



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

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August 4, 2025

The Honorable Douglas Burgum
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Docket DOI-2025-0004 Department of the Interior’s Interim Final Rule Revising NEPA
Implementing Procedures

Submitted electronically

Dear Secretary Burgum:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to provide comments to the Department of the Interior’s (DOI) interim final rule revising its procedures for implementing the National Environmental Policy Act (NEPA), as published in the *Federal Register* on July 3, 2025 (90 FR 48563). 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 DOI regarding the Department’s 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 DOI’s NEPA implementing regulations. AMWA 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,

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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 the Department's intent to align its NEPA procedures with amendments enacted through the Fiscal Responsibility Act of 2023¹ and to incorporate recent judicial developments and executive orders. The Association also recognizes DOI's decision to consolidate its NEPA implementation approach through a department wide NEPA Handbook rather than codified regulation. While this approach may offer various efficiencies, AMWA respectfully raises several areas where additional clarification, consistency, and stakeholder engagement could improve the transparency and effectiveness of DOI's 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. DOI's NEPA Handbook² 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. This lack of specificity contrasts with the U.S. Army Corps of Engineers' recent regulatory update (33 CFR Part 333), which introduces language permitting reliance on "any other applicable statute" to determine lead agency authority. AMWA therefore respectfully requests DOI clarify whether and under what circumstances other statutes would influence lead agency designation; and how the Department will ensure interagency consistency when multiple agencies are involved in the environmental review of the same project. Additionally, the NEPA Handbook's discussion of joint lead agencies would benefit from elaboration on the process and criteria for establishing such relationships and resolving potential conflicts.

Use of Uncodified Guidance Raises Concerns About Clarity and Stability

DOI's decision to shift from codified regulations to a centralized NEPA Handbook marks a significant departure from the approach taken by other federal agencies. While AMWA appreciates the Handbook's potential to streamline internal practices, its reliance as the primary procedural authority raises important questions for stakeholders. Unlike regulations promulgated through notice-and-comment rulemaking, handbooks and internal guidance are more easily modified without public engagement, which may reduce predictability for applicants and partners, like public water systems.

We respectfully request clarification on the Department's process for revising or updating the NEPA Handbook, including whether stakeholders will be notified or invited to comment; and the

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

² 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>.

mechanisms DOI will use to ensure consistency between the Handbook, CEQ's guidance, other agency NEPA implementation regulations, and applicable statutory mandates. Given the foundational role NEPA plays in major public water infrastructure projects, we believe it is important that the policies governing implementation be transparent, clear, and stable.

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 DOI's procedures differ in both form and substance from those adopted by other agencies, such as the US Army Corps of Engineers' 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 DOI 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

Several provisions of the DOI NEPA Handbook assign discretion to the "Responsible Official," but it is not always clear how external stakeholders, including state and local agencies, project applicants, and the public, can engage in decisions such as lead agency designation, 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 DOI 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 DOI's participation in the *Agency NEPA Implementing Procedures and Guidance Matrix*³ hosted by the Federal Permitting 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

³ 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 Douglas Burgum

August 4, 2025

Page 4 of 4

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 DOI and its bureaus. AMWA and its members are eager to continue collaborating with the Department 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 DOI for the opportunity to provide feedback on the Department of the Interior's Interim Final Rule Revising NEPA Implementing Procedures. If you have any questions or want to discuss our comments further, please contact Jessica Evans (evans@amwa.net), AMWA's Director of Regulatory Affairs.

Sincerely,



Tom Dobbins
Chief Executive Officer

cc: David Palumbo, Acting Commissioner, Bureau of Reclamation
William "Bill" Groffy, Acting Director and Principal Deputy Director, Bureau of Land Management
Stephen G. Tryon, Director, Office of Environmental Policy and Compliance

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