

House Committee on Natural Resources

Topic: Full committee oversight hearing on “Permitting Purgatory: Restoring Common Sense to NEPA Reviews”

22 July 2025

Highlights:

- The hearing covered National Environmental Policy Act (NEPA) barriers to infrastructure and energy development, with discussion of NEPA emergency procedures implications.
- In some discussions, witnesses and Congressional representatives laid out possibilities on how NEPA emergency waivers may negatively impact Tribal lands and consent on development in sacred sites.
- [Chair Bruce Westerman](#), (R-AR) argued that NEPA has become a procedural bottleneck that delays critical infrastructure and energy projects, stating completion times of 4.5 to 7 years.

Witnesses:

[Mr. Tony Boals](#), Vice President, Wright Brothers Construction Company, Charles, TN

[Mr. Tony Campbell](#), President and CEO, East Kentucky Power Cooperative, Winchester, KY

[Mr. Alex Herrgott](#), President and CEO, The Permitting Institute, Washington D.C.

[Mr. Andrew Mergen](#), Faculty Director, Emmet Environmental Law and Policy Clinic, Harvard Law School

Key Tribal Issues Raised:

Tribal Sovereignty and Consultation

- [Rep. Emily Randall](#), (D-WA) raised concern about insufficient Tribal consultation regarding recent NEPA changes. She cited the approval of uranium mines in Utah with only seven days allotted for Tribal government consideration and assessment of impacts on ancestral lands.
- Harvard Law School’s Andrew Mergen noted that these NEPA changes disregard long-standing commitments to Tribal nations and undervalues Tribal expertise in land stewardship.

Barriers to Tribal Participation

- Mergen raised the concern that staffing cuts at the U.S. Department of the Interior has resulted in the loss of staff with Tribal consultation and cultural resource protection. This loss of institutional knowledge has weakened Tribal participation.

Environmental Justice and Sacred Sites

- Discussion centered on the understanding that the new emergency NEPA provisions allow minimal commitment from project sponsors. One example cited was that the requirement barrier is so low now that applicants sign a form stating “they’ll avoid harm to the extent prudent and feasible,” with Mergen noting that is unlikely protect Tribal lands and sacred practices.