

Key NEPA Requirements	<u>1978 Rules</u>	<u>2020 Rollback</u>	<u>Phase 1 Final Rule (2022)</u>	<u>Phase 2 (proposed 2023)</u>
Project Sponsor Can Prepare Documents	No	Yes, under supervision of agency	Restored 1978 provision	Yes, pursuant to guidance adopted by each agency*
Tiering to programmatic analyses	“Encouraged” to tier EISs as appropriate	Provides additional guidance	Not addressed	Can tier to programmatic analysis in 5 years w/o further review; after 5 years w/ review*
Agencies can “borrow” CEs	No	Yes	Not addressed	Yes* Agencies can also establish CEs through land use plans or PEIS decision document + “extraordinary circumstances” when CE doesn’t apply
Time limits	None	2 years for EISs 1 year for EAs	Not addressed	No change*
Page limits	EISs 150/300 pp.	EISs 150/300 pp. EAs 75 pp.	Not addressed	No change* (limits don’t include citations or appendices)

* Required under the Fiscal Responsibility Act (2023)