Infrastructure - What's Happening in Washington DC

Molly Cagle
Time-lapse: Oroville Dam spillway rebuilding
Bay Area News Group
Focus on Infrastructure is Not New

• Infrastructure Privatization
  – EO 12803 (Bush 41)
• Principles for Federal Infrastructure Investments
  – EO 12893 (Clinton)
• Environmental Stewardship & Transportation Infrastructure Project Reviews
  – EO 13274 (Bush 43)
• Improving Performance of Federal Permitting & Review of Infrastructure Projects
  – EO 13604 (Obama)
Priority List

Emergency & National Security Projects

President-elect Trump
Basic Metrics - Running Total/ Initial 50 Projects

☑️ Total Investment: $137.5 Billion
☑️ Private Investment: 50%

☑️ Jobs
  ☑️ Direct: 193,350 job years
  ☑️ Indirect (est.): 241,700 job years
  ☑️ Long-term:
44. Huntington Beach Desalination Plant

1. **Description**: A cost-effective, environmentally sensitive solution to provide a safe and reliable water supply to Orange County residents and has the potential to bring significant economic benefits for the city of Huntington Beach and the region.

2. **Authority**: Poseidon Water

3. **Cost**: $350 million

4. **Jobs**: 400 Direct Jobs

5. **Status**
   1. Engineering: In progress
   2. Permitting: In progress
   3. Funding: In progress
AND THEN THIS HAPPENED
Making Infrastructure Happen is Happening

“We will build new roads, and highways, and bridges, and airports, and tunnels, and railways all across our wonderful nation.”

Inaugural Address - January 20, 2017
How?

- EO 13766: “streamline and expedite, in a manner consistent with law, environmental reviews and approvals for all infrastructure projects"
- Presidential Advisory Council on Infrastructure
FIX THE NEPA PROCESS
Dakota Access - The NEPA Timeline

- July 2014 - process begins
- July 2016 - EA/FONSI
- Sept. - Dec 2016 - More consultation
- Dec. 2016 - Corps memo
- Jan. 18, 2017 - Intent to do EIS
- Jan. 20, 2017 - Inauguration
- Jan. 24, 2017 - "Review & approve"
- Feb. 2017 - EA affirmed, easement
- June 2017 - DAPL operational

http://www.startribune.com/months-needed-for-additional-study-of-dakota-access-pipeline/435216633/
AND THEN THIS HAPPENED

STANDING ROCK SIOUX TRIBE, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, et al.,

Defendants.

Civil Action No. 16-1534 (JEB)

MEMORANDUM OPINION
The NEPA Opinion

- Corps "generally complied" with NEPA
- **BUT** "substantial exceptions"
  1. Are project’s effects likely to be highly controversial?
  2. Impact of a spill on:
     a) Fishing, hunting rights
     b) Environmental justice
SO the White House Did This:
EO 13807 - August 15, 2017

• “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure”
  – major infrastructure projects
  – multiple authorizations by Federal agencies will be required to proceed with construction
  – an environmental impact statement (EIS) under NEPA is required
  – project sponsor has identified the reasonable availability of funds sufficient to complete the project.

• Three critical agencies
  – Office of Management and Budget (“OMB”)
  – White House Council on Environmental Quality (“CEQ”),
  – Federal Permitting Improvement Steering Council (“FPISC”)
    • FAST Act of 2015
Discipline & Accountability

• **Agency Accountability**
  – Average 2 Years
  – Tracking & Scoring

• **Process Enhancements**
  – One Federal Decision
  – CEQ Action Plan
    • One Federal Decision
    • Rules, Guidance, etc.
    • Dashboard
    • Dispute resolution
LET'S MAKE THIS HAPPEN

• To be a "High Priority" infrastructure project.
  – Certain Highways, public transportation, multimodal projects, Water Infrastructure projects and Fast Act projects
  – Projects designated by the FPISC Executive Director
  – Governor
  – Agency head
  – Chairman of CEQ

• This determination shall be made after consideration of the project's importance to the general welfare, value to the Nation, environmental benefits, and such other factors as the Chairman deems relevant
WHAT'S KEEPING THIS FROM HAPPENING
FPISC - Deputy Secretaries of:

- Department of Agriculture
  - USDA RD
  - USFS
- Army Corps of Engineers
- Department of Energy
- Department of Transportation
- Department of Commerce
  - NTIA
  - NOAA
  - NMFS
- Department of Interior
  - USFW
  - BLM
  - Bu Rec
  - NPS
  - BOEM
- Department of Defense
- Department of Defense
- Environmental Protection Agency
- Nuclear Regulatory Commission
- Federal Energy Regulatory Commission
- Department of Housing and Urban Development
- Advisory Council on Historic Preservation
- Department of Homeland Security
  - FEMA
  - USCG
WHAT HAPPENS FIRST IS NOT THE ISSUE
CEQ Already has started to Make this Happen

• Will develop “One Federal Decision” framework and guidance and directives to assist agencies in implementing One Federal Decision.

• Identify individuals to receive “high priority infrastructure projects” requests.

• Review its rules for changes or updated.

• Revise, modify, and/or supplement existing guidance

• Develop new guidance to “simplify and accelerate the NEPA process for infrastructure projects.”
  – public involvement in the NEPA process
  – deference to the lead federal agency in making key NEPA determinations
  – methods for assessing cumulative impacts of infrastructure projects
  – the use of prior studies in the same general location as the proposed project

• identify impediments to the efficient and effective processing and develop “action plans” and timelines for addressing these impediments.
Drought Impact on Texas Surface Water
Map issued September 19, 2017

Drought Severity Index
- No Drought
- D0 - Abnormally Dry
- D1 - Drought - Moderate
- D2 - Drought - Severe
- D3 - Drought - Extreme
- D4 - Drought - Exceptional

This map was generated by the Water Availability Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Water Availability Division at (512)239-4691.

Drought Monitor Dataset developed by the National Drought Mitigation Center (NDMC) U.S. Department of Agriculture (USDA) and National Oceanic & Atmospheric Administration (NOAA)
Questions?