

EXECUTIVE ORDER 13807: ESTABLISHING DISCIPLINE AND ACCOUNTABILITY IN THE ENVIRONMENTAL REVIEW AND PERMITTING PROCESS FOR INFRASTRUCTURE PROJECTS (ONE FEDERAL DECISION)

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US Army Corps
of Engineers®





AGENDA E.O. 13807

- ✓ **Infrastructure Policy**
- ✓ **Definition of Infrastructure and MIP Projects**
- ✓ **Basic Elements**
- ✓ **Process for MIPs**
- ✓ **Timeline**
- ✓ **Lead and Cooperating Agencies**
- ✓ **OFD Dashboard**
- ✓ **Accountability System Metrics**
- ✓ **Scorecard**
- ✓ **Challenges**



E.O. 13807 Infrastructure Policy

- (a) **safeguard our communities and maintain a healthy environment;**
- (b) ensure that Federal authorities make **informed decisions** concerning the environmental impacts of infrastructure projects;
- (c) develop infrastructure in an **environmentally sensitive** manner;
- (d) provide **transparency and accountability** to the public regarding environmental review and authorization decisions;
- (e) be good stewards of public funds, including those used to develop infrastructure projects, and **avoid duplicative and wasteful processes;**
- (f) **conduct environmental reviews and authorization processes in a coordinated, consistent, predictable, and timely manner** in order to give public and private investors the confidence necessary to make funding decisions for new infrastructure projects;
- (g) **speak with a coordinated voice** when conducting environmental reviews and making authorization decisions; and
- (h) **make timely decisions with the goal of** completing all Federal environmental reviews and authorization decisions for major infrastructure projects within 2 years.



E.O 13807 DEFINES INFRASTRUCTURE PROJECT



-An infrastructure project is a physical asset in the areas of surface transportation, including roadways, **bridges**, railroads, and transit; aviation; **ports, including navigation channels; water resources projects**; energy production and generation, including from fossil, renewable, nuclear, and hydro sources; electricity transmission; broadband internet; pipelines; stormwater and sewer infrastructure; drinking water infrastructure; and other sectors as may be determined by the Federal Permitting Improvement Steering Council (FPISC).





E.O 13807 DEFINES MAJOR INFRASTRUCTURE PROJECT (MIP)



‘MIP’ means an infrastructure project for which **multiple authorizations** by Federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an **Environmental Impact Statement (EIS)**, and the project sponsor has identified the **reasonable availability of funds** sufficient to complete the project.



Examples of Major Infrastructure Projects (MIPs)

MIP: "means an infrastructure project for which *multiple authorizations by Federal agencies...*"

Project Scenario

MIP?

NEPA/EIS+ lead agency only

No

NEPA/EIS+ 106

No

NEPA/EIS+ 106 + funding decision (triggers NEPA for lead agency)

No

NEPA/EIS+ 106 + Other Agency determination

Yes

NEPA/EIS+ 106 + Sec 7 (Sec 7 done by Lead Agency and FWS)

Yes

NEPA/EIS+ FWS ROW+ Sec 7 (Sec 7 done by FWS for FWS)

No

Others?



E.O. 13807 BASIC ELEMENTS

Federal agencies should follow transparent and coordinated processes for conducting environmental reviews and making authorization decisions, including:

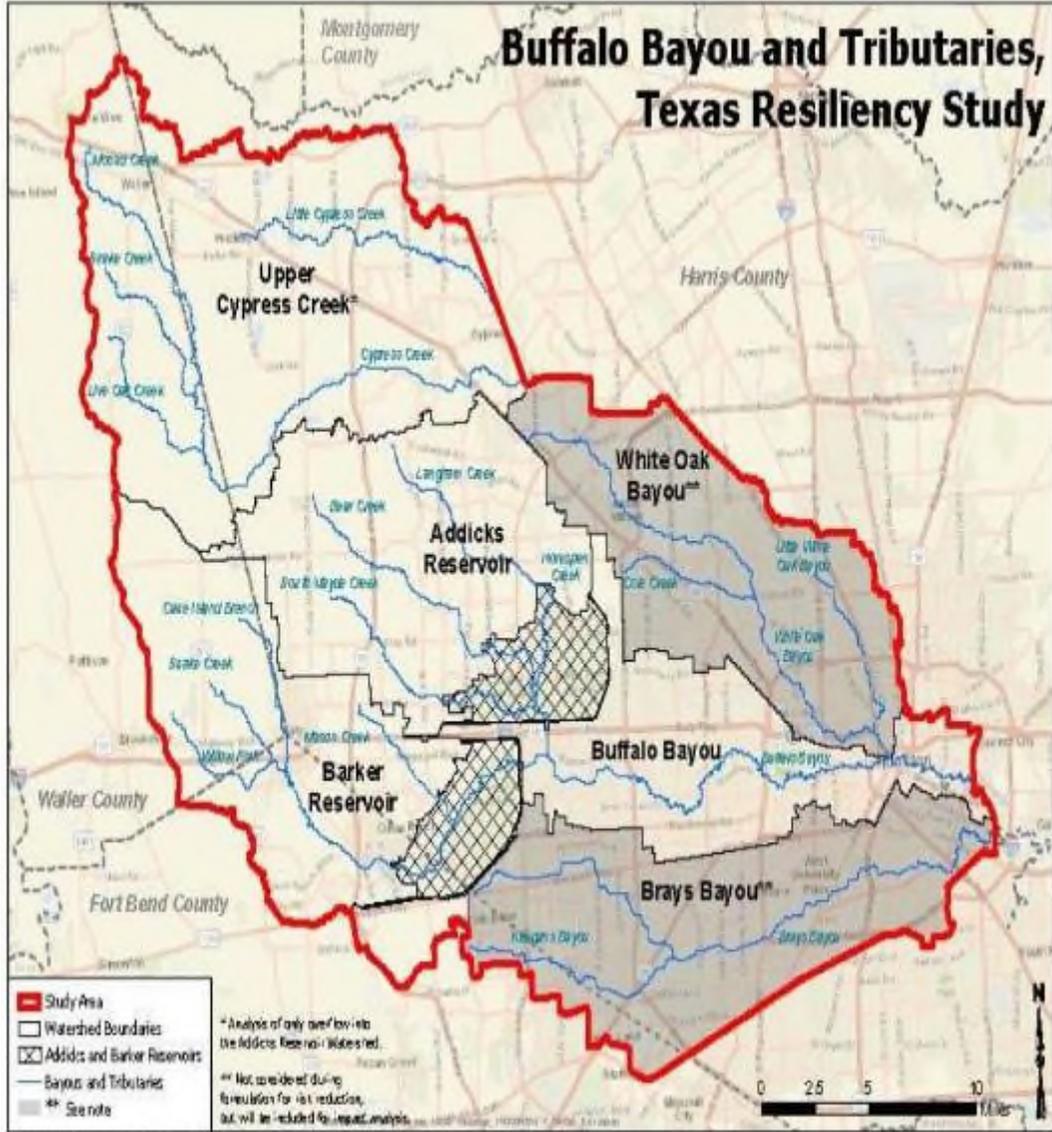
open coordination among Federal, State, tribal, and local agencies and **early engagement** with the public,

- **holding Federal agencies accountable** for their progress on implementing the policy, and

- **measurably better environmental outcomes** with respect to infrastructure development.



E.O.13807 PROCESS FOR MAJOR INFRASTRUCTURE PROJECTS



Federal agencies shall:

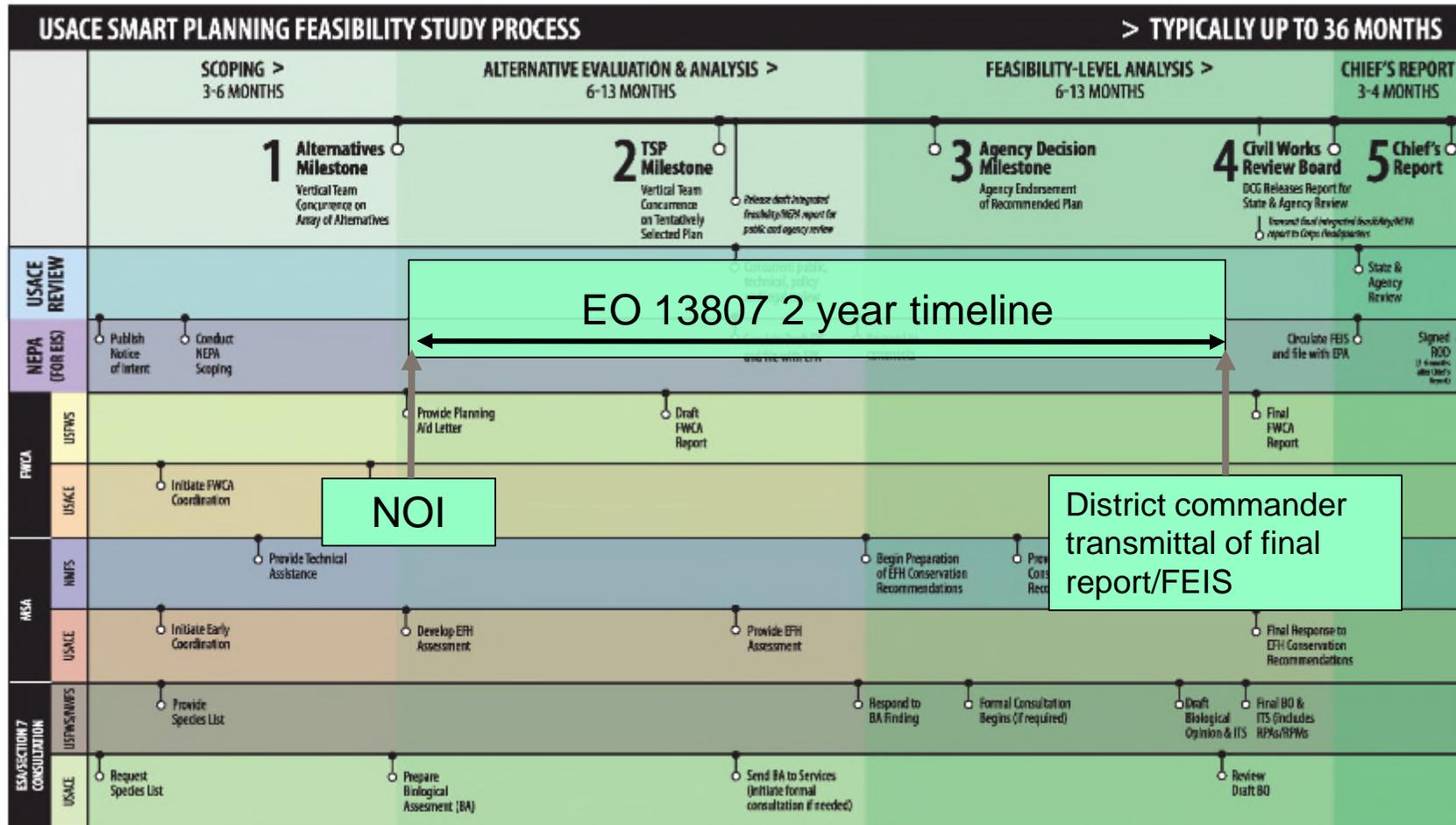
(i) use **"One Federal Decision"**

(ii) develop and follow a **permitting timetable**, reviewed and updated at least quarterly by the lead Federal agency in consultation with Federal cooperating and participating agencies; and

(iii) automatically **elevate to appropriate senior agency officials** of the lead Federal agency and the Federal cooperating and participating agencies to which the milestone applies.



CIVIL WORKS PLANNING PROCESS & OFD TIMELINE



USACE Implementation Guidance for Feasibility Studies establishes the EO 13807 timeline within a 3 year feasibility study timeline



LEAD AND COOPERATING AGENCIES

- Request Letters with draft permitting timeline and invite to interagency meeting
- Interagency meeting within 90 days
- Permitting timelines or changes written to cooperating agency(s) **A MUST**

Concurrence Points

#1 - Purpose and Need (Scoping)

#2 – Alternatives to be Carried Forward for Evaluation (AMM)

#3 – Preferred Alternative (TSP)

***Must send written requests for concurrence. Cooperating agencies must respond within 10 business days or may be treated as a concurrence. Objections, with alternative milestone, must be within 10 business days. DISPUTES MUST BE ELEVATED!**



OFD DASHBOARD



Home | Permitting Dashboard



https://www.permits.performance.gov

30%



Official website of the United States government

PERMITTING DASHBOARD

ABOUT PROJECTS RESOURCES & TOOLS FAST-41 SCORECARD

BECOME A PART OF PROJECT



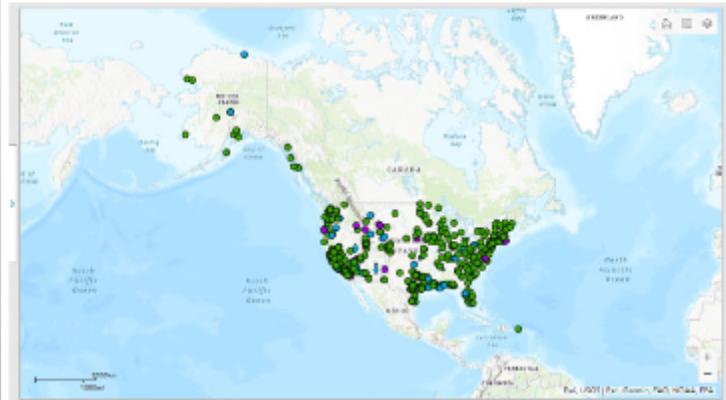
Federal Infrastructure Permitting Dashboard

The Permitting Dashboard is an online tool for federal agencies, project developers, and interested members of the public to track the Federal government's environmental review and authorization processes for large or complex infrastructure projects, part of a government-wide effort to improve coordination, transparency, and accountability.

[EXPLORE PROJECTS](#)

Project Map

The map below depicts all Federal Infrastructure projects tracked on the Permitting Dashboard.



Explore Projects



Announcements

FPISC SUBMITS FY 2021 BUDGET REQUEST TO CONGRESS
 February 10, 2021

Investing in and improving our Nation's infrastructure strengthens our economy, creates America's middle-class jobs, and enhances the quality of goods and services for American families. Through its Fiscal Year (FY) 2021 Budget request to Congress, the President's Budget includes \$55 billion in infrastructure spending.





UPPER BARATARIA ON OFD DASHBOARD



Upper Barataria Basin Feasibility X +

https://www.permits.performance.gov/permitting-projects/upper-barataria 80%

An official website of the United States government [Here's how you know](#)

BECOME A FAST-41 PROJECT

PERMITTING DASHBOARD
FEDERAL INFRASTRUCTURE PROJECTS

ABOUT PROJECTS RESOURCES & TOOLS FAST-41 SCORECARD

Home

Upper Barataria Basin Feasibility Study

PROJECT WEBSITE: [Upper Barataria Basin](#)

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



ENVIRONMENTAL REVIEW AND PERMITTING STATUS
IN PROGRESS



ESTIMATED COMPLETION DATE OF ENVIRONMENTAL
REVIEW AND PERMITTING
10/08/2021

Lead Agency Information:

POC Name: Kevin Harper
POC Title: Chief, Environmental Planning Branch
POC Email: marshall.k.harper@usace.army.mil
Agency/Department: US Army Corps of Engineers - Civil Works

Windows taskbar: 9:43 AM 4/29/2020



UPPER BARATARIA ON OFD DASHBOARD

The screenshot shows a web browser window with the following content:

- Browser Tab:** Upper Barataria Basin Feasibility
- Address Bar:** <https://www.permits.performance.gov/permitting-projects/upper-barataria>
- Dashboard Metrics:**
 - ENVIRONMENTAL REVIEW AND PERMITTING PROCESSES COMPLETED:** 0 out of 4
 - SECTOR:** Water Resources
 - CATEGORY:** Major Infrastructure Projects
 - LEAD AGENCY:** Department of the Army, US Army Corps of Engineers - Civil Works
- Description:**

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, New Orleans District (USACE) intends to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS) to assess the potential social, economic, and environmental impacts associated with the proposed project titled, Upper Barataria Basin Coastal Feasibility Study. The DIFR-EIS will document the existing condition of environmental resources in and around areas considered for construction, and potential impacts on those resources as a result of implementing the alternatives.
- 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.

The Windows taskbar at the bottom shows the time as 9:44 AM on 4/29/2020, with various application icons including Word, File Explorer, Outlook, PowerPoint, and Firefox.



UPPER BARATARIA ON OFD DASHBOARD

Upper Barataria Basin Feasibility

https://www.permits.performance.gov/permitting-projects/upper-barataria

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.

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Action	Start Date	End Date	Status
Overall Project Timetable	Feb 2019	Aug 2021	In Progress
Environmental Impact Statement (EIS...)	Feb 2019	Aug 2021	In Progress
Section 106 Review	Feb 2019	Aug 2021	In Progress
Fish and Wildlife Coordination Act ...	Dec 2019	Jan 2021	In Progress
Endangered Species Act Consultation...	Dec 2019	Oct 2020	Planned

Legend: Schedule (Solid Blue), Extension or Delay (Light Blue), Ahead of Schedule (Dashed Blue), Paused (White), Planned (Hatched Blue)

Action Information

9:46 AM 4/29/2020



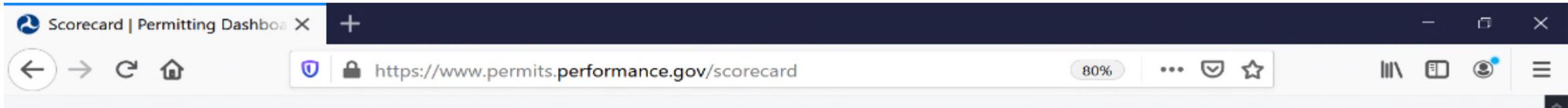
OMB ACCOUNTABILITY SYSTEM METRICS

1. Were MIPs processed using OFD?
2. Did MIPs have a complete permitting timetable?
3. To what extent were agencies meeting major milestones in the permitting timetable for MIPs?
4. Were delays for MIPs following a process of elevation to senior agency officials?
5. How much time was required to complete the processing of environmental reviews and authorizations for each MIP?
6. What was the cost of the environmental reviews and authorizations for each MIP?



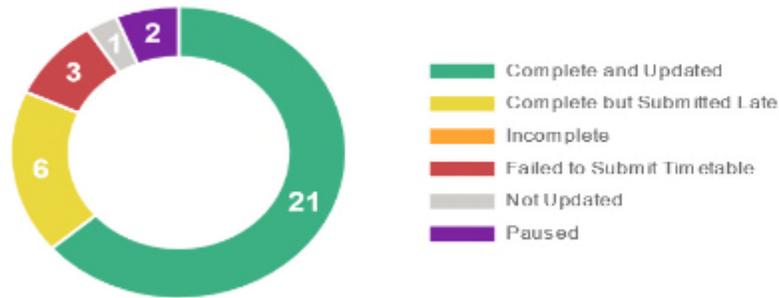


ALL AGENCY SCORECARD



Permitting Timetables

PROJECTS WITH COMPLETE, UPDATED PERMITTING TIMETABLE

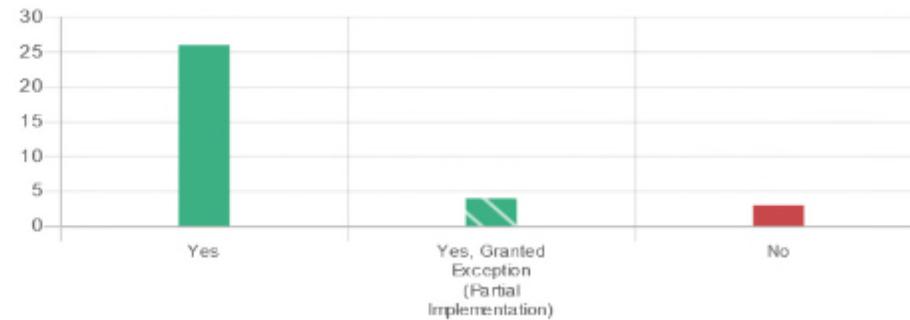


This performance indicator measures whether major infrastructure projects have a complete permitting timetable published on the Permitting Dashboard.



One Federal Decision Implementation

PROJECTS IMPLEMENTING ONE FEDERAL DECISION



This performance indicator measures whether Federal agencies are implementing the OFD framework to process major infrastructure projects.

BACK TO TOP





CIVIL WORKS PROJECT PLANNING CHALLENGES

- Ability for agencies to accept cooperating agency status and substantively participate throughout a study
- Adhering to the environmental review schedule when non-environmental issues consume valuable time and resources
- Upward reporting for **dispute resolution** to HQUSACE Chief of Planning and Policy (Chief Environmental Review and Permitting Officer (CERPO) for Civil Works Planning)
- Meeting permitting and public review schedules during COVID-19.



POLICY AND GUIDANCE

- E.O. 13807 dated 15 Aug 2017
- Implementation of Executive Order (EO) 13807 and One Federal Decision (OFD) within Civil Works Programs (DPM 2018-12)dated 26 September 2018
- OMB/CEQ M-18-13 OFD Framework for the Environmental Review and Authorization Process for MIP under EO 13807 dated 20 Mar 2018
- Memorandum of Understanding Implementing One Federal Decision under EO 13807 dated 9 April 2018
- OMB M-18-25 Modernize Infrastructure Permitting Cross-Agency Priority Goal Performance Accountability System dated 26 Sept 2018
- Infrastructure Permitting Performance Accountability-Cost Methodology for USACE Feasibility Studies
- USACE Elevation Procedures
- Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects for FY20
- EO 13766 Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects dated 24 Jan 2017



THANK YOU!



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