



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

August 12, 2025

Joshua Campbell
Deputy General Counsel
Energy Efficiency and Clean Energy
Department of Energy
1000 Independence Ave, S.W.
Washington, DC 20585

Dear Mr. Campbell,

This letter responds to your request that the Council on Environmental Quality (CEQ) consult on the Department of Energy's (DOE) proposed alternative arrangements for compliance with the National Environmental Policy Act (NEPA), so that DOE may respond to Executive Order (EO) 14156, *Declaring a National Energy Emergency*,¹ by facilitating prompt review of certain type of energy-related projects.

As DOE's request explains, the President has declared an energy emergency requiring urgent action to improve the reliability, diversity, and affordability of energy in the United States. Section 3 of EO 14156 requires DOE to "use all relevant lawful emergency and other authorities available to them to expedite the completion of all authorized and appropriated infrastructure energy environmental, and natural resources projects" within DOE's authority. Consistent with the President's emergency declaration and related instructions to DOE, you have specifically proposed alternative arrangements for compliance with NEPA, under which DOE would, with respect to certain energy-related projects that have reasonably foreseeable significant environmental effects, observe the following alternative arrangements for compliance with NEPA:

1. The responsible DOE official will publish the notice of intent to prepare an environmental impact statement (EIS) on DOE's website and solicit written comments. This notice of intent also may be published elsewhere (e.g., *Federal Register*) at the responsible DOE official's discretion.
2. The responsible DOE official will determine the duration of the written comment period based on the nature of the proposed action and urgency of the emergency response. DOE anticipates that most comment periods will be approximately 10 business days.
3. During the comment period, the responsible DOE official will consult with and request comments from Federal agencies with jurisdiction by law or special expertise and from state and local agencies authorized to develop and enforce environmental standards.
4. The responsible DOE official will prepare a focused and timely EIS addressing the purpose and need for the proposed action, a reasonable range of alternatives, and a

¹ 90 Fed. Reg. 8433 (Jan. 20, 2025).

description of reasonably foreseeable environmental effects that is no longer than necessary to fulfill the statute's requirements.

5. DOE will complete the EIS within approximately 28 days of publishing the notice of intent.
6. The responsible DOE official will publish the EIS on DOE's website and file it with the U.S. Environmental Protection Agency.
7. The responsible DOE official will not publish a draft EIS prior to finalizing the EIS or any record of decision.
8. DOE may rely upon an existing environmental document (prepared by DOE or another federal agency) related to the proposed action or application and prepare only such supplement analysis as necessary to confirm that the existing environmental is sufficient to complete the required NEPA review.
9. When another federal agency is undertaking an action related to DOE's proposed action or proposed decision on an application, DOE will consult with that agency about using the DOE alternative arrangements process to satisfy all agencies' NEPA responsibilities.

These alternative arrangements would apply to the following energy-related projects: (1) projects that seek to identify, lease, site, produce, transport, refine, or generate domestic energy resources as defined in section 8(a) of EO 14156 and (2) projects for which DOE has an eligible proposed action or a project sponsor has submitted an eligible application to DOE.

CEQ has reviewed DOE's proposed alternative arrangements for projects that have reasonably foreseeable significant environmental effects and CEQ concurs with DOE's view that they are an appropriate means of complying with NEPA as a response to the emergency declared in EO 14156. CEQ also concurs with DOE's determination that the procedures it proposes to observe with respect to energy-related actions that it determines are necessary and appropriate responses to the declared energy emergency are an appropriate means of complying with NEPA's requirements. CEQ looks forward to continuing to consult with DOE as it applies these alternative arrangements to particular actions and projects that have reasonably foreseeable significant environmental effects. Specifically, CEQ appreciates that DOE will consult with CEQ when DOE determines that a particular energy-related project is a project subject to the criteria DOE has set forth as constituting grounds for application of DOE's proposed alternative arrangements. CEQ commits to working constructively and expeditiously with DOE in this regard.

Finally, we appreciate DOE's consultation with CEQ on its proposed procedures under which it will fulfill NEPA's requirements in an emergency situation with respect to projects that do not have reasonably foreseeable significant environmental effects and for which a categorical exclusion (CE) is not available in DOE or another agency's NEPA implementing procedures. CEQ concurs with DOE's view that they are an appropriate means of complying with NEPA. DOE is not required to consult with CEQ when applying such procedures to individual projects.

Sincerely,

**KATHERINE
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Katherine R. Scarlett
Chief of Staff