



August 4, 2025

U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

RE: Comments in response to the Department of the Interior's
Request for Comments on Rescissions and Revisions to its
Regulations and Guidelines for Implementing the National
Environmental Policy Act, Docket Number, DOI-2025-0004, RIN
1090-AB18

To the Department of Interior:

The Western Energy Alliance (the Alliance) respectfully submits the following comments in response to the Department of the Interior's proposed revisions to its NEPA implementing regulations at 43 CFR Part 46.

The Alliance is the leader and champion for independent oil and natural gas companies in the West. Working with a vibrant membership base for nearly 50 years, the Alliance stands as a credible leader, advocate, and champion of industry. Our expert staff, active committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all. Most independent producers are small businesses, with an average of fourteen employees. Alliance members have deep experience and institutional knowledge about the NEPA process and its pitfalls in agency decision-making related to the federal onshore oil and gas program.



I. General Comments

The Alliance is appreciative of the Department's efforts to streamline NEPA reviews and supports efforts to expedite permitting. It is important to recognize policy changes must be durable, credible, and consistent with statutory text.

A. Interior's Proposed Handbook Revisions Need to Provide for Legally Sufficient Socioeconomic Analysis under NEPA and to Analyze the Benefits of American Oil and Natural Gas Leasing and Development

Not all impacts analyzed under NEPA are negative. The Interior handbook and related guidance should emphasize that the beneficial impacts of a project be disclosed and analyzed, particularly for energy projects, in NEPA documents.

1. Legal Framework

Under both NEPA and the Federal Land Policy and Management Act (FLPMA), Interior is required to integrate social science and economic information in the preparation of informed, sustainable decisions. Specifically, Section 202 of FLPMA requires BLM to integrate “physical, biological, economic, and other sciences” in developing land-use plans, 43 USC § 1712, and Interior's program level decision-making must conform to these plans. Similarly, Section 102 of the NEPA statute requires Federal agencies to “ensure the integrated use of the natural and social sciences . . . in planning and decision making.” 42 USC § 4332. Further, NEPA requires agencies to review the effects of “major Federal actions significantly affecting the quality of the *human environment*” and that that analysis include a statement on “the relationship between local short-term uses of man's environment and enhancement of long-term productivity.” 42 U.S.C. § 4332(C) (emphasis added).



Therefore, Interior’s NEPA regulations and policies should continue to promote the review and analysis of the beneficial effects of oil and gas development on the human environment.

B. Policy Changes Must be Consistent with NEPA to be Durable and Defensible

As explained by the U.S. Supreme Court, in implementing a new policy or a change in policy, agencies are required to show that the “new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better. . . .” *FCC v. Fox TV Stations, Inc.*, 556 U.S. 502, 515-16, 129 S. Ct. 1800, 1811 (2009). The Alliance appreciates Interior’s detailed description of the reasons for its Interim Final Rule, including addressing recent statutory changes to NEPA’s legislative text, and to perform more accurate, efficient, and informative NEPA analyses.

As the Supreme Court recently acknowledged, Congress enacted NEPA to inform agency decision-making, not “for *judges* to hamstring new infrastructure and construction projects.” *Seven County. Infrastructure Coal. v. Eagle County.*, 145 S. Ct. 1497, 1514 (2025). “The time and expense of environmental review is a universal barrier to energy development—including clean energy projects—that prevents some of them from ever getting off the ground.” See Mackenzie, A. & Ruiz, S., No, NEPA Really Is a Problem for Clean Energy, Institute for Progress (Aug. 17, 2023). Also, a costly environmental review process gives existing businesses “a competitive advantage,” thereby “undermining innovation” and leaving in place existing facilities, “even if those existing facilities have more significant adverse environmental impacts.” J. Wood, Speeding Up Environmental Reviews Is Good for the Economy and the Environment, The Hill (Feb. 6, 2020).

The Alliance appreciates Interior’s efforts to align its policies and procedures with the statutory text of NEPA.



C. Interior's NEPA Handbook and Guidance Should Emphasize Incorporation of Project Planning and Siting Prior to Initiation of the NEPA Process

Many times, with a well-planned project, the project submitted is the balance or best solution to minimize and/or mitigate the overall impact within the project area. Companies engage in extensive pre-planning coordination and collaboration with BLM and other permitting agencies prior to the initiation of the NEPA process.

The commitments companies make in these early planning meetings include revision of facility locations, mitigation commitments, or revisions to the proposed action to address resource issues or concerns expressed by the agency. Yet, these early commitments by companies are not documented or accounted for in the NEPA process or NEPA document. As a result, companies' early commitments are considered the starting point baseline upon which additional and cumulative mitigation and conservation measures are added by the agency.

The NEPA Handbook and guidance should focus agencies efforts to be more inclusive of project planning efforts that take place prior to the submission of most (if not all) projects. Commitments made by the project proponent in the early planning stages need to be documented, accounted for and credited to the company and incorporated into the impact analyses for the proposed action.

Providing this background in the initial NEPA analysis may facilitate a more efficient NEPA and permitting process without the need to re-analyze, or over-analyze the proposed action and lessen the inclination to not acknowledge, credit and analyze early action siting, mitigation and conservation commitments by the project proponent, in response to early agency feedback.

We appreciate the opportunity to comment and look forward to continued engagement with the Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', with a long, sweeping horizontal line extending to the right.

Melissa Simpson
President