Infrastructure Permitting Modernization

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

FY2014 Quarter 3

Overview

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.

Progress Update

Since the release of the Presidential Memorandum (PM) Implementation Plan in May 14, 2014 and the end of the quarter in June, we have completed several steps designed to improve the Federal permitting and review of infrastructure projects.

The Department of the Interior (DOI) Bureau of Land Management (BLM) finalized their Solar Regional Mitigation Strategy for the Dry Lake Solar Energy Zone. Six months earlier than originally planned, BLM participated in a stakeholder regional workshop to discuss lessons learned from the Dry Lake SEZ Solar Regional Mitigation Strategy Pilot Project. Seperately, BLM and partners have developed mitigation language for inclusion in final Greater Sage Grouse plans, which outlines options for Greater Sage Grouse mitigation. And as part of our efforts to enhance IT tools, the Environmental Protection Agency (EPA) enhanced the NEPAssist tool to include seamless integration with the Geoplatform so that users may readily access and add additional data. Agencies, OMB, and CEQ are also working closely together to deliver milestones due in the upcoming quarter, as listed in the workplan in the following slides.

However, in initial appropriations bills Congress did not fund President's 2015 Budget request for the Federal Permitting Dashboard. This funding directly impacts the ability to expand the Dashboard, develop/collect timeframe metrics, and pilot outcome metrics. Once final appropriations are enacted, we will reassess the feasibility of these reforms.

Goal Team and Governance Plan

Governance

Three main bodies will be involved in driving results for this goal:

- The Steering Committee, chaired by OMB, consisting of Key Agency Partners

- The Working Group, a staff-level body convened weekly to address issues

- OMB and IIPIC, staff day-to-day implementation during 2014

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

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 • Project Review Timeframes: Pauses due to External Factors • Project Review Timeframes: Pilot collection of Time Under Active Federal Review • The environmental, cultural, and community impacts of the Federal review process (Pilot) • [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	09/30/14	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: 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	On Track	Department of Agriculture (RUS)
Reform 1.3: Develop and post project schedules for each of the 11 new Dashboard projects	09/05/14	On track	Departments of Transportation, the Interior, and Energy
Reform 1.3: Develop guidance for posting additional projects that meet criteria on the Dashboard	10/30/14**	On track	IIPIC and OMB Permitting Team
Reform 1.3: Begin identifying projects that meet specified criteria for posting on the Dashboard	09/30/14	Not started	All Steering Committee agencies

Due date revised: The original due date was 09/30/14. The Steering Committee continues to evaluate changes for greater synchronization of permits and reviews, including refining this milestone to have the most impact.

**Due date revised: The original due date was 06/30/14. In initial appropriations bills Congress did not fund the Dashboard, therefore we are reassessing the feasibility of this milestone and likelihood of funding.

NOTE: Previous milestone "Reform 1.4: Develop tools and templates to support RUS's new environmental regulations, which will improve its Section 106 review, including Tribal consultation" has been merged with "Reform 2.2: Release EnviroTracker for tracking, reviewing, and documenting environmental review of infrastructure projects."

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	10/30/14**	On Track	ACHP
Reform 2.4 Publish new guidance on preparing and implementing agreement documents for Section 106 reviews	10/30/14**	On Track	ACHP

*Due date revised: The original due date was 03/30/14. EnviroTracker, is still in development and is being used by environmental project managers for the tracking of large-scale transmission/infrastructure projects. Full functionality of EnviroTracker (tracking of all RUS financed infrastructure projects) is dependent on standardization of data provided by the borrowers, which will be accomplished through integration with the agency's new online application system. The module for the Electric Program's distribution loans is currently under construction and the module for the Telecommunications infrastructure/broadband loans is scheduled to begin in September 2014. The system for accepting applications for all three programs is scheduled to be operational in March 2015.
**Due date revised: The original due date was 06/30/14. ACHP's two milestones are nearly complete, but have been delayed by a few months due to internal staff changes and reassignments and to allow for more time for stakeholder comments.

NOTE: Previous milestone "Reform 2.2: Identify regulations that require paper submissions of documents that should be revised to allow electronic submissions" was combined with "Reform 3.1: Present specific proposals for regulatory changes in the next agency retrospective review report to OIRA".

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: Publish guidance and create webinars on the Rural Utility Service's Macro Corridor Study Guidance	09/30/14	On Track	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	09/30/14	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: 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

Due date revised: The original due date was 09/30/14. This activity requires specialized skills and support from IIPIC to effectively analyze regulations, guidance and policy; therefore we delayed this milestone to find the appropriate expertise and capacity to execute this milestone.

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: 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	On track*	Department of the Interior – Bureau of Land Management (BLM)
Reform 3.2: Provide Steering Committee with Western regional corridor assessments prioritized based on resource availability	09/30/14	At risk	Department of the Interior – Bureau of Land Management (BLM)
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	09/30/14	At Risk**	Department of the Interior – Bureau of Land Management (BLM)
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	On track	Udall Foundation
Reform 3.4: Identify initial opportunities to expand programmatic approaches	09/30/14	On track	IIPIC, Interagency Working Group

Due date revised: The original due date was 06/30/14. Outreach sessions are planned for autumn 2014 based on revised project schedules.
**BLM has expanded this action to include development of a policy handbook on mitigation implementation. In order to ensure policy consistency, the BLM will delay release of its updated manual chapter to coincide with the release of this tier-down policy handbook.*

Work Plan - Strategy 4: Drive Continued Improvement

Milestone Summary			
Key Milestones	**Milestone Due Date**	**Milestone Status**	**Lead Agency/ies**
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	At risk*	IIPIC, OMB, and Interagency Working Group
Reform 4.1: Begin tracking metrics for permitting and review timeframes	09/30/14	Not started	All Steering Committee agencies

Reform 4.1 is integrated with the permitting Dashboard in Reform 1.3. As stated earlier, in initial appropriations bills Congress did not fund the Dashboard. We are reassessing the feasibility of this milestone and likelihood of funding.

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**

• Project Review Timeframes: Completion dates for key milestones
 	
By 9/30/14
	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:
	  <u>NEPA Milestones:</u>
	    • 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
	  <u>Permits and Reviews Milestones:</u>
	    • Initial Application Received
	    • Completed Application Received
	    • Issuance of Permit/Notice to Proceed

• Project Review Timeframes: Pauses due to External Factors By 9/30/14	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.

Key indicators

Indicators in development:	
High Level Indicator	**Potential Target Areas**
• Project Review Timeframes: Pilot collection of Time Under Active Federal Review By 9/30/14	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.

Key indicators

Indicators in development:	
High Level Indicator	**Potential Target Areas**
• The environmental, cultural, and community impacts of the Federal review process (Pilot) By 9/30/14	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: 1. impacts avoided or minimized as a result of comprehensive project planning prior to the submission of an application, and 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. Through additional agency discussion, the interagency working group will finalize a list of resource categories to report environmental, and community outcomes data.