NEPAstats

For your next Twitter beef

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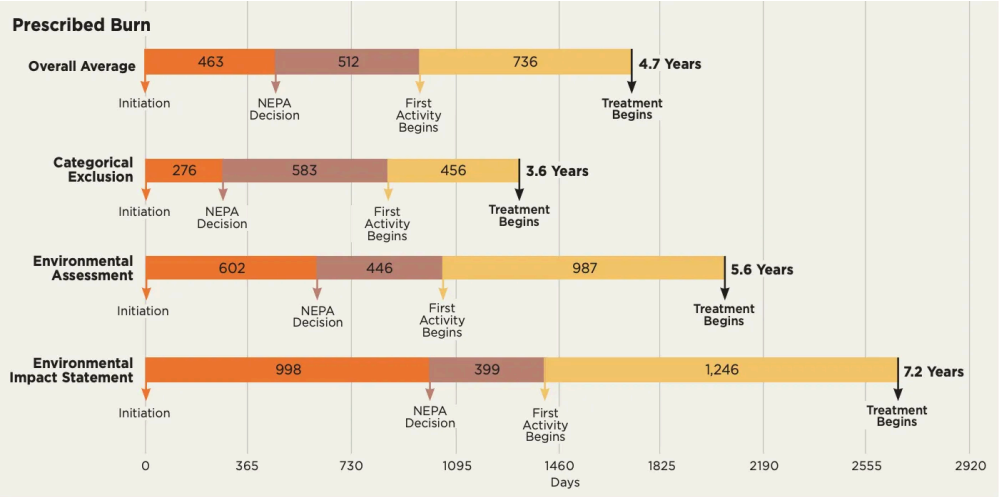
DEC 29, 2024

Whether I'm introducing folks to NEPA, or arguing with the Roosevelt Institute on Twitter about whether "just build projects where they're popular" counts as a serious permitting reform proposal, I find it very useful to have punchy NEPA data at my fingertips.

Now, Dear Reader, you too can waste countless hours armed with the same data. I've compiled key NEPA statistics from several recent studies (cited in full at the end), covering everything from review timelines and page counts to litigation patterns and economic impacts. The data spans direct financial burdens, documentation requirements, project outcomes across sectors, and broader market effects.

You'll notice that even basic details (such as the number of environmental impact statements prepared each year) vary from study to study. Such is the state of NEPA data.



Average time to begin wildfire protection (prescribed burns) by NEPA analysis type.
Source: PERC.

Timing and Delays

Review Timelines

- Average EIS preparation time is 4.2 years as of 2022 (Liscow, 2024)
- Average review time grew from 3.4 years in 2008 to 4+ years by 2015, increasing by an average of 37 days per year (Coleman, 2019)

- Of 136 EISs finalized in 2020, mean preparation time was 1,763 days (4.8 years) (Dourado, 2022)
- Only 14 out of 83 EISs in 2022 were completed in less than one year (Liscow, 2024)
- EIS average completion time across agencies: 4.5 years (Potter et al., 2022)
- For utility-scale solar projects, planning and permitting takes 4 years out of a 6-year total development timeline (Liscow, 2024)
- Forest Service spends 3.6-4.7 years on paperwork before fuel management projects can start (Chiappa et al., 2024)

Litigation Timelines and Impact

- If litigation occurs, median duration is:
  - 23 months for cases where government prevails
  - 30 months when plaintiff prevails (Liscow, 2024)
- Average delay from environmental review publication to resolution of legal challenge: 4.2 years (Chiappa et al., 2024)
- Energy project litigation added average delay of 3.9 y
  winning 71% of cases (Chiappa et al., 2024)
- Additional litigation can add over 1 year to Forest Se
  (Chiappa et al., 2024)
- In 2005, 118 total NEPA-related cases filed, with 43 r
  (Congressional Research Service, 2008)

Process Specific Timelines

- Categorical Exclusions (CEs): Median 105 days (Fore
  2022)
- Even a "finding of no significant impact" can take ex
  documentation (1,200+ pages in one case) (Coleman,

Direct Costs

Environmental Review Costs

- Categorical Exclusions (CEs): ~$50,000 each (Forest Service data)
- Environmental Assessments (EAs): ~$200,000 each (Forest Service data)
- Environmental Impact Statements (EIS):
  - DOE average: $6 million
  - Complex EISs: Can reach tens of millions (Potter et al., 2022)
- Up to $400 million spent just on regulatory/environmental review process for major projects (Coleman, 2019)

Infrastructure Costs

- Highway construction costs tripled in real terms between 1960s-1980s after NEPA's passage
- U.S. transit infrastructure costs 3x more than peer countries (Liscow, 2024)

Volume and Documentation

Annual Review Volume

- EISs:
  - ~100 EISs per year (Potter et al., 2022)
  - 100-300 EISs per year (Dourado, 2022)
  - 542 total EISs filed with EPA in 2006 (Congressional Research Service, 2008)
- EAs:
  - 5,000-10,000 EAs per year (Potter et al., 2022)
  - 11,308 to 13,205 EAs per year (FY2012-2015 data) (Dourado, 2022)
- CEs: 35,000-45,000 per year (estimated) (Potter et al., 2022)

Documentation Length

- CEQ recommends EISs be under 150 pages
- Actual average EIS length: 661 pages including appendices (2018) (Potter et al., 2022)
- For EISs between 2013-2017:
  - Main document averaged 586 pages
  - Appendices averaged 1,037 pages (Dourado, 2022)
- Historical comparison: 1970s EISs were a few pages vs 2018 EISs averaging 1,703 pages (Mackenzie, 2024)
- Former EPA counsel estimates 90% of EIS content is included solely to prevent litigation (Mackenzie, 2024)

Project Type Distribution and Outcomes

Energy Project Mix

- Department of Energy Project Mix:
  - 42% of active NEPA projects are clean energy/transmission/conservation
  - Only 15% are fossil fuel related (Potter et al., 2022)
- For BLM projects:
  - Fossil fuels: 5 EISs vs 211 EAs and 76 CEs

    - Clean energy: 19 EISs and only 9 EAs (Mackenzie, 2024)
- Clean vs Fossil Energy Share of Reviews:
    - 60% of energy-related EISs were for clean energy (2010-2018)
    - 24% were for fossil fuels
    - Current federal permitting trackers show:
        - 62% of ongoing energy EISs are clean energy
        - 16% are fossil fuel projects (Mackenzie, 2024)
- In 2006, 32 EISs (approximately 6%) were from the Department of Energy's Federal Energy Regulatory Commission (Congressional Research Service, 2008)

Project Completion and Cancellation Rates

From analysis of 355 major infrastructure projects (2010-2018) (Bennon & Wilson, 2023):

- Less than half were completed/operational by 2022
- 14% were cancelled outright
- 40% remained in construction or predevelopment

Cancellation rates by sector:

- Pipelines: 22% cancellation rate
- Transmission lines: 12% cancellation rate
- Solar: 32% cancellation rate
- Wind: 31% cancellation rate

Specific Project Status

- Offshore Wind Status:
    - 42 MW operational
    - 932 MW under construction
    - 18,581 MW stuck in permitting (mostly NEPA) (Potter et al., 2022)

Litigation Patterns and Outcomes

Litigation Frequency

- Circuit courts heard ~39 NEPA appeals cases per year from 2013-2022
- 56% increase over 2001-2015 litigation rates (Chiappa et al., 2024)
- Out of 355 major infrastructure projects (2010-2018):
    - 28% faced litigation (100 projects)
    - 89% of litigation (89 cases) included NEPA claims (Bennon & Wilson, 2023)

Sector-Specific Litigation Rates (Bennon & Wilson, 2023)

- Solar projects: 64% litigation rate
- Pipeline projects: 50% litigation rate
- Wind energy projects: 38% litigation rate
- Transmission line projects: 31% litigation rate

Agency Success Rates (Chiappa et al., 2024)

- Agencies won about 80% of NEPA appeals from 2013-2022
- Success rates by project type:
  - Forest management projects: 78.8% agency win rate
  - Energy projects: 71% agency win rate
  - Infrastructure projects: agencies won majority (exact rate not specified)

Litigation Distribution (for circuit courts)

- 72% of NEPA litigation initiated by NGOs
- 10 organizations responsible for 35% of all challenges (Chiappa et al., 2024)
- Project Type Distribution in Appeals:
  - 29% challenged energy projects, split between:
    - 37% fossil fuel infrastructure
    - 33% clean energy production
    - 22% fossil fuel extraction (Chiappa et al., 2024)

Indirect Costs and Economic Impacts

Market and Energy Impacts

- Delays make it impossible for U.S. companies to respond nimbly to energy market changes
- During NEPA delays, regions face higher energy costs (e.g., New England paying highest global gas prices due to pipeline constraints)
- Environmental impact when delays force use of dirtier fuels (e.g., New England switching to coal/oil due to gas pipeline constraints)
- Investment uncertainty leads to higher costs passed on to consumers through risk premiums (Coleman, 2019)

Investment Issues

- Multi-billion dollar investments delayed or at risk due to permitting uncertainty

- Pipeline companies must spend billions before construction can begin (on easements, equipment, etc.) (Coleman, 2019)
- Energy sectors with more private financing showed:
  - Shorter permit durations (e.g., 2.4 years for solar vs 9.6 years for highways)
  - Higher litigation rates
  - Higher cancellation rates (Bennon & Wilson, 2023)

Additional Considerations

Multiple Review Requirements

Example: Geothermal Project Process (Dourado, 2022):

- EA for making land available
- EA for leasing
- Categorical exclusion for minor exploration
- EA for exploratory wells
- EA for wellfield development
- EIS for plant construction/operation

Delay Factors

Primary causes identified (Congressional Research Service, 2008):

- Decision maker changes in the project
- Court challenges
- Poor documentation requiring revisions
- Changes in/additions to project alternatives
- Endangered Species Act compliance requirements
- The report indicates that 68-84% of delays were attributed to factors "outside the NEPA process" depending on the agency

Why NEPA Isn’t Exactly An Umbrella Law (Dourado, 2022)

- Many actions that skip NEPA review still comply with other environmental laws successfully
- Categorical exclusions still comply with substantive environmental laws without issue
- Only the most complex projects need the full "umbrella" coordination—the vast majority of federal actions are simpler

- Some elements under NEPA (like environmental justice reviews) would not be legally enforceable without NEPA requiring them

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Discussion about this post

Comments Restacks

Write a comment...

Marcy Murninghan Dec 30

Thank you for this terrific list, which I found courtesy of Noah Smith's current Substack. Just signed up for yours, which is brilliantly named. Your NEPA section has immediate relevance to a group of rail transit hawks I've long worked with here in Massachusetts — part of a group launched by former governor and presidential candidate Mike Dukakis — seeking to upgrade regional rail and build the North South Rail Link between Boston's North and South Stations.

Speaking as one whose professional devotion to policy implementation, institutional integrity, and values in public life spans decades, your entry on the scene is the proverbial breath of fresh air. Welcome! 👍🏻 Can't wait to learn more! 🎉

LIKE (2) REPLY SHARE

Greg Costigan Jan 11

This is a great list. But NEPA and CEQA are so ridiculous. We need drastic reform on both.

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