

Trump Infrastructure Plan: Environmental Streamlining

President Trump's infrastructure plan would help ensure that the federal environmental review and permitting process for infrastructure projects is coordinated and predictable while still safeguarding our communities and informing federal decision-making. The plan calls for actions to reduce inefficiencies in the current environmental reviews and permitting processes that delay projects and increase costs. The current process discourages the infrastructure investment needed to strengthen our economy and improve the environment and our quality of life.

- **National Environmental Reviews**
 - **Two-Year Deadline for Environmental Reviews and Permits:** Lead agency would have 21 months to complete the National Environmental Policy Act (NEPA) review process, and within three (3) months thereafter, federal permitting agencies would need to make their decisions, including "delegated" state authorizations that are prerequisite to issuance of federal permit(s).
 - **One Federal Decision:** Lead federal agency would need to develop one NEPA document (and one Record of Decision) to be used by all agencies.
 - **Broader Application of Current Streamlining Laws:** Lead federal agencies would be allowed to opt in and apply the streamlining provisions under 23 U.S.C. § 139 (that currently apply only to federal-aid transportation projects) to other infrastructure projects.
 - **Restricted Alternatives Analysis:** During a NEPA review, agencies would not have to consider alternatives that are outside their authority or outside the applicant's capabilities (i.e., not feasible).
 - **Expanded Categorical Exclusions (CE):** Any federal agency could use a CE that had been established by another federal agency.
 - **Resources to Expedite Project Delivery:** The plan would allow federal agencies to accept funds (including from private sponsors) to support environmental approvals.
- **Clean Water Act (CWA)**
 - **Streamlined Section 404 Permitting:** The plan would consolidate "waters of the United States" jurisdictional determination authority with the U.S. Army Corps of Engineers (USACE); remove U.S. Environmental Protection Agency's (USEPA) authority to veto a USACE-issued 404 permit; clarify timeframes for a state to issue Section 401 "Water Quality Certification," which is a condition to 404 permit approval; and allow use of one NEPA document for both CWA Section 404 and Rivers and Harbors Act Section 408 actions.
 - **Reduced Duplication on Authorized USACE Civil-Works Projects:** A non-federal interest would be allowed to use the USACE's completed NEPA documentation materials for the 404 permit review process.
 - **Accelerated Mitigation Bank Approvals:** The plan would eliminate the "Interagency Review Team" (agencies, Tribal nations and the mitigation banking sponsor – currently undergo a second review/comment period) to streamline the evaluation of mitigation banks.
- **Clean Air Act (CAA)**
 - **Efficiencies in 'Conforming' Transportation and Air Quality Plans:** Amend the CAA so metropolitan planning organizations (MPOs) need only show transportation conformity to the most recent National Ambient Air Quality Standard and MPOs could deter application of initial conformity determinations to one year after USEPA approves the state's motor vehicle emission budget.
- **National Historic Preservation Act**
 - **Reduced Duplication in Section 4(f) Reviews:** Would allow U.S. Department of Transportation (USDOT) to use agreements reached under Section 106 process to meet Section 4(f) obligations.
- **Judicial Reform**
 - **Narrowed Limits:** Plan would establish a 150-day statute of limitations for decisions and permits on all infrastructure projects (consistent with federal transportation projects); limit injunctive relief to exceptional circumstances.
 - **Narrowed Scope:** Federal agencies would set guidelines regarding when new studies/data are required in environmental reviews and permits. Courts would be precluded from reviewing any claims based on the currency of data, so long as agencies were following their established guidelines.

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