

State of New Mexico opposes changes to federal law regulating oil and gas operations

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The State of New Mexico joined the opposition to the administration of President Donald Trump's efforts to revise a federal law requiring environmental studies be conducted during the construction of oil and gas facilities, a move opponents questioned as putting the interests of the fossil fuel industry ahead of protecting the environment.

The National Environmental Policy Act (NEPA) was first signed into law in 1970 and was used to require environmental impact statements (EIS) and other studies be conducted for certain projects on federal land.

The Council on Environmental Quality (CEQ) argued the law had not been updated since it first went into effect and must be "modernized" to speed up projects such as oil and gas drilling facilities.

The changes would allow federal agencies discretion in requiring an EIS for projects and exempt some projects from NEPA requirements if they contradicted other regulations.

Time limits would also be established for EIS' and other environmental documents, requiring them to be complete by two years after the application was filed.

"This proposed rule would modernize and clarify the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies in connection with proposals for agency action," read the CEQ's notice.

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New Mexico's primary oil and gas regulatory agency the Energy, Minerals and Natural Resources Department (EMNRD) submitted comments in opposition to the CEQ earlier this month, alleging the changes would strip regulatory agencies of methods to protect the environment amid industrial development.

“Simply put, the CEQ’s proposed changes to NEPA regulations would eliminate basic environmental protections,” said Sarah Cottrel Propst, EMNRD cabinet secretary. “These changes are so extensive that they are contrary to NEPA’s purpose and would leave our natural resources vulnerable.”

New Mexico Gov. Michelle Lujan Grisham said the revisions were part of a pattern by the Trump administration to reduce regulations at the expense of public and environmental health.

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She urged the CEQ to cancel the changes.

“This is yet another example of the federal government slashing environmental protections while the climate crisis becomes more pressing every day,” Lujan Grisham said. “I urge the CEQ to withdraw the proposed amendments and keep a strong NEPA process in place.”

The Western Energy Alliance, an oil and gas trade group representing about 300 oil and natural gas companies in the American West, supported the changes and contended that NEPA regulations slowed development and economic growth.

“For too long, NEPA has become a source of endless delay rather than a tool for helping the government make better, more environmentally sensitive decisions, as originally intended when the law was passed,” said the Alliance’s President Kathleen Sgamma.

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“The new regulations will enable responsible projects to move forward while ensuring environmental protection.”

She said oil and gas companies already follow environmentally sound practices and would continue to do so if regulations were eased.

This would allow the industry, Sgamma said, to continue producing fossil fuel energy while using market-driven solutions to protect the environment.

“Oil and natural gas companies long ago adopted an environmental ethic that guides all they do. By enabling companies to move forward with projects that mitigate impacts, this

NEPA rule enables environmental protection along with job creation and economic opportunity,” Sgamma said.

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In its letter of support the changes, the Alliance accused environmental activist groups of using NEPA as a “weapon” against oil and gas related projects such as extraction operations, pipelines and other infrastructure, read the letter.

“In practice, NEPA has instead become a weapon used by activist environmental groups to prevent federal agencies from approving projects under their jurisdiction, thus impacting agencies’ ability to carry out their statutory obligations for the benefit of the America people,” the letter read.

U.S. Sen. Tom Udall (D-NM) voiced his opposition to the changes, accusing the federal government of continuing to weaken environmental regulations in support of major industries such as oil and gas.

“This move to gut NEPA is one of the worst decisions made by the worst environmental administration in history,” Udall said.

“The Trump administration’s attempt to gut the only law that requires federal agencies to consider the environmental and climate related consequences of federal actions is an affront to all of our communities who deserve a voice in projects that affect their health, safety and economic well-being.”