



**EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER JML 26-078**

***EXPEDITED ENVIRONMENTAL PERMITTING
CONSISTENT WITH FEDERAL AND STATE LAW***

WHEREAS, Article IX, Section 1 of the Constitution of Louisiana provides that “[t]he natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people,” and directs that the Legislature “shall enact laws to implement this policy”;

WHEREAS, the Supreme Court of Louisiana, in *Save Ourselves, Inc. v. Louisiana Environmental Control Commission*, 452 So.2d 1152 (La. 1984), construed Article IX, Section 1 to impose on the State a duty as a “public trustee” of the environment, requiring state agencies and officials to weigh the environmental costs and benefits of a proposed action and to determine whether alternatives that offer more protection to the environment or mitigate adverse environmental effects, without curtailing non-environmental benefits, are available and reasonable;

WHEREAS, the Legislature has fulfilled Article IX, Section 1’s mandate to implement the public trust doctrine by enacting the Louisiana Environmental Quality Act, La. R.S. 30:2001 *et seq.*, the Louisiana State and Local Coastal Resources Management Act, La. R.S. 49:214.21 *et seq.*, and other laws conditioning the issuance of permits upon satisfaction of the criteria announced in *Save Ourselves, Inc.*;

WHEREAS, the public-trustee duty recognized in *Save Ourselves, Inc.* derives from the Louisiana Constitution, and is distinct from, and not dependent upon, the requirements of the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (“NEPA”), which by its terms governs only “major federal actions,” or the federal Clean Water Act, 42 U.S.C. § 7401 *et seq.*, which applies only to “waters of the United States”;

WHEREAS, the federal Clean Water Act expressly reserves to the States the primary responsibilities and rights to prevent, reduce, and eliminate pollution and to plan the development and use of land and water resources;

WHEREAS, in *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023), the Supreme Court of the United States refuted the assertion by federal agencies of expansive jurisdiction under the Clean Water Act, holding instead that “waters of the United States” include only relatively permanent bodies of water connected to traditional interstate navigable waters and wetlands having a continuous surface connection with such bodies of water, such that it is difficult to determine where the water ends and the wetlands begin;

WHEREAS, in *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. 168 (2025), the Supreme Court of the United States observed that decades of litigation had expanded NEPA’s procedural environmental statutes far beyond their text, turning what was intended to be a reasonable notice-and-analysis requirement into a means of paralyzing development, necessitating a course correction to restore NEPA to its proper status as a practical, reasonable decision-making tool, instead of a weapon wielded by project opponents to require ever more analysis of separate projects, consideration of attenuated effects, exploration of alternatives to proposed agency action, speculation, consultation, estimation, and litigation;

WHEREAS, the proper scope of federal jurisdiction and federal environmental review reflected in these decisions of the United States Supreme Court greatly curtailed the authority historically asserted by federal agencies, with the result that certain projects in Louisiana that previously would have been subjected to extensive federal review may now proceed with reduced or no federal review at all, while still remaining subject to the requirements imposed by Louisiana law;

WHEREAS, it is the policy of this administration to modernize and streamline State permitting so that projects meeting the applicable legal requirements of Louisiana law are allowed to proceed without unnecessary duplication, delay, or the imposition of review obligations beyond those required, while fully preserving the State’s constitutional public-trustee duty and the protections enacted by the Legislature and acknowledged by the Louisiana Supreme Court;

WHEREAS, the Governor is charged under Article IV, Section 5 of the Constitution of Louisiana with the faithful execution of the laws of this State and with the supervision and direction of the agencies of the executive branch;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: It is the policy of the State of Louisiana that environmental permitting be administered efficiently and without duplication, and that permit applicants whose projects are not subject to federal jurisdiction and satisfy the minimum requirements of Louisiana law be allowed to proceed without being subjected to additional obligations. Nothing in this Order shall be construed to diminish the duty of the State, its agencies, and officers, as public trustees of the environment under Article IX, Section 1 of the Constitution of Louisiana and *Save Ourselves, Inc. v. Louisiana Environmental Control Commission*, 452 So.2d 1152 (La. 1984), or acts of the Legislature, including, but not limited to, the Louisiana Environmental Quality Act and the Louisiana State and Local Coastal Resources Management Act.

Section 2: Definitions.

- (1) "Covered agency" means the Department of Environmental Quality, the Department of Conservation and Energy, and every other department, office, agency, board, or commission in the executive branch that issues environmental permits, licenses, registrations, variances, or approvals under the laws of this State.
- (2) "Federal review" means a review or analysis required by a federal agency under NEPA, the federal Clean Water Act, or other federal law, before permitting a project or other activity to commence.
- (3) "Minimum requirements of Louisiana law" means the substantive and procedural requirements imposed by the Constitution of Louisiana, the Louisiana Environmental Quality Act, the Louisiana State and Local Coastal Resources Management Act, other acts of the Legislature, and the rules promulgated by covered agencies applicable to a particular permit application.

Section 3. Where a project or activity is not subject to federal review or permitting requirements, or is subject to reduced federal review or permitting requirements, as a result of

Sackett v. EPA, *Seven County Infrastructure Coalition v. Eagle County*, or federal guidance implementing these decisions, no covered agency shall impose or increase State review and permitting obligations to replicate or replace federal review or permitting obligations that no longer apply to the project or activity.

Section 4. A covered agency shall not require an applicant to satisfy review or permitting requirements exceeding the minimum requirements of Louisiana law, unless such additional requirements are independently imposed through an act of the Legislature or the regulations promulgated by a covered agency pursuant thereto.

Section 5. The Secretaries of the Department of Environmental Quality, the Department of Conservation and Energy, and the heads of all other covered agencies are hereby directed to implement the decisions of the United States Supreme Court in *Sackett v. EPA* and *Seven County Infrastructure Coalition v. Eagle County* to expedite permitting and, as appropriate, to promulgate rules pursuant to the Administrative Procedure Act to expand and streamline expedited application processing that satisfies the minimum requirements of Louisiana law.

Section 6. Each covered agency shall identify categories of permits, modifications, licenses, registrations, and variances that may be expedited when the applicant demonstrates compliance with the minimum requirements of Louisiana law and shall publish timeframes for the review and disposition of such applications.

Section 7. When a project or activity is subject to federal review and permitting requirements under the federal Clean Water Act, NEPA, or other federal law, and a covered agency is tasked with providing a certification or other information, including, but not limited to, certification pursuant to 33 U.S.C. § 1341, the covered agency shall provide such certification or information in the most timely manner feasible, and shall not request any extension of an existing regulatory timeline without prior approval from the Governor.

Section 8. Each covered agency shall develop a checklist of information and documentation that applicants may provide to facilitate and expedite the determination of federal jurisdiction and identification of the applicable minimum requirements of Louisiana law.

Section 9. Each covered agency shall continue to apply existing exemptions and reduced requirements for minor modifications, minor variances, minor sources, renewals, and all

other categories or circumstances authorized by the Legislature.

Section 10. Nothing in this Order shall be construed to: (1) relieve any covered agency or any applicant of the public-trustee requirements set forth in Article IX, Section 1 of the Constitution of Louisiana and its implementing statutes, (2) authorize a covered agency to forgo any review or analysis independently required by Louisiana law, or (3) authorize any action inconsistent with State law or applicable federal law.

Section 11. Within ninety (90) days of the effective date of this Order, each covered agency shall submit a report to the Governor identifying: (1) the permits or permit categories affected by the reduced scope of federal jurisdiction and the reduced extent of required federal review stated by the United States Supreme Court in *Sackett v. EPA* and *Seven County Infrastructure Coalition v. Eagle County*, (2) any review or permitting requirements of the covered agency that exceed the minimum requirements of Louisiana law, and (3) recommended changes to the covered agency's regulations or internal processes and procedures that will facilitate implementation of this Order.

Section 12. This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 12th day of August, 2026.



Jeff Landry
GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE



Nancy Landry
SECRETARY OF STATE