# 2025 LAW AND POLICY

**RE: Appalachian Hydrogen Hub – Phase 1 NEPA Scoping**
**Agency: Department of Energy**
**Docket No. DOE-HQ-2024-0082**

**Comments of 2025 Law & Policy**

2025 Law & Policy is an infrastructure policy advisory firm established during the first Trump Administration to work with *The Blueprint 2025 Initiative* to assist in what we hoped and expected to be a transition from historical infrastructure policies which were totally dependent on public funding and resultant federal government directives to a system opening the way to private investment and resultant innovation inputs from the private sector.  To that end, we have strongly supported the *Initiative's* position regarding the use of digital technologies and analytics to expedite and improve the federal government functions in general and, in particular, the NEPA review process.  We are writing to express our strong support for the comments submitted on January 8, 2025 and January 22, 2025 by *Blueprint 2025* and also to encourage the Department and its contractors on this project to break away from the mindsets of the past and truly utilize the powers of digitalization, analytics and artificial intelligence to expedite, improve and reduce the cost of NEPA reviews and open doors to the innovation and development needed to maintain the U.S.' world leadership position.

From the information available on your website, and the comments submitted at the meeting which we attended, it appears that this NEPA process is still expected to proceed along traditional lines. Thirty to 100 million dollars is expected to be spent in the Phase 1 Scoping Process, that process is expected to take up to three years and that will be only the first step in a process that will eventually address perhaps a dozen major projects.

In view of the major cost savings and future benefits attainable through the use of this project to demonstrate the benefits of modern technology, it might be suggested the this is just the sort of waste and abuse that DOGE is seeking to eliminate and that the efficiencies achievable through effective use of modern technologies are precisely the sort of governmental reforms that DOGE is seeking to achieve.

Accordingly, we strongly suggest that the Department reach out to the private sector[i] for assistance in designing digitalized systems to advance the NEPA process into the current century.

In closing, we should make clear that digitalization is not a magic wand.  In designing the systems, considerable attention must be given to issues like clearly stated objectives, transparency, verification of algorithms, etc.

The recent update of the *Blueprint 2025* position on digitalization provides context for these comments and is attached.

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[i] For at least the last fifteen years CEQ and other agencies have been spending tax dollars to develop and submit reports suggesting incremental changes in NEPA processes to allow minimal use of "dashboards" etc. to support traditional public procedures. Private sector experts (see e.g. https://aecom.com/wp-content/uploads/documents/brochures/case-for-interactive-NEPA) have outlined more extensive revisions incorporating design parameters focused on the dynamics of effective digital systems.

**Position Update – Reinventing Government Through Automation and Digitalization**

The Blueprint 2025 ("BP2025") initiative is a collaboration among infrastructure professionals, leading infrastructure development companies and public sector project managers which advances and supports plans and policies to restore the U.S.' position as the country with the world's best, most efficient and most productive infrastructure. For more than a decade, we have aggressively argued for extensive use of digital technologies, automation and Artificial Intelligence to expedite and improve the NEPA environmental review process and governmental processes in general.

We were very much encouraged by the Trump campaign's statements of intention to rely heavily on digital technologies to support its efforts to reinvent and restructure government[i] and by similar statements in the Executive Order which created and empowered the DOGE.

Unfortunately, however, it appears that DOGE's early efforts are generating more controversy than light and that controversy threatens to undermine public confidence in the use of digital technologies to make the government more efficient and productive and bring it and its procedures into this century.

From the statements and releases we are seeing, it is not clear that digital analytics are really being utilized and, to the extent that they are being utilized, there is little assurance that they are being applied in accordance with generally accepted standards and practices.

Even in the private sector, and more so with government, data driven management systems must not be "black boxes." They should:

- Be driven by clearly enunciated and broadly available goals and objectives.
- Be transparent –allowing stakeholders and the public to maintain accurate and up to date understanding of the basis and rationale for decisions and actions;
- Effectively use verified data and transparent algorithms to assure logical data-driven decisions;
- Effectively use digital twins and related outcome predictors to assess the effects of decisions and actions; use those technologies to continuously assess progress and adjust as appropriate;
- Provide discipline – a properly designed and managed system should provide a level of assurance against arbitrary or discriminatory actions;
- Provide continuous validation-some basic level of assurance that the system is working.

While it may be that the systems which the DOGE is installing will fulfill and exceed these requirements, and while the early statements of intention did seem to point in appropriate directions, the recent dialog has deteriorated. Regardless of the cause -- misunderstanding on the part of the public, resistance to change by agency personnel, DOGE failures to use properly designed software, lack of necessary transparency, or whatever, this deterioration must be arrested by getting to some basic level of cooperation. The problems need to be fixed.

There seems to be a consensus that the status quo needs to change, costs need to be reduced, and non-essential functions need to be minimized or eliminated. Digital analytics can be an extremely effective tool in effectuating that change and open access for DOGE to essentially all government data is necessary to support the effective use of those tools.

At the same time, however, it must be recognized that, though digitization and analytics can expedite government processes and help identify and eliminate non-essential functions, they must not be used to reduce transparency, allow arbitrary action or hide the ball from the public.

It also needs to be clear that digital systems are not instruments for identification and punishment of "enemies." they are tools to advance the public good and, as Messrs. Trump and Ramaswamy noted early, it is not in the national interest to move federal employees onto the unemployment rolls. They need to transition into the private sector. It is also not in the national interest to let the best and brightest go unutilized simply because we have not taken the time or developed the system to find out who they are and put them in positions that effectively utilize their talents.

The prospects for an efficient and cost-effective digitalized government will be enhanced by a step back and recalibration to get our software right, apply it properly and adequately explain it. If we don't do that, and create unjustifiable hardships and failures, digitalization could be deemed a failure and our current crude system locked in place. That would bode ill for the country's ability to compete and innovate in an ever more automated world.

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[i] See, e.g., Musk and Ramaswamy, Wall Street Journal: https://acrobat.adobe.com/id/urn:aaid:sc:US:81585350-1a4c-4eca-b9ae-f8ea35c6acd3