

March 10, 2020

Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503
Email: NEPA-Update@ceq.eop.gov

RE: Comments on the Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act -- Docket ID: CEQ-2019-0003

The City of Staunton, Virginia and the Environmental and Regulatory Law Clinic at the University of Virginia School of Law respectfully submit these comments with regard to the Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (“NEPA”).

The Environmental and Regulatory Law Clinic is part of the University of Virginia’s Environmental and Land Use Law Program, which combines legal teaching with opportunities for interdisciplinary study, clinical experience, and scholarly inquiry. The City of Staunton, Virginia is a municipality located in the historic Shenandoah Valley. The City rests a short distance from the Appalachian Trail, the George Washington and Jefferson National Forests, and Shenandoah National Park. The City has fostered local economies sustained by recreation and tourism around the area’s natural amenities, like the National Forests and the Appalachian Trail.

These comments focus on the impact of the Council on Environmental Quality’s (“CEQ”) proposed changes to the permitting processes for highly complex and controversial natural gas pipeline projects, and in particular on the impact on the proposed Atlantic Coast Pipeline (“ACP”) in Virginia. The Clinic and the City focus on this particular scenario because of our experience with the controversy and because the pipeline scenario highlights the acute harm that the rollback of NEPA regulations would cause.¹ One of the City’s primary sources for public water supplies is Gardner Spring. The path of the ACP would cross right through the critically important Gardner Spring recharge area.² The City’s concern about this impact has long been established, beginning with a resolution adopted by Staunton City Council in October of 2014.³

¹ See Br. of the City of Staunton, Virginia and Nelson County, Virginia as *Amici* in Support of Respondents, *United States Forest Service, et al. v. Cowpasture River Preservation Assoc., et al.*, Nos. 18-1584 and 18-1587, ___ S.Ct. ___ (brief filed Jan. 22, 2020).

² See CITY OF STAUNTON COMPREHENSIVE PLAN 2018-2040, at 8-22.

³ See Resolution of the Council of the City of Staunton, Virginia, in Opposition to Atlantic Coast Pipeline (Oct. 23, 2014).

As explained below, the proposed changes would dramatically undercut safeguards in the NEPA regulations that protect opportunities for public participation and ensure government transparency. Accordingly, these comments term the collective “Update to the Regulations” as a “Safeguards Rollback,” and recommend that CEQ reject the changes and withdraw its proposal.

I. INTRODUCTION

The Federal Energy Regulatory Commission (“FERC”) issued a Final Environmental Impact Statement in July 2017 for the proposed Atlantic Coast Pipeline, an interstate natural gas pipeline. The ACP would cross the Appalachian Trail and Blue Ridge Parkway at the border of Nelson and Augusta Counties, close to the City of Staunton, Virginia. This is a region that is nationally renowned for its recreational and tourism-related resources, built upon the splendor of the Blue Ridge Mountains and miles of contiguous, public lands in the George Washington and Jefferson National Forests and Shenandoah National Park. Affected municipalities, concerned citizens, and adversely impacted business have all taken an active role in communicating their concerns about the ACP’s environmental impacts to the relevant authorities, and have relied upon opportunities to participate in the public notice and comment processes under NEPA.⁴

The Environmental and Regulatory Law Clinic and the City of Staunton have evaluated CEQ’s proposal with a focus on the role that NEPA plays in ensuring that federal agencies consider all relevant environmental impacts in their review of interstate pipeline projects. For the reasons outlined below, we note that NEPA implementation, even under current regulations, has been inadequate for many interstate gas pipeline proposals. Serious problems, like inadequate information or analyses, have led to challenges in court.

We seek to highlight changes in the Safeguards Rollback that would exacerbate the problems that are playing out in the ACP permitting process. Significantly, the proposed regulations would limit the public’s ability to understand the effects of proposed pipelines and participate in the review process and would make it exceedingly difficult for federal agencies to make informed decisions that could mitigate environmental impacts. We recommend that the CEQ reject its proposed changes in the Safeguards Rollback and withdraw the proposal.

II. PROBLEMS WITH FEDERAL AGENCY APPLICATION OF NEPA GUIDELINES

Through our participation in the permitting processes for the ACP, we have seen that environmental documents often lack important information and analysis. Additionally, federal agencies have failed to adhere to many NEPA mandates, worsening problems in the review of pipelines. We recommend that CEQ reject changes in the Safeguards Rollback that would limit public involvement in environmental review, and instead ask CEQ to respect the broadly democratic and beneficial aspects of NEPA implementation.

⁴ See, e.g., Letter from the Hon. Carolyn W. Dull, Mayor, City of Staunton, to Ms. Julia Wellman, Va. Dep’t of Env’tl. Quality (Feb. 21, 2017), <https://abralliance.org/wp-content/uploads/2017/02/Staunton-City-Council-letter-of-opposition-to-ACP.pdf>; Federal Energy Regulatory Commission, Atlantic Coast Pipeline and Supply Header Project: Final Environmental Impact Statement, Vol. I, Docket Nos. CP15-554-000, CP15-554-001, CP15-555-000, and CP15-556-000 FERC/EIS-0274F, at 4-30 (July 2017).

a. ACP environmental review documents have been fraught with serious problems like incomplete information and analysis.

FERC's recent record of decisions on natural gas pipeline projects and related facilities has fallen "fall short of ensuring that the environmental impacts associated with the expansion of natural gas production and export are fully evaluated in accordance with NEPA's intent."⁵ FERC's environmental review documents have been challenged in court on the basis that the Commission has omitted important information and inadequately analyzed environmental impacts and alternatives. Courts apply a "highly deferential standard of review" when adjudicating claims that an agency's NEPA analysis is inadequate.⁶ Despite this highly deferential standard of review, the D.C. Circuit has found that FERC's environmental review documents were inadequate under NEPA on multiple occasions.

First, in *Delaware Riverkeeper Network v. FERC*, the D.C. Circuit held that FERC unlawfully segmented its analysis of the environmental effects of a pipeline project from the effects of the "three other connected, contemporaneous, closely related, and interdependent ... projects."⁷ FERC's Environmental Assessment was deficient because it merely "state[d], in conclusory terms, that the connected pipeline projects were 'not expected to significantly contribute to cumulative impacts in the Project Area,'" and contained only a few pages discussing cumulative impacts exclusively in one segment of the project.⁸ More recently, in *Sierra Club v. FERC*, the D.C. Circuit held that, in the face of CEQ's long-standing mandate, FERC had failed to estimate the amount of greenhouse gas pollution that the controversial pipelines would promote.⁹ *Delaware Riverkeeper* and *Sierra Club* affirm that FERC's implementation of NEPA for interstate gas pipeline has been fraught with problems of inadequate information and analysis. The proposed Safeguards Rollback would only worsen these problems.

b. Agencies have ignored NEPA's mandates for public participation to their detriment.

Constraints on public participation in the environmental review process of pipelines have contributed to information gaps, created conflicts with affected landowners, communities, and concerned citizens, and decreased the efficiency of the process. For example, when federal agencies approved permits for construction of the Bakken oil pipeline without undertaking a rigorous Environmental Impact Statement or

⁵ Aaron Flyer, *FERC Compliance Under NEPA: FERC's Obligation to Fully Evaluate Upstream and Downstream Environmental Impacts Associated with Siting Natural Gas Pipelines and Liquefied Natural Gas Terminals*, 27 GEO. INT'L ENVTL. L. REV. 301, 306 (2015). See also Michael R. Pincus, "FERC Pipeline Siting Program Deals with Legal Challenges", *Natural Resources & Environment* Vol. 20 No.4 at 45 (Spring 2016).

⁶ Carolyn Elefant & Jennifer Flint, *Summary of New Challenges to FERC Interstate Pipelines*, American Law Institute Continuing Legal Education Course Materials (Jan 24, 2019) ("[P]revailing on environmental challenges to FERC orders is difficult because of the highly deferential standard of review and most courts' refusal to fryspeck an agency's findings 'in search of any deficiency, no matter how minor.'").

⁷ *Delaware Riverkeeper*, 753 F.3d 1304, 1308 (D.C. Cir. 2014).

⁸ *Id.* at 1319.

⁹ *Sierra Club*, 867 F.3d 1357, 1374 (D.C. Cir. 2017).

adequately consulting with Native Americans living along the route, concerned citizens overwhelmed the U.S. Department of Justice with 33,000 petitions seeking review.¹⁰

A thorough and early public input process under NEPA would have helped hold the permitting agency accountable and assisted the agency in securing the cooperation of the affected communities. Thus, both federal agencies and affected citizens benefit from *expanding* the opportunities for public participation in the environmental review process. As discussed below, CEQ's Safeguards Rollback ignores this logic.

III. CHANGES IN THE SAFEGUARDS ROLLOUT WOULD EXACERBATE PROBLEMS WITH ENVIRONMENTAL REVIEWS AND SHOULD BE REJECTED

The Safeguards Rollback would exacerbate problems of inadequate information and analysis and would limit public participation. First, the Safeguards Rollback would make it difficult or impossible for federal agencies to evaluate the environmental impacts of pipeline permitting, which has known indirect and cumulative adverse impacts. Next, the Safeguards Rollback would make it exceedingly difficult for agencies to evaluate feasible and environmentally preferable alternatives for pipeline siting. Third, the Safeguards Rollback would drastically limit the public's ability to understand the effects of proposed pipelines and work collaboratively with regulators. We respectfully urge CEQ to reject these changes to its NEPA regulations.

a. The Safeguards Rollback would severely limit consideration of indirect and cumulative effects of pipeline development.

Interstate gas pipelines have known, predictable, indirect effects on forests, water, wildlife, climate, and other resources and cumulative effects when combined with other projects.¹¹ The D.C. Circuit has stressed that NEPA requires FERC to “consider not only the direct effects, but also the *indirect* environmental effects’ of a pipeline project.”¹² Similarly, the D.C. Circuit has held that where a project would entail “cumulative effects” as defined in the current CEQ regulations, FERC must undertake “a meaningful cumulative impact analysis.”¹³

The D.C. Circuit recently held that downstream greenhouse-gas emissions were a reasonably foreseeable “indirect effect of authorizing” an interstate natural gas pipeline project. Thus, the court held that NEPA required FERC to estimate carbon emissions from the power plants that would be served by a proposed

¹⁰ Radio Iowa, “Bakken pipeline opposition presents petitions to U.S. Department of Justice,” <https://www.radioiowa.com/2016/09/15/bakken-pipeline-opposition-presents-petitions-to-u-s-justice-department/>

¹¹ Jeff Deyette, et. al., *Rewards and Risks of Natural Gas*, Union of Concerned Scientists (2015) (discussing, *inter alia*, indirect effects of natural gas development on communities such as decreased property values and higher rates of crime and substance abuse and climate risks caused by the delay in the deployment of renewable energy and fugitive methane emissions).

¹² *Birkhead v. FERC*, 925 F.3d 510, 516-17 (D.C. Cir. 2019) (quoting *Sierra Club v. FERC*, 867 F.3d 1357 (D.C. Cir. 2017) (explaining indirect effects are those that are “sufficiently likely to occur [such] that a person of ordinary prudence would take [them] into account in reaching a decision.”).

¹³ *Delaware Riverkeeper Network v. FERC*, 753 F.3d 1304, 1319 (D.C. Cir. 2014) (quoting *Grand Canyon Trust v. FAA*, 290 F.3d 339, 345 (D.C. Cir. 2002)).

pipeline.¹⁴ The court explained the importance of considering the downstream impacts of pipeline development as “indirect effects”:

Quantification would permit the agency to compare emissions from this project to emissions from other projects to total emissions from the state or the region, or to regional or national emissions-control goals. *Without such comparisons, it is difficult to see how FERC could engage in ‘informed decision making’ with respect to the greenhouse-gas effects of this project, or how ‘informed public comment’ could be possible.*¹⁵

Nevertheless, FERC announced in 2018 that it likely would *not* consider reasonably foreseeable upstream and downstream emissions. This announcement and the Safeguards Rollback at issue here fly in the face of NEPA.¹⁶ The Safeguards Rollback would strike the category of “indirect.” CEQ defends this proposal by claiming that its removal of “indirect effects” clarifies “the bounds of effects consistent with the Supreme Court’s holding in *Department of Transportation v. Public Citizen*,” 541 U.S. 752 (2004).¹⁷ Yet CEQ grossly over-reads the Supreme Court’s holding in *Public Citizen*. As the D.C. Circuit has made clear, agencies can distinguish indirect effects that are foreseeable, quantifiable, and that should be considered and those that are too attenuated under *Public Citizen* to be evaluated in greatest detail. Analysis of “indirect effects” remains a vital component of informed decision-making.

Even setting aside upstream and downstream greenhouse gas emissions, the Safeguards Rollback would severely discourage FERC from considering other effects on forests, water, wildlife, climate, and other resources. The Safeguards Rollback would prompt agencies to ignore “cumulative” effects,¹⁸ would impose unjustified deadlines,¹⁹ and would relieve agencies from undertaking “new scientific and technical research to inform the analyses”²⁰. CEQ needs to encourage—not excuse—federal agencies from considering the severe, long-lasting effects of pipeline proposals and other similarly controversial projects.

b. The Safeguards Rollback would exclude review of important and viable alternatives.

Reviewing alternatives “is the heart of” environmental analyses under NEPA.²¹ Yet federal agencies, at times, have undertaken weak alternatives analyses that merit reversal and reconsideration. For example,

¹⁴ *Sierra Club v. FERC*, 867 F.3d 1357, 1371-74 (D.C. Cir. 2017).

¹⁵ *Id.* at 1374 (2017) (*emphasis added*); see also Aaron Flyer, *FERC Compliance Under NEPA: FERC’s Obligation to Fully Evaluate Upstream and Downstream Environmental Impacts Associated with Siting Natural Gas Pipelines and Liquefied Natural Gas Terminals*, 27 GEO. INT’L ENVTL. L. REV. 301, 306 (2015) (“Without such an approach, a complete understanding of the true environmental impacts associated with natural gas pipeline expansion and LNG terminal siting inclusive of natural gas exploration, hydraulic fracturing, and consumption, will not be made available to the public.”).

¹⁶ *Dominion New Market* 163 FERC ¶61, 128 (2018) (Commissioners LaFleur & Glick, dissenting).

¹⁷ Federal Register Vol. 85 Nov. 7 1684, 1708 (Jan. 10, 2020) (amending §1508).

¹⁸ *Id.* at 1729 (amending §1508.2(g)(2)).

¹⁹ *Id.* at 1717 (amending §1501.10).

²⁰ *Id.* at 1721 (amending §1502.24).

²¹ *Cowpasture River Preservation Association v. U.S. Forest Service*, 911 F.3d 150, 170 (4th Cir. 2018) (citing 40 C.F.R. §1502.14) (finding violations by the U.S. Forest Service of both NEPA and the National

when examining alternative routes for the Atlantic Coast Pipeline, regulators failed to “analyze non-national forest alternative routes and justify the necessity of any proposed route crossing of national forest lands.”²²

CEQ should ensure that any changes to NEPA regulations provide for greater *integrity* in alternatives analyses; the Safeguards Rollback would do exactly the opposite. CEQ changes would allow agencies to exclude feasible, environmentally preferable alternatives and would effectively allow a project sponsor to substitute its judgment for that of the relevant federal agency in identifying the applicable range of alternatives.²³ CEQ further invites bias by proposing to remove the requirement that agencies “objectively” evaluate all reasonable alternatives.²⁴ CEQ explains that changing the definition of “reasonable alternative” to “consider the goals of the applicant” would “help reduce paperwork and delays by helping to clarify the range of alternatives that agencies must consider.”²⁵ This explanation lacks substance, and does not address how defining “reasonable alternatives” based on the “goals of the applicant” furthers NEPA’s purposes related to government transparency and public participation. CEQ also provides no explanation for dropping the requirement for agencies to “objectively” evaluate alternatives. These changes are arbitrary and capricious, and would exacerbate issues in NEPA implementation in pipeline permitting processes.

c. The Safeguards Rollback would limit the public’s ability to understand the effects of proposed pipelines and participate in environmental review.

NEPA “is the tool that allows affected landowners and concerned citizens to understand and weigh the considerable harmful effects that will result when an interstate gas pipeline is proposed through their community.”²⁶ Members of minority and lower-income communities particularly need access to NEPA’s processes as environmental harms are disproportionately imposed on marginalized communities.²⁷ The Safeguards Rollback cuts municipalities and community members out of the NEPA process in myriad ways, threatening to harm communities of color, low-income families, and indigenous American people.

First, the Safeguards Rollback would permit agencies to conduct public hearings via “means of electronic communication,” rather than in person.²⁸ This proposal, of course, would effectively exclude the segment of the population without “electronic means” from receiving important information and asking questions. This restriction would contradict NEPA’s goal of informing the public. While flexibility is an important goal, it must be set aside when it conflicts with one of the “twin aims” of NEPA: first to “consider every

Forest Management Act) (currently on review at the Supreme Court of the United States for violations of a third statute, the Mineral Leasing Act).

²² *Id.* at 171 (explaining the position of the Forest Service in comments to FERC on the scope of FERC’s alternatives analysis).

²³ National Environmental Policy Act, Public Law 91-190, 83 Stat. 852, 853 (Jan. 1, 1970).

²⁴ Federal Register Vol. 85, No. 7, 1684, 1720 (Jan 10, 2020) (amending §1502.141); compare 40 C.F.R. §1502.14 (2020).

²⁵ *Id.* at 1710.

²⁶ Kym Hunter, Southern Environmental Law Center, “NEPA Rollbacks: Effects on Pipeline Permitting”.

²⁷ Rebecca Beitsch, “Critics warn Trump’s latest environmental rollback could hit minorities, poor hardest,” *The Hill* (Jan. 12, 2020), <https://thehill.com/policy/energy-environment/477798-critics-warn-trumps-latest-environmental-rollback-could-hit>.

²⁸ Federal Register Vol. 85 No.7 1684, 1725 (Jan. 10, 2020) (amending §1506.6(c)); Federal Register Vol. 85 No.7 1684, 1705 (Jan. 10, 2020).

significant aspect of the environmental impact of a proposed action,” and second to ensure “that the agency will inform the public that it has indeed considered environmental concerns....”²⁹ CEQ even recognizes that there are segments of the population “in areas without high-speed internet access, such as rural locations,” and yet proceeds with its proposal that would exclude these populations from public hearings.³⁰

Next, the Safeguards Rollback would impose burdensome constraints on submitting public comments that appear designed to discourage public participation and engagement. Specifically, the Safeguards Rollback would require commenters to “explain why the issue raised is significant to the consideration of potential environmental impacts, as well as economic and employment impacts.”³¹ This could be interpreted as requiring each commenter to explain the significance of her comment with respect to environmental *and* economic and employment impacts. The Safeguards Rollback would also require commenters to “reference” page numbers of the draft EIS and include “data sources and methodologies.”³² Comments that do not meet the high bar of specificity or that are not timely submitted would be “be deemed unexhausted and forfeited.”³³ These changes unquestionably impose harmful roadblocks to broad public participation by impacted communities, and would effectively deny citizens who lack the resources, education, or ability to comment with the requisite specificity and timeliness participation in the NEPA process.

Finally, public participation in NEPA processes is essential to ensure accountability and transparency. The current NEPA regulations provide a modest opportunity for judicial review that is used selectively by affected parties.³⁴ There is ample evidence that the volume of NEPA litigation is minimal.³⁵ Nevertheless, the Safeguards Rollback limits opportunities for judicial review by adding an “exhaustion” requirement that would prohibit parties from “rais[ing] claims based on issues they did not raise during the public comment period.”³⁶ The exhaustion requirement would compound the burden of the proposed specificity and technical comment submission requirements on affected parties. Further, CEQ’s proposal to §1500.3 provides that Agencies may impose a financial bond “or other security requirement” as a condition for seeking a stay of a final agency action.³⁷ Limiting judicial review in this way would suppress the democratic exercise of seeking judicial remedies for agency failures, and would impose an unjust burden on poorer communities that might be unable to afford a bond. Crucially, NEPA does not authorize an agency to establish bonding requirements nor create exhaustion requirements. Given the lack of statutory authority

²⁹ *Baltimore Gas & Electric Co. v. Natural Resources Defense Council*, 462 U.S. 87, 97 (1983).

³⁰ Federal Register Vol. 85 No.7 1684, 1705 (Jan. 10, 2020).

³¹ *Id.* at 1722 (amending §1503.3(a)).

³² *Id.* at 1722 (amending §1503.3(a)).

³³ *Id.* at 1713 (amending §1500.3(b)(3)).

³⁴ John Ruple & Heather Tanana, *Debunking the Myths Behind the NEPA Review Process*, 25 *Natural Resources & Environment* _____, 7 (2020) (discussing research that shows environmentalists “prevail in litigation at a higher rate than other kinds of plaintiffs,” leading to the conclusion that environmentalists are “quite selective” in the cases they choose to file).

³⁵ NRDC, “Fact-Checking the Trump Administration’s Claims on Environmental Reviews and Permitting Reform”, <https://protectnepa.org/wp-content/uploads/2020/01/Fact-v-myth-handout.pdf> (discussing a survey of legal challenges under NEPA reported that “since 2001, fewer than 175 cases were filed each year.”).

³⁶ Federal Register Vol. 85 No.7 1684, 1693 (Jan. 10, 2020).

³⁷ *Id.* at §1500.3(c).

for and severe consequences of limiting judicial review, CEQ should abandon the proposed changes discussed above.

IV. THE ENVIRONMENTAL REVIEW OF THE ATLANTIC COAST PIPELINE DEMONSTRATES THE RISKS OF ADOPTING THE SAFEGUARDS ROLLBACK

Our experience with federal agencies' environmental reviews of the Atlantic Coast Pipeline illustrates how NEPA, as interpreted under the current CEQ Regulations, provides the crucial means for affected landowners, concerned citizens, and municipalities to weigh in on the harmful effects that result from pipeline development.

a. The Safeguards Rollback would threaten many aspects of environmental review on the ACP.

The ACP project includes the construction and operation of approximately 600 miles of pipeline through two National Forests, a National Parkway, a National Scenic Trail, steep mountains, karst landscape, a historic African-American community, and property owned by thousands of private landowners in West Virginia, Virginia, and North Carolina. FERC has acknowledged adverse environmental effects of the project in its Final Environmental Impact Statement. The ACP could “induce sinkhole development, alter spring characteristics, and impact local groundwater flow and quality.”³⁸ Many of the impacts would be permanent. Many of the affected communities would bear the burden of adverse impacts without corresponding local benefits.³⁹

The public has been deeply engaged in the environmental review process for the ACP. Community members have turned out in large numbers at public hearings to ask questions and share comments. To be sure, the public hearings and public comment opportunities have provided an essential opportunity for democratic participation by affected and concerned citizens. Yet CEQ's Safeguards Rollback would threaten public comment and public hearing aspects of the environmental review. The Safeguards Rollback would also constrain judicial review, which remains necessary to address deficiencies in the permitting processes.⁴⁰

Our experiences through the ACP permitting processes show that the risks of adopting the Safeguards

³⁸ Federal Energy Regulatory Commission, Atlantic Coast Pipeline and Supply Header Project: Final Environmental Impact Statement, Vol. I, Docket Nos. CP15-554-000, CP15-554-001, CP15-555-000, and CP15-556-000 FERC/EIS-0274F, at ES-4 (July 2017).

³⁹ *Id.* at ES-12 (“Numerous commenters stated ACP and SHP would not benefit their communities.

Whereas a specific location may not benefit from direct connection to a particular interstate natural gas transmission pipeline, interstate transmission pipelines are necessary to transport natural gas from source areas to demand centers, and end use customers including electric generation facilities, industrial plants, and local distribution companies. The benefits of such actions are often realized on a regional scale.”).

⁴⁰ The U.S. Fourth Circuit Court of Appeals rescinded two approvals related to the ACP, holding that the permits were “arbitrary and capricious”. First the U.S. Fish and Wildlife Service’s issuance of an Incidental Take Statement under the Endangered Species Act was arbitrary and capricious and failed to comply with Endangered Species Act. Second, the U.S. National Park Service’s issuance of a right-of-way permit allowing the pipeline to pass under the Blue Ridge Parkway was arbitrary and capricious. *See Sierra Club et al. v. United States Dept. of Interior et al.*, 899 F.3d 260 (4th Cir. 2018).

Rollback are not just theoretical. CEQ's proposal would undermine the participatory, well-informed environmental analysis of interstate gas pipelines that NEPA calls for and could weaken environmental review to the point of violating the statute.⁴¹

V. CONCLUSION

The City of Staunton, Virginia, and the Environmental and Regulatory Law Clinic at the University of Virginia appreciate the opportunity to submit comments to CEQ related to the Safeguards Rollback. As detailed above, we respectfully recommend CEQ re-examine the proposal's potential to weaken environmental review processes. We urge CEQ to reject the proposed change.

Respectfully submitted,



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⁴¹ Aaron Flyer, *FERC Compliance Under NEPA: FERC's Obligation to Fully Evaluate Upstream and Downstream Environmental Impacts Associated with Siting Natural Gas Pipelines and Liquefied Natural Gas Terminals*, 27 GEO. INT'L ENVTL. L. REV. 301, 305 (2015); *Sierra Club v. Federal Energy Regulatory Commission*, 867 F.3d 1357, 1367 (2017) ("FERC's NEPA implementation should not only meet the CEQ requirements but also uphold the overall intent and purpose behind NEPA").