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3 Questions Answered About NEPA Under Trump

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[M. Benjamin Cowan](#)

Ben Cowan, a partner in Troutman Pepper Locke's Environmental + Natural Resources Practice Group, was quoted in the March 6, 2025 *E&E News* article, "[3 Questions Answered About NEPA Under Trump](#)."

The Trump administration's rescission of CEQ's rulemaking power — bolstered by recent court decisions against the agency's regulatory authority — "adds another layer of uncertainty onto the permitting process generally," said M. Benjamin Cowan, a partner at the law firm Troutman Pepper Locke, which represents clients in the renewable energy sector.

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Cowan of Troutman said his firm is also looking to advance projects in ways that do not require federal permitting, including NEPA analysis, particularly for projects that are either in their very early stages or close to completion.

"Depending on the nature of the impacts, there are ways to redesign projects, or project construction, to avoid impacts," he said.

For a wind farm or a solar project, for example, that might mean rerouting roads or collection lines to avoid Clean Water Act permit requirements for discharge into federal waters, Cowan said.

"There's costs associated with doing that," he said, "but in many cases, it may be preferable to subjecting yourself to a permitting process that may not even be available to the industry right now."

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"The courts have said that CEQ did not have the authority from Congress to implement these rules that are binding on other agencies," Cowan said. "And so the Trump administration is withdrawing those rules."

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But groups may think twice about bringing those claims in light of the decisions from the D.C. Circuit and North Dakota District Court, said Cowan of Troutman.

Those rulings "provide the legal cover for what the Trump administration is doing with NEPA," said Cowan.

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