



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

December 7, 2012

COUNCIL ON ENVIRONMENTAL QUALITY PLAN FOR RETROSPECTIVE REVIEW OF
EXISTING REGULATIONS – IMPLEMENTATION REPORT

FROM: Nancy H. Sutley
Chair

This report provides an update on the recent activities and status of each of the National Environmental Policy Act (NEPA) pilot projects since the Council on Environmental Quality's (CEQ's) May 24, 2012 Implementation Report on its plan for retrospective review of existing regulations pursuant to Executive Order 13563, "Improving Regulation and Regulatory Review." CEQ continues to identify and deploy innovative approaches that advance the goals of the Executive Order by reducing the time and costs required for Federal environmental reviews. Information on each of the pilot projects, described below, is publicly available on CEQ's website.¹ In addition to the success of its NEPA Pilot Program, CEQ continues to modernize NEPA processes through efforts that include issuing guidance on critical issues to focus on reasoned and timely implementation (Use of Categorical Exclusions, NEPA Efficiencies, and Mitigation and Monitoring)² and working with Federal agencies to create rapid response teams to expedite sector specific review processes.³

The first NEPA pilot project, announced August 31, 2011, demonstrated a smarter way to manage and promote faster and more effective Federal decisions on projects that can create jobs, grow the economy, and protect the health and environment of communities. For that pilot project, CEQ identified two information technology (IT) tools with significant potential to reduce costs and save time in Federal NEPA implementation. Those tools include the Planning, Environment, and Public Comment System (PEPC), an online collaboration tool developed by the National Park Service (NPS), and the Electronic Modernization of NEPA (eMNEPA), a suite of web-based tools and databases used by the U.S. Forest Service (USFS). These IT tools embody the directives of Executive Order 13563 by improving the efficiency of environmental reviews through online submission and processing of public comments. These tools also enable personnel from different agencies or jurisdictions to coordinate review timelines, share data, and review documents through a common, internet-based platform. CEQ worked with the Office of Management and Budget (OMB) and the General Services Administration (GSA) to launch a trial integration of the Park Service's public comment analysis tool with the Federal Infrastructure Projects Dashboard.⁴ CEQ used that trial period to evaluate and promote the need for making such a tool available for government-wide deployment and use. CEQ convened a NEPA Information Technologies Working Group to ensure that broader adoption of IT tools such as PEPC and

¹ <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/nepa-pilot-project>

² http://ceq.hss.doe.gov/ceq_regulations/guidance.html

³ <http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission>

⁴ <http://permits.performance.gov>

eMNEPA will ease the burden of communication and collaboration among government agencies. The Working Group also promoted the availability and adoption of these NEPA IT tools. Based on work from this pilot and the Working Group, CEQ provided Federal agencies with the template for an IT tool that enables staff to effectively and efficiently track, manage, and report on the collective NEPA process.

CEQ announced the selection of the second NEPA pilot project on October 19, 2011. The second pilot project uses an electronic survey to gather lessons learned from agencies that have significant experience preparing Environmental Assessments (EAs) and identifies best practice principles to facilitate more efficient and cost-effective NEPA environmental reviews. EAs are one of the three types of environmental reviews frequently prepared to comply with NEPA. If a Federal agency determines, based on its EA, that a finding of no significant impact on the environment is appropriate, the agency can proceed without completing a more intensive Environmental Impact Statement (EIS). Existing guidance on EA preparation is limited; as a result, Federal agencies often dedicate significant time and resources preparing lengthy documents that are more complex and difficult to comprehend than originally intended. CEQ is awaiting a report from the National Association of Environmental Professionals (NAEP), which has surveyed agencies and NEPA practitioners to assemble lessons learned and design best practice principles. Experience-based best practice principles will focus on the preparation of effective EAs that are timelier, more cost-effective, and incorporate environmental issues that are relevant to the decision making process. CEQ will seek public comment and input on the best practice principles and, once finalized, provide them to agency NEPA practitioners as a training and educational tool. The work done under this pilot project will improve the quality and transparency of agency decision making, promote public involvement, encourage the use of timelines and page limit ranges, and provide opportunities for expedited review.

For the third pilot project, announced on October 19, 2011, CEQ selected an initiative to make the Environmental Protection Agency's (EPA's) NEPAAssist Geographic Information System (GIS) more user-friendly and available to the public. NEPAAssist is a web-based application with a proven track record of helping Federal NEPA practitioners effectively analyze and use area-specific environmental and geographic data relevant to the NEPA process. Drawing data dynamically from EPA's GIS databases and web services, NEPAAssist provides users with prompt access to screen environmental assessment indicators for user-defined areas of interest. These features contribute to a streamlined review process that is more likely to raise important environmental issues at the earliest stages of project design and development. EPA announced the public NEPAAssist site⁵ on April 26, 2012. This pilot project has successfully eased access and encouraged more agencies to take advantage of the time- and cost-saving web-based application. Moreover, it has improved the quality of government information by enabling CEQ to inventory over 120 authenticated GIS datasets. The inventory is located on servers maintained by Federal agencies that can be accessed using most GIS applications. GIS datasets contain the most up-to-date, interactive information to increase the speed, functionality, and quality of the information used by Federal agencies to incorporate environmental considerations into their planning and decision-making processes. This successful NEPA pilot project has expanded the number of data sets and geospatial layers available to NEPA practitioners and made the tool available to the public.

On January 13, 2012, CEQ and the U.S. Department of Transportation's Federal Railroad Administration (FRA) announced the selection of the fourth NEPA pilot project, which implements an

⁵ <http://nepassisttool.epa.gov/nepassist/>

innovative, efficient NEPA review process for an integrated passenger rail transportation solution that will define, evaluate, and prioritize future investment alternatives such as high-speed rail service for the Northeast Corridor through 2040. CEQ and FRA are committed to engaging Federal, state, and local governments and the public early in the environmental review process to set benchmarks that maintain rigorous environmental protections and save time and costs by avoiding conflicts and delays found in similar complex multi-state transportation projects. Earlier this year, FRA and CEQ engaged Federal resource and regulatory agencies in the Northeast Corridor to familiarize them with some of the technological innovations used to modernize and add transparency to the review process, including use of the Federal Infrastructure Projects Dashboard (Dashboard). Following this early engagement, FRA and CEQ held several rounds of regional meetings with the resource and regulatory agencies, some of which were in advance of filing the Notice of Intent. Also, CEQ worked with FRA and the Federal resource and regulatory agencies to develop an alternative approach to using a Memorandum of Understanding (MOU) to memorialize the roles and responsibilities of the participating agencies, a process that can be time-consuming, laden with legal requirements, and not inherently collaborative. CEQ reviewed over fifty MOUs and concluded that many agreements consisted largely of statements of principles. CEQ proposed a best practice that streamlined the existing burdensome process into a one-page document called the “Statement of Principles,” which, after reaching consensus among all of the agencies, would be posted on the Northeast Corridor public website along with a coordination schedule and list of supporting agencies. This approach was uniformly met with positive feedback from FRA and environmental agencies. CEQ’s clear message to the Federal agencies encouraged a collaborative and inclusive approach where Federal and state agencies and the Native American tribes would all participate throughout the Tier 1 EIS process in an open dialog with FRA. The efficiencies identified for the high-speed rail project will be used to develop best practices for environmental reviews across the Federal government.

On February 9, 2012, CEQ and the United States Forest Service announced the selection of the fifth pilot project, “Approaches to Restoration Management,” which seeks to evaluate and compare the effectiveness of environmental reviews for two forest restoration projects and identify best practices for future restoration projects. Under this NEPA pilot project, the Forest Service will compare and contrast environmental review methods used for the landscape-scale Four Forest Restoration Initiative in Arizona and the smaller-scale 5-Mile Bell project in Oregon. Although both projects share the common goal of forest restoration, the projects differ significantly in scale and scope. This pilot is intended to demonstrate that early involvement of stakeholders can reduce costs and enhance efficiencies throughout the Federal government while maintaining strong environmental safeguards at the ground level. The collaborative efforts and best practices related to this pilot are being presented in three webinars comparing and contrasting the environmental review methods used by the Forest Service. The first of those webinars, held in July 2012, was well-received by the participants. The Forest Service’s collaborative development of an adaptive management strategy is forthcoming in a draft EIS for the Four Forest Restoration Initiative. This approach is intended to minimize the need for future planning and environmental reviews.

Going forward, CEQ will continue and build on these steps to implement the principles of Executive Order 13563. Together, these efforts help Federal agencies save time and money while promoting more efficient and effective environmental reviews for projects that create jobs, grow the economy, and protect the health and environment of communities.