



Modernizing the Infrastructure Permitting Process

Goal Leaders

Mary Neumayr, Chairman, Council on Environmental Quality (CEQ)

Alex Herrgott, Executive Director, Federal Permitting Improvement Steering Council (FPISC)

Peter Warren, Associate Director, Office of Management & Budget (OMB)

June 2019 Update



Goal Statement

- Reduce the time for the Federal Government's processing of environmental reviews and authorization decisions for new major infrastructure projects to an average of 2 years.
- Provide consistent, coordinated, and predictable Federal environmental reviews and authorization processes for infrastructure projects.



Challenge

- The American people rely on infrastructure improvements to benefit our economy, society, and environment. However, inefficient decision processes, including for environmental reviews and permit decisions or authorizations, have delayed infrastructure investments and increased project costs.



Opportunity

- Improving the Federal environmental review and authorization process will enable infrastructure project sponsors to start construction sooner, create jobs earlier, and fix our Nation's infrastructure faster while also ensuring that a project's potential impacts on environmental and community resources are considered and managed throughout the planning process.
- Infrastructure investment strengthens our economic platform, makes America more competitive, creates jobs, increases wages for American workers, and reduces the costs of goods and services for American families and consumers.



Core Team:

- **Office of Management & Budget (OMB)**: OMB's Office of Personnel and Performance Management oversees the day-to-day management of the Infrastructure Permitting CAP Goal and provides direction on goal-related policy development. OMB also oversees the accountability system, including how agencies incorporate related performance goals in agency and personnel plans.
- **Council on Environmental Quality (CEQ)**: CEQ's National Environmental Policy Act (NEPA) team provides policy direction on NEPA regulations and environmental policies and may mediate disputes relating to implementation of substantive environmental statutes/regulations. CEQ has developed the One Federal Decision framework with OMB.
- **Federal Permitting Improvement Steering Council (Permitting Council or FPISC)**: The Permitting Council's Office of the Executive Director is charged with coordinating "covered projects" across agencies to improve the Federal environmental review and authorization process, including developing and tracking agencies' adoption of recommended "best practices" for a range of permitting activities, such as early stakeholder engagement, timely decision-making, and interagency coordination.

Agency Partners:

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|--|---|
| ▪ Advisory Council on Historic Preservation | ▪ Department of Housing and Urban Development |
| ▪ Department of the Army | ▪ Department of the Interior |
| ▪ Department of Agriculture | ▪ Department of Transportation |
| ▪ Department of Commerce | ▪ Environmental Protection Agency |
| ▪ Department of Defense | ▪ Federal Energy Regulatory Commission |
| ▪ Department of Energy | ▪ Nuclear Regulatory Commission |
| ▪ Department of Homeland Security | ▪ General Services Administration |
| ▪ U.S. Institute for Environmental Conflict Resolution | |





Modernizing the Infrastructure Permitting Process Goal Leaders: OMB, CEQ, FPISC

STRATEGY 1: Standardize Interagency Coordination

Major Actions

1.1: One Federal Decision

- Oversight: CEQ/OMB
- Implementation: Agencies

1.2: Permitting Timetables

- Oversight: OMB
- Implementation: Agencies

1.3: Engage Senior Agency Leadership

- Oversight: OMB
- Implementation: Agencies

1.4: Fee Regulations

- Oversight: FPISC/OMB
- Implementation: FPISC

STRATEGY 2: Improve Predictability & Transparency

Major Actions

2.1: Permitting Dashboard

- Oversight: FPISC
- Implementation: Agencies

2.2: Early Coordination

- Oversight: FPISC
- Implementation: Agencies

STRATEGY 3: Increase Agency Accountability

Major Actions

3.1: Accountability System

- Oversight: OMB
- Implementation: Agencies

3.2: Performance Goals

- Oversight: OMB
- Implementation: Agencies

3.3: Personnel Plans

- Oversight: OMB
- Implementation: Agencies

STRATEGY 4: Identify and Implement Best Practices

Major Actions

4.1: Identify Best Practices

- Oversight: FPISC
- Implementation: Agencies

4.2: Implement and Institutionalize Best Practices

- Oversight: FPISC
- Implementation: Agencies



One Federal Decision & Major Infrastructure Projects

- Federal agencies are tracking major infrastructure projects (“MIPs,” as defined by EO 13807) on the [Permitting Dashboard](#).
- In June, OMB published the inaugural quarterly [Accountability Scorecards for Major Infrastructure Projects](#) on agency performance which combines data from Quarter 1 and Quarter 2 of FY 2019. Highlights include:
 - All 15 MIPs have *complete* permitting timetables (i.e., includes all relevant project actions and milestone target dates) published on the Permitting Dashboard. Six were published on time while nine timetables were submitted late.
 - Lead agencies reported that all 15 MIPs are using the [One Federal Decision](#) framework to jointly and cooperatively process the environmental reviews and make authorization decisions. One lead agency has granted two projects an exception to the requirement to issue a single Record of Decision, but has reported it is planning to implement all other relevant aspects of One Federal Decision.
 - All Federal agencies that have a role in the environmental review and permitting process for MIPs have established a process that has been approved by OMB to elevate schedule delay issues to the attention of senior agency officials.



FAST-41 and the Federal Permitting Improvement Steering Council

- **Project Success:** Denbury Green Pipeline – Riley Ridge, LLC issued a Letter of Support for the Permitting Council and [FAST-41](#) on April 23, 2019 to Senator Rob Portman's Office.
 - The Permitting Council's interagency coordination for Denbury's Riley Ridge to Natrona Project brought certainty and predictability to the project's schedule, which allowed the project sponsor to make informed decisions for managing their next steps and financial commitments following permit decisions.
 - The project sponsor reported that the Permitting Council's involvement led to the Endangered Species Act (ESA) consultation being concluded more than a month ahead of its projected conclusion date.
 - This FAST-41 project received a Record of Decision from BLM on February 28, 2019.
- **Stakeholder Engagement:** The Permitting Council held its first annual Stakeholder Engagement Forum in April, which brought over 200 senior government officials and industry leaders together to discuss how the Council helps develop a roadmap for creating a tailored and predictable infrastructure project permitting process
- **Congressional Support:** The Executive Director of the Permitting Council, Alex Herrgott, testified at the Homeland Security & Governmental Affairs Permanent Subcommittee on Investigations Hearing, "Oversight of Federal Infrastructure Permitting and FAST-41" on May 2, 2019.
- **Best Practices:** In April, the Permitting Council's Office of the Executive Director issued the FY 2018 Annual Report to Congress. The report assesses the performance of Permitting Council member agencies based on the implementation of recommended best practices. The Permitting Council also released the Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects for Fiscal Year 2019.



Strategy 1: Standardize Interagency Coordination

- **Problem Targeted:** The Federal environmental review and permitting process for major infrastructure projects has historically been fragmented and uncoordinated. Up to 18 Federal agencies and 35 bureaus are responsible for individual, independent permitting and review decisions based on different statutory responsibilities that have developed over time.
- **Theory of Change:** Federal agencies should follow transparent and coordinated processes to eliminate duplication of effort among agencies, improve the efficiency of project delivery, and make better-informed decisions.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
1.1 Ensure Effective One Federal Decision (OFD) Implementation					
• Publish OFD guidance document – OMB/CEQ issued Memorandum M-18-13 on March 20, 2018	Q2 FY18	Complete	No Change	CEQ/OMB	
• Begin OFD implementation – Agencies signed OFD Memorandum of Understanding on April 9, 2018	Q3 FY18	Complete	No Change	Agencies	
• Begin publishing OFD implementation data	Q3 FY19*	Complete	Status and Milestone Due Date Changed	OMB	
• Track agency progress of OFD implementation	Ongoing	In Progress	New Milestone	OMB/CEQ	
1.2 Require Agencies to Develop and Use Collaborative Permitting Timetables for all Major Infrastructure Projects					
• Provide guidance on developing and using permitting timetables – OMB issued Memorandum 18-25 issued on September 26, 2018	Q4 FY18	Complete	No Change	OMB	
• Begin using permitting timetables for all major infrastructure projects	Q1 FY19	Complete	Status Changed	Agencies	
• Begin publishing permitting timetable usage data	Q3 FY19*	Complete	Status and Milestone Due Date Changed	OMB	
• Track whether permitting timetables are complete and updated	Ongoing	In Progress	New Milestone	OMB	

* Milestone date pushed back due to partial government shutdown



Strategy 1: Standardize Interagency Coordination (continued)

- **Problem Targeted:** The Federal environmental review and permitting process for major infrastructure projects has historically been fragmented and uncoordinated. Up to 18 Federal agencies and 35 bureaus are responsible for individual, independent permitting and review decisions based on different statutory responsibilities that have developed over time.
- **Theory of Change:** Federal agencies should follow transparent and coordinated processes to eliminate duplication of effort among agencies, improve the efficiency of project delivery, and make better-informed decisions.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
1.3 Develop Standard Processes to Engage Senior Agency Leadership on Major Infrastructure Projects					
• Provide guidance on standard processes to engage senior agency leadership – OMB issued Memorandum 18-25 issued on September 26, 2018	Q4 FY18	Complete	No Change	OMB	
• Begin implementing processes for engaging senior agency leadership	Q1 FY19	Complete	Status Changed	Agencies	
• Begin publishing data on senior agency leadership engagement	Q3 FY19*	Complete	Status and Milestone Due Date Changed	OMB	
• Track whether processes to engage senior agency leadership is used when appropriate	Ongoing	In Progress	New Milestone	OMB	
1.4 Issue Fee Regulations to Provide Additional Resources for Interagency Coordination on FAST-41 Covered Projects					
• Publish FAST-41 initiation fee Notice of Proposed Rulemaking – NOPR published on Federal Register on September 4, 2018	Q4 FY18	Complete	No Change	FPISC, OMB	
• Publish FAST-41 initiation fee final rule	Q4 FY19	On Track	No Change	FPISC, OMB	

* Milestone date pushed back due to partial government shutdown





Strategy 2: Improve Predictability & Transparency

- **Problem Targeted:** The Federal environmental review and permitting process for infrastructure projects is perceived to be unpredictable and lack transparency. Variance in project review timelines can affect critical financing and siting decisions; delay needed upgrades, replacements, or new development; and ultimately, negatively affect American competitiveness.
- **Theory of Change:** Public reporting of environmental reviews and authorizations timelines and increased early and open coordination with key stakeholders can help improve predictability and transparency in the permitting process. The [Permitting Dashboard](#) is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal government's environmental review and authorization processes for large or complex infrastructure projects, increasing predictability for project sponsors and promoting government accountability in the review process.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
2.1 Ensure Effective Use of the Infrastructure Permitting Dashboard					
• Begin tracking certain infrastructure projects on the Permitting Dashboard	Q1 FY19	Complete	Status Changed	OMB, Agencies	
• Conduct quarterly assessment of agency's use of the Permitting Dashboard for FAST-41 covered and major infrastructure projects	Ongoing – Quarterly	In Progress	Status Changed	FPISC, OMB	
2.2 Expand Opportunities for Early and Open Coordination and Engagement with Key Stakeholders					
• Issue FY 2018 “best practices” recommendations for enhancing early and open stakeholder engagement/coordination	Q1 FY18	Complete	No Change	FPISC	
• Assess agency performance in implementing engagement/coordination best practices for FAST-41 projects for release in April Annual Report to Congress	Q1 FY19	Complete	No Change	FPISC	



Strategy 3: Increase Agency Accountability

- **Problem Targeted:** It has been difficult to track the Federal government's performance in processing environmental reviews and authorizations due to the lack of reliable, comprehensive data on the time and costs to complete such activities.
- **Theory of Change:** The infrastructure permitting accountability system will begin collecting data on time and cost measures and will hold agencies accountable for their performance. This information will allow agencies to determine the appropriate focus of resources, diagnose problems, and find opportunities for improvement.

Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
3.1 Develop and Implement an Infrastructure Permitting Accountability System					
• Publish accountability system guidance document – OMB issued Memorandum 18-25 issued on September 26, 2018	Q4 FY18	Complete	No Change	OMB	
• Begin accountability system implementation	Q1 FY19	Complete	Status Changed	Agencies	
• Begin publishing accountability system performance indicator data	Q3 FY19*	Complete	Status and Milestone Due Date Changed	OMB	
• Publish quarterly scorecards on agency performance	Ongoing	In Progress	New Milestone	OMB	
3.2 Incorporate Permitting-Related Performance Goals in Agency Strategic Plans and Annual Performance Plans					
• Provide guidance on incorporating performance goals in agency plans – Included in June 2018 Update of OMB Circular A-11	Q3 FY18	Complete	No Change	OMB	
• Submit draft FY 2020 annual performance plans w/ permitting-related goals	Q1 FY19	Complete	Status Changed	Agencies	
3.3 Integrate Permitting-Related Performance Goals into Appropriate Agency Personnel Performance Plans					
• Provide guidance on personnel performance plans	Q4 FY19*	Delayed	Status and Milestone Due Date Changed	OMB, OPM	

* Milestone date pushed back due to partial government shutdown



Strategy 4: Identify and Implement Best Practices

- **Problem Targeted:** Best practices to improve the permitting and environmental review process for infrastructure projects are not consistently implemented.
- **Theory of Change:** Identifying and implementing best practices will enable Agencies to streamline and improve the Federal permitting process by increasing transparency and accountability, and improving early coordination and synchronization of Federal environmental reviews and authorizations.

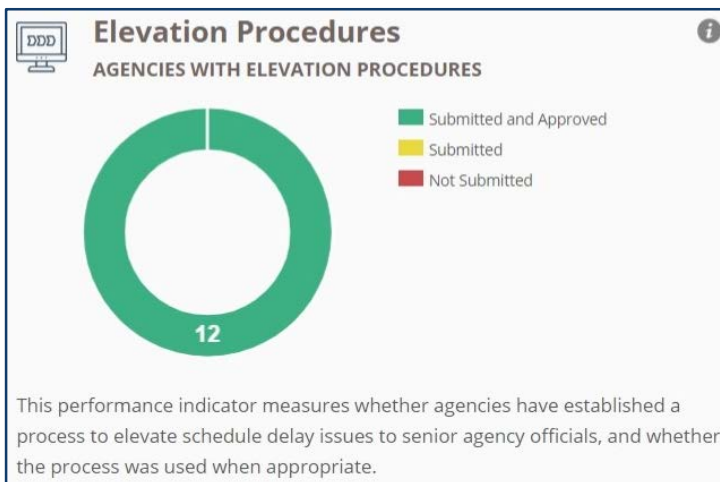
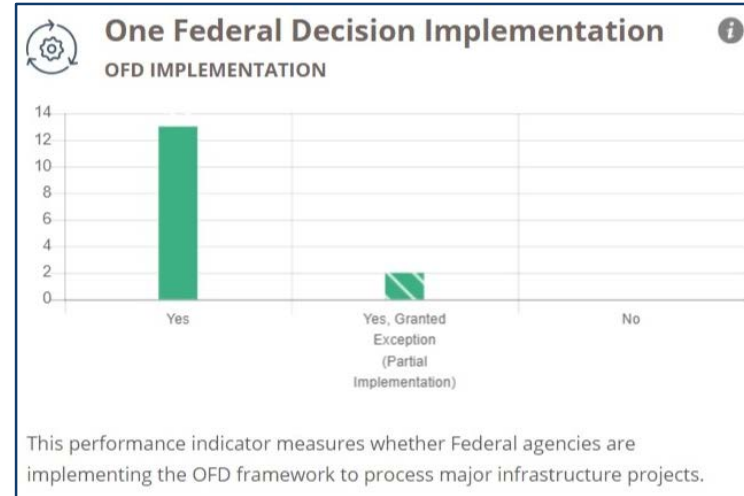
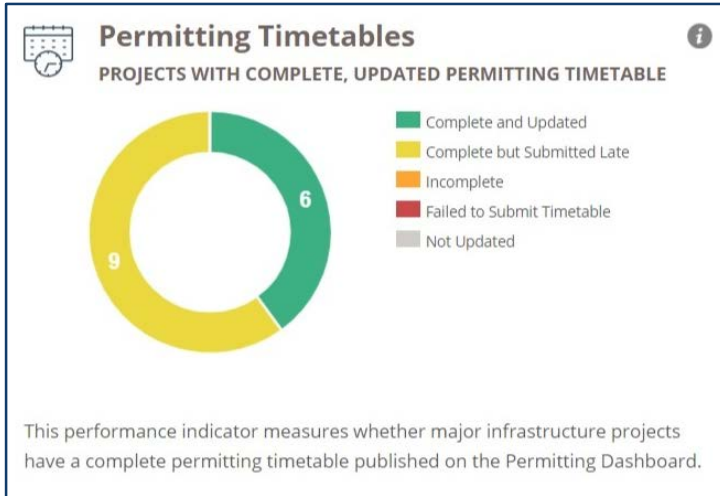
Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Anticipated Barriers or other Issues Related to Milestone Completion
4.1 Identify Recommended Best Practices to Improve the Federal Environmental Review and Authorization Process					
• Issue FY 2018 “Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects” report	Q1 FY18	Complete	No Change	FPISC	
• Issue FY 2019 Best Practices Report	Q3 FY19*	Complete	Status and Milestone Due Date Changed	FPISC	
4.2 Ensure Best Practices are Implemented Within and Across Agencies					
• Assess if agencies are implementing best practices for FAST-41 projects in April Annual Report to Congress	Q3 FY19*	Complete	Status and Milestone Due Date Changed	FPISC	

* Milestone date pushed back due to partial government shutdown



Key Indicators

Performance indicators for the CAP Goal will be tracked through the Infrastructure Permitting Performance Accountability System and data will be published quarterly on the Permitting Dashboard. Below is data from the initial scorecard which combines data from Quarter 1 and Quarter 2 of FY 2019. For more detailed information, visit the [Permitting Dashboard](#).



Additional performance indicators on whether major infrastructure projects are meeting major milestone target dates and the time and cost to complete environmental reviews and making authorization decisions will be published in future scorecards after more milestone data has been collected and as major infrastructure projects have completed the environmental review process.



Advisory Council on Historic Preservation

- Office of Federal Agency Programs

Executive Office of the President

- Council on Environmental Quality
- National Economic Council
- Office of Management and Budget

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
- Bureau of Ocean Energy Management
- Land and Minerals Management
- National Park Service
- Fish and Wildlife Service
- Bureau of Indian Affairs

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

Federal Energy Regulatory Commission

Nuclear Regulatory Commission

General Services Administration

Morris K. Udall and Stewart L. Udall Foundation

- US Institute for Environmental Conflict Resolution

