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FOR IMMEDIATE RELEASE

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Former DOE NEPA Chief and Save LBI Advocacy President Warns the SPEED Act Would "Eviscerate" Environmental Protections and Violate the Constitution

LONG BEACH ISLAND, NJ, March 17, 2026 — Bob Stern, Ph.D., President of Save Long Beach Island (LBI) Advocacy organization and former manager of the Office of National Environmental Policy Act (NEPA) Affairs for the U.S. Department of Energy (DOE), today issued a sharp warning regarding the Senate's consideration of the **Standardized Permitting and Expediting Economic Development (SPEED) Act**. While framed as "permitting reform," Stern argues the bill is a dangerous overreach that threatens the bedrock of American environmental law and constitutional separation of powers.

"The SPEED Act does contain some useful deadlines for Agency action but goes way too far and essentially eviscerates the NEPA itself," Stern said. "This bill ignores the reality that delays are often caused by poor Agency implementation and a failure to fully disclose environmental impacts. In many cases, it isn't the NEPA vehicle that needs fixing, but rather the 'nut' behind the wheel."

Flawed Implementation, Not Flawed Law

Only a few agencies have a problem with NEPA. Stern highlighted the extensive litigation facing the nation's current offshore wind program as a primary example of implementation failure. He noted that the Department of the Interior currently awards lease areas — the most important environmental decision — with virtually no environmental impact information, locking developers into flawed locations and inevitably leading to downstream litigation when environmental problems are brought to light years later in an environmental impact statements (EIS), other statutory reviews, and comments by informed stakeholders.

Counterproductive Requirements

"The bill limits the scope of environmental reviews to the 'immediate' and "proximate" effects of a project, dismissing impacts that are caused by the project but separated geographically and timewise," explained Thomas Stavola Jr. Esq., attorney on behalf of Save Long Beach Island, Inc. "It also would eliminate the current requirement for an assessment of cumulative impacts. While this may make a consultant's life easier, it conflicts with well-established case law and the full disclosure requirements of the Act."

Stavola further noted that "a decision maker considering such limited information would not be operating in the "real world" and, therefore prone to making flawed decisions, creating more opportunity for litigation and delay.

Constitutional and Legal Red Flags

In an extensive markup sent to Senators Sheldon Whitehouse and Martin Heinrich, Save LBI Advocacy identified many provisions in the House-passed version of the SPEED Act that are counterproductive, legally indefensible, and in need of major revision:

- **Citizen Rights:** The bill would limit the rights of affected parties to seek relief in Court, which conflicts with the standing prerequisites mandated by Article III of the Constitution. It also conflicts with and violates the Administrative Procedures Act (APA), which holds that a person adversely affected or aggrieved by an agency action is entitled to judicial review.
- **Restrictions on the Courts:** The proposed restrictions on vacatur and injunctive relief improperly constrain judicial power and contradict the APA's clear mandate to "set aside" or vacate unlawful agency actions. By dictating deference to agency judgement of impact, the bill undermines the court's ability to equitably weigh harms to the parties involved.
- **Conflicts with SCOTUS Precedent:** The requirement for "substantial deference" to agencies violates the recent Supreme Court Chevron deference reversal, which now demands that courts exercise independent judgment in interpreting statutes.
- **Separation of Powers:** Provisions that make a court's remand power contingent on developer consent constitute an unconstitutional impingement on Article III judicial authority.

Conclusions

"This is not good law," Stern concluded. "In its present form, the bill creates confusion and does not foster wise decision-making. It would eviscerate an Act that has been a bedrock of national environmental policy for over fifty years, and stands in direct conflict with other law and the Constitution itself. Most importantly, the bill does not address the root causes of many delays, which can be fixed with more informed and cooperative applicant and agency staff work.

A Call for Caution

Save LBI Advocacy is calling on the Senators to exercise extreme caution in proceeding with the SPEED Act to be sure they are: (1) addressing the root causes of delay and not creating more chaos and confusion, which will serve no one, and (2) not removing environmental protections that have served us well for over a half-century. Toward that end, Save LBI Advocacy is asking them to consider the markup we provided, which can still achieve significant permitting reform while preserving the Act.

About Save Long Beach Island Advocacy, Inc.

Save LBI Advocacy is a non-profit, non-partisan organization dedicated to protecting the shore and ocean environment through rigorous advocacy, ensuring lawful environmental review for offshore industrial development.

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