

Executive Order Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects

Summary of the Executive Order

Major components:

- **Expedites environmental reviews** of and approvals for “high priority” infrastructure projects and specifically direct the relevant authorities not to conduct additional assessments for the current pipeline projects even where an assessment was ordered
- Directs the Chairman of the White House Council on Environmental Quality (CEQ) to determine within 30 days of a request, whether a project is a high priority based on general welfare, value to the U.S., environmental benefits, and other factors “as the Chairman deems relevant”
- Provides examples of ‘high priority’ projects, which includes **pipelines**

Implementation of the Executive Order

Authority of the United States Executive Branch to effectuate the executive order:

- Executive orders (EO) have the authority of U.S. federal law and are directives to entities within the executive, such as the CEQ.
- Executive authority to issue EOs is limited by the U.S. Constitution and federal legislation enacted by Congress; an EO may not overturn Congressional legislation but may reverse a prior Executive action.
- The EO must comply with the requirements of the **National Environmental Policy Act** (NEPA), which established the CEQ and housed it within the Executive. The NEPA requires environmental impact assessments and consultations for federal projects that must include information on the environmental impact, adverse environmental effects that are unavoidable if the project is implemented, alternatives to the proposed project, short-term and long-term effects and maintenance required, and irreversible and irretrievable commitments of resources.
- The EO must also comply with the **Endangered Species Act**, which requires agencies to assess whether proposed programs are not likely to threaten endangered or threatened species.

Implementation thus far:

- Through the introduction of two Presidential Memorandums introduced on the same day as this EO, President Trump facilitated the expedited review of new permits or easements as necessary for the construction of the Keystone XL and Dakota Access oil pipelines.
- In the case of the **Keystone XL pipeline**, President Trump directed that the former 2014 Environmental Impact Statement fulfills the requirements under the NEPA and Endangered Species Act so that a new Environmental Impact Assessment need not be ordered in considering TransCanada’s permit request.
- For the **Dakota Access pipeline**, President Trump instructed the Army Corps of Engineers to expedite approvals required under federal legislation, to withdraw its intent to prepare an Environmental Impact Statement for the easement to cross Lake Oahe, and to consider the previous Environmental Assessment of 2016 as satisfying federal requirements under NEPA and the Endangered Species Act.
- The implementation of this EO could threaten environmental interests and property sacred to indigenous persons, also affecting their health, lives, and culture.