



FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

FISCAL YEAR 2024 BUDGET REQUEST



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OVERVIEW

Established in 2015 by Title 41 of the Fixing America’s Surface Transportation Act (FAST-41), 42 U.S.C. §§ 4370m et seq., the Federal Permitting Improvement Steering Council (Permitting Council) is a unique Federal agency charged with improving the transparency and predictability of the Federal environmental review and authorization process for certain infrastructure projects.¹ The Permitting Council is comprised of the Permitting Council Executive Director, who serves as the Council Chair; thirteen Council members who represent Federal permitting agencies (including deputy secretary-level designees of the Secretaries of Agriculture, Army, Commerce, Interior, Energy, Transportation, Defense, Homeland Security, and Housing and Urban Development, the Administrator of the Environmental Protection Agency, and the Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation); and the Chair of the Council on Environmental Quality (CEQ) and the Director of the Office of Management and Budget (OMB). The Permitting Council was made a permanent Federal agency through enactment of the Infrastructure Investment and Jobs Act (IIJA) in 2021.²

The Permitting Council coordinates Federal environmental reviews and authorizations for projects that seek and obtain FAST-41 “coverage.” Sponsors of FAST-41 covered projects are entitled to comprehensive Federal permitting timetables and transparent, collaborative management of those timetables on the public-facing Federal Permitting Dashboard.³ Agencies must consult with FAST-41 covered project sponsors in establishing and managing their permitting timetables, and resolve permitting issues in a timely, transparent fashion. FAST-41 additionally provides for issue elevation and dispute resolution processes which help ensure that project permitting issues are expeditiously resolved by high-level Federal decision makers. Importantly, FAST-41 does not alter any applicable statutory or regulatory requirement, environmental law, regulation, or modify any Federal permitting process, or public involvement procedure. FAST-41 also does not predetermine the outcome of any Federal decision making process in favor of or against any FAST-41 covered projects.

FAST-41 covered projects may be in the following, statutorily-identified sectors: renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity, and any other sector determined by a majority vote of the Permitting Council.

¹ FAST Act, Pub. L. No. 114-94 (Dec. 4, 2015).

² Pub. L. No. 117-58 (Nov. 15, 2021).

³ 42 U.S.C. § 4370m-2(c)(2)(D).



Notwithstanding the covered project sectors identified above: (i) projects for which the U.S. Department of Transportation is the lead; (ii) projects authorized pursuant to Title 49 of the U.S. Code; and (iii) projects subject to authorization by the U.S. Army Corps of Engineers pursuant to the Water Resources Development Act, are not subject to FAST-41 or the purview of the Permitting Council.⁴

The IIJA amendments to FAST-41 authorized the Executive Director, “in the interests of transparency,” to add to the Federal Permitting Dashboard infrastructure projects that do not otherwise meet the criteria for FAST-41 covered projects.⁵ Although not entitled to the full procedural benefits granted to “covered projects” by the statute, such “transparency projects” are posted and transparently managed through permitting timetables on the Federal Permitting Dashboard. The Executive Director will designate FAST-41 “transparency projects” beginning in 2023.

The Permitting Council also establishes best practices for Federal infrastructure project permitting, including improving engagement with American Indian tribes, Alaska Native Corporations, and Native Hawaiian organizations; improving coordination between Federal and non-Federal government entities; and increasing transparency, among others. Additionally, the Executive Director, in consultation with the Permitting Council, creates recommended performance schedules for various types of infrastructure projects, and the activities of the Permitting Council are funded through the

Environmental Review Improvement Fund (ERIF), which is administered by the Executive Director.⁶ The Executive Director utilizes the ERIF to administer and implement FAST-41 and support the role of the Permitting Council as a Federal center for permitting excellence, including managing the FAST-41 Federal Permitting Dashboard, providing for the expenses of the Council, staffing and operating the Office of the Executive Director (OED), and assessing and reporting to Congress the compliance of each agency with FAST-41 requirements. Additionally, with the approval of the OMB Director, the Executive Director may transfer ERIF funds to other Federal agencies and state, local, and tribal governments to facilitate timely and efficient environmental reviews and authorizations of FAST-41 projects.

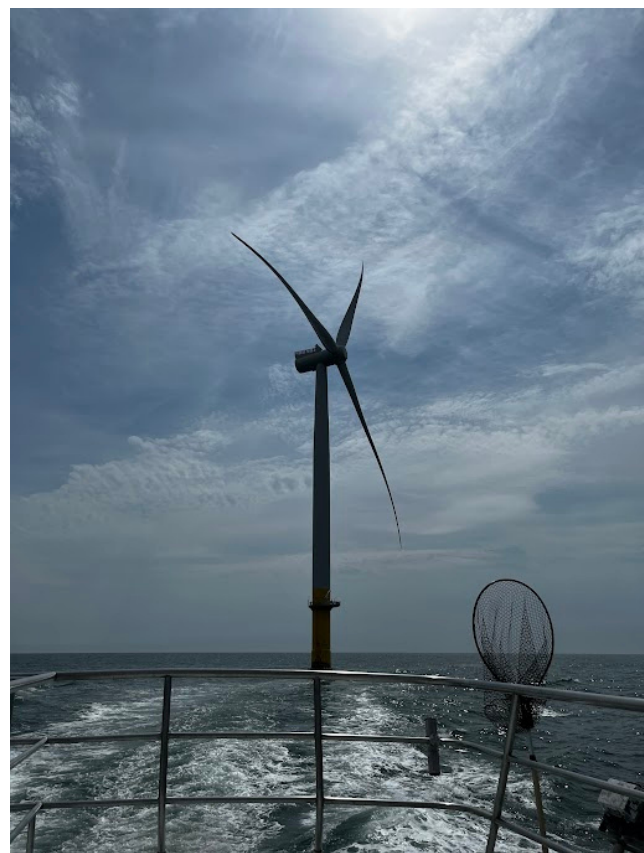


Photo of a wind turbine taken during a Permitting Council OED site visit to the Coastal Virginia Offshore Wind project. Credit: Permitting Council Staff

⁴ Pub. L. No. 114-94, § 11503(b), 129 Stat. 1312, 1692 (Dec. 4, 2015).

⁵ 42 U.S.C. § 4370m-2(b)(2)(A)(iii).

⁶ 42 U.S.C. § 4370m-8(d).



FY 2024 BUDGET REQUEST SUMMARY

The Permitting Council requests \$10 million in Fiscal Year (FY) 2024, to remain available until expended, to fund the operations of the Permitting Council, including salaries and expenses for 32 full-time equivalents (FTE) in the Permitting Council OED, to administer and implement the provisions of FAST-41 and to oversee funding transfers to other Federal agencies and state, tribal, and local governments to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects.

This funding, coupled with other appropriations provided in the Infrastructure Investments and Jobs Appropriations Act (Division J of the IIJA) and the Inflation Reduction Act of 2022 (IRA), gives the Permitting Council the resources necessary to implement the requirements of FAST-41 and advance Congress’ and the Administration’s commitment to increase investment in U.S. infrastructure, spur economic growth, unlock the full potential of the American workforce, and right historical wrongs in disadvantaged communities.⁷

FY 2022 - FY 2024 Comparison of Appropriations
(Amounts in thousands of dollars)

Budget Account	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request	FY 2023 to FY 2024 Change
Salaries & Expenses				
Appropriations, discretionary	\$10,000	\$0	\$10,000	+\$10,000
Appropriations, discretionary (IIJA)	650	650	650	0
Appropriations, mandatory (IRA)	0	350,000	0	-350,000
Total	\$10,650	\$350,650	\$10,650	-\$340,000
Positions	21	30	33	+3
FTE	15	19	32	+13

PROGRAM DESCRIPTION

In recognition of the permitting challenges faced by infrastructure projects in the United States (U.S.), FAST-41 established the Permitting Council to bring transparency, predictability, accountability, and interagency coordination to the environmental review and authorization process for FAST-41 “covered” infrastructure projects. A project sponsor that seeks and obtains FAST-41 coverage for a qualified infrastructure project is entitled to participate in the creation and management of a single comprehensive Federal

⁷ IRA, Pub. L. No. 117-169 (Aug. 16, 2022).



permitting timetable which is posted on the Federal Permitting Dashboard and contains intermediate and final completion dates for all Federal environmental reviews and authorizations needed to site, construct, and operate the project. The permitting timetable must be managed in compliance with the coordination, transparency, and disclosure requirements of FAST-41. The Executive Director manages each project's permitting timetable on the Federal Permitting Dashboard, assesses agency compliance with FAST-41 permitting timetable requirements, mediates disputes with respect to permitting timetable contents, ensures quick elevation of issues to the appropriate Federal decision makers, and renders administrative decisions with respect to project coverage and certain extensions of FAST-41 permitting timetables.

The Permitting Council also establishes and implements recommendations for best practices for environmental review and authorization of infrastructure projects, consults with the Executive Director to develop template recommended performance schedules for each FAST-41 infrastructure sector, redirects resources as needed to resolve permitting bottlenecks and to provide capacity to Federal, state, local, and tribal stakeholders to make environmental reviews and authorizations for infrastructure projects more efficient and timely, and fosters intergovernmental cooperation and cooperation with project sponsors to develop more efficient, transparent, and efficacious processes for reviewing and permitting infrastructure projects. Additionally, the Permitting Council functions as a Federal center for permitting excellence by supporting agency implementation of FAST-41 and providing fora for sharing information and lessons learned.

With the passage of the IJIA in November 2021, Congress reaffirmed its commitment to the Permitting Council's mission by making the Permitting Council a permanent Federal agency. In the year since, Congress twice again endorsed the Permitting Council mission –first, by appropriating \$350 million that is available for nine years in IRA funding to the ERIF; and second, by extending FAST-41 benefits to six additional technology-based infrastructure sectors, including semiconductors and artificial intelligence.⁸

Now that the Permitting Council is a permanent Federal agency, administers six new technology sectors, and has substantially increased appropriations, the Permitting Council anticipates increased demand for the Permitting Council's and the Executive Director's services and benefits in FY 2024 and beyond.

⁸ S. 3451, Pub. L. No. 117-173 (Aug. 16, 2022).



ANNUAL APPROPRIATIONS

APPROPRIATIONS LANGUAGE

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m-8(d), \$10,000,000, to remain available until expended, including for the payment of salaries, and the employment of experts and consultants under section 3109 of title 5, United States Code.

[Sec. 635. (a) Section 41002(c)(1) of Public Law 114-94 (42 U.S.C. 4370m-1(c)(1)) is amended by adding at the end the following new subparagraph:

“(E) Personnel.—The Executive Director of the Council may appoint and fix the compensation of such employees as the Executive Director considers necessary to carry out the roles and responsibilities of the Executive Director.”.

(b) Section 41009(d)(2) of Public Law 114-94 (42 U.S.C. 4370m-8(d)(2)) is amended by striking “staffing of the Office of the Executive Director” and inserting “appointing and fixing the compensation of such employees as the Executive Director considers necessary to carry out the roles and responsibilities of the Executive Director”.]

ANALYSIS OF LANGUAGE PROVISIONS

This budget request appropriates no-year funding to be deposited into the ERIF for the operations of the Permitting Council, including staffing of the Permitting Council OED, for the purposes of administering and implementing FAST-41, to support the role of the Permitting Council as a Federal center for permitting excellence, and to transfer funds to other Federal agencies and to state, tribal, and local governments to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects.

The Permitting Council also proposes not including in these appropriations a provision that was included in the Financial Services and General Government Appropriations Act, 2023, which clarified the hiring authorities of the Executive Director. This provision amended Title 42 of the U.S. Code, and does not need to reappear in subsequent appropriations bills.



FY 2022 ACCOMPLISHMENTS

Projects Continued to Benefit from FAST-41: The public and Congress continue to benefit from the increased coordination, transparency, and accountability provided through FAST-41 implementation. Two FAST-41 covered projects completed the environmental review and authorization process in FY 2022:

- The construction and operations plan for the South Fork Wind project was approved in January 2022 by the Department of the Interior’s Bureau of Ocean Energy Management, completing the milestones on the Federal Permitting Dashboard for this project. South Fork Wind is the first offshore wind energy project to complete the FAST-41 process and, when constructed, likely will be the first offshore wind farm to deliver electricity to New York. FAST-41 made permitting of this project more timely and efficient as the Executive Director raised various important interagency coordination issues to senior agency decision makers for timely and cooperative resolution. In reviewing this project, agencies further refined process and timing for interagency coordination of various reviews for offshore wind projects – still a nascent industry in the U.S. – and project milestones and permitting timetable expectations were refined and ultimately met. When constructed, the South Fork Wind project will generate 132-megawatts from 12 wind turbines, which is enough clean energy to power 70,000 homes. The project represents \$740 million in economic investment and more than 1,800 jobs.
- The permitting process for the Ten West Link Transmission Line Project, from Tonopah, Arizona, to Blythe, California, was completed in July 2022. The FAST-41 process for this project facilitated greater coordination of permitting efforts and schedules among the project sponsor, the Arizona State Public Utility Commission, and the Department of the Interior’s Bureau of Land Management, resulting in more complete, efficient, and transparent execution of the project’s permitting timetable. When complete, the Ten West Project will consist of a 114-mile, 500-kilovolt transmission line that will increase transmission capacity by 3,200-megawatts and provide interconnection capability for new renewable energy projects seeking to come online in the Southwest. The project represents \$280 million in economic investment.



Energy storage facility.
Credit: Dennis Schroeder, National Renewable Energy Laboratory



Not all FAST-41 covered projects result in project approval. A significant aspect of the utility and value of FAST-41 is to provide project sponsors and the public with a modicum of predictability in the Federal environmental review and authorization process by driving Federal decision making toward a timely resolution – whether in favor of or against approval of a proposed FAST-41 covered infrastructure project. Accordingly, in addition to the projects approved in FY 2022, three FAST-41 covered project reviews were concluded with a decision not to move the project forward:

- On March 24, 2022, the Federal Energy Regulatory Commission (FERC) issued an order dismissing the license application for the Lake Elsinore Advanced Pumped Storage Project (LEAPS) in southern California. The LEAPS project application, which had been pending before Federal agencies for over a decade, was resolved within 2 years of obtaining FAST-41 coverage.
- On December 16, 2021, FERC issued an order vacating the authorizations under Sections 3 and 7 of the Natural Gas Act for the Jordan Cove LNG Terminal and Pacific Connector Gas Pipeline. No parties filed a request for a rehearing of FERC’s order by the deadline in the first quarter of 2022, and the project accordingly was canceled on the Federal Permitting Dashboard.
- On December 16, 2021, FERC issued an order vacating the certificate authorization for the PennEast Pipeline. No parties filed a request for a rehearing of FERC’s order by the deadline in the first quarter of 2022, and the project accordingly was canceled on the Federal Permitting Dashboard.

Expanded Access to FAST-41 Benefits: On November 5, 2021, the President signed IIJA into law. The IIJA is a historic \$1.2 trillion bipartisan infrastructure legislation which provides much needed investments in American infrastructure to improve the nation’s global competitiveness. Among other things, the IIJA made the Permitting Council a permanent addition to the Federal government and reaffirmed ongoing Congressional commitment to a transparent, predictable, accountable, and inclusive Federal environmental review and authorization process for infrastructure projects. The legislation also improved access to the benefits of FAST-41 for tribal-sponsored projects on tribal-managed lands and gave the Executive Director expanded authority to transfer ERIF funds directly to state, local, and tribal governments to facilitate timely and efficient reviews of FAST-41 projects. The IIJA also expanded the Executive Director’s authority to direct Federal agencies to post permitting timetables on the Federal Permitting Dashboard for projects other than FAST-41 covered projects in the interests of transparency.

On August 16, 2022, the President signed the IRA into law, providing another landmark investment in our nation’s future that will transform efforts to combat climate change.



The Act appropriated \$350 million into the ERIF, which is available through FY 2031. On August 16, 2022, Pub. L. No. 117-173 added six technology-related infrastructure sectors to FAST-41, allowing qualified projects in those sectors to become FAST-41 covered projects.

Biden-Harris Administration Issued its Permitting Action Plan: On May 11, 2022, the White House issued the Permitting Action Plan, outlining the Administration’s strategy for ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent, guided by the best available science to promote positive environmental and community outcomes, and shaped by early and meaningful public engagement while providing a roadmap for agencies to deliver on the once-in-a-generation investments in infrastructure enacted in the IIJA. In conjunction with FAST-41, the Permitting Action Plan is intended to help grow the nation’s clean energy economy, revitalize communities across the country, lower costs for families, support the creation of good-paying jobs, and ensure infrastructure investments are mobilized in a timely and efficient way, without unnecessary bureaucratic delay. The work of the Permitting Council is at the core of the Permitting Action Plan. The Administration has directed Federal agencies to leverage the Permitting Council and its expanded authorities under the IIJA to improve coordination among agencies, to help avoid and resolve potential conflicts and bottlenecks before they emerge, to identify and share best practices, to accelerate information sharing and troubleshooting, and to normalize the use of the Federal Permitting Dashboard to manage Federal permitting efforts on all types of infrastructure projects.

Permitting Council Emphasized Environmental Justice in the Federal Infrastructure Permitting Process: In March 2022, the Permitting Council launched its Environmental Justice Community Listening Series in an effort to provide a “seat at the table” for communities of color and low-income communities during the Federal infrastructure permitting process. The first event of the series, held in partnership with CEQ and the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI), focused on concerns within the Asian American and Native Hawaiian/Pacific Islander (AA and NHPI) communities. These listening sessions were dedicated to making sure that low-income communities and minority communities are involved at the very start of the infrastructure permitting process. Communities of color have long been concentrated in areas plagued with environmental justice concerns, and the Permitting Council is dedicated to playing a role in bringing all stakeholders into the decision making process. The listening series launch event was attended by representatives from nineteen AA and NHPI community organizations nationwide, representing a diverse collection of community voices. With concerns ranging from legacy pollution to language barriers, the AA and NHPI community provided the Permitting Council with impactful takeaways to help shape the Federal environmental review and authorization process in a way that is inclusive of all voices, especially those



from the communities that have historically borne the environmental impacts of infrastructure without experiencing its benefits. The Permitting Council continues to engage with environmental justice organizations, and directly with communities of color and low-income communities across the country, to improve the Federal permitting process.

Data Management Guide Updated to Improve FAST-41 Implementation: To assist agencies in the implementation of FAST-41, the Permitting Council created a FAST-41 Data Management Guide (DMG), which provides agencies with standard operating procedures for establishing, maintaining, modifying, and completing permitting timetables on the Federal Permitting Dashboard in accordance with FAST-41. On March 28, 2022, the Executive Director, in coordination with the Permitting Council, completed a comprehensive revision of the DMG. The updated DMG reflects the statutory changes to FAST-41 enacted in the IIJA and incorporates lessons learned from managing FAST-41 permitting timetables over the past several years. The DMG also provides guidance for the Executive Director’s new IIJA obligation to evaluate and report quarterly to Congress on agency implementation of FAST-41 requirements, including management of the project permitting timetable.

Improved Engagement with Tribes, Alaska Native Corporations, and Native Hawaiian Organizations: Infrastructure projects can impact the land and cultural resources of Native Hawaiians and any of the 574 Federally recognized American Indian and Alaska Native tribes and villages in the U.S. The Administration has made tribal consultation and strengthening Nation-to-Nation relationships a priority. The Executive Director has successfully implemented recommendations identified in the U.S. Government Accountability Office’s March 2019 Report to Congress, entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, to help Federal agencies ensure tribal input in decision making for proposed infrastructure projects, and continues to build on the Permitting Council’s 2021 Best Practice for high-quality Nation-to-Nation engagement, which was substantially revised and improved in 2022, through several linked tribal initiatives.

- **Upgrading the Department of Housing and Urban Development’s (HUD) Tribal Directory Assessment Tool (TDAT).** TDAT is the only publicly available database that provides information on counties where tribes have ancestral interests. TDAT also provides tribal contact information for agencies seeking to initiate consultations. For years, HUD has been challenged to keep TDAT up-to-date and inaccuracies and the inability to make regular changes have engendered complaints by all users, including tribes. Acknowledging the value of TDAT to agencies across the Federal government, and in response to the March 2019 GAO report, the Executive Director utilized ERIF funds and coordinated with HUD to make technical upgrades to ensure sustained accuracy of tribal contact data and to maintain ongoing, high-quality management of TDAT.



- Improving Government-to-Government consultation processes in partnership with the Federal agencies responsible for consulting with tribes on FAST-41 covered projects.** In FY 2022, the Executive Director offered training to Federal agency staff on “Collaboration and Consultation with Native Nations in FAST-41,” which was administered by the Morris K. Udall and Stewart L. Udall Foundation’s John S. McCain III National Center for Environmental Conflict Resolution (the Udall Foundation). The training was a participatory and interactive course for Federal agency permitting planners and staff involved in the environmental review and authorization of FAST-41 covered projects. The goal of the training was to provide greater understanding of the roles and considerations necessary to ensure meaningful Government-to-Government engagement and consultation with affected Native Nations. Participants in the 16-hour training developed – through exposure to a broad range of concepts and skills – awareness of the many facets of Government-to-Government consultation, including history, law, policy, sovereignty, protocol, collaboration, communication, and conflict resolution skills. This training was refined by the Permitting Council OED and the Udall Foundation through the development of workshops designed to ensure improved capacity-building opportunities and address concerns regarding the time commitments associated with the initial 16-hour training. An initial round of workshops was offered to Federal agency staff in March and May of 2022.
- Developing Best Practices to support tribal capacity to participate in the environmental review and authorization of FAST-41 covered projects, and increasing access to quality information.** One of the many changes made to FAST-41 by the IIJA was to require the Permitting Council to issue annual recommendations on best practices for improving the Federal permitting process for FAST-41 covered projects by engaging with Native American stakeholders to ensure that project sponsors and agencies identify potential natural, archeological, and cultural resources and locations of historic and religious significance in the area of FAST-41 covered projects.⁹ In FY 2022, the Executive Director issued draft recommended best practices on enhancing early tribal engagement from Federally recognized tribes and conducted several Government-to-Government consultations with tribes in April and May of 2022 to receive input. Tribes also provided written comments on the draft recommended best practices in advance of and following the consultation sessions. The best practices were then revised in response to the collected input received from the tribes, and the Permitting Council subsequently reviewed the proposed final recommendations for best practices. The Permitting Council issued the final new best practice in September 2022, published as part of the Permitting Council’s revised 2022 *Recommended Best Practices*. Once implemented by Federal agencies, this suite of best practices for tribal engagement should greatly improve the incorporation of tribal perspectives and interests into the Federal infrastructure siting and decision making process. FAST-41 requires agencies to annually report to Congress with respect to their implementation of these best practices.

⁹ 42 U.S.C. 4370m-1(c)(2)(B)(i)(I).



FY 2023 PROGRAM HIGHLIGHTS

FAST-41 Project Portfolio: The portfolio of FAST-41 covered projects under active Federal review at the time the FY 2024 budget request was developed included 29 active projects, organized by sector below.

Offshore Wind (15 Projects)

- Atlantic Shores North
- Atlantic Shores South
- Bay State Wind Project
- Beacon Wind
- Coastal Virginia Offshore Wind Commercial Project
- Empire Wind Energy Project
- Kitty Hawk North Wind Project
- Kitty Hawk South Offshore Wind Project
- Maryland Offshore Wind Project
- New England Wind (aka Vineyard Wind South)
- Ocean Wind 1 Project
- Revolution Wind Farm Project
- Skipjack Wind Farm
- Southcoast Wind Energy (f/k/a Mayflower Wind)
- Sunrise Wind Farm

Solar (1 Project)

- Bonanza Solar Project

Other Renewable Energy (2 Projects)

- Kulning Wind Energy Project
- Seminole Pumped Storage Project

Broadband (1 Project)

- Sante Fe Indian School Broadband

Conventional Energy Production (1 Project)

- Liberty Development and Production Plan

Electricity Transmission (3 Projects)

- Boardman to Hemingway Transmission Line
- Cardinal-Hickory Creek Transmission Line Project
- SunZia Southwest Transmission Project

Pipelines (3 Projects)

- Alaska LNG Project
- Mountain Valley and Equitrans Expansion Project
- Plains Pipeline, L.P. Lines 901 and 903 Replacement Project

Ports and Waterways (1 Project)

- Port of Corpus Christi Authority Channel Deepening Project

Water Resources (2 Projects)

- Mid-Barataria Sediment Diversion
- Mid-Breton Sediment Diversion

The Mid-Barataria Sediment Diversion Project was approved for construction in December 2022 by the Department of the Army’s U.S. Army Corps of Engineers. The Permitting Council was heavily involved in the Mid-Barataria Sediment Diversion project over a number of years, and assisted in permitting schedule management, resolving interagency process issues, facilitating closer cooperation between the Federal government and the project sponsor, and relieving permitting process bottlenecks. 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 of sediment laden water will 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 investment value of the project for the State of Louisiana is over \$2 billion.



The remaining FAST-41 covered project portfolio, excluding completed or canceled projects, represents nearly \$100 billion in economic investment and more than 50,000 jobs. Over 75 percent of the portfolio consists of renewable energy, coastal restoration, and electricity transmission projects. The fifteen offshore wind projects alone represent over half of the Administration’s goal to deploy 30,000-megawatts of offshore wind by 2030, as well as a ten-fold increase in the number of environmental reviews and authorizations that are subject to the FAST-41 program when compared to last fiscal year.

In the interests of transparency, beginning in 2023, the Executive Director will utilize the authority granted by the IJA amendments to FAST-41 to add to the Federal Permitting Dashboard infrastructure projects that do not otherwise meet the criteria for FAST-41 covered projects. These “transparency projects” will be publicly posted and transparently managed through permitting timetables on the Federal Permitting Dashboard.

Enhancing Staff Capabilities and Workforce Development: The enactment of the IRA and passage of Pub. L. No. 117-173 have placed new requirements and responsibilities on the Permitting Council. In light of this expanded mission, the Executive Director reevaluated OED staffing needs to meet its statutory requirements. In FY 2023, the agency is working to build its staffing capabilities through hiring and onboarding in critical areas, including:

- Chief Financial Officer (CFO): The IRA has provided the Permitting Council with a 3500 percent increase in funding in a single year which will require additional financial reporting and management requirements, necessitating the addition of a Senior Executive to serve as the CFO for the Permitting Council OED to ensure responsible and accountable management of these new funds.
- Funding Transfer Specialist: The significant increase in funding coupled with expanded ability to transfer ERIF funds to state, local, and tribal governments to make the environmental review and authorization process for FAST-41 projects more timely and efficient necessitates the establishment of a funding transfer program that will prioritize, disburse, and account for the transfer of ERIF funds for these purposes. Accordingly, the Executive Director plans to hire at least one professional with funding transfer experience to establish, operate, and monitor the OED’s funding transfer program.
- Additional Infrastructure Project Advisor: The IJA authorized the Executive Director to direct agencies to add to the Federal Permitting Dashboard projects that are not FAST-41 covered projects, but would nonetheless benefit from publicly posted permitting timetables in the interest of transparency. The Executive Director intends to hire an additional Infrastructure Project Advisor to spearhead this effort and to track and support agency posting and management of this new class of “transparency projects” on the Federal Permitting Dashboard. Much of the Administration’s



Permitting Action Plan directs the posting and tracking of FAST-41 “transparency projects” on the Federal Permitting Dashboard.

- Records Management Officer: As highlighted in the Permitting Council’s April 2022 Annual Report to Congress, in the time since becoming a permanent Federal agency in November 2021, the Permitting Council OED has worked to establish all of the inner workings that are essential to, and required for, the functioning of a Federal agency. One such need is a comprehensive records management system, which, among other things, will be utilized to facilitate timely responses to the increased number of Freedom of Information Act (FOIA) requests the agency now receives. Given the additional funding provided by the IRA and as the portfolio of FAST-41 covered projects grows, the Executive Director expects that this trend of FOIA requests will continue and anticipates hiring a dedicated Records Management Officer to assist with the additional FOIA and records management workload.
- Permitting Excellence Staff: To support and facilitate the role of the Permitting Council as a Federal center for permitting excellence, the Executive Director will hire staff to advance Federal agency efforts to increase the transparency, accountability, and predictability of environmental review and authorization process, as well as to support the work of agencies through capacity building services.

Additionally, the agency continues to develop its workforce. The Permitting Council OED engaged its staff to identify development interests, worked with agency leadership to understand any opportunities for staff growth, and examined Administration priorities on strengthening and empowering the Federal workforce. Based on this input, the agency stood up agency-wide training opportunities and will provide targeted training to enhance understanding and commitment to diversity, equity, inclusion, and accessibility.

Continuing to Improve Tribal Consultation: The Permitting Council OED continues to lead the implementation of important new policies to expand tribal involvement in the Federal infrastructure project environmental review and permitting process. The increased need for engagement stems from: 1) the need to better understand how infrastructure projects impact tribes, especially offshore wind projects; and 2) the need to create more visibility with tribes about the benefits of FAST-41 coverage and changes made by the IJA, which: (i) make FAST-41 coverage more accessible for tribal sponsored projects; and (ii) provide new funding opportunities to facilitate increased tribal involvement in the environmental review and authorization process for FAST-41 projects. Tribal initiatives continuing in FY 2023 include:

- **Building better relationships with tribes.** In December 2022, the Executive Director established a new position, the Director of Tribal Affairs, to manage the agency’s tribal engagements, assist with building a new tribal funding program, and integrate tribal work into the other activities of the Permitting Council. As a result of the



efforts of the Executive Director and the new Director of Tribal Affairs, the Santa Fe Indian School received FAST-41 coverage for a proposed project to build a 300+ mile fiber optic network to increase broadband connectivity for tribal communities in New Mexico. The Permitting Council OED will continue to cultivate relationships with tribes and tribal organizations in order to encourage broader participation in FAST-41 through tribal sponsored projects.



Solar panel construction outside of Las Vegas, NV Credit: Permitting Council Staff

- **Training to improve Government-to-Government consultation on FAST-41 projects.** In partnership with the Udall Foundation, the Permitting Council OED will continue offering training to Permitting Council member agency staff on collaborating and consulting with tribes on FAST-41 covered projects, including identifying additional best practices and success stories in Native American engagement and operationalizing those practices in FAST-41 processes.
- **Establishing a program to transfer funds directly to tribes to facilitate participation in the Federal review and authorization of FAST-41 projects.** In December 2022, the Executive Director announced the allocation of \$5 million from the ERIF to be made available to Federally recognized tribes in order to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects. Tribal involvement in the environmental review and authorization process for FAST-41 projects – particularly offshore wind projects – is a key element of the permitting process.

However, tribal involvement often can be limited because tribes routinely face severe capacity barriers to participation. Constraints frequently include limited staffing and technological capacity to review large volumes of complex technical project- and impact-related information. Increasing tribal capacity to participate in the environmental review and authorization process is critical to ensuring our nation is building sound infrastructure. Funds distributed through this program will assist tribes in obtaining the expertise and capacity needed to facilitate timely and efficient reviews of FAST-41 projects. To assess the scope of needs and develop criteria for transferring funds, the Permitting Council OED is hosting several Nation-to-Nation consultations to gather information and tribal feedback. The Permitting Council OED will evaluate the need for providing additional tribal funding after completing these consultations.

- Continuing enhancements and expansion of HUD’s TDAT software.** In FY 2023, the Permitting Council OED will continue funding HUD’s efforts to improve the accuracy of the tribal information in the TDAT database and the ease with which it can be updated in the future. HUD conducted two webinars in November 2022 to give tribes an overview of the TDAT enhancement project and to solicit comments and feedback on the project. In 2023, HUD will begin testing to incorporate new synchronization and editing tools, as well as a new user interface. The synchronization tool will allow data from the Bureau of Indian Affairs and the National Park Service to be automatically updated on a quarterly basis and the editing tool will allow the TDAT Administrator to make quick changes to the data on TDAT based on input received from tribes.

FY 2024 REQUEST

Looking ahead to FY 2024 and beyond, the Executive Director plans to use the annual appropriations from Congress to support full implementation of FAST-41 and the operations of the Permitting Council, including as a Federal center for permitting excellence. Expenditures include the salaries and benefits of the staff and contractors of the OED to administer and facilitate the implementation of FAST-41. The execution of FAST-41’s statutory mandates include management of the Federal Permitting Dashboard by the Permitting Council OED’s project management team, assessments of agency implementation through reports to Congress, identification and implementation of best practices, development of recommended performance schedules, the development and implementation of digital tools to improve Federal environmental review and authorization processes, hiring and training a workforce to meet the demands of increased workloads, and other standard agency operations. The Executive Director intends to utilize appropriations authorized by the IRA to establish and administer a FAST-41 funding transfer program and to facilitate the role of the Permitting Council as a Federal center for permitting excellence. Such IRA-funded activities include: (1) transferring funds to Permitting Council member agencies to obtain staff to assist in FAST-41 implementation and make environmental reviews and authorizations for FAST-41



projects more timely and efficient; (2) transferring funds to state, local, and tribal governments; and (3) investing in Federal systems and data tools that will improve the Federal permitting process writ large. These activities are described in greater detail in the “Inflation Reduction Act of 2022” section later in this budget request.

Expanding Participation in the FAST-41 Program: Outreach to potential covered project sponsors is essential to increasing the number of FAST-41 covered projects, including potential tribal project sponsors who may still be unaware that the IIA granted them increased access to FAST-41 benefits. Recognizing that reviewing and permitting infrastructure projects can involve all levels of government and civil society, the Executive Director will continue to prioritize engagement with stakeholders to raise awareness of and expand participation in the FAST-41 program. Outreach efforts will target potential project sponsors that are identified with help from state agencies, trade associations, and stakeholder organizations. Engagement activities also will be expanded to cover the six technology-related infrastructure sectors recently added to FAST-41. Ensuring that sponsors of infrastructure projects in these newly added sectors – including semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity – are aware of the permitting timetable transparency and project management benefits of FAST-41 coverage is critical to stimulating these prioritized infrastructure sectors. The Executive Director’s outreach efforts will include participation in conferences, working groups, interviews, and other speaking engagements that provide opportunities to establish and foster new relationships across Federal agencies, state, local, and tribal governments, and private industries.

Supporting the Administration’s Permitting Action Plan: The Administration’s Permitting Action Plan to strengthen and accelerate Federal permitting and environmental reviews is a critical step toward ensuring that infrastructure projects are delivered on time, on task, and on budget, without unnecessary bureaucratic delay. This is especially important as historic investments are made to expand high-speed internet, grow clean transportation, and produce more clean energy with offshore wind, onshore renewable energy, and critical minerals. The Permitting Action Plan is the latest example of this Administration taking action to swiftly deliver the benefits of infrastructure investment to the American people through well-designed projects that support the President’s climate and clean energy goals. The Permitting Council will play a key role in ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent, and are guided by best practices to achieve timely and efficient authorizations for FAST-41 projects. Permitting Council OED staff works closely with Permitting Council Chief Environmental Review and Permitting Officers and staff from Permitting Council member agencies to identify efficiencies that can be used to provide consistency across related Federal environmental review and authorization processes to reduce process uncertainties, miscommunications, and avoidable delays.



Pursuant to IIJA, and as reflected in the Permitting Action Plan, the Executive Director will identify infrastructure projects that should be added to the Federal Permitting Dashboard in the interests of transparency.¹⁰ Once identified, the Executive Director will provide technical support to affected agencies to help manage permitting timetables for these “transparency projects”. The Executive Director periodically will identify additional “transparency projects” to add to the Federal Permitting Dashboard.

Building Funding Transfer Capability to Address Federal Agency Environmental Review and Authorization Needs: Timely and efficient environmental reviews and authorizations are contingent on a resourced workforce of sufficiently skilled professionals throughout all levels of government. With the IIJA authorization to transfer ERIF funds to Federal agencies and state, local, and tribal governments, the Executive Director will bolster the funding transfer capabilities of the Permitting Council OED to distribute the additional resources provided through the IRA to facilitate timely and efficient reviews of FAST-41 projects. Quickly increasing the capacity of both Federal and non-Federal entities engaged in the environmental reviews and authorizations of FAST-41 projects will help to deliver projects across the U.S. that provide positive environmental and community outcomes. The Permitting Council OED also will establish policies, procedures, and internal controls to properly manage these resources, including monitoring funding recipients through programmatic and financial reporting procedures to ensure compliance with all Federal requirements.

Expand Tribal Involvement in Federal Environmental Review and Authorization Processes: The budget request for FY 2024 continues support for several key initiatives to build upon lessons learned and feedback received through the Permitting Council OED’s tribal capacity building courses and other outreach efforts. The Permitting Council OED will lead the implementation of important new policies to expand tribal involvement in Federal environmental review and permitting processes in the following ways:

- Continuing outreach to potential tribal project sponsors about the benefits of and ease of access to FAST-41 coverage.
- Expanding the funding transfer program to transfer funds directly to tribes to facilitate timely and efficient environmental reviews and authorizations of FAST-41 projects.
- Refining existing and identifying new best practices to improve agencies’ engagement with tribal governments to identify potential impacts to natural, archeological, and cultural resources from covered infrastructure projects.
- Improving tribal capacity to participate in environmental review and permitting of FAST-41 projects, increasing access to available information about the Permitting Council and the FAST-41 program, and providing tools to help agencies achieve and maintain regular, meaningful consultation with affected or interested tribal nations.

¹⁰ See also 42 U.S.C. § 4370m-2(b)(2)(A)(iii).



Supporting the Role of the Permitting Council as a Center for Permitting Excellence:

The Executive Director is authorized to expend ERIF funds to support the role of the Permitting Council as a Federal center for permitting excellence. To that end, the Permitting Council provides transparency, accountability, predictability, and capacity building services to support the Federal environmental review and authorization process. To provide these services, the Permitting Council OED uses its appropriations to: (i) create project management tools to facilitate more predictable and cooperative interagency work on infrastructure review and permitting; (ii) facilitate interagency rotational opportunities to increase familiarity of each agency's staff with the procedures and culture of other agencies with which they cooperate; (iii) help agencies more effectively track their infrastructure project permitting workflows and increase governmentwide compatibility of permitting-related information; (iv) facilitate information exchanges and trainings between industry and Federal permitting agencies; and (v) provide innovative contracting and hiring vehicles to ensure that agencies can access the resources and talent they need for efficient and effective environmental reviews and authorizations for infrastructure projects. Specific efforts in capacity building, funding transfers, and permitting tools are described in greater detail in the "Inflation Reduction Act of 2022" section later in this budget request.

Enhancing Staff Capabilities and Workforce Development: As the agency nears an optimal size to execute its statutory mission, the Permitting Council OED understands the need to support its staff and maximize its existing resources to meet agency needs. The Permitting Council and the Executive Director recognize the need to support and utilize the Permitting Council OED to successfully execute their FAST-41 roles and responsibilities. First, as part of the agency's strategic plan, the Permitting Council OED continues to focus on providing training to develop and refine employees' understanding and adherence to critical agency-wide policies and procedures. Second, the Permitting Council OED employees frequently engage across the permitting community and would benefit from robust training opportunities to expand working knowledge of permitting processes and challenges. The Executive Director has established employee training plans and proactively identified training opportunities for individual employee growth and mission advancement. Finally, as part of its efforts to enhance the quality and availability of training for the permitting community, the Permitting Council OED will provide more opportunities for government-wide training and workforce development to facilitate meaningful implementation of FAST-41 and to support the Administration's priorities for improving the environmental review and permitting process.



EXPLANATION OF FY 2024 CHANGES

FY 2023 - FY 2024 Budget Changes
 (Amounts in thousands of dollars)

	Amount	Positions	FTE
FY 2023 Available Resources:			
FY 2023 Enacted	\$0		
Carryover	8,689		
Total, FY 2023 Budgetary Resources	<u>\$8,689</u>	30	19
Mandatory Increases:			
Inflation and other mandatory adjustments	88		11
Annualization of FY 2023 positions and pay raises	2,147		
Total, Mandatory Increases	<u>\$2,235</u>		
FY 2023 Current Services	\$10,924	30	30
Adjustments to Base:			
FY 2024 pay raise	225		
Within grades and other personnel cost increases	33		
Total, Adjustments to Base	<u>\$258</u>		
Program Changes:			
Travel increase	100		
Additional staff	409	3	2
Shifting activities and programs to IRA funding	-1,691		
Total, Program Changes	<u>-\$1,182</u>		
Total, FY 2024 Request	\$10,000	33	32



MANDATORY INCREASES

- **Inflation and Other Mandatory Adjustments (+\$88,000)** – The budget request reflects the impact of inflation and standard increases in service fees for financial management, human resources, information technology, and contract support.
- **Annualization of FY 2023 Positions and Pay Raises (+\$2.1 million)** – The budget request reflects the annualization of new positions hired in FY 2023, the civilian pay raise of 4.6 percent beginning in January 2023, and anticipated within-grade increases and staffing promotions.

ADJUSTMENTS TO BASE

- **Personnel Cost Increases (+\$258,000)** – The budget request includes a Federal civilian pay raise of 5.2 percent beginning in January 2024, along with anticipated within-grade increases and staffing promotions.

PROGRAM CHANGES

- **Travel Increase (+\$100,000)** – In anticipation of adding more FAST-41 covered projects in more locations across the country, the Permitting Council OED requests an increase in travel-related funding in its FY 2024 budget request to facilitate more face-to-face engagement with relevant state, local, and tribal officials and project sponsors in what will hopefully be a post-COVID environment.
- **Additional Staff (+\$409,000)** – As the Federal government expands its investments in our national infrastructure, the Permitting Council OED anticipates a significant increase in the number of projects that will utilize the FAST-41 program. To effectively support these infrastructure projects and meet the demand, the Permitting Council OED looks to increase its capacity in infrastructure permitting expertise, as well as organizational support functions. The FY 2024 budget request includes resources to fund three new positions for the management of additional projects, operations support, and reporting and accountability for funding provided to other Federal agencies and non-Federal entities.
- **Shift Activities and Programs to IRA Funding (-\$1.7 million)** – Beginning in FY 2023, the Permitting Council OED will shift the funding of certain activities to the funding provided by the IRA in order to use its annual appropriations for the operations of the OED to support the work of the Executive Director and the Permitting Council. Activities that will be moved to the IRA funding include funding staff at Permitting Council member agencies to assist in FAST-41 implementation and with environmental reviews and authorizations for FAST-41 covered projects; providing financial assistance to state, local, and tribal governments; and investing in Federal planning and data tools to assist with and improve the Federal permitting process.



FY 2022 - FY 2024 Amounts Available for Obligation
 (Amounts in thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
Resources			
Available from prior years	\$5,659	\$8,689	\$-
Recoveries	22	-	-
Appropriations	10,000	-	10,000
Total Resources Available	\$15,681	\$8,689	\$10,000
Obligations			
Labor	\$4,692	\$5,321	\$7,527
Non-Labor	2,300	3,368	2,473
Total Obligations	\$6,992	\$8,689	\$10,000
Resources Less Obligation	\$8,689	\$-	\$-

FY 2022 - FY 2024 Comparison of Obligations by Budget Object Classification
 (Amounts in thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
11.0 Personnel compensation	\$3,834	\$4,078	\$5,515
12.0 Personnel benefits	857	1,243	2,012
Total, Personnel Compensation and Benefits	\$4,692	\$5,321	\$7,527
21.0 Travel and transportations of persons	73	200	300
22.0 Transportation of things	-	-	-
23.0 Rent, communications, and utilities	211	-	-
24.0 Printing and reproduction	2	2	2
25.1 Advisory and assistance services	1,876	2,879	1,883
25.2 Other goods and services from non-Federal sources	16	178	183
25.3 Other goods and services from Federal sources	55	18	11
25.4 Operations and maintenance	3	-	-
26.0 Supplies and materials	65	72	74
31.0 Equipment	-	20	21
Total, Non-Labor	\$2,300	\$3,368	\$2,473
Total Obligations	\$6,992	\$8,689	\$10,000



INFRASTRUCTURE INVESTMENTS AND JOB APPROPRIATIONS ACT

APPROPRIATIONS LANGUAGE

[FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL]
[ENVIRONMENTAL REVIEW IMPROVEMENT FUND]

[For an additional amount for the “Environmental Review Improvement Fund”, \$3,000,000 to remain available until September 30, 2026: Provided, That \$650,000, to remain available until September 30, 2022, shall be made available for fiscal year 2022, \$650,000, to remain available until September 30, 2023, shall be made available for fiscal year 2023, \$650,000, to remain available until September 30, 2024, shall be made available for fiscal year 2024, \$650,000, to remain available until September 30, 2025, shall be made available for fiscal year 2025, and \$400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2026: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.]

ANALYSIS OF LANGUAGE PROVISIONS

The Infrastructure Investments and Jobs Appropriations Act (Division J of the IJA) appropriates \$650,000 per year for each of FYs 2022 through 2025, and \$400,000 for FY 2026, for the ERIF for the operations of the Permitting Council, including staffing of the Permitting Council OED, for the purposes of administering and implementing FAST-41 and to support the role of the Permitting Council as a Federal center for permitting excellence. The Executive Director is also authorized by 42 U.S.C. § 4370m-8(d)(3) to transfer amounts in the ERIF, with the approval of the Director of the OMB, to other Federal agencies and state, tribal, and local governments to facilitate timely and efficient environmental reviews and authorizations for FAST-41 covered projects and other projects placed on the Federal Permitting Dashboard pursuant to FAST-41. The funding provided each year is available for only that fiscal year.

FY 2022 ACCOMPLISHMENTS

The procedures established by FAST-41 are intended to facilitate deliberate, synchronized, and transparent Federal environmental reviews and authorizations for certain infrastructure projects. A key component of successfully implementing FAST-41 is establishing and maintaining a public-facing online database, known as the Federal Permitting Dashboard, on which the permitting timetables for each FAST-41 covered project are posted and managed according to the requirements of FAST-41. The Federal



Permitting Dashboard is a transparency and accountability tool that provides public access to important project-related information, including a comprehensive permitting timetable, the status of the compliance of each Federal agency with the permitting timetable, details about all project-related timetable modifications, and information about project-related public meetings, public hearings, and public comment periods.

In FY 2022, the Permitting Council OED used the \$650,000 provided by the IJJA to continue modifying and enhancing the Federal Permitting Dashboard in the following ways:

- **Access Control:** New functionality added that allows users to set up permissions at a project level in order to control and manage user access for editing project data.
- **Attributes:** Added Federal and applicant milestone attributes to all milestones which improves reporting and allows the public to easily identify agency versus applicant milestones.
- **Enhanced Reporting Process:** Revamped and made extensive updates to the FAST-41 process to improve the reporting between agencies and the Permitting Council OED per statutory requirements.
- **Modification History:** Added a public facing page to display the history of changes for FAST-41 actions to provide further transparency to the public into the permitting process.
- **Postings by Agency:** Added functionality that allows agencies to enter required information via a new data entry form for their projects that is then displayed publicly on a linkable, formatted page that is easy for sharing.

FY 2023 PROGRAM HIGHLIGHTS

In FY 2023, the Permitting Council OED will continue investing the resources provided by the IJJA to improve the Federal Permitting Dashboard and facilitate successful implementation of FAST-41, including the following:

- **Coordinated Project Plan (CPP):** Creation of a CPP data entry form with a workflow process to provide agencies one location to manage and maintain their project's CPPs for the Permitting Council OED to review on a quarterly basis. This effort will enhance the overall Federal Permitting Dashboard management and workflow process to improve the efficiency of environmental reviews and authorizations and the quality of the information presented to the public.
- **Additional Milestone Attributes:** Adding all milestone attributes (final milestone, agency vs. applicant, triggering milestone, etc.) to the datasets to enhance reporting capabilities to users and the public.



- **Extension Request Identification:** New public display indicator that flags when an agency has requested an extension of the schedule for a permitting timetable milestone.
- **Alternative Completion Date Functionality:** Update the manner in which revised dates for the completion of milestones are managed on the Federal Permitting Dashboard to provide a linkage to an action.

FY 2024 PROGRAM HIGHLIGHTS

In FY 2024, the Permitting Council OED will continue directing the \$650,000 provided annually by the IIJA to operate, maintain, modify, and enhance the Federal Permitting Dashboard to increase transparency into project timelines, improve and simplify project information data entry, and ensure compliance with changes to FAST-41 made by the IIJA. A key component of these investments will be to ensure the proper posting, management, and tracking of “transparency projects” on the Federal Permitting Dashboard.



Landscape photo taken during a Permitting Council OED site visit to New Mexico. Credit: Permitting Council Staff

FY 2022 - FY 2024 Amounts Available for Obligation
 (Amounts in thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
Resources			
Available from prior years	\$-	\$-	\$-
Appropriations	650	650	650
Total Resources Available	\$650	\$650	\$650
Obligations			
Labor	\$-	\$-	\$-
Non-Labor	650	650	650
Total Obligations	\$650	\$650	\$650
Resources Less Obligation	\$-	\$-	\$-

FY 2022 - FY 2024 Comparison of Obligations by Budget Object Classification
 (Amounts in thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
11.0 Personnel compensation	\$-	\$-	\$-
12.0 Personnel benefits	-	-	-
Total, Personnel Compensation and Benefits	\$-	\$-	\$-
21.0 Travel and transportation of persons	-	-	-
22.0 Transportation of things	-	-	-
23.0 Rent, communications, and utilities	-	-	-
24.0 Printing and reproduction	-	-	-
25.1 Advisory and assistance services	650	650	650
26.0 Supplies and materials	-	-	-
31.0 Equipment	-	-	-
Total, Non-Labor	\$650	\$650	\$650
Total Obligations	\$650	\$650	\$650



INFLATION REDUCTION ACT OF 2022

APPROPRIATIONS LANGUAGE

[SEC. 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.]

In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, \$350,000,000 for fiscal year 2023, to remain available through September 30, 2031.]

ANALYSIS OF LANGUAGE PROVISIONS

Section 70007 of the IRA appropriates \$350 million in FY 2023 to the ERIF for the operations of the Permitting Council, including staffing of the Permitting Council OED, for the purposes of administering and implementing FAST-41 and to support the role of the Permitting Council as a Federal center for permitting excellence. Additionally, as authorized by 42 U.S.C. § 4370m-8(d)(3), the Executive Director may, with the approval of the Director of the OMB, transfer amounts in the ERIF to other Federal agencies and state, tribal, and local governments to facilitate timely and efficient environmental reviews and authorizations for FAST-41 covered projects and other projects placed on the Federal Permitting Dashboard pursuant to FAST-41. The funding provided by the IRA is available until September 30, 2031.

FY 2023 AND FY 2024 PROGRAM HIGHLIGHTS

With the significant influx of appropriations made into the ERIF, the Executive Director intends to invest heavily in improving the Federal government's management of its infrastructure review and authorization processes. The Executive Director intends to allocate these resources through direct support for agency environmental review and authorization procedures. The Executive Director will also make cross-agency investments in infrastructure project review and authorization management tools and techniques. Given that the IRA funding was provided in one lump sum which is available for nine fiscal years, the Executive Director has already engaged in establishing the necessary and appropriate policies, procedures, and programs within the Permitting Council OED. This effort will take time, so it is expected that the obligation of the IRA funding will gradually increase before leveling out over the final years of the funding availability.

Capacity Building and Training

The Permitting Council has a unique opportunity to help strategically increase workforce capacity and support the development of a more holistic, targeted,



enterprise-wide workforce across the Federal permitting family. Federal agencies have raised concerns regarding Federal workforce needs, namely that there is a shortage of project managers and environmental specialists, and that newly hired employees need training in areas including in environmental reviews and Federal permitting. To address these issues, the Permitting Council OED is taking the following steps:

- **U.S. Office of Personnel Management (OPM), Human Resources Solutions (HRS) Memorandum of Agreement (MOA)** – To respond to Federal workforce staffing needs, the Permitting Council OED is in the process of drafting an MOA with OPM HRS for cross-governmental hiring actions to provide agencies with staff acquisition support. This MOA outlines the parameters of this reimbursable agreement, the scope of work, and the process by which OPM HRS and the Permitting Council OED will help work to build a pool of highly qualified candidates that agencies will be able to pull from to address capacity shortages. As experts in helping agencies build and sustain high performing organizations, OPM HRS has a unique understanding of human resource needs. OPM HRS is uniquely positioned to provide practical solutions to meet agencies’ staff acquisition challenges and performs these sorts of human resource management services for Federal agencies on a reimbursable basis.
- **Training** – In addition to capacity building efforts, the Permitting Council is also exploring ways to cultivate and transform the workforce that we currently have. The Permitting Council OED has made progress on developing more infrastructure-job centric training to provide Federal environmental professionals with both the technical and management skills required to successfully collaborate across agencies and disciplines. The Permitting Council OED’s efforts to assess the training needs of its partner agencies is ongoing, and the preliminary architecture for a comprehensive training program is well under way. The Permitting Council OED is exploring providing training services directly to agencies through contractors, funding, and by building up a staff of trainers internally at the Permitting Council OED, which could be deployed to conduct training at other agencies as necessary.
- **Basic Order Agreement (BOA)** – In addition to the general training build-out discussed above, the Permitting Council OED has made progress towards using the BOA it issued in August 2022 in coordination with the General Services Administration (GSA). The BOA gives Federal agencies simplified access to a wide range of expertise needed to help move projects through the environmental review and permitting process, ranging from experts in the implementation of NEPA, to engineers, to skilled public involvement coordinators, to experienced project managers. The BOA is a resource tool for expediting contracting for certain government needs and serves as a marketplace of GSA-approved vendors that offer a wide variety of environmental review and permitting-related services upon which Federal agencies can draw to support work on FAST-41 projects. Services procured through the BOA can be paid for



either directly by the Permitting Council member agency (consistent with authorized appropriations) or by the Executive Director using the ERIF.

The Executive Director has initiated use of the BOA and is currently evaluating options to build out training products to assist agencies and has initiated negotiations with an environmental training vendor to this end. Potential training products include FAST-41 tools on-demand, data management guide training, tribal engagement training, and certificate programs in FAST-41 and NEPA. Evaluation of options is ongoing and is being assessed in consideration of agency needs.

The Executive Director is authorized to transfer funds in the ERIF to agencies to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects. The IIJA expanded this authority to include providing financial assistance to state, local, and tribal governments involved in the environmental review and authorization process of FAST-41 projects. The influx of the IRA appropriations to the ERIF meaningfully enables the Executive Director to support the Permitting Council member agencies to improve the Federal environmental review and authorization process.

The Executive Director is working to leverage the FAST-41 authorities and the appropriations to the ERIF to overcome process bottlenecks and improve coordination throughout all levels of government, wherever and whenever needed, further supporting the Administration's goal to accelerate the deployment of clean energy and other infrastructure investments to deliver equity, mitigate climate change, create good-paying jobs, and boost economic growth.

Since receiving the additional appropriation from the IRA, Federal agencies have begun to identify and request that the Permitting Council invest in certain projects, staff resources, training, and other resources intended to increase efficiency and improve the quality of Federal environmental reviews and permitting. In response to these requests, and in anticipation of additional, similar requests, the Executive Director has taken steps to identify resource needs, prioritize investments, and build the internal framework to transfer funds quickly and with appropriate tracking and accountability processes in place. Efforts in capacity building, funding transfers, and permitting tools are highlighted below. Specifically, the Executive Director is expanding the institutional and programmatic framework within the Permitting Council OED to facilitate transfers of ERIF funds to agencies as well as to recipients beyond the Federal government (e.g. state, local, and tribal governments). The Permitting Council OED is developing standard operating procedures and funding criteria to identify and prioritize those investments that will have the most impact towards improving the environmental review and authorization process of relevant FAST-41 projects.



- **Funding Architecture** – The Executive Director has generally provided support from the ERIF to other Federal agencies through reimbursable agreements with these agencies. The agencies have then used the funding they received to onboard additional Federal term appointment hires, part-time staff, and contractor support to assist directly with the environmental reviews and authorizations for FAST-41 covered projects. The Executive Director will continue to use this process and is also establishing a funding transfer program and additional funding transfer mechanisms, as necessary and appropriate. The development of the funding transfer program and any additional mechanisms includes the development of policies and procedures and adding new Permitting Council OED staff to ensure proper financial stewardship and compliance with all Federal requirements. This includes tracking, monitoring, and accountability.
- **Expanded Recipients** – The Executive Director already has set aside \$5 million of the IRA appropriations specifically to improve tribal engagement and involvement in the environmental review and authorization process. Tribal consultation to determine how best to allocate these funds is well under way. The consultation process is designed to seek input and guidance directly from tribes to better understand, articulate, and address the resource needs tribes encounter when trying to meaningfully engage in the environmental review and authorization process of relevant FAST-41 projects. If tribal consultations show that more than \$5 million is needed to assist tribes, the Executive Director may award additional funding. The Executive Director is also looking to target significant amounts of the IRA appropriations to address obstacles at the state and local levels and is developing a similar internal procedure for assessing needs and prioritization.

Investments in Cross-Agency Permitting Tools and Techniques

Increasing the capacity of Federal, state, and local agencies and tribes to conduct environmental reviews and consider authorizations for a greater volume of large-scale infrastructure projects is only part of the solution. Lasting improvements to the environmental review and authorization process will require long-term investments to expand Federal permitting capabilities and to develop the permitting workforce of the future.

Tools - Current, accurate, and complete information leads to better permitting decisions. This is especially true when it comes to the planning and development of large, complex infrastructure projects. The quality of the planning, siting alternatives, and permitting application for infrastructure projects can be greatly improved with the use of new and innovative data technology tools. The Permitting Council OED is strategically positioned to coordinate the Federal government's efforts to invest in these tools.





The Permitting Council OED has taken strategic steps towards prioritizing and investing in tools that will improve the efficiency and effectiveness of Federal environmental permitting and reviews. For example, the Permitting Council OED and CEQ recently launched new initiatives focused on leading Federal efforts to modernize the information technology (IT) platforms and processes used by Federal agencies to manage the environmental review and permitting process for infrastructure projects. The Permitting Council OED and CEQ, in coordination with OMB, will work with Federal agency partners to inventory existing IT systems, identify the highest value opportunities to improve these systems in the near, medium, and long-term, and develop a strategy to accomplish the modernization effort. This work will include piloting new IT systems, scaling and replicating best-in-class systems already in use, and improving workflow processes that rely on these systems. To track effectiveness of these planned interventions, the Permitting Council OED and CEQ will develop and implement performance metrics that seek to measure

Photo of a wind turbine taken during a Permitting Council OED site visit to the Coastal Virginia Offshore Wind project. Credit: Permitting Council Staff

improvements in processing time, cost savings, public engagement, and environmental and community outcomes.

This effort builds upon a previous interagency working group effort to expand access to data and map-based information technology tools in order to integrate the myriad of Geographic Information System (GIS) capabilities throughout the Federal government to better understand the impact of land-use decisions and evaluate smarter alternatives. The ability to visualize alternatives on a common platform would allow parties to better understand and make more deliberate decisions with respect to important permitting-related trade-offs. The Permitting Council OED and CEQ effort is working to prioritize GIS investments based on the findings of this working group.

Now, with the resources provided by the IRA, the Permitting Council OED can cultivate partnerships with colleges and universities, professional associations, private think-tanks, and other organizations to initiate, coordinate, and fund the development of additional tools to assist project sponsors in the planning for a major infrastructure project and support effective and



timely decision making by agency staff once the Federal environmental review and permitting process begins.

The Executive Director is evaluating options for investing in other tools in the following categories:

- Environmental Review Standardization – Federal agencies have different procedures for compliance with environmental statutes like NEPA, which can lead to inefficiencies in the overall Federal process with respect to drafting of environmental documents, public comment and response, and alternatives analysis, among other things. Some agencies have proposed creating uniform drafting and public comment procedures, software to assist project applicants in navigating complex environmental review and permitting procedures, and other standardization tools. The Permitting Council OED is evaluating these proposals and exploring solutions for potential development.
- Permitting Support Tools – The National Renewable Energy Laboratory’s Regulatory and Permitting Information Desktop Toolkit collects and organizes the latest regulations that are intended to protect air and water quality, preserve wildlife habitats, prevent soil erosion, and shield valuable cultural and recreational resources. Hydropower developers can search these resources by state or type of regulation or project. Following this model, the Permitting Council OED is exploring the expansion of this type of capability to encompass other sectors which would clarify and simplify the project approval process by making permitting information easily accessible with links to permit applications, processes, manuals, and other related resources.
- Outcome-Focused Metrics – Developing and publishing outcome-focused metrics and calculators that show the extent to which the environmental review and permitting process maximizes the overall benefits (e.g., environmental, socioeconomic) of infrastructure deployment, thereby providing a stronger foundation for measuring benefits across projects.
- Data Analytics Capabilities – Developing infrastructure permitting-centric data analytics capabilities, like the NEPAAccess project at the University of Arizona, will help unlock information from decades of past NEPA reviews and allow anyone to search, download, and analyze thousands of documents, from Notices of Intent through the final Records of Decision on Federal actions.
- Digitizing Stakeholder and Community Engagement – The pandemic provided an opportunity for normalizing the use of digital tools to engage with stakeholders to meet the requirements of NEPA and other permitting actions. Developing highly interactive, web-based tools can provide multiple methods to interact with stakeholders and obtain, discuss, and record comments and input. Virtually available demonstrations, maps, videos, plans, and other digital documents can make project



information easier to access and help Federal agencies better engage with a broader pool of interested stakeholders throughout the environmental review and permitting process. Such efforts can encourage mainstream adoption of these innovations and processes which can significantly reduce project delivery times and improve outcomes.

Templates/Playbooks - The Permitting Council OED plans to develop additional resources, such as document templates and standardized playbooks that can be used for similar types of projects. These templates and playbooks can be leveraged by agencies and project sponsors throughout the permitting process to simplify and create more predictability in the Federal environmental review process, thereby expediting permitting activities and allowing them to navigate FAST-41 more efficiently. Example options include:

- Establish a Permitting Rotation Program modeled after the Joint Duty Assignment program in the national security sector.
- Develop and deploy social networks to build talent “communities” supported by full-time employees, retired workers, independent contractors, and everyone in between. Leverage existing websites such as LinkedIn, Facebook, Twitter, Glassdoor, Google, and other social networks to build a compelling employment brand, find talent, and market agencies to passive job candidates.
- Leverage data tools from vendors such as LinkedIn, Facebook, Entelo, Gild, TalentBin, Work4, Identified, and others to identify and source quality candidates around the nation to deepen talent networks. Use new scientific assessments and data tools to locate and assess high-quality candidates who fit the style and type of workers needed. Apply talent analytics to identify the Federal government’s top sources of talent, understand effective interviewing techniques, and determine “goodness of fit” to improve the quality and efficiency of hiring.



*Solar panel construction outside of Las Vegas, NV
Credit: Permitting Council Staff*

- Explore efforts to extend workforce training in the classroom. Starting in colleges and universities, agencies can dedicate resources to spur broader interest in permitting-related fields, such as math, science, archaeology, biology, and environmental science, through apprenticeship and intern programs to build a broader potential talent pool of people with the scientific backgrounds and technical skills the Federal government requires for future growth.
- Improve succession planning across the Federal government permitting community. Given the competitive challenges of finding talent in the marketplace, coupled with the long lead times needed to build deep skills, succession management should be done at the lowest levels. Traditionally, succession planning has concentrated on identifying high-potential leaders and developing them for senior roles in the organization. Rather than just focusing on these managerial positions, this process should be expanded to include other key roles as well—including technical specialists, positions in critical stakeholder-facing roles, and expert operations and project managers.



*345 kilovolt line outside of Flagstaff, AZ in WAPA's Desert Southwest Region.
Credit: U.S. Department of Energy – Western Area Power Administration, File Photo*

FY 2022 - FY 2024 Amounts Available for Obligation
 (Amounts in thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
Resources			
Available from prior years	\$-	\$-	\$325,000
Appropriations	-	350,000	-
Total Resources Available	\$-	\$350,000	\$325,000
Obligations			
Labor	\$-	\$-	\$-
Non-Labor	-	25,000	30,000
Total Obligations	\$-	\$25,000	\$30,000
Resources Less Obligation	\$-	\$325,000	\$295,000

FY 2022 - FY 2024 Comparison of Obligations by Budget Object Classification
 (Amounts in thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
11.0 Personnel compensation	\$-	\$-	\$-
12.0 Personnel benefits	-	-	-
Total, Personnel Compensation and Benefits	\$-	\$-	\$-
21.0 Travel and transportation of persons	-	-	-
22.0 Transportation of things	-	-	-
23.0 Rent, communications, and utilities	-	-	-
24.0 Printing and reproduction	-	-	-
25.1 Advisory and assistance services	-	20,000	22,000
26.0 Supplies and materials	-	-	-
31.0 Equipment	-	-	-
41.0 Grants, subsidies, and contributions	-	5,000	8,000
Total, Non-Labor	\$-	\$25,000	\$30,000
Total Obligations	\$-	\$25,000	\$30,000

