

One Federal Decision Coordination Plan Outline

Infrastructure Permitting Improvement Center

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Background

Executive Order (EO) 13807: Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects describes the One Federal Decision (OFD) policy for Federal review of “major infrastructure projects”¹ and sets a goal for completing Federal Environmental Impact Statements (EIS) within two years from notice of intent (NOI) to issuance of a record of decision (ROD). One of the purposes of the EO is to ensure that environmental review and permitting for major infrastructure projects are coordinated, predictable, and transparent.

The *Memorandum of Understanding: Implementing One Federal Decision Under EO 13807* (MOU) describes preliminary project planning that should occur under the OFD policy for environmental reviews and permitting. After a lead agency is determined, the lead agency should begin prescoping and preapplication procedures. In addition, during prescoping or as soon as possible the lead agency may develop a preliminary project plan in consultation with the cooperating agencies and project sponsors that establishes how agencies will work together to process the environmental review and authorization decisions for the project.²

This document provides an outline that U.S. Department of Transportation (U.S. DOT) Operating Administrations (OAs) can use as an optional resource for developing a coordination plan for public and agency participation in the environmental review process that incorporates key concepts from the OFD policy. This outline includes the elements of the preliminary project plans described in the MOU. It also includes other elements and best practices that can be included in coordination plans for projects that involve multiple agencies in the environmental review and permitting processes.

The OFD process is required for major infrastructure projects as defined under the EO, but principles of OFD can be applied to all projects, where appropriate. Much like other resources intended to integrate National Environmental Policy Act (NEPA) and permitting processes, this template can be used for environmental review and permitting coordination for all projects that involve multiple agencies and partners and that are striving to achieve coordinated and timely reviews. This document does not replace any existing procedures or requirements that OAs may have for developing project coordination plans, including the requirements under 23 U.S.C. 139(g). While the content of the coordination plan and the coordination processes used by agencies may vary from project to project and from agency to agency, this template provides agencies with a resource for coordination plan development under the OFD policy.

¹ E.O. 13807 defines a “major infrastructure project” as “an infrastructure project for which multiple authorizations by Federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.*, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project.”

² Section IX, Memorandum of Understanding: Implementing One Federal Decision Under EO 13807.

OFD Coordination Plan Outline

Items that are required for major infrastructure projects by EO 13807 or the Memorandum of Understanding: Implementing One Federal Decision Under EO 13807 are noted by a . All other items listed are recommended best practices.

I. Parties

List the agencies that are parties to this agreement, including lead agencies and cooperating agencies.

II. Agency Roles and Responsibilities



Describe specific areas of responsibilities and roles of all involved agencies.³ Roles and responsibilities may be organized by the category of agency or individual participating in the agreement, including:

- a. Lead agencies
- b. Cooperating agencies
- c. Participating agencies
- d. Agency Chief Environmental Review and Permitting Officers (CERPOs)

III. Interagency Cooperation Process

Describe the processes agencies will use to communicate and coordinate on their reviews, analyses, and decisions, as well as norms or expectations for interagency cooperation that have been agreed on by the parties. Potential elements could include:

- a. Process for sharing materials (e.g., on an internal project website or by email; number of days in advance of a meeting).
- b. Participation in meetings (e.g., expectations for preparation, frequency/number of meetings, facilitation).
- c. Commitment to raise potential issues early in the environmental review process.
-  d. Commitment to complete reviews concurrently, where appropriate.⁴
- e. Commitment to complete reviews in a timely manner (e.g., commitment to complete all reviews and comments within ____ days of receipt).

³ An agreement can only bind signatories, so while it may describe the roles and responsibilities of participating agencies it cannot bind them to act.

⁴ Section V D., Memorandum of Understanding: Implementing One Federal Decision Under EO 13807

- f. Process for using pre-scoping information (e.g., information about potentially significant environmental issues, the community and stakeholders affected, the extent of the analysis needed, and the time required to complete environmental review and authorization decision processes).
- g. Use of the NEPA scoping process to agree on the relevant analyses, studies and engineering design that will be needed.
- ★ h. Use of concurrence points, including: 1) Purpose and Need, 2) Alternatives to be Carried Forward for Evaluation, and 3) the Preferred Alternative, as well as additional concurrence points as necessary for the project.⁵
- i. Procedures for obtaining written concurrence on each concurrence point from all cooperating agencies who have authorization decisions).
- j. Definition of concurrence (confirmation by the agency that the information is sufficient for that stage, and the environmental review process may proceed to the next stage of the NEPA process).
- k. Interagency participation in stakeholder engagement activities.
- l. Integration of other statutory processes (e.g., 23 U.S.C. 139 processes).
- ★ m. Dispute resolution procedures. Any dispute resolution procedures must be consistent with any dispute resolution process established in applicable, law, regulation, or legally binding agreement to the maximum extent permitted by law.⁶

IV. Permitting Timetable

Include a permitting timetable for the environmental review and authorization decisions necessary for the project.⁷ Elements included in the permitting timetable should include:

- ★ a. Goal of completing EISs for “major infrastructure projects” in no more than two years from publication of a NOI to prepare an EIS to the issuance of a ROD.⁸
- ★ b. Schedule for other key deliverables (e.g., draft and combined final EIS/ROD or final EIS) consistent with the timetable established in section IV(a.) above.⁹

⁵ Section XI C., Memorandum of Understanding: Implementing One Federal Decision Under EO 13807

⁶ Section XII, Memorandum of Understanding: Implementing One Federal Decision Under EO 13807

⁷ Section VII, Memorandum of Understanding: Implementing One Federal Decision Under EO 13807

⁸ EO 13807

⁹ One way to estimate timeframes for various stages of the NEPA process is to look at the average percentage of the total NEPA process that each stage takes currently, and scale that down to a two-year total timeframe.

- ★ c. Goal of issuing all necessary authorization decisions within 90 days of ROD issuance, as appropriate.¹⁰
- ★ d. Use of the environmental review and authorization milestones specified in Appendix B of the CEQ/OMB Memorandum on “Guidance to Federal Agencies Regarding the Environmental Review and Authorization Processes for Infrastructure Projects.”¹¹

V. Project specific considerations

Identify project-specific considerations to help agencies conduct their reviews in an efficient and coordinated manner. Considerations may include:

- a. Significant issues and concerns that affect the environmental review and authorizations needed for the project.
- b. A stakeholder, public and Tribal outreach and engagement plan.
- c. Potential avoidance, minimization, and mitigation strategies.
- d. Requirements for complete applications for respective authorizations, and an identification of the earliest possible stage when the application could be submitted.

VI. Other/miscellaneous items

As needed, describe other items that agencies have agreed to.

¹⁰ EO 13807

¹¹ Section VII B., Memorandum of Understanding: Implementing One Federal Decision Under EO 13807