



## Key Takeaways from “What’s Heating Up for Spring: Federal Permitting Policy Update”

ESA's latest webinar featured three ESA federal policy and permitting experts—**Eric Beightel, Tony Overly, RPA,** and **Meredith Parkin, JD, PMP**—who discussed the rapidly evolving federal policy and permitting landscape. The presentation and conversation covered National Environmental Policy Act (NEPA) implementation, cultural resources consultation and compliance, interagency coordination, recent court decisions, and the growing role of artificial intelligence (AI) in environmental review processes. The panel conveyed that the federal environmental review landscape is moving toward faster, more technology-enabled permitting processes, while still requiring rigorous technical analysis, consultation, coordination, and compliance discipline.

→ [Click here to watch the full recording.](#)

### KEY TAKEAWAYS

- Federal permitting and environmental review processes are changing quickly, requiring agencies and project teams to remain flexible and adaptive as new executive actions, guidance documents, and court decisions emerge.
- Updated CEQ guidance on categorical exclusions (CEs) expands opportunities for agencies to streamline reviews by clarifying the process for adopting another agency's CE; emphasizing that the mere presence of unusual circumstances is not sufficient to invalidate the use of a CE; and introducing the idea of “stacking” CEs by using multiple CEs to cover different components of a single project.
- The panel highlighted increasing pressure across federal agencies to accelerate infrastructure permitting timelines while maintaining defensible environmental documentation and regulatory compliance.
- Cultural resources review remains a major focus area, particularly under Section 106 consultation requirements. Agencies are exploring applying new digital tools on legacy data and other procedural efficiencies to improve review speed, consistency, and schedule predictability.
- The differences between NEPA requirements and Section 106 review are becoming more distinct and there are more cases where NEPA review is no longer needed but Section 106, as currently defined, still applies.
- Major shifts in NEPA following recent judicial decisions and the rescission of CEQ's NEPA implementing regulations are resulting in narrower federal action analyses, more agency discretion, and less standardized guidance across agencies. Adaptation to the evolving regulatory landscape includes greater reliance on CEs, a narrower focus on defensible and reasonably foreseeable impacts, and a more strategic, risk-management-oriented approach to public engagement and documentation.
- [AI](#) is emerging as a practical tool for environmental planning and permitting workflows, including summarization, drafting support, comment analysis, and data organization. Panelists emphasized that professional judgment and human quality control remain essential.
- The discussion underscored the importance of early coordination, interagency collaboration, and proactive communication with stakeholders to reduce permitting risk and avoid project delays.

## OPERATIONAL IMPLICATIONS

- Organizations involved in infrastructure and environmental permitting can anticipate continued policy volatility and evolving agency expectations through the near term. ESA's free access [Permitting Policy Tracker](#) and our permitting and policy experts are here to help.
- Teams that invest in adaptable workflows, data management, and technology-enabled review processes are likely to be better positioned to respond to compressed schedules and shifting regulatory priorities.
- Maintaining strong technical documentation and defensible decision-making processes will remain critical as litigation and judicial scrutiny continue to influence permitting practices.

Questions? [Please reach out to Eric Beightel.](#)