



September 22, 2015



M-15-20

MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

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SUBJECT: Guidance Establishing Metrics for the Permitting and Environmental Review of Infrastructure Projects

President Obama is strongly committed to building 21st-century infrastructure that will strengthen our Nation's economy, create jobs, and improve U.S. competitiveness in the global market, while improving environmental and community outcomes. Multiple Federal agencies are charged with important mandates to protect the safety, security, environmental and community resources when considering proposed infrastructure projects, and do so by conducting environmental permitting and resource reviews¹. While agencies tasked with these responsibilities strive to fulfill them in a timely manner that delivers the best outcomes, opportunities exist to further improve the efficiency and quality of review, which would cut review timelines while also improving environmental and community outcomes. Since 2011, this Administration has undertaken an ambitious effort to modernize the Federal Government's role in the permitting and environmental review of proposed infrastructure projects.

A key component of these efforts has been the development and deployment of the online Federal Infrastructure Permitting Dashboard (the Dashboard) to facilitate early collaboration of infrastructure project reviews; synchronize, align and reduce time associated with permitting and environmental review timelines, when appropriate and practicable; and, increase accountability by making more project information available to the public. The Dashboard was initially used to

¹ "Permitting and review" and similar terms (including consultations, notices of decision, right-of-way authorizations, notices to proceed) as well as funding and development activities that prompt such requirements, are used throughout the attached guidance document as general terms to refer to a broad set of legal and regulatory requirements. No language in the document modifies specific usage of these terms in law, regulation, or guidance, nor is the term "permitting" intended to imply that approval will be granted for a proposed project. The term connotes the Federal decision-making process that may or may not ultimately lead to project approval.

highlight and track a small group of projects that served as a sample of the types of projects being pursued, and the majority of these have now completed their review and permit processes.

In May 2014, pursuant to Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects*, an interagency Steering Committee released an implementation plan outlining four major strategies, 15 reforms, and 96 milestones for modernizing the Federal permit and review processes. The plan adopted best practices and lessons learned from this initial set of projects. A key strategy in the plan aims to drive continued improvement by expanding the use and reframing the purpose of the dashboard and supporting efforts to better track progress of project review processes, to ultimately include all infrastructure projects and activities. The publication of this guidance is a formative step to make this strategy a reality. Following important improvements to the capacity, user experience, and technical features of the Dashboard, this guidance calls on agencies to begin using the tool to track key and consistent information for infrastructure projects across their portfolios.

Upgrading the permitting dashboard

In its last two Budget submissions, the Administration has requested funding to significantly upgrade the dashboard and fully expand its technical capabilities to support project management and tracking, as well as public transparency, for projects across the Federal Government. However, even if the funds are not ultimately appropriated by Congress, the Office of Management and Budget (OMB) and the Department of Transportation (DOT) have already dedicated a portion of existing resources to begin enhancements to this critical tool in response to feedback from users across agencies. A survey of dashboard users identified a number of key upgrades that will help improve access and usability, scaling, transparency, and data delivery. As a result, the site now has a streamlined look and feel, allows automated project initiation, create a personal list of favorite projects, and view a self-updating stream of recent activity for those projects.

Turning best-practice into standard-practice: expanding the dashboard to include all infrastructure projects

Building on enhancements to the Dashboard, this guidance establishes guidelines for agencies to begin using the Dashboard to report a common set of timeframe metrics for all infrastructure projects seeking Federal funding, permits, notices of decision, rights-of-way, and similar actions that meet certain threshold criteria. The information agencies report will capture project schedules and milestones, descriptive information, and identify when project progress slows due to external factors. In addition to supporting better project management immediately, the information collected will help establish a baseline of the typical review timeframes for infrastructure projects across nine sectors.

Reporting project schedules and progress on a common interagency platform can achieve a number of important benefits, for example: cutting timelines by encouraging synchronized review and early coordination of agencies' schedules; making it easier to identify and troubleshoot roadblocks; and improving agencies' accountability and improving transparency to the public. Taken together, these benefits can help cut project timelines while also improving the quality and consistency of agencies' environmental analysis. Over the long term, collecting

consistent data across agencies will be integral to identifying process trends and common external drivers that influence the review process.

Achieving the goals of this guidance will require hard work and collaboration across agencies, and we look forward to working with all of your agencies to help implement these changes and provide technical support as subject matter experts across disciplines become familiar with the dashboard and recent improvements. Please do not hesitate to contact any of our teams with questions (See Appendix D).

Attachments

OMB M-15-20: Establishing Metrics for the Permitting and Environmental Review of Infrastructure Projects

Section 1: General Guidance

1.1 To what agencies does this guidance apply?

This guidance applies to the eleven² Federal agencies – including all relevant subcomponents and divisions thereof – identified as members of the Steering Committee on Federal Infrastructure Permitting and Review Process Improvement in the *Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting* (Implementation Plan)³ – that play a significant role in the permitting, review, funding, and development of infrastructure projects.⁴ They are:

- Advisory Council on Historic Preservation
- United States Department of Agriculture
- United States Department of the Army
- United States Department of Commerce
- United States Department of Defense
- United States Department of Energy
- United States Department of Homeland Security
- United States Department of Housing and Urban Development
- United States Department of the Interior
- United States Department of Transportation
- United States Environmental Protection Agency

1.2 What is the purpose of this guidance?

The purpose of this guidance is to establish metrics and provide clarity for reporting and tracking permit and environmental review timelines using the Federal Infrastructure Permitting Dashboard. Section 2 of this guidance establishes a set of metrics to track permit and review timelines for certain infrastructure projects and sets forth a schedule for collecting the data. Section 3 outlines an approach to capture the environmental and community impacts and outcomes that result from the Federal permitting and review process.⁵ Over time, the collection

² The Morris K. and Stewart L. Udall Foundation is also identified in the Implementation Plan as a member of the Steering Committee. However, it is not included as a party to this guidance, because it does not render permit decisions or have the statutory responsibility to perform environmental reviews. Moreover, while agencies such as the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission play significant roles in the permitting, review, and oversight of infrastructure projects, they were not included as members of the Steering Committee to respect their independent regulatory and safety mandates.

³ The plan is available at <http://www.permits.performance.gov/pm-implementation-plan-2014.pdf>

⁴ This Memorandum is intended to improve the internal management of the Executive Branch and should not be construed in a manner that conflicts with the authority granted by law to an executive department, agency, or the head thereof. It does not create any right or benefit, substantive or procedural.

⁵ “The term “environmental and community impacts and outcomes” is used in this guidance to refer, broadly, to the full set of natural, community, cultural, and historic resources, for which avoidance, minimization, or mitigation may be required as part of a review. Section 3 provides greater detail.

of timeframe and outcome metrics will provide multiple benefits. First, it will establish a baseline to help track the progress of the reform efforts included in the Administration's Implementation Plan as well as recent infrastructure-related legislation, including the Moving Ahead for Progress in the 21st-Century Act transportation authorization and the Water Resources Reform and Development Act. Second, it should help reduce review timelines by strongly encouraging early coordination of agencies' schedules and synchronized review. Third, it will increase the transparency of the permitting and review process. Moreover, consistent, centralized government-wide data will provide actionable insight into current Federal permit and review practices and inform discussions on additional ways to further improve the effectiveness and efficiency of these processes. Lastly, this data will help identify process trends and common external drivers that influence these processes.

1.3. Are agencies required to designate a Senior Accountable Official (SAO) for the purpose of overseeing implementation of this guidance?

Yes. To directly support implementation of this guidance and to ensure it is disseminated and adhered to throughout each agency, each Steering Committee agency must designate, and identify to OMB, no later than 30 days after this guidance is issued, a Senior Accountable Official. This individual should have the responsibility and authority (recommended at the level of Assistant Secretary or Deputy Assistant Secretary, or equivalent) to implement the guidance by coordinating across agency bureaus, modes, program offices, and programs, including programs implemented by states and other entities as a result of delegation of responsibility. This guidance intends to allow agencies the flexibility to determine where, and at what level, within their respective organization the SAO is located. While the Department-level SAO will retain ultimate responsibility for implementation, as appropriate, he or she may delegate to individuals at specific bureaus, district offices, modes, or programs with a significant permitting and review responsibilities to carry out the duties below on his or her behalf. It is recommended that each SAO:

- Ensure that permit evaluation and environmental review schedules associated with any infrastructure project is posted to the Dashboard is done so in a timely manner and kept current by appropriate project team personnel. This includes:
 - Schedules for completing permits or reviews for which its agency is the agency of jurisdiction, and
 - Schedules for completing National Environmental Policy Act (NEPA) actions for which it is the Federal lead agency.
- Receive regular status updates from project personnel to address any permit or review milestone that is, or is likely to occur, more than 30 days past its target date, not counting delays caused by external factors.
- Establish a list of appropriate point-of-contacts in relevant field and other offices that play a role in the permitting and environmental review process, to ensure comprehensive dissemination of the guidance, adherence with the requirements identified in sections 2 and 3, and that field staff are held responsible for ensuring timely and accurate data entry for their area of responsibility.
- Ensure relevant headquarters and other staff are provided adequate training on the requirements of this guidance and use of the Federal Infrastructure Permitting Dashboard,

including training on relevant IT/GIS tools and best practices for developing coordinated, synchronized project schedules.

- Conduct regular, Department-wide reviews of implementation, reporting, and performance and provide updates to the Steering Committee member.

Once identified, within 30 days the SAO should also designate one or more (but no more than eight) Permitting Dashboard Administrators to serve as a point of contact to assist staff responsible for data entry on technical issues related to the MAX Dashboard (e.g., obtaining MAX log-ins or populating the project team tab). The SAO must ensure the list of Permitting Dashboard Administrators for the agency is regularly updated and made available to agency staff with responsibility for submitting and reviewing information for the Dashboard.

Section 2: Infrastructure Project Permit and Review Timeframes Metrics

2.1. To which types of infrastructure projects does this guidance apply?

This guidance applies to a subset of infrastructure projects in the sectors identified in Executive Order 13604 and later supplemented by the Steering Committee that apply for or receive Federal funding, , or that seek a Federal permit or review and meet the threshold criteria identified in Section 2.2. Unless explicitly excluded, all modes and sub-sectors of the sectors below are covered by this guidance. Executive Order 13604 allows the Steering Committee to include other sectors as appropriate:

- Surface transportation, including all highway, rail, and transit projects⁶
- Airport capital improvement projects
- Ports and waterways⁷
- Water resource projects⁸
- Renewable energy generation⁹
- Electricity transmission
- Storm-water infrastructure
- Broadband internet
- Pipelines, except those subject to Federal Energy Regulatory Commission oversight

2.2. Starting in October 2015, which infrastructure projects must report permit and review schedules to the Federal Infrastructure Permitting Dashboard (the Dashboard) ¹⁰?

The Dashboard is intended to facilitate enhanced interagency coordination and provide public transparency for a set of infrastructure projects that might experience a lengthy Federal environmental permit and review, given their size, complexity, and significance.

Therefore, the data requested by this guidance for any new proposed project in a sector listed in Section 2.1 must be posted on the Dashboard if the project meets the criteria in one or more of the following categories:

⁶ This includes projects where the NEPA review is implemented by a state department of transportation as a result of NEPA assumption pursuant to 23 USC § 327.

⁷ This applies only to those port and waterway projects for which the feasibility study is complete and Congress has provided authorization for construction. For projects where funds must be appropriated to update environmental reviews following the feasibility study phase and Congressional authorization of a project, a project will not be posted to the dashboard until those funds are provided.

⁸ This guidance applies to those water resource projects for which the feasibility study is complete and Congress has provided authorization for construction. For projects where funds must be appropriated to update environmental reviews following the feasibility study phase and Congressional authorization of a project, a project will not be posted to the dashboard until those funds are provided.

⁹ This includes hydroelectric, solar, wind, and geothermal infrastructure projects. For geothermal projects, permit and review actions associated with Geothermal Utilization Plan activities are covered. Actions associated with lease applications and drilling operations, including natural gas hydraulic fracturing, are not covered. Nuclear and conventional energy generation projects (i.e., gas, oil, and coal power plants) are not covered by this guidance.

¹⁰ <http://www.permitting.max.gov>

1. The project requires two or more permitting and environmental review actions listed in Appendix A that are of a complex nature (such as formal consultation under Section 7 of the Endangered Species Act, an Individual Permit under Section 404 of the Clean Water Act, or consultation to resolve adverse effects under Section 106 of the National Historic Preservation Act) and does not qualify for an abbreviated or expedited process (such as a nationwide permit under Section 404 of the Clean Water Act, a Programmatic Agreement under Section 106 of the National Historic Preservation Act, or a Categorical Exclusion under the National Environmental Policy Act), and
 - Involves two or more jurisdictions (including tribal, state, or local government entities); and,
 - Is likely to require a total project investment greater than \$200,000,000.

Some discretion may be required to determine whether a permit or review is likely to be “complex”, as well as to estimate the total project cost. Given that there could be significant cost and level of effort required to make these determinations, if there is uncertainty about whether a project meets the criteria above the bias should be toward adding the project to the Dashboard. The agency SAO shall determine, in consultation with all other relevant agency SAOs, if a potential project is likely to meet these criteria.

2. The Federal NEPA Lead agency determines the project is likely to have significant environmental impacts and requires the preparation of an Environmental Impact Statement (EIS) under the NEPA.
3. The project is identified by an agency SAO, in concurrence with all other relevant agency SAOs, as not meeting the criteria above but likely to benefit from posting to the Dashboard.

2.3 What information must be posted to the Dashboard? Who is responsible for entering the data and by when?

The Federal lead agency is responsible for ensuring that the information in Table 2 (below) is posted to the Dashboard, according to the timeline therein. A Dashboard user’s guide outlines the complete set of data elements that are required, as well as provides detailed instructions on how to create, populate and update a project page. The guide is available at <http://www.permitting.max.gov>. The lead agency has the discretion to delegate responsibility for posting required information to cooperating agencies, including Federal contractors on the project team, but is ultimately and wholly responsible for ensuring the schedule is kept accurate and current.

Table 2: Data Required for All Posted Infrastructure Project

Information Element	Description	When Required¹¹
1. Project Name	Name assigned to the project by the Federal lead agency, as used in NEPA documentation.	Within 90 days of initiating a project described in Section 2.2. Project initiation refers to the first milestone in the first permit or review required for a project, such as the determination to prepare an Environmental Assessment, or issuance of Notice of Intent to prepare an Environmental Impact Statement.
2. Descriptive Information	Project applicant/sponsor, project type, project team, estimated total cost, geographic location, etc.	
3. Project Schedule	See Section 2.4.	
4. Milestone Updates	The date on which any milestone included in the Project Schedule occurs.	Within 10 business days of each milestone's occurrence.
5. Time elapsed due to an external factor ("pause")	See Section 2.5.	Within 15 business days of the lead agency's determination that a "pause" has initiated or concluded.

2.4. What is a "project schedule"?

For the purpose of this guidance, a project schedule includes all the Federal permits and reviews included in Appendix A that are required for the project to be constructed. The schedule includes the target date or estimated timeframe (see below) that the Federal lead agency or relevant agency of jurisdiction aims to complete the milestones for each required permit or review.¹² The Dashboard allows project team members to create additional or ad hoc milestones and activities, which may be kept internal to the MAX environment or published to the public site, as deemed appropriate and necessary for coordination and project management purposes. Dashboard milestones are:

1. Application received.
2. Completed application received.*

¹¹ If an agency is unable to meet the timelines for posting any of the required information elements, it should post the information as soon after the required timeline that it is known.

¹² A subset of the permits and reviews listed in Appendix A will report a more extensive set of milestones.

3. Issuance of decision for permit/approval.
4. Notice to proceed.*
5. Review terminated with no decision.*

* Where applicable as a separate step.

Agencies are strongly encouraged develop coordinated project schedules in a way that maximizes the use of concurrent and synchronized reviews, and are strongly encouraged to use the principles, processes, tools, approaches, and dispute resolution procedures identified in the handbook, *Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects*, also known as the “Red Book”.¹³

Appendix C provides additional guidance on developing a comprehensive project review schedule, and identifies additional best practices that could prove helpful to more quickly and thoroughly identify necessary permits and reviews, set achievable target dates, and ensure opportunities to synchronize are considered and adopted, as appropriate.

When planning target milestones in the project review schedule, agencies should use three types of future dates:

- **Predicted dates** (MM/DD/YYYY), for actions in the first six months of the schedule;
- **Estimated dates** (MM/YYYY), for actions planned between six months and 18 months; and,
- **Quarterly benchmarks** (Q/YYYY), for actions planned beyond 18 months.

As time progresses, the responsible agency (i.e., the Federal lead agency or the agency of jurisdiction) should ensure that “estimated dates” are updated to “predicted dates” once inside of 6 months of the date, and “quarterly benchmarks” are updated to “estimated dates” once inside of 18 months of the date. These updates should be made within 10 business days of a change in date type.

Once the Federal lead agency has developed the project schedule, with the concurrence of all Federal agencies with jurisdiction over an environmental permit or review, it is responsible for ensuring that the status (that is, the “actual date”) of all milestones are updated on the Dashboard within 10 business days of any milestone’s occurrence.

2.5. What is “time elapsed due to an external factor” in the Federal review?

In some cases, a Federal agency must wait a meaningful period of time to complete a necessary review or render a determination due to a factor wholly or partly outside of its control. This guidance refers to such “time elapsed due to an external factor” as a “pause” in the Federal permitting or review process. Not accounting for these pauses in using timeliness as a metric provides an inflated picture of the true timeliness of the Federal review. Therefore, the timeliness metric accounts for and subtracts net “pauses” from a project’s overall timeline to more accurately capture the time under active Federal review.

¹³ The “Red Book” can be accessed at <https://www.environment.fhwa.dot.gov/index.asp>

The following categories of factors are those that most often affect the timeliness of the Federal review of a project, and can be selected from a dropdown menu on the Permitting Dashboard. Based on experience and circumstances, agencies may propose that OMB and CEQ track additional categories of factors. A permit or review should be considered “paused” if it is:

- **Withdrawn, Suspended, or on Hold:** A project applicant has indicated in writing or otherwise requested that an agency withdraw or temporarily suspend the project’s review; or place the project on hold.¹⁴
- **Awaiting Applicant Action:** A project applicant has sole or joint responsibility for completing a required action before Federal action can proceed, such as modifying a project design or providing more information on an updated design that is necessary to render a Federal permit or review decision. This includes instances when an applicant and a federal agency disagree as to whether an application-related action is truly completed, so long as the Federal agency does not intend to proceed in its review absent applicant action or additional information.
- **Awaiting Other Cooperator Action:** A state, local tribal, or other Federal Government agency action or decision is necessary before the affected Federal agency can proceed in processing a permit application or completing a review.
- **Lacking Financing:** A project applicant temporarily loses financing critical to the project or lacks sufficient financing to continue the permit or review process.
- **Facing Legal Action:** A project applicant or sponsor is subject to legal delays including any temporary restraining order, preliminary injunction, permanent injunction, stay in proceedings, settlement negotiation, or other court-ordered stay that delay completion of the permit or review.
- **Other:** Examples could include instances where a government agency is shut down or a natural disaster prevents agency personnel from conducting a particular review activity. Limitation of staff resources, however, would not be considered an external factor affecting the timeliness of a permit or review.

Agencies should contact OMB or CEQ if uncertain whether a specific action counts or should count as a “pause”.

As a general matter, agencies should report on the Dashboard all pauses that total or exceed 30 days in duration. However, if applicable regulation or protocol allows for longer periods of time for certain actions to occur (e.g., allowing an applicant 60 days to respond to a request for additional information), that benchmark may be extended accordingly. Similarly, if an agency expects to experience repeated pauses of less than 30 days, it should report these as well.

¹⁴ For projects that permanently withdraw their application for any reason, the NEPA lead agency should change the overall status of the project to “Withdrawn” and stop reporting on schedule milestones. Withdrawn projects will remain on the Dashboard for record-keeping purposes.

Before reporting a pause and publishing it to the public Dashboard, the agency “pausing” a permit or review should notify all other agencies on the project team, the project sponsor, and/or the relevant state, tribal, or local government.

Agencies should report the start and end date of any pause that meets the criteria above by selecting the general category and providing a short description of the event on the Permitting Dashboard. The start date should reflect the date, or best estimate thereof, on which the agency identified that Federal action as “paused”. The end date should reflect the date on which the agency is able to resume work on the permit or review.

2.6. When does this guidance take effect and reporting begin?

Reporting to the Dashboard, as defined in Section 2.2, will begin on October 12, 2015. Specifically:

- Federal agencies should continue to record and update milestone events that are completed as of the issue date of this guidance for all projects currently posted on the Federal Infrastructure Permitting Dashboard as “active” projects.¹⁵
- Federal lead agencies should add new, not ongoing, infrastructure projects that meet the criteria as a covered project (based on the categories in Section 2.2) on or after the issue date of this guidance, according to the schedule in Section 2.3.
- Lastly, although not required, a Federal lead agency, in consultation with all relevant cooperating agencies, may also add project schedule information to the Dashboard for any project currently under review as of the issue date of this guidance. Such projects are likely those whose size, complexity and significance make it likely to benefit from the enhanced coordination and transparency that the Dashboard provides.

2.7. What project information will be publicly accessible?

Information submitted to the Federal Infrastructure Permitting Dashboard will be publically accessible on <https://www.permits.performance.gov> to provide greater transparency into the permitting process for government employees, project applicants, and the general public.

Specifically, all project schedule information – including all target and actual milestone dates for the permits and reviews in Appendix A, as well as the duration and justifications for “pauses” – will be made publically available. Project team members will retain the ability to create non-public activities in the MAX environment to account for internal milestones and coordination activities (such as required state or local government permits or review), which will only be accessible to project personnel.

Each agency is responsible for ensuring the accuracy and reliability of the data it submits to the Dashboard, consistent with existing agency practices and policies, as well as legal and regulatory

¹⁵ See <http://www.permits.performance.gov/projects/active-projects>

requirements. In general, agencies should develop procedures consistent with Section 8.5, *Data Validation and Verification*, in [Section 210.11 of OMB Circular No. A-11 \(2014\)](#).

2.8. How will a project's timeframe metrics be calculated?

For each project, the overall timeliness metric will be calculated by measuring the total elapsed time between the dates on which the first and last milestone occurs – inclusive of all permits and reviews included in its project schedule – minus net “pauses”, recognizing that some “pauses” may occur simultaneously for different permit or review activities required for a project.

2.9. Will these metrics be used as the basis for meeting the target of reducing permitting timelines set in the Cross-Agency Priority (CAP) Goal? ¹⁶

OMB and CEQ will aggregate the data across projects to develop timeliness indicators for the overall Federal permitting and review process for the sectors listed in Section 2.1. Currently, OMB and CEQ do not plan to develop standard timeline targets for individual project timelines, given the diversity of projects and Federal permit and review requirements. Beginning in mid-2016, OMB and CEQ, in consultation with the relevant agencies, will review the metric data to determine whether a sufficient baseline exists for setting aggregate targets and to identify what, if any, additional information is necessary to do so. However, at this time, the metrics will not be used as a performance measure or to establish specific, quantitative CAP goal targets.

2.10. Will the scope of reporting change in the future and what process will inform any such change?

Though the projects that will be posted to the Dashboard constitute a small percentage of all Federal infrastructure-related permit and review decisions, these projects tend to be the largest and most complex, which can result in longer timelines. Collecting timeframe data only on these projects would provide an incomplete and, ultimately, distorted picture of the timeliness of most Federal permit and review actions. Collecting timeframe data on a broader set of more routine Federal permitting actions would provide a more accurate and comprehensive picture of the timeliness of the government's full portfolio of permit and review efforts.

In future updates to this guidance, OMB and CEQ expect to expand the criteria in Section 2.2 to capture a broader set of permitting and environmental review activities. However, given the volume of potential projects and activities that this could cover – and the potential resource burden such a requirement could create on the agencies to which this guidance applies – OMB and CEQ first seek to better understand for which permits and reviews, if any, collecting more timeline data would provide material benefit.

OMB and CEQ will work with Steering Committee agencies to collect the data needed to identify a potential sub-set of the permits and reviews included in Appendix A for which

¹⁶ Cross-Agency Priority (CAP) goals were established by the Government Performance and Results Modernization Act of 2010, and are tools used by Executive branch leadership to accelerate progress on a limited number of Presidential priority areas where implementation requires active collaboration between multiple agencies. CAP goals address the longstanding challenge of tackling horizontal problems across vertical organizational silos. “Infrastructure Permitting Modernization” was one of fifteen CAP goals announced in the 2015 budget.

additional reporting may be required, and will adhere to a transparent and inclusive decision-making process when doing so.

No changes to the criteria will be made before October 2016.

Section 3: Collecting and Reporting Information Regarding the Environmental and Community Impacts and Outcomes that Result from the Federal Permitting and Review Process

In addition to requiring the collection and reporting of permitting timeframe data, projects that meet the criteria in Section 2.2. will have report summary data on the environmental and community impacts and outcomes that result from the Federal permit and review processes. The approach will identify the outcomes improved through avoidance, minimization, or other mitigation (as defined in 40 CFR 1508.20) of adverse impacts that result from the anticipation or application of Federal permitting and review processes.

Such data will help verify whether permits and environmental reviews do generate, on net, materially improved outcomes and reduced impacts for environmental and community resources. While much of this data and analysis is collected through the NEPA review process, Endangered Species Act consultations, and other permit and review documents, it is not reported in a consistent, easily comparable or searchable manner. The information collection effort outlined below is a first step to addresses this concern and may be refined in subsequent iterations of this guidance.

3.1 What information will be reported to measure the impact of the Federal review process on environmental and community impacts outcomes?

The Dashboard will feature an Outcome Classification System to allow Federal project team members to report whether the permitting and review process produced an improved outcome (i.e., a reduction in impacts) compared to the applicant-proposed project for the following seven resource categories: Air, Water, Land, Biological, Cultural, Community, and Other. This will provide the foundation for measuring the impacts across projects and allow for an analysis of trends over time.

Within 30 days of completion of the final project milestone for every permit or review included in a project schedule, the Federal lead agency, relevant cooperating agency, or agency of jurisdiction – as appropriate, shall answer the following questions on the Dashboard:

- Considering project development from application to completion of the Federal review, did the Federal permitting and review process result in a reduced impacts to the following resource: Air, Water, Land, Biological, Cultural, Community, and Other? Please provide a brief explanation/qualitative summary for each resource.
 - Yes, No, Insufficient evidence to determine:
 - If “Yes”, above, did the reduction in impacts result from (select all that apply): Avoidance, Minimization, or Compensatory Mitigation?
 - If “Compensatory mitigation”, was the activity (select all that apply): Mitigation bank, in-lieu fee, or permittee-responsible?

To avoid unnecessary reporting burden, agencies should utilize the data already collected during

the permitting review process to complete these indicators.

3.2 Will additional instructions be provided to refine the methodology outlined above?

The data requested in Section 3.1 represents an initial step in developing a more comprehensive and detailed reporting methodology. In Spring 2016, OMB and CEQ will provide greater clarification regarding the criteria to use when determining what constitutes a reduction in impacts, as well as more clearly defining what elements to consider for each resource category.

3.3 When does this reporting requirement take effect?

This requirement takes effect on June 1, 2016. That is, every permit or review completed for a project on the Dashboard on or after this date is required to answer the questions in Section 3.1.

Appendix A: Permits and Reviews Required for Inclusion in a Project Schedule

The following Federal permits, consultations, notices of decision, notices to proceed, right-of-way authorizations, evaluations, environmental and community resource reviews – whether administered or issued by a Federal or State agency – must be included a project’s schedule, as defined in Section 2.3 of this guidance, and report on it on the Dashboard. The agency of jurisdiction for the review is identified in parentheses.¹⁷

- Aeronautic Study Determination (FAA)
- Authorization to Incidentally Take Marine Mammals (NOAA)
- Bald and Golden Eagle Protection Permit (FWS)
- Bald and Golden Eagle Programmatic Take Permit (FWS)
- Business Resource Lease (BIA)
- Coastal Zone Management Act Federal Consistency Review (NOAA)
- Conservation Easement Subordination, Exchange, Modification or Termination (NRCS)
- Consultation to Protect National Marine Sanctuaries (NOAA)
- Department of Defense Military Mission Impact Process (DOD)
- Endangered Species Act Section 7 Consultation (NOAA and FWS)¹⁸
- Export Authorization for electric energy (DOE)
- Fish and Wildlife Coordination Act (FWS and NOAA)
- Form 3200-9, Notice of Intent to Conduct Geothermal Resource Exploration Operations (BLM)
- Geothermal Drilling Permit (BLM)
- Geothermal Exploration Bond (BLM)
- Geothermal Project Utilization Plan, Facility Construction Permit, and Site License (BLM)
- Geothermal Sundry Notice (BLM)
- Lease of Power Privilege – Conduits (BOR)
- Lease of Power Privilege – Dams (BOR)
- Magnuson-Stevens Fishery Conservation and Management Act Consultation for Essential Fish Habitat (NOAA)
- Marine Mammal Protection Act consultation (NOAA)
- National Environmental Policy Act compliance (All Federal agencies/CEQ)¹⁹
- National Park Service Permit (NPS)
- National Pollutant Discharge Elimination System Permit (EPA)
- Notice of Proposed Construction - Form 7460 (FAA)
- Native American Graves Protection and Repatriation Act Compliance (All Federal agencies)
- Operations Plan / Surface Use Plan (BLM)

¹⁷ The legal, statutory, and regulatory citations for the permits and reviews listed above can be found on the Federal Permit and Review Inventory at permits.performance.gov/permit-inventory.

¹⁸ See Appendix B for additional detail.

¹⁹ See Appendix B for additional detail.

- Presidential Permits²⁰ (DOE)
- Right-of-Way Authorization or Special Use Permit (FWS)
- Right-of-Way Authorization (BIA)
- Right-of-Way Authorization (BLM)
- Right-of-Way Authorization (BOR)
- Section 10 of the Rivers and Harbors Act of 1899 (RHA) Permit (USACE)²¹
- Section 103 of the Marine Protection, Research, and Sanctuaries Act Permit (USACE)²²
- Section 106 of the National Historic Preservation Act (All Federal Agencies)
- Section 404 of the Clean Water Act Permit (USACE)²³
- Section 408 Evaluation and Determination (USACE)
- Section 1222 of the Energy Policy Act of 2005 (DOE)
- Section 4(f) Determination (DOT/DOI)
- Service Line Agreement (BIA)
- Site License (BLM)
- Special Use Permit (BLM, NPS, USFS)
- Tribal Trust Responsibilities Compliance (All Federal agencies)
- United States Coast Guard Bridge Permit (USCG)²⁴
- Wind Energy Evaluation Lease – Indian Lands (BIA)

²⁰ As required by Executive Orders 8202, 10485, and 12038.

²¹ See Appendix B for additional detail.

²² See Appendix B for additional detail.

²³ See Appendix B for additional detail.

²⁴ See Appendix B for additional detail.

Appendix B: Permit and Review Milestones to Include in Project Schedules for Reporting on the Dashboard

For each permit and review listed in Appendix A, with the exception of the subset identified below, the following set of milestone events must be reported on the Dashboard. The Federal lead agency for the project shall determine who on the project team is responsible for reporting the information.

1. Initial application received.
2. Completed application received.*
3. Issuance of decision for permit/approval.
4. Notice to proceed.*
5. Review terminated with no decision.*

* Where applicable, or applicable as a separate step.

For each of the permits or reviews below, agencies will report on the following milestones.

National Environmental Policy Act (NEPA) Compliance

Environmental Assessment

1. Determination to prepare an Environmental Assessment (EA)
2. Release for public review:
 - a. Draft EA*
 - b. Final EA*; and/or
 - c. Draft proposed Finding of No Significant Impact (FONSI)*
3. Issuance of Final EA* and FONSI or decision to prepare an Environmental Impact Statement (EIS)
4. Issuance of Supplemental EA*
5. Issuance of Supplemental FONSI*

Environmental Impact Statement

1. Issuance of Notice of Intent to prepare an EIS.
2. Scoping.
3. Official Notice of Availability of a Draft EIS published in the Federal Register.
4. Official Notice of Availability of a Final EIS published in the Federal Register.
5. Official Notice of Availability of a Supplemental Draft EIS published in the Federal Register.*
6. Official Notice of Availability of Supplemental Final EIS published in the Federal Register.*
7. Issuance of Record of Decision or combined Final EIS/Record of Decision.
8. Issuance of an Amended Record of Decision or Combined Supplemental Final EIS/Amended Record of Decision.

*Where applicable or applicable as a separate step.

Formal Endangered Species Act Consultation

Department of the Interior/Fish and Wildlife Service

Department of Commerce/National Oceanographic and Atmospheric Administration/National Marine Fisheries Service

1. Date of Request for formal consultation received
2. Consultation Initiation Date
3. Final Biological Opinion Issued

Bridge Permit

United States Coast Guard

1. Application Received.
2. Application Deemed Complete.
3. Navigation Data Received.
4. Issued Navigation Determination.
5. Publication of Public Notice.
6. Permit Decision Rendered.

USACE Regulatory Authorization (Section 10 of the Rivers and Harbors Act of 1899/Section 103 of the Marine Protection, Research, and Sanctuaries Act Permit 103/Section 404 of the Clean Water Act Permit)

United States Army Corps of Engineers

1. Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received.
2. PCN/Application Deemed Complete.
3. Publication of Public Notice.*
4. Final Verification/Permit Decision Rendered.

*Where applicable or applicable as a separate step.

Appendix C: Developing a Comprehensive Project Schedule for Conducting and Completing All Required Permits, Reviews, and Approvals

Section 2.3 outlines what is required for a project review schedule for the purposes of posting to the permitting dashboard, this Appendix suggests further that a “Project Review Team”²⁵ use the best available data, including geographic information systems (GIS) tools, the Federal Permit Inventory, existing resource data, as well as published agency permitting and review responsibilities, to identify all permits, reviews, and approvals, including relevant tribal consultation(s), necessary for the proposed project.

Once identified, a comprehensive project review schedule identifies and sets target timelines to complete each known required permit, review and approval,²⁶ as well as key interim steps. Although this schedule should provide a complete picture of the regulatory requirements for a project, it should give specific focus to those permits/approvals that are complex, require extensive coordination, and/or might significantly impact the project review schedule. The schedule should also outline the information required from the applicant at each stage of the process, document reviews to be conducted, and determinations of any decisions made during the project planning and development phase.

The schedule should be aggressive but achievable; should be consistent with statutory, regulatory, or procedural timelines for review; and include concurrent rather than sequential reviews whenever possible, using the principles, processes, and tools identified in the handbook, *Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects*. Agencies should make use of any available permit toolkits developed for the sector to provide consistent and predictable timelines. In sum, comprehensive project review schedule should include:

- Anticipated permit, review, and NEPA analysis, including:
 - Project planning and development meetings;
 - Opportunities for agency review of draft permit applications and other preliminary information to help inform resource agency staff and ensure the applicant submits a comprehensive and complete formal application;
 - A summary of what constitutes a formal application submission and when it should be submitted to be consistent with applicable laws, regulations, and procedures; and
 - Decision dates for each required permit, review, or approval, to include those included in Appendix A.

²⁵ To include all federal agencies and appropriate non-Federal entities (e.g., state, tribal, and local governments) determined to have relevant permitting, review, and approval responsibilities to participate in project planning and development procedures. For the purposes of reporting to the Dashboard, Federal agencies are not expected to include or update non-Federal permits or reviews. The inclusion of non-Federal permits is done so voluntarily by the non-Federal entity involved.

²⁶ Certain permits, reviews, or approvals may be dependent on the selected alternative for a project and therefore may not be known at the very early stages of a project. In those instances, the Coordinated Project Plan should acknowledge potential required permits, reviews, or approvals. As the project develops, the project schedule should be updated to reflect the most current understanding of project impacts and permitting requirements.

Appendix D: Executive Office of the President Contact Information

Any questions regarding implementation or execution of the requirements outlined in this guidance should be directed to the following EOP offices:

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