



*Sent via email*

July 30, 2025

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

Dear Chairman Westerman:

The Women's Mining Coalition (WMC) strongly supports the *Standardizing Permitting and Expediting Economic Development Act* (the SPEED Act) to amend the National Environmental Policy Act of 1969 (NEPA) that you and Congressman Jared Golden recently introduced. The SPEED Act will build on the NEPA amendments that the 118<sup>th</sup> Congress enacted in the Fiscal Responsibility Act of 2023 to eliminate the remaining ambiguities in the NEPA statute and to facilitate a more efficient, effective, and timely environmental review process.

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.

What was enacted as a procedural statute to consider the environmental effects of a federal action has become a hotbed of litigation as plaintiffs' attorneys routinely wage NEPA lawfare to delay and stop proposed projects. According to the [Breakwater Institute](#), when an agency's NEPA decision is challenged, NEPA litigation adds approximately four years to a project's timeline. Plaintiffs' unsuccessful track record of losing roughly 80 percent of their NEPA lawsuits underscores the meritless and disruptive nature of these cases.

The SPEED Act is needed to remove NEPA as a barrier to building essential infrastructure and achieving energy and mineral dominance and to eliminate the threats NEPA poses to our economic wellbeing and national security. We applaud the SPEED Act's amendment to NEPA Section 2 to clarify that NEPA is a procedural statute that prescribes a process but does not mandate particular results, any specific environmental outcome, confer substantive rights, or impose substantive duties beyond procedural requirements. WMC suggests that additional clarification is warranted to establish that NEPA cannot be used to withhold, deny, or impose conditions on any permit or other authority and does not mandate avoiding, eliminating, reducing, or mitigating project impacts.

The SPEED Act puts important sideboards on the scope of technical data that agencies must consider in preparing NEPA documents, which will help stop the current problem of “analysis paralysis” in which agencies (and litigants) keep moving the “information goal posts” farther apart by requiring project proponents to supply more and more data. This expensive delay tactic rarely adds meaningful information to a NEPA environmental analysis.

Other elements of the SPEED Act that WMC finds especially important include:

- Strengthening the role of the Lead Agency and limiting the role of Cooperating Agencies.
- Allowing a state’s, tribe’s, or another federal agency’s environmental review to satisfy NEPA.
- Adding Section 106(c) *Scope of Review* and Section 106(d) *Certainty*;
- Increasing the longevity of programmatic NEPA documents from 5 years to 10 years.
- Defining *Reasonably Foreseeable* to mean effects that have a close causal, spatial, and temporal relationship to the proposed project or action and does not include speculative, attenuated, distant, or future effects.
- Matching an agency’s NEPA obligations to the scope of its regulatory jurisdiction and expertise.
- Exempting federal project funding from the definition of a major federal action that requires preparation of a NEPA document.
- Establishing the new section on judicial reform to clarify that the standard of review is limited to finding an agency action does not comply with NEPA’s procedural requirements, to limit judicial remedies in NEPA litigation to remand orders, to proscribe time limits in which an agency must respond to a remand order, and to keep final agency actions in effect during the pendency of a remand order.
- Preventing a court from substituting its judgment for that of the agency regarding the environmental effects of a proposed agency action.
- Limiting NEPA appeals to within 150 days after a final agency action and to issues and concerns that the Plaintiff raised with specificity during public comments and requiring courts to resolve NEPA cases within 180 days.

WMC suggests that an additional judicial reform measure is needed to eliminate the NEPA litigation cottage industry that currently capitalizes on NEPA as 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

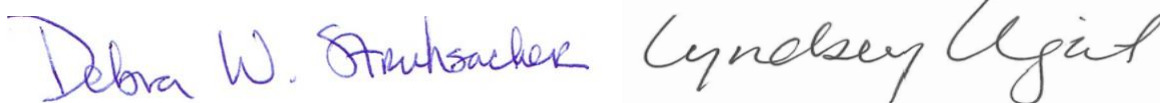
entirely motivated by concern for the environment.” To put a stop to NEPA litigation as a profit center, we suggest that the SPEED Act explicitly exempt NEPA litigation from cost recovery of attorneys’ fees pursuant to the Equal Access to Justice Act (EAJA).

We also suggest that the SPEED Act establish that in the future, the Council on Environmental Quality (CEQ) is prohibited from developing NEPA implementing regulations. President Trump’s Unleashing American Energy Executive Order (EO 14154) rescinded the 1977 Executive Order (EO 11991) directing the CEQ to develop NEPA regulations. Eliminating these CEQ regulations (40 CFR 1500 *et seq.*) is key to fixing NEPA because they created the complicated procedural bureaucracy that gradually transformed NEPA into a project-delaying quagmire where federal agencies produced increasingly complex NEPA tomes that NGOs frequently challenged in federal court. The SPEED Act needs to prevent a future administration from directing its CEQ to enact NEPA implementing regulations applicable to all executive branch agencies that replicate the problematic CEQ regulations developed during the Biden Administration. The SPEED Act needs to include this safeguard to prevent regulatory whipsawing and to establish long-term NEPA regulatory stability.

As Congress considers the SPEED Act, it is important to understand that the proposed amendments to NEPA will not compromise environmental protection because NEPA is a solely procedural policy act and is not the source of environmental protection or environmental protection standards. Other federal laws like the Clean Air Act and the Clean Water Act establish stringent environmental standards that govern projects. Consequently, the SPEED Act’s measures to eliminate the time-consuming and litigious NEPA process will not change environmental protection requirements or diminish environmental protection.

The SPEED Act will eliminate NEPA’s chokehold on our mineral and national security and our economic wellbeing, and will restore common sense to NEPA. WMC applauds you and Congressman Golden for your leadership and vision in introducing this bill and urges your colleagues to enact it expeditiously.

Sincerely yours,

The image shows two handwritten signatures in blue ink. The signature on the left is 'Debra W. Struhsacker' and the signature on the right is 'Lyndsey Wright'.

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