

# Cross Agency Priority Goal

## Quarterly Progress Update

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### Infrastructure Permitting Modernization

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FY2015 Quarter 2

## **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 and security, and environmental and community resources such as air, water, land, and historical and cultural resources. For the majority of projects, these environmental review and permitting requirements are accomplished effectively and efficiently. However, for particularly large and complex infrastructure projects, multiple permits and approvals can lead to inefficiencies and delay.

# Action Plan Summary

Sub-goal	Major Actions to achieve Impact	Key Indicators
<b>Strategy 1: Institutionalize Interagency Coordination and Transparency</b>	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	<ul style="list-style-type: none"> <li>• Project Review Timeframes: Completion dates for key milestones</li> <li>• Project Review Timeframes: Pauses due to External Factors</li> <li>• Project Review Timeframes: Pilot collection of Time Under Active Federal Review</li> <li>• The environmental, cultural, and community impacts of the Federal review process (Pilot)</li> <li>• [Note: All indicators are under development]</li> </ul>
<b>Strategy 2: Improve Project Planning, Siting, and Application Quality</b>	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	
<b>Strategy 3: Improve Permitting, Reviews, and Mitigation</b>	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	
<b>Strategy 4: Drive Continued Improvement</b>	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	

# Progress Update

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Since the 2013 Presidential Memorandum (PM), the interagency Steering Committee (led by OMB and CEQ) developed a comprehensive plan to put best practices to work in a systematic and permanent way across the government. Announced by President Obama on May 14, 2014 at the Tappan Zee Bridge in New York, the PM Implementation Plan identifies four over-arching strategies, 15 specific reforms, and nearly 100 near-term and long-term milestones to institutionalize and drive these reforms across Federal agencies.

Implementation of key reforms is underway. For example, a number of agencies have recently expanded their use of programmatic environmental analyses, improving efficiency by leveraging a single analysis for multiple projects, and improving environmental outcomes by making it possible to plan for nearby projects with a better understanding of how they fit within a single landscape. For example, in 2012, the Department of the Interior released a Programmatic Environmental Impact Statement to provide a single blueprint for utility-scale solar energy permitting in six states. Additionally, on April 10, 2014, the Secretary of the Interior issued a Department-wide landscape-scale mitigation strategy to encourage infrastructure development while protecting natural and cultural resources.

Additionally, the Steering Committee established an interim team housed at the Department of Transportation to support execution of the PM Implementation Plan. If funded by Congress, this team would transition into the Interagency Infrastructure Permitting Improvement Center (IIPIC), proposed in the President's 2015 Budget.

# Work Plan

Milestones due this Quarter			
Key Milestones	Milestone Due Date	Lead Agency/ies	Status
<b>Strategy 1: Institutionalize Interagency Coordination &amp; Transparency</b>			
Reform 1.1: Develop and begin a pilot for a Policy for Coordinated Project Review – Transportation & TBD Sectors	09/30/14	Interagency Infrastructure Permitting Improvement Center (IIPIC), OMB, CEQ, Department of Transportation, and Interagency Working Group	Not started
Reform 1.3: Develop and post project schedules for each of the 11 new Dashboard projects	09/05/14	Departments of Transportation, the Interior, and Energy	On track
Reform 1.3: Develop guidance for posting additional projects that meet criteria on the Dashboard	06/30/14	IIPIC and OMB Permitting Team	At risk
Reform 1.3: Begin identifying projects that meet specified criteria for posting on the Dashboard	09/30/14	All Steering Committee agencies	Not started
<b>Strategy 2: Improve Project Siting and Application Quality</b>			
Reform 2.2: Identify regulations that require paper submissions of documents that should be revised to allow electronic submissions	09/30/14	All Steering Committee agencies	On track
Reform 2.4 Publish new guidance on preparing and implementing agreement documents for Section 106 reviews	8/30/14	ACHP	On track

# Work Plan

Milestones due this Quarter			
Key Milestones	Milestone Due Date	Lead Agency/ies	Status
<b>Strategy 3: Improve Permitting Reviews and Mitigation</b>			
Reform 3.1: Present specific proposals for regulatory changes in the next agency retrospective review report to OIRA	07/14/14	All Steering Committee agencies	On track
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	09/30/14	Reviews Sub-Group, IIPIC	Not started
Reform 3.2: Finalize Bureau of Land Management Regional Mitigation Policy	09/30/14	Department of the Interior – Bureau of Land Management	On track
Reform 3.4: Identify initial opportunities to expand programmatic approaches	09/30/14	IIPIC, Interagency Working Group	Not started
<b>Strategy 4: Drive Continued Improvement</b>			
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.	09/30/14	IIPIC, OMB, and Interagency Working Group	At risk
Reform 4.1: Begin tracking metrics for permitting and review timeframes	09/30/14	All Steering Committee agencies	Not started

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

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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"> <li>Project Review Timeframes: Completion dates for key milestones</li> </ul> <p>By 9/30/14</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"> <li>• Issuance /determination of a Categorical Exclusion (CE)</li> <li>• Issuance of Final Environmental Assessment (EA) and Finding of No Significant Impact</li> <li>• Issuance of a Notice of Intent to prepare an Environmental Impact Statement (EIS)</li> <li>• Official Notice of Availability of a Draft EIS published in the Federal Register</li> <li>• Official Notice of Availability of a Final EIS published in the Federal Register</li> <li>• Record of Decision or other decision document</li> </ul> <p><u>Permits and Reviews Milestones:</u></p> <ul style="list-style-type: none"> <li>• Initial Application Received</li> <li>• Completed Application Received</li> <li>• Issuance of Permit/Notice to Proceed</li> </ul>
<ul style="list-style-type: none"> <li>Project Review Timeframes: Pauses due to External Factors</li> </ul> <p>By 9/30/14</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>



# Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
<ul style="list-style-type: none"><li>Project Review Timeframes: Pilot collection of Time Under Active Federal Review</li></ul> <p>By 9/30/14</p>	<p>The two actions above 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>

# Key indicators

Indicators in development:	
High Level Indicator	Potential Target Areas
<ul style="list-style-type: none"><li>• The environmental, cultural, and community impacts of the Federal review process (Pilot)</li></ul> <p>By 9/30/14</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"><li>1. impacts avoided or minimized as a result of comprehensive project planning prior to the submission of an application, and</li><li>2. 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.</li></ol> <p>Through additional agency discussion, the interagency working group will finalize a list of resource categories to report environmental, and community outcomes data.</p>