WMC
WOMEN'S MINING COALITION

Sent via email

July 17, 2025

The Honorable Bruce Westerman, Chairman
House Natural Resources Committee
U.S. House of Representatives

Dear Chairman Westerman:

The Women's Mining Coalition (WMC) applauds you and your colleagues for holding this important hearing, *Permitting Purgatory: Restoring Common Sense to NEPA Review*, and supports your efforts to make the National Environmental Policy Act (NEPA) sensible again. Although Congress significantly amended NEPA in the Fiscal Responsibility Act of 2023 and in the recently enacted One Big Beautiful Bill Act, more needs to be done to remove the NEPA roadblocks to energy and mineral dominance and threats to our economic wellbeing and national security.

Since its enactment in 1969, NEPA has evolved into an unworkable process that obstructs projects and creates a profit center for plaintiffs' attorneys who specialize in NEPA litigation to stop projects. Fifty-six years of lawsuits and judicial activism have transformed NEPA into a game of gotcha that project opponents effectively use to challenge projects in federal court and send them back to the drawing board. Plus, the ability to recover attorney fees from the Equal Access to Justice Act (EAJA), has turned NEPA litigation into a lucrative business model for many environmental NGOs, who, in the words of Justice Kavanaugh, in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. 1497 (2025), "may not always be entirely motivated by concern for the environment."

NEPA delays and litigation make securing federal permits for new mines, renewable and conventional energy projects, transmission lines, pipelines, roads, and other essential infrastructure difficult and risky. The broken NEPA process is a key reason why the U.S. is dangerously reliant on foreign minerals that are essential to our economy and national security because the current process cannot respond to the skyrocketing demand for minerals.

Thankfully, the Trump administration has recently made significant progress in fixing the dysfunctional NEPA process and to restore NEPA to its original intent to inform decisionmakers and the public about the environmental impacts associated with proposed projects requiring a federal permit. President Trump's seminal directive in EO 14154 to

rescind the Council on Environmental Quality's (CEQ's) NEPA regulations (40 CFR 1500 *et seq.*) is the foundation for fixing NEPA. These now revoked regulations created a complicated procedural bureaucracy that gradually transformed NEPA into a project-delaying morass where federal agencies suffered from paralysis by analysis and produced complex, multi-thousand-page NEPA tomes that were still frequently challenged in federal court.

On June 30, 2025, President Trump unveiled new NEPA policies to remove the burdensome bureaucratic procedures that were causing years of permitting delays and spawning expensive and time-consuming litigation. The Administration's new NEPA procedures incorporate many of the key findings in the U.S. Supreme Court's recent 8-0 decision in the *Seven County case,* which added much needed clarification to the scope of federal agencies' responsibilities and authority under NEPA.

Taken together, the administration's actions to eliminate the CEQ's regulations and incorporate the Supreme Court's *Seven County* decision significantly transform NEPA into a much more rational and useful process.

Now it's time for Congress to take action and enshrine these important NEPA changes in statute to preserve them for the foreseeable future by :

- Prohibiting CEQ from developing future NEPA regulations;

- Confirming that NEPA is a procedural statute enacted to evaluate and disclose potential impacts from a proposed action.

- Establishing that NEPA cannot be used to withhold, deny, or impose conditions on any permit or other authority and does not mandate a specific outcome or reduction of project impacts;

- Amending Section 102(C)(i) of the Fiscal Responsibility Act of 2023 (42 U.S.C. 4332) to clarify that the requirement to evaluate Reasonably Foreseeable Environmental Effects is circumscribed by the project area for the proposed action; and

- Clarifying that federal agencies' NEPA obligations and authority to evaluate the impacts associated with a proposed action are defined by and restricted to each agency's regulatory authority.

Additionally, litigation reform is necessary to stem the tide of NEPA litigation. Establishing that litigants challenging agencies' NEPA decisions may not recover attorney fees from EAJA is the key to essential NEPA judicial reform.

As Congress takes actions to insert common sense into the NEPA process, it is important to understand that this policy act, which is solely procedural, was never intended to be the source of environmental protection and does not include environmental protection standards. Other federal laws like the Clean Air Act and the Clean Water Act establish stringent environmental standards that govern projects. Consequently, eliminating the time-consuming and litigious NEPA process will not change environmental protection requirements or diminish environmental protection.

With this hearing, Congress has started the statutory process to eliminate NEPA's chokehold on our mineral and national security and our economic wellbeing, and to restore common sense to NEPA. WMC is very grateful for and fully supportive of this effort.

Sincerely yours,

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