

Environmental Collaboration and Conflict Resolution Federal Forum

Meeting Notes

White House Conference Center
726 Jackson Place NW, Washington, DC
Tuesday, October 17, 2017
10:30 AM – 12:00 PM Eastern

Welcome, Agenda Review, and Brief Introductions

Ted Boling welcomed everyone and went over the agenda. Everyone in the room and on the phone introduced themselves by name and agency.

General Updates from CEQ

Ted Boling has been in talks with CEQ leadership and OMB about the *ECCR Benefits and Recommendations* paper. The document is still pending OMB review. CEQ and OMB have edited the Executive Summary to keep it in line with Executive Order 13807. CEQ finds this report very important and have every intention of publishing it after editing. They will circle back with the document after it has gone through careful editing. There is no rough estimate of when it will be ready.

EPA mentioned that this report would be very helpful to show Administrator Pruitt. The U.S. Institute has used parts of the report for their outreach materials and encouraged others to do the same.

CEQ has a nominee for chair: Kathleen Hartnett White

General Updates from USIECR

Please send any edits to the ECCR Forum Annual Report FY2016 by COB November 3, 2017 to Courtney Owen (owen@udall.gov).

Discussion A: Executive Order 13807 and ECCR

Objective: Gather agency thoughts on how ECCR techniques can be utilized in relation to the Presidential Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure.

Ted gave a synopsis of Executive Order 13807. Ted explained that EO 13807 starts from the statutory underpinnings of Title 41 of the FAST Act and the Federal Permitting Improvement Council. The Act helped make federal decisions on permitting processes more transparent. The focus of the EO is on efficiency and timeliness. This is good for informing the public and litigators. Agencies will need to track their performance and document permitting timelines.

Under the new EO, CEQ was tasked with creating an initial list of proposed CEQ actions in 30 days. This list was published in the Federal Register on September 14, 2017. The recommendations section of the Forum's Benefits & Recommendations report will be a great contribution to the ECCR section of the proposed actions.

Ted stated that this EO is a continuation of prior administration efforts which is rather significant. This is a multifaceted approach to institutional issues and will create many opportunities for ECCR use.

NEPA environmental review processes are long because there are various environmental authorities that must oversee a project. Michael Drummond of CEQ is conducting research and drafting a report on the actual length of time it has taken a project to go through the NEPA environmental review processes. He is working with EPA, DOI, and other offices. The methodology entailed gathering dates from the Notices of Intent (NOI) through to the Record of Decision (ROI) for 1024 projects during 2010-2017 (including 505 large infrastructure projects). Tracking down the ROI data was difficult since this information is not required to be published in a specific place. Drummond found that the median time from NOI to ROI was 3.7 years (also 3.7 for the large infrastructure project subset), and the mean was 4.6 years (4.9 years for the large infrastructure project subset). Outliers of up to 25 years were typically from the infrastructure subset. The next step will be to determine the mean and median for specific agencies.

CEQ recently convened the first meeting of the Steering Committee required by the EO. The main goal of the discussion was to find out how to shorten the current environmental review process to two years and meet the mandate of "one federal decision." Participants discussed the lack of resources available to do so, and suggested that the committee focus on projects that are most likely to succeed in meeting the requirements laid out in the EO.

CEQ guidance regarding the EO this will come out ideally before the 1st of the year. Ted encouraged everyone to know who their agency Chief Environmental Review and Permitting Officer is. If not known, look up at permits.performance.gov.

EPA asked if there was going to be some formalized guidance or tracking of ECCR usage set out in the CEQ guidance. Ted invited the Forum to give feedback on what they would like to track (for example community benefits or money saved).

EPA also asked about referrals to and roles of the conflict resolution centers at agencies. Ted noted that resolution of issues at the agency level should be attempted first, but that CEQ and the U.S. Institute are available for assistance, especially interagency conflicts.

Discussion B: Annual ECCR Summary Report: Effort and Value

Objective: Lay the foundation for future discussion regarding the value and effort of the yearly reporting process.

Stephanie Kavanaugh mentioned that the ECCR Forum Annual Report FY 16 has an additional appendix that includes the history of agency reporting. DOT said they will submit their FY 16 agency report by November 3. Please send any edits to the ECCR Forum Annual Report FY2016 by COB November 3, 2017 Courtney Owen (owen@udall.gov).

Going forward, the forum members would like to make changes to improve reporting in future years. USIECR stated that there will not be any changes to the report template for FY 17 as it has already been distributed; any changes would start for FY 2018 reporting. A small ECCR forum work group convened last year to address potential new changes to the report and the data gathering process which the U.S. Institute will distribute those notes prior to a new discussion of this issue by the Forum. In anticipation

of this discussion, agencies should attempt to quantify the time and effort spend gathering the data for their annual reports.

Next Forum Meeting

Tentatively scheduled for early January 2018. Forum Members will receive a calendar invite.

Attachments

Attachment 1: Attendees

Name	Agency
Pat Collins	Air Force
Carrie Greco	Army
Cathy Humphrey	BLM
Ted Boling	CEQ
Michael Dummond	CEQ
Kathryn MacKinnon	DOD
Cyan James	DOD
Schuyler Lystad	DOE
Steven Miller	DOE
William Hall	DOI
Gerry Solomon	DOT
Colleen Vaughn	DOT
Krystyna Bednarczyk	DOT
Amy Coyle	DOT
Jeanne Briskin	EPA
Deirdre Remley	FHWA
Frank M. Sptel	NOAA
Lisa Croft	NOAA
Steve Leathery	NOAA
Tyson Vaughn	USACE
Maria Lantz	USACE
Crorey Lawton	USACE
Hal Cardwell	USACE
Stephanie Kavanaugh	USIECR
Courtney Owen	USIECR
Michelle Degrandi	VA