

Key NEPA Requirements	<u>1978 Rules</u>	<u>2020 Rollback</u>	<u>Phase 1 Final Rule (2022)</u>	<u>Phase 2 (proposed 2023)</u>
Analysis of “reasonable alternatives”	Agencies must “rigorously explore” all alternatives to proposed action, including those outside agency’s jurisdiction	Agencies must provide “limited” analysis of “technically and economically feasible” (T&EF) alternatives that meet project’s “purpose and need,” (P&N) are within lead agency’s jurisdiction, and ideally meet applicant’s goals	Deletes “and ideally meet applicant’s goals”	Must “rigorously explore” alternatives that are T&EF and meet P&N* + “may” explore alternatives outside lead agency’s jurisdiction + must ID “environmentally preferable alternative(s)”
Relevant Data	Agencies must ensure “professional” and “scientific integrity”	+ Agencies shall use “reliable data” + Agencies not required to do new studies	Not addressed	Agencies must ensure “scientific integrity” and use “reliable data”* including “best available science” Deletes language that agencies aren’t required to conduct new studies + Agencies to use projections, including climate-related effects, “where appropriate”
Mitigation	Agency to adopt “monitoring and enforcement program” for mitigation “where applicable”	Defines mitigation Requires agencies cite to statutory authority when specifying mitigation Monitoring and enforcement program only required for “enforceable” commitments	Not addressed	Agencies “should” mitigate adverse effects on communities with EJ concerns Requires mitigation be enforceable (e.g., through permit conditions). Agency to ID authority for enforceable mitigation in “monitoring and compliance” plan

* Required under the Fiscal Responsibility Act (2023)