Cross-Agency Priority Goal Quarterly Progress Update

Infrastructure Permitting Modernization

Goal Leaders:

Andrew Mayock, Senior Advisor to the Director,
Office of Management and Budget;
Christina Goldfuss, Managing Director,
Council on Environmental Quality;
Victor Mendez, Deputy Secretary,
Department of Transportation



FY2016 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. For the majority of projects, these permitting and review requirements are accomplished efficiently and effectively. However, for particularly large and complex infrastructure projects, multiple permits and approvals can sometimes lead to lengthy reviews, inefficiencies, frictions, and delay.

Progress Update: Revised Action Plan to Support Implementation of FAST Act Title 41

As first noted in this goal's FY16 Q1 update, the strategies, milestones, and key indicators on the following pages have been revised in order to implement Title 41 of the Fixing America's Surface Transportation Act (FAST Act), "FAST-41," which was signed into law in December 2015. FAST-41 introduced new requirements aimed at improving the Federal authorization and environmental review process for major infrastructure projects that built on and are broadly consistent with ongoing Administration actions. This plan also continues to include remaining major milestones from the May 2014 Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting that were part of the initial CAP Goal Action Plan.

Accomplishments:

Between April and June 2016, the CAP Goal team focused efforts on advancing several work-streams to meet statutory deadlines:

- Designated "facilitating" agencies for each sector and/or "type" of covered project
- Designated agency Councilmembers and Chief Environmental Review and Permitting Officers
- Completed recruitment and selection process, and nominated candidate to Presidential Personnel Office for appointment as the Executive Director of the Federal Infrastructure Permitting Improvement Council
- Identified potential existing "covered projects" to be posted and tracked on the Permitting Dashboard

Next Steps

In Q4 (July – Sept 2016), the CAP Goal team and partner agencies will remain focused on FAST-41 requirements, including:

- Formally appointing the Executive Director and establishing the Federal Infrastructure Permitting Improvement Council
- Formally establishing the "inventory" of covered projects; posting, tracking project progress on the Permitting Dashboard
- Issuing policy guidance for early consultation with project sponsors, development of coordinated project plans, and related FAST-41 implementation activities
- Developing draft guidance on proposed regulations to establish collection of user fees to help facilitate timely, efficient reviews of "covered projects"

Goal Team Leaders and Partners

Executive Office of the President (EOP) Goal Leaders:

- Andrew Mayock, Senior Advisor to the Director, Office of Management and Budget (OMB)
- Christy Goldfuss, Managing Director, Council on Environmental Quality (CEQ)

Agency Goal Leader:

Victor Mendez, Deputy Secretary, Department of Transportation (DOT)

Agency/Department Partners (represented by Deputy Secretaries or equivalent)*:

- Advisory Council on Historic Preservation (ACHP)
- Department of the Army
- Department of Agriculture (USDA)
- Department of Commerce
- Department of Defense (DOD)
- Department of Energy (DOE)
- Department of Homeland Security (DHS)
- Department of Housing and Urban Development (HUD)
- Department of the Interior (DOI)
- Department of Transportation (DOT)
- Environmental Protection Agency (EPA)
- Federal Energy Regulatory Commission (FERC)*
- Nuclear Regulatory Commission (NRC)*
- The Morris K. Udall and Stewart L. Udall Foundation

^{*} While not part of the original CAP Goal Team, FERC and NRC are statutorily-designated members of the Federal Permitting Improvement Council that was established under Title 41 of the FAST Act. Slide 14 contains a complete list of participating agencies and affected programs.

Governance Structure for Federal Infrastructure Permitting Modernization Effort

The following bodies are responsible for overseeing execution and driving results for this goal:

- The *Infrastructure Permitting CAP Goal Team* oversees day-to-day goal implementation. It consists of staff from OMB's Office of Personnel and Performance Management, CEQ's National Environmental Policy Act (NEPA) team, and DOT's Office of the Secretary.
- The *Working Group* consists of operational staff from each agency partner and is convened to inform and advance goal-related policy development.
- The Federal Permitting Improvement Steering Council (the "Council"), established under FAST-41, is chaired by a Presidentially-appointed Executive Director and consists of Deputy Secretary-level representatives from 13 agency partners, as well as OMB and CEQ. The Council is charged with promoting and coordinating improvements across agencies, including developing recommended "best practices" for a range of permitting activities, such as early stakeholder engagement, timely decision-making, interagency coordination, and administrative burden reduction.
- Newly-designated Agency *Chief Environmental Review and Permitting Officers (CERPOs)* will perform statutory duties of advising the agency's Councilmember, facilitating timely reviews of "covered projects", recommending improvements, and training agency staff. CERPOs will also be responsible for ensuring that agencies meet the requirements for posting "covered project" information on the Dashboard and ensuring it is kept current.

Action Plan Summary

Strategies	Major Actions to Achieve Impact	Key Indicators
Strategy 1: Institutionalize Interagency Coordination and Transparency	 Develop Policies and Tools for Coordinated Federal Project Reviews The Executive Director of the Council will identify a clear Federal coordination lead by designating facilitating agencies to conduct early coordination until a NEPA lead agency is designated Steering Council agencies are required to develop coordinated project plans and review schedules for "covered projects" (projects meeting certain thresholds of size and complexity) OMB is developing guidance for elevating and resolving interagency disputes as required by the statute The Council will develop recommendations for "best practices," such as improving coordination & transparency Standardize Use of the Infrastructure Permitting Dashboard and Internal Collaboration Tools Dashboard posting requirements are specified in FAST-41 and will be clarified in OMB guidance Improve and develop IT tools, including both tools for applicants (per the Council's "best practices" recommendations) and tools for agencies (subject to available funds) 	Project Review Timeframes: Requirement for agencies to report completion dates for milestones Procedures for collecting "Time Under Active Federal Review,"
Strategy 2: Improve Project Planning, Siting, and Application Quality	 Expand Availability of Scientific, Environmental and Other Relevant Data and GIS Tools Data standardization is included in the list of best practices the Council must promulgate Develop User-Friendly IT Tools for Project Applicants and Federal Agencies This remains a long-term goal, including a Nationwide Inventory of Historic Properties, subject to available funds Provide "Best Practices" Guidance to Project Applicants The Council may choose to address this goal, once fully constituted 	to account for "pauses" due to external factors • Status of agency compliance with timelines will be publicly posted
Strategy 3: Improve Permitting, Reviews, and Mitigation	 Facilitate High-Quality and Efficient Permitting and Review Processes for Proposed Major Infrastructure Projects Agencies' CERPOS will be responsible for promoting project-specific improvements Develop Policies and Guidance for Stakeholder Engagement This is another "best practice" the Council is required to address Regularly Review Agency Implementation Capacity The Council's Executive Director is required to issue an annual report to Congress evaluating agency implementation of the best practices recommended by the Council Expand Use of Innovative Mitigation and Programmatic Approaches Previous work has addressed mitigation, such as the 2015 Presidential Memorandum on mitigation and work by both CEQ and DOI. Both elements remain long-term goals 	Project Review Impacts: • Will introduce methodology in June 2016 to measure environmental, cultural, and community impacts of the
Strategy 4: Drive Continued Improvement	Establish the Federal Permitting Improvement Council and interagency coordination governance structure Develop and Track Metrics for Permitting Review Timelines and Outcomes for Communities and the Environment Per FAST-41 (performance metrics) and OMB-CEQ memorandum M-15-20 (environmental metrics); see also, "Key Indicators"	federal permitting and review process

Strategy 1: Institutionalize Interagency Coordination and Transparency

Strategy 1. Institutionalize interagency	Coordina		a manaparency	
Develop Policies and Tools for Coordinated Federal Project Reviews				
Key Implementation Milestones	Due Date	Status	Owner	
Designate "facilitating" agencies for each sector and/or "type" of covered project	5/2016	Complete	ED, with input from Council	

^ See footnote on page 10. Although significant progress has been made, milestone requires Executive Director consultation, approval, or action before finalizing.

CAP Goal team will provide revised milestone completion dates in the Q4 update, after ED has been appointed (expected July 2016).

+ Initial updates to the Dashboard were completed in May 2016. Updates continue to be made on a phased basis to meet additional statutory.

5/2016

6/2016

6/2016

4/2016

5/2016

12/2016*

9/2017

Due Date

5/2016

5/2016

6/2016*

6/2016*

12/2016*

Missed[^]

Missed[^]

Missed^

Complete

Missed[^]

Not started

Not started

Status

Missed^

Complete+

Missed^

Missed^

Not started

OMB, with input from CAP Goal

OMB, with input from Council

Relevant Council agencies

Owner

OMB, with input from CAP Goal

DOT, with input from OMB/ED

ED/Council agencies

Relevant Council agencies

leaders

agencies

Council

leaders

Council

Council agencies

Designate "facilitating" agencies for each sector and/or "type" of covered project

Issue guidance on coordinating project reviews, resolving disputes, and other aspects of

Determine which agencies will collect fees, and how new fees will interact with pre-

Issue "best practices" recommendations for improving coordination between Federal

Begin posting project information to Dashboard (including project review timeline and

Standardize Use of the Infrastructure Permitting Dashboard and Internal Collaboration Tools

Complete rulemaking process, issue user fee regulations and begin collecting fees

Begin applying new coordination procedures per FAST-41 requirements

Develop detailed plan for issuing user fee regulations

Issue guidance on Dashboard posting requirements

Publish "covered project" inventory on Dashboard

Update Dashboard to meet new capability requirements

* Statutory requirement to complete by the indicated date.

relevant project information) according to FAST-41 requirements

Issue "best practices" recommendations for increasing transparency

Collect detailed data on agency review costs

FAST-41 implementation

existing fee authorities

Key Implementation Milestones

and non-Federal governmental entities

Strategy 2: Improve Project Planning, Siting, & Application Quality

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Expand Availability of Scientific, Environmental and Other Relevant Data and GIS Tools			
Key Implementation Milestones	Due Date	Status	Owner
Inventory different data standards used by agency GIS tools, e-application systems, or	6/2017	On track	OMB/ED, with input from Council

other electronic systems related to infrastructure permitting and identify specific opportunities to facilitate information exchange by creating consistent data standards

6/201/

On track

agencies OMB/ED, with input from Council

Identify any other barriers to the easy sharing of relevant scientific, environmental, cultural, demographic or other relevant data among agencies and with project applicants

Coordinate with other Federal IT and data policy bodies (e.g., e-Gov/OFCIO, Data.gov, OSTP, etc.) to identify an appropriate policy vehicle and recommend policies to increase 6/2017 On track

agencies OMB/ED On track

data sharing and data standardization as related to Federal authorizations and reviews

Key Implementation Milestones	Due Date	Status	Owner
Inventory, and increase user awareness and accessibility of, existing IT tools for project	6/2016	Complete	OMB/ED, with input from Council
applicants and Federal agencies	0/2010	Complete	agencies

12/2016* Not Started

12/2017

Due Date

12/2017

Issue "best practices" recommendations for agencies to develop and make available to project applicants appropriate geographic information systems (GIS) and other tools

Council

Develop additional tools for project applicants and Federal agencies, such as a Nationwide Inventory of Historic Properties; a national map cross-referencing Federal permitting and review agencies' contact information by geographic location; and tools to

Not started

ED, with input from Council agencies

Improve, and/or transfer management of, National Broadband Map (communications

12/2017

Not started

ED, with input from Council agencies

Owner

Provide "Best Practices" Guidance to Project Applicants

Key Implementation Milestones

and policies for communicating with project applicants

facility siting tool)

improve the public comment process (subject to availability of funds)

Issue "best practices" recommendations for project applicants to follow

Inventory and make available in a centralized location existing agency instructions, tools

*Statutory requirement to complete by the indicated date.

6/2017 12/2017 Not started Not started

Status

agencies ED/Council

ED, with input from Council

Strategy 3: Improve Pe	rmitting, Reviews,	and Mitigation
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	Strategy 3	3: Improve	Permitting,	Reviews,	and Mitigatio	n
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**These pre-existing workstreams will be reincorporated into the action plan timeline once initial actions required for FAST-41 implementation are completed.

Facilitate High-Quality and Efficient Permitting and Review Processes for Proposed Major Infrastructure Projects

Issue data call to Steering Council agencies to inform development of model

training materials useful to Federal, State, tribal, and local permitting officials

Develop Policies and Guidance for Stakeholder Engagement

consistent with "best practices" recommendations from Council

Expand Use of Innovative Mitigation and Programmatic Approaches

Develop policy for using and updating existing programmatic inventory

Identify opportunities to develop additional programmatic approaches

performance schedules, user fee regulations, and other aspects of implementation

Issue "best practices" for ensuring timely decisions regarding environmental reviews and authorizations; reducing information collection requirements and other administrative

burdens on agencies, project sponsors, and other parties; and creating and distributing

Submit Report to Congress assessing agency compliance with the permitting timelines

Issue "best practices" recommendations for enhancing early stakeholder engagement

Submit Report to Congress assessing agency progress in making improvements

Issue "best practices" and model reforms for state-delegated permitting programs

Key Implementation Milestones

established in Coordinated Project Plans

Complete annual engagement with stakeholders

Regularly Review Agency Implementation Capacity

*Statutory requirement to complete by the indicated date.

Key Implementation Milestones

Key Implementation Milestones

Key Implementation Milestones

Release mitigation barriers report

Strategy 3: Improve	Permitting,	Reviews,	and Mitigation
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Strategy 3: II	mprove	Permitting,	Reviews,	and	Mitigation
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Strategy 3: Improve	Permitting,	Reviews,	and	Mitigation
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Due Date

4/2016

12/2016*

4/2017*

12/2017*

Due Date

12/2016*

12/2016*

Due Date

4/2017*

Due Date

TBD**

TBD**

TBD**

Status

Complete

Not started

Not started

Not started

Status

Not started

Not started

Status

Not started

Status

On track

On track

Not started

OMB

Council

ED

Council

Council

ED

Council

ED/Council

Council agencies

Owner

Relevant Council agencies

Owner

Owner

Owner

Strategy 4: Drive Continued Improvement

Begin reporting environmental and community outcomes for completed project reviews

Establish the Federal Permitting Improvement Council and Interagency Coordination Governance Structure					
Key Implementation Milestones	Due Date	Status	Owner		
Designate Councilmembers and agency CERPOs	3/2016	Complete	Council agencies		
Designate an agency to provide administrative support	3/2016	Complete	OMB		
Appoint Executive Director (ED)	5/2016^	Missed^	Presidential Personnel Office		
Hire Council staff	6/2016	Missed^	OMB/ED		
Formalize Council charter (including official structure and agency roles/responsibilities)	9/2016	Not started	Council		
Develop and Track Metrics for Permitting Review Timelines and Outcomes for Communiti	Develop and Track Metrics for Permitting Review Timelines and Outcomes for Communities and the Environment				
Key Implementation Milestones	Due Date	Status	Owner		
Publish model project review timelines or "performance schedules"*	12/2016	Not started	ED		
Categorize project types/sub-sectors	6/2016	Complete	Council agencies		
 Categorize project types/sub-sectors Determine average review timelines for each project type 	•	Complete Not started	Council agencies OMB/ED		
	6/2016				

[^] An Executive Director (ED) nomination package was submitted to the White House Presidential Personnel Office in May 2016. His official appointment is scheduled for early July. The timing of this appointment, consequently, will affect completion dates for many milestones on the previous slides that require ED consultation, approval, or action. The CAP Goal team will provide revised milestone dates in the Q4 update, once the ED is appointed and consulted.

6/2016

Missed^

Council agencies

Key Indicators

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: project review timeframe data, and the impact on environmental, cultural, and community outcomes of avoidance, minimization or other mitigation undertaken through the Federal review process. The Dashboard will be updated by July 2016 to collect consistent information on project review timeframes across the set of projects covered by FAST-41 requirements (namely, infrastructure projects requiring complex Federal review processes). Collecting information related to the environmental, cultural, and community outcomes of the Federal review process is challenging, and therefore the outcomes metrics established in OMB-CEQ guidance memorandum M-15-20 will be supplemented by additional CEQ guidance in Summer 2016 to ensure that the measurements are both appropriate and informative, and collected with a reasonable administrative burden.

Key indicators

ligh Level Indicator	Potential Target Areas
 Project Review Timeframes: Completion dates for key milestones 	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 mileston actions include events such as:
Collection of indicator has already begun; additional milestones and tracking capabilities will be available	 Permitting and Review Milestones: Initial Application Received Issuance of Decision for Permit/Approval
after 6/1/16*	 NEPA Milestones: Issuance of a Notice of Intent to prepare an Environmental Impact Statement (EIS)** Scoping 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 combined Final EIS/Record of Decision
 Project Review Timeframes: Pauses due to External Factors 	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
Tracking will be available after 6/1/16*	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, associate with the project name and project ID.

^{*}Project review timelines will be posted on the Dashboard at the appropriate time, consistent with FAST-41 requirements, once the Executive Director is appointed and officially establishes the "inventory" of covered projects.

^{**}Project review timelines will also be tracked for some non-EIS projects with complex Environmental Assessments (EAs), which will follow the appropriate NEPA milestones for EAs rather than the EIS milestones noted in the above example. Similar to any project which requires an EIS, EA project timelines will be posted at the appropriate time, consistent with FAST-41 requirements, once the Executive Director is appointed and officially establishes the "inventory" of covered projects.

Key indicators

High Level Indicator

 The environmental, cultural, and community impacts of the Federal review process

The requirement to begin collection of this indicator will begin 6/1/2016 for completed "covered projects"*

Potential Target Areas

In addition to requiring the collection and reporting of permitting timeframe data, project teams will report summary data on whether the Federal permit and review processes improved the environmental and community outcomes. The approach will identify the outcomes improved through avoidance, minimization, or other mitigation of adverse impacts that result from the anticipation or application of Federal permitting and review processes. Such data will help verify whether permits and environmental reviews do generate, on net, materially improved outcomes and reduced impacts for environmental and community resources.

While much of this data and analysis is collected through existing environmental permitting and review processes, to date, it has not been reported in a consistent, easily comparable or searchable manner. The information collection effort outlined below is a first step to addresses this concern. Specifically, Federal project team members will report whether the permitting and review process produced an improved outcome (i.e., a reduction in impacts) for the following seven resource categories: Air, Water, Land, Biological, Cultural, Community, and Other. If there is a reduction in impacts, the project team members will report whether the reduction resulted from Avoidance, Minimization, or Compensatory Mitigation. If the team reports the use of compensatory mitigation, it will state whether the activity involved a mitigation bank, in-lieu fee, or permittee-responsible actions.

Before reporting begins, OMB and CEQ will finalize the specific metrics used to report environmental and community outcomes data in guidance.

^{*}The requirement to begin collecting indicators that track the environmental, cultural, and community impacts of the Federal review process will be formalized in the OMB-CEQ guidance mentioned on slide 7. The CAP Goal team will provide a revised milestone date for the issuance of this guidance in the Q4 update, once the ED is appointed and consulted.

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

Federal Energy Regulatory Commission

Nuclear Regulatory Commission

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

- Bureau of Indian Affairs
 - Environmental Quality Program
 - Real Estate Services
 - Land Title Records Services
- 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
- Bureau of Reclamation
- National Park Service
- United States Fish and Wildlife Service
 - Ecological Services

United States Department of Transportation

- Office of the Secretary
- Federal Aviation Administration
- Federal Highway Administration
- Federal Railroad Administration
- Federal Transit Administration
- Maritime 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

United States Institute for Environmental Conflict Resolution

Acronyms

- ACHP Advisory Council on Historic Preservation
- BLM Bureau of Land Management
- CE Categorical Exclusion
- CERPO Chief Environmental Permitting and Review Officer
- CEQ Council on Environmental Quality
- DOE Department of Energy
- DOI Department of Interior
- DOT Department of Transportation
- EA Environmental Assessment
- ED Executive Director of Council (FPIC)
- EIS Environmental Impact Statement
- EO Executive Order
- EPA Environmental Protection Agency
- FERC Federal Energy Regulatory Commission
- FPIC Federal Permitting Improvement Council
- FHWA Federal Highway Administration

- GIS Geographic Information Systems
- NPS National Park Service
- NEPA National Environmental Policy Act
- NMFS National Marine Fisheries Service
- NOAA National Oceanic and Atmospheric Administration
- NRC Nuclear Regulatory Commission
- NTIA National Telecommunications and Information Administration
- OMB Office of Management and Budget
- 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