Implementation Plan

for the

Presidential Memorandum on Modernizing Infrastructure Permitting

By the

Steering Committee on Federal Infrastructure Permitting and Review Process Improvement

Office of Management and Budget
Council on Environmental Quality
Advisory Council on Historic Preservation
Department of Agriculture
Department of the Army
Department of Commerce
Department of Defense
Department of Energy
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Transportation
Environmental Protection Agency
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Introduction

Building 21st century infrastructure in a manner that safeguards our communities and the environment is an important component of President Obama's effort to strengthen America's economy, create new jobs, and improve U.S. competitiveness in the global market. Safe, reliable, and resilient infrastructure, including roads, bridges, railways, airports, renewable energy infrastructure, electricity transmission, transit systems, water resource projects, ports and waterways, broadband internet, and pipelines will bring immediate and long-term economic benefits to communities across the country and further America's efforts to secure energy independence and maintain its competitive edge in a global economy.

Federal agency permitting and review responsibilities seek to ensure that as major infrastructure projects are proposed, potential impacts on safety, security, and environmental and community resources such as air, water, land, and historical and cultural resources are considered and minimized. They also seek to ensure that low-income and minority communities do not bear a disproportionate share of these impacts. These permitting and review responsibilities have been authorized and assigned by Congress to multiple Federal agencies and are aimed at ensuring that approved projects avoid, minimize, and mitigate, as appropriate, any detrimental impacts so that completed projects carefully balance the needs and priorities for the project applicant, affected communities, and the environment.

These permitting and review[1] responsibilities are a cornerstone of America's efforts to protect the environment and harmonize its economic and environmental aspirations. As such, they require regular reexamination to ensure the reviews are conducted in a timely, efficient, and transparent manner. For the vast majority of projects, the environmental review and permitting requirements are accomplished effectively and efficiently. For particularly for large and complex infrastructure projects, however, the diverse and often divergent sets of agency permit and decision-making responsibilities can lead to friction and create inefficiencies, and extend the timeframe for the Federal permitting and review process.

In addition to the Federal permitting and review process, there are many other factors that can affect timeframes for completing major infrastructure projects. Multiple Tribal, state, and local governments often also have key decision-making responsibilities for proposed infrastructure projects. Affected residential communities, nonprofit organizations, and other stakeholders participate in the permitting and review process through statutory and regulatory public comment opportunities. Project applicants are ultimately responsible

[1] "Permitting and review" and similar terms are used throughout this document as general terms to refer to a broad set of legal and regulatory requirements. No language in this document modifies specific usage of these terms in law, regulation, or guidance, nor is the term "permitting" intended to imply approval will be given for a proposed project. The term is meant to connote the Federal decision making process which may or may not ultimately lead to project approval.

for project development and play a critical role in establishing and maintaining project timeframes and changes in applicant priorities or available funding can delay or cancel projects. The interplay among these factors can impact decision-making and extend the timeframe for the Federal permitting and review process, especially for large and complex infrastructure projects.

To ensure his Administration took action to modernize these permitting and review processes, on March 22, 2012, the President signed Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects.* This order launched a government-wide initiative to modernize Federal decision-making processes through improved efficiency and transparency, while producing measurably better outcomes for communities and the environment. This government-wide initiative is led by an interagency Steering Committee, which is composed of Deputy Secretaries or their equivalent from 12 Federal agencies and chaired by the Office of Management and Budget (OMB) in coordination with the Council on Environmental Quality (CEQ).

To date, agencies have expedited the review and permitting of over 50 selected major infrastructure projects,[2] including bridges, transit projects, railways, waterways, roads, and renewable energy generation projects. More information about these projects is posted online on the Federal Infrastructure Projects Permitting Dashboard.[3] As of the date of this Plan, 30 of these projects have completed the Federal review process, with one project denied. Estimated time savings range from several months to several years in many cases. Federal agencies have also identified a set of best practices for infrastructure permitting and review, ranging from expansion of Information Technology (IT) tools to strategies for improving collaboration and synchronizing processes across Federal agencies. These practices are reflected in the June 2012 *Federal Plan for Modernizing the Federal Permitting and Review Process for Better Projects, Improved Environmental*

[2] For the purposes of this Implementation Plan, "infrastructure projects" are those that fit into the sectors listed in the Executive Order on Improving Performance of Federal Permitting and Review of Infrastructure Projects. These include surface transportation, aviation, ports and waterways, water resource projects, renewable energy generation, electricity transmission, broadband, and pipelines. For the purposes of this Plan, "major" does not refer to any existing statutory, regulatory, or agency-specific meaning of the term. It is used only for the purposes of this implementation plan, and related implementation activities, to refer to projects that:

- Involve multiple Federal agencies and potentially Tribal, state, or local government permit decision making or review actions associated with their development;
- Provide regional (rather than localized) economic, cultural, or environmental benefits, or are directly linked to other critical infrastructure projects (e.g., rail to port);
- May have significant impacts on communities or the environment;
- Involve resources and permitting actions that are not routine and necessitate focused attention and enhanced coordination; and
- Are otherwise classified as major by law or regulation

[3] The Permitting Dashboard was established pursuant to a 2011 Presidential Memorandum on Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review.

and Community Outcomes, and Quicker Decisions and individual agency plans and at permits.performance.gov.[4]

To build on these results, the President signed a Presidential Memorandum on May 17, 2013, charging the interagency Steering Committee to lead the development of a plan to further modernize the Federal permitting and review process for major infrastructure projects to further reduce uncertainty for project applicants, reduce the time it takes to conduct reviews and make permitting decisions by half, and produce measurably better environmental and community outcomes.

This Implementation Plan was developed by the Steering Committee in response to the President's direction. The findings and proposed reforms are based on Steering Committee deliberations, meetings with the staff-level interagency Infrastructure Working Group (Interagency Working Group),[5] discussions with Federal agency experts, and information provided by industry, environmental groups, and other stakeholders.

When developing this Plan, the Steering Committee determined there was no "silver bullet" that would lead to achieving the President's goals – no singular change to the legal or regulatory framework that would provide the same level of protections for communities and the environment with dramatically reduced timeframes. Instead, the Steering Committee determined that due to the great diversity among the types of infrastructure projects, as well as diversity of environments and communities across the nation, a well-coordinated and sustained effort to analyze, modernize, and better manage the existing processes was required. Further, the Steering Committee determined that implementation of these proposed reforms will require sustained leadership focus, dedicated implementation capacity, and the development of performance indicators to track progress.

As a result of these findings, this Implementation Plan identifies four strategies and 15 reforms, with 96 near-term and long-term milestones the Federal government will implement to further institutionalize best practices and lessons learned and to modernize Federal regulations, policies, procedures, and guidance for the review and permitting of major infrastructure projects. These include a proposal to establish an interagency team dedicated to implementing these reforms on a government-wide basis. In addition to government-wide milestones, it also includes individual agency milestones as well as noting completed agency accomplishments (identified below with a checkbox). This Plan will be updated as necessary to incorporate new findings and lessons learned, and regular progress updates will be provided to the public. To ensure focused attention and follow-through, the Administration has established this effort as a Cross-Agency Priority Goal, and OMB will review progress and provide regular status updates through Performance.gov each quarter.

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[4] Available at http://www.whitehouse.gov/sites/default/files/omb/reports/report-to-the-president-rebuilding-americas-infrastructure.pdf

[5] The Interagency Working Group is chaired by OMB, in coordination with CEQ, and consists of representatives from all Steering Committee agencies.

The Implementation Plan complements ongoing efforts to conduct retrospective regulatory review of existing regulations in accordance with Executive Order 13563, *Improving Regulation and Regulatory Review*. This order directs agencies to develop plans to review their existing regulations in order to explore "whether any such regulations should be modified, streamlined, expanded or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.[6]" Agencies are directed to report bi-annually on the status of their ongoing retrospective review efforts [7] and make these reports available to the public. This bi-annual reporting process on retrospective regulatory review efforts will be coordinated with agency efforts to implement the objectives of this Implementation Plan.

The Implementation Plan also leverages the work of related initiatives such as the Unified Federal Environmental and Historic Preservation Review (UFR). The UFR, established as a result of the Sandy Recovery Improvement Act of 2013, and is developing a number of products that will benefit the interagency review process, including guidance on coordinating the Federal review process during disaster recovery and a library of efficiency tools for Federal agencies which will cover a variety of environmental and historic preservation requirements. The UFR will also incorporate the disaster recovery relevant strategies in this Implementation Plan as they are developed.

[6] Available at http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order

[7] See Memorandum for the Head of Executive Departments and Agencies, Implementation of Retrospective Regulatory Review Plans (October 26, 2011), available at http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/implementation-of-retrospective-review-plans.pdf

Goal 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 by half, and produce measurably better environmental and community outcomes.

Overview of Strategies and Actions

To advance this goal, the Federal government will implement four strategies supported by 15 specific reforms.

Strategy 1: Institutionalize Interagency Coordination and Transparency

Major infrastructure projects often require multiple permits and reviews from Federal agencies and bureaus with differing levels of control and responsibility, in order to ensure that projects are built in a safe and responsible manner and that adverse impacts to the environment and communities are avoided, minimized, or mitigated. Over time, these legal and regulatory requirements have resulted in more than 35 distinct permitting and review responsibilities across more than 18 Federal agencies and bureaus, implemented by staff at headquarters and hundreds of regional and field offices.

The interplay among the diverse sets of participants and statutorily-defined responsibilities is challenging and can sometimes result in uncertainty or longer than anticipated timeframes. However, as efforts to date have successfully demonstrated, early consultation and coordination among agencies with potential permitting or review responsibilities and other stakeholders can help develop planning milestones which identify and resolve potential issues of concern early in the process, thus avoiding unnecessary delays. Similarly, where statutory authorities allow, synchronizing separate Federal permit and review processes at the outset, rather than conducting them sequentially, can help result in significant efficiencies for certain complex projects. Online tools like the Federal Infrastructure Permitting Dashboard can facilitate interagency collaboration and synchronization and can also help create a more transparent, predictable process for project applicants. In addition, a number of good models have emerged for effective, early coordination with states, local governments, and Tribes, such as developing integrated project schedules.

Specific actions supporting this strategy include:

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 (p. 12)

1.2 Improve Synchronization of Separate Federal Permits and Reviews, including but not limited to the National Environmental Policy Act (NEPA) environmental review process and reviews under Section 404 of the Clean Water Act, Endangered Species Act, and the Bridge Acts under Title 33 U.S.C (p. 16)

1.3 Standardize Use of the Infrastructure Permitting Dashboard and Internal Collaboration Tools to display coordinated project schedules, improve transparency for project applicants and the public, and gather key metrics (p. 18)

1.4 Identify Best Practices and Expand Agreements for Early Engagement with Tribal, state, and local Governments (p. 21)

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

Careful project planning and selection of an appropriate project site before a permit application is filed can minimize uncertainty and significantly reduce the overall timeframe for completing necessary permits and reviews. Time invested early to identify a project site that avoids ecologically or culturally sensitive areas can lead to a more efficient process and shorter overall project timeframes, and can even avoid the need for Federal reviews, approvals, or licenses pertaining to those resources. Similarly, project planning and the submitted proposal should reflect the results of early consultations with relevant stakeholders, Federal, Tribal, state, and local representatives, to ensure the proposed project accounts for these perspectives up front. Further, when applicants provide all appropriate information and analysis in the initial application it helps to ensure the Federal review can proceed without delays caused by missing, incomplete, or inaccurate information. The Steering Committee has identified specific actions to facilitate this upfront planning and to support effective and timely decision-making by agency staff once the Federal processes begin.

Specific actions supporting this strategy include:

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 (p. 23)

2.2 Develop User-Friendly IT Tools for Project Applicants and Federal Agencies (p. 26)

2.3 Develop a Nationwide Inventory of Historic Properties (p. 28)

2.4 Identify Best Practices Guidance for Project Applicants (p. 30)

Strategy 3: Improve Permitting, Reviews, and Mitigation

To protect our Nation's environmental, cultural and historic resources as required under Federal laws, major infrastructure projects must obtain a number of permits and undergo reviews, including those pursuant to the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act (CWA), the National Historic Preservation Act (NHPA), and those required under Title 33 of the United States Code[8] in compliance with their respective implementing regulations. A number of regulations, policies and guidance documents, such as the recently released *NEPA and NHPA, A Handbook for Integrating NEPA and Section 106*, prescribe how these permits and reviews are to be conducted to ensure quality and robustness of the review and encourage project applicants to collect information early in the process, while eliminating unnecessary duplication or inefficiencies.

This section includes specific action items to ensure that agency staff is fully engaged in utilizing the flexibility of existing regulations, policies, and guidance and identifying additional actions to facilitate high quality, efficient, and targeted permitting decisions and reviews. This includes updating and developing training materials, IT tools, regulations or guidance, as necessary, to ensure that agencies effectively consider regulatory requirements in the planning and decision-making processes; leveraging existing analyses and data; eliminating unnecessary duplication; and focusing analyses on the reasonable and relevant alternatives.

This section also includes policies to facilitate advance planning to avoid, minimize, and otherwise mitigate project impacts and take landscape- or watershed-level approaches to mitigation, where appropriate. In order to produce the greatest environmental benefits, mitigation efforts should be focused on activities where environmental needs and the potential environmental contributions are the greatest and in accordance with statutory requirements. Through mitigation planning at a landscape, ecosystem, or watershed scale, agencies can locate mitigation activities in the most ecologically important areas.

[8] Sections 9, 10, and 14 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 et seq.), the Act of March 23, 1906, popularly known as the Bridge Act of 1906 (33 U.S.C. 491 et seq.), the Act of June 21, 1940, popularly known as the Truman-Hobbs Act (33 U.S.C. 511 et seq.), or the General Bridge Act of 1946 (33 U.S.C. 525 et seq.)

Specific actions supporting this strategy include:

3.1 Facilitate High-Quality and Efficient Permitting and Review Processes for Proposed Major Infrastructure Projects (p. 33)

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 (p. 37)

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 (p. 42)

3.4 Expand Use of Programmatic Approaches for Routine Activities and Those with Minimal Impacts (p. 43)

3.5 Regularly Review Agency Implementation Capacity, including authorities for sharing the costs of permitting and reviews across Federal agencies and among Federal agencies, industry and states (p. 44)

Strategy 4: Drive Continued Improvement

Fully achieving the President's goal will require a sustained leadership focus at agencies, and a team dedicated to implementing the reforms on a cross-government basis, monitoring the effectiveness of reforms, further analyzing agency processes, and identifing additional reforms. This strategy includes a proposal by the Steering Committee to establish a dedicated team, called the Interagency Infrastructure Permitting Improvement Center (IIPIC), to support the ongoing improvement of Federal permitting and review responsibilities for major infrastructure projects. IIPIC, under the direction of the Steering Committee and reporting directly to OMB, will be staffed by dedicated subject matter experts and supported by rotating detailees from participating agencies. Administrative support for IIPIC will be provided by the Department of Transportation and governed by a Charter approved by the Steering Committee. The establishment of the first-ever team dedicated to implementing government-wide process improvements for permitting and reviews of major infrastructure projects, with a request to Congress for funding included in the President's FY 2015 Budget, demonstrates the Administration's commitment to ensuring the reforms in this Implementation Plan produce real, sustained, and noticable improvements for project applicants, Federal and non-Federal managers, communities, and the environment.

Achieving the President's goal will also require the development of a reliable dataset on permitting timeframes and on the impacts on communities and the environment. This data set is not currently available in a consistent, government-wide, accessible, and transparent format. This data is necessary to ensure that reforms are having the intended impact, to faciliate the identification of additional reforms, and to ensure efforts to improve timeliness do not compromise the ability of Federal, Tribal, state, and local governments to achieve statutorily mandated objectives or otherwise negatively affect

environmental or community health. This section therefore includes a proposal by the Steering Committee to begin collecting data on permitting timeframes and the impacts on communities and the environment.

Specific actions supporting this strategy include:

4.1 Establish and Track Metrics for Improved Outcomes for Communities and the Environment and for Permitting Timeframes (p. 46)

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 (p. 51)

Implementation Phases

Implementation of the reforms identified above will occur through a phased approach to account for resource constraints, the need to pilot and refine some reform proposals, and reasonable implementation timeframes. The two implementation phases are:

1. **Initial Implementation.** The first phase will run from May 2014 through mid-2015 and will include activities that are feasible within existing resources. During this phase the Administration will begin implementation of some priority reforms and pilot studies.

2. **Full Implementation.** The second phase will begin in mid-2015, after incorporation of any changes to the strategies and actions indicated by the results of initial implementation and pilot activities and Congressional consideration of the funding and legislative proposals included in the FY 2015 President's Budget. The completion of some reforms identified for full implementation are dependent on resource availability for IIPIC and agencies.

Each strategy and action in this plan includes tentative milestones for each phase. These milestones do not represent a commitment by the government, but are included to guide implementation and provide transparency for stakeholders. These milestones may be modified based on lessons learned during implementation, feedback from stakeholders, and resource availability.

In the next section, the specific actions and milestones in both phases are described in further detail, with target completion dates listed in quarters of the calendar year.

Specific Actions and Next Steps

1. INSTITUTIONALIZE INTERAGENCY COORDINATION AND TRANSPARENCY OF PERMITS AND REVIEWS

1.1. Develop Policy for Coordinated Project Reviews

Efforts to date have successfully demonstrated that early consultation and coordination among agencies with potential permitting or review responsibilities and with other stakeholders can help identify planning milestones around which potential issues of concern can be resolved early in the process, thus avoiding unnecessary delays. Similarly, where statutory authorities allow, synchronizing separate Federal permit and review processes at the outset, rather than conducting them sequentially, can generate significant efficiencies for complex projects.

The Steering Committee agencies, under the guidance of OMB and CEQ, will develop and pilot a policy for coordinating the Federal permits and reviews for major infrastructure projects (Policy for Coordinated Project Review or PCPR). The pilot will be initiated within one or more sectors with an initial process mapping exercise to tailor the policy to the pilot project type and informing the broader policy development. The PCPR will institutionalize best practices and procedures to ensure early and substantive communication with all relevant agencies; facilitate concurrent permits and reviews to the greatest extent practicable; and create a more coordinated, efficient, consistent, and transparent Federal permitting and review process. The PCPR will define the coordination responsibilities of agencies involved in the permitting and review of major infrastructure projects and establish or revise procedures for early coordination to identify opportunities for collaboration, establishment of a coordinated project schedule, synchronization of reviews, and collecting information more efficiently. Nothing in this implementation plan reduces the timeframes established in existing laws, such as the Endangered Species Act, for public comment, consultations, and other agency actions, nor does the PCPR supersede existing legal requirements or regulations. The PCPR will include the following components:

i. Applicability of the PCPR. The PCPR will apply to select major infrastructure projects. Interagency coordination for these projects will begin as early as practicable, such as when the project applicant provides sufficient information about the project to facilitate meaningful coordination at the planning stage that occurs before a Federal application is submitted and Federal review formally begins.

ii. Procedures for Developing a Coordinated Project Plan. The PCPR will establish a policy by which the NEPA Federal Lead agency will develop, in consultation with the project applicant and all relevant Tribal, state, and local governments, a Coordinated Project Plan for each major infrastructure project. Each Coordinated Project Plan will include:

- A list of relevant agencies, their respective responsibilities, and appropriate points of contact;

- An agreed-upon complete project planning schedule that includes all required Federal permits and reviews; key milestones; and to the extent practicable, permits and reviews required by relevant Tribal, state, and local governments;

- Clearly articulated means for coordination among Federal agencies and, to the extent practicable, for Tribal, state, and local governments;

- A list of consultation requirements and consulting parties;

- Any known financing deadlines or other critical milestones for the project;

- Planned opportunities for public comment, including potential opportunities for joint public notices, hearings, or meetings;

- Information required from the project applicant at each stage of the process;

- A plan for integrated and strategic application of the mitigation hierarchy (avoidance, minimization, and mitigation) for project impacts, developed, to the extent practicable, in coordination with relevant Tribal, state, and local governments and other relevant parties; and

- Documentation of reviews conducted and the determination of any decisions made during the planning phase of the project.

iii. Coordination Responsibility. The PCPR will clearly define the coordination responsibilities of all Federal agencies with permitting or review responsibilities for major infrastructure projects. Coordinating responsibilities include the following:

- The NEPA Federal Lead agency will be responsible for coordinating with other Federal agencies and with relevant Tribal, state, and local governments and other consulting parties as appropriate. As early as practicable, the NEPA Lead agency will:

    i. Work with the project applicant to define the scope of project activities and the context and intensity of potential impacts;
    ii. Notify all Federal agencies with potential permitting or review responsibilities for the proposed project and form an interagency project team;
    iii. Establish a schedule for regular coordination for the interagency project team; and
    iv. Notify relevant Tribal, state, and local governments of the proposed project and agree on anticipated timeframes for any required consultations.

- Other Federal agencies with permitting and review responsibilities for the project will be responsible for assisting with the development of a Coordinated Project Plan, meeting agreed-upon milestones, consulting with the NEPA Federal Lead agency, providing information about their respective

permitting or review responsibilities and associated information needs, and participating on the interagency project team, as appropriate.

- In the event a NEPA Federal Lead agency has not yet been identified (e.g., before an application is filed or during early information gathering), the Federal agency likely to have the greatest responsibility for the Federal decisions necessary for determining whether and how a proposed major infrastructure project will proceed will be responsible for identifying and notifying other relevant Federal agencies and facilitating early coordination until a NEPA Federal Lead agency is identified. Coordination responsibility will be transferred to the NEPA Federal Lead agency at the earliest practicable opportunity. If it is unclear which agency should fulfill these responsibilities, a timely decision will be facilitated by IIPIC and elevated to CEQ when the lead agency has not been agreed upon in 45 days or when requested.[9]

- The additional coordination responsibilities of the NEPA Federal Lead agency described above will not imply responsibility for any individual permits or reviews that are not within the NEPA Federal Lead agency's authority, nor will the NEPA Federal Lead agency be held accountable for meeting other agency milestones on the project schedule. Regulatory agencies will retain their neutrality with regard to their permit and review decisions, as well as in the development of the Coordinated Project Plan.

- Some agencies may have a very minimal role due to the limited scope of their permitting or review responsibilities in relation to a particular project. As part of the development and field-testing of the PCPR, Steering Committee agencies will consider and delineate the appropriate level of involvement in such cases to avoid creating unintended procedural delays. Likewise, for infrastructure projects that may not meet the definition of "major infrastructure," participating agencies may opt into the PCPR by mutual agreement if there is a desire for increased coordination.

- To support the additional coordination responsibilities outlined in this section, the Administration will evaluate resources and different financing options annually as part of the President's Budget process (see section 3.5).

iv. Conflict Resolution Procedures: The PCPR will establish procedures for identifying and resolving conflicts among different permitting and review agencies quickly and effectively prior to and during any environmental and historic preservation review processes, in cases where such procedures do not already exist and consistent with statutory requirements. The conflict resolution procedures will describe specific steps the involved agencies shall take in the event of a conflict, time limits for the execution of each step, and provisions for elevating the issue within the agencies. The NEPA Federal Lead agency, in consultation with any NEPA cooperating agencies, will be responsible for determining which dispute resolution procedures

[9] 40 C.F.R. § 1501.5(e).

may be applicable during the course of the review process and for enforcing such procedures.

v. Field Testing of the PCPR: Agencies will pilot the PCPR by applying it to select projects, with the concurrence of applicants, in different infrastructure sectors and geographic regions, as appropriate. The lessons learned and best practices identified through this field-testing will be used to further refine the PCPR and the types of projects that would benefit from it and develop any necessary training, guidance, tools (including templates or toolkits for preparing Coordinated Project Plans), and to identify any additional sector-specific process improvements. If the PCPR is deemed a useful and efficient addition to existing agency practices, it would be formalized through an appropriate mechanism, such as an interagency agreement, rulemaking, guidance document, or some other mechanism.

The PCPR also will build upon activities underway at the Department of Energy. In June 2013, in furtherance of Executive Order 13604, the President issued a Presidential Memorandum on Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review directing the Steering Committee agencies to develop an Integrated, Interagency Pre-Application (IIP) Process. The IIP Process is intended to allow for early coordination among project applicants and Federal agencies for significant onshore electric transmission projects requiring Federal approval. This coordination would lead to stronger applications and faster review times, promote early mitigation planning, and improve environmental outcomes. In August 2013, in coordination with the Steering Committee agencies, DOE released a Request for Information soliciting public input on a draft IIP, through the Office of Electricity Delivery and Energy Reliability (OE). DOE will work with the Infrastructure Working Group to finalize the IIP process, consistent with the principles in the Implementation Plan.

Concurrent with the development and piloting of the PCPR, the Administration will begin developing a policy for coordinated project reviews to be piloted on a surface transportation project. The policy recommendations will be developed by the end of September 2014, and be consistent with the Administration proposed GROW AMERICA Act.

The transportation policy will further define the roles and responsibilities of project partners created by statute, and promote early coordination and facilitate concurrent reviews, where allowed by law. The policy will ensure that the responsibilities of each agency are appropriately balanced with the need to complete permitting and review decisions efficiently.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation – Cross Government	Develop and begin a pilot for a Policy for Coordinated Project Review	IIPIC, OMB, CEQ and Interagency Working Group	Q3 2014
Initial Implementation: Sector-Specific	Develop recommendations for surface transportation projects	DOT in coordination with Interagency Working Group	Q3 2014
	Work with the other agencies in the Rapid Response Team for Transmission (RRTT) to begin piloting the IIP process.	DOE Office of Electricity Delivery & Energy Reliability (OE)	Q4 2015
Full Implementation: Cross-Government	Present preliminary PCPR pilot results to the Steering Committee	Pilot agencies	Q2 2015
	Evaluate the results from field testing; identify improvements to the PCPR and formalize through appropriate policy mechanism	IIPIC	Q4 2015

1.2 Improve Synchronization of Separate Federal Permits and Reviews

Building on the findings of the Transportation Rapid Response Team (T-RRT), Steering Committee agencies will take steps to facilitate the synchronization of separate Federal permits and reviews, such as NEPA analysis,[10] Endangered Species Act compliance, USACE regulatory reviews, and the General Bridge Act Section 525 approval processes. This includes establishing a process to more effectively coordinate on the Federal Lead Agency's identified purpose and need[11] and identifying a reasonable range of alternatives. Synchronizing these reviews could result in the creation of a single NEPA document for the proposed project that is more likely to achieve the lead agency's purpose and need while also meeting the statutory and regulatory requirements of all agencies involved in the NEPA and permitting process. This will not, however, change

[10] The CEQ NEPA Implementing Regulations – 1500.2 (c) states that "Federal agencies shall, to the fullest extent possible, integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively."

[11] Substantial deference will be given to the Lead Agency in articulating the purpose and need of a proposed project consistent with their primary substantive expertise and program responsibility.

any agency's independent authority to define policies and processes that ensure the integrity of the permitting process.

Specific actions include:

- Evaluating opportunity for regulatory or policy changes that would facilitate greater synchronization of permits and reviews.
- Updating the 1988 handbook on Applying the Section 404 Permit Process to Federal-Aid Highway Projects, also known as the "Red Book";
- Identifying additional permits and reviews that could be synchronized or performed concurrently;
- Developing and encouraging the adoption of programmatic merger agreements that provide for concurrent permits and reviews and satisfy the statutory and regulatory requirements of all agencies with permitting or review responsibilities for a project.

☑ The U.S. Coast Guard, the Department of Transportation, and the U.S. Army Corps of Engineers (USACE) have embarked on an effort to make synchronization of reviews involving all three agencies for transportation projects, such as bridges, the new normal practice. This initiative will include timely identification of reasonable project alternatives and the preparation of a coordinated environmental document that avoids consecutive agency review where allowable within existing laws and regulations to enhance the efficiency and transparency of the review processes. The goal is a single process that satisfies the NEPA requirements for all agencies leading to concurrent permit decisions to the greatest extent possible while maintaining the integrity of the permit process for all projects that potentially require Bridge permits, USACE regulatory permits, and/or 33 USC 408 determinations (Section 14 of the Rivers and Harbors Act) if applicable. Developing one environmental analysis that satisfies all agencies instead of three separate analyses, for example, we project this will save months if not more time off the permitting and review of these projects.

☑ The ACHP and CEQ, with the assistance of a multi-agency working group, have developed a handbook and online training to promote the coordination of Section 106 and NEPA reviews and provide further instruction on opportunities to substitute NEPA compliance for Section 106 review. ACHP and CEQ developed the handbook to address both Section 106 and NEPA coordination and substitution. This new handbook discusses how coordination and substitution of NEPA and Section 106 can expedite reviews by avoiding duplication of effort and ensuring that the analysis of alternatives fully considers historic preservation in the early stages of project planning. Agencies can use the Handbook to inform the use of NEPA substitution for Section 106 for projects where substitution can create efficiencies substitution and enhance public involvement.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation: Cross-Government	Evaluate regulatory or policy changes that would facilitate greater synchronization of permits and reviews	Steering Committee agencies	Q3 2014
	Review available information on existing merger agreements, identify best practices, and develop template agreements	DOT, EPA, USACE, DOI, DOC, FWS	Q4 2014
Initial Implementation: Sector-specific	Complete draft of 1988 Red Book update	DOT, USACE, EPA, USCG, FWS, NMFS	Q4 2014
	Develop draft regulations (7 CFR 1970), that, if finalized, will consolidate and harmonize NEPA and 106 requirements across three rural development (infrastructure financing) agencies.	USDA - Rural Utilities Service (RUS)	Q3 2014
Full Implementation: Cross-Government	Identify opportunities to develop additional synchronized processes	IIPIC	Q3 2015
	Finalize policy or guidance document(s), templates and necessary policy or regulatory changes	IIPIC	Q3 2016

1.3 Standardize Use of the Infrastructure Permitting Dashboard and Internal Collaboration Tools

The Federal Infrastructure Permitting Dashboard was launched in October 2011, and is used by all Steering Committee agencies and hosted by the Department of Transportation. It features a public website that displays project schedules with key milestones for over 50 infrastructure projects and an internal site with an IT platform that supports effective Government-wide collaboration and the development of interagency project schedules. To date, the Dashboard has been used to highlight projects of National and Regional Significance[12] as identified by the Steering Committee. In order to institutionalize the use of the Dashboard and expand process improvement efforts, the Dashboard will pivot from highlighting select priority projects to displaying key information on projects that meet specific criteria. To achieve widespread adoption, further development of both the internal and external sites is required. The following actions have been identified as necessary to institutionalize the Dashboard as a tool to

[12] This term is included in Executive Order 13604. When this term is used, "significance" should not be interpreted as a term of art under the National Environmental Policy Act.

facilitate interagency coordination and create accountability, transparency, and predictability for project schedules.

- *Use the Permitting Dashboard to Collect Timeframe Data.* The Dashboard will be used to collect timeline data. Overtime it will show timeline data across projects in addition to project specific information. See 4.1 for additional information on the collection of timeframe data.

- *Track Outcome Indicators on the Dashboard.* Agencies will conduct a pilot to test collecting outcome indicators for proposed projects subject to the pilot (see section 4.1). The Steering Committee will evaluate the results of the pilot and will use them to inform the development of additional Dashboard capability (depending on availability of resources) and/or policy changes.

- *Establish Criteria for Inclusion on Public Dashboard and Track Project Schedules.* Projects that have been publicly posted to the Dashboard to date have been identified as Projects of National or Regional Significance by member agencies of the Steering Committee. To transition away from the Steering Committee selecting Projects of National or Regional Significance for posting, the Infrastructure Working Group and IIPIC will recommend a set of criteria for Dashboard projects for consideration and approval by the Steering Committee. These criteria will identify projects which are large and complex relative to other projects, and require significant interagency coordination.

  Upon approval of the criteria and appropriate guidance, the schedule for any project that meets the criteria will be publicly posted on the Dashboard unless the lead agency determines that doing so is unlikely to produce beneficial results or cannot be done without imposing an unreasonable administrative burden. Further, agency leadership may identify additional projects whose schedules should be posted on the dashboard if doing so will facilitate interagency coordination and transparency. After this reporting is established, the Steering Committee will evaluate the results and use them to inform the development of additional Dashboard capability (depending on availability of resources) and/or policy changes. The criteria will only apply to projects posted publicly on the Dashboard. Agencies will be encouraged to use the internal dashboard capability as a collaborative tool for any major infrastructure project where it will add value.

- *Dashboard Guidance and Training.* IIPIC and OMB, in coordination with CEQ and the Interagency Working Group, will develop detailed guidance for posting project review schedules and milestones on the Dashboard. The guidance document will convey the purpose of the Dashboard and will include specific definitions, policies, and procedures for any projects listed on the Dashboard. Following the pilot efforts discussed above, the document will be evaluated and revised as appropriate. To support the expanded use and updated policy guidance, IIPIC, in coordination with the Interagency Working Group, will develop and

deploy training for use of the Dashboard to agency personnel tasked with posting and maintaining the project schedules.

- *Dashboard build-out.* To achieve the full potential of the Dashboard and make it more user friendly for both internal and external customers, additional design and development is necessary. Subject to availability of resources, IIPIC, in coordination with the Infrastructure Working Group will develop specifications and requirements for a comprehensive update and expansion of the Dashboard functionality.

To implement this policy the President's FY 2015 Budget proposes funding for the Permitting Dashboard, which will continue to be hosted at the Department of Transportation. This funding will create a more user-friendly data collection tool to decrease agency burden, make the tool more useful to agencies, and increase data quality.

☑ USACE has joint permit applications in eighteen states and the District of Columbia. These applications are generally for USACE and the state water quality agency, although other state and local agencies may also use them. Joint applications reduce the paperwork and regulatory burdens on the regulated public by providing a single form that can be used by multiple agencies. In addition, joint applications can facilitate more concurrent, rather than sequential, reviews by agencies since the applications can be submitted to the affected agencies at the same time.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation: Cross-Government	Develop guidance for posting additional projects that meet criteria on the Dashboard	IIPIC and OMB Permitting Team	Q2 2014
	Begin posting project review schedules for projects that meet criteria	Steering Committee agencies	Q3 2014
Long-Term Implementation: Cross-Government	Evaluate lessons learned from pilot efforts and recommend changes to the Dashboard scope and guidance	Interagency Working Group	Q1 2015
	Refine Dashboard guidance, including scope of projects to be posted	IIPIC	Q3 2015
	Build out additional Dashboard capabilities, depending on availability of resources	IIPIC	Ongoing

1.4 Identify Best Practices and Expand Agreements for Early Engagement with Tribal, state, and local Governments

Close collaboration with Tribal, state, and local governments is essential, because major infrastructure projects often involve permit and review requirements from multiple agencies. In addition, Federal agencies have legal obligations to consult with Tribes and obtain approvals for actions that may occur on or affect Tribal lands. Federal agencies have developed several successful models for early coordination and collaboration with state and local counterparts or Tribal governments. Building on these models, the Steering Committee has identified a number of specific actions to strengthen Federal collaboration with Tribal, state, and local governments:

- *Best Practices for Coordination with Tribal, state, and local Governments.* To foster improved outcomes for communities and early identification and resolution of conflicts, the Steering Committee, with support of IIPIC, will identify and share best practices for engaging Tribal, state, and local governments and will use existing regional pilot teams[13] to help identify best practices and address regional infrastructure priorities.

- *Additional Agreements with State and Local Governments.* Steering Committee agencies will identify opportunities to develop additional agreements with state or local governments that will formalize a mutual commitment to:
    - Participate in early coordination activities including those recommended in the PCPR process described in section 1.1 above;
    - Share relevant environmental, scientific, cultural, and historical data related to the planning, siting, and review of proposed major infrastructure projects;
    - Support the development of mitigation alternatives on a landscape- or watershed- scale.

☑ In 2012, the Department of Agriculture's Rural Utilities Service (RUS) reissued its blanket delegation for its borrowers to initiate Section 106 review. This authorization clarifies roles and responsibilities, including on consultation between tribes and RUS borrowers, and identifies when RUS must be involved, including maintaining RUS's obligation for government-to-government consultation with federally-recognized Indian Tribes, which by law cannot be delegated.

☑ Four State Departments of Transportation have signed Fund-In Interagency Agreements with EPA's Region 4 office. These agreements are intended to help support the implementation of the streamlining provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act-Legacy for Users (SAFETEA-LU 6002), which is intended to protect and enhance environmental quality, while reducing project delays. These negotiated agreements specify the assignment of full-time DOT-funded EPA staff

[13] The regional pilot teams were established by the Administration in 2013 to focus on specific regional infrastructure priorities including strengthening collaboration, cutting red tape, and reducing permitting timeframes.

to work exclusively on environmental planning, NEPA reviews and Section 404/NEPA Streamlining improvement initiatives related to transportation projects and processes. To date, EPA Region 4 has successfully used the interagency agreements to improve environmental outcomes in the Southeast and to fund five (5) dedicated NEPA positions in Florida, North Carolina, Tennessee and Mississippi.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation: Cross-Government	Continue advancing regional infrastructure priorities through the existing regional teams and provide regular progress reports to the Steering Committee	Regional team member agencies	Quarterly
Initial Implementation: Sector-Specific	Develop tools and templates to support RUS's new environmental regulations, which will improve its Section 106 review, including consultation with Tribes	USDA's Rural Utilities Service (RUS)	Completion date to be determined
Long-Term Implementation: Cross-Government	Collect lessons learned and best practices from agencies on early engagement with Tribal, state, and local governments as part of the pilot for the PCPR	IIPIC, member agencies	Q3 2015
	Evaluate lessons learned and best practices for early engagement with Tribal, state, or local governments as part of the pilot for the PCPR	IIPIC, CEQ	Q2 2015
	Complete inventory of agency agreements with Tribal, state, or local governments and identify opportunities for additional agreements or regional initiatives	IIPIC, member agencies,	Q3 2015
	Building on existing best practices gathered from the regional teams and agencies, develop draft guidance for early engagement with Tribal, state, and local governments	IIPIC, CEQ	Q2 2016
	Finalize and publish guidance and update periodically as necessary	IIPIC, CEQ	Q3 2016

2. IMPROVING PROJECT PLANNING, SITING, AND APPLICATION QUALITY

2.1 Expand Availability of Scientific, Environmental and Other Relevant Data and GIS Tools[14]

To facilitate a more efficient permitting process that does not compromise the quality of decision-making, Steering Committee agencies have identified a number of actions and policies to facilitate adequate collection, integration, and sharing of the best available data. These policies are intended to assist project applicants in selecting potential sites in areas where environmental and other impacts may best be avoided, minimized, or otherwise mitigated and to support Federal decision-makers in making timely, informed decisions.

- *IT and GIS Tools*. The agencies in the Steering Committee will expand the availability and development of relevant environmental, cultural, demographic, and other scientific data to improve project planning and siting; assist in early avoidance, minimization, and mitigation of project impacts; and support effective decision-making. They will do so by continuing to develop tools such as the U.S. Fish and Wildlife Service's Information, Planning and Conservation (IPaC) tool; EPA's NEPAssist tool; HUD's Tribal Directory Assessment Tool; DOE's NEPAnode tool; FHWA's eNEPA document review tool, INVEST tool, and the ESA web tool; and the Western Governor's Crucial Habitat Assessment Tool, while ensuring adequate protections for sensitive location information. Agencies will consider exploring the use of in-field digitized recording devices, training for use of such devices, and investments in digitization of backlogged cultural resource and environment data.

- *Data Sharing Policy*. OMB and IIPIC, in coordination with CEQ, the Steering Committee, the Federal Geographic Data Committee (FGDC), and other relevant entities will build off of existing policies to develop a data-sharing policy that facilitates sharing of scientific, environmental, and other data relevant for the planning, permitting, and review of proposed infrastructure projects. The new policy would, however, not allow for such data sharing when it may cause violations of privacy laws; protection of proprietary information; environmental or historical conservation laws or other legal protections; or pose a threat to national security. The policy will develop protocols for sharing sensitive locational information in a way that it can be used for planning purposes. The policy will leverage current Administration efforts and will be formalized through

[14] Geographic Information System (GIS) is a computer system that allows you to map, model, query, and analyze large quantities of data within a single database according to their location GIS stores information about the world as a collection of layers that can be linked together by a common locational component such as latitude and longitude, a postal zip code, census tract name, or road name. These geographic references allow you to locate features on the earth's surface for analysis of patterns and trends. Dozens of map layers can be arrayed to display information about transportation networks, hydrography, population characteristics, economic activity, and political jurisdictions (See http://www.fgdc.gov/initiatives).

a national or regional Memorandum of Agreement (MOA) or other policy mechanism as deemed appropriate.

- *Consistent Data Standards*. OMB and IIPIC, in coordination with CEQ, the Steering Committee, FGDC, and other relevant stakeholders will develop consistent data standards and formats across agencies, where appropriate, to facilitate interoperability, exchange, and layering of agency data and information submitted by project applicants, while leveraging current IT work streams.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	Identify and promote the use of agency IT tools such as NEPAssist, IPaC, NEPAnode, eNEPA and others	IIPIC and Interagency working group	Q3 2014
	Enhance the NEPAssist tool to include seamless integration with the Geoplatform, so that users may readily access and add additional data.	EPA	Q2 2014

Implementation Phase	Activity	Team	Target Completion Date
Long-Term Implementation	Inventory different data standards used by agency GIS tools, e-application systems, or other electronic systems related to infrastructure permitting	IIPIC and OMB	Q2 2015
	Identify changes to existing regulations or policies to facilitate sharing of scientific, environmental, historic and cultural, and other relevant data, where appropriate	IIPIC and Interagency Working Group	Q2 2015
	Depending on available resources, expand IT and GIS tools that make relevant scientific, environmental, cultural, demographic, or other relevant data easily accessible and facilitate project siting	Relevant Steering Committee Agencies	Q3 2015
	Coordinate with OMB E-Gov Open Data team on data sharing policies and identify appropriate policy vehicle	IIPIC	Q2 2015
	Based on inventory of data standards, 1) identify barriers to the easy sharing of relevant scientific, environmental, cultural, demographic, or other relevant data among agencies and with project applicants; and 2) identify specific opportunities to facilitate information exchange by creating consistent data standards	IIPIC	Q4 2015
	Develop consistent data standards, leveraging existing IT work streams, including the Federal Geographic Data Committee, Unified Federal Review team, and consulting with relevant State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs), as appropriate	IIPIC and Interagency Working Group	Q1 2016
	Collect information from SHPOs, THPOs and Federal agencies to identify access and information exchange challenges and opportunities for data on historic properties.	IIPIC	Q2 2016

2.2 Develop User-Friendly IT Tools for Project Applicants and Federal Agencies

Modernizing the permitting and review process will require better leveraging advances in technology to achieve process efficiencies and enhance environmental and community outcomes. Steering Committee agencies will consider costs and benefits of various implementation options for eliminating unnecessary paper requirements, creating a more efficient and user-friendly application process, and enabling timely review by the relevant Federal agencies, including:

- *Remove Paper-Based Requirements and Facilitate Electronic Submissions and Publication.* Revise relevant regulations, policies, and procedures and develop necessary online tools to remove paper-based requirements[15] so that project applicants are able to submit applications and all supporting documentation electronically in a format that can be shared easily among agencies, and to publish documents and notifications electronically.

- *Creating an Online Information Portal.* Developing an online permitting and review information portal that would compile all relevant permitting information and resources, such as best practices, templates, Memorandums of Understanding (MOUs), GIS layers, relevant field office contact information, etc., to provide a "one-stop" portal for information for project applicants, agencies, and other stakeholders. Initial work, already underway at many agencies, could form the basis for such a portal. For instance, Department of Energy's "Geothermal Regulatory Roadmap" site offers an online set of documents (flowcharts, narratives, and links to supporting documents, websites and regulations) that outline the geothermal regulatory process at the State and Federal levels. The Department of Energy's long-term vision is to provide best management practices, success stories, and GIS tools. This effort is being expanded to include Solar, Wind and Water regulations.

☑ This year EPA built on the successful launch in October 2012 of the eNEPA electronic filing system, which creates a central repository of EIS documents filed by Federal Agencies and is accessible to the public to search and review. New enhancements to eNEPA in 2013 allowed EISs to be filed more efficiently, avoiding size restrictions, thereby making it easier for the public to search for information in these EIS documents.

☑ The Forest Service recently released the web-based, publically accessible Land Status Viewer. This web-based GIS tool will facilitate project planning and more accurate applications for major infrastructure projects that potentially affect National Forest System Lands.

☑ Operators can now electronically file a Low Erosivity Waiver (LEW) from the requirement to obtain coverage under the EPA Construction General Permit (CGP) if

[15] Paper-based application materials will still be accepted when online submission is not available to the applicant.

they meet the appropriate requirements. This integrates the two parts of the NPDES CGP program into the eNOI system and also reduces the paper requirements for operators. This information is now electronically available to the public.

☑ USACE rolled out the ORM Permit Decisions website in FY 2013. This website displays data on pending and issued Individual Permit reviews by USACE. Additional tabs include emergency actions, Deepwater Horizon settlement actions, and final actions reviewed under a SAFETEA-LU Section 6002(j) or WRDA Section 214 funding agreement. This allows anyone with internet access to view current actions in review and permits issued by USACE including file number, project name, and basic location information, improving transparency of the Regulatory program.

☑ FHWA is in a pilot phase for its E-NEPA document review tool, a real-time electronic collaboration tool developed to expedite project delivery. Since its roll-out in September 2013, the tools allows State DOTs to share documents, track comments, schedule tasks with participating agencies, and perform concurrent review for EISs and EAs. The current pilot states include Washington, Utah, Arizona, North Dakota, and Wisconsin. Approximately 12 additional states have expressed interest in also becoming pilot states.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation: Cross-Government	Release EnviroTracker, internal online tool under development for tracking, reviewing, and documenting environmental review of infrastructure projects	USDA Rural Utilities Service (RUS)	Q1 2014
	Identify regulations that require paper submissions of documents or publication of agency notifications and determine most appropriate policy tool to revise them to allow electronic submissions and publications	Each Steering Committee Agency	Q3 2014
Initial Implementation: Sector-Specific	Promote Electronic Section 106 Communication (e-106) by publishing Q & A to promote a common understanding of e-106 and discuss general parameters for its use, clarify the role of the ACHP in advancing e-106, and highlight best practices and case studies that demonstrate how e-106 is being used effectively.	ACHP	Q3 2014
	Draft revised rules to implement presidential permits and export authorizations. If finalized, rules would allow for online submission of applications. DOE will also post new descriptions of its review and approval processes for presidential permits, export authorizations, and select transmission projects on its website. DOE is also reviewing materials associated with the international electricity regulatory program and working with staff throughout the agency to develop clear guidance for Presidential permits and export authorizations on its website.	DOE	Q4 2014
Long-Term Implementation: Cross-Government	Depending on availability of resources, develop online tracking tools and/or an online information portal	IIPIC, CEQ, OMB	2016
Long-Term Implementation: Sector-Specific	Release Common Application System, on-line application submission under development for RUS programs (expansion to all RD funding dependent).	USDA Rural Utilities Service	Q1 2015

2.3 Develop a Nationwide Inventory of Historic Properties

Project applicants and Federal agencies must take into account the potential impact of infrastructure projects on environmental resources and historical properties, including approximately 5 million historical properties that are eligible for the National Register of Historic Places (NRHP). Through the Section 106 process, thousands of properties are determined eligible for the NRHP through a consensus eligibility process between the

Federal agency and the SHPO and THPO; however, most of these properties are never accounted for in the NRHP itself through nomination and listing. Instead, the majority of listings are maintained by State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Offices (THPOs), or local governments. Moreover, less than half of these listings are available digitally to facilitate this review. Those that are digital are available in different formats and include a range of different information for each listing.

As a result, project proponents have difficulty considering this information when choosing where to site projects. Similarly, because of a lack of digital information, Federal reviews can necessitate sending inquiries to local offices, which can lengthen the permitting and review process. A nationwide inventory would make existing records more accessible to facilitate project planning; save time for permit applicants and Federal agencies; and deliver a better user experience by having information accessible in a common format. In addition, information on properties determined eligible through the Section 106 process would be readily available to project applicants.

The Advisory Council on Historic Preservation (ACHP) and the National Park Service (NPS) will work with SHPOs, THPOs and other partners to develop a nationwide inventory of historic properties that provides readily accessible information on known historic properties. The inventory will include the NRHP, which is now available in a digital format, as well as digitized records from SHPOs and THPOs on NRHP listed and eligible properties. The President's FY 2015 Budget Opportunity, Growth, and Security Initiative includes $6 million to provide grants to SHPOs and THPOs to digitize legacy data into an online, GIS formats as well as funds for the National Park Service (NPS) to provide technical assistance. The data formats will include special protections for sensitive areas, such as archaeological and burial sites, to protect confidentiality and adhere to all applicable laws, regulations and policies.

☑ The NPS through an interagency working group has developed initial data standards that could serve as a basis for the nationwide inventory.

☑ The Federal Emergency Management Agency (FEMA) Prototype Programmatic Agreement (PPA) which establishes a national model for FEMA to negotiate Section 106 of the National Historic Preservation Act State-specific programmatic agreements with State Historic Preservation Officers, State Emergency Management Agency's, and/or Tribe(s) as appropriate, without further involvement from the Advisory Council on Historic Preservation. The PPA will be implemented in states that are currently negotiating programmatic agreements with FEMA and/or in states that wish to utilize the programmatic agreement as replacement to an existing agreement with FEMA.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	Develop system requirements and plan for developing a nationwide inventory of historic properties	ACHP, NPS, SHPOs, THPOs,	Q4 2014
Long-Term Implementation	Depending on availability of resources, implement plan for developing a nationwide inventory of historic properties	ACHP, SHPOs, THPOs, NPS and	Through 2015

2.4 Identify Best Practices or Guidance for Project Applicants (High Performance Attributes)

Submission of a high-quality and complete application, which reflects the results of consultations with key stakeholders and anticipates issues likely to be raised during the Federal review, can facilitate a more timely Federal review. To encourage the use of best practices by project applicants, IIPIC will work in coordination with CEQ and the Interagency Working Group to identify specific attributes of proposed infrastructure projects and/or applications that support a more efficient Federal review and decision process (referred to as "High Performance Attributes" in the Presidential Memorandum) and will identify incentives that result from meeting those attributes. This includes reviewing existing templates, guidance, and best management practices for different regions. As an initial step, the Interagency Working Group will identify high performance attributes for a pilot sector and use the pilot as a model to develop criteria in additional sectors.

Attributes will build on and supplement existing guidance and may include procedures for:

- Early coordination with relevant Federal, Tribal, state, and local governments, and public stakeholders (including encouraging project applicants to detail the results of such early coordination in their project applications, such as better alternatives analysis and avoidance, minimization, or mitigation of impacts to specific resources);
- Use of innovative technologies to avoid, minimize, or mitigate impacts to regulated resources;
- Addressing local and regional ecological, recreational, and other goals through innovative mitigation and enhancements;

In addition, building upon the Administration's proposal "Section 1002. Environmental Review and Alignment Reform" in the GROW AMERICA Act, the Department of

Transportation in coordination with Steering Committee agencies will develop an environmental checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project. The purpose of the checklist is to identify agencies of jurisdiction and cooperating agencies, develop the information needed for the purpose and need and alternatives for analysis; and improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.

☑ The ACHP has developed an Applicant Toolkit, which provides an overview of the Section 106 process along with information on topics such as hiring consultants, consulting with Indian tribes and Native Hawaiian Organizations, involving stakeholders, and avoiding anticipatory activities that adversely affect historic properties. The ACHP is now developing an e-learning course regarding the role of applicants in Section 106 review. The Applicant Toolkit will supply content for the e-learning course, and the two efforts will complement one another in providing access to resources to support effective applicant participation in federal agency NHPA compliance.

☑ The ACHP is in the process of developing guidance on agreement documents for Section 106 reviews. Section 106 agreement documents are a critical tool in documenting the agreed upon actions necessary to complete the Section 106 process in instances where an agency has determined that historic properties may be adversely affected by their undertakings or where it is to their advantage to tailor the Section 106 process for a particular program or series of complex undertakings. In 1989 the ACHP issued guidance on developing and implementing agreement documents called "Preparing Agreement Documents." however, this guidance became outdated once the Section 106 regulations were amended in 1999. Recognizing the strong interest and need for current guidance on this topic, the ACHP is developing new guidance on preparing and implementing agreement documents.

☑ In October 2012, EPA issued a guidance memorandum applying to Prevention of Significant Deterioration permits issued by EPA and by state and local agencies with delegated authority from EPA. The purpose of this memo is to clarify expectation and responsibilities regarding the processes of permit applications by an EPA Regional Office or delegated agency. A goal of the memo is to have Regional Offices make a final permit decision within 10 months after the date that the Regional Office has determined that the application is complete. This will be accomplished through the application of best practices and other recommended tools that are identified in the memo to foster timely and consistent permit processes and promote administrative efficiency and consistency. The memo includes examples of boilerplate language to use when corresponding with applicant and other agencies, the establishment and use of an efficient permit tracking database, a checklist for application completeness, and application of other statutes and EO's (ESA, NHPA, EJ and Tribal Consultation). This memo has been shared with permit applicants so that they can better understand how to successfully navigate the permitting process.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	Publish new guidance on preparing and implementing agreement documents for Section 106 reviews	ACHP	Q2 2014
	Publish an environmental checklist for project applicants for transportation projects	DOT and Interagency Working Group	Q4 2014
Long-Term Implementation	Gather information from agencies and project applicants on best practices for projects in a pilot sector	IIPIC and Interagency Working Group	Q1 2015
	Develop initial draft list of high performance attributes for the pilot sector	IIPIC and Interagency Working Group	Q1 2015
	Collect field staff input on draft list of high performance attributes	IIPIC and Interagency Working Group	Q1 2015
	Collect input from stakeholders	IIPIC and Interagency Working Group	Q2 2015
	Finalize best practices for projects in a pilot sector and outreach to potential stakeholders	IIPIC and Interagency Working Group	Q2 2015
	Determine any necessary regulatory and policy changes to implement incentives	IIPIC and Interagency Working Group	2015-2016
	Building on the lessons learned during initial implementation, develop high performance attributes for additional sectors	IIPIC and Interagency Working Group	2015-2016
	Evaluate and revise application of high performance attributes as necessary	IIPIC and Interagency Working Group	2015-2016

3. IMPROVING PERMITTING, REVIEWS, AND MITIGATION

3.1. Facilitate High-Quality and Efficient Permitting and Review Processes

The permitting and review processes conducted by agencies have been established by law and regulation over the course of decades. Regular assessment is needed to ensure that agencies are effectively implementing existing regulations, policies, and guidance, and that they are identifying actions which will improve the quality and efficiency of the reviews. On an agency-specific level, the biannual retrospective reporting process established by Executive Order 13563, *Improving Regulation and Regulatory Review*, directs agencies to develop plans to review specific regulations, policies, or guidance that can be revised, modified, or streamlined to eliminate unnecessary duplication or inefficiencies. The Steering Committee will establish an interagency sub-group (Reviews Sub-Group) that will work with IIPIC, OMB, and CEQ to identify specific opportunities to facilitate high-quality and efficient permitting and reviews for proposed major infrastructure projects, including the following:

- *Ensuring Implementation of Efficient Policies and Best Practices.* A number of existing regulations, policies, and guidance documents already contain provisions that outline how permitting and reviews under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act (CWA), and the National Historic Preservation Act (NHPA) can be undertaken in a manner that ensures quality, robustness, and timely decisions, in part by eliminating unnecessary or duplicative steps or inefficiencies.

  The Reviews Sub-Group will analyze and assess how agencies are applying existing regulations, guidance, and agency implementation. Their analysis will also be supported by IIPIC process mapping capability once established. In the interim, IIPIC will facilitate interagency meetings and help provide communication support among the interagency group to ensure comprehensive analysis and recommendations. The analysis will review each of the following:
  - Incorporating by reference of pre-existing information, including scientific, environmental, cultural, and historical data in planning, permitting, and reviews to avoid duplicative studies and encourage more succinct and readable documents;
  - Incorporating information gathered prior to initiating the Federal NEPA and other review processes to support the analysis and focus the range of alternatives considered, including information developed by or for the NEPA Federal Lead agency before an application is submitted or formal review process initiated. This could include planning studies, an initial list of earlier public comments and outreach from planning, impacted resources and alternatives, maps, and any other material or references that will facilitate the scoping and environmental review processes;
  - Adopting applicable reviews for the same project (including public involvement/comment processes, environmental assessments, environmental impact statements, biological opinions, conformity determinations and Section 106 reviews, determinations, and agreements) sufficient to meet

Federal agencies' permitting and review responsibilities to avoid unnecessary duplication;
- Coordinating the development of the Federal Lead Agency's purpose and need among the relevant agencies (e.g., NEPA Federal Lead agency and other cooperating and participating agencies) and identifying a reasonable range of alternatives consistent with the Federal Lead Agency's purpose and need that satisfy the relevant statutory and regulatory requirements of all agencies with permitting or review responsibilities for the project, to the extent practicable under applicable authorities;
- Determining a range of reasonable alternatives to be analyzed to ensure straightforward and concise reviews and review documentation that effectively conveys relevant considerations to the public and decision-makers;
- Using consistent terminology, templates, and format for each type of environmental or historic preservation review, such as programmatic agreements for Section 106 or consultations for section 7 of ESA;
- Setting target timeframes for Federal interagency review and comment on documents agreed upon by cooperating agencies; and
- Other areas identified by the Reviews Sub-Group.

Based on this analysis, the Reviews Sub-Group will identify barriers to implementation or policy and regulatory gaps and make recommendations to the Steering Committee for:

a. The development of management strategies, tools, or guidance, including:
    - Developing a national training curriculum for field staff responsible for permitting and reviews, including by sharing or building on agencies' existing training materials;
    - Developing IT tools to facilitate efficient permits and reviews, such as searchable databases of existing environmental or historic preservation review documents which are compliant with legal constraints for sharing sensitive locational resource data;
    - Developing additional guidance or checklists for consideration; and
    - Other management actions that can be taken to improve implementation within existing authorities.
b. Any changes not possible within existing regulations that could be completed through a joint rulemaking or changes to agency-specific regulations.

- *Increasing Consistency in Agency Approaches.* To ensure consistency in policies or implementation for permits and reviews among agencies or across agency regional offices, the Reviews Sub-Group will catalogue and compare existing statutory exemptions, Section 106 program alternatives, and expeditious environmental review procedures for proposed major infrastructure projects to identify specific opportunities for better alignment and other efficiencies;

Developing Best Practices for Engaging Contractors and Consultants. Recognizing the important role that contractors and consultants play in the development of environmental and cultural review documents, the Reviews Sub-Group will work with IIPIC, OMB, and CEQ to develop templates and standard best practices for engaging contractors, including third-party contracting for preparation of environmental documentation. The Reviews Sub-Group will explore the potential benefits and costs of different procurement mechanisms for the preparation of environmental documents.

☑ In February 2013, USACE revised its Nationwide Permit Program regulations at 33 CFR Part 330 to address changes in regulatory procedures and policy that have occurred since those regulations were last revised in 1991. USACE revised the regulation to increase the pre-construction notification review period from 30 days to 45 days, to be consistent with the language of the current nationwide permits issued in March 2012. This effort improved clarity to the Nationwide Permit Program.

☑ In February 2013, USACE amended the regulation to allow district engineers to issue verification letters that can have the same expiration date as the Nationwide Permit. Nationwide Permits are issued every five years but verification letters had historically only been valid for two years. By aligning the expiration dates, USACE has reduced the regulatory burden on the public by providing them with more time to complete their work so they would not have to submit time extension requests which therefore decreased USACE's own workload. This increase in efficiency and reduction in regulatory burdens better serves the public and meets the requirements of EO 13563.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	Identify specific regulations, policies, or guidance that can be revised, modified, or streamlined to eliminate unnecessary duplication or inefficiencies in the permitting process. Specific proposals will be presented for regulatory changes in the next agency retrospective review report	Steering Committee agencies	Q3 2014
	Analyze effectiveness of existing regulations, guidance, and agency implementation for the policy areas identified above, as well as any areas identified by the Reviews Sub-Group facilitated by IIPIC	Reviews Sub-Group, IIPIC	Q3 2014
	Based on initial analysis, identify policy or regulatory gaps and barriers and provide recommendations to the Steering Committee	Reviews Sub-Group, IIPIC	Q4 2014
	The Rural Utility Service's Macro Corridor Study Guidance provides best practices for borrowers and their consultants on infrastructure projects. Guidance will be published with the new regulation, and webinars are under development.	USDA Rural Utilities Service	Q3 2014
	The Forest Service procured the services of Argonne National Laboratories to look at FS business processes in permitting. The agency anticipates the final product by January, 2014**.** Following receipt of the final product, the FS will convene a team to review the findings of the report and develop recommendations to agency leadership on specific measures to improve permitting processes in the FS.	USDA US Forest Service	Q3 2014
	DOE established a working group to conduct an in-depth, comprehensive review of its internal NEPA review processes agency-wide, focused on process improvements and management. The working group conducted a Lean Six Sigma evaluation of NEPA processes which resulted in several recommendations for improving the DOE NEPA process. DOE assembled Implementation Teams which are currently in the process of implementing the recommendations.	DOE	Q3 2014
Long-Term Implementation	Determine changes, if any, not possible within existing regulations that could be completed through a joint rulemaking or changes to agency-specific regulations	Reviews Sub-Group, IIPIC	2015

3.2 Expand Innovative Mitigation Approaches

Given their size and complexity, many major infrastructure projects have impacts on the Nation's landscapes and natural and cultural resources. CEQ NEPA regulations encourage agencies to include appropriate mitigation measures that will avoid the impact altogether by not taking a certain action, minimize, rectify, reduce, and compensate for the adverse environmental impacts associated with their actions (40 CFR 1502.14(f); 40 CFR 1508.20; 40 CFR 1500.2(e) & (f)). When adverse impacts cannot be avoided or minimized any further, Federal agencies should seek innovative approaches to compensate for adverse project impacts commensurate with the scope and scale of the project and effects to resources.

In order to produce the greatest environmental benefits, mitigation efforts should be focused on activities where environmental needs and the potential environmental contributions are the greatest and in accordance with statutory requirements. Through mitigation planning at a landscape, ecosystem, or watershed scale, agencies can locate mitigation activities in the most ecologically important areas.

In order to continue progress toward implementation of comprehensive, cost-effective and high-quality mitigation solutions, the Steering Committee has developed the following principles to guide actions in this area:

- Plan for Mitigation on a Landscape- and Watershed-Scale. Agencies involved in the permitting and review of major infrastructure projects should consider resource conflicts and conservation objectives across large landscapes and watersheds in order to best avoid and minimize conflicts early in the project planning and permitting processes and appropriately provide compensatory mitigation for any unavoidable impacts, focusing – to the extent permissible under laws and regulations – in areas that will have the greatest conservation value. Agencies should:
    - Integrate Appropriate Mitigation Planning into Existing Land Management and Regional Planning. Federal land management agencies should incorporate principles of the mitigation hierarchy into existing land management and regional planning initiatives to improve transparency around resource concerns and potential mitigation requirements. Agencies should collaborate with State, local, and non-governmental partners to incorporate existing conservation planning, including State Wildlife Action Plans, to inform this integration.
    - Support Emerging Landscape- and Watershed-Scale Planning Efforts in Areas of High Development Potential and/or Potential for Resource Conflict. Regional efforts currently under development include:
        - The Bureau of Land Management’s Solar Regional Mitigation Strategy for the Dry Lake Solar Energy Zone, the first such plan developed under the bureau’s Western Solar Energy Plan;

        - Efforts focused on mitigation options for Greater Sage Grouse, jointly led by the Bureau of Land Management and the U.S. Fish and Wildlife Service, in close coordination with the Forest Service, NRCS, States, Tribes, and other partners and stakeholders;
        - Regional mitigation planning for energy corridors as directed by the Presidential Memorandum on Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review.
        - Susquehanna River Basin Restoration: This is a joint Federal and state effort that includes the Susquehanna River Basin Commission along with other efforts such as the fish restoration effort among the U.S. Fish and Wildlife Service, and Pennsylvania and New York.

    - Support Existing Landscape- and Watershed-Scale Planning Efforts, including DOT's Eco-Logical approach. Build upon the Eco-Logical ecosystem-based approach which brings together transportation, resource, and regulatory agencies to develop an integrated ecosystem framework that identifies ecologically significant areas, potentially impacted resources, areas to avoid, and mitigation opportunities in advance of infrastructure project initiation.

- Apply the Mitigation Hierarchy Consistently and Predictably Across Program Areas. Agencies should collaborate to better align how each step of the mitigation hierarchy is applied across agency methodologies to provide greater consistency, transparency, and predictability, consistent with agency statutory requirements. Agencies and project applicants should:
    - Fully Document Actions to Avoid and Minimize Adverse Impacts: Project planning documents should include information demonstrating how impacts to important resources were avoided or minimized, and how compensatory mitigation will be provided for unavoidable losses of those resources. A pilot potentially codifying this process is described in section 4.1.
    - Support Consistency in Assessing Impacts and Mitigation: Gather information on accepted methodologies for assessing impacts and mitigation including functional assessments, standard operating procedures, or conditional assessments. Determine if there is potential for more widespread use of these assessment methodologies for certain types of impacts and support agencies working to update and align their standards.
    - Support Efforts to Develop Metrics for Assessing Impacts and Mitigation: Support the development of consistent metrics for measuring impacts and compensatory benefits for appropriate resource concerns.
    - Support Efforts to Improve Tracking of Compensatory Mitigation: Regulatory agencies requiring compensatory mitigation should improve tracking of monitoring efforts that ensure successful completion of the required compensatory mitigation.

- Support Cost Effective and Ecologically Effective Compensation Options. Agencies should ensure compensation options are available to project proponents that are cost effective and impactful to conservation and community priorities. Agencies should:
    - Ensure Effective Compensation by Requiring Key Program Elements. Require standards that provide for the long-term management and protection of the mitigation site or for the long-term provision of mitigation actions, including monitoring, durability, adaptive management, and transparency. When appropriate, agencies should, in a uniform and comprehensive manner, make information public on the location, goals and success of mitigation commitments.
    - Support Market-Based Mitigation Approaches, Such as In-Lieu Fee Programs and Mitigation Banks. Ensure clear and consistent standards for mitigation banks, including standardization, to the extent appropriate, of federal requirements for compensatory mitigation of adverse environmental impacts. Expand the consideration and application of mitigation banks to provide compensation for other types of resource impacts, which may include impacts on candidate species and injured resources within the Natural Resource Damage Assessment context. Partner with the conservation and private investment community to determine opportunities to expand investment in conservation and restoration, including supporting development of emerging markets for ecosystem services such as wildlife habitat, water quality, and carbon sequestration.

Implementing these principles within available resources will require both action at individual agencies and a government-wide effort to develop and implement a more consistent framework for mitigation efforts. In addition to the individual actions identified by agencies for completion over the course of 2014 and 2015, the Infrastructure Working Group, with the support of IIPIC, OMB, and CEQ, will recommend a comprehensive framework for conducting mitigation activities to the Steering Committee by the end of 2015.

☑ On October 31, 2013, the Secretary of the Interior issued an order to establish a Department-wide mitigation strategy that will ensure consistency and efficiency in the review and permitting of infrastructure development projects and in conserving our Nation's valuable natural and cultural resources. The Department of the Interior's Energy and Climate Change Task Force (Task Force) which includes all Assistant Secretaries and Heads of Bureaus and will now be chaired by the Deputy Secretary, will develop a coordinated Department-wide, science based strategy to strengthen mitigation practices so as to effectively offset impacts of large development projects of all types through the use of landscape-level planning, banking, in-lieu fee arrangements, or other possible measures.

☑ In FY2013, USACE completed enhancements to its Regulatory In-lieu Fee and Bank Tracking System (RIBITS) under interagency agreements with both FHWA and NMFS.

Notably the ability to query bank ledgers by keyword was added and all approved banks were made visible to the public. This will better allow FHWA to track State DOT use of commercial mitigation and conservation bank credits as well as establishment of DOT single-client banks. These enhancements also benefit the public as the enhanced search capabilities may also be used by the general public when looking for potential mitigation options for a project.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Plan for Mitigation on a Landscape Scale			
Initial Implementation	Identify barriers to widespread adoption of innovative mitigation approaches and provide recommendations to the Steering Committee on how to resolve them	IIPIC, Interagency Working Group	Q4 2014
	Finalize Solar Regional Mitigation Strategy for the Dry Lake Solar Energy Zone (SEZ) and BLM Procedural Guidance documents	DOI (BLM)	Q2 2014
	Convene policy forum of federal scientists and policy experts, working with state authorities and other key stakeholders, to share methods for 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.	DOI (BLM) and USDA (USFS)	Q2 2014
	Evaluate lessons learned from previous regional pilots utilizing landscape- or watershed-scale mitigation approaches, such as Maryland's Watershed Resources Registry, the Sunrise River Special Area Management Plan, and the Wisconsin Duck-Pensaukee Watershed Approach Pilot Project, and the Susquehanna River Basin Restoration to determine opportunities and hurdles to implementing these types of approaches more broadly.	IIPIC	Q2 2015
	Convene stakeholder regional workshop to discuss lessons learned from the Dry Lake SEZ Solar Regional Mitigation Strategy Pilot Project.	DOI (BLM)	Q4 2014
	Share FHWA's Implementing EcoLogical training and technical assistance tools with other transportation modes.	DOT	Q4 2014

	Provide the Steering Committee with Western regional corridor assessments prioritized based on resource availability, which shall take mitigation planning into consideration pursuant to the Presidential Memorandum on Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review.	DOI, USDA	Q3 2014
	Develop mitigation options for Greater Sage Grouse in collaboration with the Forest Service, NRCS, States, Tribes, and local governments, as well as industry and other stakeholders.	DOI (BLM, USFWS); USDA (USFS)	Q3 2014
Long-Term implementation	Complete inventory of existing agency mitigation authorities, policy and guidance.	IIPIC	Q2 2015
	As appropriate, integrate interagency mitigation plans for designated Western energy corridors into relevant land use and resource management plans or equivalent plans prioritized based on resource availability.	DOI, USDA	2016
	As part of recommendations for a comprehensive framework, identify lessons learned and develop a plan to update agency policy and guidance to promote the use of landscape-or watershed-level mitigation planning on a wider scale.	IIPIC	Q4 2015
Apply the Mitigation Hierarchy Consistently and Predictably Across Program Areas			
Initial Implementation	Propose revisions to U.S. Fish and Wildlife Service Mitigation Policy	DOI (USFWS)	Q4 2014
Long-term implementation	Catalog existing federal policy or processes requiring documentation of actions taken to avoid or minimize adverse environmental impacts.	IIPIC	Q2 2015
	Catalog existing methodologies for assessing impacts and identifying subsequent compensatory actions.	IIPIC	Q2 2015
	As part of recommendations for a comprehensive framework, develop a plan to apply the mitigation hierarchy consistently and predictably across program areas.	IIPIC	Q4 2015

Support Cost Effective and Ecologically Effective Compensation Options			
Initial Implementation	Finalize Bureau of Land Management Regional Mitigation Policy.	DOI (BLM)	Q3 2014
	Propose revisions to U.S. Fish and Wildlife Service Guidance for the Establishment, Use, and Operation of Mitigation Banks.	DOI (USFWS)	Q4 2014
Long-Term implementation	Hold workshop with stakeholders, including private mitigation banking community, interested states, tribal officials, and NGOs, around key issues such as methods for determining credits, regional scope, permitting authority, durability, finality, liability, credit stacking, in-lieu mitigation, monitoring, adaptive management, and transparency and to determine opportunities to expand investment in conservation and restoration, including supporting development of emerging markets for ecosystem services.	IIPIC and Steering Committee Agencies	Q2 2015
	Catalog existing standards that provide for the long-term management and protection of the mitigation site or for the long-term provision of mitigation actions, including monitoring, durability, adaptive management, and transparency, identify gaps, and evaluate policy mechanisms to require such standards.	IIPIC	Q2 2015
	Complete inventory of agency mitigation banking authorities and practices, building on information gathered to date and identify any specific policy or process changes to improve consistency and facilitate the use of mitigation banks.	IIPIC	Q2 2015
	As part of recommendations for a comprehensive framework, develop a plan to support cost effective and ecologically effective compensation options	IIPIC	Q4 2015

3.3 Develop Guidance for Non-Federal Stakeholder Engagement and Public Comment

An important component of the preparation and review of an application for a major infrastructure project is engaging key stakeholders, including the public. To facilitate meaningful and more efficient engagement, IIPIC and CEQ, in coordination with the Interagency Working Group including the Udall Foundation, will develop:

- *Best Practices for non-Federal Stakeholder Outreach.* Work with the Udall Foundation to develop best practices for project applicants for identifying and engaging stakeholders in the planning, permitting, and review process.

- *Guidance for Public Comment*. Develop guidance for employing modern technology for public input into federal review and permitting of major infrastructure projects, including steps for:
    - Leveraging new technologies (including social media tools) to facilitate early and continuous public engagement;
    - Expanding and encouraging the electronic availability of relevant documents, including by modifying existing regulatory requirements for hardcopy distribution;
    - Identifying the electronic transmittal of interagency comments among agencies as the standard practice; and
    - Using Regulations.gov dockets or another public website for submission and real-time display of public comments.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	Develop guidance for stakeholder engagement for project applicants	Udall Foundation	Q3 2014
Long-Term Implementation	Update stakeholder engagement guidance as necessary	Udall Foundation, IIPIC, CEQ	2015-2016
	Exchange information about innovative practices and tools for public comment by Federal agencies or other entities	IIPIC, CEQ, Interagency Working Group	2015-2016

3.4 Expand Use of Programmatic Approaches for Routine Activities and Those with Minimal Impacts

Expand the use of regional- or national-level programmatic approaches for permitting and review of regularly occurring actions as well as those with minor impacts for communities and the environment, including the use of general permits where there is statutory authority (similar to FERC blanket certificates). Doing so will expedite the permitting and review process and facilitate more efficient use of limited agency resources. This will allow agencies to dedicate the necessary resources to evaluating proposed projects with potential for significant environmental impacts and to opportunities for innovative mitigation approaches.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	Identify an initial set of opportunities to establish additional regional- or national-level programmatic approaches for certain categories of regularly occurring actions and actions with minimal impacts, building on existing efforts including FHWA's Every Day Counts initiative.	IIPIC, Interagency Working Group	Q3 2014
Long-Term Implementation	Implement initial set of additional programmatic approaches.	Relevant Steering Committee Agencies	Q2 2015
	Identify any necessary changes to existing statutes, regulations, or policies to encourage or require programmatic approaches for certain routine projects with minimal impacts.	IIPIC, Steering Committee Agencies	Q4 2015
	Evaluate opportunities for additional programmatic approaches.	IIPIC, Interagency Working Group	Ongoing

3.5 Regularly Review Agency Implementation Capacity

Implementing these reforms and conducting the Federal permitting and review process in an efficient and effective manner requires Federal agencies to have adequate capacity in field offices, regional offices, and headquarters. Even a well-designed and efficient process will not meet the needs of project applicants and key stakeholders and achieve desired outcomes for communities and the environment if Federal agencies do not have enough well-qualified and trained staff and appropriate support for travel and other needs. In an era of Federal budget constraints, it is important to leverage available resources, including cost recovery authorities.

As part of the President's FY 2015 Budget, the Administration proposes:

- Targeted increases in agency capacity related to the permitting and review of major infrastructure projects
- Legislative change to allow the Department of Agriculture's Rural Utilities Service (RUS) authorities to assess, retain, and spend fees for costs incurred in connection with its review of electric transmission projects.
- Legislative change to allow the United States Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) to receive funds from, and enter into agreements with, external entities to further NOAA's ability

to carry out its scientific research and other obligations related to permitting and regulatory activities.

The GROW AMERICA Act, proposed by the Administration on April 29, 2014, proposes legislative changes to provide more flexibility in using Federal funds for activities that directly contribute to expediting and improving permitting and review processes for projects.

These legislative proposals, if enacted by Congress, will enhance the ability of these Federal agencies to serve their important role in Federal permitting and review of major infrastructure projects.

☑ USACE uses two key statutory authorities that allow the agency to accept and expend funds to expedite the permit review process: Section 6002(j) of SAFETEA-LU, as amended, and Section 214 of WRDA 2000, as amended. Both of these authorities are frequently used for infrastructure project reviews including highway, rail, transit, port, public works, and flood control projects. In FY 2013, twenty-two USACE district offices had active funding agreements with non-Federal public entities for Regulatory Program reviews, expending $6.9 million. Ten new agreements were executed in FY2013. These agreements supported over 57 FTEs that expedited reviews and fostered improved working relationships and understanding of the regulatory review process.

Implementation Plan:

Implementation Phase	**Activity**	**Team**	**Target Completion Date**
Initial Implementation	Present legislative proposals in the President's FY 2015 Budget that enhance agency capacity to fulfill their role in Federal permitting and review of major infrastructure projects	Steering Committee Agencies	Q1 2014
Long-Term Implementation	Identify proposals in the President's FY 2016 Budget that enhance Federal agencies' ability to fulfill their role in Federal permitting and review of major infrastructure projects	Steering Committee Agencies	Q1 2015

4. DRIVE CONTINUED IMPROVEMENT

4.1. Establish and Track Metrics for Improved Outcomes for Communities and the Environment and Permitting Timeframes

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 below 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 below 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.

Category 1: Project Review Timeframes. Data will be collected in a consistent format across all agencies which identifies the time it takes for a proposed major infrastructure project to complete the Federal permitting and review process. Below are three actions that will be used to track timeframes:

Action 1: Collect 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 milestone actions could potentially include:

NEPA Milestones:[16]

- 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

[16] At least one of these NEPA milestones apply to each Federal agency's permit and review decision. Because the relevant agencies determine, based on what is appropriate and most efficient for a particular proposed project, whether the NEPA processes for the applicable Federal decisions necessary for the proposed action to proceed will be conducted together (under a lead or joint-leads) or individually, there may be more than one set of NEPA process milestones.

(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

Permits and Reviews Milestones:[17]

- Initial Application Received
- Completed Application Received
- Issuance of Permit/Notice to Proceed

When each milestone is completed, the agency completing the action will record the date and report it to a central database, together with descriptive information, such as the project name and project ID. If multiple agencies complete a similar milestone under their own authority, such as additional permitting decisions, each date will be recorded under the same project name and project ID. Until the Federal Permitting Dashboard is developed to directly accept this data, reporting will be accomplished through a quarterly report from the agencies. A template will be developed to facilitate agency reporting. However, if information is currently captured in another form, such as an agency-specific IT tool, agencies will be allowed to submit an electronic version of that information, either in place of or as a supplement to the template.

Action 2: Track 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 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[18]" in the central database, associated with the project name and project ID. Until the Federal Permitting Dashboard is developed to directly accept this data, this action will also be provided through a regular report from agencies.

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[17] "Permits and Reviews Milestones" is meant here to take into account the comprehensive list that could conceivably be used for the appropriate projects. This list includes, but is not limited to: United States Coast Guard Bridge Permit decision; Special Use Permit decision; Bald and Golden Eagle Protection Permit decision; Clean Water Act Section 404 Permit decision; Consultation to Protect Essential Fish Habitat Completed; Endangered Species Act Consultation completed; Export Authorization completed; Notice of Intent to Conduct Geothermal Resource Exploration Operations completed; Geothermal Drilling Permit decision; Geothermal Lease completed; Geothermal Project Utilization Plan, Facility Construction Permit, and Site License decision; Geothermal Sundry Notice completed; Operations Plan/Surface Use Plan completed; Presidential Permit Decision; Right of Way Authorization completed; Section 10 Permit decision; Section 408 Permit decision; and Service Line Agreement completed.

[18] A "non-trivial pause" is any factor deemed to be outside the control of the responsible agency that delays their ability to render a decision or complete their necessary review. Ultimate discretion on what constitutes a "non-trivial pause" is given to the reviewing agency.

Action 3: Pilot collection of Time Under Active Federal Review. 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.

Category 2: The environmental, cultural, and community impacts of the Federal review process (Pilot). 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 actions below represent the planned framework for collecting data for this pilot, and may not represent the final framework which will be used for broader data collection.

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 below 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.

Action 1: Applicant Statement of Impacts Avoided. One of the primary goals of the Federal permitting and review process is to encourage and support applicants in proposing projects that avoid or minimize environmental, cultural, and community impacts. As such, it is important to measure the improved outcomes which come from a

comprehensive, up-front project planning process and early engagement with project applicants. Often, applicants incorporate these best practices, either on their own or through informal discussion with Federal agencies that results in changes to project applications, which supports a more efficient Federal review process. This information reflects the positive impact of the Federal review system and rewards early, upfront coordination. During the pilot phase, applicants will be encouraged to submit a statement of impacts avoided along with their application. This statement would describe and quantify to the extent practicable the actions taken by the applicant to avoid environmental and cultural impacts.

Applicants will be encouraged to use the impact categories above and an outcome classification system analogous to the one described under Action 3 below to structure their response. IIPIC will work with Federal reviewing and permitting agencies as well as project applicants to develop a minimally burdensome way of reporting this statement. If successful in the initial pilot, IIPIC could work with other Federal agencies to establish mechanisms for requiring this statement in the future.

Action 2: Report data for key indicators and outcomes. During the piloting phase, agencies will estimate the improvement in environmental and community impacts from the initial project as proposed by the applicant to the project as recorded in the decision document. This will require a comparison of impacts from the applicant proposed project under consideration at the initiation of the environmental permitting and review process to the agency decision – this is recorded in the Record of Decision when an EIS is prepared or in another decision document when a CE or EA is prepared – and an estimation of the improvements achieved as a result of the review.

To the extent such data is available, agencies will report data on estimated impacts in the resource categories mentioned above, and they will be encouraged to report both qualitative and quantitative measures when available. For example, in the water impact category, agencies could report acres of wetlands avoided in both the applicant proposed project and the agency selected alternative, and estimate the net improvements stated in acres of wetlands. In this scenario, the necessary data for both baseline and chosen alternative are already analyzed and reported to comply with Federal permitting and review laws and regulations. IIPIC will work with agencies to identify an initial set of priority quantitative measures for this action, with continued consultation and revision over time. When quantitative data is unavailable or incomplete, agencies can provide a narrative which explains the improved outcomes or provides important context. Following the piloting phase, IIPIC will consult with Federal agencies and revise the above process over time, if appropriate.

Action 3: Outcome Classification System. The indicators and narrative collected under action 2 above will provide an overview of the positive and negative impacts to environmental, cultural, and community outcomes achieved as a result of the Federal review for each project, and they will provide the informational foundation for developing a trends analysis. However, they will not provide for a comparison of trends across projects or analyses of trends over time. To accomplish this during the piloting

phase, agencies will indicate in which of the seven impact categories the permitting and review process resulted in an improved outcome compared to the applicant proposed project through a simple 'Yes/No/Insufficient Evidence' determination. Guidance regarding the minimum threshold for reporting an improved outcome will be provided to agencies.

Further, to provide additional detail about the outcomes of the permitting and review process, in categories where agencies have identified improvements they will be asked to classify this improvement as resulting from avoidance, minimization, or mitigation. If more than one classification applies to an impact category, the agency would select all that apply. For example, if the final project alternative was able to avoid impact to a specific wetland, while also providing compensatory mitigation for a wetland that was impacted, both of these classifications would apply.

As mentioned above, this represents a planned reporting framework, which may be modified before the pilot begins. Only projects subject to the pilot will be required to track and report data for Category 2. A full assessment of the pilot will be completed before being considered for implementation on a larger scale of projects.

Implementation Plan:

Implementation Phase	Activity	Team	Target Completion Date
Initial Implementation	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.	IIPIC, OMB, and Interagency Working Group	Q3 2014
	Begin tracking metrics for permitting and review timeframes	Each Steering Committee Agency	Q3 2014
Long-Term Implementation	Pilot agencies to begin tracking metrics for environmental and community outcomes and establishing baselines for new metrics.	Each Steering Committee Agency	Q1 2015
	Evaluate results of initial tracking of review timeframes and outcomes measurement pilot.	IIPIC	Q4 2015
	Determine requirements for the Permitting Dashboard to meet future reporting requirements.	IIPIC	Q4 2015
	Issue final reporting requirements for all covered projects	OMB, CEQ, IIPIC	Q1 2016

4.2 Establish an Interagency Infrastructure Permitting Improvement Center

The full and continued success of this initiative will require a sustained capacity to monitor the effectiveness of reforms, further analyze processes, and identify additional reforms. For the first time, the Administration will establish a dedicated team to support the ongoing improvement of Federal permitting and review responsibilities for major infrastructure projects on a cross-government basis, or the Interagency Infrastructure Permitting Improvement Center (IIPIC or the Center). IIPIC will build on efforts already underway to reform the permitting and review process and work across agencies to execute the specific actions prioritized in this Implementation Plan. IIPIC will also act as a clearinghouse to facilitate sharing best practices across agencies.

IIPIC will report to the Steering Committee, retaining a governance structure that includes deputy-level representation from all agencies involved in the process. OMB serves as the Chair of the Steering Committee and will provide regular policy direction to IIPIC, in consultation with CEQ and other members of the Steering Committee. Administrative support will be provided by DOT's Office of the Secretary. This governance structure will maintain focus on government-wide reform (and not solely specific sectors), and create accountability to ensure reform efforts produce measurably better outcomes for the environment and a faster, more predictable process. IIPIC will not have direct review or permitting responsibilities and will not direct or coordinate agency decisions with respect to any particular permit or project.

Once established, IIPIC will conduct business reviews, such as process mapping, to determine ways to better achieve efficiencies across the Federal review and permitting process.

IIPIC responsibilities will include:

- Supporting the implementation of EO 13604 and this Plan;
- Facilitating ongoing improvement of permitting and review regulations, policies, and procedures to ensure continued improvement in efficiency and outcomes for communities and the environment;
- Collecting and tracking data on agency progress toward reducing permitting and review timeframes and improving outcomes for communities and the environment;
- Facilitating the work of the regional pilot teams and regional interagency engagement with Tribal, state, and local governments and other stakeholders, where appropriate;
- Facilitating the identification and sharing of additional best practices or process improvements across infrastructure sectors for the review and permitting of major infrastructure projects;
- Periodically convening Tribal, state, and local governments and non-governmental stakeholders to gather information on best practices and suggested process improvements;
- Developing innovative stakeholder engagement practices, including piloting new technologies and educating external stakeholders to increase the transparency of the regulatory decision-making process;

- Driving process transformation, in close coordination with Steering Committee agencies, such as identifying and standardizing specific improvements for permitting and review processes;
- Facilitating ongoing coordination and further development of existing IT tools related to infrastructure permitting, where appropriate;
- Supporting development of interagency guidance related to infrastructure permitting;
- Developing and implementing interactive and experiential training across all agencies and levels to promote consistency across offices and regions;
- Facilitating ongoing communication with leadership of agencies involved in this effort to insure continued coordination.

Executing these actions will require a staff of subject matter experts in permitting and reviews. The President's FY2015 Budget proposes $8 million for IIPIC and the updated Dashboard. This level of funding will facilitate hiring experts in permitting and reviews to implement the reforms identified by this Plan as well as identify additional reforms needed to modernize Federal permitting and reviews. Funds may also be used for fellows from other agencies to gain the needed interagency and regional expertise.

The Administration will stand-up an interim team (the Interagency Infrastructure Permitting Improvement Team, or IIPIT) staffed by detailees from Steering Committee agencies with support from existing DOT staff. This small team will focus on the prioritized set of actions identified in this plan in the initial implementation phase.

Implementation Plan:

Implementation Phase	**Activity**	**Team**	**Target Completion Date**
Initial Implementation	Propose establishing IIPIC in the President's FY 2015 Budget.	Steering Committee, OMB, CEQ	Q1 2014
	Establish an interim team or IIPIT	Steering Committee in coordination with DOT	Q2 2014
Long-Term Implementation	Stand-up IIPIC, subject to availability of resources.	Steering Committee in coordination with DOT	Q2 2015