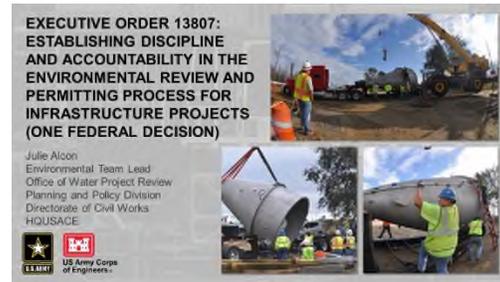


Overview of One Federal Decision (E.O. 13807) Requirements for Civil Works Planning Studies
April 30, 2020
Q&A Session

This webinar provided an overview of [Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects](#) (or “One Federal Decision”). The requirements of One Federal Decision cover major infrastructure projects, including feasibility studies of those projects: water resources, ports, and navigational channel projects that need an Environmental Impact Statement. The webinar was presented by Julie Alcon, Environmental Team Lead and Policy Reviewer, HQUSACE Office of Water Project Review.



For additional information on One Federal Decision, see the [Director’s Policy Memorandum 2018-12: Implementation of Executive Order \(EO\) 13807 and One Federal Decision \(OFD\) within Civil Works Programs](#) and USACE Civil Works guidance on [Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 \(WRRDA 2014\), Project Acceleration](#).

The Office of Management and Budget (OMB) Federal Permitting Infrastructure Dashboard is online at <https://www.permits.performance.gov/>

This summary of the Question / Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.

Major Infrastructure Projects and the Federal Permitting Infrastructure Dashboard

Would a project be considered a “major infrastructure project” if both the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) are required to provide a biological opinion under the Endangered Species Act (ESA) – one authority but multiple agencies required? (See webinar presentation slide 6)

Yes, that project would be considered a Major Infrastructure Project because multiple authorizations – from both NMFS and USFWS – are required.

Are ecosystem restoration projects covered by E.O. 13807, and if so, which environmental restoration projects are classified as Major Infrastructure Projects?

E.O. 13807 applies to all “water resources projects,” which includes ecosystem restoration projects. Any project that meets the Major Infrastructure Project criteria should be classified as such and be added to the Federal Permitting Infrastructure Dashboard (see slides 5 and 6 of the webinar presentation for Major Infrastructure Project criteria and definitions).

Are all USACE projects listed on the Federal Permitting Infrastructure Dashboard under One Federal Decision, or only MIPs?

Only projects that meet the definition of Major Infrastructure Projects should be listed on the Dashboard: <https://www.permits.performance.gov/projects/major-infrastructure>.

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Are Major Infrastructure Projects conducted by non-federal interests under [Section 203 of WRDA 1986, as amended](#), required to be included on the Federal Permitting Infrastructure Dashboard?

Our interpretation is that studies/projects conducted by non-federal interests do not meet the criteria for inclusion on the dashboard because these are not federal projects and USACE has no control over the permitting timetable and NEPA documentation. There is currently one Section 203 project included on the dashboard; HQUSACE is working with OMB and CEQ to remove it

How is the Federal Permitting Infrastructure Dashboard information maintained?

Updating or populating the dashboard requires a user account through the U.S. Department of Transportation and projects must be updated via the dashboard website monthly.

The person responsible for inputting project data into the dashboard differs from District to District and MSC to MSC, and is ultimately up to the individual District or MSC. However, this person is usually a member of the environmental section/branch because they are the ones who coordinate on permitting timetables with the cooperating agencies (e.g., biologists, program managers, environmental resource section chiefs, MSC environmental leads, etc.)

If a District or MSC needs to be added as a Federal Permitting Infrastructure Dashboard authorized user to add Major Infrastructure Projects to the dashboard, they should contact Julie Alcon. Julie can also be contacted via e-mail for a copy of E.O. 13807 training slides.

Do projects on the Federal Permitting Infrastructure Dashboard receive greater priority, visibility, or consideration for funding?

The purpose of E.O. 13807 is to accelerate environmental reviews and permitting decisions for major infrastructure projects. Public transparency about these projects and inclusion on the dashboard is not a criterion for budgeting or funding by USACE. However, OMB will look at the agency's One Federal Decision Scorecard for their budgeting purposes.

Cooperating Agencies

Are state and local agencies currently considered cooperating agencies under the National Environmental Policy Act (NEPA)?

Under One Federal Decision, states and local entities, along with tribes, can be cooperating agencies if they have been delegated some type of permitting authority that is typically conducted by a federal agency. For example, a State or Tribal Historic Preservation Office (SHPO or THPO) may be considered a permitting/cooperating agency if delegated authority under Section 106 of the National Historic Preservation Act. Under NEPA, the cooperating agency must be a federal agency; however, the CEQ's proposed rule on NEPA regulations would change that requirement to include tribes, states, and local agencies.

Note: all agencies that have a permitting obligation must be invited to be cooperating agencies under One Federal Decision.

One Federal Decision Guidance and Requirements

Is there a list of MSC environmental review officers?

Generally, the MSC environmental review officer is the MSC environmental lead. However, the environmental lead can confirm whether this is the case or not.

Are there requirements or guidance for what must be covered in the interagency meetings held within the first 90 days of a study?

Both the [Revised Implementation Guidance for Section 1001 of WRRDA 2014, Vertical Integration and Acceleration of Studies](#) and [Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 \(WRRDA 2014\), Project Acceleration](#) contain information on this topic.

General speaking, these early interagency meetings should discuss plans for coordination and communication, significant resources in the study area and whether agencies think those resources will be affected, the environmental impact statement (EIS) or environmental assessment (EA) schedule and permitting timelines, and what and when information (e.g., studies, design information) other federal, tribal, or state agencies is needed during feasibility or pre-construction engineering and design in order to make an authorization or permitting decision. Concurrence of the plan and timeframe is needed by the project sponsor and cooperating agencies, after which they should be included in the Project Management Plan (PMP).

What are the penalties if USACE misses one or more permitting timetable milestones under One Federal Decision?

There are not penalties for missing permitting timetable milestones on the dashboard. Penalties for federal agencies that fail to render required decisions within legislated time constraints are detailed in the WRRDA 2014 Section 1005 implementation guidance: [Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 \(WRRDA 2014\), Project Acceleration](#).

Missing a permitting table milestone under OFD is reflected in the USACE One Federal Decision Scorecard that is published every quarter. OMB will assess the Scorecard for potential budget decisions.