



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

January 23, 2012

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

FROM: Nancy H. Sutley  
Chair

A handwritten signature in black ink, appearing to read "Nancy H. Sutley".

The Council on Environmental Quality (CEQ) is pleased to present this report on implementation of the CEQ's Plan for Retrospective Review of Existing Regulations ("Plan") in accordance with Executive Order 13563<sup>1</sup> and guidance from the Office of Information and Regulatory Affairs.<sup>2</sup> As described in CEQ's Plan, CEQ has identified projects under its NEPA Pilot Program to facilitate a review of provisions of CEQ's NEPA Regulations<sup>3</sup> that may be outmoded, ineffective, insufficient, or excessively burdensome. This report summarizes CEQ's efforts 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. CEQ has made information on each of the pilot projects and the guidance document described below publicly available on its website.<sup>4</sup>

CEQ announced the selection of the first NEPA pilot project on August 31, 2011. CEQ sought out pilots that would identify best practices which agencies can replicate to reduce the time and costs and maximize efficiencies in preparing NEPA reviews. The first pilot selected by CEQ identified two information technology (IT) tools developed by the U.S. Forest Service and the National Park Service that have significant potential to reduce costs and save time in Federal NEPA implementation. The selected IT tools improve the efficiency of environmental reviews by enabling online submission and processing of public comments, or allowing personnel from different agencies or jurisdictions to coordinate review timelines, share data, and review documents through a common, internet-based platform. Additionally, in accordance with

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<sup>1</sup> "Improving Regulation and Regulatory Review," Exec. Order 13,563, 76 FR 3821 (January 21, 2011), *available at* [www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf](http://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf).

<sup>2</sup> Memorandum for the Heads of Executive Departments and Agencies, "Implementation of Retrospective Review Plans" (October 26, 2011).

<sup>3</sup> [http://ceq.hss.doe.gov/ceq\\_regulations/regulations.html](http://ceq.hss.doe.gov/ceq_regulations/regulations.html)

<sup>4</sup> <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/nepa-pilot-project> and <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/efficiencies-guidance>

President Obama's August 31, 2011, memorandum on "Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review," CEQ is working with agencies, the Federal Chief Technology Officer and the Federal Chief Information Officer to deploy IT tools such as those selected for the NEPA Pilot Program across the Federal Government. Deploying these IT tools and others like them will promote faster and more effective Federal decisions on projects that create jobs, grow the economy, and protect the health and environment of communities.

CEQ announced the selection of the second NEPA pilot project on October 19, 2011. For the second pilot project, CEQ selected a proposal to gather lessons-learned from agencies that have significant experience preparing Environmental Assessments (EAs) and create 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 as a method for compliance with NEPA. If a Federal agency determines, based on its EA, that a finding no significant impact on the environment is appropriate, the agency can proceed without completing a more intensive Environmental Impact Statement. Because limited guidance exists on the preparation of EAs, Federal agencies often dedicate significant time and resources preparing lengthy documents that are more complex and difficult to comprehend than necessary or originally intended. Under this pilot project, the National Association of Environmental Professionals will engage agencies and NEPA practitioners that have experience in preparing EAs, assemble lessons learned, and design best practice principles to present in a report to CEQ. CEQ will seek public comment and input on the best practice principles and, once finalized, provide them to agency NEPA practitioners and use them as a training and educational tool. Experience-based best practice principles will focus on the preparation of effective EAs that are timelier, more cost-effective, and incorporate those environmental issues that are relevant to the decision making process. This is expected to improve the quality and transparency of agency decision making by decreasing the length and complexity of EAs, encouraging the use of timelines and page limit ranges, providing for expedited review, and promoting public involvement.

CEQ also announced the selection of the third NEPA pilot project on October 19, 2011. For the third pilot project, CEQ selected a project to make a NEPA information technology tool more user-friendly and available to the public. This pilot project will create a more user-friendly interface for the Environmental Protection Agency's NEPAAssist Geographic Information System. NEPAAssist is a web-based application that has a proven track record of helping Federal, tribal, state and local NEPA practitioners effectively analyze and use environmental and geographic data relevant to the NEPA process. The pilot project will ease access and encourage more agencies to take advantage of the time- and cost-saving program. The pilot project will also

make NEPA Assist publicly available online in the spring of 2012, providing the public and stakeholders access to this tool.

Most recently, on January 13, 2012, CEQ and the U.S. Department of Transportation (DOT) announced the selection of a fourth NEPA pilot project to implement an innovative, efficient NEPA review process for high-speed passenger rail service in the Northeast Corridor. Through this pilot project, CEQ and DOT will engage Federal, state and local governments and the public in the environmental review process earlier to set benchmarks that maintain rigorous environmental protections and save time and costs by avoiding conflicts and delays in the later steps of rail-project development. To promote transparency and public input, DOT will post and track project timelines and progress on the Federal Infrastructure Projects Dashboard at [www.performance.gov](http://www.performance.gov), which launched in November 2011 to track high impact, job-creating infrastructure projects for expedited review. The Transportation Rapid Response Team, a Federal interagency group also launched in November 2011 to speed Federal reviews of transportation projects, will help coordinate the high-speed rail planning process to ensure quick resolution of any interagency conflicts. CEQ will use efficiencies identified for the high-speed rail project to develop best practices for environmental reviews across the Federal Government.

Additionally, as noted in CEQ's Plan, CEQ regularly issues guidance to federal departments and agencies to assist them in applying the CEQ NEPA Regulations to new circumstances and issues as they arise. These guidance documents help Federal agencies meet the goals of NEPA, by enhancing the quality of governmental decisions affecting the environment, increasing transparency and public involvement in those decisions, and, in some circumstances, easing implementation of agency regulations. On December 7, 2011, CEQ released draft guidance<sup>5</sup> for Federal agencies on improving the efficiency and timeliness of their environmental reviews under NEPA. NEPA and the CEQ NEPA Regulations provide for a number of techniques for preparing efficient and timely environmental reviews. The draft guidance highlights and clarifies these opportunities to encourage efficient, thorough environmental reviews and quicker and better informed Federal decisions. Currently, CEQ's NEPA Regulations describe efficiencies that can be applied when preparing Environmental Impact Statements, the most intensive type of NEPA environmental review. The draft guidance clarifies that these efficiencies can and should be applied to all types of environmental reviews, including Environmental Assessments. The guidance also outlines principles for agencies to follow when performing NEPA environmental reviews. CEQ has made the draft guidance available for public comment and will review and consider all public input before finalizing the guidance.

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<sup>5</sup> "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act," available at <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/efficiencies-guidance>.

CEQ is pleased to have taken these steps to implement the principles of Executive Order 13563 and will select another pilot project in the coming weeks. These efforts will help Federal agencies save time and money, and promote more efficient and effective environmental reviews for projects that create jobs, grow the economy, and protect the health and environment of communities.