AGENCY INFORMATION

Agency: Army Civil Works

Name of Agency CERPO: Mr. Thomas P. Smith

Email address of Agency CERPO: Thomas.P.Smith@usace.army.mil

Agency submitter (if different from agency CERPO):

Submitter email address:

*If this form is submitted by a Permitting Council member's designee, please provide a delegation memo with the self-assessment submission.

SECTION 1. EXAMPLES OF BP IMPLEMENTATION

While FPISC OED does not require an implementation narrative for each BP category, it encourages each member agency to highlight its successes and challenges for each category. This can be in the form of identifying positive outcomes from implementation of a BP during FY 2020 or from identifying where a BP did not prevent the issue it was intended to prevent and how the agency or Permitting Council may want to consider addressing that. The specific BPs to be reported on are listed in Table 1 of the Fiscal Year 2020 Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects and in Appendix B. Please note, BP Categories and BPs have been shortened in the dropdowns for ease of use.

Agencies are also encouraged to identify and submit "alternative BPs" that reflect where the agencies have implemented process improvements that meet the statutory BP categories but not one of the specific BPs identified in the FY 2020 BP Report. Alternative BPs should be submitted to FPISC OED by August 28, 2020 for approval before submitting the BP through this form. If your alternative BP has been approved, please choose "Alternative BP" from the "Corresponding BP" drop-down menu below for the appropriate entry.

Please adhere to a word count limit of 200 words per BP example in this section (i.e., if you provide examples of implementation of four BPs, please use four template boxes below for a total word count of 800 words), while thoroughly reflecting your accomplishments and challenges. Provide links and/or citations as appropriate, and provide as many relevant examples as possible. If you would like to provide more than four examples of BP implementation, please contact FPISC OED for a supplemental form.

Best Practice Category: (i) Early stakeholder engagem	Corresponding BP: i.1 Early stakeholder engagem
Although USACE was not the lead for any FAST-41 projects newly listed in FY20, we continue to build upon the program-wide initiatives highlighted in our FY19 FAST-41 BP submittal. Specifically, the USACE Regulatory Program performance metrics (known as Mission Success Criteria), which are tracked on an internal agency database, include public outreach due to the benefits public outreach has for increasing understanding of the Regulatory Environmental Review and Authorization (ERA) process. It also improves the quality of information received from applicants, increases public engagement, and enhances communication and coordination with federal, state, and local agencies	

Best Practice Category: (i) Early stakeholder engagem	Corresponding BP: i.2 Pre-application/ pre-offici
Although USACE was not the lead for any FAST-41 projects newly listed in FY20, USACE continues to utilize its long-established practice of hosting pre-application meetings upon project sponsor request. These meetings range from relatively informal with only the USACE and project sponsor present to more formal with other federal, state, and local agencies, and tribes present. See 33 CFR 325.1(b) and 33 CFR 332.4(a) for additional information. All USACE Districts have information regarding the availability of pre-application meetings on their websites. Examples include Los Angeles District at: https://www.spl.usace.army.mil/Missions/Regulatory/Permit-Process/, Fort Worth District at:	

Best Practice Category: (ii) Timely decisions for ERA (	Corresponding BP: ii.1 ERA process templates/ c
USACE HQ, divisions, and districts develop and utilize numerous ERA process templates, application forms, flowcharts, and checklists to assist applicants with providing required information in a timely manner. A wide variety of documents are available since the requirements vary based on a number of factors including types of programmatic approaches developed and utilized in a specific division or district and the location and extent of proposed project impacts to aquatic resources, historic properties, endangered species, etc. These documents are routinely updated and updates are tracked by the USACE Regulatory Mission Success Criteria for Outreach which includes: updates to district	

Best Practice Category: (iii) Improving coordination	Corresponding BP: iii.1 Standards and protocols
USACE most often consults with Tribes pursuant to Section 106 of the NHPA (see BP v-2 for recent example). Consultation occurs throughout the process, including identification efforts and treatment of resources. When adverse effects to historic properties are identified, USACE works closely with Tribes and others to develop mutually acceptable standards and protocol to be included in a project-specific Memorandum of Agreement. For FAST-41 infrastructure projects where the USACE is the lead federal agency, all Section 106 processes remain planned or in progress and Tribes will be/have been invited to consult, as discussed in the project-specific CPPs.	

Best Practice Category: (iv) Increasing transparency	Corresponding BP: iv.1 Share information about
In FY20, no new FAST-41 projects were added where USACE was the lead federal agency. USACE was cooperating agency for several, however, and provided the lead federal agency, applicant, and other cooperating/participating agencies with information about the USACE ERA process by the time of the initial CPP. For example, prior to the Ocean Wind CPP, the USACE attended an interagency kickoff meeting and exchanged several e-mails with the lead and other agencies regarding the ERA process. USACE has been in contact with the project sponsor since 2017, outlining the ERA process and discussing project details at various times.	

Best Practice Category: (v) Reducing information coll	Corresponding BP: v.1 Address ERA staff change
On 16 Aug 19, USACE formalized its process for addressing ERA staff changes and provided training to the field at that time. This process was shared with the field again on 27 Aug 20 and additional training was provided on 10 Sep 20 during the USACE FAST-41/OFD Quarterly call. During FY20, USACE HQ also solicited feedback from the field regarding any improvements that should be made. To date, no improvements have been identified and USACE has not received any reports that issues have arisen if project manager reassignment has been needed. USACE will continue to evaluate implementation annually and revise, as warranted.	

Best Practice Category: (v) Reducing information coll	Corresponding BP: v.2 Joint processes or progra
USACE develops and/or utilizes numerous programmatic approaches, including joint permit applications that include state and local government requirements, programmatic ESA and/or NHPA consultations, programmatic general permits (PGP), etc. PGPs are a type of general permit that are issued by USACE districts and designed to eliminate duplication of effort between USACE districts and local, state, or federal regulatory programs that provide similar protection to aquatic resources. In some states, State Programmatic General Permits	

Best Practice Category: (vi) GIS and other tools	Corresponding BP: vi.1 Knowledge sharing abou
USACE continues to make resources available to project sponsors, applicants, and stakeholders, updating this information when necessary. The USACE HQ Regulatory Program provides an extensive resource library on its website at: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/. For instance, application forms and instructions are available at: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/ and are clearly identified on the main website with icons. We also provide video guidance on how to	

Best Practice Category: (vii) Training materials	Corresponding BP: vii.1 Provide training about F
On 19 Oct 2019, USACE held a comprehensive 2-hour training for Regulatory district and division FAST-41/OFD POCs (~90 individuals) and Regulatory District Chiefs (38) outlining Dashboard requirements and responsibilities. USACE developed templates for various Dashboard requirements when our agency is Lead or Cooperating Agency, and whether FAST-41 and/or OFD apply. Training materials were then posted to our dedicated FAST-41/OFD SharePoint site so they were available to the districts as a reference or training of new practitioners.	

Best Practice Category: (viii) Other	Corresponding BP: viii.1 Outreach to stakeholde
USACE is the lead federal agency for three projects. Highlights from the FY20 CPPs include: Mid-Barataria. USACE posts public involvement opportunities on the project webpage at: https://www.mvn.usace.army.mil/Missions/Regulatory/Permits/Mid-Barataria-Sediment-Diversion-EIS/. Due to COVID-19, USACE is planning for both in-person and virtual public hearing options for the draft EIS scheduled for March 2021.	

Best Practice Category: (viii) Other	Corresponding BP: viii.2 Share information on EF
Opportunities to share this information in FY20 have been limited. At several CERPO-level meetings this FY, including the FY21 Best Practices workshop, USACE shared various virtual technologies being utilized during COVID-19 to ensure public engagement and discussed the benefits of using them. For instance, the USACE has observed that while utilization of virtual public meetings may present difficulties for some members of the public, members of the public who may not have historically engaged in the process are now doing so. The USACE recognizes that not all members of the public can access virtual meetings so has taken steps to ensure traditional methods are still available to the	

SECTION 2. FAST-41 PROJECT SPECIFIC PERMITTING IMPROVEMENTS/OUTCOMES

This section should highlight examples from specific projects. Please include agency innovations, initiatives, successes, and identification of and resolution to challenges. Agencies are encouraged to report on FPISC OED recommendations from the FY 2019 ARC (See OED Assessment, Part 2).

Please adhere to a total word count limit of 300 words for this section, while thoroughly reflecting your accomplishments and challenges. Provide links and/or citations as appropriate. Provide as many relevant examples as possible in the space provided below.

Jordan Cove. USACE worked with FERC on the Section 106 process since FERC's original proposed review area would have not covered all cooperating agencies' actions. Through extensive coordination, all agencies' actions were ultimately included in FERC's review, which allows for FERC to be the designated lead federal agency and prevents the need for additional Section 106 consultations. Jordan Cove also exemplifies successful synchronization between the USACE Section 10/404 and Section 408 requirements, which are overseen by two different offices. A joint Public Notice was issued and the offices continue to work closely together to share information.

AKLNG. USACE completed a draft of the Record of Decision for the AKLNG project in advance of completion of dependencies by the lead agency (NHPA/ESA). Advance completion of the draft ROD allowed it to be reviewed by all approving supervisors and legal counsel well in advance of the FAST-41 ROD Target Date. By completing and reviewing the draft ROD in advance of receiving all dependencies

SECTION 3. PERMITTING PROCESS IMPROVEMENTS (GENERAL)

Please document activities undertaken by the agency in FY 2020 that may be outside the information captured in the two sections above. Examples include challenges addressed or looking to be addressed through actions like: new tracking systems, procedural changes, outreach efforts/information gathering, regulatory changes, and interagency discussions/working groups/agreements/collaboration through the Permitting Council and with other Permitting Council member agencies. This section provides a space to report any new and unexpected challenges with novel solutions developed by agencies. Addressing challenges that were anticipated, then addressed by existing or new BPs can be included in sections 1 and 2.

Please provide a narrative for each process improvement in a separate section below. Please adhere to a total word count limit of 300 words for this section, while thoroughly reflecting your accomplishments and challenges. Provide links and/or citations as appropriate. Provide as many relevant examples as possible in the space provided below.

In FY20, the EPA and Army finalized the Navigable Waters Protection Rule: Definition of "Waters of the United States". This final rule establishes the scope of federal regulatory authority under the Clean Water Act. The Navigable Waters Protection Rule includes four simple categories of jurisdictional waters and provides specific exclusions for many water features that traditionally have not been regulated.

USACE has prepared a proposal to renew and revise 52 nationwide permits for work in wetlands and other waters that are regulated by Section 404/10. We are proposing these modifications to simplify and clarify the NWPs, reduce burdens on the regulated public, and continue to comply with the statutory requirement that these NWPs authorize only activities with no more than minimal individual and cumulative adverse environmental effects. Many FAST-41 projects qualify for nationwide permits so would benefit from these improvements.

This information has been reviewed by the Permitting Council Member and CERPO, and others as necessary (public affairs, legislative affairs, office of general counsel staff). I understand that this information will be used as submitted in the FPISC Annual Report to Congress and is testimony-ready for use by Administration officials. ☑

CERPO Name (or designee)	Signature

SUBMIT