



MOVING FORWARD: A Sector-by-Sector Approach to Economic Recovery

CUTTING THE RED TAPE: State and Federal Permit Reform

*Wednesday, July 15
10 am - 11:30 am PDT*



Pacific NorthWest
Economic Region

MOVING FORWARD: A Sector-by-Sector Approach to Economic Recovery

CUTTING THE RED TAPE: State and Federal Permit Reform



Agenda

Moderated by:

- **Bruce Agnew**, Director, Cascadia Center & ACES NW Network, PNWER Co-Chair
- **Senator Chuck Winder**, Idaho State Legislator, PNWER Co-Chair

Streamlining the U.S. Federal Permitting Process

- **Alex Herrgott**, Executive Director, Federal Permitting Improvement Steering Council

Expedited Permitting in Canada: The Asia Pacific Gateway Case Study

- **John Higginbotham**, Former Assistant Deputy Minister 2005 - 2010, Transport Canada

Comments from the Labor Perspective

- **Mike Bridges**, Business Representative, IBEW Local 48

State Legislative Panel Response

- **Sen. Shelley Hughes**, Alaska State Legislature
- **Sen. Chuck Winder**, Idaho State Legislature
- **Rep. Jake Fey**, Washington State Legislature

MODERATED BY:



Bruce Agnew

Director, Cascadia Center & ACES
NW Network, PNWER Co-Chair



Sen. Chuck Winder

Idaho State Legislature



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SPEAKERS:



Alex Herrgott

Executive Director, Federal
Permitting Improvement Steering
Council



John Higginbotham

Former Assistant Deputy Minister
(2005-10), Transport Canada



Mike Bridges

Business Representative, IBEW
Local 48



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In this webinar, experts discuss:

- How an online dashboard and other tools help streamline the federal permitting process, decreasing costs while increasing government transparency
- Canada's experience with permit streamlining for big capital projects including the Asia Pacific Gateway
- The labor industry's perspective on permit reform
- Ways that states can support the FPISC and how a state-level permitting improvement council could serve local communities



FAST-41: Your Tailored Roadmap for Infrastructure Project Permitting

Alex Herrgott
Executive Director
Federal Permitting Improvement Steering Council

July 15, 2020



PERMITTING COUNCIL

Transparency • Efficiency • Accountability

Transparency – Efficiency – Accountability

Title 41 of the Fixing America's Surface Transportation Act (FAST-41) of 2015

Provides statutory authority to the Federal Permitting Improvement Steering Council (Permitting Council) to support and oversee a timely and efficient permitting process for covered infrastructure projects.

So what does FAST-41 coverage mean?

1. What benefits does FAST-41 offer?
2. How does the Permitting Council deliver those benefits?
3. What does going through this program look like for a project sponsor?



Photos: U.S. Department of Energy



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How Does the Permitting Council Deliver Benefits?

One Stop Shop

Project sponsors have a single point of contact with the Executive Director throughout the entire Federal permitting process and can contact the lead agency or the Executive Director with issues about the permitting process or schedule.

Executive Level Oversight

Permitting Council Members (Deputy Secretary level) - 12 Federal agencies plus the Council on Environmental Quality and the Office of Management and Budget - led by an Executive Director appointed by the President

Decision Makers

CERPOs – covered projects have a designated Chief Environmental Review and Permitting Officer(s) at each agency, appointed by head of agency and reporting to the Deputy Secretary

The CERPO is charged with facilitating efficient and timely permitting processes for FAST-41 covered projects and recommending process improvements

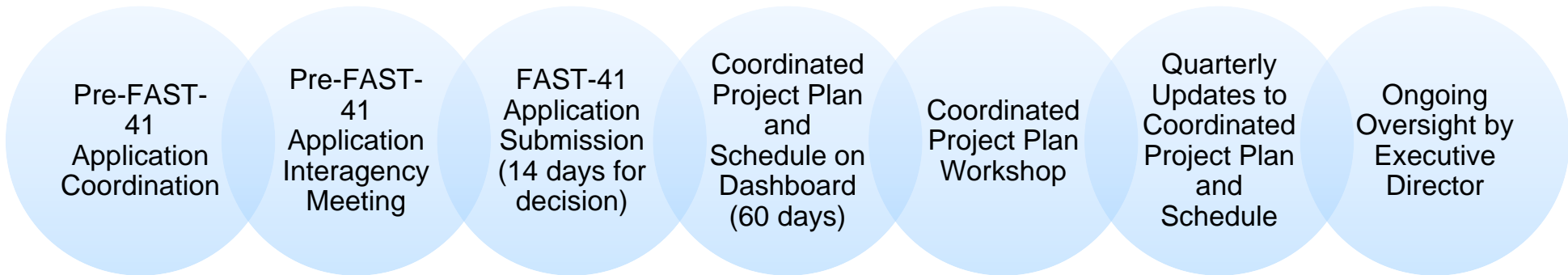
Dispute Resolution

The Executive Director mediates timetable disputes and elevates them to the Director of the Office of Management and Budget (OMB) if unresolved after 30 days.



What Does FAST-41 Look Like for You?

Consistent Oversight of the Permitting Process for Covered Projects from Start to Finish



The Executive Director's office is involved during the early coordination stage, where we work with the project sponsor and Permitting Council agencies to set the stage from the very beginning to ensure:

- All entities understand the key issues to be addressed and analyzed during the permitting process
- Optimal timing for submitting permit applications

Pre-FAST-41 Interagency Meeting

Outcome for project sponsors: Clear understanding of the critical path to launch the permitting process, so that agencies have the information necessary to execute on a more effective and efficient permitting process, striving for the 2-year goal.




Permitting Dashboard – List of Covered Projects

PERMITTING DASHBOARD

FEDERAL INFRASTRUCTURE PROJECTS

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FAST-41 Covered Projects **DOT Projects** **Other Tracked Projects** **Legacy Projects**

The infrastructure projects below are identified as Covered Projects under Title 41 of the Fixing America's Surface Transportation (FAST) Act.

Project Title
Lead Agency
Sector
State
Status

Title▲	Lead Agency	Bureau/Mode	Sector	Project Type	Status
Chokecherry-Sierra Madre Wind Energy (Phase 1)	Department of Interior	Bureau of Land Management	Renewable Energy Production	Wind: Other than Federal Offshore	Complete
Denbury Riley Ridge to Natrona Project CO2	Department of Interior	Bureau of Land Management	Pipelines	Land-based Oil & Gas - Production/Extraction	In Progress
Energy Gateway South Transmission Project	Department of Interior	Bureau of Land Management	Electricity Transmission	Electricity Transmission (all)	Complete
Transwest Express	Department of Interior	Bureau of Land Management	Electricity Transmission	Electricity Transmission (all)	Complete



Permitting Dashboard – Project Detail

PERMITTING DASHBOARD

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MID-BARATARIA SEDIMENT DIVERSION

Project Information

Sector: Water Resources

Project Category: FAST-41 Covered Projects

Project Status: In Progress

Project Website: [Mid-Barataria Sediment Diversion EIS](#)

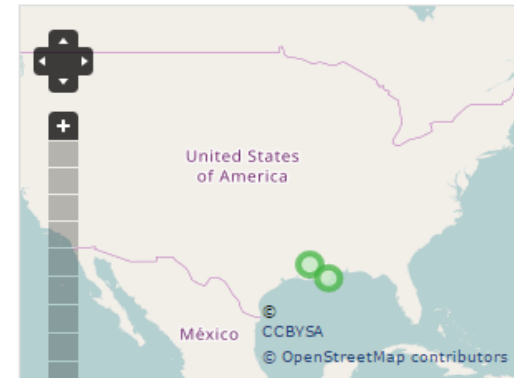
Total Estimated Project Cost: \$1,400,000,000

Description:

On June 22, 2016, CPRA submitted a joint permit application which included a brief project description:

"The Mid-Barataria Sediment Diversion is a large scale, complex civil works and ecosystem restoration project. When operated, up to 75,000 cubic feet per second (cfs) of sediment laden water would be diverted from the Mississippi River to the mid-Barataria Basin to reconnect and re-establish the natural or deltaic sediment deposition process between the Mississippi River and the Barataria Basin to deliver sediment, freshwater, and nutrients to reduce land loss and sustain wetlands."

The proposed MBSD project has the potential for significant impacts and requires an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to inform a permit decision relative to the lead federal agency under Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act (Section 10), and permissions under Section 14 of the Rivers and Harbors Act (Section 408) The USACE-MVN Regulatory permit processing number is MVN-2012-2806-E00.



Primary Location

Latitude: 29.661806000000

Longitude: -89.963500000000

Lead Agency Information:

POC Name: Jeffrey Varisco

POC Title: Project Manager

POC Email: jeffrey.j.varisco@usace.army.mil

Agency/Department: Department of Defense

Sponsor Contact Information:

Project Sponsor: Coastal Protection & Restoration Authority

POC Name: Brad Barth

POC Title: Operation Manager

POC Email: bradley.barth@la.gov



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Authorization Actions and Target Completion Dates

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PERMITTING TIMELINE

Action	Agency	Target Completion	Status
▶ Section 408 Permit	US Army Corps of Engineers - Civil Works	10/31/2022	In Progress
▶ Environmental Impact Statement (EIS)	US Army Corps of Engineers - Regulatory	08/31/2022	In Progress
▶ Clean Water Act Section 404 Permit	US Army Corps of Engineers - Regulatory	10/31/2022	In Progress
▶ Section 10 Permit	US Army Corps of Engineers - Regulatory	10/31/2022	In Progress
▶ Endangered Species Act Consultation - FWS	Fish and Wildlife Service (Cooperating under FAST-41), (Cooperating under NEPA)	12/31/2021	Planned
▶ Fish and Wildlife Coordination Act Review	Fish and Wildlife Service (Cooperating under FAST-41), (Cooperating under NEPA)	12/31/2021	Planned
▶ Endangered Species Act Consultation - NOAA-NMFS	National Oceanic and Atmospheric Administration (Cooperating under FAST-41), (Cooperating under NEPA)		Planned
▶ Consultation to Protect Essential Fish Habitat	National Oceanic and Atmospheric Administration (Cooperating under FAST-41), (Cooperating under NEPA)		Planned
▶ Marine Mammal Protection Act Incidental Take Authorization	National Oceanic and Atmospheric Administration (Cooperating under FAST-41), (Cooperating under NEPA)		Planned



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Permitting Dashboard – Milestones

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PERMITTING TIMELINE

Action	Agency	Target Completion	Status
▶ Section 408 Permit	US Army Corps of Engineers - Civil Works	10/31/2022	In Progress
▼ Environmental Impact Statement (EIS)	US Army Corps of Engineers - Regulatory	08/31/2022	In Progress

Milestones:

Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	Complete 10/04/2013
Scoping	In Progress Target: 09/30/2017
Official Notice of Availability of a Draft EIS published in the Federal Register	Planned Target: 04/30/2020
Official Notice of Availability of a Final EIS published in the Federal Register	Planned Target: 04/30/2021
Official Notice of Availability of a Supplemental Draft EIS published in the Federal Register	
Official Notice of Availability of a Supplemental Final EIS published in the Federal Register	
Issuance of Record of Decision or combined Final EIS / Record of Decision	Planned Target: 06/30/2022
Issuance of an Amended Record of Decision	Planned Target: 08/31/2022

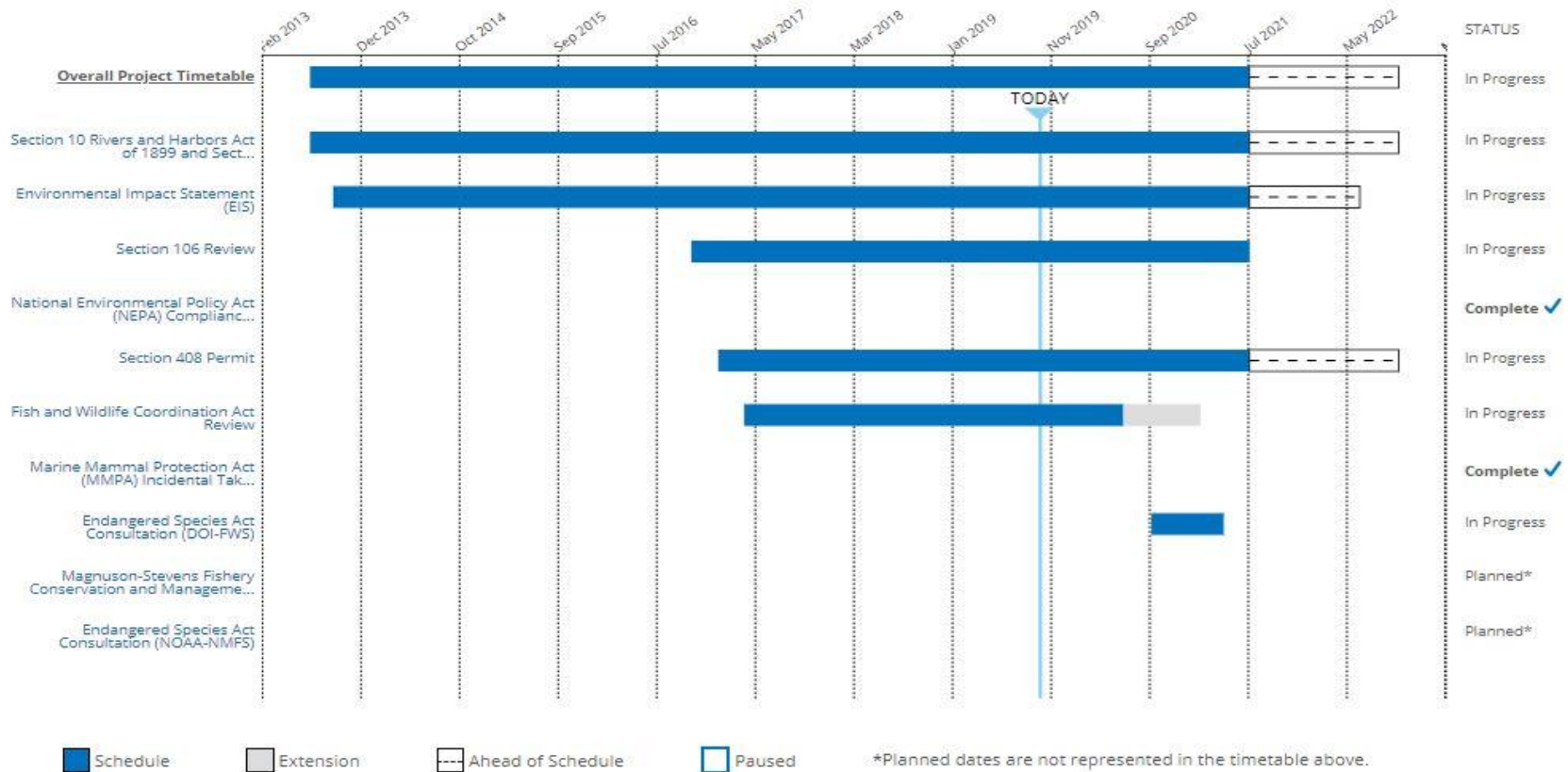
[View Full Details](#)

Permitting Dashboard – Project Timetable

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.



Action Information

For additional information, please select an Action from the Permitting Timetable above.



Permitting Dashboard – Action Details

Environmental Impact Statement (EIS)

Project Name: Mid-Barataria Sediment Diversion

Status: In Progress

Point of Contact: Brad Laborde [@](#), Project Manager

Public Participation Website: [MBSD Regulatory Website](#)

Primary Reason for Pause Status:

Project Sponsor Factors

Responsible Agency: US Army Corps of Engineers - Regulatory

Reason(s):

Milestones:

Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	Completed: 10/04/2013
Scoping Scoping Meeting(s): Scoping meetings held on 20 July, 25 July, and 27 July 2017. Formal scoping commenting period ended on 5 September 2017.	Completed: 09/05/2017
Official Notice of Availability of a Draft EIS published in the Federal Register (FR) beginning both the public comment period and concurrent CAA Section 309 Review Approximately 24 months from receipt of a revised SOW and complete/adequate information provided by CPRA.	Current Target Date: 07/22/2020
Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review Approximately 12 months following issuance of the NOA for the Draft EIS	Current Target Date: 06/22/2021
Issuance of Record of Decision or combined Final EIS / Record of Decision Issuance of Record of Decision (10/404/408). 30 days after NOA for the Final EIS and completion of the Section 408 review. One ROD for all USACE decisions.	Current Target Date: 07/23/2021

Optional Milestones:

Decision to Prepare an EIS Potential for Significant Effects evaluation (Environmental Assessment) made on 8/28/2013.	Completed: 08/28/2013
Updated Notice of Intent (NOI) Supplemental NOI submitted to Federal Register on April 27, 2017.	Completed: 04/27/2017
EIS Schedule/Kickoff Meeting	Completed: 04/04/2017
ADCIRC/Fisheries modeling from CPRA received Key outputs from CPRA modeling to inform DEIS and USFWS/NOAA/NMFS consultations.	Completed: 06/10/2019



Key FAST-41 Provisions (States):

States have the ability to “opt in” to the FAST-41 process (42 U.S.C. § 4370m-2(c)(3)(C))

- As a FAST-41 “cooperating agency,” a state agency would have a heightened role in the Federal permitting process.
- State “cooperating agencies” under FAST-41 would have a seat at the table to ensure that their specialized, expert knowledge about local community and resources is accurately represented at the early design phase of a proposed FAST-41 project
- Example MOU for a State that opted into FAST-41 can be found on the Permitting Dashboard for the Mid-Barataria Sediment Diversion project (MOU between the State of Louisiana and FAST 41 Cooperating Agencies, executed on 25 January 2018).



FAST-41 Delivers Results

Meaningful economic impact; projects that completed the Federal permitting process in FY 2019 represent \$12.7 billion in economic investment. Newly added projects represent \$1.4 billion in economic investment.

Permits completed ahead of schedule, including the Gulf LNG Liquefaction Project, completed 2.5 months ahead of schedule and the Venture Global Calcasieu Pass Terminal and TransCameron Pipeline Project, completed 1.5 months ahead of schedule.

\$50 million in cost savings and 14% time reduction over three years from the U.S. Forest Service's process improvements to deliver more efficient environmental analyses and decisions.

Industry-leading investment in technology by the Federal Energy Regulatory Commission to speed communication with agencies and stakeholders, including project-specific email notifications, electronic filings, and social media notifications.

Since January 2017, the Permitting Council agencies have improved the permitting process for the 45 projects currently covered under FAST-41. As of the end of Fiscal Year (FY) 2019, these efforts led to the completion of the Federal permitting process for 22, or nearly half, of all FAST-41 covered projects.

"The Permitting Council provides for a collaborative process to provide interagency coordination resulting in a coordinated project analysis. Additional efficiencies were found through this enhanced interagency coordination, which led to the ESA consultation being concluded more than a month ahead of its projected conclusion date. **The Permitting Council appears to be a win-win for all stakeholders, because it is a well organized and coordinated process that saves time, effort and resources to accomplish the mutual goals of all parties.**"

– Riley Ridge to Natrona CO2
Pipeline
Project Sponsor



How Does a Project Become a FAST-41 Project?

FAST-41 Eligibility Criteria

- Any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure in designated sectors,
- Subject to the National Environmental Policy Act (NEPA),
- Likely to require a total investment of more than \$200 million, and
- Does not qualify for an abbreviated authorization or environmental review process.

Note: A project that does not meet the \$200 million threshold may still be a covered project if the Permitting Council determines it is of a size and complexity that would benefit from FAST-41

FAST-41 Sectors

- Water Resources*
- Renewable Energy Production
- Conventional Energy Production
- Electricity Transmission
- Aviation
- Ports and Waterways*
- Broadband
- Surface Transportation*
- Manufacturing
- Pipelines

**Exemption: Does not include projects subject to Section 139 of Title 23 or Section 2045 of WRDA (2007)*

No fee is currently required to become a FAST-41 project.



Questions?

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APGCI Investments Map

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- ▶ Benefits
- ▶ Projects

Rail Lines

- CN
- CPR
- BNSF

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Asia-Pacific Air Corridor



Asia-Pacific Marine Corridor



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State & Federal Permit
Reform

MIKE BRIDGES

President, Longview / Kelso

Building Council

Business Representative, IBEW

Local 48



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Hughes**
Alaska State Legislature



**Senator Chuck
Winder**
Idaho State Legislature



**Representative
Jake Fey**
Washington State Legislature



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