

Cross-Agency Priority Goal

Quarterly Progress Update

Infrastructure Permitting Modernization

Goal leaders: Beth Cobert, OMB Deputy Director for Management;
Michael Boots, CEQ Acting Chair; Victor Mendez, DOT Deputy Secretary



FY2014 Quarter 4

Goal Statement & Vision:

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 by half, 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

Between July and September 2014, we have completed several steps and begun several others designed to improve the Federal permitting and review of infrastructure projects. Specifically:

- The interim Interagency Infrastructure Permitting Improvement Team (IIPIT) is now operational – with detailees housed at the Department of Transportation (DOT) – and drove progress on key cross-agency milestones.
- Steering Committee agencies presented 20 specific proposals for regulatory changes in the retrospective review report to OIRA, including allowing the electronic submission of permit applications and reports.
- Steering Committee agencies also developed and added project schedules for 11 new Dashboard projects first announced by the President in May.
- Concurrently, in July, the Unified Federal Review (UFR) process was established pursuant to a statutory amendment passed as part of the Hurricane Sandy supplemental appropriation. The UFR process is an agreement 11 agencies focused on expediting Federal review and permitting processes for disaster recovery projects. A guidance document and tools for Federal agencies have been published on FEMA's website. The UFR is currently developing a guide to applicants for Federal assistance. The UFR process involves many of the same agencies as the Infrastructure Permitting Modernization effort, and the two efforts are actively collaborating on the development of several priority reforms.

Agencies, OMB, and CEQ continue working closely together to deliver on milestones due in the upcoming quarter, as listed in the following slides.

Notably, in initial appropriations bills, Congress did not fund the President's 2015 Budget Request for the Federal Permitting Dashboard, which has delayed expansion of the Dashboard, development and collection of timeframe metrics, and piloting of outcome metrics according to the original schedule. Once final appropriations are enacted, the scope of these reforms will be reassessed.

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, consisting 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 (IIPIT)*, staff day-to-day implementation

Goal Team Members

EOP Goal Leaders: Beth Cobert (OMB) and Michael Boots (Acting Chair, CEQ)

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

Key Agency Partners: ACHP, Agriculture, Army Corps, Coast Guard, Commerce, Defense, Energy, EPA, HUD, DOI, DOT, Udall Foundation (Deputy Directors 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: <ul style="list-style-type: none">• Completion dates for key milestones• Pauses due to External Factors• Pilot collection of Time Under Active Federal Review Project Review Impacts: <ul style="list-style-type: none">• Pilot methodology to measure environmental, cultural, and community impacts of the Federal permitting and review process [Note: All indicators are under development]
Strategy 2: Improve Project Planning, Siting, and Application Quality	2.1 Expand Availability of Scientific, Environmental and Other Relevant Data and 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	
Strategy 3: Improve Permitting, Reviews, and Mitigation	3.1 Facilitate High-Quality and Efficient Permitting and Review Processes for Proposed Major Infrastructure Projects 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	
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 EO 13604 and the improvement of Federal permitting and review processes for major infrastructure projects	

Work Plan - Strategy 1: Institutionalize Interagency Coordination & Transparency

Milestone Summary			
Key Milestones	Milestone Due Date	Status	Owner
Reform 1.1: Develop and begin a pilot for a Policy for Coordinated Project Review – Transportation & TBD Sectors	12/31/14*	On track	Interagency Infrastructure Permitting Improvement Center (IIPIC), OMB, CEQ, Department of Transportation, and Interagency Working Group
Reform 1.2: Evaluate regulatory or policy changes that would facilitate greater synchronization of permits and reviews	03/31/15	On track	All Steering Committee agencies
Reform 1.2 Review available information in existing merger agreements, identify best practices and develop template agreements.	03/31/15**	On track	Departments of Commerce (NOAA), the Interior, and Transportation; Army Corps of Engineers (USACE), and Environmental Protection Agency (EPA)
Reform 1.2: Complete draft of 1998 “Red Book” update	12/31/14	On track	USACE, Department of Transportation, EPA, US Coast Guard, Fish and Wildlife Service, National Marine Fisheries Service
Reform 1.2: Develop draft regulations (7CFR1970) that, if finalized, will consolidate and harmonize NEPA and 106 requirements across three rural development (infrastructure financing) agencies	09/30/14	Complete	Department of Agriculture (Rural Utility Service)
Reform 1.3: Develop and post project schedules for each of the 11 new Dashboard projects	09/05/14	Complete	Departments of Energy, the Interior, and Transportation

* Due date revised. The original due date was 09/30/14. A draft PCPR has been developed. Agencies are currently identifying projects to pilot PCPR components.

** Due date revised. The original due date was 12/31/14. Date revised to coincide with completion of the “Red Book” update.

Work Plan - Strategy 1: Institutionalize Interagency Coordination & Transparency

Milestone Summary			
Key Milestones	Milestone Due Date	Status	Owner
Reform 1.3: Develop guidance for posting additional projects that meet criteria on the Dashboard	1/31/15*	On track	IIPIC and OMB Permitting Team
Reform 1.3: Begin identifying projects that meet specified criteria for posting on the Dashboard	1/31/15*	Not started	All Steering Committee agencies

** Due dates revised. The original due dates for these linked milestones were 06/30/14 and 09/30/14, respectively. In initial appropriations bills, Congress did not fund the Federal Infrastructure Permitting Dashboard which delayed execution of these milestones. Draft guidance is under development and technical upgrades that will facilitate easier posting of projects to the Dashboard are expected to be completed by 1/31/15.*

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

Milestone summary			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 2.1: Enhance the NEPAssist tool to include seamless integration with the Geoplatform so that users may readily access and add additional data	06/30/14	Complete	Environmental Protection Agency
Reform 2.2: Identify regulations that require paper submissions of documents that should be revised to allow electronic submissions	09/30/14	Complete	All Steering Committee agencies
Reform 2.2: Release EnviroTracker for tracking, reviewing, and documenting environmental review of infrastructure projects	03/30/15	On Track	Department of Agriculture (RUS)
Reform 2.2: Promote electronic Section 106 communication (e-106) by publishing Q&As	03/30/15*	On Track	Advisory Council on Historic Preservation (ACHP)
Reform 2.2: Draft revised rules to implement presidential permits and export authorizations	12/31/14	On Track	Department of Energy
Reform 2.3: Develop system requirements and plan for developing a nationwide inventory for historic properties	12/31/14	Not started	ACHP, Department of Interior (National Park Service), SHPOs and THPOs
Reform 2.4: Publish new guidance on preparing and implementing agreement documents for Section 106 reviews	10/30/14	Complete	ACHP

**Due date revised. The original due date was 09/30/14. The Q&A document on electronic compliance with Section 106 is nearly complete but due to internal staff changes it will not be finalized and publically available until March 30, 2015.*

Work Plan - Strategy 2: Improve Project Siting and Application Quality (cont.)

Milestone summary			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 2.4: Publish an environmental checklist for project applicants for transportation projects	03/31/15*	On Track	Department of Transportation
Reform 2.4: Gather information from agencies and project applicants on best practices for projects in a pilot sector	03/31/15	Not started	IIPIC, Interagency Working Group
Reform 2.4: Develop initial draft list of high performing attributes for the pilot sector	03/31/15	Not started	IIPIC, Interagency Working Group
Reform 2.4: Collect field staff input on draft list of high performance attributes	03/31/15	Not started	IIPIC, Interagency Working Group

**Due date revised: The original due date was 12/31/14. This milestone has been moved back to allow for further coordination among the transportation modes.*

Work Plan - Strategy 3: Improve Permitting Reviews and Mitigation

Milestone Summary			
Key Milestones	Milestone Due Date	Milestone Status	Owner
Reform 3.1: Present specific proposals for regulatory changes in the next agency retrospective review report to OIRA	07/14/14	Complete	All Steering Committee agencies
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	Not started	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*	Not started	Review Subgroup, IIPIC
Reform 3.1: Publish guidance and create webinars on the Rural Utility Service's Macro Corridor Study Guidance	03/30/14	Complete	Department of Agriculture
Reform 3.1: Convene a team to review and develop recommendations around Argonne National Laboratories' report on business processes in USFS permitting	01/31/15**	On track	Department of Agriculture
Reform 3.1: Implement recommendations of DOE working group on NEPA review process	09/30/14***	On track	Department of Energy
Reform 3.2: Identify barriers to widespread adoption of innovative mitigation approaches and provide recommendations to the Steering Committee on how to resolve them	12/31/14	On track	IIPIC, Interagency Working Group

**Due dates revised: The original due date was 12/31/14. This milestone is linked to the establishment of Review Sub-Groups, which require specialized skills and support to effectively analyze regulations, guidance and policy. We delayed this milestone to find appropriate expertise and capacity to execute this milestone.*

*** USFS has convened a special use leadership team and the team working on our transmission program review to discuss strategies and next steps in response to the report recommendations. It expect to have a description of response actions in early 2015.*

**** Due date revised: The original due date was 9/30/2014. Due to the ambitious scope of the recommended changes, and the lack of existing resources, DOE is in the process of implementing the recommended improvements to its NEPA review process.*

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: Finalize Solar Regional Mitigation Strategy for the Dry Lake Solar Energy Zone and BLM Procedural Guidance Documents	06/30/14	Complete	Department of the Interior – Bureau of Land Management
Reform 3.2: Convene policy forum of Federal scientists and policy experts, with state authorities and stakeholders, to share methods of identifying conflicts that merit landscape-level mitigation attention and to discuss methods to integrate such planning into USFS Forest Plans and BLM Resource Management Plans	10/30/14	Complete	Department of the Interior – Bureau of Land Management (BLM)
Reform 3.2 Share FHWA's Implementing EcoLogical training and technical assistance tools with other transportation modes	06/30/2015*	On Track	Department of Transportation (FHWA)
Reform 3.2: Provide Steering Committee with Western regional corridor assessments prioritized based on resource availability	10/30/14**	Complete	Department of the Interior – Bureau of Land Management (BLM)
Reform 3.2: Propose revisions to US Fish and Wildlife Service (USFWS) Mitigation Policy	06/30/15***	On Track	Department of the Interior – USFWS
Reform 3.2: Develop mitigation options for Greater Sage Grouse	09/30/14	Complete	Department of the Interior – Bureau of Land Management (BLM)
Reform 3.2: Finalize BLM Regional Mitigation Policy	12/31/14	On Track	Department of the Interior – Bureau of Land Management (BLM)

* Due date revised. The original due date was 12/31/14. FHWA and the American Association of State Highway Officials are developing training kits to support implementation of Eco-Logical that were originally targeted for the end of the year and have been pushed to 1st quarter of 2015. Additional peer workshops will be held early next year that will support broader implementation across transportation modes.

** Due date revised. The original due date was 09/30/14. The BLM has worked with interagency and intergovernmental partners to prioritize corridor assessments based on resource availability and regional interest. The BLM shared a map with the prioritized regions with the Steering Committee.

*** Due date revised. The original due date was 12/30/14. Draft revisions are under agency review.

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	06/30/2015*	On track	Department of the Interior – USFWS
Reform 3.2: Convene stakeholder regional workshop to discuss lessons learned from the Dry Lake SEZ Solar Regional Mitigation Strategy Pilot	12/30/14	Complete	Department of the Interior – Bureau of Land Management (BLM)
Reform 3.3: Develop guidance for stakeholder engagement for project applicants	09/30/14	Complete	Udall Foundation
Reform 3.4: Identify initial opportunities to expand programmatic approaches	09/30/14	Complete	IIPIC, Interagency Working Group
Reform 3.5: Identify proposals in the President’s FY 2016 Budget that enhance agency capacity to fulfill their roll in Federal permitting and review of major infrastructure projects	3/31/15	In Progress	Each Steering Committee Agency

** Due date revised: The original due date was 12/31/14. Draft revisions to a Compensatory Mitigation Policy to replace 2003 Conservation Banking Guidance and 2008 Recovery Crediting Guidance is ongoing.*

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.	01/31/15	On track	IIPIC, OMB, and Interagency Working Group
Reform 4.1: Begin tracking metrics for permitting and review timeframes	01/31/15*	On track	All Steering Committee agencies
Reform 4.1: Pilot agencies to begin tracking metrics for environmental and community outcomes and establishing baselines for new metrics	3/31/15	Not started	All Steering Committee agencies
Reform 4.2: Propose establishing the IIPIC in the President's FY 2015 Budget	3/31/14	Complete	Steering Committee, OMB, CEQ
Reform 4.2: Establish an interim team or IIPIT	06/30/14	Complete	Steering Committee in coordination with DOT

** Due date revised. The original due date was 9/30/14. This reform is integrated with the permitting Dashboard in Reform 1.3. As stated earlier, in initial appropriations bills Congress did not fund the Dashboard. However, draft guidance is under development and ongoing IT improvements are being made to facilitate the tracking of metrics by 1/31/15.*

For a full list of near and long-term milestones, please see the [Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting](#).

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, and an initial pilot, 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
<ul style="list-style-type: none">Project Review Timeframes: Completion dates for key milestones <p>By 1/31/15*</p>	<p>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:</p> <p><u>NEPA Milestones:</u></p> <ul style="list-style-type: none">• 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 <p><u>Permits and Reviews Milestones:</u></p> <ul style="list-style-type: none">• Initial Application Received• Completed Application Received• Issuance of Permit/Notice to Proceed
<ul style="list-style-type: none">Project Review Timeframes: Pauses due to External Factors <p>By 1/31/15*</p>	<p>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.</p>

** Original due date for development of all indicators was 09/30/14. 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 draft guidance and ongoing IT improvements, collection of indicators will begin 1/31/15.*

Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
<ul style="list-style-type: none">Project Review Timeframes: Pilot collection of Time Under Active Federal Review <p>By 1/31/15*</p>	<p>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.</p>

** Original due date for development of all indicators was 09/30/14. 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 draft guidance and ongoing IT improvements, collection of indicators will begin 1/31/15.*

Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
<ul style="list-style-type: none">The environmental, cultural, and community impacts of the Federal review process (Pilot) <p>By 1/31/15*</p>	<p>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.</p> <p>The three actions in this pilot will track the following two types of outcomes:</p> <ol style="list-style-type: none">impacts avoided or minimized as a result of comprehensive project planning prior to the submission of an application, andimproved 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. <p>Through additional agency discussion, the interagency working group will finalize a list of resource categories to report environmental, and community outcomes data.</p>

** Original due date for development of all indicators was 09/30/14. 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 draft guidance and ongoing IT improvements, collection of indicators will begin 1/31/15.*

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
 - Consultation and Habitat Conservation Planning
 - Conservation Planning Assistance
- 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