

EXHIBIT 1



EXECUTIVE OFFICE OF THE PRESIDENT
 COUNCIL ON ENVIRONMENTAL QUALITY
 WASHINGTON, D.C. 20503

December 14, 2018

ENVIRONMENTAL IMPACT STATEMENT TIMELINES (2010-2017)

This document presents information on the time that Federal agencies took to complete environmental impact statements (EISs) pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347, and related records of decision (RODs) between 2010 and 2017. The information provided below includes figures reflecting the length of time from issuance of a notice of intent (NOI) to prepare an EIS through publication of a draft and final EIS and publication of a ROD, as well as a summary of factors that may affect the timelines presented.

OVERVIEW

To determine the time required for Federal agencies to complete EISs prepared pursuant to NEPA, the Council on Environmental Quality (CEQ) reviewed data from the following publicly available sources: (1) the Environmental Protection Agency's EIS Database;ⁱ (2) the Federal Register;ⁱⁱ and (3) agency and project websites. The information provided in this document is based on 1,161 EISs for which a notice of availability of a final EIS was published between January 1, 2010, and December 31, 2017, and a ROD was issued by June 7, 2018.ⁱⁱⁱ The data presented does not include final EISs published during the 2010-2017 period for which a ROD was still in preparation, on hold, or not planned as of June 7, 2018. To access the underlying data for this report, click [here](#).

Based on its review, CEQ found that across all Federal agencies, the average (*i.e.*, mean) EIS completion time (from NOI to ROD) was 4.5 years and the median was 3.6 years.^{iv} One quarter of the EISs took less than 2.2 years (*i.e.*, the 25th percentile), and one quarter took more than 6.0 years (*i.e.*, the 75th percentile).^v The period from publication of an NOI to the notice of availability of the draft EIS took on average 58 percent of the total time, while preparing the final EIS, including addressing comments received on the draft EIS, took on average 32 percent of the total time. The period from the final EIS to publication of the ROD took on average 10 percent of the total time.

CEQ's findings are provided in Figures 1 through 6 below. The findings regarding the length of time for completion of the EIS and issuance of the ROD do not include the additional time that may have been required for pre-NOI activities, or the additional time required for completing a supplemental EIS where one was required. CEQ did not examine all factors specific to individual projects.^{vi} In general, the time may depend on the following factors:

- **Variation in scope and complexity:** Even within an agency, EISs may vary widely in technical complexity and other factors that influence the length and timing of the document. These other factors may include changes in the proposed action, funding, and community concerns. Similarly, EIS processes for large infrastructure projects vary considerably from those associated with rulemakings or land management planning

processes that are largely within the control of the lead agency. This document presents Federal Government-wide and agency-specific data but does not subdivide EISs by sector or type. The distribution of EIS completion times in Figure 1 indicates that there may be factors that cause some reviews to take much longer than is typical. This report does not attempt to identify those factors or to measure their effect on review times.

- **Pre-NOI activity:** Use of the NOI publication date as the starting point of the EIS timeline may not accurately represent the beginning of the environmental review process. The CEQ NEPA regulations state that an agency shall publish an NOI “[a]s soon as practicable” after its decision to prepare an EIS.^{vii} Agencies and EISs vary significantly in the extent of preparatory work done before issuing an NOI. Some agencies publish an NOI only after considerable internal scoping, initial consultations with key participants in the NEPA process, gathering of needed environmental data, and pre-application procedures. Some NEPA reviews also take place under procedures that require an applicant to supply considerable environmental information or to obtain other agency approvals before formally starting the EIS process and issuing an NOI.^{viii} Significant pre-NOI activity may decrease the NOI to ROD timeline reflected in this document. This document does not provide the length of time associated with pre-NOI activity nor is the effect of that time considered within the rest of the review.
- **Delays or Suspensions in EIS Activity:** For some EISs, the timeline does not represent continuous activity. Delays may be attributed to the agency, the applicant, Congress, the needs of cooperating agencies, state, Tribal, and local interests, or public controversy. Delays may occur during the preparation of the EIS or in the issuance of a ROD, and while agencies may announce a suspension and restart, they do not consistently announce that work on an EIS has been suspended. Consequently, CEQ did not adjust timeframes to account for delays or suspensions. This document does not identify the causes of delay for any EISs included in the data or adjust the timelines where the delay is attributable to circumstances beyond the control of the agency (e.g., changes in priority, resources, or project funding).
- **Cooperating and Co-Lead Agencies:** The data presented here identify each EIS and its timeline with a single lead agency. While the EIS may also involve other cooperating or co-lead agencies participating in the EIS process, for purposes of this data collection effort, only one agency is listed. This does not affect the government-wide characterization of EIS timelines, but could increase or decrease the average and median times reported for individual agencies to complete the EIS process since the time to complete a particular EIS is only attributed to the lead agency.
- **FEISs with No ROD:** The NEPA process is intended to inform agency decision-making. However, in some cases, an agency prepares an EIS but does not issue a decision. This occurred for 108 EISs within the data reviewed in this report. Based on the data collected, these 108 EISs took an average of 5 years from NOI to FEIS. EISs that have not resulted in a ROD, including legislative EISs prepared pursuant to 40 C.F.R. 1506.8, are not further discussed.

- **Revised EISs:** Agencies occasionally prepare what they describe as revised versions of a draft EIS or a final EIS. This occurred 71 times at the draft EIS stage and 3 times at the final EIS stage. For purposes of the data presented here, the initial EIS dates were used.
- **Supplemental EISs:** The timelines presented here do not include the time required to develop supplemental EISs. From 2010 to 2017, supplemental final EISs were issued for 130 actions. Supplemental EISs sometimes lacked NOIs, making timeline calculation difficult, and these supplements were prepared for a broad range of purposes across departments and agencies.
- **Adoptions:** Agencies may adopt another agency's EIS pursuant to 40 C.F.R. 1506.3. This was done 57 times from 2010 to 2017. The timelines presented here do not include adoptions.

Figure 1

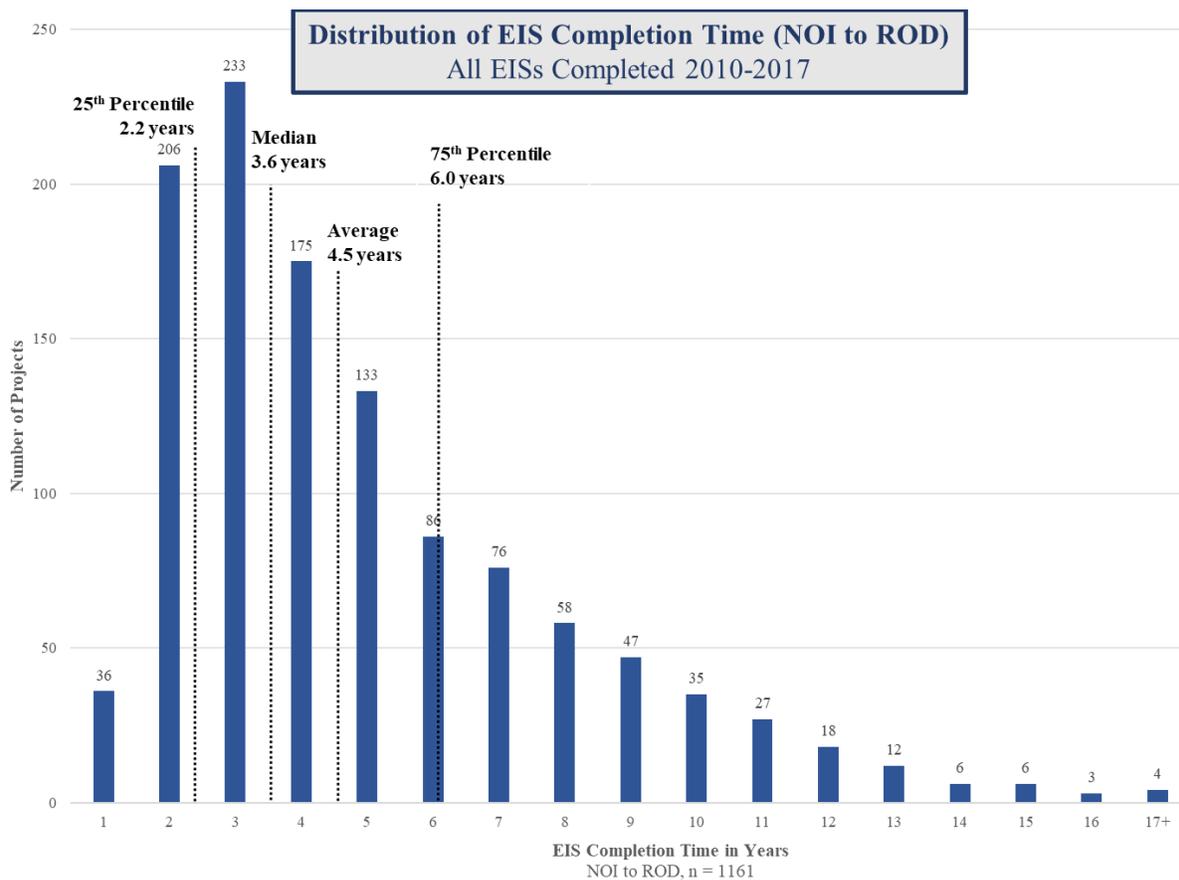


Figure 2

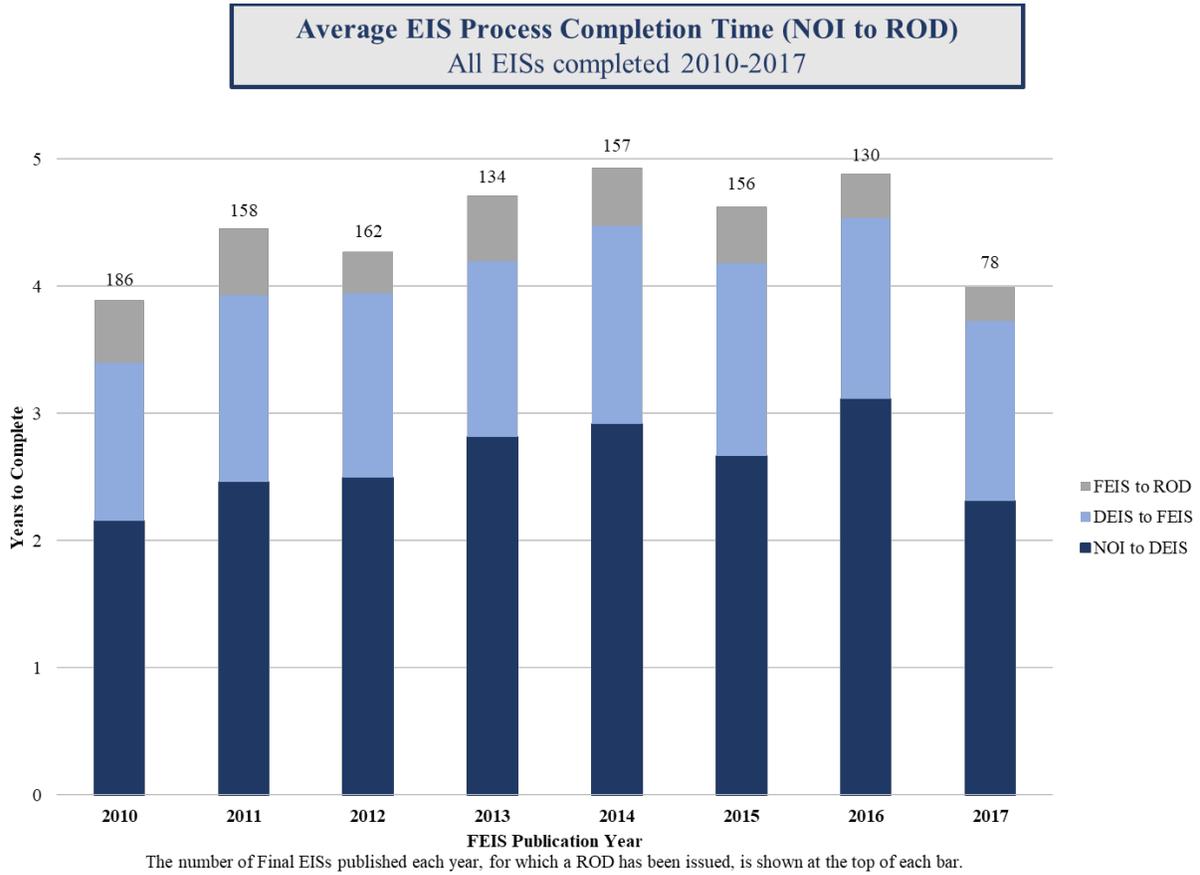


Figure 3

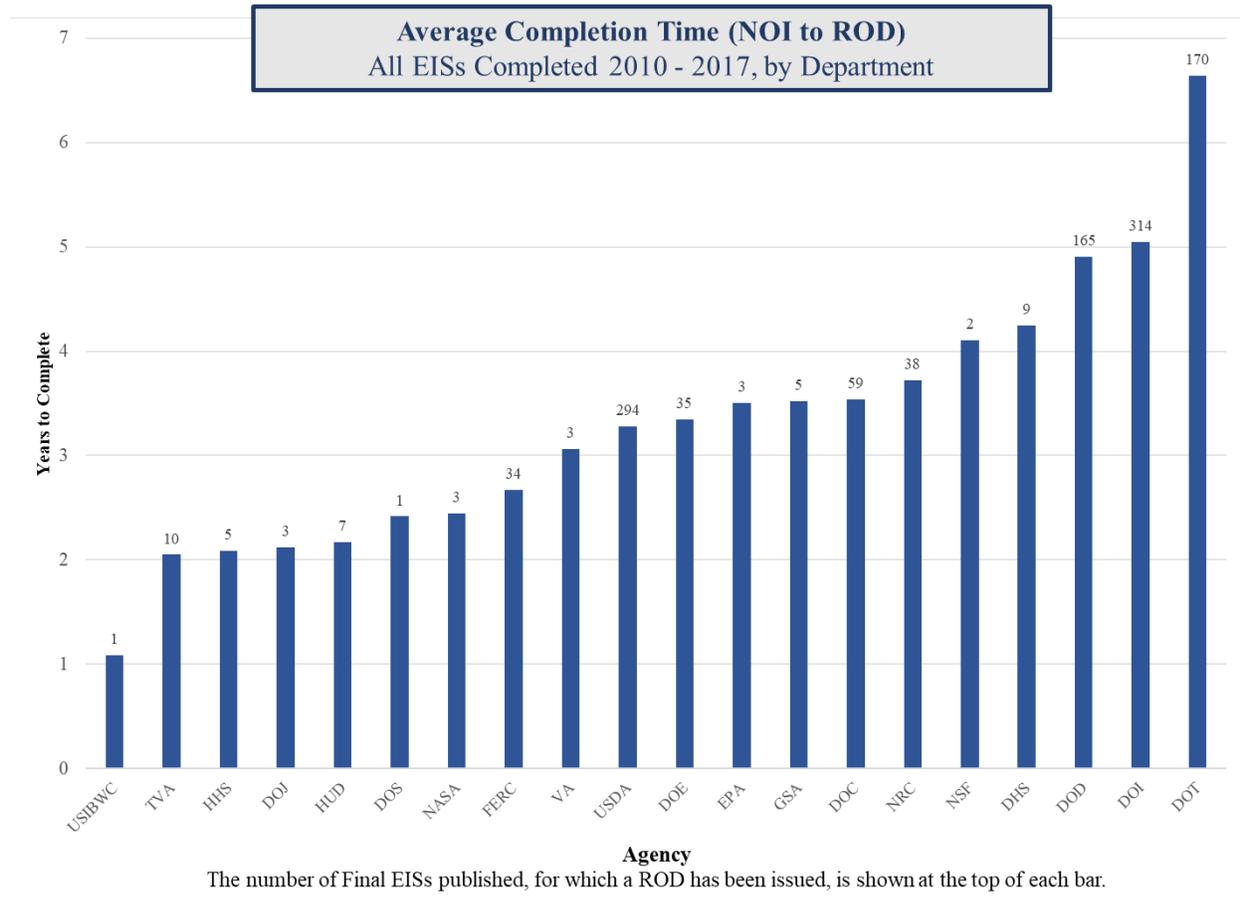
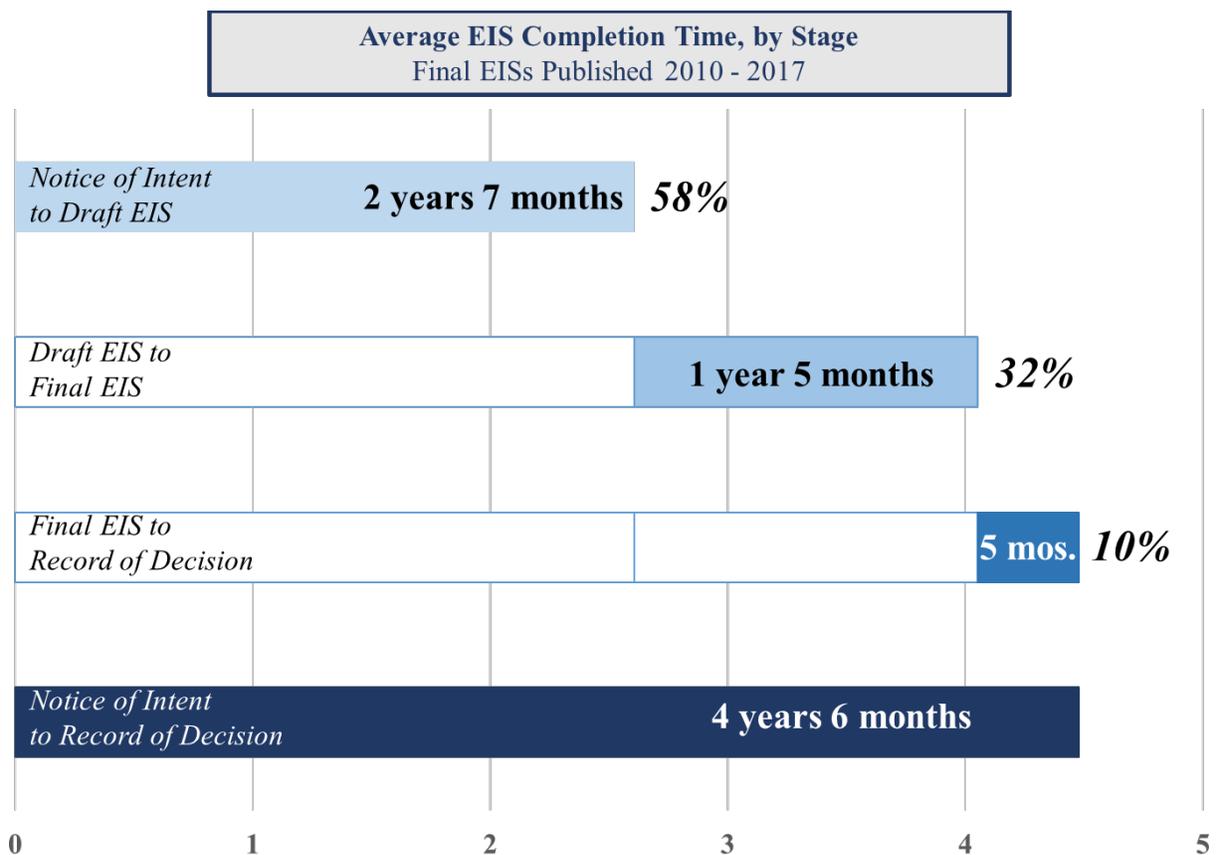


Figure 4



* Durations do not sum to total due to rounding

Figure 5: Agency Average Completion Times 2010 – 2017 (in years)^{ix}

Agency	EISs Completed	Average NOI to Draft	Average Draft to Final	Average Final to ROD	Average NOI to ROD
Department of Agriculture (USDA)	1	2.80	0.38	0.09	3.27
Animal and Plant Health Inspection Service (APHIS)	8	1.30	0.51	0.19	1.99
Farm Service Agency (FSA)	2	0.96	0.68	0.17	1.81
Natural Resources Conservation Service (NRCS)	3	0.96	0.34	0.34	1.64
Rural Utilities Service (RUS)	4	1.77	0.82	0.60	3.18
United States Forest Service (USFS)	276	1.80	1.28	0.27	3.35

Department of Commerce (DOC)					
First Responder Network Authority (FirstNet)	5	1.66	1.13	0.15	2.94
National Oceanic and Atmospheric Administration (NOAA)	54	2.11	1.22	0.26	3.59

Department of Defense (DOD)					
National Geospatial-Intelligence Agency (NGA)	1	0.91	0.48	0.17	1.56
National Security Agency (NSA)	2	1.25	0.48	0.17	1.90
United States Air Force (USAF)	21	1.25	1.67	0.29	3.20
United States Army (USA)	18	1.33	1.16	0.43	2.92
United States Army Corps of Engineers (USACE)	89	4.24	1.21	0.68	6.13
United States Marine Corps (USMC)	10	2.46	1.09	0.25	3.80
United States Navy (USN)	24	2.37	1.43	0.39	4.18

Department of Energy (DOE)	16	1.89	1.01	0.37	3.27
Bonneville Power Administration (BPA)	7	1.54	0.86	0.72	3.13
Western Area Power Administration (WAPA)	10	1.90	0.99	0.30	3.19

Agency	EISs Completed	Average NOI to Draft	Average Draft to Final	Average Final to ROD	Average NOI to ROD
National Nuclear Security Administration (NNSA)	2	2.97	1.46	1.12	5.54

Department of Health and Human Services (HHS)					
Centers for Disease Control and Prevention (CDC)	1	1.10	0.61	0.29	2.01
Food and Drug Administration (FDA)	1	1.41	0.86	0.00	2.27
National Institutes of Health (NIH)	3	1.21	0.66	0.18	2.05

Department of Homeland Security (DHS)					
Customs and Border Protection (CBP)	1	0.94	0.86	0.71	2.51
Federal Emergency Management Agency (FEMA)	3	2.95	0.86	0.30	4.11
United States Coast Guard (USCG)	5	3.23	1.15	0.29	4.67

Department of Housing and Urban Development (HUD)	7	1.22	0.52	0.44	2.17
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Department of the Interior (DOI)					
Bureau of Indian Affairs (BIA)	15	1.95	2.16	1.26	5.36
Bureau of Land Management (BLM)	128	2.45	1.4	0.52	4.41
Bureau of Ocean Energy Management (BOEM)	15	0.92	0.58	0.44	1.94
Bureau of Reclamation (BR)	34	3.27	1.22	0.94	5.42
National Park Service (NPS)	77	4.71	1.64	0.37	6.72
Office of Surface Mining Reclamation and Enforcement (OSMRE)	3	3.87	1.10	0.13	5.11
United States Fish and Wildlife Service (USFWS)	40	3.05	1.26	0.33	4.64

Agency	EISs Completed	Average NOI to Draft	Average Draft to Final	Average Final to ROD	Average NOI to ROD
Department of Justice (DOJ)					
Federal Bureau of Prisons (BOP)	3	0.81	0.32	0.99	2.12

Department of State (DOS)	1	1.49	0.31	0.61	2.42
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Department of Transportation (DOT)					
Federal Aviation Administration (FAA)	8	5.51	1.87	0.35	7.72
Federal Highway Administration (FHWA)	114	4.04	2.87	0.38	7.30
Federal Railroad Administration (FRA)	14	3.16	1.57	0.43	5.16
Federal Transit Administration (FTA)	27	2.89	1.95	0.30	5.13
National Highway Traffic Safety Administration (NHTSA)	4	0.59	0.72	0.08	1.39
Surface Transportation Board (STB)	3	2.48	3.41	0.47	6.36

Department of Veterans Affairs (VA)	3	1.30	1.46	0.30	3.06
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Environmental Protection Agency (EPA)	3	1.83	1.12	0.55	3.50
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Federal Energy Regulatory Commission (FERC)	34	1.45	0.68	0.54	2.67
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General Services Administration (GSA)	5	1.87	1.47	0.18	3.52
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U.S. International Boundary & Water Commission (USIBWC)	1	0.75	0.25	0.09	1.09
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Agency	EISs Completed	Average NOI to Draft	Average Draft to Final	Average Final to ROD	Average NOI to ROD
National Aeronautics and Space Administration (NASA)	3	1.61	0.69	0.14	2.45
National Science Foundation (NSF)	2	2.74	0.75	0.62	4.10
Nuclear Regulatory Commission (NRC)	38	1.69	0.93	1.09	3.72
Tennessee Valley Authority (TVA)	10	1.19	0.53	0.32	2.05

Figure 6: Agency Median Completion Times 2010 – 2017 (in years)

Agency	EISs Completed	Median NOI to Draft	Median Draft to Final	Median Final to ROD	Median NOI to ROD
Department of Agriculture (USDA)	1	2.80	0.38	0.09	3.27
Animal and Plant Health Inspection Service (APHIS)	8	1.48	0.49	0.11	2.20
Farm Service Agency (FSA)	2	0.96	0.68	0.17	1.81
Natural Resources Conservation Service (NRCS)	3	0.78	0.29	0.10	1.81
Rural Utilities Service (RUS)	4	1.72	0.62	0.40	3.26
United States Forest Service (USFS)	276	1.40	0.92	0.10	2.92

Department of Commerce (DOC)					
First Responder Network Authority (FirstNet)	5	1.75	1.05	0.13	2.93
National Oceanic and Atmospheric Administration (NOAA)	54	1.65	0.64	0.17	2.79

Department of Defense (DOD)					
National Geospatial-Intelligence Agency (NGA)	1	0.91	0.48	0.17	1.56
National Security Agency (NSA)	2	1.25	0.48	0.17	1.90
United States Air Force (USAF)	21	0.82	1.07	0.20	2.59
United States Army (USA)	18	1.05	0.90	0.27	2.32
United States Army Corps of Engineers (USACE)	89	3.26	0.88	0.51	5.16
United States Marine Corps (USMC)	10	1.64	0.71	0.14	2.98
United States Navy (USN)	24	1.87	1.28	0.22	3.57

Department of Energy (DOE)	16	1.65	0.84	0.22	2.69
Bonneville Power Administration (BPA)	7	1.33	0.69	0.17	2.43
Western Area Power Administration (WAPA)	10	1.32	0.76	0.27	2.75
National Nuclear Security Administration (NNSA)	2	2.97	1.46	1.12	5.54

Department of Health and Human Services (HHS)					
Centers for Disease Control and Prevention (CDC)	1	1.10	0.61	0.29	2.01
Food and Drug Administration (FDA)	1	1.41	0.86	0.00	2.27

Agency	EISs Completed	Median NOI to Draft	Median Draft to Final	Median Final to ROD	Median NOI to ROD
National Institutes of Health (NIH)	3	0.92	0.69	0.18	2.08

Department of Homeland Security (DHS)					
Customs and Border Protection (CBP)	1	0.94	0.86	0.71	2.51
Federal Emergency Management Agency (FEMA)	3	2.90	0.58	0.23	4.72
United States Coast Guard (USCG)	5	2.99	0.84	0.33	4.11

Department of Housing and Urban Development (HUD)					
	7	1.06	0.48	0.15	2.01

Department of the Interior (DOI)					
Bureau of Indian Affairs (BIA)	15	2.07	1.34	1.47	5.82
Bureau of Land Management (BLM)	128	2.02	1.09	0.32	3.83
Bureau of Ocean Energy Management (BOEM)	15	0.64	0.56	0.36	1.64
Bureau of Reclamation (BR)	34	3.13	1.05	0.54	4.65
National Park Service (NPS)	77	4.20	1.32	0.20	6.35
Office of Surface Mining Reclamation and Enforcement (OSMRE)	3	4.84	1.09	0.11	5.83
United States Fish and Wildlife Service (USFWS)	40	2.38	0.96	0.18	4.23

Department of Justice (DOJ)					
Federal Bureau of Prisons (BOP)	3	0.46	0.29	0.13	0.87

Department of State (DOS)					
	1	1.49	0.31	0.61	2.42

Department of Transportation (DOT)					
Federal Aviation Administration (FAA)	8	5.33	1.39	0.22	6.63
Federal Highway Administration (FHWA)	114	3.52	2.08	0.25	6.85
Federal Railroad Administration (FRA)	14	2.58	1.05	0.22	4.83
Federal Transit Administration (FTA)	27	2.17	1.55	0.26	4.18
National Highway Traffic Safety Administration (NHTSA)	4	0.52	0.64	0.10	1.23
Surface Transportation Board (STB)	3	2.12	1.32	0.49	3.76

Agency	EISs Completed	Median NOI to Draft	Median Draft to Final	Median Final to ROD	Median NOI to ROD
Department of Veterans Affairs (VA)	3	1.42	1.01	0.28	2.66
Environmental Protection Agency (EPA)	3	1.88	0.71	0.40	2.78
Federal Energy Regulatory Commission (FERC)	34	1.27	0.50	0.34	2.29
General Services Administration (GSA)	5	1.25	1.21	0.15	3.45
U.S. International Boundary & Water Commission (USIBWC)	1	0.75	0.25	0.09	1.09
National Aeronautics and Space Administration (NASA)	3	1.83	0.67	0.12	2.81
National Science Foundation (NSF)	2	2.74	0.75	0.62	4.10
Nuclear Regulatory Commission (NRC)	38	1.39	0.91	0.40	2.61
Tennessee Valley Authority (TVA)	10	1.29	0.48	0.17	1.97

ⁱ Federal agencies are required to file EISs with the U.S. Environmental Protection Agency (EPA). 40 CFR 1506.9. The EPA database is available at <https://cdxnodengn.epa.gov/cdx-enepa-II/public/action/eis/search> and includes records of all EISs received by EPA since 1987. The EPA database includes the dates of EPA's publication of a notice of availability of a draft or final EIS, which officially starts a public review period (pursuant to CEQ regulations, a minimum of 45 days for draft and 30 days for final EISs). 40 CFR 1506.10. Under certain authorities, states, Tribes, and units of local government have been granted the authority to conduct NEPA reviews on behalf of Federal agencies (e.g. The Department of Transportation's Surface Transportation Project Delivery Program under 23 U.S.C. § 327 and the Department of Housing and Urban Development's Community Development Block Grant Program under 42 U.S.C. §5304(g)). EISs conducted by non-Federal agencies are included in this report if the Federal agency on whose behalf the EIS was being conducted filed the EIS with the Environmental Protection Agency (EPA).

ⁱⁱ Every Federal agency is required to publish an NOI in the Federal Register (FR) to initiate preparation of an EIS. 40 CFR 1501.7. An agency may also announce modification or withdrawal of an NOI through a FR notice, and may publish a ROD (or its notice of availability) in the FR.

ⁱⁱⁱ CEQ has compiled these data in a spreadsheet which is available here: https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timelines.xlsx. CEQ anticipates updating this compilation periodically.

^{iv} The median is the middle value; half of the measurements are above this value and half are below. The average is the sum of the values divided by the number of values. The 25th percentile means 25 percent of the measurements are below this value and 75 percent are above. The 75th percentile means 75 percent of the measurements are below this value and 25 percent are above.

^v The average is affected by "outliers," including two EISs that took, respectively, 21 and 25 years.

^{vi} Individual agencies may have more detailed data on their own EIS schedules.

^{vii} 40 C.F.R. 1501.7.

^{viii} "...agency activities under NEPA are hard to separate from other required environmental analyses under federal laws such as the Endangered Species Act and the Clean Water Act; executive orders; agency guidance; and state and local laws." U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-14-369, NATIONAL ENVIRONMENTAL POLICY ACT: LITTLE INFORMATION EXISTS ON NEPA ANALYSES (2014), <https://www.gao.gov/assets/670/662543.pdf>.

^{ix} EISs attributed to Departments in Figures 5 and 6 are conducted at the Departmental level or are otherwise not attributed to a particular bureau, office, or agency within the Department. Figure 3 provides aggregated data for all agencies within a particular Department.