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January 2023

The Permitting Council Update

A Publication of the Federal Permitting Improvement Steering Council
Office of the Executive Director



Greetings from the Executive Director



**Christine Harada,
Executive Director**



Office of the Executive Director

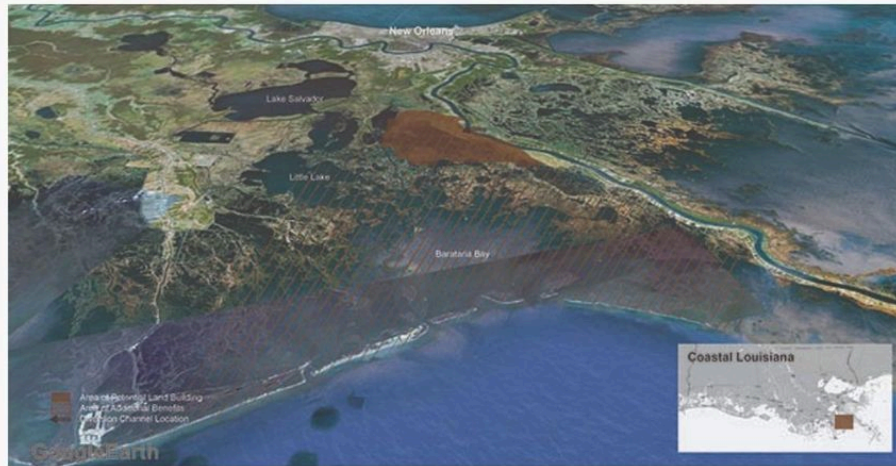
Greetings from the Executive Director:

On behalf of the Permitting Council, I hope you are having a wonderful start to the new year. I am truly excited about the endless possibilities as we begin 2023, from opportunities to cover infrastructure projects in sectors we have never covered before, to the tremendous prospects on the horizon as we strategize how to best use the financial investment given to the Council in the Inflation Reduction Act. I am confident that this will be a game-changing year for the Permitting Council, and I am excited to have all of you on board as we work to transform Federal permitting.

Check out this month's newsletter for details on the latest news coming out of our agency, from recently approved FAST-41 covered projects to the newest hires in the Office of the Executive Director.

Christine Harada
Permitting Council Executive Director

FAST-41 Covered Sediment Diversion Project Receives Federal Approval



The Permitting Council is excited to join with the Louisiana Coastal Protection and Restoration Authority (CPRA) to announce the completion of the environmental review and authorization process for the Mid-Barataria Sediment Diversion project. This FAST-41 covered project is focused on restoring Louisiana's Barataria Basin, which is experiencing some of the highest levels of land loss in the country, threatening the welfare of residents and the local ecosystem.

Sponsored by the Louisiana Coastal Protection and Restoration Authority (CPRA), the project is intended to reintroduce freshwater and sediment from the Mississippi River to the Barataria Basin to build, sustain, and maintain land in an area that is experiencing extreme land loss. The project is designed to reconnect the Mississippi River to its wetlands to protect some of the most vulnerable residents in the state, in addition to sustaining the ecosystem and wildlife on the coast. This area is also one of the most affected by the 2010 Deepwater Horizon oil spill, and this project is intended to remediate associated damage.

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Originally posted to the Permitting Dashboard as a FAST-41 covered project in 2017, this project was first conceived as part of a U.S. Army Corps of Engineers feasibility study in 1984. The conclusion of the permitting process brings to fruition this effort to counteract decades of land loss and environmental instability for local residents. CPRA plans to begin construction in 2023, pending the approval of funding by the Louisiana Trustee Implementation Group, the agency charged with restoring Louisiana's natural resources after the Deepwater Horizon oil spill.

The Permitting Council Office of the Executive Director had the opportunity to tour the Mid-Barataria Sediment Diversion project site last spring, and it was eye opening to see firsthand how this project could help restore the LA coastline. Congratulations to Governor John Bel Edwards and the Louisiana CPRA for their efforts to restore the LA coastline.

To learn more about the Mid-Barataria Sediment Diversion project, visit the Permitting Council [website](#).

Permitting Council Executive Director Releases Fourth Fiscal Quarter Agency Performance Report

Permitting Council Executive Director Christine Harada released the Executive Director's fourth fiscal quarter Agency Performance Report for 2022 in December. Required by the Bipartisan Infrastructure Law (BIL), this report assesses agency compliance with provisions of Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and highlights implementation of revisions made to the FAST-41 Data Management Guide (DMG) as to implement the BIL.

This year was one of evolution for the Permitting Council, after passage of the BIL led to substantial updates to the operating procedures for FAST-41 covered projects. This quarterly report is the first since agencies have had a full reporting period under the updated DMG that went into effect in July and showcases a system in transition as Federal agencies work to meet the new statutory requirements.

This report highlights:

- The current FAST-41 project portfolio;
- Agency compliance with:
 - The FAST-41 initiation process, including the requirements for Coordinated Project Plans (CPPs);
 - The required CPP quarterly updates;
 - Permitting timetable creation and management;
- An assessment of how agency compliance will evolve in future Quarterly Agency Performance Reports.

Highlights of this report include the submission of three infrastructure projects to FAST-41 coverage and upcoming changes to simplify the submission process for the CPP certification process to support agency FAST-41 implementation and streamline Permitting Dashboard operation.

During the fourth fiscal quarter of 2022, there were 26 active FAST-41 covered projects on the Permitting Dashboard, with the majority in the offshore wind, solar, and other renewable energy sectors. This represents nearly \$90B in infrastructure investments in the United States. View the fourth fiscal quarter Agency Performance Report [here](#).

Federally Recognized Tribes to Receive Groundbreaking Investment to Aid in FAST-41 Infrastructure Project Permitting Reviews

The Permitting Council is excited to announce the allocation of \$5 million in funding to be made available to Federally recognized Tribes to enhance Tribal engagement in the environmental review and authorization process for FAST-41 projects. These funds are an initial investment from the Permitting Council's \$350 million dollar Inflation Reduction Act funding and are a significant step in realizing the once-in-a-generation infrastructure goals of the Biden-Harris Administration.

Tribal participation in the review of projects that require Federal authorization approval are a key element to the environmental review and permitting process, yet Tribes often face capacity issues such as limited staffing and funds to provide technical input on planned projects.

Reviews of projects that may span across multiple agency jurisdictions and areas of oversight can create lengthy, time-consuming review processes that demand significant time and resources from Tribes. Increasing Tribal capacity to participate in the environmental review and authorization process is critical to ensuring our Nation is building sound infrastructure, and these funds will assist Tribes in obtaining the expertise and resources needed.

In order to assess the scope of needs and develop criteria for transferring funds, the Permitting Council Executive Director is inviting Tribes to engage in Nation-to-Nation consultation. The feedback given during consultation will assist the Permitting Council Executive Director in developing the criteria of eligible activities and capacity building tools that can be funded.

The Permitting Council Executive Director will evaluate the need for further Tribal funding after further consultation with Tribes.

News from the Office of the Executive Director

U.S – Japan Council Visit



Executive Director Christine Harada Meets with the U.S. - Japan Council

Executive Director Christine J Harada traveled to Texas in November to deliver a keynote address to the U.S.-Japan Council on the FAST-41 process and how it can help bring transformational infrastructure projects to the Lone Star state. Thank you to the City of Houston and the U.S. – Japan Council for the informative session!

Introducing New Office of the Executive Director Team Members

This is a time of growth at the Permitting Council Office of the Executive Director (OED), and we are excited to introduce new team members to the permitting community.



Thomas Sharp, Director of Permitting Excellence

The Permitting Council OED is excited to introduce Thomas Sharp, who is taking on the brand-new title of Director of Permitting Excellence. Before coming to the Permitting Council, Tom served as Deputy Director for the National Environmental Policy Act (NEPA) at the Council on Environmental Quality (CEQ) where he provided policy guidance to Federal agencies and regulatory interpretation to assist with their compliance with NEPA. Previously, Tom worked as an attorney-advisor at the Federal Energy Regulatory Commission (FERC), where he advised the Commission and technical staff on matters related to hydropower projects under the Federal Power Act and natural gas certificates under the Natural Gas Act. Tom looks forward to leveraging his extensive infrastructure permitting and interagency coordination experience to support the role of the Permitting Council as a Federal center for permitting excellence.



Rachel Houge, Funding Transfer Specialist

The Office of the Executive Director is pleased to welcome Rachel Houge to the team. Rachel is on a one-year detail to the Permitting Council's OED from the Environmental Protection Agency (EPA). Previously Rachel developed and managed EPA's Gulf of Mexico grant program where rapid program expansion necessitated increasingly efficient grant processes. In her time with EPA in DC, she managed high-visibility budget issues and congressional questions involving EPA research programs, including climate change and hydraulic fracturing. She's excited to use this expertise to further develop the OED's funding transfer program and welcomes in person meetings anytime you find yourself in New Orleans.



PoQueen Rivera, Director of Tribal Affairs

We are also excited to share that PoQueen Rivera (former OED Associate Director of Public Engagement) has taken on a new role in our office as the Director of Tribal Affairs. PoQueen brings nearly a decade of experience in Tribal affairs and government relations to the Permitting Council. Prior to joining our office, she served as the Director of Policy and Government Relations for the New Mexico Indian Affairs Department.

Prior to that position PoQueen worked for the State of New Mexico Office of the Governor as Legislative Liaison to Governor Lujan Grisham. Rivera's previous experience with the Federal government includes working for then Congresswoman Lujan Grisham in the U.S. House of Representatives and as a lobbyist advocating on behalf of Tribal nations to improve the government-to-government relationship between Tribes and the federal government. Poqueen is an enrolled Tribal member of Pueblo of Pojoaque in New Mexico and a first-generation Korean American.

The Permitting Council in the News



- **Bloomberg Law:** Executive Director Christine Harada sat down with Stephen Lee of Bloomberg Law to discuss the thought process behind the consideration of charging user fees for covered projects.
- **Bloomberg Law:** Bloomberg Law interviewed Executive Director Christine Harada on how the Permitting Council ED is using the \$350 million investment from the Inflation Reduction Act to ensure timely and efficient review of FAST-41 projects.
- **Wharton Podcast:** Check out the latest episode of The Wharton Current and hear from Permitting Council Executive Director and Wharton alum Christine J. Harada on how the Permitting Council is working to transform the permitting process.

Thank you for checking out this month's Permitting Council newsletter. Keep up with everything related to infrastructure projects covered by FAST-41 by following the Permitting Council on LinkedIn and Twitter.

Newsletter Submissions

The Permitting Council Office of the Executive Director is excited to use this newsletter to amplify all the great work being done at our member agencies. We welcome you to submit content featuring your agency's efforts to improve the transparency, predictability, and outcomes of the Federal environmental review process for our next newsletter. Please email media@fpisc.gov with newsletter submissions (maximum 400 words).

- **Bloomberg Law:** White House Permitting Office Delays Plans to Charge User Fees-<https://news.bloomberglaw.com/environment-and-energy/white-house-permitting-office-delays-plans-to-charge-user-fees>
- **Bloomberg Law:** White House Permit Office Works to Bulk Up After Funding Boost- <https://news.bloomberglaw.com/environment-and-energy/white-house-permit-office-works-to-bulk-up-after-funding-boost>

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