

5 Cumulative Impacts

The CEQ regulations historically had required the consideration of cumulative impacts. In 2023, Congress passed the Fiscal Responsibility Act which directed agencies to consider “the reasonably foreseeable environmental effects of proposed agency actions” (42 U.S.C. 4332(2)(C)). Since the publication of the Draft EA, the CEQ revoked its regulations (40 CFR parts 1500-1508) implementing NEPA, 42 USC. 4321 *et seq.*, as amended, in response to EO 14154, *Unleashing American Energy*. In addition, the Supreme Court issued the *Seven County Infrastructure Coalition v. Eagle County*, 605 U. S. 975 (2025) (Seven County) ruling on May 29, 2025. As a result of these actions, it is no longer a legal requirement or the policy of the federal government to conduct cumulative impact analyses. In addition, the Seven County ruling reinforced the limited scope of NEPA reviews, holding that NEPA does not require an agency to consider environmental effects of other activities and projects “separate in time or place” from the proposed action. Therefore, this Final EA has removed the prior discussion of, and data/analysis related to, cumulative impacts.

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