



Legislative Hearing on H.R. 4776

September 10, 2025

**Chairman Bruce Westerman
House Natural Resources Committee
1324-A Longworth House Office Building
Washington, D.C. 20515**

**Ranking Member Jared Huffman
House Natural Resources Committee
1332 Longworth House Office Building
Washington, D.C. 20515**

Dear Chairman Westerman, Ranking Member Huffman, and members of the House Natural Resources Committee,

The National Environmental Policy Act was signed into law 55 years ago with the laudable goal of discouraging agencies from undertaking environmentally destructive actions. Today, however, it has become a major constraint on proactive conservation, especially efforts to restore forests and tackle the wildfire crisis. PERC thanks Chairman Westerman, Rep. Golden, and the Committee for your continued commitment to permitting-reform. To solve the environmental challenges we face, it is imperative that we speed up conservation efforts, not continue to slow them down.

The Property and Environment Research Center (PERC) is the national leader in market solutions for conservation, with over 40 years of research and a network of respected scholars and practitioners. Through research, law and policy, and innovative applied conservation projects, PERC explores how aligning incentives for environmental stewardship produces sustainable outcomes for land, water, and wildlife.

As you consider the Standardizing Permitting and Expediting Economic Development Act (H.R. 4776, the SPEED Act), we encourage you to bear in mind these key points:

- 1) Contrary to public perception, NEPA's greatest impacts fall not on infrastructure or energy development but on public land conservation. Over the last decade, the Forest Service has prepared more environmental impact statements than any other agency, outpacing the 2nd-place agency (BLM) by 50%.¹

¹ See EPA, *Environmental Impact Statement Database*, <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search> (last visited Sept. 8, 2025).

- 2) In large part due to NEPA, the delay between when the Forest Service initiates a forest restoration project to when on-the-ground work begins is 3-5 years. Litigation and an EIS increases the average delay to 6-9 years.²
- 3) Forest restoration projects are the most common subject of NEPA litigation. Several areas slated for restoration delayed by litigation have instead burned in catastrophic wildfires.³
- 4) A small number of litigious special interest groups are responsible for a disproportionate share of litigation. Three NGOs have brought half of the cases challenging forest restoration projects.⁴
- 5) While agencies prevail in the vast majority of NEPA cases, the mere threat of litigation—and the expense it entails—can be enough to get an agency to delay a project in the hopes of “litigation proofing” it.⁵

While NEPA’s effects on forest restoration stand out, other conservation efforts have likewise been obstructed, including water conservation in Arizona, bison reintroduction in Montana’s great plains, and renewable energy development in Oregon.⁶ Codifying and building on the Supreme Court’s decision in *Seven County*,⁷ the SPEED Act would return NEPA to its original intent and ensure the environmental review process is up to solving modern environmental challenges.

Sincerely,

The Property and Environment Research Center

² See Eric Edwards & Sara Sutherland, *Does Environmental Review Worsen the Wildfire Crisis?*, PERC Policy Br. (2022), <https://www.perc.org/wp-content/uploads/2022/06/PERC-PolicyBrief-NEPA-Web.pdf>.

³ See Alex Trembath, et al., *The Procedural Hangover: How NEPA Litigation Obstructs Critical Projects*, Breakthrough Institute (2025), https://thebreakthrough.imgix.net/A-Comprehensive-Analysis-of-NEPA-Litigation_v6.pdf.

⁴ See *id.*

⁵ See Holly Fretwell & Jonathan Wood, *Fix America’s Forests*, PERC Public Lands Rept. (2021), <https://www.perc.org/wp-content/uploads/2021/04/fix-americas-forests-restore-national-forests-tackle-wildfire-crisis.pdf>.

⁶ See PERC Amicus Brief, *Seven County v. Eagle County*, No. 23-975 (U.S. filed Sept. 4, 2025), <https://www.perc.org/wp-content/uploads/2024/09/PERC-Seven-County-amicus-brief-9.4.24.pdf>.

⁷ See *Seven County v. Eagle County*, No. 23-975 (U.S. 2025).