



1. ECONOMY: Senate defeats measure to curtail NEPA reviews for stimulus projects (02/06/2009)

Noelle Straub, E&E reporter

The Senate yesterday rejected a GOP attempt to speed up or waive National Environmental Policy Act reviews for projects funded in the economic stimulus bill.

Instead, senators approved a competing proposal from Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) to ensure that all stimulus projects comply with NEPA on an expedited basis.

The amendment from Sen. John Barrasso (R-Wyo.) would have required that NEPA reviews be completed within 270 days of the bill being signed into law. If the reviews were not completed by then, the project would have been considered to have "no significant impact" and work would be allowed to proceed.

Barrasso said his amendment is a "practical, moderate solution to a real problem." He warned that schools, roads and bridges funded in the stimulus could be held up by NEPA red tape. He also claimed his amendment would not have waived NEPA but only required that reviews be completed in nine months.

"If projects are truly shovel-ready this should be no problem," he said.

Barrasso's amendment was rejected by voice vote. It also would have required that administrative appeals be combined into a single review. Once administrative remedies were exhausted, judicial review would have been undertaken directly at the level of the U.S. District Court of Appeals for the District of Columbia in order to prevent "judge shopping."

Boxer said Barrasso's measure would "pretty much waive the protections of [NEPA] from this bill." She said there were many groups that were "very worried" about his amendment, including the League of Conservation Voters and the American Lands Alliance.

Boxer's amendment as originally written would have required that any action or funds made available for an action that trigger NEPA, but have not complied with it, must either come into compliance or be replaced by other eligible activities.

As modified, Boxer's measure requires that adequate resources within the stimulus be devoted to ensuring that applicable reviews under NEPA "are completed on an expeditious basis and that the shortest existing applicable process" under NEPA be used.

It also requires the Obama administration to report to Boxer's committee and the House Natural Resources Committee every 90 days until Sept. 30, 2011, on the status and progress of stimulus projects with respect to NEPA requirements.

Barrasso said he appreciated the modifications Boxer made to her amendment after the pair and their staffs consulted on the matter. After the changes to Boxer's measure, the duo came to an agreement on how to proceed with their competing amendments on the Senate floor, accepting voice votes.

"The senator's amendment rightly states we should try to expedite NEPA," Barrasso said.

[Click here](#) to read Boxer's amendment.