

Alert | Energy & Natural Resources/Environmental



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Department of the Interior to Adopt Expedited NEPA Permitting Procedures for Energy and Minerals Projects on Federal Lands

On April 23, 2025, the U.S. Department of the Interior announced plans to implement unprecedented emergency procedures to fast-track permitting for energy and critical minerals projects on federal lands. The initiative follows President Donald Trump’s Jan. 20, 2025 [declaration of a National Energy Emergency](#) and implements that executive order’s direction to “identify and exercise any lawful emergency authorities available” to facilitate energy development, including critical minerals. In his [executive order](#) dated March 20, 2025, President Trump used a broad definition of the term “critical mineral” to include all critical minerals identified by the Secretary of the Department of the Interior pursuant to the Energy Act of 2020, as well as uranium, copper, potash, and gold. Eligible energy permitting projects include those that seek to “identify, lease, site, produce, transport, refine, or generate” energy resources.

The Department of the Interior will use the new procedures to expedite its permitting approvals, “if appropriate,” employing existing regulations issued pursuant to the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA). Notably, the press release promises the completion of environmental impact statements (EISs) in just 28 days, and environmental assessments (EAs) within two weeks. The expedited NEPA procedures will rely on 43 C.F.R. § 46.150(b), which authorizes Department of the Interior officials to take emergency actions *before* preparing a NEPA analysis under certain circumstances. The rule provides that if emergency action is

necessary before preparing an EIS, officials must consult with the Council on Environmental Quality (CEQ) regarding the necessary NEPA compliance.

CEQ also released [guidance](#) on April 23, 2025 for federal agencies to use in updating their NEPA regulations. The guidance follows CEQ's withdrawal of its own NEPA rules, as directed by President Trump in his January 20, 2025 [executive order](#) entitled Unleashing American Energy. An [internal Interior memorandum](#) from the same day documents the Department of the Interior's consultation with CEQ – required by the Interior NEPA regulations – and its reliance on the CEQ guidance to develop its “alternative [NEPA] compliance process,” and explains how an EIS could be completed in just 28 days under these emergency procedures:

- Project applicants must agree in writing to use the alternative procedures and must have submitted plans of operation, drilling permit applications, or other approval requests.
- The Department of the Interior would publish the Notice of Intent to prepare an EIS, solicit written comments, and schedule a public meeting that would be held during the agency's preparation of the EIS.
- Comment periods would be approximately ten (10) days in most cases, and occur during the preparation of the EIS.
- The EIS would be published in final form within the 28-day period. There would be no draft EIS.
- The Record of Decision must document how the action “addresses the national energy emergency.

The press release contemplates similar emergency procedures for compliance with ESA and NHPA requirements. It is unclear when or how these new procedures will be adopted, and remains to be seen whether they will be widely employed by the Department of the Interior.

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