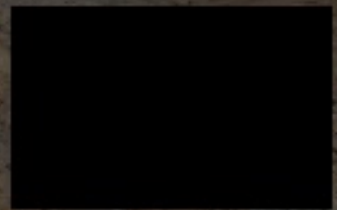


# Infrastructure - What's Happening in Washington DC

Molly Cagle

# Time-lapse: Oroville Dam spillway rebuilding

Bay Area News Group



# Oroville Dam flyover September 2, 2017

Bay Area News Group





# Focus on Infrastructure is Not New

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- 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

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- ☑ 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

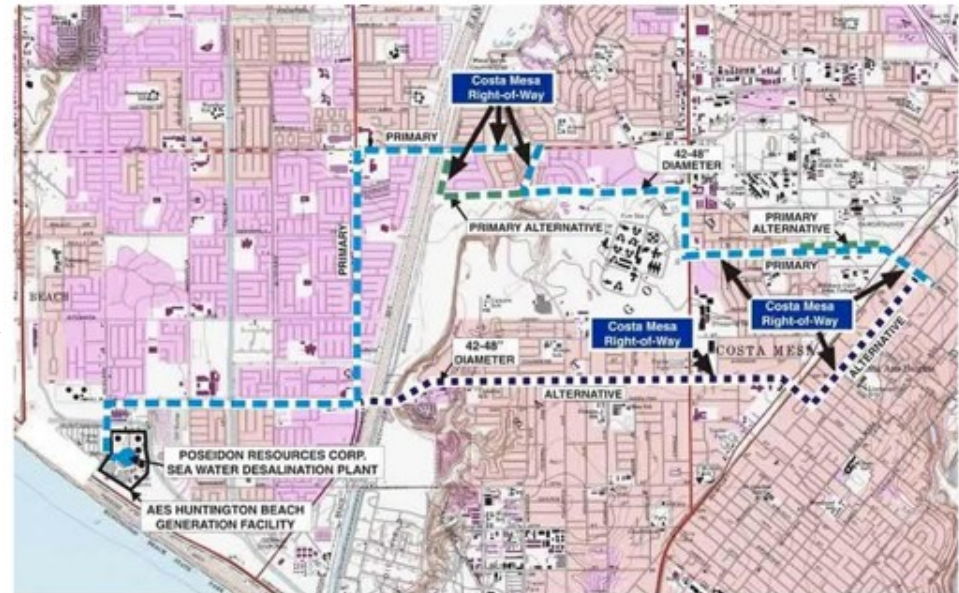
**2. Authority:** Poseidon Water

**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

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# Making Infrastructure Happen is Happening

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“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?

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- 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

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- 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

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**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

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- 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

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- “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

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- **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

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- 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:

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- 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

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# CEQ Already has started to Make this Happen







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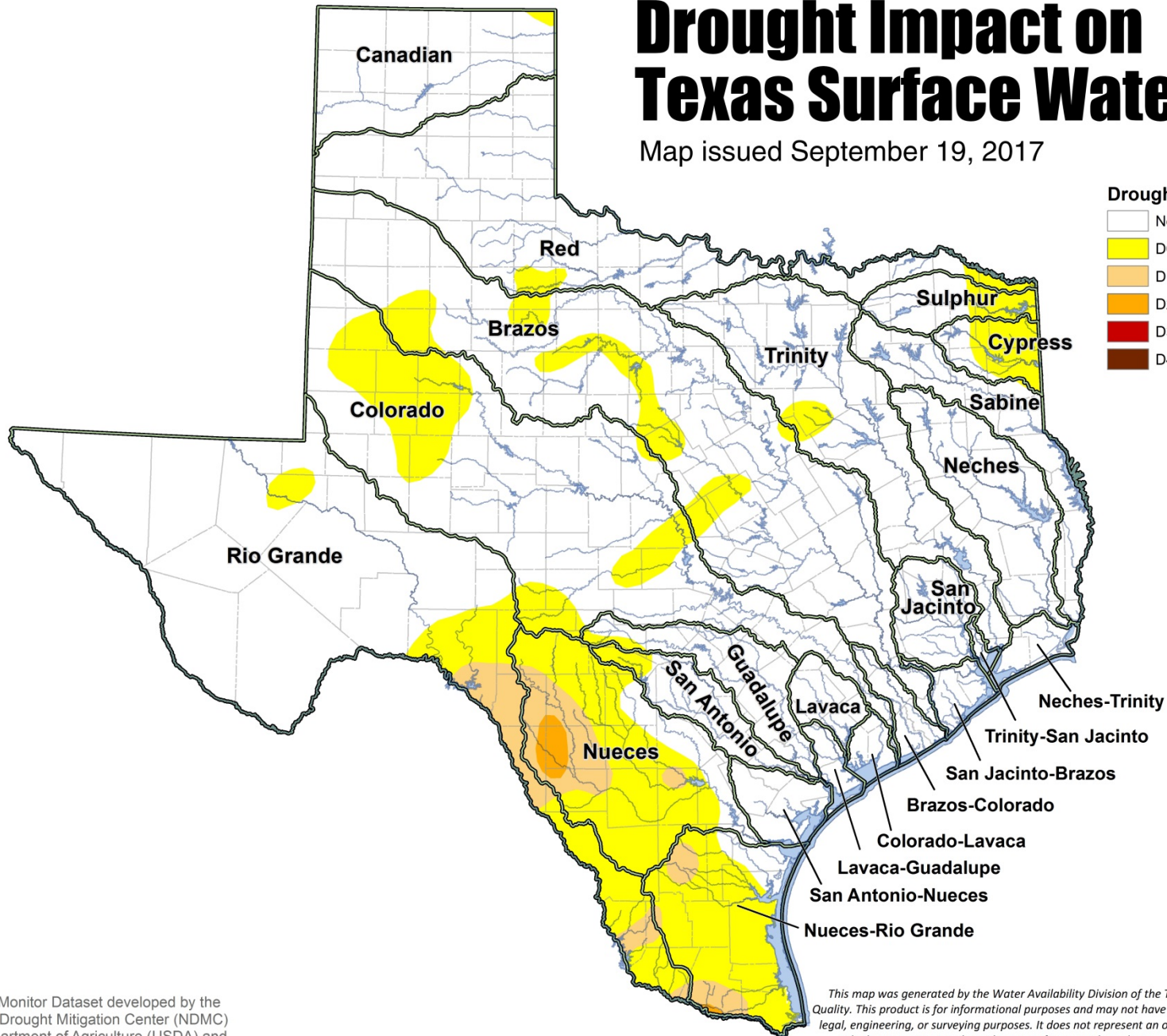
- Will develop “One Federal Decision” framework and guidance and directives to assist agencies in implementing One Federal Decision.
- Identify individuals to receive “high priority infrastructure projects” requests.
- Review its rules for changes or updated.
- Revise, modify, and/or supplement existing 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

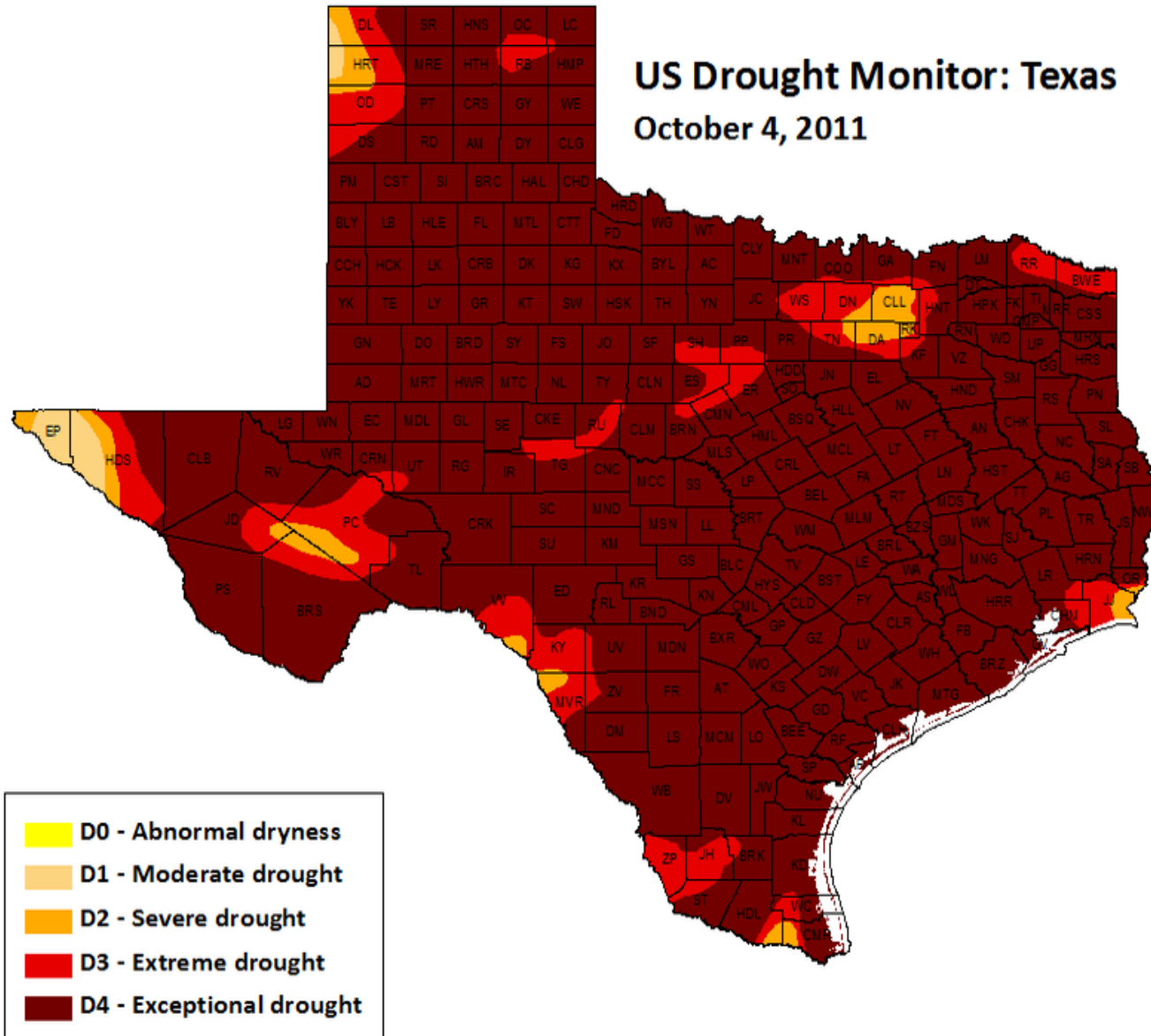
Map issued September 19, 2017

## Drought Severity Index

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



## US Drought Monitor: Texas October 4, 2011





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# Questions?

AUSTIN

BEIJING

BRUSSELS

DALLAS

DUBAI

HONG KONG

HOUSTON

LONDON

MOSCOW

NEW YORK

PALO ALTO

RIYADH

SAN FRANCISCO

WASHINGTON

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