

ALTERNATIVE ARRANGEMENTS FOR NEPA COMPLIANCE

Alternative Arrangements for Compliance with the National Environmental Policy Act amid the National Energy Emergency

On January 20, 2025, President Donald J. Trump declared a national energy emergency and directed the heads of executive departments and agencies, including the Secretary of the Interior, to “identify and exercise any lawful emergency authorities available to them, as well as all other lawful authorities they may possess, to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands” (Sec. 2(a), Executive Order (EO) 14156, titled “Declaring a National Energy Emergency”). The definition of energy resources includes “crude oil, natural gas, lease condensates, natural gas liquids, refined petroleum products, uranium, coal, biofuels, geothermal heat, the kinetic movement of flowing water, and critical minerals, as defined by 30 U.S.C. § 1606(a)(3)” (section 8(a), EO 14156).

During an emergency, a Department of the Interior (Department) Responsible Official—which includes the Acting Assistant Secretary – Land and Minerals Management—can adopt alternative arrangements to comply with the National Environmental Policy Act (NEPA) before taking urgently needed actions (43 CFR 46.150). These alternative arrangements apply both to actions not likely to have significant environmental impacts (43 CFR 46.150(c)) *and* to actions likely to have significant environmental impacts (43 CFR 46.150(d)). The Acting Assistant Secretary – Land and Minerals Management has coordinated with the Office of Environmental Policy and Compliance and appropriate Bureau headquarters, and consulted with the Council on Environmental Quality (CEQ) about alternative arrangements for NEPA compliance concerning energy projects that respond to the energy emergency (43 CFR 46.150(c)-(d)). CEQ authorized the use of these alternative arrangements for projects that respond to the national energy emergency on April 23, 2025. The designee of the Acting Assistant Secretary – Policy, Management and Budget has approved the following alternative arrangements (43 CFR 46.150(c)-(d)), which have been adopted by the Acting Assistant Secretary – Land and Minerals Management:

1. The only energy-related projects eligible for alternative arrangements for NEPA compliance are those projects:
 - a. that seek to identify, lease, site, produce, transport, refine, or generate energy resources as defined in section 8(a) of EO 14156; and
 - b. for which the project applicant(s) have submitted plans of operations, applications for permits to drill, or other applications.
2. The project applicant must affirm in writing that they want the review of their project to be covered by the alternative arrangements for NEPA compliance. (See Attachment 1)
3. The Responsible Official evaluating the application will prepare a focused, concise, and timely NEPA document in accordance with the following process:
 - a. For projects not likely to have significant environmental impacts, the Responsible Official will prepare a focused, concise, and timely environmental assessment

addressing the purpose and need for the proposed action, alternatives, mitigation measures, and a brief description of environmental effects. The environmental assessment should be prepared within approximately 14 days of receiving a complete application. If the environmental assessment supports a finding of no significant impact, documentation of such finding should be prepared concurrently within the same period of approximately 14 days. The Responsible Official will publish the environmental assessment and finding of no significant impact on a public website. The Responsible Official is not required to seek public comment prior to finalizing the environmental assessment, finding of no significant impact, and any decision.

- b. For projects likely to have significant environmental impacts, the Responsible Official will follow the alternative arrangements outlined in CEQ's letter dated April 23, 2025, also described here. The Responsible Official will publish a notice of intent to prepare an environmental impact statement on a public website soliciting written comments and announcing a public meeting to be held during preparation of the environmental impact statement. The Responsible Official will, in his discretion, determine the duration of the written comment period based on the nature of the action and the urgency of the emergency response, and the Department anticipates that most comment periods will be approximately 10 days. The public meeting may be virtual or in person, at the discretion of the Responsible Official, considering the nature of the action and the likely effects. The Responsible Official will prepare a focused, concise, and timely environmental impact statement addressing the purpose and need for the proposed action, alternatives, and a brief description of environmental effects in accordance with 43 CFR 46.415(a)-(b). The environmental impact statement should be prepared within approximately 28 days of publishing the notice of intent to prepare an environmental impact statement. The Responsible Official will publish the environmental impact statement on a public website and file it with the Environmental Protection Agency. The Responsible Official is not required to publish a draft environmental impact statement prior to finalizing the environmental impact statement and any record of decision.
4. Only the Assistant Secretary – Land and Minerals Management, Deputy Secretary of the Interior, Secretary of the Interior, their acting equivalents, or those officials exercising the delegated authority of these positions may approve coverage of an application by alternative arrangements for NEPA compliance, and only those officials may issue a decision to approve an application or otherwise take action covered by such alternative arrangements. Any approval must be made in compliance with other applicable statutes, such as the Endangered Species Act and National Historic Preservation Act. Any approval must also document how the action addresses the national energy emergency.
5. The project applicant must agree to:
 - a. operate in accordance with the application approved in 4;
 - b. take measures to mitigate reasonably foreseeable significant adverse effects on the quality of the human environment; and

- c. abide by applicable Federal (e.g., Clean Water Act, Clean Air Act), State, and local environmental laws. (See Attachment 1)

During the national energy emergency, these alternative arrangements for NEPA compliance for energy-related projects (as defined in 1(a)–(b) above) shall remain applicable unless superseded by subsequent alternative arrangements for NEPA compliance. If 43 CFR 46.150 is rescinded or revised during the national energy emergency, these alternative arrangements for NEPA compliance for energy-related projects (as defined in 1(a)–(b) above) shall remain applicable unless explicitly superseded by interim or final guidance or regulations.

This document and the environmental documents prepared under these procedures satisfy 43 CFR 46.150(b), which requires that the Responsible Official “document in writing the determination that an emergency exists and describe the responsive action(s) taken at the time the emergency exists.”



Adam Suess,
Acting Assistant Secretary – Land and Minerals Management.



Eva Vrana,
Deputy Assistant Secretary – Policy, Management and Budget; Designee of the Assistant Secretary – Policy, Management and Budget



Karen Budd-Falen,
Acting Deputy Secretary.

ATTACHMENT 1

Request for Energy Project Coverage under the Department of the Interior’s Alternative Arrangements for Compliance with the National Environmental Policy Act

ATTN: [APPROPRIATE DISTRICT/STATE/REGIONAL OFFICE CONTACTS OF THE FEDERAL ACTION AGENCY]

Company name: [INSERT COMPANY NAME]
Project name: [INSERT COMPANY NAME]
Project city, state: [INSERT INFORMATION]
Lead agency: [INSERT LEAD AGENCY NAME]

Our company, [INSERT COMPANY NAME], requests that the Department of the Interior apply its alternative arrangements for complying with the National Environmental Policy Act when evaluating [INSERT PROJECT NAME] amid the national energy emergency. (See “Alternative Arrangements for Compliance with the National Environmental Policy Act amid the National Energy Emergency,” April 23, 2025.)

The latest version of the [proposed plan of operation or other application] for [INSERT PROJECT NAME] is attached. [ATTACH PLAN OF OPERATION OR OTHER APPLICATION]

If the attached [plan of operation or other application] is approved, our company agrees to the following, pursuant to the Department’s “Alternative Arrangements for Compliance with the National Environmental Policy Act amid the national energy emergency”; [INSERT COMPANY NAME] shall:

1. operate in accordance with the approved [plan of operations or other application];
2. take measures to mitigate reasonably foreseeable significant adverse effects on the quality of the human environment; and
3. abide by applicable federal (e.g., Clean Water Act, Clean Air Act), state, and local environmental laws.

Signature

Date

Name

Title