



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

July 3, 2013

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

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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) February 14, 2013 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 Executive Order 13563 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 As noted in our previous report, in addition to the successes of the NEPA Pilots, CEQ continues to modernize NEPA through efforts that include guidance on critical issues to focus on reasoned and timely NEPA implementation (Use of Categorical Exclusions, NEPA Efficiencies, Environmental Collaboration and Conflict Resolution, and Mitigation and Monitoring),² issuing a handbook for Federal agencies that aligns the NEPA and National Historic Preservation Act Section 106 process,³ releasing a draft handbook aligning NEPA with the California environmental review process,⁴ and working with Federal agencies to create rapid response teams (RRTs) to expedite sector specific review processes.⁵

CEQ is compiling and analyzing the lessons learned from the successes of the NEPA pilots to date for posting on the CEQ website. At this time, we are providing highlights on the current status of the pilots.

The first NEPA pilot project, announced August 31, 2011, demonstrated a smarter way to manage NEPA reviews 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. CEQ identified two information technology (IT) tools with significant potential to reduce costs and save time in Federal NEPA implementation. The National Park Service's Planning, Environment, and Public Comment System (PEPC), an online collaboration tool, and the Forest Service's Electronic Modernization of

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://ceq.hss.doe.gov/publications/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

⁴ http://ceq.hss.doe.gov/publications/NEPA_CEQA_Draft_Handbook_March_2013.pdf

⁵ <http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission>

NEPA (eMNEPA), a suite of web-based tools and databases, improve the efficiency of environmental reviews through online submission and processing of public comments. Additionally, these tools enable personnel from different agencies or jurisdictions to coordinate review timelines, share data, and review documents through a common, internet-based platform. CEQ convened a NEPA Information Technologies Working Group to ensure that broader adoption of IT tools such as PEPC and eMNEPA will ease the burden of communication and collaboration among government agencies. The Working Group promoted the availability and adoption of these NEPA IT tools, providing Federal agencies with the template for an IT tool that effectively and efficiently tracks, manages, and reports on the NEPA process. The pilot has been completed and the NEPA Information Technologies Working Group is currently focused on determining how agencies currently track and manage their NEPA processes and what management tools they employ. Another working group is continuing to seek IT efficiencies through the implementation of the May 17, 2013, Presidential Memorandum, *Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures* and the March 12, 2012, Executive Order, *Improving Performance of Federal Permitting and Review of Infrastructure Projects*.

The second NEPA pilot is being run by the National Association of Environmental Professionals (NAEP), using an electronic survey to gather lessons learned from agencies and other NEPA practitioners that have significant experience preparing Environmental Assessments (EAs), to identify 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 (FONSI) 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 reviewing and considering options for finalizing the draft report. The draft reviews the survey of agencies and NEPA practitioners to assemble proposed lessons learned and best practice principles. The experience-based best practice principles in the NAEP final report will focus on the preparation of effective EAs that are timelier, more cost-effective, incorporate environmental issues relevant to the decision making process while improving the quality and transparency of agency decision making, promoting public involvement, encouraging timelines and page limits, and providing opportunities for expedited review. 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 third pilot was designed to make the Environmental Protection Agency's (EPA) NEPAassist Geographic Information System (GIS) more user-friendly and available to the public, and increase the available relevant GIS based information. 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 that can be used to screen environmental assessment indicators for user-defined areas of interest. These features contribute to a streamlined review process that can raise important environmental issues at the earliest stages of project design and development. EPA announced the public NEPAassist site on April 26, 2012. This pilot project demonstrates how leveraging advanced IT tools can successfully increase the transparency and accessibility of information while encouraging more agencies to take advantage of the time- and cost-savings of web-based applications. 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. EPA is continuing to enhance the NEPAAssist public view to increase the availability of data layers in the application that can be viewed on the map. In particular, EPA plans to incorporate Federal Agencies' web-based GIS services identified through CEQ's recent effort to create a GIS Inventory for Environmental Professionals. NEPAAssist has the potential to provide transformative access to information and planning tools to expedite and improve the quality of environmental reviews and the NEPA process.

CEQ and the U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) worked collaboratively on the fourth NEPA pilot project, which implements an innovative, efficient NEPA review process to develop an integrated passenger rail transportation solution that will define, evaluate, and prioritize future investment alternatives for the Northeast Corridor (NEC) through 2040. FRA and CEQ engaged 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. Additionally, CEQ worked with FRA and the Federal resource and regulatory agencies to develop and finalize a Statement of Principles that provides an alternative to developing a Memorandum of Understanding (MOU) to memorialize the roles and responsibilities of the participating agencies.⁶ The Statement of Principles facilitates early collaboration among the participating agencies, is less resource intensive in its development than an MOU, and provides another opportunity to reduce the time required to advance important projects. CEQ's clear message to the Federal agencies was centered on encouraging a collaborative and inclusive approach upfront 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. These efficiencies identified for the high-speed rail project were compiled in a document that will be used to share the best practices for broad, programmatic, environmental reviews with Federal, tribal, state and local governments engaged in environmental reviews.⁷

Work continues on the fifth pilot that evaluates and compares the effectiveness of environmental reviews for two forest restoration projects and identifies 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. This pilot is intended to demonstrate that early involvement of stakeholders can reduce costs and enhance efficiencies throughout the Federal government and maintain strong environmental safeguards at the ground level. The collaborative efforts and best practices related to this pilot will be presented in webinars for Federal planners and NEPA practitioners. The first webinar was completed in July 2012 and the next is currently being developed and will be held in the summer of 2013. The second webinar will focus on the collaborative development of an adaptive management strategy in a draft EIS for the Four Forest Restoration Initiative and the collaborative development of the 5-Mile Bell environmental assessment and implementation plan.

CEQ is pleased to have taken these steps to implement the principles of Executive Order 13563. CEQ looks forward to continuing its efforts to help Federal agencies save time and money, promote

⁶ http://www.whitehouse.gov/sites/default/files/statement_of_principles.pdf

⁷ http://www.whitehouse.gov/sites/default/files/best_practices_memo.pdf

more efficient and effective environmental reviews for projects that create jobs, grow the economy, and protect the health and environment of communities.