



PERMITTING COUNCIL

Transparency • Efficiency • Accountability

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

FISCAL YEAR 2021 BUDGET REQUEST

This page intentionally left blank



Federal Permitting Improvement Steering Council

Fiscal Year 2021 Budget Request

Table of Contents

Overview	1
Appropriations Language	2
Analysis of Language Provisions	2
Program Description	3
Amounts Available for Obligation	3
Explanation of Changes, Appropriated Dollars and FTE	4
Summary of the Request	4
Tribal Consultation for FAST-41 Infrastructure Projects:	6
Early Stakeholder Outreach:	7
Obligations by Object Class	7
Appendix A – Sample Permitting Dashboard Page	8

This page intentionally left blank



Overview

The Federal Permitting Improvement Steering Council (Permitting Council or FPISC) was created as an independent entity by Congress in 2015 with the enactment of Title XLI of the Fixing America's Surface Transportation (FAST) Act (referred to as "FAST-41"). FAST-41 established an oversight framework within the Federal government to modernize and improve the environmental review and permitting process for large-scale, complex infrastructure projects across the Nation. FAST-41 is a voluntary program that provides greater oversight, strengthens cooperation and communication among regulatory agencies, enhances transparency, and emphasizes concurrent processing of environmental reviews and authorizations. The Permitting Council is led and chaired by an Executive Director, who is appointed by the President, and is composed of senior-level representatives from the following 13 Federal agencies, the Council on Environmental Quality, and the Office of Management and Budget:

- Advisory Council on Historic Preservation
- Department of Agriculture
- Department of the Army
- Department of Commerce
- Department of Defense
- Department of Energy
- Department of Homeland Security
- Department of Housing and Urban Development (HUD)
- Department of the Interior
- Department of Transportation
- Environmental Protection Agency
- Federal Energy Regulatory Commission
- Nuclear Regulatory Commission

Projects may be eligible to be covered under FAST-41 if they: involve construction of infrastructure; require authorization or environmental review by a Federal agency; are subject to the National Environmental Policy Act of 1969 (NEPA); are likely to require a total investment of more than \$200 million; and do not qualify for an abbreviated environmental review and authorization process. Projects may also be covered if they are subject to NEPA and, due to their size and complexity, the Permitting Council determines that the FAST-41 coordination process and oversight would be beneficial.

FAST-41 applies to the following sectors: conventional energy production, renewable energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, and manufacturing. Additional sectors may also be considered by the Permitting Council if a majority of the Council members vote to do so.



Photo: U.S. Department of Energy



Infrastructure projects covered under FAST-41 benefit from the following:

- **Increased visibility and predictability** — Agencies must develop and maintain a coordinated, project-specific timetable for all required environmental review and permitting actions, and that timetable is publicly displayed and updated quarterly on the Permitting Dashboard website (see Appendix A for a sample Permitting Dashboard page).
- **Enhanced coordination** — Advance coordination between the lead Federal agency for a FAST-41 covered project and other permitting agencies allows for early communication of project goals, discussion of alternatives, and alignment of agency review schedules.
- **Increased accountability** — The Permitting Council is required to notify Congress when modifications to a permitting timetable for a FAST-41 covered project delays the permitting process by more than 150% of the original schedule. In addition, an annual report to Congress is required to assess each agency’s progress towards implementing FAST-41 best practices, as well as their compliance with recommended performance schedules for covered projects.
- **Dispute resolution** — The FAST-41 process provides project sponsors with a permitting timetable that has been coordinated among the relevant agencies. If agencies are unable to agree on the timetable, the FPISC Executive Director will mediate disputes. If no conclusions are made after a total of 60 days, the Office of Management and Budget will make a final decision.

The FAST-41 process does not modify or waive any underlying Federal statutes, regulations, or mandatory reviews.

Appropriations Language

FEDERAL PERMITTING IMPROVEMENT
STEERING COUNCIL
ENVIRONMENTAL REVIEW IMPROVEMENT FUND
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Environmental Review Improvement Fund established pursuant to *section 41009 of the Fixing America's Surface Transportation Act* (42 U.S.C. 4370m–8(d)), [\$8,000,000] \$10,000,000, to remain available until expended: *Provided* that funds appropriated in prior appropriations Acts under the heading “General Services Administration—General Activities—Environmental Review Improvement Fund” shall be transferred to and merged with this account.

Analysis of Language Provisions

This provides appropriations for the Environmental Review Improvement Fund (ERIF) for operations of the Permitting Council, including the FPISC Office of the Executive Director (OED). This appropriation will allow the Permitting Council to implement and oversee adherence to the statutory requirements set forth in FAST-41 and to carry out certain responsibilities under Presidential Executive Order 13807 on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure.



Program Description

In recognition of the permitting challenges faced by large-scale infrastructure projects, FAST-41 established the Permitting Council, and the FPISC-OED, to act as a reliable Federal partner and “one-stop” resource within the Federal government to provide consistent and transparent coordination across Federal agencies in a way that respects agencies’ responsibilities as regulators, tasked with the fiduciary responsibility to protect the public and the environment, while also encouraging early and meaningful coordination with all stakeholders – State and local government officials, Tribes, and the public. Earnest outreach and consultation with all stakeholders, regardless of their position in support of or

opposition to a project, is critical for identifying potential impacts and fostering a proposed design that would best serve the public interest. As an impartial Federal partner overseeing the Federal permitting process, the FPISC-OED does not have a regulatory role, nor does it have authority to intervene on the substance of an agency’s decision or permitting outcome. The FPISC-OED is charged with supporting agencies’ development and adherence to a reliable permitting schedule through enhanced coordination with Federal and State agencies.

Beginning in FY 2020, prior year appropriations to the General Services Administration for this activity are transferred and merged with this independent account in accordance with Public Law 116-93.

Amounts Available for Obligation

(Dollars in Thousands)

	FY 2019 Actual	FY 2020 Enacted	
Resources:			
Available from prior year	\$ 851	\$ 1,892	\$ -
Appropriation	\$ 6,070	\$ 8,000	\$ 10,000
Anticipated Fee Collections	\$ -	\$ -	\$ -
Anticipated CAP Goal Funding	\$ -	\$ -	\$ -
Total Resources Available	\$ 6,921	\$ 9,892	\$ 10,000
ERIF Obligations:			
ERIF Labor	\$ 1,037	\$ 3,134	\$ 3,134
ERIF Management Support	\$ 3,788	\$ 6,263	\$ 6,371
ERIF Other Cost	\$ 204	\$ 495	\$ 495
Total ERIF Obligations	\$ 5,029	\$ 9,892	\$ 10,000
Fund Balance:			
Total Resources Available	\$ 6,921	\$ 9,892	\$ 10,000
Total ERIF Obligations	\$ 5,029	\$ 9,892	\$ 10,000
Resources Less Obligations	\$ 1,892	\$ 0	\$ 0

Note: The amounts shown in the table above reflect the activities of the Permitting Council operating as an independent agency in accordance with Public Law 116-93, the Consolidated Appropriations Act, 2020, and therefore differ from what is shown in the Appendix, Budget of the United States Government, Fiscal Year 2021.



Explanation of Changes, Appropriated Dollars and FTE

(Dollars in Thousands)

	FY 2019		FY 2020		FY 2021	
	Actual		Enacted		Request	
	FTE	\$	FTE	\$	FTE	\$
	8.0	\$6,070	12.0	\$8,000	12.0	\$10,000
Program Increases:						
FPISC Contracts and Contract Support						\$2,000
Other Costs of Operations / Program Overhead						
Subtotal, Program Increases						\$2,000
Total Adjustments						\$2,000

Summary of the Request

The Permitting Council is requesting \$10 million in FY 2021 to fully cover all salaries and staff expenses for 12 full-time equivalents (FTE) and to maintain much-needed contract support. This request reflects a \$2 million increase from the FY 2020 enacted level of \$8 million.

The FY 2021 request will continue to support the authorized activities of the ERIF and the Permitting Council established under FAST-41, and will also allow the FPISC-OED to address:

- (1) The increased demand for Permitting Council services while maintaining exceptional responsiveness;
- (2) The growing number of nationally and regionally significant projects requesting FAST-41 covered status, and the need to add these projects to the Permitting Dashboard and update their status quarterly;
- (3) The planned addition of new infrastructure sectors to expand the types of projects that would be eligible for FAST-41 inclusion;

- (4) The need for new initiatives to enhance project-specific support and training to States, local governments, Tribes, non-governmental organizations (NGOs), and the public to assist with project management from the beginning to the end of the project life cycle; and
- (5) The continued targeted use of reimbursable agreements with Federal agencies, at headquarters and in the field, to secure additional detailee support and expertise to maintain and enforce project timelines, while also giving the FPISC-OED the flexibility to adjust reimbursable staffing levels based on project demand and sector growth.

These additional resources are essential to the Permitting Council meeting its statutory requirements set forth in FAST-41.

The goal of FAST-41 is to ensure greater transparency, accountability, and efficiency across the Federal government by transforming the way agencies coordinate with each other while conducting environmental reviews and authorizations. To achieve this goal, the



Permitting Council acts as a central point of contact within the Federal government for coordinating across Federal agencies in a way that respects agencies' responsibilities as regulators while also serving as a Federal partner to all stakeholders – State and local government officials, Tribes, the public, and project proponents. In addition, the FPISC-OED serves as an impartial third party that shepherds projects from beginning to the end of the environmental review and permitting process. FPISC-OED staff works closely with Permitting Council agencies to support, monitor, and assess FAST-41 implementation throughout the intra- and inter-agency permitting processes.

To help fund these responsibilities and activities, FAST-41 provides the authority to charge project proponents fees to recover reasonable costs incurred in conducting and coordinating environmental reviews and authorizations for proposed covered projects. The Permitting Council is currently evaluating the feasibility and practicality of both an up-front initiation fee and a fee structure payable in installments based on Federal entities adhering to published performance schedules.

The FY 2021 budget request will allow FPISC-OED, along with contract support staff and agency detailees, to continue to facilitate more timely and efficient environmental reviews and permitting authorizations through:

- Coordinating with project sponsors and lead and cooperating agencies;
- Reviewing FAST-41 Initiation Notices;
- Tracking agencies' schedules and progress in completing environmental reviews and authorizations;



Photo: Dave Houseknecht, U.S. Geological Survey

- Supporting interagency identification of bottlenecks in the environmental review and authorizations process;
- Supporting lead agencies on developing coordinated project plans and timelines to synchronize cross-agency permitting activities;
- Identifying and sharing best administrative review practices;
- Implementing Government-wide process improvements; and
- Mediating disputes between project sponsors and relevant agencies related to FAST-41 projects' permitting timetables.

This budget request for FY 2021 would also support several key initiatives to enhance coordination between Federal and non-Federal entities, as well as facilitate early stakeholder outreach. The objective of these initiatives is to further inform Federal agencies' decision-making processes, which will in turn reduce infrastructure permitting delays while improving environmental and community outcomes for proposed FAST-41 projects.



Tribal Consultation for FAST-41 Infrastructure Projects:

1. The Permitting Council would facilitate and fund initiatives and recommendations as identified in the U.S. Government Accountability Office’s (GAO) March 2019 Report to Congress on *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*.¹ This includes support for a proposal by HUD to expand the department’s system to serve as a central Federal information system of Tribal areas of interest and points of contact for infrastructure project consultation.

2. The Permitting Council would support improvements to the Government-to-Government consultation process in partnership with the Federal agencies responsible for consulting with Tribes on FAST-41 projects. This may include hosting regional and local Tribal listening sessions and identifying

opportunities for process improvements such as: early consultation initiation, effectual information exchange, increased coordination among Federal agencies for a clear, transparent Government-to-Government consultation process, and increased training opportunities or support for agency staff responsible for

conducting Tribal consultation for FAST-41 projects.

3. The Permitting Council would host a Federal agency forum among Council agencies interested in pursuing coordinated process improvements for Tribal consultation, which is also consistent with GAO’s recommendations.² An existing interagency agreement the Permitting Council has with the Udall Foundation would be expanded and used to facilitate such a forum to ensure meaningful dialogue and help identify actionable takeaways.

4. The Permitting Council would explore a Tribal liaison position to help further Tribal

consultation process improvements and training opportunities for Council agency staff working on FAST-41 projects.

These initiatives would need to recognize the financial constraints that could affect Tribal participation and provide reasonable

accommodations to help support broader participation by Tribes than what may otherwise be possible. These efforts would also need to recognize and support cultural best practices of cultural understanding during these consultation improvement efforts.



Photo: U.S. Army Corps of Engineers

¹ <https://www.gao.gov/assets/700/697694.pdf>

² Ibid



Early Stakeholder Outreach:

1. A successful permitting process includes early and effective engagement with all stakeholders, including States, local governments, Tribes, NGOs, and the public. With this request, the Permitting Council would engage with all such stakeholders to (a) inform them about the benefits and enhanced coordination provided for covered projects under FAST-41, and (b) foster meaningful engagement and discussions to identify, incorporate, and implement feedback into the infrastructure permitting process.
2. The Permitting Council would also provide increased training opportunities or support for

agency staff responsible for conducting early stakeholder outreach for FAST-41 projects. Effective early stakeholder outreach helps prevent delays while identifying options to avoid or minimize potential impacts to communities and the environment.

Appropriated funding and any fees collected would also be used to maintain and enhance the publicly available Permitting Dashboard, an online tool for Federal agencies, project developers, and other interested members of the public to track the Federal Government’s environmental review and authorization processes for FAST-41 projects.

Obligations by Object Class

(Dollars in Thousands)

		FY 2019 Actual	FY 2020 Enacted	FY 2021 Request
11.1	Full-time permanent	\$ 529	\$ 1,607	\$ 1,607
11.5	Other personnel compensation	\$ 7	\$ 13	\$ 13
11.8	Special personnel services payments	\$ 341	\$ 1,000	\$ 1,000
12.1	Civilian personnel benefits	\$ 160	\$ 514	\$ 514
21.0	Travel and transportation of persons	\$ 32	\$ 100	\$ 100
23.1	Rental payments to GSA	\$ 166	\$ 380	\$ 380
24.0	Printing and reproduction	\$ 2	\$ 7	\$ 7
25.1	Advisory and assistance services	\$ 147	\$ 760	\$ 760
25.3	Other goods & services from Federal sources	\$ 3,641	\$ 5,503	\$ 5,611
26.0	Supplies and materials	\$ 3	\$ 3	\$ 3
31.0	Equipment	\$ 1	\$ 5	\$ 5
99.0	Obligations	\$ 5,029	\$ 9,892	\$ 10,000
	Subtotal, PC&B	\$ 1,037	\$ 3,134	\$ 3,134
	Subtotal, Non-labor	\$ 3,992	\$ 6,758	\$ 6,866

Note: The amounts shown in the table above reflect the activities of the Permitting Council operating as an independent agency in accordance with Public Law 116-93, the Consolidated Appropriations Act, 2020, and therefore differ from what is shown in the Appendix, Budget of the United States Government, Fiscal Year 2021.



Appendix A – Sample Permitting Dashboard Page

An Official Website of the United States Government

PERMITTING DASHBOARD
ABOUT
PROJECTS
RESOURCES & TOOLS
SCORECARD
Search the site

Home » Projects

Swan Lake North Pumped Storage

PROJECT WEBSITE: <http://www.rvedevelopment.com>

All dates below are specific to the schedule of the Environmental Review and Permitting processes for this project.

PROJECT STATUS
COMPLETE

COMPLETION DATE
Oct 17 2019

ENVIRONMENTAL REVIEW AND PERMITTING PROCESSES
RENEWABLE ENERGY PRODUCTION COMPLETED

SECTOR
Renewable Energy Production

CATEGORY
FAST-41 Covered Projects

LEAD AGENCY
Federal Energy Regulatory Commission

Primary Location

City: Klamath Falls
State: Oregon
Zip Code:

Lead Agency Information:

POC Name: David Turner
POC Title: Branch Chief
POC Email: David.Turner@ferc.gov
Agency/Department: Federal Energy Regulatory Commission

Sponsor Contact Information:

Project Sponsor: Swan Lake North Hydro, LLC
POC Name: Erik Steimle
POC Email: erik@rvedevelopment.com

Electricity Transmission:

216kV Qualification: No
Voltage: 230kV
Approximate Length: 32 miles

Description:

Swan Lake North Pumped Storage (Project No. 13318) is a proposal to construct an original, closed-loop pumped storage project that would provide 393 MW of generation capacity in Oregon. The proposed project would consist of, among other facilities, an upper and lower reservoir with active storage capacities of 2,562 and 2,581 acre-feet, respectively, a high-pressure penstock, three low-pressure penstocks, a powerhouse, a substation, and a 32.8-mile-long, 230-kilovolt transmission line.

Project Application and Supporting Documents

- Swan Lake North Hydroelectric Project, Initial Statement of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029230>.
- Swan Lake North Hydroelectric Project, Exhibit A of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029232>.
- Swan Lake North Hydroelectric Project, Exhibit B of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029236>.
- Swan Lake North Hydroelectric Project, Exhibit C of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029292>.
- Swan Lake North Hydroelectric Project, Exhibit D of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029295>.
- Swan Lake North Hydroelectric Project, Exhibit E of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029276>.
- Swan Lake North Hydroelectric Project, Exhibit F of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029288>.
- Swan Lake North Hydroelectric Project, Exhibit G of Project Application, FERC Docket No. P-13318 (filed 10/28/2015). Document located at: <http://elibrary.ferc.gov/DMWSC/common/opennat.asp?fileID=14029263>.
- Additional Project-related filings and issuances can be found on FERC's eLibrary website by searching under Docket No. P-13318.

Federal Agency Actions

- Federal Energy Regulatory Commission, Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Pre-conditions (issued 12/20/2017). Document located at: <https://elibrary.ferc.gov/dmws/common/opennat.asp?fileID=14786889>.
- Federal Energy Regulatory Commission, Draft Environmental Impact Statement (issued 08/22/2018). Document located at: <https://elibrary.ferc.gov/dmws/common/opennat.asp?fileID=15001828>.
- Federal Energy Regulatory Commission, Final Environmental Impact Statement (issued 01/25/2019). Document located at: <https://elibrary.ferc.gov/dmws/common/opennat.asp?fileID=15144214>.
- Federal Energy Regulatory Commission, Order Issuing Original License (issued 04/30/2019). Document located at: <https://elibrary.ferc.gov/dmws/common/OpenNat.asp?fileID=15233738>.

FERC Litigation

- None filed.

Last updated November 22, 2019

Permitting Timetable

The permitting timetable below displays data as reported by agencies. Dates for Environmental Review and Permitting processes (Actions) that are in 'Paused' or 'Planned' status are subject to change and are not indicative of a project's final schedule.

- For information about extensions, select an Action from the timetable below and select 'View Action Details' at the bottom of the page.

Legend: ■ Schedule, Extension, Ahead of Schedule, Paused

Action Information

For additional information, please select an Action from the Permitting Timetable above.

Permitting Dashboard
PermittingDashboard@eeb.usackrfd.com

Accessibility
Plugins and Viewers
Privacy Policy

Performance.gov
USA.gov
Whitehouse.gov

Fiscal Year 2021 Budget Request

8