



PERMITTING COUNCIL

Transparency • Efficiency • Accountability

TITLE 41, FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST-41)

ANNUAL REPORT TO CONGRESS FOR FISCAL YEAR 2019

Federal Permitting Improvement Steering Council – Office of the Executive Director



Acknowledgements

The Office of the Executive Director, Federal Permitting Improvement Steering Council prepared this report as required by Section 41008(a) of the Fixing America’s Surface Transportation Act (FAST Act), Pub. L. No. 114-94 (Dec. 4, 2015), with review by the Permitting Council member agencies.

The Permitting Council comprises the Executive Director, serving as Chair, and the following executive offices, departments, and agencies:



Department of Agriculture



Department of the Army



Department of Commerce



Department of Energy



Department of Transportation



Department of Defense



Federal Energy Regulatory Commission



Department of Homeland Security



Nuclear Regulatory Commission



Department of Housing and Urban Development



Advisory Council on Historic Preservation



Office of Management and Budget



Council on Environmental Quality



Environmental Protection Agency



Department of the Interior



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Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
ARC	Annual Report to Congress
BLM	Bureau of Land Management
BOEM	Bureau of Ocean Energy Management
BP	Best Practice
BPAG	Bridge Permitting Application Guide
CERPO	Chief Environmental Review and Permitting Officer
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COP	Construction and Operations Plan
CPP	Coordinated Project Plan
CWA	Clean Water Act
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOT	Department of Transportation
EA	Environmental Assessment
EADM	Environmental Assessment and Decision Making
EO	Executive Order
EIS	Environmental Impact Statement
ERA	Environmental Review and Authorization
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FAST-41	Title 41 of the Fixing America’s Surface Transportation Act
FERC (Commission)	Federal Energy Regulatory Commission



FHWA	Federal Highway Administration
FPISC (Permitting Council)	Federal Permitting Improvement Steering Council
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FY	Fiscal Year
GAO	Government Accountability Office
HUD	Department of Housing and Urban Development
LNG	Liquefied Natural Gas
MMPA	Marine Mammal Protection Act
MOU	Memorandum of Understanding
NOAA	National Oceanic and Atmospheric Administration
NEI	Nuclear Energy Institute
NEPA	National Environmental Policy Act
NGA	National Governors Association
NGO	Non-Governmental Organization
NHPA	National Historic Preservation Act
NPA	Nationwide Programmatic Agreement
NOI	Notice of Intent
NRC	Nuclear Regulatory Commission
NUREG	Nuclear Reactor Regulatory Guidelines
OED	Office of the Executive Director
OMB	Office of Management and Budget
PA	Programmatic Agreement
RD	Rural Development
RG	Regulatory Guide
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USCG	U.S. Coast Guard
USDA	U.S. Department of Agriculture
WRDA	Water Resources Development Act



Chapter 1 Introduction

Background

Congress enacted Title 41 of the Fixing America’s Surface Transportation Act (FAST-41)¹ in 2015 to establish an oversight framework within the Federal government to modernize and improve the environmental review and permitting process for a diverse portfolio of proposed large-scale, complex infrastructure projects across the Nation. FAST-41 is a voluntary program for eligible infrastructure projects that provides greater oversight, strengthens cooperation and communication among regulatory agencies, enhances transparency, and emphasizes concurrent processing of environmental reviews and authorizations. FAST-41 does not modify or waive any underlying Federal statutes, regulations, or mandatory reviews.

FAST-41 established a new independent entity, the Federal Permitting Improvement Steering Council (Permitting Council, or FPISC), which is responsible for coordinating up to 62 environmental review and authorization decisions, in addition to NEPA, among Federal and State entities with permitting responsibilities for covered projects.² It also works to identify and institutionalize best practices (BPs) to improve the efficiency and quality of environmental review and authorization processes.

Serving as chair of the Permitting Council, the Executive Director operates as an impartial Federal partner that routinely shepherds projects through a complicated Federal decision making framework to deliver a definitive beginning and end to the permitting process, without decision “paralysis,” avoidable uncertainty, and unnecessary delays. These oversight duties are carried out through the Permitting Council Office of the Executive Director (OED), which:

- Serves as a reliable Federal partner and “one-stop” resource to provide consistent and transparent coordination and dispute resolution across the Federal government;
- Encourages early and meaningful coordination for covered projects with all stakeholders, including State and local government officials, tribes, and the public, regardless of their position in support of or opposition to a project;
- Works with Federal and State agencies to develop a coordinated, project-specific timetable for all required environmental review and permitting actions for each covered project;
- Oversees any modifications to FAST-41 project timetables that agencies or project sponsors make; and,
- Assesses agency performance in the implementation of BPs for environmental reviews and authorizations on infrastructure projects, to ensure consistent and measured agency improvements over multiple years.

¹ See 42 U.S.C. § 4370m et seq.

² FAST-41 “covered projects” are large-scale, complex infrastructure projects. For the definition of covered projects, see 42 U.S.C. § 4370m-6.



OED staff works closely with the 13 Permitting Council agencies, the Office of Management and Budget (OMB), and the Council on Environmental Quality (CEQ) to support, monitor, and assess FAST-41 implementation and to ensure they are able to deliver improved intra- and inter-agency decision making processes that are efficient, transparent, and support their respective authorities and responsibilities to protect the public and the environment.³ Since January 2017, the Permitting Council agencies have engaged successfully in improving the permitting process for the 45 projects currently covered under FAST-41. As of the end of Fiscal Year (FY) 2019, these efforts led to the completion of the Federal permitting process for 22, or nearly half, of all FAST-41 covered projects.

The Permitting Council used agency resources and tools to improve the permitting process for the other 23 active FAST-41 covered projects during FY 2019 totaling more than \$104,950,000,000 in economic value.⁴ Additional benefits are expected throughout FY 2020 given the Permitting Council's continued, focused efforts to meet the intent of eight statutory BP categories, and, as appropriate, the more specific Permitting Council identified Best Practices.⁵ These combined efforts across the Permitting Council produce greater transparency and efficiency in the Federal permitting process for some of the Nation's most complex infrastructure projects.

About this Annual Report to Congress

FAST-41 requires the Permitting Council to issue BPs corresponding to eight statutory categories for environmental reviews and authorizations common to covered projects.⁶ FAST-41 also requires the Executive Director to assess agency progress in making improvements consistent with these best practices.⁷ This report provides an assessment of Permitting Council member agency progress in implementing the BPs described in FAST-41⁸, the FY 2019 Best Practices Report, or alternative BPs as identified by Permitting Council member agencies in consultation with OED. It also provides an OED assessment of issues that present challenges to seamless implementation of FAST-41, such as observed risk to agencies' permitting timetables caused by predictable challenges or delays, situational and often unaddressed legacy

³ Guidance to Federal Agencies Regarding the Environmental Review and Authorization Process for Infrastructure Projects is available at

<https://www.permits.performance.gov/sites/permits.performance.gov/files/docs/Official%20Signed%20FAST-41%20Guidance%20M-17-14%202017-01-13.pdf>.

⁴ This amount reflects total estimated economic investment (loans, financing, construction cost).

⁵ See 42 U.S.C. § 4370m-1(c)(2)(B) and FPISC FY 2017, 2018, and 2019 Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects. The FY 2019 report is available at <https://www.permits.performance.gov/tools/fy-2018-recommended-best-practices-report>

⁶ 42 U.S.C. § 4370m-1(c)(2)(B). The Permitting Council defines a best practice as a method, process, or activity developed through investigation and experience that is a particularly effective approach for encouraging a particular outcome when applied to a specific condition or circumstance. With proper procedures, checks, and testing, a desired outcome can be delivered with fewer problems, unforeseen complications, and with increased transparency. FPISC-OED facilitates the Permitting Council's development of the Best Practices.

⁷ 42 U.S.C. §§ 4370m- 1(c)(2)(B) and 4370m-7(a)(2)(A).

⁸ 42 U.S.C. § 4370m-7(a).



institutional dynamics across agencies, and others. Addressing these can enhance transparency, efficiency, and accountability across the Federal government for FAST-41 projects.

This FY 2019 Annual Report to Congress (ARC) covers reported activities during the period from October 1, 2018 to September 30, 2019.⁹ OED developed the FY 2019 ARC in consultation with the Permitting Council agencies. Each Permitting Council member was given the opportunity to share comments with OED concerning the performance of their agency to ensure a comprehensive overview of agency activities.

Performance Assessment Improvements

Best practices from FY 2017 and 2018 were designed to create a strong and effective FAST-41 program across Permitting Council agencies, given the infancy of the program. Therefore, OED used a compliance-based, quantitative methodology for FY 2017 and 2018 to calculate each agency's scores for progress in implementing initial best practices.

For FY 2019, OED's goal was to balance the resources that agencies expended to provide OED information on BP implementation with ensuring an accurate assessment of agencies' progress in implementing the best practices. Rather than a static listing of aspirational improvement goals, which does not serve as a sufficient indicator of agency performance to meet OED standards, OED determined that a qualitative approach would allow Permitting Council member agencies to focus on activities that improve project permitting performance and timelines. This minimizes time and resource burden that agencies previously faced when completing the data collection activities associated with the FY 2017 and 2018 quantitative assessment approach that was needed during initial FAST-41 implementation (Figure 1).

Additionally, OED's shift to a targeted, qualitative, and performance-based approach enables agencies to report activities that demonstrate improvements to the environmental review and authorization process per Executive Order (EO) 13807. That Order directs agencies to "implement the techniques and strategies the Permitting Council annually identifies as best practices pursuant to 42 U.S.C. 4370m-1(c)(2)(B), as appropriate." It also directs OMB to develop a performance accountability system that "shall track and score agencies on the incorporation and implementation of appropriate best practices for all infrastructure projects, including the implementation of such best practices at an agency's field level." The OMB will not conduct a separate assessment to meet this requirement and instead will refer to the FAST-41 ARC to assess agency implementation of BPs at all levels of the agency for all infrastructure projects.

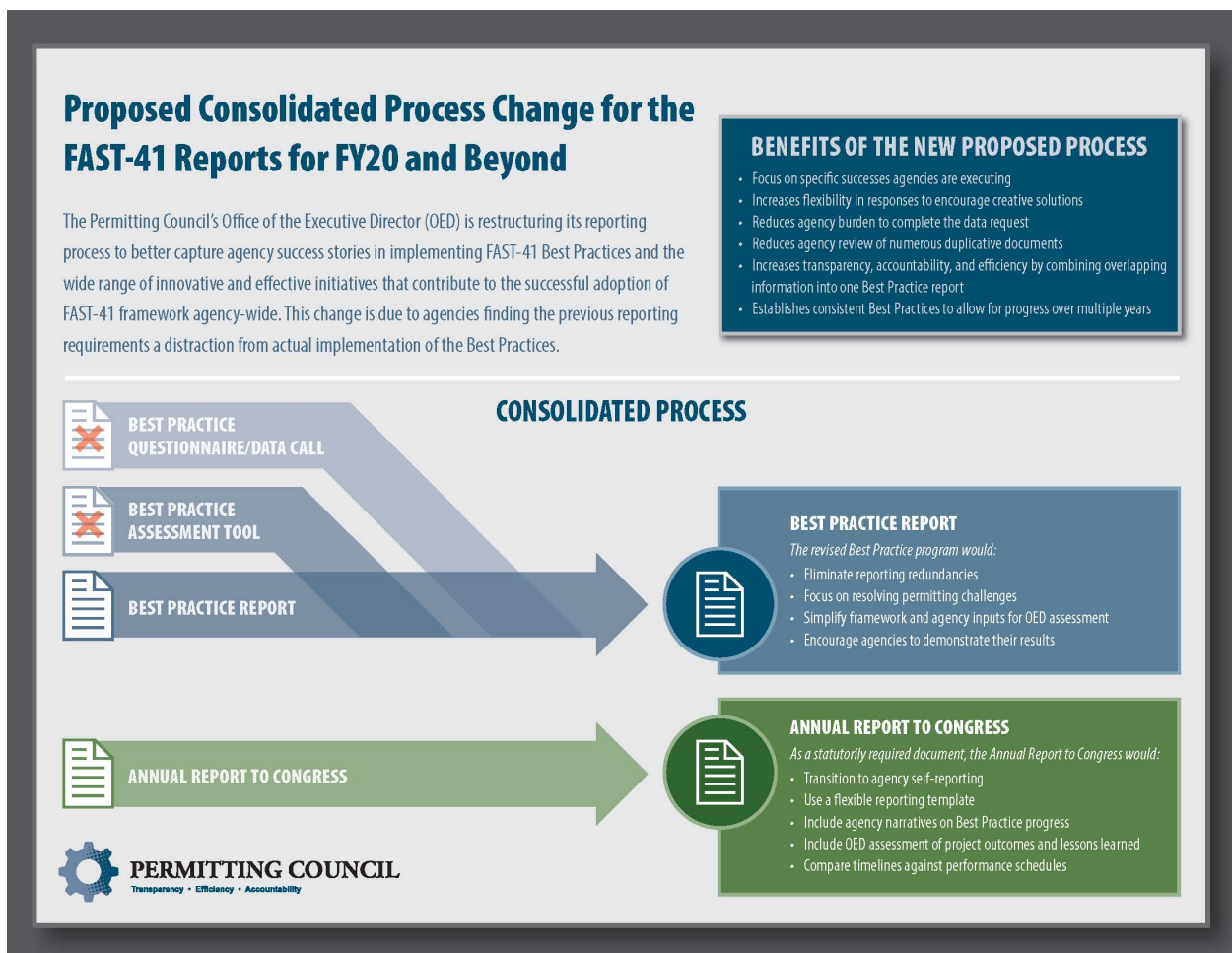
This year's report will serve as a representative indicator of agency progress while also capturing the challenges and experiences in facilitating reforms in intra- and inter-agency decision making processes. In order to transition to a more informative measure of agencies' actual results, year over year, OED requested each agency's Council member provide an

⁹ 42 U.S.C. § 4370m-7(a),

assessment of the agency’s actions that meet the intent of all applicable BPs (see Chapter 2 and Appendix A). In the following chapter, OED utilizes a qualitative, performance-based assessment to provide a baseline assessment of Permitting Council progress. It includes focus areas for additional, current, and future Permitting Council attention and timeline data for FAST-41 projects at of the end of FY 2019.

Implementation of these assessment methodology changes, in concert with increased availability of FAST-41 covered project permitting timeframe data, is expected to yield an increasingly accurate, comprehensive, and informative Report to Congress.

Figure 1. Proposed Consolidated Process Change for the FAST-41 Reports for FY 2020 and Beyond





Chapter 2 Best Practices and FY 2019 Agency ARC Submissions

In this Chapter, OED showcases a subset of agency submissions that best highlighted their efforts to implement best practices (BPs). The narratives provide examples of the relationships between implementing BPs and improved agency efficiencies, effectiveness in meeting their responsibilities, and accomplishing their mission to provide timely decisions to the public.

Table 1 identifies the each of the BPs and corresponding agency examples. Click on each BP to be taken to the corresponding section of the Chapter. See Appendix A for complete agency submissions.

Table 1. BP and FY 2019 Agency ARC Submissions

BP	BP Description	Agency Highlighted
Category i: Enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project		
BP i.1	The agency should establish and implement or utilize one or more approaches for proactively engaging stakeholders, before required by statute or regulation, to initiate dialogue on early identification of potential issues. The agency may, but is not required to, use past experience to develop an initial list of stakeholder contacts. Lead agencies should solicit involvement of cooperating and participating agencies in the early stakeholder engagement as appropriate and allowed by applicable laws and regulation.	U.S. Army Corps of Engineers
BP i.2	The lead agency should utilize or establish pre-application/pre-official review processes to allow project sponsors/applicants the opportunity to provide/communicate project-specific information to the lead agency and relevant other Federal agencies, Tribes, State agencies, and local government entities prior to initiation of official review processes (e.g., submission of application or other initiation of the environmental reviews and authorizations).	Nuclear Regulatory Commission
Category ii: Ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics		
BP ii.1	Develop and/or use environmental review and authorization process templates, application forms, flow charts, and/or checklists to assist the project sponsor/applicant with providing the required information in a timely manner.	Department of Homeland Security/U.S. Coast Guard
Category iii: Improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies		
BP iii.1	Develop or utilize mutually acceptable standards and protocols with Federally Recognized Indian Tribes for the identification and treatment of resources that might be affected by infrastructure projects.	Federal Energy Regulatory Commission



Category iv: Increasing transparency;		
<u>BP iv.1</u>	Provide the project sponsor/applicant and all cooperating and participating agencies of a FAST-41 covered project information about the environmental review and authorization processes, including all steps, by the time the initial coordinated project plan (CPP) or project management plan is completed. Provide updated schedule to the project sponsor and the other governmental entities with environmental review and authorization processes when substantive changes occur. Substantive change is when any agency or the project sponsor does not conduct or complete on time a scheduled activity or milestone upon which another entity is dependent.	U.S. Army Corps of Engineers and Bureau of Ocean Energy Management
Category v: Reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties		
<u>BP v.1</u>	For covered projects, institute a process to address environmental review and authorization staff changes to update the other involved entities on agency personnel changes and ensure continuity of project-specific knowledge such that a staff change does not result in a substantive schedule change. Substantive change is when any agency or the project sponsor does not conduct or complete on time a scheduled activity or milestone upon which another entity is dependent.	National Oceanic and Atmospheric Administration
<u>BP v.2</u>	Develop, enhance, and/or use joint processes or programmatic approaches among Federal agencies, and with State, local, and tribal governments with similar authorities. Joint processes could reduce duplicative actions (e.g., related to data collection and analysis). Joint processes could include joint environmental research and studies. Per 40 C.F.R. §1506.2(b), agencies should cooperate with State and local agencies to the “fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law.”	Advisory Council on Historic Preservation
Category vi: Developing and making available to applicants appropriate geographic information systems and other tools;		
<u>BP vi.1</u>	Make resources available to project sponsors/applicants and stakeholders (e.g., in the form of a resource library) to facilitate knowledge sharing about the agency’s environmental review and authorization processes.	Nuclear Regulatory Commission
Category vii: Creating and distributing training materials useful to Federal, State, tribal, and local permitting Officials		
<u>BP vii.1</u>	Make training materials (e.g., print, video and/or presentation materials) about FAST-41 implementation available online or provided in person each year and available to Federal, State, and tribal governments and local permitting officials. The training materials should be related to implementation of FAST-41 or one or more of the Permitting Council’s BPs (e.g., early stakeholder involvement, maintenance and communication of a project-specific environmental review and	Department of Transportation



	authorization review schedule, establishment of common data sets, or pre-application processes).	
Category viii: Addressing other aspects of infrastructure permitting, as determined by the Council		
<u>BP viii.1</u>	Identify measures planned or taken by the agency in the outreach section of the CPP to increase the probability of reaching the stakeholders for stakeholder engagement (such as, but not limited to: virtual stakeholder meetings, notification tactics, web-based comment submission, and multi-agency utilization of web-based information sources developed for the project).	Federal Energy Regulatory Commission
<u>BP viii.2</u>	Identify and share information on past and planned efforts to improve the environmental review and authorization processes and performance metrics by agencies sharing lessons learned during Interagency Working Group meetings and success stories during Permitting Council meetings.	U.S. Department of Agriculture



Category i: “Enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project” (42 U.S.C. § 4370m-1(c)(2)(B)(i))

BP i.1 The agency should establish and implement or utilize one or more approaches for proactively engaging stakeholders, before required by statute or regulation, to initiate dialogue on early identification of potential issues. The agency may, but is not required to, use past experience to develop an initial list of stakeholder contacts. Lead agencies should solicit involvement of cooperating and participating agencies in the early stakeholder engagement as appropriate and allowed by applicable laws and regulations.

Agency Spotlight: *U.S. Army Corps of Engineers (USACE)*

The USACE has executed both program-wide and project-specific initiatives to comply with this best practice. On a program-wide basis, the USACE Regulatory Program has revised its performance metrics (known as Mission Success Criteria) to include public outreach. Public outreach has a proven track record of increasing understanding of the Regulatory Program's evaluation process, has improved the types and quality of information that applicants submit, and enhanced public engagement and communication, as well as coordination with Federal, State, and local agencies and tribes.

USACE internally tracks outreach events in a national database known as the OMBIL Regulatory Module. USACE’s outreach efforts include: 1) webinars; 2) in-person presentations; 3) panel discussions hosted by professional associations, non-governmental organizations (NGOs) and



other private sector hosts; 4) updates to USACE Districts’ webpages, such as templates and guidance documents; 5) social media posts; and, 6) emails to stakeholders to provide important information on the USACE regulatory program. These diverse outreach efforts provide the USACE flexibility in communicating effectively with stakeholders.

USACE conducted 834 outreach events in FY 2019 (as of September 1, 2019), which included 526 in-person presentations. These events continue to facilitate improvement in stakeholder engagement in the USACE environmental review process.

BP i.2 The lead agency should utilize or establish pre-application/pre-official review processes to allow project sponsors/applicants the opportunity to provide/communicate project-specific information to the lead agency and relevant other Federal agencies, Tribes, involved State agencies, and relevant local government entities prior to initiation of official review processes (e.g., submission of application or other initiation of the environmental reviews and authorizations).

Agency Spotlight: *Nuclear Regulatory Commission (NRC)*

The NRC continued developing a process for early engagement in FY2019 by revising its Regulatory Guide 1.206, “Applications for Nuclear Power Plants.” The revised Regulatory Guide updates guidance for applicants on the format and content of applications, including new guidance for standard design certifications and early site permits. The revisions reflect lessons learned by the NRC in its review of nuclear power plant applications. The revised Regulatory Guide shows the NRC’s early engagement and communication of important information to make the licensing and permitting process more efficient.

The NRC endorsed industry-developed guidance for pre-application (NEI 10-07). NEI 10-07 discusses the importance of outreach with a number of Federal and State agencies.

Category ii: “Ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics” (42 U.S.C. § 4370m-1(c)(2)(B)(ii))

BP ii.1 Develop and/or use environmental review and authorization process templates, application forms, flow charts, and/or checklists to assist the project sponsor/applicant with providing the required information in a timely manner.



Agency Spotlight: *Department of Homeland Security/U.S. Coast Guard (DHS/USCG)*

The DHS's primary permitting authority rests in the USCG Bridge Permitting Program. The USCG program provides project applicants with its "Bridge Permitting Application Guide (BPAG)," which includes a template with a step-by-step application guide using fill-in-the-blanks and check-boxes. This guide helps applicants apply for permits to build or modify a bridge or causeway across navigable waterways of the United States. The USCG uploaded this guide and template to the DHS site¹⁰ and to MAX.gov.

USCG environmental review and authorization process documents are evaluated continuously at the Headquarters and Departmental level, and annually at the USCG District (field) level – although, recommendations are accepted at any point during the year. The effectiveness of process documents is also measured through the completeness and quality of Bridge Permit applications received.

Category iii: "Improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies" (42 U.S.C. § 4370m-1(c)(2)(B)(iii))

BP iii.1 Develop or utilize mutually acceptable standards and protocols with Federally Recognized Indian Tribes for the identification and treatment of resources that might be affected by infrastructure projects.

Agency Spotlight: *Federal Energy Regulatory Commission (FERC or Commission)*

In FY 2019, Commission staff, including a tribal liaison, continued implementation Order No. 635 on Consultation with Indian Tribes in Commission Proceedings.¹¹ The policy statement articulates the Commission's commitment to promote a government-to-government relationship between itself and Federally Recognized Indian Tribes. Among other things, the policy statement: (1) recognizes the sovereignty of tribal nations and the Commission's trust responsibility to Indian Tribes; (2) establishes a tribal liaison who will act as a guide for Indian

¹⁰ The BPAG can be found at [https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5pw/Office%20of%20Bridge%20Programs/BPAG%20COMDT PUB%20P16591%203D_Sequential%20Clearance%20Final\(July2016\).pdf](https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5pw/Office%20of%20Bridge%20Programs/BPAG%20COMDT PUB%20P16591%203D_Sequential%20Clearance%20Final(July2016).pdf)

¹¹ The Commission's Policy Statement on Consultation with Indian Tribes in Commission Proceedings (Order No. 635) is available at <https://www.ferc.gov/legal/maj-ord-reg/order-635.pdf>.



Tribes' participation in Commission proceedings; and, (3) establishes certain actions specific to the Commission's hydropower program to increase direct communications with tribal representatives in certain proceedings.

Additionally, the Commission developed and issued guidelines¹² for natural gas projects to assist project sponsors and their contractors in consulting with Indian Tribes and recommendations to assist the Commission in meeting its Section 106 responsibilities under the National Historic Preservation Act (NHPA). The guidelines describe the proper procedures for conducting investigations on tribal lands, initiating consultation with Indian Tribes, and filing related information with the Commission.

On a quarterly basis, Commission staff hold internal Cultural Resource Working Group Meetings to discuss BPs and lessons learned for working with Indian Tribes. The working group identifies challenges with the Section 106 process, in both the natural gas and hydropower programs, and discusses approaches to addressing tribal concerns in a timely manner and developing better working relationships with Indian Tribes.

Additionally, in a recent Government Accountability Office (GAO) Audit on Tribal Consultation,¹³ GAO found the Commission's tribal consultation policy to be acceptable and made one recommendation, stating that "the Chairman of the Federal Energy Regulatory Commission should document in the agency's tribal consultation policy how agency officials are to communicate with tribes about how tribal input from consultation was considered in agency decisions on infrastructure projects." Commission staff are working to implement this recommendation, as appropriate.

Category iv: "Increasing transparency" (42 U.S.C. § 4370m-1(c)(2)(B)(iv))

BP iv.1 Provide the project sponsor/applicant and all cooperating and participating agencies of a FAST-41 covered project information about the environmental review and authorization processes, including all steps, by the time the initial coordinated project plan (CPP) or project management plan is completed. Provide updated schedule to the project sponsor and the other governmental entities with environmental review and authorization processes when substantive changes occur. Substantive change is when any agency or the project sponsor

¹² FERC's Guidelines for Reporting on Cultural Resources Investigations for Natural Gas Projects can be found at <http://www.ferc.gov/industries/gas/enviro/guidelines/draft-cultural-guidelines.pdf>.

¹³ The GAO audit is available at <https://www.gao.gov/assets/700/697694.pdf>



does not conduct or complete on time a scheduled activity or milestone upon which another entity is dependent.

Agency Spotlight: *U.S. Army Corps of Engineers (USACE)*

The USACE is the lead Federal agency for three complex and large-scale infrastructure projects subject to FAST-41: Mid-Barataria and Mid-Breton sediment diversions in Louisiana and Port of Corpus Christi Channel Deepening project in Texas, with the latter two added to FAST-41 in FY 2019. All three projects require extensive interagency coordination and collaboration given the number and complexity of environmental reviews and authorizations required.

FAST-41 provides Federal agencies with a framework and accountability system for early coordination. USACE led the effort to improve interagency collaboration in these projects and has observed noticeable improvements in collaboration. Senior agency officials are actively involved in initial and follow-up interagency meetings, as appropriate. This involvement has promoted quick and effective feedback for agencies and the project applicant regarding timetables, CPPs, and all regulatory requirements.

The USACE has also observed improvements internally after implementing FAST-41's early coordination framework. Senior agency officials and staff discuss FAST-41 implementation for projects early-on during regularly-scheduled or ad hoc conference calls and webinars. The USACE implemented FAST-41's early coordination framework for each of the three projects identified above and saw open dialogue, information sharing, and the prevention of conflicts in meeting policy and regulatory requirements. For example, when the projects were first added to FAST-41, all levels of the USACE engaged early to ensure successful compliance with FAST-41's requirements, including development of and updates to the CPPs and timetables.

USACE's improvements have fostered stronger working relationships among Federal agencies and within the USACE that benefit not just FAST-41 projects but all projects that require interagency coordination. Further, increased communication and coordination results in better leveraging of information, reducing duplication of effort, and preventing any regulatory inconsistencies later that can delay decision making. The USACE believes that these improvements will increase the efficiency and effectiveness of Federal environmental review and authorizations and ultimately reduce decision making timelines.

Agency Spotlight: *Bureau of Ocean Energy Management (BOEM)*

To identify and resolve issues that arise with the first proposed offshore wind projects, BOEM regularly presents status updates and information on implementation of FAST-41 during meetings with project sponsors, during task force and other interagency meetings, as well as during meetings with other interested stakeholders to facilitate coordination and process management. The BOEM established an Offshore Wind Permitting Subgroup, which ensures a



coordinated approach to reviewing project plans. The BOEM-led group is comprised of approximately 21 Federal agencies and has a roster of approximately 100 participants. BOEM holds monthly webinars with subgroup members to review the status of existing project milestones, upcoming events, and other topics of interest. The subgroup also provides updates on implementation of FAST-41 and other permitting policy during the monthly meetings. There have been over 40 webinars since the subgroup was established in 2016.

BOEM holds interagency meetings to facilitate a more in-depth discussion of project-specific issues with other Federal, State, local and tribal partners. Other coordination efforts include Memoranda of Understanding with the Department of Energy (DOE), FERC, the Bureau of Safety and Environmental Enforcement, the U.S. Fish and Wildlife Service, the Department of Defense, USCG, National Oceanic and Atmospheric Administration (NOAA), and the State of California. Through this coordination, BOEM has kept both agencies and applicants apprised of issues that require additional discussion or analyses and next steps as they navigate the leasing and planning process.

Category v: “Reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties” (42 U.S.C. § 4370m-1(c)(2)(B)(v))

BP v.1 For covered projects, institute a process to address environmental review and authorization staff changes to update the other involved entities on agency personnel changes and ensure continuity of project-specific knowledge such that a staff change does not result in a substantive schedule change. Substantive change is when any agency or the project sponsor does not conduct or complete on time a scheduled activity or milestone upon which another entity is dependent.

Agency Spotlight: *National Oceanic and Atmospheric Administration (NOAA)*

NOAA has implemented a project transition process to promote staffing flexibility and ensure staffing continuity. NOAA often uses redundancy in staffing by having more than one person involved in a project to provide certainty in the event one staff member leaves. Additionally, when a staff member does leave, NOAA: 1) notifies lead agencies that a staff change is going to happen before it occurs; 2) prepares a transition plan including the exiting staff member and his or her supervisor to ensure a smooth transition; and, 3) executes the transition plan prior to the staff's departure, including, but not limited to, organizing project files in a manner that will allow replacement staff to easily access them.



For Marine Mammal Protection Act (MMPA) authorizations, a project is assigned to an analyst upon receipt of a MMPA Incidental Take application. However, prior to receipt of an application, MMPA staff may engage in early coordination with an applicant on the project. If the staff member assigned to the project changes once the application is received, the previous analyst will email the lead action agency and applicant with the name and contact information for the new analyst. If a staff member leaves his or her position as an MMPA analyst, the Division Chief schedules a meeting with the staff member to discuss his or her current projects. The Division Chief makes a decision about reassigning the projects to remaining personnel, and meetings are set up between the Division Chief, the existing analyst, and the newly assigned analyst to ensure that project information is relayed.

The MMPA program has designated a point of contact that provides support for all FAST-41 projects and provides continuity across staff changes, and the program maintains a project tracking spreadsheet to ensure that no milestones are missed as a result of staff changes. Any staff change is communicated promptly to the lead action agency and applicant.

BP v.2 Develop, enhance, and/or use joint processes or programmatic approaches among Federal agencies, and with State, local, and tribal governments with similar authorities. Joint processes could reduce duplicative actions (e.g., related to data collection and analysis). Joint processes could include joint environmental research and studies. Per 40 C.F.R. §1506.2(b), agencies should cooperate with State and local agencies to the “fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law.”

Agency Spotlight: Advisory Council on Historic Preservation (ACHP)

The ACHP uses regulatory tools to help lead Federal agencies avoid duplicative reviews under Section 106 of the NHPA for infrastructure projects. Under the implementing regulations (36 CFR § 800.14) the ACHP has the ability to work with Federal agencies to tailor the Section 106 review process for a group of projects or an entire program that may affect historic properties. Development of such program alternatives can eliminate duplicative work and achieve other efficiencies.

For example, the ACHP entered into a nationwide programmatic agreement (NPA) to better sequence Section 106 reviews with U.S. Department of Agriculture (USDA) Rural Development (RD) grant application procedures. The USDA’s annual report shows the successes of ACHP’s efforts. The report notes “[t]he NPA has been essential in helping RD improve the economy and quality of life in rural America” by helping the agency obligate funds in a timely manner within applicant limitations and while ensuring Section 106 reviews are completed.



ACHP staff work with Federal agencies in the Section 106 review process to monitor patterns and trends in agency Section 106 compliance and to identify new opportunities for programmatic approaches that could improve the agency’s historic preservation program. The ACHP uses programmatic agreements (PAs) for complex, large-scale projects as well as on statewide, regional, or national program bases to reduce duplicative efforts.

Once issued or executed, programmatic approaches such as PAs or program comments are implemented by Federal agencies with Section 106 review responsibilities to increase the efficiency of their compliance effort. It is up to these agencies to ensure applicable programmatic approaches are used.

The list of nationwide program alternatives issued or executed by the ACHP is available at https://www.achp.gov/program_alternatives.

Category vi: “Developing and making available to applicants appropriate geographic information systems and other tools” (42 U.S.C. § 4370m-1(c)(2)(B)(vi))

BP vi.1 Make resources available to project sponsors/applicants and stakeholders (e.g., in the form of a resource library) to facilitate knowledge sharing about the agency’s environmental review and authorization processes.

Agency Spotlight: *Nuclear Regulatory Commission (NRC)*

The NRC makes resources available to stakeholders and the public through its creation of a digital library. That digital library¹⁴ contains information on environmental siting. The NRC also publishes environmental review guidance¹⁵ for applicants with approximately 25 guidance documents related to environmental siting available on its webpage. Finally, the NRC has created a series of Nuclear Reactor Regulatory Guidelines (NUREGs),¹⁶ which are intended as staff guidance, but are also available to stakeholders and the public on the NRC’s webpage. These documents are intended to inform the nuclear industry and the general public of regulatory procedures and policies. They also include staff evaluations of applicants’ analyses from past applications that have been accepted by the NRC and may be useful examples for future applicants.

¹⁴ The digital library can be found at <https://www.nrc.gov/reading-rm.html>.

¹⁵ NRC’s environmental review guidance can be found at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/environmental-siting/rg/>.

¹⁶ NRC’s NUREGs can be found at <https://www.nrc.gov/reading-rm/doc-collections/nuregs/>.



NRC has a transparent environmental review and authorization process to provide the project sponsor and the public with an understanding of the agency’s environmental review process. The NRC evaluates the need for additional environmental guidance and makes it publicly available. For example, the NRC is in the process of developing interim staff guidance for micro-reactor reviews. The process for developing this guidance involves soliciting stakeholder input and developing draft guidance for public comment.

Agency Spotlight: *Department of Housing and Urban Development (HUD)*

HUD’s Office of Environment and Energy makes its Tribal Directory Assessment Tool (TDAT)¹⁷ available to project sponsors, applicants, other Federal, State, and local agencies, stakeholders, and the general public. The TDAT provides a database listing of Federally Recognized Indian Tribes and their contact information and the counties where the tribes have interests.

TDAT supports the task of determining which tribes have an interest in the area where a particular project is located. The tool simplifies an otherwise extremely time-consuming task to ensure coordination.

Category vii: “Creating and distributing training materials useful to Federal, State, tribal, and local permitting officials” (42 U.S.C. § 4370m-1(c)(2)(B)(vii))

BP vii.1 Make training materials (e.g., print, video and/or presentation materials) about FAST-41 implementation available online or provided in person each year and available to Federal, State, and tribal governments and local permitting officials. The training materials should be related to implementation of FAST-41 or one or more of the Permitting Council’s BPs (e.g., early stakeholder involvement, maintenance and communication of a project-specific environmental review and authorization review schedule, establishment of common data sets, or pre-application processes).

Agency Spotlight: *Department of Transportation (DOT)*

DOT provides training related to several of FAST-41’s best practices, serving as go-to training resource for FAST-41 projects. For example:

¹⁷ The TDAD can be found at <https://egis.hud.gov/TDAT/>.



- The Federal Highway Administration (FHWA) provides training on the National Environmental Policy Act (NEPA) implementation, Section 4(f), Environmental Justice, and Public Involvement. FHWA has also provided training on topics such as the application of the One Federal Decision process and the collaboration process between agencies during conferences, quarterly environmental webinars and workshops.
- The Federal Railroad Administration (FRA) provides information to project sponsors, stakeholders and prospective grantees through its website.¹⁸ FRA also posts and regularly updates its public website, internal and external resource weblinks, and has produced webinars on the Section 106 Program Comment for Rail Rights-of Way, and project delivery. Webinars and updated regulations are advertised to stakeholders through emails and press releases. Public attendance to the live webinars has ranged from 200 to over 400 participants. FRA has also hosted internal courses on Section 4(f) of the Department of Transportation Act, Environmental Justice, and Rail-specific Noise and Vibration to FRA project management and environmental staff from FRA, the Federal Transit Administration (FTA) and FHWA to ensure consistent implementation of best practices.
- FTA disseminates useful resources¹⁹ (e.g., environmental standard operating procedures, guidance documents, Q&As, rules) and delivers its Managing the Environmental Review Process seminar, in conjunction with the National Transit Institute, for project sponsors and other stakeholders. FTA headquarters staff also conducts webinars when its environmental regulations change in a significant way and publish the webinars on its webpage. To advertise the availability of new resources or training, FTA sends notices to email lists, targeting the groups who would be most interested in those resources and training opportunities. In FY 2019, FTA established a Regional Environmental Training Program for FTA staff to ensure consistent implementation of best practices.

DOT strives to continuously improve upon its trainings and best practices based on lessons learned through its programs. Currently, FRA is developing training related to NEPA Assignment.

¹⁸ FRA resources can be found at <https://www.fra.dot.gov/environment>. Additional resources, including webinars, are located in FRA's eLibrary, which includes regulations, legislation, trainings, reports and technical manuals that provide beneficial information and tools to internal and external stakeholders.

¹⁹ Many FTA resources can be found at <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/fta>.



Category viii: “Addressing other aspects of infrastructure permitting, as determined by the Council” (42 U.S.C. §4370m-1(c)(2)(B)(viii))

BP viii.1 Identify measures planned or taken by the agency in the outreach section of the CPP to increase the probability of reaching the stakeholders for stakeholder engagement (such as, but not limited to: virtual stakeholder meetings, notification tactics, web-based comment submission, and multi-agency utilization of web-based information sources developed for the project).

Agency Spotlight: *Federal Energy Regulatory Commission (FERC)*

FERC staff engages stakeholders early and often when processing applications for infrastructure projects. FERC’s web-based eLibrary system serves as the Commission’s official record for the project docket and allows agencies and other stakeholders to search and track submittals and issuances for specific projects and proceedings. The system also allows agencies and other stakeholders to subscribe to project-specific email notifications, submit filings electronically, and submit comments electronically throughout the review process.

For all covered projects under FAST-41, Commission staff generate various notifications and postings on the Commission’s website and social media, including Facebook and Twitter, regarding issuances in the Commission’s eLibrary system. For some projects, such as the Jordan Cove Project and the Alaska Liquefied Natural Gas Project, relevant screenshots of and links to these outreach methods are included at the end of the respective CPPs. Commission staff will continue this practice for covered projects moving forward.

BP viii.2 Identify and share information on past and planned efforts to improve the environmental review and authorization processes and performance metrics by agencies sharing lessons learned during Interagency Working Group meetings and success stories during Permitting Council meetings.

Agency Spotlight: *U.S. Department of Agriculture (USDA)*

The FY 2019 USDA environmental review and authorization process improvements consisted of a revised Organizational and Internal Process Structure. This activity included 1) proactively managing projects and coordinating timelines, 2) streamlining internal review processes, responsibilities, and project documentation, 3) coordinating pre-Notice of Intent (NOI) activities including project coordination plans and project proponent checklists 4) developing PAs for sequencing Section 106, 5) successfully rolling out to field – amending the agreement to include



other USDA programs, 6) establishing indefinite delivery/indefinite quantity contracts for Environmental Impact Statements (EISs), 7) implementing process enhancements, such as the U.S. Forest Service Environmental Assessment and Decision Making (EADM), and, 8) identifying land use planning considerations.

Since 2017 while implementing EADM within USDA, the U.S. Forest Service:

- Reduced time to decision by approximately 14%, which has allowed the agency to reinvest over half a million days of staff time to increase outputs. This re-investment is equivalent to \$50 million in savings over the last 3 years.
- Reduced a backlog of expired special use permits by 50%, using strike teams and streamlined approval processes.
- Reached over 4,500 employees at 116 units across the agency with new tools to deliver more efficient NEPA analyses.



Chapter 3 OED Assessment-Observed Sources of Risk

OED's oversight role provides a unique perspective on areas of risk, challenges, and opportunities to address some of the Federal government's greatest challenges in meeting FAST-41 project delivery timeline goals during FY 2019. Accordingly, OED provides recommendations to address these observed sources of risk, uncertainty, and delay for Permitting Council attention.

To this end, the Permitting Council continues to work toward more accurately predicting the timeframe necessary for agencies to conduct a robust, coordinated analysis to inform agencies' permitting decisions. Central to this mission is the identification, tracking, and evaluation of best practice implementation of environmental review and authorization processes, and the impact of its implementation on baseline permitting schedules and overall project timeframes. A key component of this work is to identify sources of risk, uncertainty, and delay in environmental review and authorization processes.

The following OED assessment reflects the evolution from a quantitative, compliance-based approach to a qualitative, performance-based assessment that OED believes is a better indicator of agency progress and serves as more accurate indicator of performance in capturing the challenges, project-related trends, and experiences in facilitating reforms in intra- and inter-agency decision making processes.

Part 1 of the OED assessment summarizes:

1. OED's review of the input received from each agency's self-assessment of their activities that meet the intent of all applicable best practices;
2. Agency implementation of best practices as documented by OED (when applicable and not captured by agency self-assessments); and,
3. Agency activities that were selected as agency spotlights.

Part 2 of the OED assessment is based on:

1. FAST-41 covered project timetable data from the Permitting Dashboard²⁰; and,
2. OED's observed sources of risk to agencies' full implementation of FAST-41 process improvements.

²⁰ The Permitting Dashboard can be viewed at <https://www.permits.performance.gov/>.

OED Assessment Part 1: Permitting Council Progress in Making Improvements Consistent with BPs

Table 2 illustrates agency progress implementing BPs in FY 2019.

Table 2. Best Practices - OED Assessment

Best Practice Category	Early Stakeholder Engagement		Ensuring Timely Decisions	Improving Coordination	Increasing Transparency	Reducing Administrative Burden		GIS & Tool Availability	Training Materials	Other Permitting BPs	
	BP i.1 Early outreach to stakeholders (incl. initial list of contacts)	BP i.2 Pre-application process	BP ii.1 ERA process templates, flow charts, and tools	BP iii.1 Standards & Protocols with Tribes	BP iv.1 ERA Schedule and schedule updates	BP v.1 Continuity during Staff Changes	BP v.2 Joint & Programmatic Processes	BP vi.1 ERA Resource Library	BP vii.1 Training on FAST-41 or BPs	BP viii.1 Increase Stakeholders Reached	BP viii.2 Share Lessons Learned
Best Practice											
Best Practice Applicability to Agencies	Lead	Lead	Lead, Cooperating, Participating	Lead	Lead	Lead, Cooperating, Participating	All	Lead, Cooperating, Participating	All	Lead	All
ACHP	N/A	N/A	N/A	N/A	N/A	N/A	★	N/A	P	N/A	P-O
Army/USACE	★	P	P	P	★	P	P	P	P	P	P
DHS/USCG	N/A	N/A	★	N/A	N/A	P	P	P	P	N/A	P
DOC/NOAA	N/A	N/A	P	N/A	N/A	★	P	P	P	N/A	P
DOD	N/A	N/A	P	N/A	N/A	P	P	P	P	N/A	P
DOE	N/A	N/A	N/A	N/A	N/A	P	N/A	N/A	N/A	N/A	P
DOI	P	P	P	P	★	P	P	P	P	P	P
DOT	N/A	N/A	N/A	N/A	N/A	N/A	P	N/A	★	N/A	P-O
EPA	N/A	N/A	N/A	N/A	N/A	N/A	P	N/A	N/A	N/A	P-O
FERC	N/A	P	P	★	P	P	P	P	P	★	P
HUD	N/A	N/A	N/A	N/A	N/A	N/A	P	N/A	N/A	N/A	P-O
NRC	N/A	★	P	N/A	N/A	P	P	★	P	N/A	P
USDA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	★

Legend

★	Selected by OED for Agency Spotlight Narrative (see Chapter 2)	N/A	BP Not Applicable in FY19 (determined by Council Member)
P	Pass (based on Agency Submission)		
P-O	Pass (based on OED observation)		



Agencies received a "pass" after OED staff reviewed and verified progress by agencies in implementing the relevant BPs during FY 2019, as identified in the assessments provided by agency council members (deputy-secretary equivalent). Agencies or OED identified best practices as not applicable (N/A) if existing policies or procedures, often captured in previous ARCs, were already created, but additional progress or implementation did not occur during or were not applicable to a specific project within FY 2019. In future ARCs, OED will revisit BPs that agencies are frequently finding to be N/A to determine whether agencies have achieved full implementation of those BPs. In those cases, additional BPs would be identified to address the statutory category to ensure continued process improvement.



OED Assessment Part 2: Permitting Timeframes for FAST-41 Covered Projects

OED has worked closely with OMB, CEQ, and DOT in FY 2019 to develop new features on the publicly available Permitting Dashboard. These new features allow OED to compare the original permitting schedules with both target dates and actual dates for FAST-41 project milestones. For the first time, this information is provided below to demonstrate actual permitting timeframes to better inform Congress and the public. Information on overall permitting timeframes, as well as reasons for and timeliness of modifications to the schedule, are provided as a baseline assessment of the Permitting Council's progress in delivering increased transparency, accountability, and predictability for FAST-41 covered projects. In the FY 2018 ARC, information on FAST-41 project timeframes was limited to a measure of timetable completeness on the Permitting Dashboard. OED continues to work closely with Permitting Council members to use this information to more accurately predict the timeframe required for agencies to conduct the robust, coordinated analyses needed to inform their permitting decisions.

Recommended Performance Schedules²¹ were published in April 2020 and will be available for comparison to FAST-41 project timetables in the next ARC (FY 2020). For this year's report, detailed information regarding FAST-41 project schedule lengths and modifications are provided below.

²¹ 2020 Recommended Performance Schedules are available at <https://www.permits.performance.gov/tools/recommended-performance-schedules>.

Figure 2 illustrates the length of time needed to complete all Federal agencies' environmental review and authorization decisions within a project's permitting timetable on the Permitting Dashboard for FY 2019. It shows the original FAST-41 project lengths in comparison to project lengths as of the end of FY 2019.²² The lead Federal agency is identified for each project.

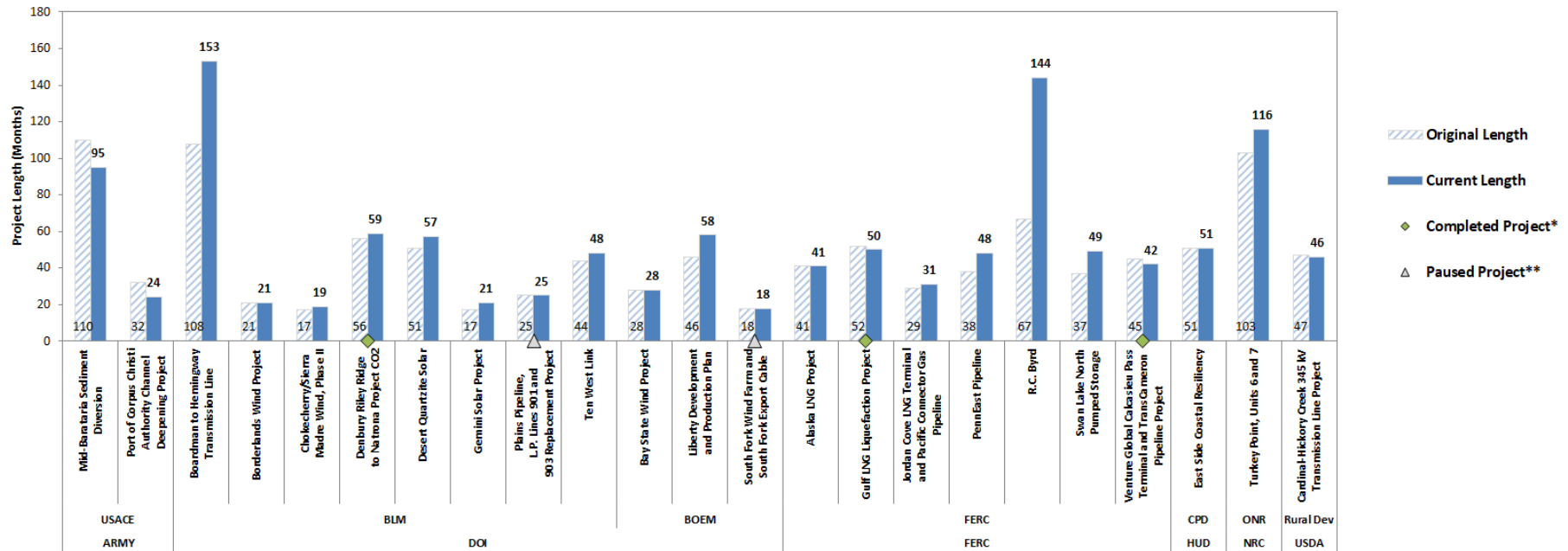
The Permitting Council's FY 2019 project lengths were equivalent to or less than the original project lengths for 48 percent of the projects (11 of 23 projects). Another 22 percent of projects (5) are completed or were expected to be completed within 5 months of the original schedule, as of the end of FY 2019.

Figure 3 shows the reasons for schedule modifications for FAST-41 projects during FY 2019. While a change to a milestone date may not impact the overall timeframe for a project as a whole, changes to interim milestones can still have an effect on other milestones and actions that are interdependent.

Federal agency internal or interagency factors were the reason for 44 of 168 schedule modifications (26 percent). Project sponsor factors were cited as the reason for 27 of 168 schedule modifications (16 percent). Modifications to the schedule that decreased the timeframes occurred for 36 of the 168 schedule modifications (21.4 percent). The three most commonly cited reasons for schedule changes were internal, interagency, or project sponsor factors. See Table 3 for a list of definitions for each of the reasons listed in Figure 3.

²² Most lead agencies have guidance or procedures to ensure all necessary information to proceed with the project is acquired before the publication of a NOI, which is the start date for most agencies. However, significant variation exists across agencies on how and when the permitting process commences. For example, FERC has a pre-filing process but cannot ensure it has all the information necessary to determine a complete application at the point when the start date is captured on the Permitting Dashboard.

Figure 2. FY 2019 FAST-41 Project Lengths: Original¹²³ vs Current (as of September 30, 2019)



*Completed projects’ environmental permitting schedule lengths are final.

**A “paused”²⁴ project means that work has stopped due to issues beyond the control of the acting agency. Paused projects often update their project milestones upon resuming the environmental review and authorization process. Therefore, paused projects’ schedules are likely to change.

²³ Note: The original permitting schedules above show the schedule (1) first developed after the project became a FAST-41 project and/or was first entered on the Permitting Dashboard (the original permitting schedule does not reflect any schedules developed prior to the first schedule posted on the Permitting Dashboard, before which the project’s permitting process may have already been in progress) OR (2) contained on the Permitting Dashboard in November 2018, when a major Permitting Dashboard development effort by DOT was completed; that effort including modifying interim and final milestones and manually migrating a large amount of data.

²⁴ Justification for a paused project is defined in the Permitting Dashboard Glossary available at <https://www.permits.performance.gov/sites/permits.dot.gov/files/2019-10/Permitting%20Dashboard%20Glossary.pdf>.

Figure 3. FY 2019 FAST-41 Project Schedule Modifications – Reasons for Date Changes

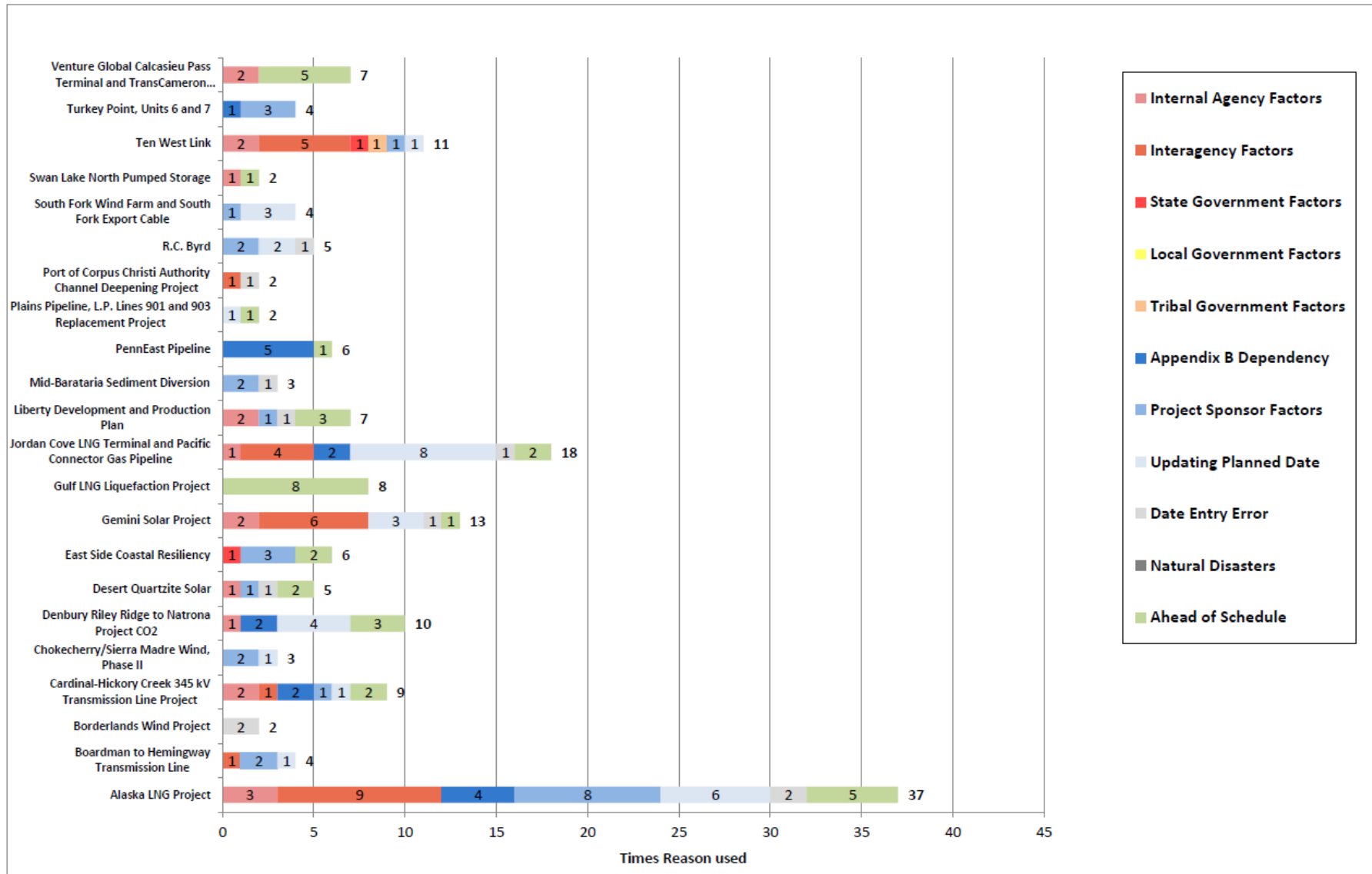


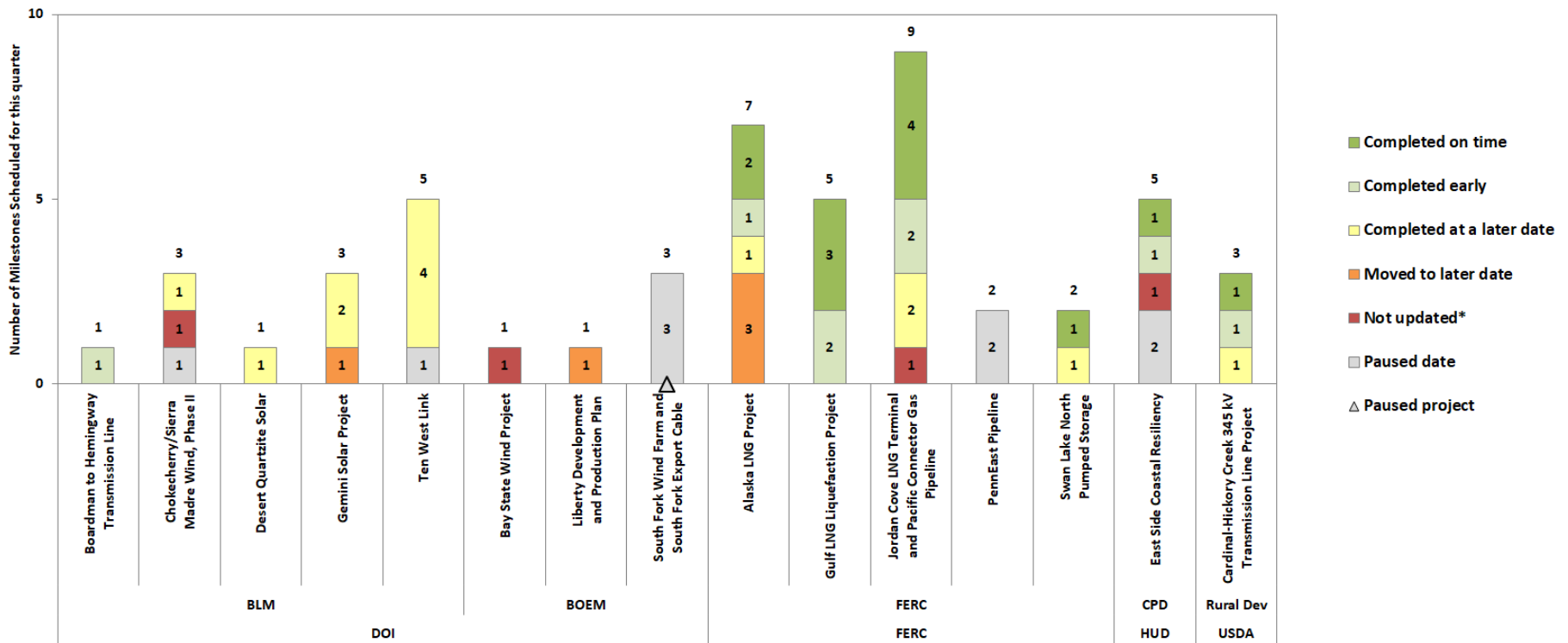
Table 3. Definitions for Date Change Reasons

Reasons for Date Change	Possible Scenarios or Examples
Internal agency factors	<ul style="list-style-type: none"> • There are agency capacity or resource issues. • Additional time is required to comply with internal agency procedures or review processes. • There are changes to an agency’s policies, guidelines, or regulations. • There is a lapse of Federal funding.
Interagency factors	<ul style="list-style-type: none"> • There are delays in interagency coordination. • There are interagency disputes. • There are interagency communication issues.
State government factors	<ul style="list-style-type: none"> • There are unresolved state trust land rights-of-way impact issues. • There is a delay in a state environmental decision that is necessary for the federal decision to proceed. • There are unresolved state sovereignty issues for riparian and coastal lands, water, or fisheries.
Local government factors	<ul style="list-style-type: none"> • There are unresolved conflicts with local, county, or city zoning. • There are unresolved payment-in-lieu-of-tax issues. • There are unresolved impacts on recreational or protected areas.
Tribal government factors	<ul style="list-style-type: none"> • There are unresolved tribal government economic, environmental, or realty concerns about a project. • There are unresolved cultural resources or religious issues. • There are unresolved impacts on water, mineral, oil and gas rights, or aboriginal hunting or fishing rights. • There are unresolved Bureau of Indian Affairs concerns, or legal and policy issues involving project impacts on Native American or Alaska Native communities.
Project sponsor factors	<ul style="list-style-type: none"> • A project sponsor needs more time to submit required information to an agency. • There are financing issues identified by the project sponsor.
Appendix B Dependency-related factors	<ul style="list-style-type: none"> • A milestone is dependent upon another milestone date that changed. (For example, a consultation period cannot begin until the application or request to initiate consultation is deemed “complete.”)
Ahead of schedule	<ul style="list-style-type: none"> • A milestone was completed ahead of schedule and will be updated with an earlier completion date.
Data entry error	<ul style="list-style-type: none"> • A milestone target completion date was entered erroneously (e.g., wrong calendar year).
Natural disasters	<ul style="list-style-type: none"> • There have been necessary schedule changes directly resulting from an emergency situation created by a natural disaster.

Figure 4 shows actual versus target dates for completion of permitting milestones on the dashboard. In FY 2019, 20 of 42 milestones scheduled for completion during the 4th quarter were completed on time or early for FAST-41 covered projects (48 percent). The lead Federal agency is identified for each project, but the figure displays milestones for environmental review and authorization decisions for all relevant Federal agencies. For a list of definitions used in the legend of Figure 4, please see below.

Figure 4. FAST-41 Milestones Scheduled to be Completed in FY 2019, Quarter 4 – Completion Data

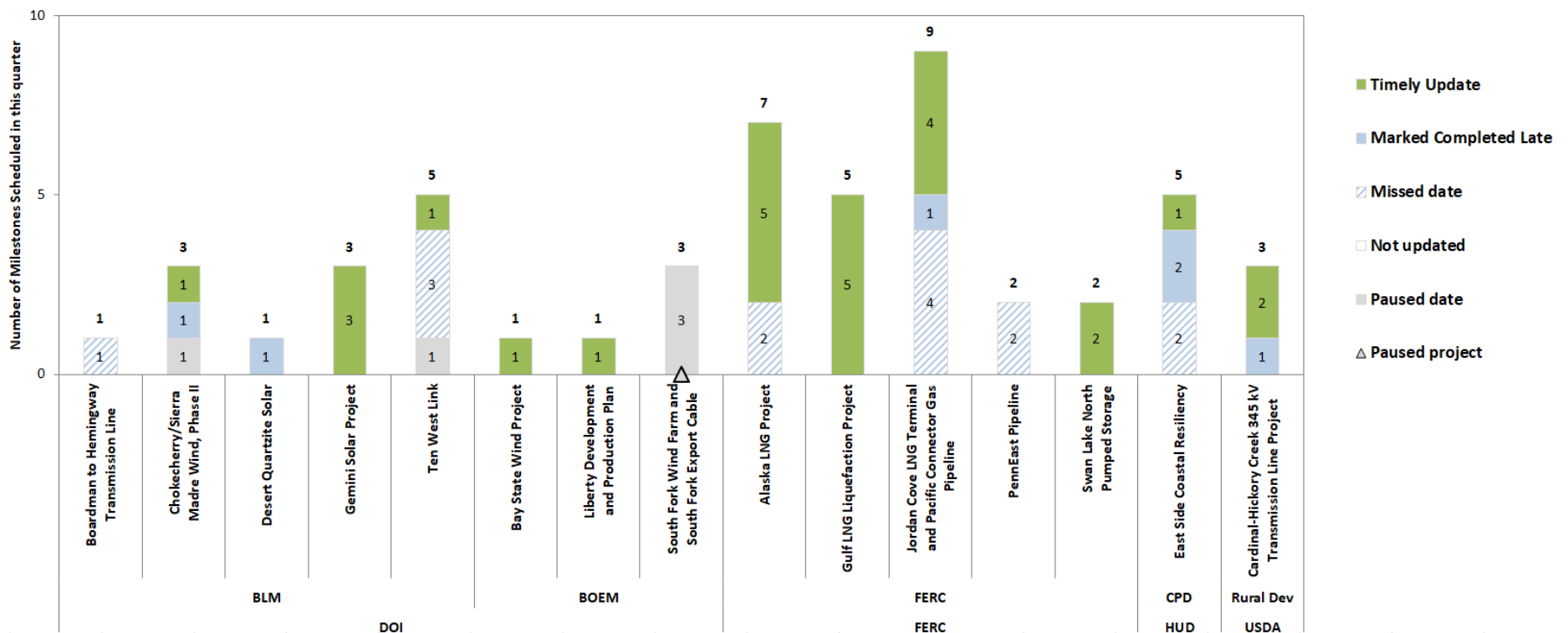
*Milestones that were entered in the Permitting Dashboard after completion do not have history to compare and thus shown as “Not updated.”



Completed on time is used for milestones that are completed on the date they were scheduled to be completed. *Completed early* is used for milestones that are completed earlier than the date they were scheduled to be completed. *Completed at a later date* is used for milestones that are completed later than the date they were scheduled to be completed. *Moved to a later date* is used for milestones that are not completed and their current target date has been pushed to a later date. *Not updated* is used for milestones that are not completed and their current target date is not updated. *Paused date* is used for milestones within actions that are paused (Action status is Paused). *Paused project* is used for projects that are paused (Project status is paused). Note: Any prior completed milestone entered into the permitting timetable within one day after the first permitting timetable publication date is not included.

Figure 5 shows the timeliness of updates to milestones for FAST-41 projects during the 4th quarter of FY 2019. Figure 5 evaluates if the lead agency for the projects below met FAST-41 requirements to update milestone dates in a timely manner. Figure 5 does not reflect if the milestone itself was met or not, as Figure 4 does. Timely updates per FAST-41 were completed for 33 of 71 milestone modifications (46.4 percent). An additional 22 milestones were completed but updated late on the Permitting Dashboard (30.9 percent). There were 16 missed dates (22.5 percent). For a list of definitions used in the legend of Figure 5, please see below.

Figure 5. FAST-41 Milestones Scheduled to be Completed in FY 2019, Quarter 4 – Schedule Modification & Updates



Timely Update is used for milestones that are not completed and their current target date is updated on time. *Marked Completed Late* is used for milestones that are completed early or on time but were not marked “Complete” on the Permitting Dashboard within 5 business days of the scheduled completion date. *Missed date* is used for milestones where extension was published within 30 days of their scheduled completion date. Extensions to milestone target completion dates may not be published within the 30 days prior to the completion date (42 U.S.C. §4370m-2(c)(2)(D)(ii)). Since no extension can be made during this period, if the agency does not complete the milestone then the date will be counted as a “Missed Date.” *Not updated* is used for milestones that are not completed and their current target date is not updated. *Paused date* is used for milestones within actions that are paused (Action status is Paused). *Paused project* is used for projects that are paused (Project status is paused). Note: Any prior completed milestone entered into the permitting timetable within one day after the first permitting timetable publication date is not included.



OED Perspectives

In this section, FPISC-OED provides an analysis of agency progress towards implementing BPs and presents recommendations for future continued efforts. The section is divided into six areas, and presents findings, challenges, and OED recommendations for common themes identified in the review of agency submissions. The information presented in this section represents OED selected highlights and is not exhaustive.

1. EARLY INTERAGENCY COORDINATION

Finding: In addition to early stakeholder engagement (BP Category 1), early coordination among the project sponsor, lead agency, and potential cooperating or participating agencies leads to more complete and higher quality submissions, which can avoid or minimize delays during the environmental review process. OED's observation of common practice is for the project sponsor to carry out early coordination with each Federal and State agency, independently, then convey their understanding to other agencies. This is a time consuming approach for all involved, and is more likely to result in miscommunications during this critical stage when expectations are first being defined.

Challenge: An agency cannot begin formal review of a project until the application from the project sponsor is deemed complete. If the initial application submission is delayed, or more information is needed before the agency can deem it complete, the projected start of the formal permitting process will likely be impacted. This early assessment of application completeness can become more complicated when numerous agencies are reviewing multiple applications and/or evaluating the application submitted to the lead agency. This typically occurs when the proposed design has not yet advanced to a sufficient level of detail for agencies to offer definitive estimated timeframes for their environmental review and authorization processes. This can be further complicated when the application is designed to evolve as the permitting process progresses, such as the Bureau of Ocean Energy Management's (BOEM) Construction and Operations Plan (COP) or the Bureau of Land Management's (BLM) Plan of Development.

OED Recommendation: OED will continue to leverage its strong relationship with partner agencies to facilitate early and thorough coordination among project sponsors and agencies with environmental review and authorization responsibilities. OED plays a unique role as an internal coordinator and convening entity, as well as a technical resource on cross-agency permitting processes to agencies, project sponsors, and stakeholders. OED may exercise this role prior to an agency deeming a proposed FAST-41 eligible project's application complete, during the initial 60-day permitting schedule and CPP development timeframe, and throughout the project's permitting process in the form of an on-location workshop or conference call with the relevant agencies (Federal and State). By fostering these early, interagency discussions with project sponsors, OED can help ensure project sponsors have a clear understanding of the information and level of detail required for their application(s) to



be deemed sufficient and complete, and proceed with the formal initiation of the permitting process according to schedule. This is expected to reduce the burden on both agencies and project sponsors that can otherwise occur through multiple submissions and reviews of the application(s) prior to them being deemed sufficient and complete. Implementation of this action step will lead to improved coordination and ultimately should reduce variance from the set milestones.

2. IDENTIFYING AND SYNCHRONIZING ENVIRONMENTAL REVIEW AND AUTHORIZATION MILESTONES REQUIRED FOR OTHER AGENCIES' MILESTONES

Finding: Synchronizing the numerous legal requirements of the environmental review and permitting processes significantly improves the ability of project sponsors to meet major milestones and complete projects on schedule.

Challenge: Every environmental review and authorization has both a series of mandates and numerous inter- and intra-dependent agency decisions, as well as standard practices associated with those mandates and intra-agency decisions. Agencies may have statutory timelines with which they are required to comply; FAST-41 permitting timetables are required to be consistent with any other applicable time period established by Federal law. (42 U.S.C. § 4370m-2(c)(2)(E)). The completion of many agencies' environmental review and authorizations is dependent on the completion of other agencies' environmental review and authorizations. For example, the USACE may have to rely on the lead agency to complete the Endangered Species Act (ESA) or NHPA Section 106 consultation process before they can complete their Rivers and Harbors Act Section 10 or Clean Water Act (CWA) 404 review. Additionally, certain actions under the jurisdiction of the USACE and FERC can be subject to Section 401 of the CWA, which is administered by the U.S. Environmental Protection Agency. Under Section 401 of CWA, a Federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a State or authorized tribe where the discharge would originate issues a Section 401 water quality certification verifying compliance with existing water quality requirements or waives the certification requirement.

Project sponsors who have a great deal of experience working through the project development and delivery processes likely understand how to synchronize and/or organize requirements, leading to time savings and benefits. Less experienced project sponsors may not understand how to work within specified timelines and dependencies and may experience significant duplication, document production costs, confusion, and avoidable delays. However, even experienced project sponsors are unlikely to be familiar with all the steps in the environmental review and authorization process if the specifics of a given project require a less common environmental review and authorization. This can impact the actual completion date if not accounted for by the lead agency during the development of or updates to the project's schedule and CPP.



OED Recommendation: The Permitting Dashboard is now the only unified Federal resource that tracks interagency dependencies, in real time, and their impacts to the overall permitting schedule, so they can then be accounted for in future project-specific permitting schedules and more targeted and accurate agency accountability. Resources such as the revised version of the Red Book,²⁵ a guidebook that explains how to synchronize permitting processes, assist agencies and project sponsors with synchronizing these complex environmental review and authorization processes. OED can also help support the development of documents, including agencies' identification of additional efficiencies in synchronizing environmental review and authorizations, which could serve as Permitting Council tools for FAST-41 projects.

FAST-41 permitting timetables are required to be consistent with any other applicable time period established by Federal law (42 U.S.C. § 4370m-2(c)(2)(E)). For improved transparency, agencies should clearly identify how dependencies on other agencies processes are impacting the permitting schedule when submitting milestone date extensions, reclassifying the status, and identifying the reason for modifications to the schedule for the project or environmental review and authorization action on the Permitting Dashboard. OED will continue to work with the relevant agencies to evaluate best practice implementation, identify next steps and a path to resolution of any underlying issues that may impact permitting progress, and analyze causation for further discussion and solvency recommendations among the Permitting Council. Information on how to resolve, recommend, and synchronize these dependencies on an inter-agency basis and in coordination with project sponsors could be accomplished through consistent identification of causation, project sponsor and agency staff training, and project-specific technical assistance.

3. AGENCY WORKLOAD FORECASTING AND RESOURCE PLANNING & STAGING

Finding: It is critical to establish consistent staff roles and responsibilities, and processes for elevating and resolving decisions within an agency in order to ensure timely and efficient permitting. This must also be done in concert with improved forecasting of overall and regional project workloads, taking into consideration the increased use of funded positions, agency liaisons, cost recovery and non-federal contributed funds agreements with other agencies, states, local, and tribal governments and project sponsors. Appropriate staffing fosters enhanced early coordination activities and a greater ability for agencies to meet milestones for private and public project sponsors.

Challenge: Changes in funding or staffing at agencies that reflect current and future overall and regional infrastructure permitting workloads help agencies adhere to established permitting schedules and foster more enhanced early coordination activities. Advance planning for agency resource allocation and distribution is required to avoid possible direct and indirect delays, especially where staffing changes directly impact projects worked on by those staff but where

²⁵ The Red Book is available at https://www.usace.army.mil/Portals/2/Synchronization%20Handbook_final%20for%20web.pdf



remaining staff may also need to be reassigned to fill gaps, or take on additional responsibilities. These changes can lead to rotating points of contact, duplication, inconsistency in unified agency response, delays, and avoidable modifications to established project permitting schedules.

OED Recommendation: Agencies and private project sponsors across the government have implemented solutions to directly target staffing gaps, including funded positions, also known as liaisons. For example, “USACE can accept and expend funds from certain entities to expedite the review of the entities’ permit applications under the following authorities: Section 214 of the Water Resources Development Act (WRDA) of 2000, as amended (33 U.S.C. 2352); Title 23 of the U.S. Code, Section 139(j); and Title 49 of the U.S. Code, Section 307.”²⁶

OED is strongly supportive of these types of staffing arrangements to accelerate FAST-41 projects. Accordingly, OED will work to build interagency relationships and create resources for non-Federal project sponsors in order to bridge the gap between agencies with staff constraints and agencies or applicants who could fund appropriate positions. The OED will work with agencies and Congress to explore policies that will promote the expanded use of non-Federal funds to augment agency appropriations to support accelerated development and review of permit applications and other environmental documents for FAST-41 covered projects. This will provide dedicated resources to streamline cross-agency coordination and project delivery and reduce the overall timeframe and cost of an environmental review or authorization to the public.

4. IMPACTS TO THE SCHEDULE OUTSIDE THE FEDERAL GOVERNMENT’S CONTROL

Finding: External factors, such as additional coordination with State and local government entities, more extensive government to government consultation with tribes, or litigation, are difficult to account for in project-specific permitting schedules.

Challenge: Changes to a project’s permitting schedule may be needed to address factors outside the immediate control of the project sponsor or Federal agencies, such as additional coordination with State and local government entities, more extensive government-to-government consultation with tribes, or formal objection processes and litigation. It can be difficult to determine whether such impacts to the schedule are truly outside the control of the Federal government or if they could have been avoided with additional coordination or better aligned environmental review and authorizations.

OED Recommendation: Early engagement and outreach by Federal agencies and project sponsors can lead to a more informed initial proposed project design as well as cooperation from key non-Federal stakeholders, which can help mitigate the impacts of unforeseen

²⁶ <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Section-214/>



modifications to a project's initial permitting schedule. Several Permitting Council member agencies have established in-person and virtual public involvement planning processes and have given additional focus on controversial projects. OED will work with Permitting Council members and identify an appropriate timeline to review these best practices and their effectiveness on proposed project outcomes and permitting schedule milestone reliability. OED will continue to serve as a comprehensive and accessible resource to assist project sponsors in working effectively with key stakeholders and to identify early issues that are likely to present significant issues for delivery of a proposed project.

Additionally, the OED will encourage agencies and project sponsors incorporate a prudent and reasonable amount of time in the permitting schedule to conduct appropriate and equitable coordination and consultation activities with States, communities, tribes and all non-public stakeholders. This includes building in time for modifications to the proposed project design as a result of that feedback, as appropriate.

Where delays are occurring due to external factors, OED recommends agencies engage with their CERPO, who reports to the agency Council Member, to ensure all applicable best practices are being implemented and that the Permitting Council has been utilized as a resource.

Although ultimately agencies cannot control the actions of project sponsors or other outside entities that may result in delays, by taking proactive measures, including alerting OED when concerns about possible delays arise, implementing BPs, and coordinating internally and with other agency partners, agencies can take all measures possible within their control to minimize such delays. This proactive approach to addressing potential external issues will facilitate OED approval of a change in project/action status or milestone extensions.

5. THE OFFICIAL START OF THE ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESS

Finding: Comprehensive and accurate information regarding agencies' formal and informal requirements and activities that serve as the initial milestone in environmental review and authorizations enables OED to more accurately measure the full environmental review and authorization timeframe and anticipate potential delays.

Challenge: The NOI, which is published in the Federal Register, is generally recognized as the initial milestone starting point in the environmental review process both on the Permitting Dashboard and more broadly. However, significant variability exists across agencies on how and when the permitting process commences, as some agencies perform informal work or have individual milestones that occur prior to the NOI, and there are scenarios in which formal work cannot begin until a milestone after the NOI is complete. Agencies may also issue NOIs at different points in the permitting process in accordance with those agencies' statutory mandates, pre-application processes, and information requirements. Documenting these variations on the Permitting Dashboard continues to enable OED and agencies to perform a



robust analysis of individual project progress, including the accuracy and reliability of their published FAST-41 permitting schedules.

OED Recommendation: In FY 2019, OED modified the Permitting Dashboard to account, across the FAST-41 program, for the differences in overall schedule that can arise when different milestones are considered the initializing action for the project timetable. This change allows both the NOI and application date to be tracked to provide a more comprehensive forecast of all project elements and account for likely differences in agencies' timeline "start" dates. As additional data are input into the Permitting Dashboard, FPISC will continue to examine this issue and report findings.

6. REAL-TIME TRACKING & RISK ASSESSMENT

Finding: Consistent and vigilant tracking of project changes or delays, such as project scope changes or modifications to a project design through the Permitting Dashboard, can allow FPISC to more accurately diagnose their underlying causes. The impact of modifications to the overall permitting schedule for a project can then be evaluated and appropriate coordination with agencies can be addressed to identify potentially avoidable delays.

Challenge: Throughout the development of large, complex infrastructure projects, project sponsors often experience a range of delays including changes in scope or design, stakeholder concern, and other activities that result in project pauses. Project sponsors regularly initiate these pauses as a result of preliminary consultation with State and local governments and tribes. Delays may lead to complications and modifications to the overall project schedule. Now, the full range of project modifications and pauses are being tracked on the Permitting Dashboard, and the increased awareness of the reasons projects are modified among Permitting Council members could assist in developing additional best practices or targeted interventions for specific types of delays.

OED Recommendation: OED will continue to track and analyze project modifications and associated delays to understand their full implications and inform Congress and the public. This will allow Permitting Council members to identify how specific delays and project modifications impact schedules, and propose interventions or mitigations to project sponsors.

Conclusion

OED will continue to coordinate with Chief Environmental Review and Permitting Officers (CERPOs) in each Permitting Council agency to implement and document the effectiveness of new and existing best practices. OED will also continue to host monthly CERPO meetings to ensure senior leadership within the Council member agencies responsible for implementation of FAST-41 have the opportunity to support interagency coordination, elevate issues as needed, and discuss efforts underway to facilitate implementation of FAST-41 objectives. Finally, OED



will continue to be available to the Permitting Council as a resource to facilitate the full implementation of those best practices, consistent with EO 13807.

Permitting Council member agencies continue to make progress in developing more accurate timelines and in implementing the best practices. Select agencies have successfully implemented many of the OED recommendations and are sophisticated in their implementation of suggested practices. Other agencies or private project sponsors have less experience, have been slower to adopt reforms, or may face greater institutional challenges. Over the course of the next year, FPISC will continue to engage, and strengthen partnerships with Council member agencies and will utilize the existing FPISC activities to identify and track recurring sources of uncertainty and risk to permitting schedules. In targeting these risks, FPISC will be able to support project sponsors in avoiding delay and rebalancing timelines to more accurately reflect project expectations. The reliability and accuracy of the dates published on the Permitting Dashboard are primary considerations of the OED to ensure FAST-41 continues to serve the public as an unprecedented performance and accountability tool, implemented as Congress intended.

FY 2019 Permitting Council Highlights

In addition to the individual accomplishments of the Permitting Council member agencies, the Permitting Council as a whole furthered its mission during FY 2019, both through specific projects and programmatic work. Some examples of these successes are highlighted below.

Project Highlights:

FPISC OED utilized its unique role as an internal coordinator and convening entity to develop and maintain project-specific CPPs and public timetables, to which all agencies have agreed, for all FAST-41 covered projects.

FPISC meets monthly to discuss the permitting status for all FAST-41 covered projects, including a discussion of a 30- and 60-day look ahead of upcoming milestones produced by the OED for agency reference. In these meetings, OED assists Federal agencies in fostering open dialogue across Federal and State permitting agencies, encourages information sharing, and helps with monitoring and meeting upcoming deadlines for critical permitting decisions. FPISC continues to prevent avoidable delays by proactively identifying potential risks to the schedule and facilitating a coordinated decision making across the Federal government for FAST-41 covered projects.

In FY 2019, FAST-41 projects that completed the Federal permitting process represent \$12.7 billion in economic investment. Newly added FAST-41 projects in FY 2019 represent \$1.4 billion in economic investment across three infrastructure sectors. Highlights of these projects include:



- The Federal permitting process for the Gulf LNG Liquefaction Project was completed 2.5 months ahead of schedule; however, the co-benefit realized by project sponsors can be measured in the confidence that a surprise delay in permitting decisions is unlikely.
- The hydropower project, Swan Lake North Pumped Storage, benefited from the enhanced coordination that FAST-41 provides. It ensured the Department of the Interior (DOI) was able to use the lead agency’s NEPA documentation to render a decision and issue the right-of-way authorization in a timely manner. The DOI also consulted with the lead agency and FPISC to update the public timetable on any additional review needed for the DOI decision(s).
- The Federal permitting process for the Venture Global Calcasieu Pass Terminal and TransCameron Pipeline Project was completed 1.5 months ahead of schedule.
- The Borderlands Wind Project, a renewable wind energy project, benefitted from FPISC when it became a FAST-41 project partway through the permitting process. FPISC was able to coordinate with all involved entities having decision making authority to review work completed, work remaining, and any known issues requiring additional interagency discussion. This helped to create a concurred upon schedule to which all entities committed appropriate resources. The work also ensured that the Draft EIS was issued according to the schedule that had previously been developed and that the concurred upon schedule for all remaining permitting requirements is available publicly on the Permitting Dashboard.
- The Denbury Riley Ridge to Natrona Project, a carbon dioxide pipeline project, received a Record of Decision from BLM on February 28, 2019 with direct interagency coordination from FPISC. The project sponsor issued a letter of support stating that FPISC brought certainty and predictability to the project’s schedule. This allowed the project sponsor to make informed decisions for managing new likely growth and investment decisions with confidence that FPISC serves as a reliable Federal partner that actively reduces the risk of uncertainty of Federal permit decisions through a transparent process.
- FPISC officiated a comprehensive field coordination meeting, hosted by the USACE, for the Corpus Christi Channel Deepening Project. This meeting included officials from all relevant Federal, State, and local authorities and led to the full concurrence of the schedule and a coordinated plan detailing roles and responsibilities. This example showcases an unprecedented, and successful hands-on practice that will be replicated for all new FAST-41 projects.

“The Permitting Council provides for a collaborative process to provide interagency coordination resulting in a coordinated project analysis. Additional efficiencies were found through this enhanced interagency coordination, which led to the ESA consultation being concluded more than a month ahead of its projected conclusion date. **The Permitting Council appears to be a win-win for all stakeholders, because it is a well-organized and coordinated process that saves time, effort and resources to accomplish the mutual goals of all parties.**”

– Riley Ridge to Natrona CO2 Pipeline Project sponsor



Program Highlights:

Recommended Performance Schedules (RPS)

As part of its continuing effort to provide a dynamic assessment of agency performance to better inform Congress and the public, FPISC developed data-based recommended performance schedules²⁷ for three infrastructure sectors: electricity transmission, pipelines, and renewable energy production during FY 2019. Published in April 2020, these performance schedules, along with other FPISC reports and tools, serve as the most reliable and accurate baseline FPISC can use to measure, monitor, and report program performance. The Executive Director can now compare projects' permitting target and actual dates with these baseline schedules to develop timely but realistic project-specific permitting schedules that incorporate time-saving efficiencies and identify potential risks to the schedule from the very beginning of the process.

Alignment and Harmonization of Streamlining Efforts

OED continues to coordinate with FPISC Council Members to identify opportunities to align and harmonize permitting process improvements and streamlining efforts to ensure consistent implementation of FAST-41 and EO 13807 at all levels throughout the agencies, as appropriate. FPISC continues to coordinate with OMB and CEQ to identify appropriate vehicles for issuing policies or guidance to accomplish this goal.

Permitting Dashboard Enhancements

Permitting Dashboard enhancements developed over the course of FY 2019 allow FPISC to track the reasons for modifications to project permitting schedules, timeliness of those modifications, and inform future risk analysis when developing timetables for new projects. Transparency was also improved through enhancements to the timetable Gantt charts that visualize actual permitting timelines in comparison to the original timelines developed for each project. Similar enhancements will continue in FY 2020 to drive sustained permitting process improvements across the Federal government.

Outreach and Engagement Highlights

In 2019, FPISC OED expanded outreach and engagement efforts to Tribes, State and local governments and to other stakeholder groups nationwide, including the following key examples:

- The Executive Director attended the National Governors Association (NGA) Summer Meeting which included the launch of NGA Chair, Governor Larry Hogan of Maryland's

²⁷ 2020 Recommended Performance Schedules are available at <https://www.permits.performance.gov/tools/recommended-performance-schedules>.



2019-2020 initiative “Infrastructure: Foundation for Success.” At this meeting, the Executive Director was able to meet with governors and their staff from around the country to provide information on the FAST-41 process and Permitting Council resources available to States.

- The Executive Director attended the National Association of Counties Legislative Conference and met with county officials to help them understand the resources available to them through the Permitting Council, broadening FPISC OED training and outreach to rural parts of the country. This conference was attended by nearly 2,000 county officials from across the country.
- The Executive Director attended the Arizona Historic Preservation Conference, meeting with multiple tribal representatives and the Executive Director of the National Association of Tribal Historic Preservation Officers. The Executive Director provided a presentation to Arizona’s Tribal Historic Preservation Officers and participated in a keynote presentation with Governor Ducey of Arizona. Attendance at this meeting was part of ongoing efforts to improve and enhance tribal outreach and engagement to encourage tribes to participate in the FAST-41 process.
- FPISC OED hosted its first ever Stakeholder Engagement Forum. The Forum included remarks and presentation from the FPISC Executive Director and OED staff, Senator Portman, leadership from multiple Permitting Council member agencies, and project sponsors. A broad variety of stakeholders participated, representing environmental NGOs, industry, local and Federal governments, professional associations, and other stakeholder groups.
- FPISC OED developed a document for State and local governments and potential project sponsors illustrating infrastructure projects already benefiting from FAST-41 covered project status and providing examples in all 50 States of projects that could benefit from the FAST-41 process, reflecting immediate opportunities for State and local governments to partner with the Permitting Council to modernize America’s infrastructure.
- FPISC OED developed a Spanish language version of the FAST-41 Fact Sheet to further outreach opportunities to additional communities.

Detailee Program Highlights

FPISC OED recruits and utilizes detailees from multiple Federal agencies. This allows the Council to draw on the expertise of member agencies staff to provide detailed knowledge of their home agency’s environmental review and authorizations processes to support the Council’s efforts.

- In 2019, FPISC OED had detailees from USACE, NRC, DOT/Federal Aviation Administration (FAA)/FHWA, USDA/Forest Service, and DOI/BLM. Their expertise contributed to the FY 2019 ARC and FY 2020 BP Report; One Federal Decision and FAST-41 Pause Policy; Data Management Guide update; OMB Appendix B update; GAO Corrective Action plan; Milestone Extension Requests/Approvals; Congressional Inquiries; Notice of Proposed Rulemaking regarding Potential Fee; FPISC/OMB/CEQ Infrastructure meeting support; and FPISC Annual meeting support including addition of covered sectors. Detailees also assisted with sponsor meetings and provided support to



the following projects: Alaska LNG, Cardinal Hickory Creek, Boardman to Hemingway, Jordan Cove LNG, Mid-Barataria, Mid-Breton, Penn East Pipeline, Ten West Link, and multiple offshore wind projects (Bay State, South Fork, and Ocean Wind).

- In 2019 FPISC OED developed a detailee handbook to improve the ease of onboarding new detailees and also developed a recruitment strategy to attract detailees that could provide specialized knowledge and support to FPISC OED.



Chapter 4 FY 2020 Reporting Strategy

Over the last year, OED has worked with Permitting Council members to ensure they have the tools and institutional structure to facilitate a new era of harmonized, concurrent, and consistent coordination among themselves, with the public, and with project sponsors. This coordinated approach is needed to set the foundation for a comprehensive, realistic, and accurate CPP and associated timetable, and to foster the inter-agency communication needed to deal with the unique and complex projects covered under FAST-41. Looking forward, OED will continue to develop an increasingly rational and informative reporting process to capture agency progress in implementing FAST-41 best practices and will continue to provide assistance to member agencies to assist with operationalizing these successes in the field. The partnership between OED and Permitting Council members will proactively advance the core goals of transparency, accountability, and efficiency in the permitting process, while the new reporting structure will support OED's efforts to monitor, assess, and report on both the successes and challenges confronting the Permitting Council members, permitting stakeholders, and the public.

For FY 2020, FPISC-OED has set a goal to balance the time and resources that agencies commit to complete the requested information for ARC, while ensuring an accurate assessment of agencies' progress in implementing the best practices. OED encourages Council member agencies to utilize the information provided in this report to implement the best practices within their agencies.

As depicted in Figure 1, OED will continue to develop the ARC reporting process to better capture agency success stories and challenges in implementing FAST-41 BPs and adhering to permitting schedules. The improved process will document the wide range of innovative and effective initiatives that contribute to the successful adoption of the FAST-41 framework across the Federal government. Key features of the planned process include:

- Allow agencies to self-assess their specific successes and measurable outcomes;
- Offer FPISC-OED cross-agency analysis of common successes and challenges in implementing best practices;
- Increase agency autonomy to create innovative solutions to the most vexing challenges in environmental review and permitting;
- Reduce agency burden to complete the data request;
- Eliminate agency review of duplicative documents;
- Increase transparency, accountability, and efficiency by combining overlapping information into a single BPs report; and,
- Create a consistent BPs template to track agency and government-wide progress over multiple years.

Through this approach, OED anticipates that it will continue to demonstrate how use of the FAST-41 process will accelerate project delivery, enhance the quality of infrastructure projects, and ensure that the American people benefit from world-class infrastructure resources.



Chapter 5 **A Note from the Executive Director**

I want to thank the Permitting Council member agencies for their work. Continued coordination across Federal agencies can accomplish FAST-41's goal of delivering thorough and streamlined environmental reviews and authorizations to the infrastructure projects on our Permitting Dashboard.

Sincerely,

Alexander Herrgott
Executive Director
Federal Permitting Improvement Steering Council