Streamlined, Clear, Expeditious Permitting: Arkansas Governor Sanders Signs Executive Order

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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Arkansas Governor Sanders signed on February 16th an Executive Order 26-04 ("EO") styled:

EXECUTIVE ORDER TO MAKE ARKANSAS THE BEST STATE IN AMERICA TO DO BUSINESS THROUGH STREAMLINED, CLEAR, AND EXPEDITIOUS PERMITTING PROCESSES THAT PROTECT NATURAL RESOURCES AND FOSTER ECONOMIC DEVELOPMENT.

The EO requires that:

- Each cabinet-level state agency, along with any state board or commission thereof that issues permits, licenses, certifications, or other such regulatory approvals, including but not limited to the Arkansas Department of Agriculture, the Arkansas Department of Energy and Environment, Arkansas Department of Labor and Licensing, and the Arkansas Department of Health, shall conduct a comprehensive review of all such processes within 120 days of this Order.
- The review shall identify:
- Unnecessary steps that can be eliminated, consolidated, or digitized;
- Statutory or regulatory barriers to faster processing;
- Opportunities to align timelines across agencies for multi-permit projects;
- Innovative methods to expedite permitting in coordination with permittees, licensees, and other relevant parties;
- Innovative use of artificial intelligence or electronification of certain processes which otherwise delay issuance of permits, licenses, certifications, and other regulatory approvals;
- Recommendations for setting clear, predictable timelines for agency decisions; and
- Recommendations for processes or initiatives to streamline or simplify rules, permits, licenses, certifications, and regulatory approvals, including ways to reduce the cost of regulatory compliance and encourage opportunities to modify existing permits.
- Within 180 days of this Order, each relevant cabinet-level agency, board, and commissionshall submit a written Improvement Plan to the Governor that includes:
- Specific process improvements;
- Any legislative changes needed to implement recommendations;
- Any rule changes needed to implement recommendations;
- A timeline for implementation; and
- Performance metrics such as average turnaround time.

The referenced agencies are required to engage with relevant stakeholders from the regulated community and industry to ensure permitting processes are informed by real-world experience and economic growth.

A copy of the EO can be found here.