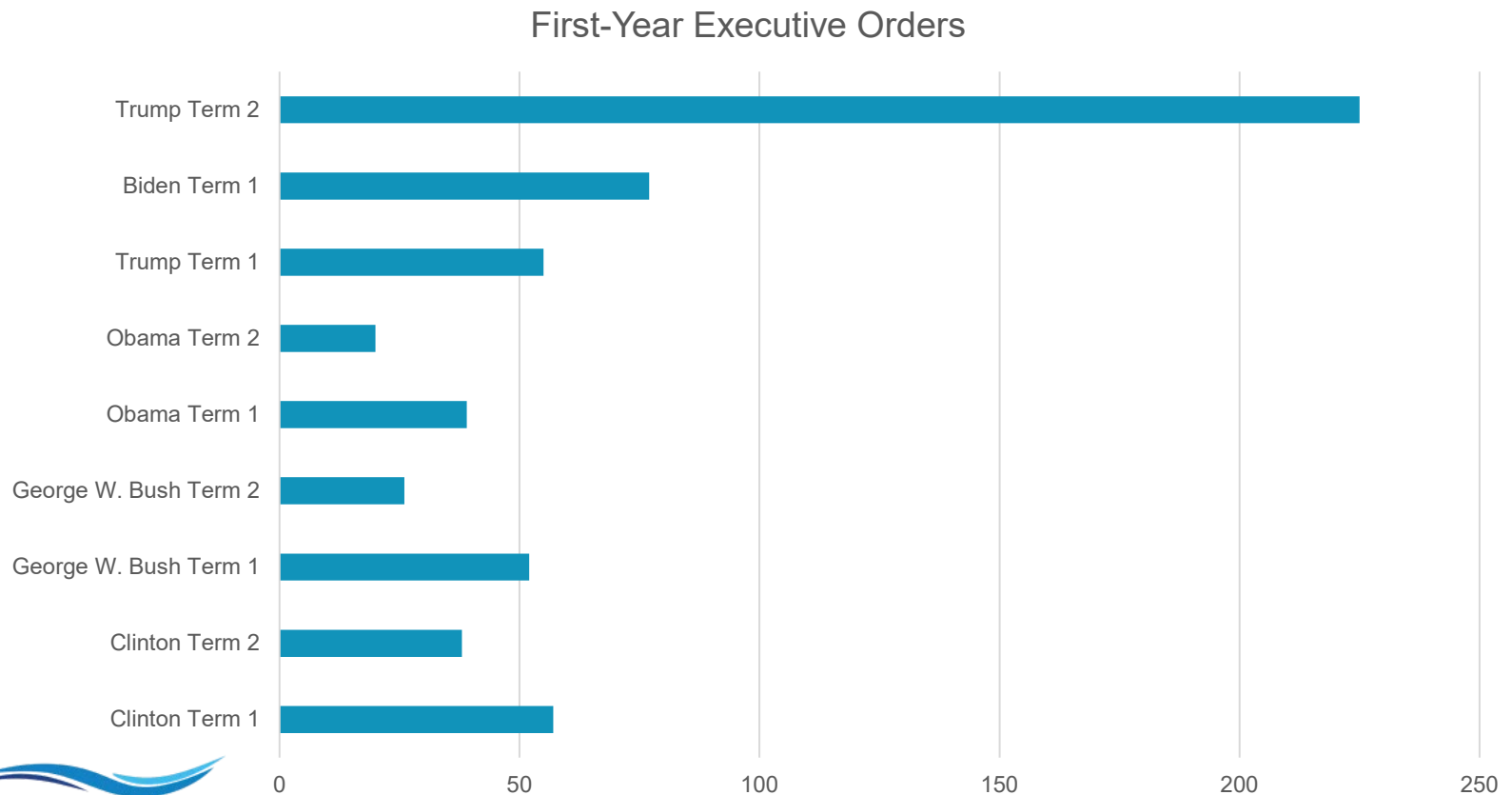


US Environmental Policy – Executive Branch Disruption & Deregulation



Year 1 Executive Orders

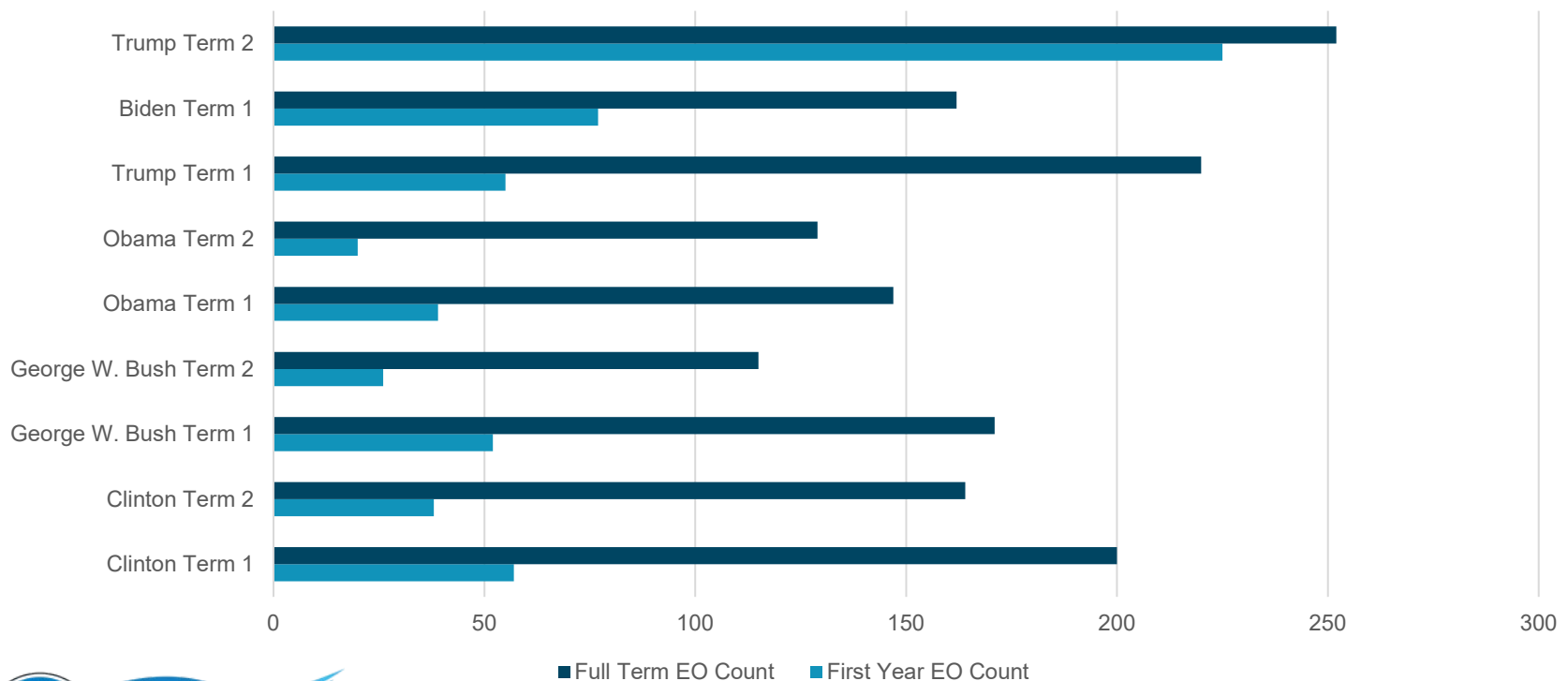
Executive Action Accelerates



Comparative Executive Order Totals

We're only at the beginning of year 2

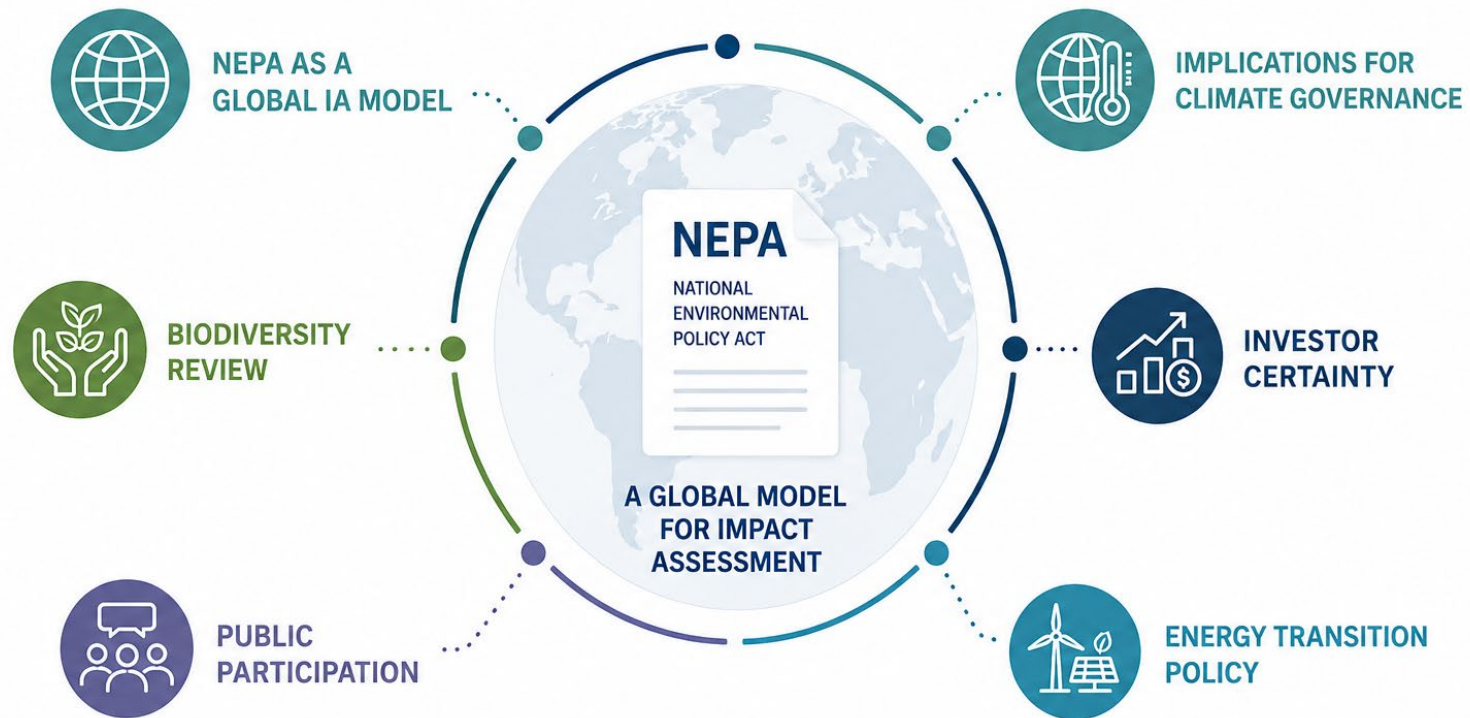
First Year vs. Full Term



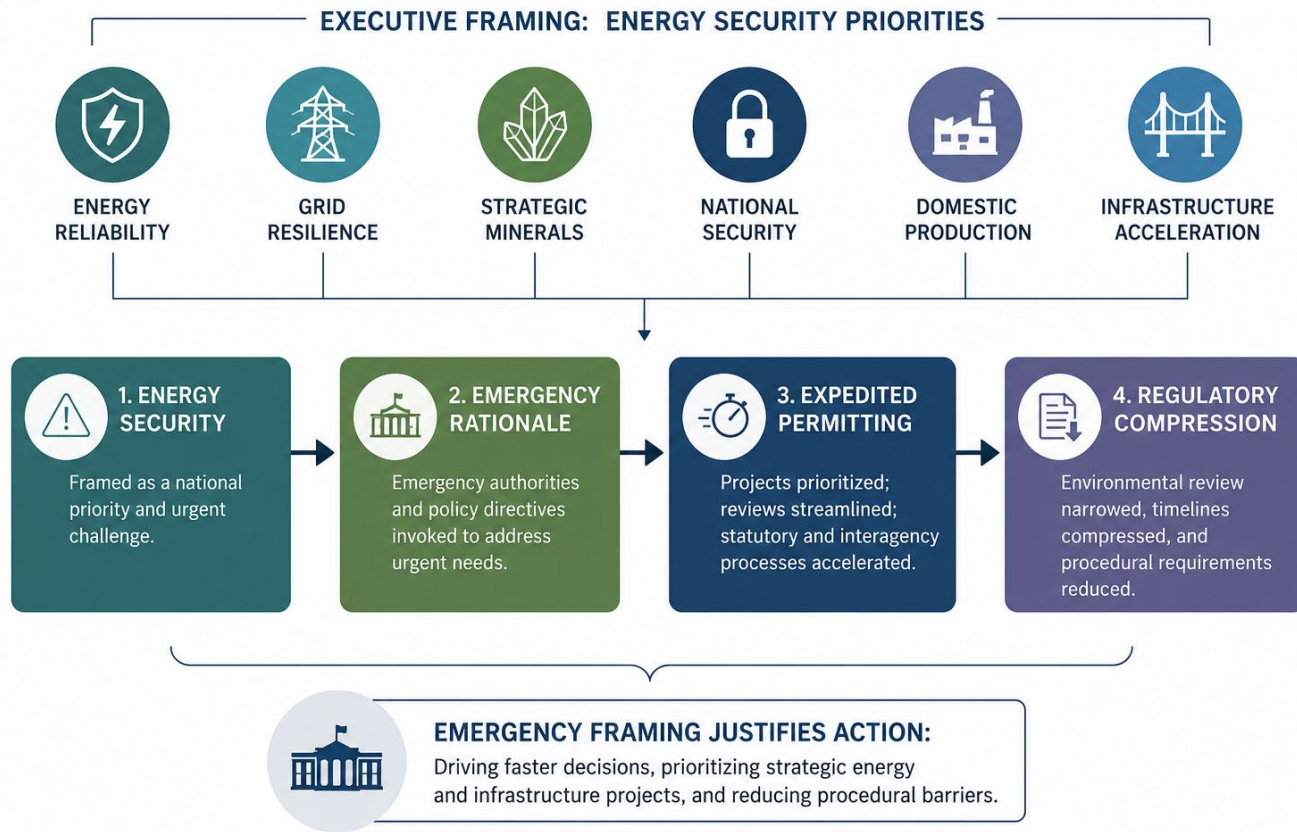
The Only Constant is Change



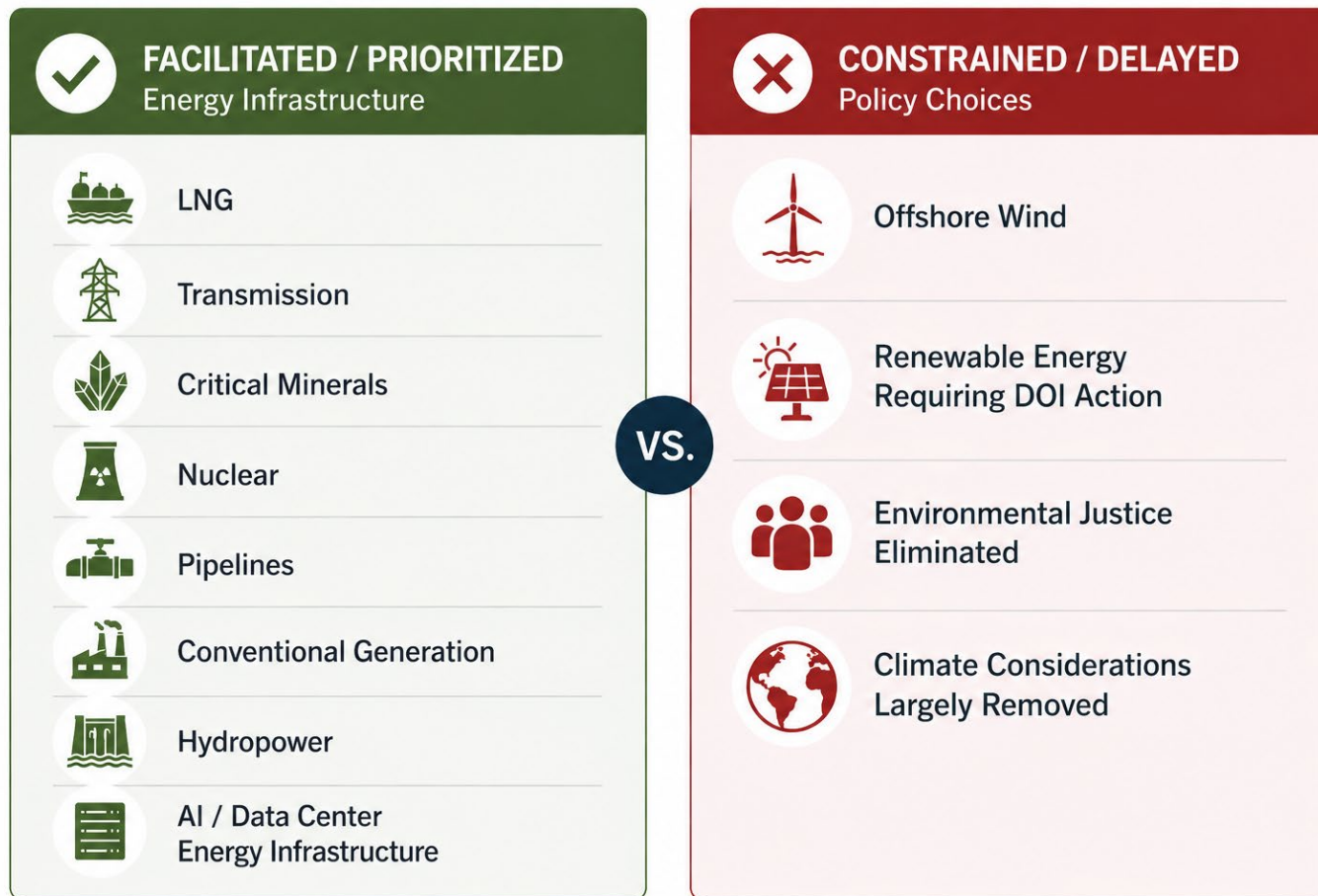
Why This Matters Globally



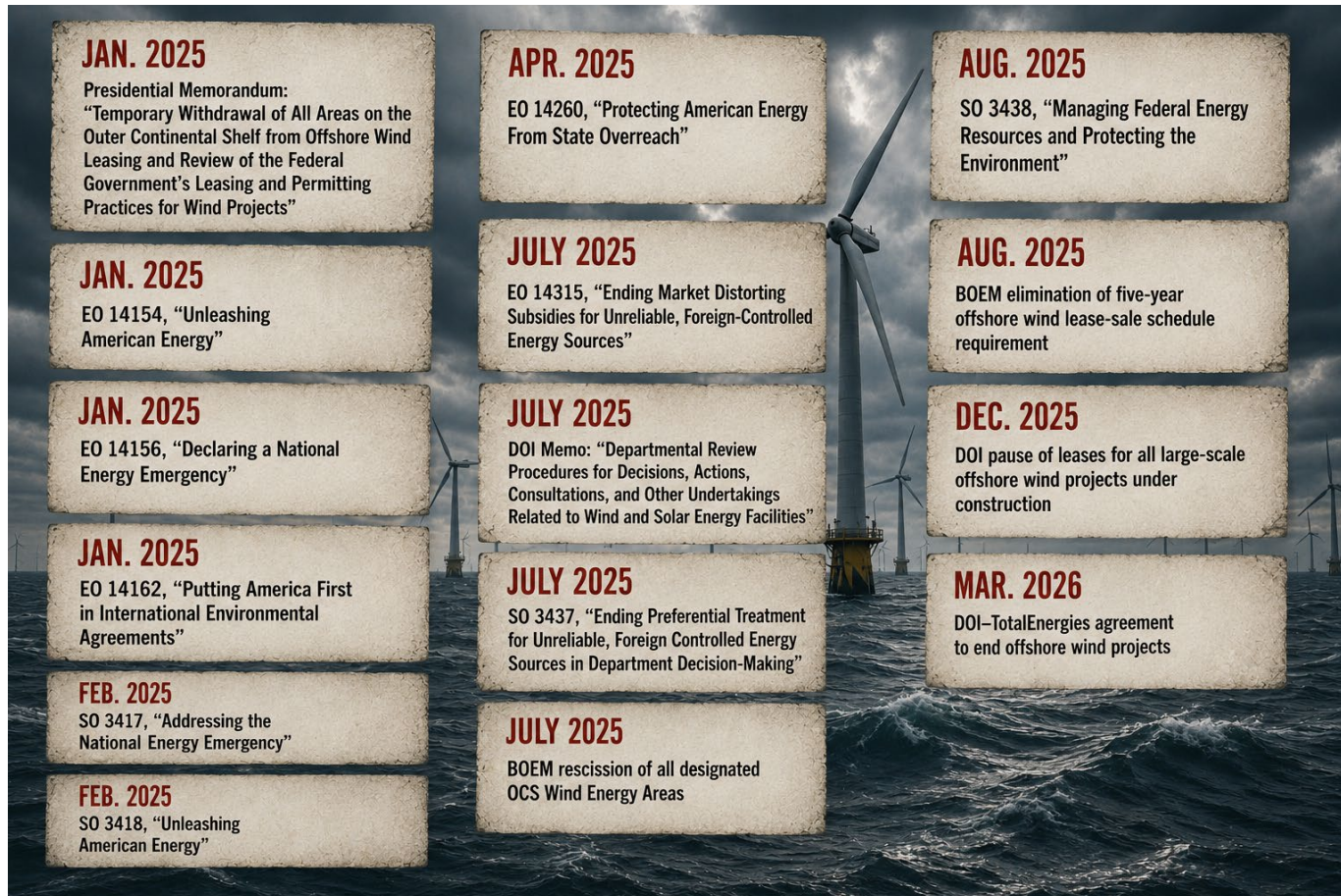
Energy Emergency, Energy Dominance, Energy Security



Policy Winners and Losers



Offshore Wind – A Sector-Specific Case Study



NEPA Transitions and Retreats

The operational purpose of NEPA is being reframed:
from **broad environmental disclosure** → **toward infrastructure execution**



COMPRESSED TIMELINES

Shortened review periods to get projects built faster.



PAGE LIMITS

Limits on the length of environmental documents.



AGENCY DISCRETION

Greater latitude for agencies to determine what analysis is necessary.



REDUCED ANALYTICAL SCOPE

Focus on impacts that are direct, material, and closely related to the action.



SCHEDULE DISCIPLINE

Accountability for keeping environmental reviews on schedule.

NEPA is shifting from a broad environmental review mandate to a streamlined process aligned with infrastructure delivery.

The Retreat from Centralized CEQ Oversight

NEPA implementation is shifting away from a single, central authority toward a decentralized, agency-driven model.



REDUCED CEQ CENTRALITY

CEQ no longer serves as the primary hub for NEPA guidance and oversight.



AGENCY-SPECIFIC PROCEDURES

Agencies are issuing and applying their own NEPA procedures and guidance.



FRAGMENTED IMPLEMENTATION

NEPA is implemented through a patchwork of approaches rather than a uniform system.



INCREASED DISCRETION

Agencies have greater latitude to define scope, analysis, and process requirements.



DIVERGENCE ACROSS AGENCIES

Different agencies are applying NEPA differently, creating varying outcomes.



IMPLICATION:

Practitioners now navigate multiple “versions” of NEPA—each with its own rules, expectations, and outcomes.

Expansion of Categorical Exclusions

NEPA Implementation is evolving toward broader exclusions and higher-level reviews to accelerate decision-making and project delivery.



CE EXPANSION

Expanding the types of actions eligible for CE.



CE STACKING

Authorizing the use of multiple CEs for a single action.



ADOPTION AUTHORITIES

More authority to adopt, rely on, or incorporate CE.



EMERGENCY PROCEDURES

Broader use of emergency and expedited review.



MITIGATED CE CONCEPTS EMERGING

Exploring and advancing mitigated or conditioned CEs.



REDUCED PROJECT-LEVEL ANALYSIS

Less analysis at the project level; more reliance on upstream decisions.



More projects are covered by Categorical Exclusions, shortening timelines, eliminating public review, and limiting the scope of review.

Permitting Changes & NEPA

Clean Air Act and Climate



RETREAT FROM CLIMATE-CENTRIC REVIEW

Climate change is no longer treated as the organizing principle for environmental review.



GHG ANALYSIS CONTRACTION

Greenhouse gas analysis is reduced in scope, depth, and frequency.



SOCIAL COST RECONSIDERATION

Use of social cost of carbon and other monetized climate metrics is eliminated.



RESCINDING ENDANGERMENT FINDING

The endangerment finding was rescinded, weakening the legal foundation for climate action.



NARROWING CUMULATIVE CLIMATE ANALYSIS

Cumulative climate impacts are narrowed or excluded from consideration.



KEY POINT:

Climate is moving from **organizing principle** → **contested variable**.

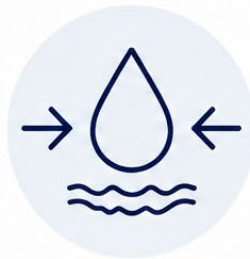
Permitting Changes & NEPA

Clean Water Act and Waters of the US



RESPONSE TO SUPREME COURT

Policy updates respond to recent Supreme Court decisions, reinforcing limits on federal jurisdiction over waters.



NARROWING DEFINITION OF WATERS OF THE US

The definition of Waters of the US is narrowed to traditional navigable waters and relatively permanent tributaries.



STATE VARIABILITY

States may adopt different definitions and programs, creating a patchwork of requirements and compliance obligations.



EMERGENCY PROCEDURES

Emergency procedures are expanded to authorize faster approvals and address urgent project delivery needs.



KEY POINT:

Federal jurisdiction over waters is being **narrowed**, creating **state-by-state variability** and new **permitting considerations**.

Permitting Changes & NEPA

Endangered Species Act & Wildlife Protections



STREAMLINING INTERAGENCY CONSULTATIONS

Processes for consultation among agencies are being simplified to reduce time, steps, and procedural requirements.



NARROWING CONSIDERATION OF “EFFECTS”

The scope of “effects” is being narrowed to exclude indirect, speculative, and cumulative impacts.



FOCUS ON NEAR-TERM, CAUSAL RELATIONSHIP

Analysis is limited to effects that are reasonably certain to occur in the near term and have a direct causal connection.



CLIMATE CONSIDERATIONS WEAKENED

Climate change impacts and future conditions are given less weight or are excluded from analysis.



KEY TAKEAWAY:

The process for consulting among agencies to understand a project’s potential effects on protected species is being **narrowed** and **truncated**.

Not Simple Deregulation

A Regulatory Realignment

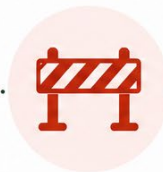


The current executive approach is selective deregulation in service of strategic infrastructure priorities.



SOME PROJECTS ACCELERATED

High-priority energy, critical minerals, defense, and infrastructure projects are fast-tracked through permitting and review.



OTHERS CONSTRAINED

Projects inconsistent with administration priorities face heightened hurdles, delays, or reduced federal support.



SOME ENVIRONMENTAL REVIEWS NARROWED

Use of categorical exclusions, narrower NEPA scope, limited effects analysis, and streamlined consultations shorten timelines.



OTHERS STRATEGICALLY EXPANDED

Additional review, data requirements, or mitigation conditions may be imposed for projects with lower policy alignment.



AUTHORITY CENTRALIZED EVEN WHILE REGULATIONS ARE REDUCED

Decision-making power is consolidated at the executive level to steer outcomes and set policy direction.

New Model of Environmental Governance

Shift in Priorities, Process and Outcomes

Traditional NEPA/IA Model		Emerging Executive Model	
	Comprehensive review	→	 Targeted review
	Broad participation	→	 Schedule discipline
	Centralized standards	→	 Agency discretion
	Climate integration	→	 Energy dominance
	Procedural robustness	→	 Delivery efficiency
	Litigation resilience	→	 Accelerated approvals

AI and Permitting Modernization



PERMITTING INNOVATION INITIATIVES

Agencies are advancing initiatives to modernize and streamline permitting.



AI-ASSISTED REVIEW

AI and machine learning support faster document analysis and decision-making.



DIGITAL PLATFORMS

Online portals and e-permitting tools improve access, transparency, and efficiency.



AUTOMATION

Automated workflows reduce manual steps and accelerate review cycles.



INTERAGENCY COORDINATION TOOLS

Shared systems and tools enhance coordination across agencies.



KEY POINT:

Technology is enabling **compressed review expectations** and accelerating project delivery.

Can environmental
review remain
LEGITIMATE
— IF —
SPEED
becomes the
OVERRIDING POLICY OBJECTIVE?



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Thank You!