

Agenda – NAEP NEPA Practice
Thursday, December 14, 2:30 PM Eastern, 11:30 AM Pacific

Join Zoom Meeting

<https://us02web.zoom.us/j/84702463364?pwd=WjA0cGxydVZLM1YvTEtBcHVMV3RVUT09>

By phone:

+1 253 215 8782

Meeting ID: 847 0246 3364

Passcode: 464782

CEQ NEPA Regulations Revision (no [OIRA](#) update since Spring 2022)

- [Phase 2 Notice of Proposed Rulemaking](#)
Inside EPA early November report that Phase 2 rule will be released in January 2023.
- [Notice on guidance on consideration of GHG emissions and climate change](#)
Nothing new to report

Status of Permitting/NEPA Reform Legislation

- Manchin proposal revised as the Building American Energy Security Act of 2022, available [here](#). Not included in National Defense Authorization Act
- No Senate action on competing Capito [Simplify Timelines and Assure Regulatory Transparency \(START\) Act](#), S. 4815, since September introduction

Agency NEPA Regulations

BLM Withdraws CatEx on Timber Salvage from Larger Post-Wildfire Areas

In settlement agreement following lawsuit by Cascadia Wildlands et al. The CatEx, finalized in December 2020, increased the maximum acreage that could be categorically excluded from 250 to 3,000 acres.

Complaint at <https://westernlaw.org/wp-content/uploads/2022/11/2021.10.13-BLM-Salvage-categorical-exclusion-Complaint.pdf>

Settlement agreement at <https://westernlaw.org/wp-content/uploads/2022/11/2022.10.03-BLM-Categorical-Exclusion-Protest-Settlement-Agreement.pdf>

News article at <https://www.ijpr.org/environment-energy-and-transportation/2022-11-11/blm-agrees-to-reverse-trump-era-post-fire-logging-rule>

Notices of Intent / Notices of Availability

Mountain Valley Pipeline

11/17/2022 – USFS NOI for Supplemental EIS

<https://www.govinfo.gov/content/pkg/FR-2022-11-17/pdf/2022-24994.pdf>

2nd SEIS, following 2017 FEIS, 2020 FSEIS. In response to January 2022, 4th Circuit Court of Appeals decision that vacated 2017 and 2021 RODs on NEPA and NFMA grounds. 3.5-mile segment of pipeline on national forest system lands. BOM is cooperating agency. DSEIS due in January 2023.

Colorado River Interim Operations Guidelines

11/17/2022 – Bureau of Reclamation NOI for Supplemental EIS

<https://www.govinfo.gov/content/pkg/FR-2022-11-17/pdf/2022-25004.pdf>

SEIS for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations For Lake Powell and Lake Mead. Likely cooperating agencies include NPS, USFWS, Bureau of Indian Affairs, Western Area Power Administration, U.S. Section of the

International Boundary and Water Commission.

Western Utility-Scale Solar Energy Development

12/8/2022 – BLM NOI on Programmatic EIS to Evaluate Utility-Scale Solar Energy Planning and Amend Resource Management Plans for Renewable Energy Development.

<https://www.govinfo.gov/content/pkg/FR-2022-12-08/pdf/2022-26659.pdf>

Would update and expand 2012 Western Solar Plan which addressed 6 southwestern states to address potential solar development on public lands in 11 western states.

R-Project Transmission Line Revised Habitat Conservation Plan

11/18/2022 – USFWS NOI To Prepare a Supplemental Environmental Impact Statement for the R-Project Transmission Line Revised Habitat Conservation Plan, Nebraska

<https://www.govinfo.gov/content/pkg/FR-2022-11-18/pdf/2022-25217.pdf>

NOI issued in response to June 2020 D.C. District Court ruling vacating and remanding previously approved incidental take permit to USFWS for further proceedings. At issue is ITP for effects of 226-mile, 345-kV R-Project transmission line.

North Cascades Grizzly Bear Restoration

11/14/2022 – NPS and USFWS NOI To Prepare North Cascades Ecosystem Grizzly Bear Restoration Plan/Environmental Impact Statement, Washington

<https://www.federalregister.gov/documents/2022/11/14/2022-24717/notice-of-intent-to-prepare-north-cascades-ecosystem-grizzly-bear-restoration-planenvironmental>

<https://www.nps.gov/noca/learn/news/national-park-service-u-s-fish-wildlife-service-to-evaluate-options-for-restoring-grizzly-bears-to-the-north-cascades.htm>

Climate and Environmental Justice Screening Tool

CEQ released updated Version 1.0 of Climate and Economic Justice Screening Tool on 11/22/2022

https://screeningtool.geoplatform.gov/en/?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosgenerate&wpisrc=nl_climate202&stream=top#3/33.47/-97.5

CEQ press release [here](#)

Other Items?

Next Meeting – Wednesday, January 11

- likely agenda item on question about 2 baselines in an EA or EIS such as for phased project