



**ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES**

**LEADERS IN WATER**

1620 I Street NW, Suite 500  
Washington, DC 20006

**P** 202.505.1565  
amwa.net

August 4, 2025

The Honorable D. Lee Forsgren  
Acting Assistant Secretary  
US Army Corp of Engineers  
441 G Street NW  
Washington, DC 20314-1000

Re: Docket COE-2025-0006 Procedures for Implementing NEPA; Processing of Department of the Army Permits

*Submitted electronically*

Dear Acting Assistant Secretary Forsgren:

The Association of Metropolitan Water Agencies (AMWA) appreciates opportunity to comment on the U.S. Army Corps of Engineers’ (USACE) proposed rule, *Procedures for Implementing NEPA; Processing of Department of the Army Permits*, published in the Federal Register on July 3, 2025 (90 Fed. Reg. 48548). AMWA is an organization representing the largest publicly owned drinking water utilities in the United States, and its membership collectively serves more than 160 million people. AMWA recognizes NEPA as a cornerstone of U.S. environmental policy and supports maintaining the integrity of the NEPA process while also prioritizing efficiency. The Association appreciates this administration’s efforts to revise the NEPA regulation processes in a manner that will reduce costly and ineffective review processes while increasing transparency and federal agency accountability. The Association is therefore pleased to provide the following feedback to USACE regarding its NEPA implementing procedures.

AMWA members continuously pursue complex infrastructure projects that ensure the continued delivery of safe, reliable, and affordable drinking water to millions of Americans. To do so, AMWA member agencies engage with projects that are subject to NEPA review or interactions across different federal agencies or departments, highlighting the Association’s requests for clarity in the US Army Corps of Engineers’ NEPA implementing regulations. AMWA utilities often interact with the U.S. Army Corps of Engineers’ NEPA procedures when planning and permitting critical infrastructure projects that involve jurisdictional waters or require Section 404 permits, while AMWA

**BOARD OF DIRECTORS**

<b>PRESIDENT</b>	<b>VICE PRESIDENT</b>	<b>TREASURER</b>	<b>SECRETARY</b>	<b>EMERITUS</b>	<b>CHIEF EXECUTIVE OFFICER</b>
Jeffrey Szabo Suffolk County Water Authority	Calvin Farr Prince William Water	Lindsey Rechtin Northern Kentucky Water District	Chris Browning Oklahoma City Water Utilities Trust	John P. Sullivan, Jr. Boston Water and Sewer Commission	Tom Dobbins
Julie Anderson Denver Water	Verna Arnette Beaufort-Jasper Water & Sewer Authority	Cathy Bailey Greater Cincinnati Water Works	Tad Bohannon Central Arkansas Water	Jeff Brown Onondaga County Water Authority	Shane Chapman Metropolitan Water District of Southern California
Alex Chen Seattle Public Utilities	Randy E. Hayman Sewerage and Water Board of New Orleans	Matthew Jalbert Trinity River Authority of Texas	Dave Johnson Las Vegas Valley Water District	Yann Le Gouellec Newport News Waterworks	Angela Licata New York City Department of Environmental Protection
Rachel Murphy Contra Costa Water District	Will Pickering Pittsburgh Water	Shaun Pietig WaterOne	Todd Swingle Toho Water	Holly Rosenthal Phoenix Water Services Department	Kenneth Waldroup Cape Fear Public Utility Authority

utilities in the Western United States rely on or operate water supply projects that are subject to the Bureau of Reclamation's jurisdiction. Many of these projects, especially those involving surface water supplies, reservoirs, and inter-basin transfers, require review or authorization from multiple federal agencies, including DOI bureaus such as the Bureau of Reclamation and the Bureau of Land Management, as well as the US Army Corps of Engineers, and more. Therefore, the clarity, predictability, and consistency of NEPA procedures across federal agencies are of particular importance to the communities AMWA member utilities serve.

AMWA recognizes US Army Corps of Engineers' intent to align its NEPA procedures with amendments enacted through the Fiscal Responsibility Act of 2023<sup>1</sup> and to incorporate recent judicial developments and executive orders. AMWA respectfully raises several areas where additional clarification, consistency, and stakeholder engagement could improve the transparency and effectiveness of the Army Corps' NEPA implementing regulations.

### **Interagency Divergence in Lead Agency Determinations**

The designation of a lead agency is foundational to the NEPA process and a critical concern for AMWA member utilities, whose projects often require authorizations from multiple federal entities. Concerningly, the U.S. Army Corps of Engineers' recent regulatory update (33 CFR Part 333)<sup>2</sup> introduces language permitting reliance on "any other applicable statute" to determine lead agency authority without offering additional clarity. The process also diverges from the Department of Interior's NEPA Handbook,<sup>3</sup> which outlines its NEPA implementing procedures and references the statutory criteria under NEPA section 107(a)(1)(A) for selecting a lead agency but provides limited guidance on how these determinations will be coordinated or resolved when more than one agency asserts jurisdiction. AMWA therefore respectfully requests Army Corps clarify whether and under what circumstances other statutes would influence lead agency designation; and how the Corps will ensure interagency consistency when multiple agencies are involved in the environmental review of the same project. Additionally, the Army Corps' NEPA implementation regulations' discussion of joint lead agencies would benefit from elaboration on the process and criteria for establishing such relationships and resolving potential conflicts.

### **Alignment with CEQ and Interagency Processes**

The success of NEPA improvement hinges on consistency and procedural alignment across federal agencies. AMWA has observed variation in how federal agencies define terms, manage public

---

<sup>1</sup> Fiscal Responsibility Act of 2023, Pub. L. No. 118-5, 137 Stat. 10 (2023).

<sup>2</sup> U.S. Army Corps of Engineers & Department of the Army. (2025, July 3). *Procedures for implementing NEPA; processing of Department of the Army permits* (33 CFR parts 320, 325 & 333; Docket No. COE-2025-0006; RIN 0710-AB20). *Federal Register*, 90(126), 29464-29472. Retrieved from <https://www.federalregister.gov/documents/2025/07/03/2025-12360/procedures-for-implementing-nepa-processing-of-department-of-the-army-permits>.

<sup>3</sup> U.S. Department of the Interior, Office of Environmental Policy & Compliance. (n.d.). *DOI NEPA Handbook*. Retrieved from <https://www.doi.gov/media/document/doi-nepa-handbook>.

participation, and assign responsibilities in NEPA reviews. For example, DOI's NEPA Handbook adopts a guidance-based approach, while USACE retains codified procedures. While we recognize these distinctions may reflect agency-specific needs, we urge the Corps to work with CEQ and interagency partners to promote harmonization of NEPA implementation policies, especially for the kinds of joint or coordinated reviews water infrastructure projects often require.

### **Divergence in Agency-Specific Procedures May Exacerbate Confusion**

Major water infrastructure projects of regional environmental significance frequently cross the jurisdictions of multiple federal agencies. Accordingly, procedural alignment and clear communication across agencies are essential to maintaining timely, efficient environmental reviews.

The Association is concerned that US Army Corps of Engineers' procedures differ in both form and substance from those adopted by other agencies, such as the Department of the Interior and Department of Energy, in areas including the structure of joint lead agency participation; terminology used to describe agency responsibilities and project phases; and the approach to scoping, public engagement, and applicant coordination. Such variation can create uncertainty for project proponents and consulting agencies, undermining the efficiencies recent NEPA revisions through law and executive actions intent to achieve. The Association recommends Army Corps coordinate closely with CEQ and other federal agencies to identify opportunities for greater procedural harmonization, or at minimum, provide supplementary guidance to assist applicants navigating cross-agency reviews.

### **Clarification of Stakeholder Roles and Opportunities for Engagement**

AMWA recommends that the Corps provide further clarity around the role of applicants in shaping the scope and alternatives evaluated in NEPA documents through the Army Corps of Engineers. The Interim Final Rule does not clearly explain how external stakeholders, including local agencies, project applicants, and the public, can engage in decisions such as lead agency selection, project scoping or alternative development. AMWA therefore requests further guidance on how non-federal entities may participate in the lead agency selection process; the role of applicants in determining the scope and depth of NEPA review; and how the Corps intends to implement the time and page limits introduced under the Fiscal Responsibility Act, particularly in the context of complex, multi-agency projects. Improved clarity on these points would support better coordination, reduce rework, and ensure that environmental documents are appropriately tailored to support informed decision-making.

### **Appreciation for the NEPA Matrix and Continued Collaboration**

AMWA commends this administration's development and the Corps' participation in the *Agency NEPA Implementing Procedures and Guidance Matrix*<sup>4</sup> hosted by the Federal Permitting

---

<sup>4</sup> US Office of Management and Budget, Council on Environmental Quality, & Federal Permitting Improvement Steering Council. (n.d.). *Agency NEPA implementing procedures and guidance*. Performance.gov. Retrieved from <https://www.permits.performance.gov/tools/nepa-rules>.

The Honorable D. Lee Forsgren

August 4, 2025

Page 4 of 4

Improvement Steering Council. This interactive matrix is a particularly valuable tool for public water utilities and other stakeholders, offering centralized access to agency-specific procedures, guidance materials, and key points of contact. Resources like this improve transparency and coordination, particularly in multi-agency project settings, and support more efficient and informed engagement from applicants and the public.

Additionally, AMWA welcomes the opportunity to participate in future stakeholder engagement opportunities, listening sessions, or interagency dialogues convened by the Army Corps of Engineers. AMWA and its members are eager to continue collaborating with the Corps to ensure that NEPA implementation remains both environmentally responsible and practically achievable for critical public services.

### **Conclusion**

Public water systems serving communities across the United States are facing clear and urgent operational challenges for which projects under NEPA review can swiftly address. Ensuring clear, timely, and cost effective NEPA review processes across federal agencies will guarantee that utilities can implement key capital projects when necessary. Efficient and clear procedures will also ensure that water systems do not face unreasonable delays in the construction of important projects or receive financial penalties for delayed NEPA review processes.

AMWA thanks USACE for the opportunity to provide feedback on the Army Corps' procedures for implementing NEPA and processing of the Department of the Army permits. If you have any questions or want to discuss our comments further, please contact Jessica Evans ([evans@amwa.net](mailto:evans@amwa.net)), AMWA's Director of Regulatory Affairs.

Sincerely,



Tom Dobbins  
Chief Executive Officer

cc: Milton Boyd, Assistant Counsel

Attachment: AMWA Comments on Docket CEQ-2025-0002 Removal of National Environmental Policy Act Implementing Regulations