSION

Good Morning,

We received the Proposed Rule (see attached), *Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, through the Web Portal, but the Word file contained the following header:

"This document is a close-hold, deliberative, initial draft document that is not for further distribution, attribution, or citation. The document does not represent Administration policy and is not for public release."

We do not accept documents that are marked as drafts, confidential, etc. The document is considered an improper submission and will be withdrawn. You may resubmit at your convenience.

Web Portal Submission information:

Web Portal submission on: 07/06/2018 09:25:59; From: (b) (6) Signed By: MARY NEUMAYR

Please let me know if you have any questions.

Thank You,

Linda M. Grimm  
Writer-Editor  
Scheduling Unit  
Office of the Federal Register  
National Archives & Records Administration  
7 G Street NW, Ste. A-734  
Washington DC, 20401  
Office: 202-741-6060

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking; extension of comment period.

**SUMMARY:** On June 20, 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.” The CEQ is extending the comment period on the ANPRM, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. The CEQ is making this change in response to public requests for an extension of the comment period.

**DATES:** Comments should be submitted on or before August 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments

cannot be edited or removed from <https://www.regulations.gov>. CEQ may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (e.g., audio, video) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Comments may also be submitted by mail. Send your comments to: Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503, Attn: Docket No. CEQ-2018-0001.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:** On June 20, 2018, CEQ published an ANPRM titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” in the *Federal Register* (83 FR 28591). The original deadline to submit comments was July 20, 2018. This action extends the comment period for 31 days to ensure the public has sufficient time to review and comment on the ANPRM. Written comments should be submitted on or before August 20, 2018.

Mary B. Neumayr,

Page [APG] of [ANP]

*Chief of Staff, Council on Environmental Quality.*

Page [APG] of [ANP]

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**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 11:08:24 -0400  
**Attachments:** FR 2018-14803\_1668915.docx (39.75 kB)

Howard,

Attached please find the revised document with the header removed.

Thanks

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**Sent:** Friday, July 6, 2018 10:58 AM  
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Mary B. Neumayr,

Page [APG] of [ANP]

*Chief of Staff, Council on Environmental Quality.*

Page [APG] of [ANP]

## FW: CEQ 2018-14803 - IMPROPER SUBMISSION

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**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 10:58:28 -0400  
**Attachments:** FR 2018-14803\_1668915.docx (41.06 kB)

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Page [APG] of [ANP]

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*Chief of Staff, Council on Environmental Quality.*

**FW: [EXTERNAL] Office of the federal Register:Submission Status: ID:W76201892556620**

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**From :** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 09:26:34 -0400

FYI

**From:** noreply@fedreg.gov <noreply@fedreg.gov>  
**Sent:** Friday, July 6, 2018 9:26 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] Office of the federal Register:Submission Status: ID:W76201892556620

**Submission ID: W76201892556620**

File Name	Validation Result	Handling File	Validation Result	Upload Status	Remarks
CEQ NEPA ANPRM_Comment Period Extension_FRVersion.docx.p7m	PASSED			PASSED	

## RE: CEQ 2018-14803 - IMPROPER SUBMISSION

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**From:** "Sun, Howard C. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Matos, Angela R. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 11:32:15 -0400  
**Attachments:** CEQ NEPA ANPRM\_Comment Period Extension\_FRVersion.docx (39.75 kB)

+ Angela Matos

This was resubmitted using the original name.

Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Friday, July 6, 2018 11:08 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
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Viktoria

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<(b) (6)>  
**Subject:** FW: CEQ 2018-14803 - IMPROPER SUBMISSION

FYI response from OFR. We will need to remove the draft language on page 3 and resubmit.

**From:** Grimm, Linda M. (OFR) <lgrimm@gpo.gov>  
**Sent:** Friday, July 6, 2018 10:55 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)> Matos, Angela R. EOP/CEQ  
<(b) (6)>  
**Subject:** CEQ 2018-14803 - IMPROPER SUBMISSION

Good Morning,

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Web Portal Submission information:

Web Portal submission on: 07/06/2018 09:25:59; From: (b) (6) Signed By:  
MARY NEUMAYR

Please let me know if you have any questions.

Thank You,

Linda M. Grimm  
Writer-Editor  
Scheduling Unit  
Office of the Federal Register  
National Archives & Records Administration  
7 G Street NW, Ste. A-734  
Washington DC, 20401  
Office: 202-741-6060

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking; extension of comment period.

**SUMMARY:** On June 20, 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.” The CEQ is extending the comment period on the ANPRM, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. The CEQ is making this change in response to public requests for an extension of the comment period.

**DATES:** Comments should be submitted on or before August 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments

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Comments may also be submitted by mail. Send your comments to: Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503, Attn: Docket No. CEQ-2018-0001.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:** On June 20, 2018, CEQ published an ANPRM titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” in the *Federal Register* (83 FR 28591). The original deadline to submit comments was July 20, 2018. This action extends the comment period for 31 days to ensure the public has sufficient time to review and comment on the ANPRM. Written comments should be submitted on or before August 20, 2018.

Mary B. Neumayr,

Page [APG] of [ANP]

*Chief of Staff, Council on Environmental Quality.*

Page [APG] of [ANP]

## RE: CEQ 2018-14803 - IMPROPER SUBMISSION

---

**From:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 11:08:26 -0400  
**Attachments:** FR 2018-14803\_1668915.docx (39.75 kB)

Howard,

Attached please find the revised document with the header removed.

Thanks

Viktoria

---

**From:** Sun, Howard C. EOP/CEQ  
**Sent:** Friday, July 6, 2018 10:58 AM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Subject:** FW: CEQ 2018-14803 - IMPROPER SUBMISSION

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MARY NEUMAYR

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Writer-Editor  
Scheduling Unit  
Office of the Federal Register  
National Archives & Records Administration  
7 G Street NW, Ste. A-734  
Washington DC, 20401  
Office: 202-741-6060

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking; extension of comment period.

**SUMMARY:** On June 20, 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.” The CEQ is extending the comment period on the ANPRM, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. The CEQ is making this change in response to public requests for an extension of the comment period.

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Mary B. Neumayr,

Page [APG] of [ANP]

*Chief of Staff, Council on Environmental Quality.*

Page [APG] of [ANP]

**FW: [EXTERNAL] Office of the federal Register:Submission Status: ID:W76201892556620**

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**From:** "Sun, Howard C. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 09:26:31 -0400

FYI

**From:** noreply@fedreg.gov <noreply@fedreg.gov>  
**Sent:** Friday, July 6, 2018 9:26 AM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] Office of the federal Register:Submission Status: ID:W76201892556620

**Submission ID: W76201892556620**

File Name	Validation Result	Handling File	Validation Result	Upload Status	Remarks
CEQ NEPA ANPRM_Comment Period Extension_FRVersion.docx.p7m	PASSED			PASSED	

## FW: CEQ 2018-14803 - IMPROPER SUBMISSION

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**From:** "Sun, Howard C. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d09f541a1ae44400bcf25f4ff89d91d7-su">  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 10:58:23 -0400  
**Attachment s:** FR 2018-14803\_1668915.docx (41.06 kB)

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**From:** Grimm, Linda M. (OFR) <lgrimm@gpo.gov>  
**Sent:** Friday, July 6, 2018 10:55 AM  
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Web Portal Submission information:

Web Portal submission on: 07/06/2018 09:25:59; From: (b) (6) Signed By: MARY NEUMAYR

Please let me know if you have any questions.

Thank You,

Linda M. Grimm  
Writer-Editor  
Scheduling Unit  
Office of the Federal Register

National Archives & Records Administration  
7 G Street NW, Ste. A-734  
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**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
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**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking; extension of comment period.

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*Chief of Staff, Council on Environmental Quality.*

## CEQ 2018-14803 - IMPROPER SUBMISSION

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**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)> "Matos, Angela R. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 10:55:07 -0400  
**Attachments:** FR 2018-14803\_1668915.docx (41.06 kB)

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*Chief of Staff, Council on Environmental Quality.*

**[EXTERNAL] Office of the federal Register:Submission  
Status: ID:W76201892556620**

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**From:** noreply@fedreg.gov

**To:** "Sun, Howard C. EOP/CEQ" <(b) (6)>

**Date:** Fri, 06 Jul 2018 09:25:57 -0400

---

**Submission ID: W76201892556620**

File Name	Validation Result	Handling File	Validation Result	Upload Status	Remarks
CEQ NEPA ANPRM_Comment Period Extension FRVersion.docx.p7m	PASSED			PASSED	

**[EXTERNAL] Office of the federal Register:Submission  
Status: ID:W76201892336675**

---

**From:** noreply@fedreg.gov

**To:** "Sun, Howard C. EOP/CEO" <(b) (6)>

**Date:** Fri, 06 Jul 2018 09:23:38 -0400

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**Submission ID:** W76201892336675

<b>File Name</b>	<b>Validation Result</b>	<b>Handling File</b>	<b>Validation Result</b>	<b>Upload Status</b>	<b>Remarks</b>
CEQ NEPA ANPRM FRVersion.docx.p7m	FAILED			FAILED	File is a duplicate of an existing file

## [EXTERNAL] CEQ NEPA ANPRM public comment extension request

---

**From:** Ann Mesnikoff <amesnikoff@elpc.org>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 06 Jul 2018 15:07:54 -0400  
**Attachments:** ANPRM.NEPA.ELPC Extension Request to CEQ.June 20.2018.pdf (306.86 kB)

---

Ted

I submitted ELPC's request for an extension of the comment period to the docket but wanted to be sure you had a copy of it as well.

As noted in the attached, we believe a 90 day comment period will allow our organization and our Midwest partners the best opportunity to meaningfully comment on the ANRPM.

Thanks  
Ann

Ann Mesnikoff  
Federal Legislative Director  
Environmental Law & Policy Center  
Phone: (202) 375-8296  
Email: amesnikoff@elpc.org  
>[www.ELPC.org](http://www.ELPC.org)<



## ENVIRONMENTAL LAW & POLICY CENTER

Protecting the Midwest's Environment and Natural Heritage

June 20, 2018

Mr. Edward Bolling  
Director for the National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place, N.W.  
Washington, DC 20503

**Re: Comment Period Extension Request for Advanced Notice of Proposed Rulemaking—  
Update to the Regulations for Implementing the Procedural Provisions of the National  
Environmental Policy RIN: 0331-AA03**

Dear Mr. Bolling,

The Environmental Law & Policy Center (ELPC) is the Midwest's leading public interest environmental legal advocacy and eco-business innovation organization with offices and staff in eight states and Washington DC. Our organization brings decades of experience engaging in a broad range of transportation, forestry and energy related actions involving the National Environmental Policy Act (NEPA). We are concerned about the Council on Environmental Quality's recently released Advanced Notice of Proposed Rule Making (ANPRM) to update 'Implementation of the Procedural Provisions' of NEPA.

As we discussed with you in our June 14, 2018 meeting regarding this ANRPM related to Executive Order 12866, NEPA is the backbone of sound federal environmental decision-making. There is no reasonable justification or necessity for a wholesale rewriting of these regulations. In our meeting, we noted that if CEQ were to nonetheless pursue the ANPRM, the public would need adequate time to evaluate the ANPRM and comment on it, including through public hearings held in the Midwest and other regions of the United States. NEPA provides the public with an essential right of public participation. Indeed, that public participation is even more justified and essential in any process to revise the NEPA regulations.

ELPC specifically noted that many smaller environmental, conservation and community groups across the Midwest rely on NEPA to give them a voice in protecting their communities and special places and to ensure that projects are well understood and that alternatives are fully and fairly considered. The expansive potential outcomes from this proposed ANPRM warrant opportunity for the public's full analysis and comments.

ELPC recognizes that this is an ANPRM. Consistent with the requirement in 5 U.S.C. § 553(c) that the public have a meaningful opportunity to comment, ELPC requests that CEQ: (1) provide public hearings in a central Midwest location, and (2) extend the 30-day comment period from July 20, 2018 to at least September 20, 2018. Given the scope of the ANPRM and its potential

35 East Wacker Drive, Suite 1600 • Chicago, Illinois 60601  
(312) 673-6500 • [www.ELPC.org](http://www.ELPC.org)

Harry Drucker, Chairperson • Howard A. Learner, Executive Director  
Chicago, IL • Columbus, OH • Des Moines, IA • Duluth, MN • Grand Rapids, MI • Jamestown, ND  
Madison, WI • Minneapolis/St. Paul, MN • Sioux Falls, SD • Washington, D.C.

impacts on federal actions and public participation through NEPA, a public hearing should be held and a meaningful comment period “should generally be at least 60 days.” Exec. Order No. 13563 § 2(b); *see also* Exec. Order No. 12866 § 6(a).

As noted above, ELPC suggests that CEQ hold hearings across the country to hear input from regional groups. Adding 30 days to permit a public hearing or hearings, and an additional 30 days after the close of the public hearing(s) would provide the minimum reasonable opportunity for ELPC and our members and community partners to comment on this significant proposal and meaningfully inform CEQ’s process.

Sincerely,

A handwritten signature in black ink that reads "HOWARD LEARNER". The letters are in all caps and have a slightly cursive, hand-drawn appearance.

Howard A. Learner  
Executive Director  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1600  
Chicago, IL 60601  
(312) 673-6500  
HLearner@elpc.org

## FW: CEQ NEPA ANPRM public comment extension request

**From:** "Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Sun, 08 Jul 2018 06:30:16 -0400  
**Attachments:** ANPRM.NEPA.ELPC Extension Request to CEQ.June 20.2018.pdf (306.86 kB)

Mary,

I hope all's well at CEQ. I gather this is one of many requests for extension and that a 31-day extension has been prepared.

I would love to catch up with you on this and other matters at your convenience. I'm back from Spain and heading to the Boy Scout Reservation in Goshen, VA. I don't know how good the cell phone coverage will be down there (probably better on mountain tops), but if you're up for a call today I know I will be available between 10am and 2pm as I drive scouts down I-66 and I-81. I should be reachable on (b) (6)

Best,  
Ted

---

**From:** Ann Mesnikoff <AMesnikoff@elpc.org>  
**Sent:** Friday, July 6, 2018 3:08 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] CEQ NEPA ANPRM public comment extension request

Ted

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Email: [amesnikoff@elpc.org](mailto:amesnikoff@elpc.org)  
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## ENVIRONMENTAL LAW & POLICY CENTER

Protecting the Midwest's Environment and Natural Heritage

June 20, 2018

Mr. Edward Bolling  
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Council on Environmental Quality  
730 Jackson Place, N.W.  
Washington, DC 20503

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Update to the Regulations for Implementing the Procedural Provisions of the National  
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Harry Drucker, Chairperson • Howard A. Learner, Executive Director  
Chicago, IL • Columbus, OH • Des Moines, IA • Duluth, MN • Grand Rapids, MI • Jamestown, ND  
Madison, WI • Minneapolis/St. Paul, MN • Sioux Falls, SD • Washington, D.C.

impacts on federal actions and public participation through NEPA, a public hearing should be held and a meaningful comment period “should generally be at least 60 days.” Exec. Order No. 13563 § 2(b); *see also* Exec. Order No. 12866 § 6(a).

As noted above, ELPC suggests that CEQ hold hearings across the country to hear input from regional groups. Adding 30 days to permit a public hearing or hearings, and an additional 30 days after the close of the public hearing(s) would provide the minimum reasonable opportunity for ELPC and our members and community partners to comment on this significant proposal and meaningfully inform CEQ’s process.

Sincerely,

A handwritten signature in black ink that reads "HOWARD LEARNER". The letters are in all caps and have a slightly cursive, hand-drawn appearance.

Howard A. Learner  
Executive Director  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1600  
Chicago, IL 60601  
(312) 673-6500  
HLearner@elpc.org

## [EXTERNAL] FW: CEQ NEPA Regulations ANPRM

---

**From:** Marie Campbell <mcampbell@sapphosenvironmental.com>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6)  
**Cc:** Chuck Nicholson <cpnicholson53@gmail.com>, Stacy Woodson <swoodson@hrgreen.com>, Brock Hoegh <bahoegh@hntb.com>, Betty Dehoney <betty.dehoney@hdrinc.com>, "Joseph Musil, Jr." <jfmusil@urbanengineers.com>, Jim Spangler <jspangler@spanglerenvironmental.com>, Rona Spellecacy <ronalee.spellecacy@hdrinc.com>  
**Date:** Mon, 09 Jul 2018 17:20:37 -0400

Good afternoon

In addition to responding to the proposed rule when it is published, NAEP is available to be a resource in any manner that CEQ deems appropriate. Please let us know how NAEP can best support your efforts.

Marie Campbell  
Principal and CEO  
430 North Halstead St.  
Pasadena, CA 91107  
Tel: (626) 683-3547 ext. 103  
Fax: (626) 628-1745  
[www.sapphosenvironmental.com](http://www.sapphosenvironmental.com)  
WBE/MBE/DBE/SBE/CBE Certified



**From:** Marie Campbell  
**Sent:** Tuesday, June 19, 2018 2:48 PM  
**To:** 'Dehoney, Betty J.' <Betty.Dehoney@hdrinc.com>; Joseph Musil, Jr. <jfmusil@urbanengineers.com>; Betty Dehoney <betty.dehoney@hdrinc.com>; Brock Hoegh <bahoegh@hntb.com>; Jim Spangler <jspangler@spanglerenvironmental.com>; Rona Spellecacy <ronalee.spellecacy@hdrinc.com>; Stacy Woodson <swoodson@hrgreen.com>; Chuck Nicholson <cpnicholson53@gmail.com>; Nicholson, Charles <Charles.Nicholson@hdrinc.com>  
**Subject:** RE: CEQ NEPA Regulations ANPRM

Yes! Ted Boling sent this morning. I sent to Chuck and Lynne. I will forward the email that I sent.

Marie Campbell  
Principal and CEO  
430 North Halstead St.  
Pasadena, CA 91107  
Tel: (626) 683-3547 ext. 103

Fax: (626) 628-1745

[www.sapphosenvironmental.com](http://www.sapphosenvironmental.com)

WBE/MBE/DBE/SBE/CBE Certified



---

**From:** Dehoney, Betty J. <[Betty.Dehoney@hdrinc.com](mailto:Betty.Dehoney@hdrinc.com)>

**Sent:** Tuesday, June 19, 2018 2:47 PM

**To:** Marie Campbell <[mcampbell@sapphosenvironmental.com](mailto:mcampbell@sapphosenvironmental.com)>; Joseph Musil, Jr. <[jfmusil@urbanengineers.com](mailto:jfmusil@urbanengineers.com)>; Betty Dehoney <[betty.dehoney@hdrinc.com](mailto:betty.dehoney@hdrinc.com)>; Brock Hoegh <[bahoegh@hntb.com](mailto:bahoegh@hntb.com)>; Jim Spangler <[jspangler@spanglerenvironmental.com](mailto:jspangler@spanglerenvironmental.com)>; Rona Spellecacy <[ronalee.spellecacy@hdrinc.com](mailto:ronalee.spellecacy@hdrinc.com)>; Stacy Woodson <[swoodson@hrgreen.com](mailto:swoodson@hrgreen.com)>; Chuck Nicholson <[cpnicholson53@gmail.com](mailto:cpnicholson53@gmail.com)>; Nicholson, Charles <[Charles.Nicholson@hdrinc.com](mailto:Charles.Nicholson@hdrinc.com)>

**Subject:** FW: CEQ NEPA Regulations ANPRM

Do not know if you have seen a copy of this. I assume that we will be transmitting a response.

**Betty Dehoney, CEP, PMP, ENV SP**

M 619.540.3152

[hdrinc.com/follow-us](http://hdrinc.com/follow-us)

**Confidential Information: Privileged & Confidential Work Product**

---

**From:** FN-CEQ-NEPA [[mailto:\(b\) \(6\) \[REDACTED\]](mailto:(b) (6) [REDACTED])]

**Sent:** Tuesday, June 19, 2018 9:44 AM

**To:** Schneider, Daniel J. EOP/CEQ <(b) (6) [REDACTED]>

**Cc:** Boling, Ted A. EOP/CEQ <(b) (6) [REDACTED]>; Drummond, Michael R. EOP/CEQ

<(b) (6) [REDACTED]>; Mansoor, Yardena M. EOP/CEQ

<(b) (6) [REDACTED]>

**Subject:** CEQ NEPA Regulations ANPRM

Dear Colleagues,

The Council on Environmental Quality (CEQ) has submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" to the *Federal Register* for publication and public comment. As a respected member of the NEPA community, I want to ensure that you are engaged early in the process as CEQ begins this undertaking.

I've attached a copy of the ANPRM for your reference. (><https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-13246.pdf><) The official version will publish in the *Federal Register*. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ's NEPA regulations. Comments should be submitted on or before July 20, 2018, and should

be submitted through <https://www.regulations.gov> by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

Sincerely,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

# [EXTERNAL] Re: CEQ NEPA Regulations ANPRM

---

**From:** bear6@verizon.net  
**To:** FN-CEQ-NEPA <(b) (6)> "Schneider, Daniel J. EOP/CEQ"  
<(b) (6)>  
"Boling, Ted A. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)> "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 10 Jul 2018 10:54:08 -0400

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Wonderful news!!! Thank you so much. And I'm glad to see it also allows submission by mail for those who for whatever reason, aren't likely to use the electronic portal. Good move for everyone, whatever one's views. All the best to all, Dinah Bear

-----Original Message-----  
**From:** FN-CEQ-NEPA <(b) (6)>  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)> Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Sent:** Tue, Jul 10, 2018 7:44 am  
**Subject:** RE: CEQ NEPA Regulations ANPRM

Dear Colleagues,

The Council on Environmental Quality (CEQ) is extending the comment period on the Advance Notice of Proposed Rulemaking (ANPRM), which was originally scheduled to close on July 20, 2018, through August 20, 2018. CEQ is making this change in response to public requests for an extension of the comment period. The notice of the extension of the ANPRM is scheduled to be published in the Federal Register tomorrow, July 11, 2018. The pre-publication version of the notice is attached to this email and available [here](#).

Sincerely,

Michael Drummond  
Deputy Associate Director for NEPA  
Council on Environmental Quality  
(b) (6)

**From:** FN-CEQ-NEPA  
**Sent:** Tuesday, June 19, 2018 12:44 PM

**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Drummond, Michael R. EOP/CEQ <(b) (6)>; Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Subject:** CEQ NEPA Regulations ANPRM

Dear Colleagues,

The Council on Environmental Quality (CEQ) has submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" to the *Federal Register* for publication and public comment. As a respected member of the NEPA community, I want to ensure that you are engaged early in the process as CEQ begins this undertaking.

I've attached a copy of the ANPRM for your reference. (><https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-13246.pdf><) The official version will publish in the *Federal Register*. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ's NEPA regulations. Comments should be submitted on or before July 20, 2018, and should be submitted through ><https://www.regulations.gov>< by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

Sincerely,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

## CEQ Website update request

---

**From:** "Drummond, Michael R. EOP/CEQ" (b) (6)  
**To:** john.adams@hq.doe.gov, marian.carter@hq.doe.gov, lillian.alexander@hq.doe.gov  
**Cc:** "Mansoor, Yarden M. EOP/CEQ" (b) (6) "Boling, Ted A. EOP/CEQ" (b) (6)  
**Date:** Wed, 11 Jul 2018 14:56:02 -0400  
**Attachments**  
: 2018-14821.pdf (169.88 kB)

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John,

At <https://ceq.doe.gov/laws-regulations/regulations.html>, please make the indicated change and post the attached document:

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### **Proposed Rulemaking:**

CEQ is considering updating its NEPA implementing regulations and solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process. Submit comments, identified by docket ID number CEQ-2018-0001, through the Federal eRulemaking portal, <https://www.regulations.gov>. Comments should be submitted on or before **July-August 20, 2018**.

[June 20, 2018: Advance Notice of Proposed Rulemaking](#)

[July 11, 2018: Extension of Comment Period](#)

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As always, thank you for your help.

Michael Drummond  
Deputy Associate Director for NEPA  
Council on Environmental Quality  
(b) (6)

U.S.C. 505, Lawrence Fenster is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

**IV. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket No. RM2018–10 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Seven), filed June 29, 2018.

2. Comments by interested persons in this proceeding are due no later than September 5, 2018.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Lawrence Fenster to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Ruth Ann Abrams,**  
*Acting Secretary.*

[FR Doc. 2018–14768 Filed 7–10–18; 8:45 am]

**BILLING CODE 7710–FW–P**

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

[Docket No. CEQ–2018–0001]

RIN 0331–AA03

**Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On June 20, 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.” The CEQ is extending the comment period on the ANPRM, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. The CEQ is making this change in response to public requests for an extension of the comment period.

**DATES:** Comments should be submitted on or before August 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification number CEQ–2018–0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from <https://www.regulations.gov>. CEQ may publish

any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (e.g., audio, video) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Comments may also be submitted by mail. Send your comments to: Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503, Attn: Docket No. CEQ–2018–0001.

**FOR FURTHER INFORMATION CONTACT:**

Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750.

**SUPPLEMENTARY INFORMATION:** On June 20, 2018, CEQ published an ANPRM titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” in the **Federal Register** (83 FR 28591). The original deadline to submit comments was July 20, 2018. This action extends the comment period for 31 days to ensure the public has sufficient time to review and comment on the ANPRM. Written comments should be submitted on or before August 20, 2018.

**Mary B. Neumayr,**  
*Chief of Staff, Council on Environmental Quality.*

[FR Doc. 2018–14821 Filed 7–10–18; 8:45 am]

**BILLING CODE 3225–F8–P**

## Re: CEQ NEPA Regulations ANPRM Extension of Comment Period

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**From:** "Boling, Ted A. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group : (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Teel, Pam" <teel.pam@epa.gov>  
**Date:** Sat, 21 Jul 2018 10:45:55 -0400

---

Thanks!

Sent from my iPhone

On Jul 20, 2018, at 6:21 PM, Teel, Pam <[Teel.Pam@epa.gov](mailto:Teel.Pam@epa.gov)> wrote:

FYI: provided CEQ's ANPRM to CEAA with deadline extension to August 20, 2018.

**From:** Teel, Pam  
**Sent:** Friday, July 20, 2018 6:03 PM  
**To:** Christine Loth-Bown ([Christine.Loth-Bown@ceaa-acee.gc.ca](mailto:Christine.Loth-Bown@ceaa-acee.gc.ca)) <[Christine.Loth-Bown@ceaa-acee.gc.ca](mailto:Christine.Loth-Bown@ceaa-acee.gc.ca)>; Yordanka Stoimenova ([Yordanka.Stoimenova@ceaa.acee.gc.ca](mailto:Yordanka.Stoimenova@ceaa.acee.gc.ca)) <[Yordanka.Stoimenova@ceaa.acee.gc.ca](mailto:Yordanka.Stoimenova@ceaa.acee.gc.ca)>; 'Regina.Wright@ceaa.acee.gc.ca' <[Regina.Wright@ceaa.acee.gc.ca](mailto:Regina.Wright@ceaa.acee.gc.ca)>  
**Cc:** Knight, Kelly <[knight.kelly@epa.gov](mailto:knight.kelly@epa.gov)>  
**Subject:** FW: CEQ NEPA Regulations ANPRM Extension of Comment Period

FYI: The comment period for the U.S.'s Advance Notice of Proposed Rulemaking has been extended from July 20, 2018 to August 20, 2018 (see attached).

**From:** Boling, Ted A. EOP/CEQ [[\(b\) \(6\)](mailto:(b) (6))]  
**Sent:** Friday, July 20, 2018 2:16 PM  
**To:** Teel, Pam <[Teel.Pam@epa.gov](mailto:Teel.Pam@epa.gov)>  
**Subject:** FW: CEQ NEPA Regulations ANPRM Extension of Comment Period

Pam – Thanks so much for your call. Please share this information with CEAA.

Best,  
Ted

Edward A. Boling  
Associate Director for the

National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** FN-CEQ-NEPA

**Sent:** Tuesday, July 10, 2018 11:03 AM

**To:** FN-CEQ-NEPA <(b) (6)>

**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Drummond, Michael R. EOP/CEQ

<(b) (6)>; Mansoor, Yarden M. EOP/CEQ

<(b) (6)>

**Subject:** CEQ NEPA Regulations ANPRM Extension of Comment Period

Federal NEPA Contacts,

The Council on Environmental Quality (CEQ) is extending the public comment period on the Advance Notice of Proposed Rulemaking (ANPRM), which was originally scheduled to close on July 20, 2018, through August 20, 2018. CEQ is making this change in response to public requests for an extension of the comment period. The notice of the extension of the ANPRM is scheduled to be published in the Federal Register tomorrow, July 11, 2018. The pre-publication version of the notice is attached to this email and available [here](#).

Sincerely,

Michael Drummond  
Deputy Associate Director for NEPA  
Council on Environmental Quality

(b) (6)

<2018-14821.pdf>

# RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

---

**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**To:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 23 Jul 2018 15:30:06 -0400

Thanks Yardena. As to your SharePoint URL question, if you copy the link from the navigation bar in File Explorer, then the same location will look like this instead:

(b) (2)

You will need to manually make it a hyperlink however.

**From:** Mansoor, Yardena M. EOP/CEQ  
**Sent:** Monday, July 23, 2018 3:03 PM  
**To:** Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

The "Specific comments received" folder in "2018 ANOPR" now has a subfolder called "Federal agency comments." The text of this incoming email (including earlier messages below) and the attachment are saved there as pdf files.

(b) (2)

) –Yikes! Is there a better way of expressing a SharePoint link? I copied this from the URL field.

This comment is F-0001 on the log.

**From:** Drummond, Michael R. EOP/CEQ  
**Sent:** Monday, July 23, 2018 1:15 PM  
**To:** Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** FW: CEQ Request for Input on Potential Revamping of NEPA Regulations

Yardena,

What are your thoughts on (b) (5)

Best,

Michael

**From:** Kizzie, Keith (HRSA) <KKizzie@hrsa.gov>

**Sent:** Monday, July 23, 2018 12:18 PM

**To:** Drummond, Michael R. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>

**Cc:** Bole, Everett (PSC/FOH/EHSS) <Everett.Bole@foh.hhs.gov>

**Subject:** FW: CEQ Request for Input on Potential Revamping of NEPA Regulations

Hello Mike and Ted,

Please accept my attached notes on the NEPA for consideration in future NEPA changes.

Thanks,

Keith Kizzie, AIA, NCARB  
Project Officer, Architect  
Environmental Officer  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rockville, MD 20857  
Phone: 301-443-2381  
Email: [kkizzie@hrsa.gov](mailto:kkizzie@hrsa.gov)

**From:** Kizzie, Keith (HRSA)

**Sent:** Friday, July 20, 2018 12:17 PM

**To:** 'McCarthy, Annette' <Annette.McCarthy@fda.hhs.gov>; Bole, Everett (PSC/FOH/EHSS) <Everett.Bole@foh.hhs.gov>

**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

Hello All,

(b) (5)

Please forward to Ted or Michael as I do not see their email addresses below.

Please let me know if you have questions.

Thanks,

Keith Kizzie, AIA, NCARB

Project Officer, Architect  
Environmental Officer  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rockville, MD 20857  
Phone: 301-443-2381  
Email: [kkizzie@hrsa.gov](mailto:kkizzie@hrsa.gov)

**From:** McCarthy, Annette <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>  
**Sent:** Thursday, June 21, 2018 8:01 AM  
**To:** Bole, Everett (PSC/FOH/EHSS) <[Everett.Bole@foh.hhs.gov](mailto:Everett.Bole@foh.hhs.gov)>; Kizzie, Keith (HRSA) <[KKizzie@hrsa.gov](mailto:KKizzie@hrsa.gov)>; Nottingham, Valerie (NIH/OD/ORF) [E] <[nottingv@mail.nih.gov](mailto:nottingv@mail.nih.gov)>; Shuman, Benjamin (IHS/HQ) <[Benjamin.Shuman@ihs.gov](mailto:Benjamin.Shuman@ihs.gov)>; Tarr, Michael S. (Sam) (CDC/OCOO/OSSAM) <[mst1@CDC.GOV](mailto:mst1@CDC.GOV)>  
**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

(b) (5) [REDACTED]

Annette McCarthy

---

**From:** Bole, Everett (PSC/FOH/EHSS) [<mailto:Everett.Bole@foh.hhs.gov>]  
**Sent:** Thursday, June 21, 2018 7:57 AM  
**To:** Kizzie, Keith (HRSA) <[KKizzie@hrsa.gov](mailto:KKizzie@hrsa.gov)>; McCarthy, Annette <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>; Nottingham, Valerie J (NIH) <[nottingv@mail.nih.gov](mailto:nottingv@mail.nih.gov)>; Shuman, Benjamin (IHS) <[Benjamin.Shuman@ihs.gov](mailto:Benjamin.Shuman@ihs.gov)>; Tarr, Michael S (CDC) <[mst1@cdc.gov](mailto:mst1@cdc.gov)>  
**Subject:** CEQ Request for Input on Potential Revamping of NEPA Regulations

ALCON

(b) (5) [REDACTED]

Thank you,  
Ev

<< File: Federal Register 20 June 2018.pdf >>  
Everett I. Bole, CHMM  
Safety and Environmental Compliance, Environmental Health and Safety Services  
Chief HHS Environmental Officer  
Federal Occupational Health  
Program Support Center

U.S. Department of Health and Human Services  
200 Independence Ave. SW RM 315B.13  
Washington, DC 20201

Office: 202-260-6127

Mobile: (b) (6) [REDACTED]

[foh.psc.gov](http://foh.psc.gov)

[psc.gov](http://psc.gov)

<< OLE Object: Picture (Device Independent Bitmap) >>

# FW: CEQ Request for Input on Potential Revamping of NEPA Regulations

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**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**To:** "Mansoor, Yarden M. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 23 Jul 2018 13:15:26 -0400  
**Attachments:** The Future of Public Notice July 2018.docx (24.57 kB)

Yarden,

What are your thoughts on (b) (5)  
[Redacted]

Best,

Michael

**From:** Kizzie, Keith (HRSA) <KKizzie@hrsa.gov>  
**Sent:** Monday, July 23, 2018 12:18 PM  
**To:** Drummond, Michael R. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Bole, Everett (PSC/FOH/EHSS) <Everett.Bole@foh.hhs.gov>  
**Subject:** FW: CEQ Request for Input on Potential Revamping of NEPA Regulations

Hello Mike and Ted,

Please accept my attached notes on the NEPA for consideration in future NEPA changes.

Thanks,

Keith Kizzie, AIA, NCARB  
Project Officer, Architect  
Environmental Officer  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rockville, MD 20857  
Phone: 301-443-2381  
Email: [kkizzie@hrsa.gov](mailto:kkizzie@hrsa.gov)

---

**From:** Kizzie, Keith (HRSA)  
**Sent:** Friday, July 20, 2018 12:17 PM  
**To:** 'McCarthy, Annette' <Annette.McCarthy@fda.hhs.gov>; Bole, Everett (PSC/FOH/EHSS) <Everett.Bole@foh.hhs.gov>  
**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

Hello All,

(b) (5)  
[Redacted]

Please forward to Ted or Michael as I do not see their email addresses below.

Please let me know if you have questions.

Thanks,

Keith Kizzie, AIA, NCARB  
Project Officer, Architect  
Environmental Officer  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rockville, MD 20857  
Phone: 301-443-2381  
Email: [kkizzie@hrsa.gov](mailto:kkizzie@hrsa.gov)

---

**From:** McCarthy, Annette <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>  
**Sent:** Thursday, June 21, 2018 8:01 AM  
**To:** Bole, Everett (PSC/FOH/EHSS) <[Everett.Bole@foh.hhs.gov](mailto:Everett.Bole@foh.hhs.gov)>; Kizzie, Keith (HRSA) <[KKizzie@hrsa.gov](mailto:KKizzie@hrsa.gov)>; Nottingham, Valerie (NIH/OD/ORF) [E] <[nottingv@mail.nih.gov](mailto:nottingv@mail.nih.gov)>; Shuman, Benjamin (IHS/HQ) <[Benjamin.Shuman@ihs.gov](mailto:Benjamin.Shuman@ihs.gov)>; Tarr, Michael S. (Sam) (CDC/OCOO/OSSAM) <[mst1@CDC.GOV](mailto:mst1@CDC.GOV)>  
**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

(b) (5)  
[Redacted]

Annette McCarthy

---

**From:** Bole, Everett (PSC/FOH/EHSS) [<mailto:Everett.Bole@foh.hhs.gov>]  
**Sent:** Thursday, June 21, 2018 7:57 AM  
**To:** Kizzie, Keith (HRSA) <[KKizzie@hrsa.gov](mailto:KKizzie@hrsa.gov)>; McCarthy, Annette <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>; Nottingham, Valerie J (NIH) <[nottingv@mail.nih.gov](mailto:nottingv@mail.nih.gov)>; Shuman, Benjamin (IHS) <[Benjamin.Shuman@ihs.gov](mailto:Benjamin.Shuman@ihs.gov)>; Tarr, Michael S (CDC) <[mst1@cdc.gov](mailto:mst1@cdc.gov)>  
**Subject:** CEQ Request for Input on Potential Revamping of NEPA Regulations

ALCON

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Thank you,  
Ev

<< File: Federal Register 20 June 2018.pdf >>

Everett I. Bole, CHMM  
Safety and Environmental Compliance, Environmental Health and Safety Services  
Chief HHS Environmental Officer  
Federal Occupational Health  
Program Support Center  
U.S. Department of Health and Human Services  
200 Independence Ave. SW RM 315B.13  
Washington, DC 20201

Office: 202-260-6127

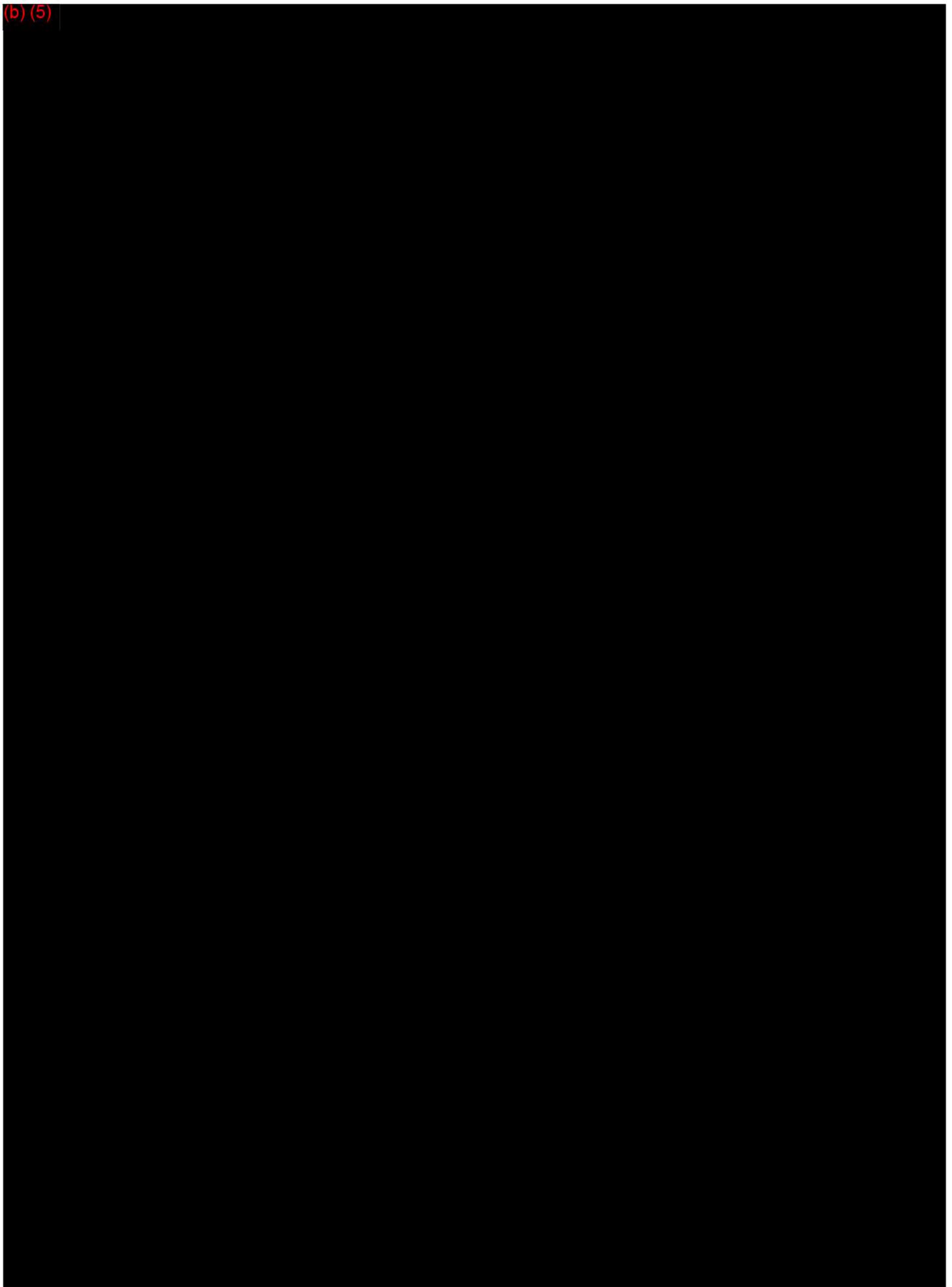
Mobile: (b) (6) [Redacted]

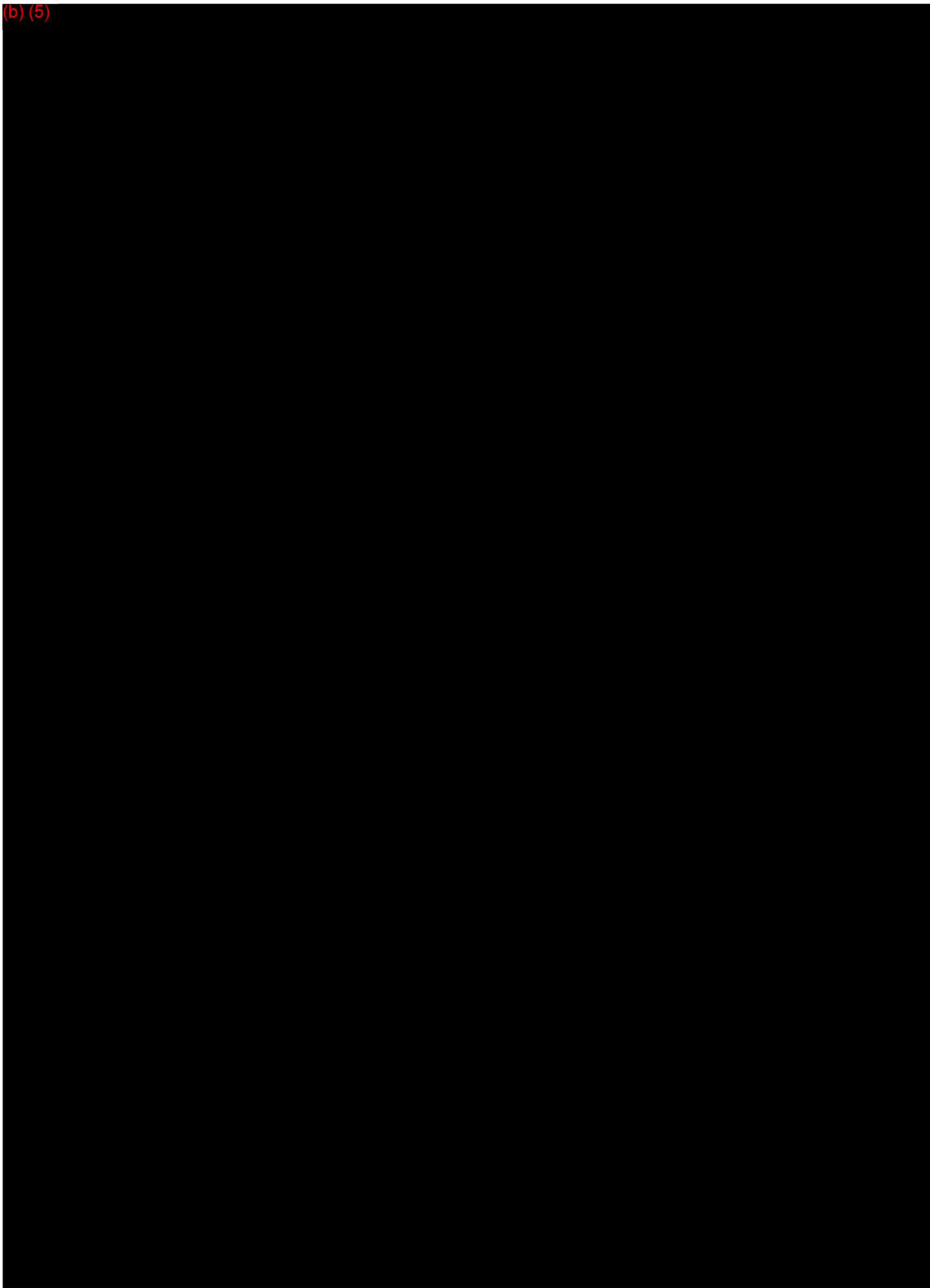
[foh.psc.gov](http://foh.psc.gov)

[psc.gov](http://psc.gov)

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(b) (5)





## RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

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**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EQP/CEQ" <(b) (6)>  
**Date:** Mon, 23 Jul 2018 15:03:22 -0400

The "Specific comments received" folder in "2018 ANOPR" now has a subfolder called "Federal agency comments." The text of this incoming email (including earlier messages below) and the attachment are saved there as pdf files.

(b) (2)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted] -Yikes! Is there a better way of expressing a SharePoint link? I copied this from the URL field.

This comment is F-0001 on the log.

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**From:** Drummond, Michael R. EOP/CEQ  
**Sent:** Monday, July 23, 2018 1:15 PM  
**To:** Mansoor, Yardena M. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** FW: CEQ Request for Input on Potential Revamping of NEPA Regulations

Yardena,

What are your thoughts on (b) (5)  
[Redacted]

Best,  
  
Michael

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**From:** Kizzie, Keith (HRSA) <KKizzie@hrsa.gov>  
**Sent:** Monday, July 23, 2018 12:18 PM  
**To:** Drummond, Michael R. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Bole, Everett (PSC/FOH/EHSS) <Everett.Bole@foh.hhs.gov>  
**Subject:** FW: CEQ Request for Input on Potential Revamping of NEPA Regulations

Hello Mike and Ted,

Please accept my attached notes on the NEPA for consideration in future NEPA changes.

Thanks,

Keith Kizzie, AIA, NCARB  
Project Officer, Architect  
Environmental Officer  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rockville, MD 20857  
Phone: 301-443-2381  
Email: [kkizzie@hrsa.gov](mailto:kkizzie@hrsa.gov)

**From:** Kizzie, Keith (HRSA)  
**Sent:** Friday, July 20, 2018 12:17 PM  
**To:** 'McCarthy, Annette' <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>; Bole, Everett (PSC/FOH/EHSS) <[Everett.Bole@foh.hhs.gov](mailto:Everett.Bole@foh.hhs.gov)>  
**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

Hello All,

(b) (5)

Please forward to Ted or Michael as I do not see their email addresses below.

Please let me know if you have questions.

Thanks,

Keith Kizzie, AIA, NCARB  
Project Officer, Architect  
Environmental Officer  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rockville, MD 20857  
Phone: 301-443-2381  
Email: [kkizzie@hrsa.gov](mailto:kkizzie@hrsa.gov)

**From:** McCarthy, Annette <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>  
**Sent:** Thursday, June 21, 2018 8:01 AM  
**To:** Bole, Everett (PSC/FOH/EHSS) <[Everett.Bole@foh.hhs.gov](mailto:Everett.Bole@foh.hhs.gov)>; Kizzie, Keith (HRSA) <[KKizzie@hrsa.gov](mailto:KKizzie@hrsa.gov)>; Nottingham, Valerie (NIH/OD/ORF) [E] <[nottingv@mail.nih.gov](mailto:nottingv@mail.nih.gov)>; Shuman, Benjamin (IHS/HQ) <[Benjamin.Shuman@ihs.gov](mailto:Benjamin.Shuman@ihs.gov)>; Tarr, Michael S. (Sam) (CDC/OCOO/OSSAM) <[mst1@CDC.GOV](mailto:mst1@CDC.GOV)>  
**Subject:** RE: CEQ Request for Input on Potential Revamping of NEPA Regulations

(b) (5)

Annette McCarthy

---

**From:** Bole, Everett (PSC/FOH/EHSS) [<mailto:Everett.Bole@foh.hhs.gov>]

**Sent:** Thursday, June 21, 2018 7:57 AM

**To:** Kizzie, Keith (HRSA) <[KKizzie@hrsa.gov](mailto:KKizzie@hrsa.gov)>; McCarthy, Annette <[Annette.McCarthy@fda.hhs.gov](mailto:Annette.McCarthy@fda.hhs.gov)>; Nottingham, Valerie J (NIH) <[nottingv@mail.nih.gov](mailto:nottingv@mail.nih.gov)>; Shuman, Benjamin (IHS) <[Benjamin.Shuman@ihs.gov](mailto:Benjamin.Shuman@ihs.gov)>; Tarr, Michael S (CDC) <[mst1@cdc.gov](mailto:mst1@cdc.gov)>

**Subject:** CEQ Request for Input on Potential Revamping of NEPA Regulations

ALCON

(b) (5)

Thank you,  
Ev

<< File: Federal Register 20 June 2018.pdf >>

Everett I. Bole, CHMM

Safety and Environmental Compliance, Environmental Health and Safety Services

Chief HHS Environmental Officer

Federal Occupational Health

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## Comment from Michael Dechter, NA

This is a Comment on the **Council on Environmental Quality (CEQ) Proposed Rule: Implementation of Procedural Provisions of National Environmental Policy Act**

For related information, [Open Docket Folder](#)

### Comment

Enclosed are my comments on the advanced notice of proposed rulemaking to update the procedural provisions for the National Environmental Policy Act:

1) The CEQ regulations should not include prescribed page lengths or formatting. Prescribed page length requirements for NEPA documents would likely result in longer NEPA timeframes and more fragmented project analyses. My job as a planner includes regularly writing and editing NEPA documents including EAs, EISs, and CEs. The way EAs and EISs are commonly written is that they are built from various specialist reports and other documents. This often results in long documents that can be repetitive, and if poorly edited, can include contradictory information. However, these EAs or EISs often provide a comprehensive analysis of a proposal and potential alternatives for public disclosure and improving the decision-making process.

If page limits are mandated, it will add an extra step to the writing/editing process, which would mean it would take more time to get through the NEPA process. Furthermore, page limits will be met by cutting out portions of the environmental analysis and posting them as separate reports that are summarized in the EA or EIS. This means that while the document may be more easy to read to understand the main elements of alternatives and their effects, key elements of the effects analysis could easily be left out of the EA or EIS during editing. Thus there is a reduced effectiveness of adequately disclosing all of the effects of a proposed activity. It can also impair the decision-making process if there are multiple publications and reports that need to be consulted to fully understand the full effect of an alternative and its impacts.

From a legal point-of-view I would be concerned about regulatory-mandated page numbers as well. It is unclear how re-writing and re-publishing an EA or an EIS because it

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Jun 25, 2018

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0331-AA03

[Show More Details](#)

### Submitter Information

**Submitter Name:**

Michael Dechter

**Organization Name:**

NA

is over the page limit would improve the efficiency or effectiveness of the NEPA process. Establishing a regulatory page limit would be a tool used for those who desire to delay and obfuscate the NEPA process, not make it more efficient or effective.

Also, by establishing a page limit, NEPA EAs and EISs will be more like summary documents that refer to more detailed analysis and reports maintained in the project record. Thus, when there are legal challenges on a NEPA decision, there is likely to be more focus on the technical reports and analyses that were cited in the EA/EIS rather than the EA/EIS itself. While technical reports and analysis may be the building blocks of the EA/EIS, they can be difficult to defend because they may contain outdated information on the proposed action or alternatives, may contradict assumptions in other analyses, or may include recommendations or best management practices that are ultimately not included in an alternative. By de-emphasizing the role of the EA/EIS in the decision-making process, it can be difficult to explain to a judge how incorrect or contradictory information among various technical reports was addressed in the decision-making process.

2) CEQ regulations should be revised to allow agencies to use another's categorical exclusions when both agencies have expertise or jurisdiction related to the project. All of the CE requirements (e.g. extraordinary circumstances) still must be met regardless of which agency is using the CE category.

3) Section 40 CFR 1502.7 should be removed based on the comments above regarding page limits. The 150-page limit is not enforced anyway, so I would argue this is out-of-date information.

4) Section 1506.6 should be updated to change direction for mailing individuals and organizations and publishing notices in newspapers to more modern analogues such as e-mailing individuals and organizations and posting information on webpages.



July 17, 2018

RE: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

Dear Council on Environmental Quality,

The Jamestown S'Klallam Tribe (Tribe) thanks you for the opportunity to comment on "*Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*" (Docket No. CEQ-2018-0001). As a sovereign nation Jamestown S'Klallam Tribe signed a treaty with the United States, ceding territory, while reserving rights to harvest salmon and other natural resources. For these rights to be meaningful, there must be abundant and healthy natural resources. Treaty resources and the environment that supports these resources are of cultural, social, and economic importance to the Tribe both on and off of tribal trust lands. The Tribe pays close attention to development proposals within the Tribe's Usual and Accustomed (U&A) area and even to those proposals outside the U&A that would impact tribal resources (because air/water and fish/wildlife are mobile). As a small tribe, Jamestown has limited capacity to participate in environmental review and must carefully deploy our capacity to proposals that may pose the largest threat on the Tribe and its treaty resources. Comment and review provided under the National Environmental Policy Act (NEPA) is an important tool for the Tribe to efficiently and effectively provide feedback on projects that impact tribal resources or that may be damaging to species of tribal significance.

The advanced notice of proposed rulemaking (Docket No. CEQ-2018-0001) poses 20 questions related to the Council on Environmental Quality (CEQ) and NEPA regulations. The questions are very helpful in framing the proposed rulemaking but also involve important and detailed rules, definitions, and policies. The Tribe does not have capacity to respond in detail to the questions in the allotted time and we request that more time be provided for comment. In addition it would help to have a webinar or series that presented details of the current CEQ NEPA regulation and guidelines such that respondents to the questions would have a similar baseline understanding of the existing regulations and issues with these regulations. With regards to question 18, we provide the following brief yet incomplete comments:

18) *Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?* Tribes should be consulted early in the NEPA process, ideally during the scoping or Environmental Assessment phase. Early and substantive consultation will improve efficiency of the NEPA process and lead to better decisions. CEQ should also work with tribes to build and support capacity such

*Comments on* Docket No. CEQ-2018-0001

that tribes can be fully participate in decisions that affect their lands and resources. The Jamestown S’Klallam Tribe has a long history of working collaboratively with partners, stakeholders, and agencies. Active tribal consultation and partnership early in project development has proven to be an effective and efficient means of collaboration. These collaborations are well known in our region. NEPA processes can be made more efficient by active participation by tribes and through building and maintaining tribal capacity to participate.

The federal government has a trust responsibility to honor its treaties with Tribes. We look forward to the opportunity to comment more fully on the proposed rulemaking. If you have any questions, please contact me at: 360-681-4666 or [rknapp@jamestowntribe.org](mailto:rknapp@jamestowntribe.org).

Sincerely,



Robert Knapp  
Environmental Planning Program Manager  
Natural Resources Department,  
Jamestown S’Klallam Tribe  
1033 Old Blyn Highway  
Sequim, WA 98382

*Comments on* Docket No. CEQ-2018-0001