AGENCY INFORMATION

Agency: Department of Commerce/National Oceanic

Name of Agency CERPO: Sean Brebbia

Email address of Agency CERPO: sbrebbia@doc.gov

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. 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.2 Pre-application/ pre-offici
NMFS frequently conducts pre-consultation/pre-application reviews for our consultations and authorizations to provide initial feedback and guidance to action agencies and project sponsors. In FY2020, for example, NMFS staff reviewed and provided marine mammal and acoustic technical assistance in the development of the US Army Corps of Engineers (USACE)'s Environmental Impact Statement (EIS) well in advance of receipt of the Marine Mammal Protection Act Incidental Take Authorization application for the Miami-Dade County Coastal Back Bay Coastal Storm Risk Management Study covered under EO 13807. This ensured marine mammal impacts were	

Best Practice Category: (ii) Timely decisions for ERA (	Corresponding BP: ii.1 ERA process templates/ c
NMFS has a broad suite of checklists, application forms, and templates in place on our websites covering MMPA authorizations, ESA consultations, and EFH consultations, to assist project sponsors and applicants with providing the required information in a timely manner. In FY2020, building on work begun in 2017, NMFS developed, refined, and implemented a consultation tracking system for EFH and ESA consultations. The Environmental Consultation Organizer (ECO) system includes the ability to quickly sort and filter all FAST-41 consultations to look up their status. This system also provides transparency to our federal partners and to the public. NMFS plans to solicit feedback from applicants	

Best Practice Category: (iii) Improving coordination	Corresponding BP: iii.1 Standards and protocols
NOAA has a tribal consultation policy and handbook that describes NOAA's procedures for government-to-government consultation with Federally recognized Indian Tribes and Alaska Native Corporations. In addition, under the Marine Mammal Protection Act, the Arctic Incidental Harassment Authorization regulations include a required tribal peer review process. In FY2020, NMFS held a tribal peer review panel to obtain input on the Prudhoe Bay portion of the Alaska Liquefied Natural Gas (LNG) project. The panel provided recommendations on how to minimize the project's impacts on marine mammals and subsistence use, which were incorporated into the development of the final	

Best Practice Category: (iv) Increasing transparency	Corresponding BP: iv.1 Share information about
NMFS is committed to working with lead and cooperating agencies to develop a clear understanding of each project's environmental review processes and dependencies early in the process. In FY2020, NMFS worked collaboratively with the Bureau of Ocean Energy Management (BOEM) to develop a detailed timeline template for offshore wind projects covered by FAST-41 and EO 13807. The template includes the required reviews, dependencies, and additional steps such as review periods and interagency meetings. Having this template will allow BOEM and cooperating agencies to efficiently produce new project-specific timetables, and to more easily understand the impacts of any date	

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 LNG Terminal and Pacific Connector Gas Pipeline Project
As a project covered under the One Federal Decision policy, all Federal agencies involved were required to utilize a single Environmental Impact Statement (EIS) and Record of Decision (ROD) for their NEPA analyses, unless a waiver was granted by the lead agency. NOAA's MMPA authorization requires NEPA analysis, but the MMPA nexus with the overall Jordan Cove project was very small, given limited impacts to marine mammals only associated with construction of the LNG terminal portion of the project. NOAA staff determined that NMFS's NEPA analysis could be satisfied using an existing Categorical Exclusion, which would lead to faster completion of NMFS's action and save NMFS and the lead and cooperating agencies effort in not having to incorporate NMFS's action into the joint ROD. NMFS worked cooperatively with the lead and other agencies to secure the single EIS/ROD waiver, and was able to efficiently complete our MMPA action, while still engaging cooperatively on development of the Federal Energy Regulatory Commission's EIS.

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.

NMFS-BOEM Collaboration on Offshore Wind
NMFS and BOEM recognized that a large number of offshore wind projects are anticipated to begin the permitting process over the next several years, and that interagency process improvements were necessary to streamline and enable more effective coordination between our agencies. In FY2020, NMFS and BOEM held two multi-day workshops, facilitated by the Udall Foundation, aimed at addressing specific issues that had caused disagreements or delays in initial projects and developing templates and products aimed at improving processes for future projects. The workshops resulted in numerous actionable products (including a permitting timetable template, purpose and need statement template, protocols for early engagement/coordination, and an overarching MOU currently under development) and strengthened the relationship between our agencies to tackle any future issues ahead.

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. ☑

Sean B. Brebbia

CERPO Name (or designee)	Signature

SUBMIT

Permitting Council Member Agency Self-Assessment

Agency Input to FPISC's FY 2020 Annual Report to Congress

Section 1 Supplement

Please use this section to supplement Section 1. Examples of BP Implementation. Please submit this document with your Agency Self-Assessment form to FPISC OED by October 14, 2020

Best Practice Category: (v) Reducing information coll	Corresponding BP: v.2 Joint processes or progra
NMFS recognizes the efficiencies that can be gained for our agency and partners through the use of programmatic approaches and joint processes, and has actively sought to increase their use where appropriate. In FY2020, NMFS developed 4 new national-level EFH programmatic consultations (increased from 1 new programmatic consultation in 2018) and completed 15 new programmatic EFH consultations as an agency. When completed, programmatic EFH consultations streamline compliance on covered activities with an action agency, typically for numerous years. Nationally, NMFS increased the use of programmatic consultations by roughly 85% (3 in CY 2018, and 18 in 2019) to streamline EFH	

Best Practice Category: (vi) GIS and other tools	Corresponding BP: vi.1 Knowledge sharing abou
Over the past several years, NMFS has developed a robust suite of resources available to project sponsors, applicants, and stakeholders regarding the agency's review processes, including detailed websites and training materials. In FY2020, NMFS developed updated data layers for the publicly available EFH Mapper, which assist action agencies and project sponsors in knowing when they are proposing activities in Essential Fish Habitat, and increases voluntary compliance with consultation obligations. NMFS is also in the process of updating regional nearshore and inshore data for that tool where possible, and expect that to be completed in FY2021.	

Best Practice Category: (vii) Training materials	Corresponding BP: vii.1 Provide training about F
NMFS developed and implemented a wide range of trainings related to FAST-41 and NMFS' environmental review processes in FY2020. NMFS staff conducted 14 internal FAST-41/OFD training sessions for NOAA staff across a wide array of regional and headquarters offices on FAST-41 and EO 13807 requirements and processes, resulting in increased staff awareness of the relevant mandates and compliance with required procedures such as timely updates to the Permitting Dashboard. NMFS also provided "EFH 101" training to a wide range of external federal partner audiences (U.S. Coast Guard/National Response Team, Federal Energy Regulatory Commission) as well as internal NOAA	

Best Practice Category: (viii) Other	Corresponding BP: viii.1 Outreach to stakeholde
NMFS' EFH and ESA consultations do not have a specific stakeholder engagement requirement. Under the MMPA, we provide an opportunity for public comment on Incidental Take Authorizations. Letters of Authorization have two public comment periods at the notice of receipt and proposed rule stage, and Incidental Harassment Authorizations (IHA) have one public comment period at the proposed IHA stage. If NMFS is adopting the lead agency's EIS for purposes of the MMPA, NMFS may also participate in the scoping. In FY2020, NMFS engaged in considerable stakeholder engagement related to offshore wind projects in	

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