

Infrastructure Insights: March 2016

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The last months of 2015 saw two landmark federal legal and policy changes for infrastructure developers: (1) new permitting procedures for major capital projects enacted as part of the Fixing America's Surface Transportation Act (FAST Act); and (2) a Presidential Memorandum and Interior Department directive on mitigating impacts to natural resources stemming from the permitting and other activities of federal agencies. Holland & Hart has authored articles that describe and analyze the impacts of these new federal policies on our clients' interests. Based on our firm's experience as regulatory counsel for scores of infrastructure projects, we bring you unique, first-hand insight to decode the fine points of and inform your company's choices of action based on these new developments.

The FAST Act mandates complex new procedures and a new administrative apparatus to coordinate federal reviews and permitting of major projects in most industry sectors. The mitigation directives clarify federal mitigation policy across the executive branch and boost the role of compensatory mitigation to offset impacts from federally approved activities. Together, these developments mark a major inflection point in federal infrastructure siting and permitting law and policy. They are likely to affect and require the attention of every party involved in infrastructure development and other activities subject to federal environmental reviews and permitting.

Infrastructure Permit Streamlining Under The Fast Act

The Presidential Memorandum And Interior Department Policy On Mitigation: Their Content And Implications

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