Cross-Agency Priority Goal Quarterly Progress Update

Infrastructure Permitting Modernization

Goal Leaders:

Dave Mader, Acting Deputy Director for Management,
Office of Management and Budget;
Christina Goldfuss, Managing Director, Council on Environmental Quality;
Victor Mendez, Deputy Secretary, Department of Transportation



FY2015 Quarter 3

Overview

Goal & Vision Statement:

Modernize the federal permitting and review process for major infrastructure projects to reduce uncertainty for project applicants, reduce the aggregate time it takes to conduct reviews and make permitting decisions, and produce measurably better environmental and community outcomes.

Problem:

Building a 21st-century infrastructure is a critical component of President Obama's effort to accelerate economic growth, expand opportunity, and improve the competitiveness of the American economy. As major infrastructure projects are proposed, federal, state, local, and tribal entities work to consider and minimize potential impacts on safety, security, and environmental and community resources such as air, water, land, historical and cultural resources. For the majority of projects, these permitting and review requirements are accomplished effectively and efficiently. However, for particularly large and complex infrastructure projects, multiple permits and approvals can lead to inefficiencies, frictions, and delay.

Progress Update

The milestones listed in the following slides that comprise the action plan for achieving this cross-agency priority goal follow from the "Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting" which was released in May 2014.

- The plan contained four strategies, 15 reforms, and 96 short- and long-term milestones that the federal government plans to implement to further institutionalize best practices and lessons learned for the permitting and environmental review of major infrastructure projects.
- A key reform called for the establishment of an Interagency Infrastructure Permitting Improvement Center, which was assigned primary responsibility for over half of the plan's milestones. The President requested \$8M for the IIPIC in his FY15 budget, which Congress did not appropriate. A similar request was made for FY16, but is unlikely to be appropriated. In the absence of dedicated funding for this effort, OMB, CEQ, DOT, and an interagency team are prioritizing efforts in the interim completing several key milestones and making significant progress on others.
- Over the spring, OMB and CEQ provided the Senate technical assistance on its proposal to expand permitting-related user fee authorities in recent legislation.
- Over the past quarter, the CAP Goal team has focused on targeting its efforts in order to achieve the maximum impact
 feasible given current resources. Recent efforts have focused on defining a path forward for upgrading the permitting
 dashboard and finalizing guidance that will require its use for major projects across agencies, as well as releasing a major
 update of the "Red Book," which outlines best practices for interagency coordination and synchronization. Both
 documents, as well as initial web improvements, will be released in September.
- Over the next quarter, the CAP Goal team will focus on implementation of the dashboard and "Red Book" guidance and on identifying other implementation plan priorities that are achievable with current resources, such as finalizing a policy for coordinated project planning and/or continuing work to advance innovative landscape-level and watershed-scale mitigation approaches. The CAP Goal team will have a more completed action plan update in the next quarterly update.

Goal Team and Governance Plan

Governance

Three main bodies are involved in driving results for this goal:

- The Steering Committee, co-chaired by OMB and CEQ, consists of 12 Key Agency Partners
- The Working Group, a staff-level body convened weekly to address goal-related issues
- OMB and *The Interagency Infrastructure Permitting Improvement Team (formerly Center)*, staff day-to-day implementation

Goal Team Members

EOP Goal Leaders: Dave Mader (Deputy Director for Management (Acting), OMB) and Christy Goldfuss (Managing Director, CEQ)

Agency Goal Leader: Victor Mendez (Deputy Secretary, Department of Transportation (DOT)

Key Agency/Department Partners: Advisory Council on Historic Preservation, Agriculture, Army Corps of Engineers, Coast Guard, Commerce, Defense, Energy, Environmental Protection Agency, Housing and Urban Development, Interior, Transportation, Udall Foundation (Deputy Secretaries or equivalent)

Action Plan Summary

Sub-Goal	Major Actions to Achieve Impact	Key Indicators
Strategy 1: Institutionalize Interagency Coordination and Transparency	1.1 Develop Policies and Tools for Coordinated Federal Project Reviews that includes designing coordinated project schedules, identifying a clear Federal coordination lead, and developing a mechanism for elevating and resolving interagency issues and disputes 1.2 Improve Synchronization of Separate Federal Permits and Reviews 1.3 Standardize Use of the Infrastructure Permitting Dashboard and Internal Collaboration Tools 1.4 Identify Best Practices and Expand Agreements for Early Engagement with Tribal, state, and local Governments	Project Review Timeframes: Completion dates for key milestones Pauses due to
Strategy 2: Improve Project Planning, Siting, and Application Quality	2.1 Expand Availability of Scientific, Environmental and Other Relevant Data and Geographic Information System (GIS) Tools by developing a government-wide data sharing policy, establishing consistent data standards, and expanding GIS Tools 2.2 Develop User-Friendly IT Tools for Project Applicants and Federal Agencies 2.3 Develop a Nationwide Inventory of Historic Properties 2.4 Identify Best Practices Guidance for Project Applicants	External Factors • Pilot collection of Time Under Active Federal Review Project Review
	3.1 Facilitate High-Quality and Efficient Permitting and Review Processes for Proposed Major Infrastructure Projects	Impacts: • Pilot
Strategy 3: Improve Permitting, Reviews, and Mitigation	3.2 Expand Innovative Mitigation Approaches to facilitate landscape-level mitigation planning, consistent and transparent standards for applying the mitigation hierarchy, and advance mitigation and use of in-lieu fee program and mitigation banks 3.3 Develop Guidance for Non-Federal Stakeholder Engagement and Public Comment that leverages agency experience and IT tools to promote meaningful engagement of stakeholders 3.4 Expand Use of Programmatic Approaches for Routine Activities and Those with Minimal Impacts 3.5 Regularly Review Agency Implementation Capacity	methodology to measure environmental, cultural, and community impacts of the federal permitting and
Strategy 4: Drive Continued Improvement	4.1 Establish and Track Metrics for Improved Outcomes for Communities and the Environment and for Permitting Timeframes 4.2 Establish an Interagency Infrastructure Permitting Improvement Center (IIPIC) to support the ongoing implementation of Executive Order (EO) 13604 and the improvement of Federal permitting and review processes for major infrastructure projects	review process [Note: All indicators remain under development]

Work Plan - Strategy 1: Institutionalize Interagency Coordination & Transparency

Milestone Summary				
Key Milestones	Milestone Due Date	Status	Owner	
Reform 1.1: Develop Policy for Coordinated Project Review (PCPR) and formalize through appropriate policy mechanism	06/30/2016	Missed*	IIPIC, OMB, CEQ, DOT, and Interagency Working Group	
Reform 1.1: Present preliminary PCPR pilot results to Steering Committee	06/30/2015	Missed*	Pilot Agencies	
Reform 1.1: Evaluate results from field testing; identify improvements to the PCPR; and formalize through appropriate policy mechanism	12/31/2015	Missed*	IIPIC	
Reform 1.1: Work with the other agencies in the Rapid Response Team for Transmission to begin piloting the IIP process	12/31/2015	On track	DOE Office of Electricity Delivery & Energy Reliability	
Reform 1.2: Identify opportunities to develop additional synchronized processes	9/30/2015	On Track	All Steering Committee agencies	
Reform 1.2: Complete draft of 1998 "Red Book" update	12/31/14	Missed**	USACE, DOT, EPA, USCG, USFWS, NOAA – (NMFS)	
Reform 1.3: Develop guidance for posting additional projects that meet criteria on the Dashboard	1/31/15	Completed***	IIPIC and OMB Permitting Team	
Reform 1.3: Begin posting projects that meet specified criteria for posting on the Dashboard	1/31/15	Missed ***	All Steering Committee agencies	

^{*} Original due date for PCPR was 09/30/2014. A draft policy has been developed; OMB and CEQ are completing the steps necessary to finalize the policy. The original proposal to "pilot" the PCPR has been set aside due to time constraints necessary to complete.

^{**} Draft "Red Book" was completed in December 2014. Official release planned for September 2015.

^{***} Guidance has been completed and will be released in September 2015. Reporting for covered projects will identify projects eligible as of October 12, 2015, and projects will begin being posted no later than January 12, 2016. The time between October 2015 - January 2016 will be used to develop the coordinated schedules and other information for posting.

Work Plan - Strategy 1: Institutionalize Interagency Coordination & Transparency

Milestone Summary				
Key Milestones	Milestone Due Date	Status	Owner	
Reform 1.3: Evaluate lessons learned from Dashboard guidance implementation and recommend changes to Dashboard scope and guidance as needed	03/31/2015	Missed*	Interagency Working Group	
Reform 1.3: Refine Dashboard guidance as needed, including scope of projects to be posted	9/30/2015	At risk*	IIPIC	
Reform 1.3: Build out additional Dashboard capabilities, depending on availability of resources	Ongoing	Ongoing	IIPIC, OMB, CEQ, DOT, and Interagency Working Group	
Reform 1.4: Collect and evaluate lessons learned and best practices from agencies on early engagement with Tribal, state, and local governments as part of the pilot of for the PCPR	9/30/2015	At risk**	IIPIC, Member agencies	
Reform 1.4: Complete inventory of agency agreements with Tribal, state or local governments and identify opportunities for additional agreements or regional initiatives	9/30/2015	At risk***	IIPIC, member agencies	

^{*} Milestones cannot be completed until the guidance is issued and its reporting requirements take effect. Given current timelines for reporting project data, due dates has been revised to June 30 and September 30, 2016, respectively.

^{**} As previously noted, piloting of the PCPR has been set aside due to time constraints. However, it may still be possible to review lessons learned from existing agency coordination practices, subject to available resources.

^{***} This activity was contingent upon funding for the IIPIC. Progress has been delayed until the appropriate expertise and capacity to execute this milestone is identified.

Work Plan - Strategy 2: Improve Project Siting and Application Quality

Milestone summary			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 2.1: Inventory different data standards used by agency GIS tools, e-application systems, or other electronic systems related to infrastructure permitting	06/30/2015	Missed*	IIPIC and OMB
Reform 2.1: Identify changes to existing regulations or policies to facilitate sharing of scientific, environmental, historic and cultural, and other relevant data, where appropriate	06/30/2015	Missed*	IIPIC and Interagency Working Group
Reform 2.1: Coordinate with OMB E-Gov Open Data team on data-sharing policies and identify appropriate policy vehicle	09/30/2015	At risk*	IIPIC
Reform 2.1: Based on inventory of data standards, identify barriers to the easy sharing of relevant scientific, environmental, cultural, demographic or other relevant data among agencies and with project applicants; and identify specific opportunities to facilitate information exchange by creating consistent data standards	12/31/2015	At risk*	IIPIC
Reform 2.2: Promote electronic Section 106 communication (e-106) by publishing Q&As	03/30/15	Complete**	Advisory Council on Historic Preservation (ACHP)
Reform 2.3: Develop system requirements and plan for developing a nationwide inventory for historic properties	12/31/14	Missed***	ACHP, DOI (NPS), SHPOs and THPOs
Reform 2.4: Publish an environmental checklist for project applicants for transportation projects	9/30/2015	In progress****	DOT

^{*} Milestones have not been started, due to lack of appropriations for the Interagency Infrastructure Permitting Improvement Center. Activities will not commence until funding or resources are made available.

^{**} Milestone was originally revised so that it could be included in the Electronic Section 106 Documentation Submittal System (e106) package that ACHP made available to all federal agencies in August 2015.

^{***} Milestone has not been started, due to lack of funding provided to develop a nationwide inventory, and will not commence until funding is available.

^{****} DOT has identified existing departmental checklist-type resources and is exploring the value of consolidating in one location by September 2015.

Work Plan - Strategy 2: Improve Project Siting and Application Quality

Milestone summary			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 2.4: Gather information from agencies and project applicants on best practices for projects in a pilot sector	03/31/15	Missed*	IIPIC, Interagency Working Group
Reform 2.4: Develop initial draft list of high performing attributes for the pilot sector	03/31/15	Missed*	IIPIC, Interagency Working Group
Reform 2.4: Collect field staff input on draft list of high performance attributes	03/31/15	Missed*	IIPIC, Interagency Working Group
Reform 2.4: Collect input from stakeholders	06/30/2015	Missed*	IIPIC, Interagency Working Group
Reform 2.4: Finalize best practices for projects in a pilot sector and outreach to potential stakeholders	06/30/2015	Missed*	IIPIC and Interagency Working Group

^{*} Milestones have not been started, due to lack of appropriations for the Interagency Infrastructure Permitting Improvement Center. Activities will not commence until funding or resources are made available.

Work Plan - Strategy 3: Improve Permitting Reviews and Mitigation

Milestone Summary			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 3.1: Establish Reviews Sub-Group and analyze effectiveness of existing regulations, guidance, and agency implementation for the policy areas identified in the plan as well as any areas identified by the Reviews Sub-Group facilitated by IIPIC	09/30/15	At risk*	Reviews Sub-Group, IIPIC
Reform 3.1: Based on initial analysis, identify policy or regulatory gaps and barriers and provide recommendations to the Steering Committee	12/31/15	At risk*	Review Subgroup, IIPIC
Reform 3.1: Implement recommendations of DOE working group on NEPA review process	09/30/15	On track	DOE
Reform 3.1: Hold workshop with stakeholders on key mitigation issues	06/30/2015	Complete	IIPIC and Steering Committee agencies
Reform 3.1: Catalogue existing standards that provide for the long-term management and protection of the mitigation site or for the long-term provision of mitigation actions	06/30/2015	Missed*	IIPIC
Reform 3.1: Complete inventory of agency mitigation banking authorities and practices	06/30/2015	Missed*	IIPIC
Reform 3.2 Share FHWA's Implementing EcoLogical training and technical assistance tools with other transportation modes	06/30/2015	Complete	DOT (FHWA)
Reform 3.2: Propose revisions to US Fish and Wildlife Service (USFWS) Mitigation Policy	06/30/15	Complete	DOI (USFWS)
Reform 3.2: Finalize BLM Regional Mitigation Policy	12/31/14**	Missed	DOI (BLM)

^{*} Milestones have not been started, due to lack of appropriations for the Interagency Infrastructure Permitting Improvement Center. Activities will not commence until funding or resources are made available.

^{**} Draft policy has been developed and is undergoing final agency review and clearance.

Work Plan - Strategy 3: Improve Permitting Reviews and Mitigation (cont.)

Milestones due this Quarter			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 3.2: Propose revisions to US Fish and Wildlife Service Guidance for the Establishment, Use, and Operation of Mitigation Banks	12/31/2015	Missed*	DOI (USFWS)
Reform 3.4: Identify and necessary changes to existing statutes, regulations, or policies to encourage or require programmatic approaches for routine projects with minimal impacts	12/31/2015	Not Started**	IIPIC, Steering Committee agencies

^{*} Original due date was 6/30/2015. USFWS is updating its Service Mitigation Policy and ESA Compensatory Mitigation Policy, both of which include updated mitigation and compensatory banking policies. The Service Mitigation Policy will be released for public review by the end of 2015 and the ESA Compensatory Mitigation Policy guidance is being reviewed within DOI and prepared for public review in the spring of 2016.

^{**} Milestones have not been started, due to lack of appropriations for the Interagency Infrastructure Permitting Improvement Center. Activities will not commence until funding or resources are made available.

Work Plan - Strategy 4: Drive Continued Improvement

Milestone Summary				
Key Milestones	Milestone Due Date	Milestone Status	Owner	
Reform 4.1: Establish a) guidance for tracking permitting and review timeframes and common terminology and b) pilot methodology for collecting data on improved outcomes for communities and the environment.	01/31/2015	Complete*	IIPIC, OMB, and Interagency Working Group	
Reform 4.1: Begin tracking metrics for permitting and review timeframes	01/31/2015	Missed*	All Steering Committee agencies	
Reform 4.1: Agencies to begin tracking metrics for environmental and community outcomes and establishing baselines for new metrics	6/1/2016	Not started**	All Steering Committee agencies	

^{*} These milestone are linked with Reform 1.3 and have experienced the same schedule delay, due to the timing of required IT upgrades to facilitate expansion of permitting Dashboard to collect timeframe metrics. As noted previously, the guidance is complete; will be issued in September 2015; and take effect in mid-October for projects that meet the reporting criteria.

For a full list of near- and long-term milestones, please see the <u>Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure</u> <u>Permitting</u>.

^{**} Original due date was March 31, 2015. In February 2015, OMB and CEQ hosted a day-long workshop to discuss the opportunities and challenges of collecting metrics on the environmental and community outcomes that result from the permitting process. The forthcoming guidance includes a series of outcome metrics. The collection of these indicators will begin in June 2016.

Key indicators: Under Development

In order to track the progress of the reform efforts included in this plan towards the Administration's goal, and to provide greater transparency into the permitting process for federal managers, project applicants, and other stakeholders, indicators must be established to track project review timeframes and better capture and describe the environmental, cultural, and community outcomes of the federal permitting and review process. Consistent, government-wide data will provide greater insight into current practices and inform discussions on ways to improve the review process. This data will also aid in identifying process trends and common external drivers that influence the review process.

In order to ensure that the permitting process operates effectively and efficiently and that our reform efforts are having the intended impact, two categories of indicators will be collected: (1) project review timeframe data, and (2) the avoidance, minimization or other mitigation to environmental, cultural, and community impacts of the Federal review process. Category 1 includes specific actions which will be taken to collect information on project review timeframes. Collecting information related to the environmental, cultural, and community outcomes of the Federal review process is challenging, and therefore Category 2 includes a phased-approach to ensure that the measurements are both appropriate and informative, and collected with a reasonable administrative burden. For more detail, please see pages 46-50 of the Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting.

Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
 Project Review Timeframes: Completion dates for key milestones 1/12/15* 	Agencies with planning, permitting and review responsibilities for major infrastructure projects will collect completion dates for each associated permitting and review action as applicable. These milestone actions could potentially include: NEPA Milestones: Issuance /determination of a Categorical Exclusion (CE) Issuance of Final Environmental Assessment (EA) and Finding of No Significant Impact Issuance of a Notice of Intent to prepare an Environmental Impact Statement (EIS) Official Notice of Availability of a Draft EIS published in the Federal Register Official Notice of Availability of a Final EIS published in the Federal Register Record of Decision or other decision document Permits and Reviews Milestones: Initial Application Received Completed Application Received Issuance of Permit/Notice to Proceed
 Project Review Timeframes: Pauses due to External Factors 1/12/15* 	In some cases, the federal permitting process may experience a "pause" in the review, such as when an application is withdrawn by the project applicant, a state or local government is in sole review of the application, or when financing is withdrawn. When this occurs, the elapsed time between milestone dates may provide a misleading picture of the timeliness of the federal review. For this reason, the timeliness indicator will take into account pauses in the federal review due to external factors. The agencies will record the start and end dates of any non-trivial "pause" in the central database, associated with the project name and project ID.

^{*}As stated earlier, in initial appropriations bills Congress did not fund the Dashboard, which will be used to report and track timeframe and environmental/community outcome metrics. Pending completion of draft guidance and ongoing IT improvements, reporting for covered projects will identify projects eligible as of October 12, 2015, and projects will begin being posted no later than January 12, 2016. The time between October-January will be used to develop the coordinated schedules and other information for posting. Original target due dates were September 30, 2014.

Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
 Project Review Timeframes: Pilot collection of Time Under Active Federal Review 9/30/2014* 	The two actions on slide 14 will provide data on the timeframe of each project, but will not provide a comprehensive and granular means of assessing the time spent on review by individual agencies and program offices. Given the contributions of multiple agencies and program offices to a single project, this information is needed to provide Federal managers insight into the efficiency of the process and possible bottlenecks. IIPIC will lead a long-term pilot, with the involvement of the appropriate Federal agencies, to assess the feasibility of collecting more granular data regarding the time under active federal review. This data would track the dates individual agencies both begin and end working on a review, such as Administrative Draft reviews of NEPA documents, for each segment of the process. Analysis of individual segments of the review process will be possible once the action is implemented. This action could involve a significant reporting burden if not implemented carefully, which is why it will first be deployed to a pilot group of projects once the first two actions are completed.

^{*} New due date to be determined in next quarterly update.

Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
• The environmental, cultural, and community impacts of the federal review process 6/1/2016*	It is important to collect consistent data on the environmental, cultural, and community outcomes of the federal permitting and review process in addition to the timeliness of the review. A pilot will be conducted to test an approach to the tracking of environmental, cultural, and community outcomes, and to assess reporting burden and determine the usefulness of the reported data. Following completion of this pilot, the process will be reviewed by the Steering Committee to assess the usefulness of the data collected, as well as the burden of reporting for agencies, applicants, and other stakeholders. To avoid unnecessary reporting burden, agencies will utilize the data already collected during the review process to complete these indicators. The outcomes measured as part of this effort are those resulting from changes and modifications to the project proposal as a result of the federal review process and not those produced by the projects themselves.
	 The three actions in this pilot will track the following two types of outcomes: impacts avoided or minimized as a result of comprehensive project planning prior to the submission of an application, and improved outcomes achieved through avoidance, minimization, or other mitigation of negative impacts identified through the permitting and review process. To facilitate analysis, outcomes will be tracked by a number of resource categories. These resource categories will potentially include the following: Air, Water, Land, Biological, Cultural, Community, and Other. Through additional agency discussion, the interagency working group will finalize a list

^{*} Original due date for development of all indicators was 09/30/14. Collection of environmental, cultural and community impact indicators will begin 6/1/2016.

Contributing Agencies and Programs

Advisory Council on Historic Preservation

Office of Federal Agency Programs

Executive Office of the President

- Council on Environmental Quality
- Office of Management and Budget
 - Office of Performance and Personnel Management

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 Interior

- The Bureau of Land Management
 - Renewable Energy Management
 - Cadastral Survey
 - · Lands and Realty Management
 - Communication Sites Management
- Bureau of Ocean Energy Management
 - Renewable Energy
 - Conventional Energy
 - Environmental Assessments and Studies
 - General Support Services
- Land and Minerals Management
- National Park Service
- Fish and Wildlife Service
 - Ecological Services
- Bureau of Indian Affairs
 - Environmental Quality Program
 - Real Estate Services
 - Land Title Records Services

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

Morris K. Udall and Stewart L. Udall Foundation

US Institute for Environmental Conflict Resolution

Acronyms

- ACHP Advisory Council on Historic Preservation
- BLM Bureau of Land Management
- CE Categorical Exclusion
- CEQ Council on Environmental Quality
- DOE Department of Energy
- DOI Department of Interior
- DOT Department of Transportation
- EA Environmental Assessment
- EIS Environmental Impact Statement
- EO Executive Order
- EPA Environmental Protection Agency
- FHWA Federal Highway Administration
- GIS Geographic Information Systems
- IIPIC Interagency Infrastructure Permitting Improvement Center
- IIPIC Interagency Permitting Improvement Center
- NPS National Park Service
- NEPA National Environmental Policy Act
- NMFS National Marine Fisheries Service
- NOAA National Oceanic and Atmospheric Administration
- OMB Office of Management and udget
- PCPR Policy for Coordinated Project Review
- RUS Rural Utility Service

- SHPOs State Historic Preservation Offices
- TBD To Be Determined
- USACE United States Army Corps of Engineers
- USDA United States Department of Agriculture
- USFS United States Forest Service
- USFWS United States Fish and Wildlife Service