



## Modernizing the Infrastructure Permitting Process

### Goal Leaders

**Mary Neumayr**, Chairman, Council on Environmental Quality (CEQ)

**Alex Herrgott**, Executive Director, Federal Permitting Improvement Steering Council (FPISC)

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## Goal Statement

- Reduce the time for the Federal Government's processing of environmental reviews and authorization decisions for new major infrastructure projects to an average of 2 years.
- Provide consistent, coordinated, and predictable Federal environmental reviews and authorization processes for infrastructure projects.



## Challenge

- The American people rely on infrastructure improvements to benefit our economy, society, and environment. However, inefficient decision processes, including for environmental reviews and permit decisions or authorizations, have delayed infrastructure investments and increased project costs.



## Opportunity

- Improving the Federal environmental review and authorization process will enable infrastructure project sponsors to start construction sooner, create jobs earlier, and fix our Nation's infrastructure faster while also ensuring that a project's potential impacts on environmental and community resources are considered and managed throughout the planning process.
- Infrastructure investment strengthens our economic platform, makes America more competitive, creates jobs, increases wages for American workers, and reduces the costs of goods and services for American families and consumers.



## Core Team:

- **Office of Management & Budget (OMB):** OMB's Office of Personnel and Performance Management oversees the day-to-day management of the Infrastructure Permitting CAP Goal and provides direction on goal-related policy development. OMB also oversees the accountability system, including how agencies incorporate related performance goals in agency and personnel plans.
- **Council on Environmental Quality (CEQ):** CEQ's National Environmental Policy Act (NEPA) team provides policy direction on NEPA regulations and environmental policies and may mediate disputes relating to implementation of substantive environmental statutes/regulations. CEQ has developed the One Federal Decision framework with OMB.
- **Federal Permitting Improvement Steering Council (Permitting Council or FPISC):** The Permitting Council's Office of the Executive Director is charged with coordinating "covered projects" across agencies to improve the Federal environmental review and authorization process, including developing and tracking agencies' adoption of recommended "best practices" for a range of permitting activities, such as early stakeholder engagement, timely decision-making, and interagency coordination.

## Agency Partners:

- |  |   |
|--|---|
| ▪ Advisory Council on Historic Preservation            | ▪ Department of Housing and Urban Development |
| ▪ Department of the Army                               | ▪ Department of the Interior                  |
| ▪ Department of Agriculture                            | ▪ Department of Transportation                |
| ▪ Department of Commerce                               | ▪ Environmental Protection Agency             |
| ▪ Department of Defense                                | ▪ Federal Energy Regulatory Commission        |
| ▪ Department of Energy                                 | ▪ Nuclear Regulatory Commission               |
| ▪ Department of Homeland Security                      | ▪ General Services Administration             |
| ▪ U.S. Institute for Environmental Conflict Resolution |   |





## Modernizing the Infrastructure Permitting Process Goal Leaders: OMB, CEQ, FPISC

### **STRATEGY 1:** Standardize Interagency Coordination

#### **Major Actions**

##### **1.1: One Federal Decision**

- Oversight: CEQ/OMB
- Implementation: Agencies

##### **1.2: Permitting Timetables (OFD)**

- Oversight: OMB
- Implementation: Agencies

##### **1.3: Engage Senior Agency Leadership**

- Oversight: CEQ/OMB
- Implementation: Agencies

##### **1.4: Fee Regulations**

- Oversight: FPISC/OMB
- Implementation: FPISC

### **STRATEGY 2:** Improve Predictability & Transparency

#### **Major Actions**

##### **2.1: Permitting Dashboard**

- Oversight: FPISC/OMB
- Implementation: Agencies

##### **2.2: Early Coordination**

- Oversight: FPISC
- Implementation: Agencies

### **STRATEGY 3:** Increase Agency Accountability

#### **Major Actions**

##### **3.1: Accountability System**

- Oversight: OMB
- Implementation: Agencies

##### **3.2: Performance Goals**

- Oversight: OMB
- Implementation: Agencies

##### **3.3: Personnel Plans**

- Oversight: OMB
- Implementation: Agencies

### **STRATEGY 4:** Identify and Implement Best Practices

#### **Major Actions**

##### **4.1: Identify Best Practices**

- Oversight: FPISC
- Implementation: Agencies

##### **4.2: Implement and Institutionalize Best Practices**

- Oversight: FPISC
- Implementation: Agencies



# Summary of Progress Since Last Update

## One Federal Decision & Major Infrastructure Projects

- Federal agencies are continuing to identify and track major infrastructure projects (“MIPs,” as defined by EO 13807) on the [Permitting Dashboard](#).
- In December, OMB published the [Accountability Scorecards for Major Infrastructure Projects](#) on agency performance for Quarter 4 of FY 2019. Highlights include:
  - Major Infrastructure Projects: Federal agencies initiated the environmental review process for ten additional major infrastructure projects (MIP) during the last quarter. There are now 33 MIPs being tracked on the Permitting Dashboard and assessed under the accountability system which include sectors such as surface transportation (highways), aviation, renewable energy (wind and solar), conventional energy (oil and gas), water resources, ports and waterways, and pipelines.
  - Permitting Timetable Completeness:
    - 27 of 33 MIPs have complete permitting timetables (i.e., all relevant project actions and milestone target dates are listed) published on the Permitting Dashboard. Of these, 21 were published on time while 6 timetables were submitted late. 1 project timetable was not updated while 3 projects failed to publish a timetable in the last quarter. 2 projects are currently paused and will have timetables updated once the projects are back in progress.
  - One Federal Decision Implementation: Lead agencies reported that 30 MIPs are using the [One Federal Decision](#) framework to jointly and cooperatively process the environmental reviews and make authorization decisions. Of those projects, lead agencies have granted 4 projects an exception to the requirement to issue a single Record of Decision, but has reported it is planning to implement all other relevant aspects of One Federal Decision. 3 projects were not implementing One Federal Decision at the time of assessment.





## FAST-41 and the Federal Permitting Improvement Steering Council

**New Projects:** Two new projects applied and were approved for coverage under FAST-41.

- ❖ Ocean Wind Project (Renewable Energy) - CPP and Dashboard timetable scheduled to be complete at the end of December 2019.
- ❖ Yellow Pine Solar (Renewable Energy) - CPP and Dashboard timetable scheduled to be complete at the beginning of 2020.

**Current Projects:** Currently there are 24 active projects on the FAST-41 Dashboard, representing a total economic value of over \$56,000,000,000.

- ❖ The final Environmental Impact Statements for Ten West Link and Jordan Cove LNG were published on time on 09/13/2019 and 11/15/2019, respectively.

**Improving Agency Coordination and Collaboration:** The Permitting Council held three monthly check-ins with BOEM and NOAA regarding process improvements and paths forward critical decisions.

**Stakeholder Engagement:** The Permitting Council continued extensive outreach efforts to stakeholders.

- In Q4 of FY 2019 OED engaged the following stakeholders:
  - The Senate Western Caucus in Washington, DC on July 12, 2019
  - The Western Caucus Foundation in Lake Tahoe, Nevada on July 19, 2019
  - The Western Governors' Association in Salt Lake City, Utah on July 25, 2019
  - The National Governors' Association in Salt Lake City on July 25-26, 2019
  - A White House Meeting: America's Energy Dominance and Infrastructure Deregulation in Washington, DC on August 21, 2019
- In Q1 of FY 2020 OED engaged the following stakeholders:
  - The EnVision Forum in Lexington, Kentucky on October 21, 2019
  - The American Wind Energy Association's Wind Energy Conference in Boston, Massachusetts on October 22-23, 2019
  - The American Mining Association's Annual Conference in Tuscon, Arizona on October 24, 2019





## Strategy 1: Standardize Interagency Coordination

- **Problem Targeted:** The Federal environmental review and permitting process for major infrastructure projects has historically been fragmented and uncoordinated. Up to 18 Federal agencies and 35 bureaus are responsible for individual, independent permitting and review decisions based on different statutory responsibilities that have developed over time.
- **Theory of Change:** Federal agencies should follow transparent and coordinated processes to eliminate duplication of effort among agencies, improve the efficiency of project delivery, and make better-informed decisions.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
<b>1.1 Ensure Effective One Federal Decision (OFD) Implementation</b>					
• Begin publishing OFD implementation data	Q3 FY19	Complete	No Change	OMB	
• Track agency progress of OFD implementation	Ongoing - Quarterly	In Progress	No Change	OMB/CEQ	
• Conduct initial analysis of OFD data to identify potential inefficiencies and areas for improvement	Q1 FY21	On Track	No Change	CEQ/OMB	May not have enough data to draw conclusions
<b>1.2 Require Agencies to Develop and Use Collaborative Permitting Timetables for all Major Infrastructure Projects</b>					
• Begin publishing permitting timetable usage data	Q3 FY19	Complete	No Change	OMB	
• Track whether permitting timetables are complete and updated	Ongoing - Quarterly	In Progress	No Change	OMB	
• Begin publishing data on the extent to which agencies are meeting major milestones in the permitting timetable	Q2, FY20	On Track	Milestone Due Date Changed	OMB	Pushing milestone date back in order to publish this in conjunction with data on the time it takes to complete environmental reviews and authorizations



## Strategy 1: Standardize Interagency Coordination (continued)

- **Problem Targeted:** The Federal environmental review and permitting process for major infrastructure projects has historically been fragmented and uncoordinated. Up to 18 Federal agencies and 35 bureaus are responsible for individual, independent permitting and review decisions based on different statutory responsibilities that have developed over time.
- **Theory of Change:** Federal agencies should follow transparent and coordinated processes to eliminate duplication of effort among agencies, improve the efficiency of project delivery, and make better-informed decisions.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
<b>1.3 Develop Standard Processes to Engage Senior Agency Leadership on Major Infrastructure Projects</b>					
• Begin publishing data on senior agency leadership engagement	Q3 FY19	Complete	No Change	OMB	
• Track whether processes to engage senior agency leadership is used when appropriate	Ongoing - Quarterly	In Progress	No Change	OMB	
• Coordinate interagency meetings of senior agency leadership to discuss issues related to OFD and MIPs	Ongoing - Quarterly	In Progress	No Change	CEQ	
<b>1.4 Issue Fee Regulations to Provide Additional Resources for Interagency Coordination on FAST-41 Covered Projects</b>					
• Publish FAST-41 initiation fee Notice of Proposed Rulemaking – NOPR published on <a href="#">Federal Register</a> on September 4, 2018	Q4 FY18	Complete	No Change	FPISC/OMB	
• Publish FAST-41 initiation fee final rule	Q3 FY20	Delayed	No Change	FPISC/OMB	FPISC is revising the rule based on comments received.







## Strategy 2: Improve Predictability & Transparency

- **Problem Targeted:** The Federal environmental review and permitting process for infrastructure projects is perceived to be unpredictable and lack transparency. Variance in project review timelines can affect critical financing and siting decisions; delay needed upgrades, replacements, or new development; and ultimately, negatively affect American competitiveness.
- **Theory of Change:** Public reporting of environmental reviews and authorizations timelines and increased early and open coordination with key stakeholders can help improve predictability and transparency in the permitting process. The [Permitting Dashboard](#) is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal government's environmental review and authorization processes for large or complex infrastructure projects, increasing predictability for project sponsors and promoting government accountability in the review process.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
<b>2.1 Ensure Effective Use of the Infrastructure Permitting Dashboard</b>					
• Conduct quarterly assessment of agency's use of the Permitting Dashboard for FAST-41 covered and major infrastructure projects	Ongoing – Quarterly	In Progress	No Change	FPISC/OMB	
• Conduct a pilot program to sync an agency's internal database with the Permitting Dashboard to reduce burden and duplicative data entry	Q2 FY20	On Track	No Change	CEQ/OMB/ DOT	
• Identify and develop work plans with additional agencies to sync databases with the Permitting Dashboard	Q2 FY20	On Track	New Milestone	CEQ/OMB/ DOT	
<b>2.2 Expand Opportunities for Early and Open Coordination and Engagement with Key Stakeholders</b>					
• Issue FY 2019 “best practices” recommendations for enhancing early and open stakeholder engagement/coordination	Q3 FY19	Complete	No Change	FPISC	
• Implement efforts to engage in productive outreach with state, local and Tribal governments.	Ongoing	In Progress	No Change	FPISC	



## Strategy 3: Increase Agency Accountability

- **Problem Targeted:** It has been difficult to track the Federal government's performance in processing environmental reviews and authorizations due to the lack of reliable, comprehensive data on the time and costs to complete such activities.
- **Theory of Change:** The infrastructure permitting accountability system will begin collecting data on time and cost measures and will hold agencies accountable for their performance. This information will allow agencies to determine the appropriate focus of resources, diagnose problems, and find opportunities for improvement.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
<b>3.1 Develop and Implement an Infrastructure Permitting Accountability System</b>					
• Begin publishing accountability system performance indicator data	Q3 FY19	Complete	No Change	OMB	
• Publish <a href="#">quarterly scorecards</a> on agency performance	Ongoing - Quarterly	In Progress	No Change	OMB	
• Begin publishing data on the time it takes to complete the processing of environmental reviews and authorization decisions for MIPs	Q2 FY20	On Track	No Change	OMB	
<b>3.2 Incorporate Permitting-Related Performance Goals in Agency Strategic Plans and Annual Performance Plans</b>					
• Submit draft FY 2021 annual performance plans (APP) w/ permitting-related goals	Q4 FY19	Complete	Status Changed	Agencies	
• Publish FY 2021 APP w/ permitting-related goals	Q2 FY20	On Track	No Change	Agencies	
<b>3.3 Integrate Permitting-Related Performance Goals into Appropriate Agency Personnel Performance Plans</b>					
• Provide guidance on personnel performance plans	Q4 FY20	Delayed	No Change	OMB/OPM	



## Strategy 4: Identify and Implement Best Practices

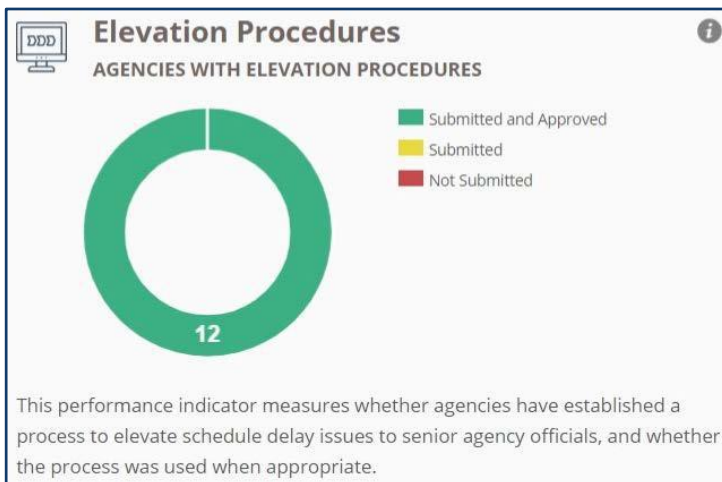
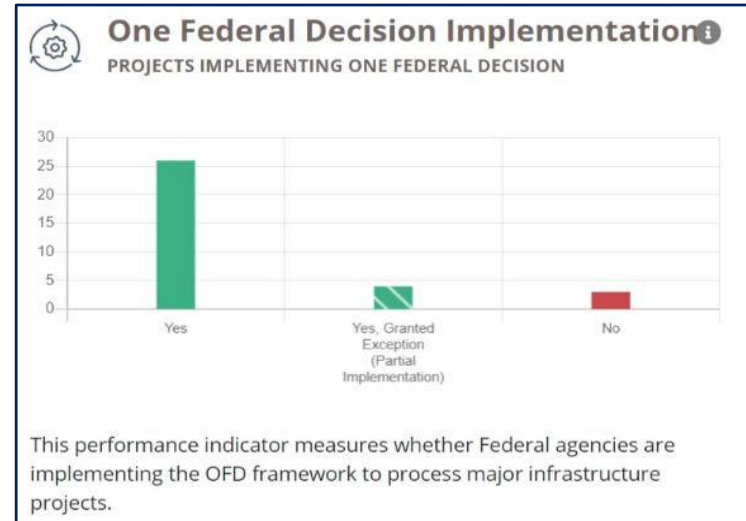
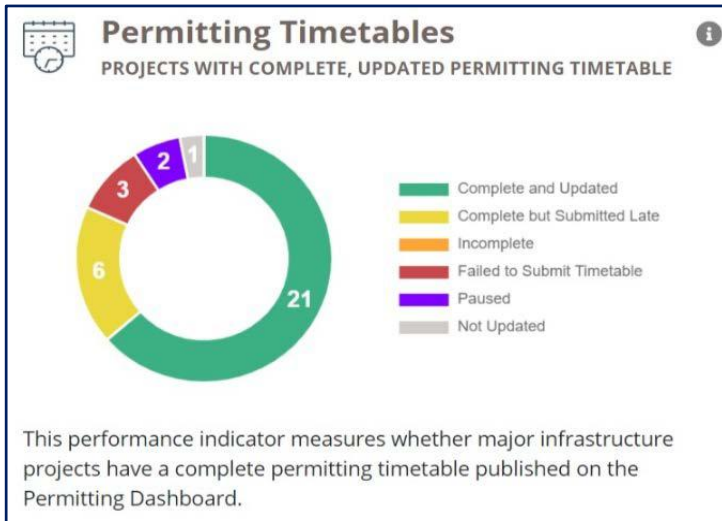
- **Problem Targeted:** Best practices to improve the permitting and environmental review process for infrastructure projects are not consistently implemented.
- **Theory of Change:** Identifying and implementing best practices will enable Agencies to streamline and improve the Federal permitting process by increasing transparency and accountability, and improving early coordination and synchronization of Federal environmental reviews and authorizations.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
<b>4.1 Identify Recommended Best Practices to Improve the Federal Environmental Review and Authorization Process</b>					
• Issue FY 2019 Best Practices Report	Q3 FY19	Complete	No Change	FPISC	
• Issue FY 2020 Best Practices Report	Q2 FY20	On Track	No Change	FPISC	
<b>4.2 Ensure Best Practices are Implemented Within and Across Agencies</b>					
• Assess if agencies are implementing best practices for FAST-41 projects in FY 2018 Annual Report to Congress	Q3 FY19	Complete	No Change	FPISC	
• Assess if agencies are implementing best practices for FAST-41 projects in FY 2019 Annual Report to Congress	Q3 FY20	On Track	No Change	FPISC	



## Key Indicators

Performance indicators for the CAP Goal will be tracked through the Infrastructure Permitting Performance Accountability System and data will be published quarterly on the Permitting Dashboard. Below is data from the FY 2019, Quarter 4 scorecard. For more detailed information, visit the [Permitting Dashboard](#).



Additional performance indicators on whether major infrastructure projects are meeting major milestone target dates and the time and cost to complete environmental reviews and making authorization decisions will be published in future scorecards after more milestone data has been collected and as major infrastructure projects have completed the environmental review process.



## **Advisory Council on Historic Preservation**

- Office of Federal Agency Programs

## **Executive Office of the President**

- Council on Environmental Quality
- National Economic Council
- Office of Management and Budget

## **United States Department of Agriculture**

- United States Forest Service
- Rural Utility Service

## **United States Department of the Army**

- Office of the Assistant Secretary of the Army for Civil Works

## **United States Department of Commerce**

- National Oceanic and Atmospheric Administration
- Office of Coastal Management
- National Marine Fisheries Service

## **United States Department of Defense**

- Office of the Deputy Under Secretary of Defense/Installations & Environment

## **United States Department of Energy**

- Office of the Secretary

## **United States Department of Homeland Security**

- United States Coast Guard – Bridge Program
- Federal Emergency Management Agency

## **United States Department of Housing and Urban Development**

- Office of Environment and Energy
- Community Planning and Development/Community Development Fund

## **United States Department of the Interior**

- The Bureau of Land Management
- Bureau of Ocean Energy Management
- Land and Minerals Management
- National Park Service
- Fish and Wildlife Service
- Bureau of Indian Affairs

## **United States Department of Transportation**

- Office of the Secretary
- Federal Aviation Administration
- Federal Highway Administration
- Federal Railroad Administration
- Federal Transit Administration
- John A. Volpe National Transportation Systems Center

## **United States Environmental Protection Agency**

- Office of Enforcement and Compliance Assurance
- NEPA Compliance Division

## **Federal Energy Regulatory Commission**

## **Nuclear Regulatory Commission**

## **General Services Administration**

## **Morris K. Udall and Stewart L. Udall Foundation**

- US Institute for Environmental Conflict Resolution

