EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
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COUNCIL ON ENVIRONMENTAL QUALITY PLAN FOR RETROSPECTIVE REVIEW OF
EXISTING REGULATIONS – IMPLEMENTATION REPORT

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This report provides an update on the recent activities and status of each of the Council on Environmental Quality's (CEQ) National Environmental Policy Act (NEPA) Pilot Projects since the January 11, 2014 Implementation Report on CEQ's plan for retrospective review of existing regulations pursuant to Executive Order 13563, "Improving Regulation and Regulatory Review." CEQ continues to identify and deploy innovative approaches that advance the goals of Executive Order 13563 by reducing the time and costs required for Federal environmental reviews.

Information on each of the CEQ NEPA Pilot Projects, described below, is publicly available on CEQ's website.[1] As noted in our previous reports, in addition to the success of its NEPA Pilot Projects, CEQ continues to modernize NEPA through efforts that include: issuing guidance to focus on reasoned and timely implementation (Effective Use of Programmatic NEPA Reviews, Revised Draft Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change, Use of Categorical Exclusions, NEPA Efficiencies, Environmental Collaboration and Conflict Resolution, and Mitigation and Monitoring);[2] issuing a handbook that aligns the NEPA and National Historic Preservation Act Section 106 process;[3] issuing a handbook aligning NEPA with the California environmental review process;[4] and working with Federal agencies on interagency rapid response teams (RRTs) to expedite sector specific environmental review and permitting processes.[5] CEQ also continues to work closely with Federal agencies to revise and update their NEPA implementing procedures.

On January 26, 2015, CEQ issued the National Environmental Policy Act Pilot Projects Report and Recommendations which evaluated outcomes, highlighted lessons learned, and made recommendations for Federal agencies to consider as part of their NEPA implementation programs.[6] CEQ distributed this report to agencies and NEPA practitioners and posted the outcomes of the Pilot Projects on the CEQ website and the nepa.gov website. A summary of the outcomes and recommendations is provided in this report.

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[1] http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/nepa-pilot-project
[2] https://ceq.doe.gov/ceq_regulations/guidance.html
[3] https://ceq.doe.gov/publications/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf
[4] https://ceq.doe.gov/publications/NEPA_CEQA_Draft_Handbook_March_2013.pdf
[5] http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission
[6] https://ceq.doe.gov/current_developments/docs/CEQ_NEPA_Pilots_Conclusion__Recommendations_Jan2015.pdf

The Pilot Projects were selected by CEQ in consultation with the Environmental Protection Agency (EPA) and the Department of Justice. The following five CEQ NEPA Pilot Projects were selected:

1. Assessing NEPA information technology tools to improve the efficiency and management of Federal environmental reviews[7];
2. Supporting the National Association of Environmental Professional's project to improve efficiency of Federal environmental reviews through the creation of best practice principles for EAs[8];
3. Improving efficiency of Federal environmental reviews through use of EPA's *NEPAssist*[9];
4. Identifying efficiencies to speed the Department of Transportation (DOT) environmental review process for rail service[10] in the Northeast Corridor (Washington, DC, to Boston, MA); and
5. Facilitating and assessing the Forest Service's collaborative approaches to forest restoration and the development of NEPA best practices for forest restoration projects.[11]

As discussed in our prior reports, CEQ collaborated with the relevant agencies, tracked the implementation of the NEPA Pilot Projects, and monitored the outcomes. These NEPA Pilot Projects have been both instructive and productive through the efforts of all the parties involved.

Based upon the outcomes, CEQ provided the following recommendations to the federal agencies:

1. Agencies should refine and develop their NEPA management and public engagement IT tools by leveraging existing tools and working collaboratively across the Federal Government to ensure the compatibility of IT tools.
2. Agencies should have a suite of NEPA IT tools at their disposal and be able to choose which ones they need to meet their needs, depending on the project and step in the NEPA review process.
3. Agencies should review the Best Practice Principles for developing Environmental Assessments and incorporate them into their NEPA practices.
4. Agencies should provide comments to CEQ on which Best Practice Principles for Environmental Assessments should be incorporated into CEQ guidance.
5. Agencies should encourage use of EPA's *NEPAssist*[12] geospatial IT tool by program and project managers as well as NEPA practitioners.
6. Agencies should ensure their IT tools are compatible to ensure ease of use with *NEPAssist*.
7. Agencies should consider developing and using a Statement of Principles[13] in lieu of the more complex and time-intensive process required to adopt a formal Memorandum of Understanding

[7] http://www.whitehouse.gov/administration/eop/ceq/Press_Releases/August_31_2011
[8] http://www.whitehouse.gov/administration/eop/ceq/Press_Releases/NEPA/October_19_2011
[9] http://www.whitehouse.gov/administration/eop/ceq/Press_Releases/NEPA/October_19_2011
[10] http://www.whitehouse.gov/administration/eop/ceq/Press_Releases/January_13_2012
[11] http://www.whitehouse.gov/administration/eop/ceq/Press_Releases/February_9_2012
[12] http://nepassisttool.epa.gov/nepassist/entry.aspx
[13] http://www.necfuture.com/pdfs/sop_012013.pdf

when developing cooperating or participating agency agreements with other Federal, tribal, state, or local governmental entities.

8. Agencies should review the final best practices report[14] for the Federal Railroad Administration's Northeast Corridor Future project when developing a large-scale (temporal and spatial) NEPA review.

9. Agencies should review the final reports for the Forest Service's Four Forest Restoration Initiative[15] and Fivemile-Bell[16] restoration projects and use the best practices when developing a large-scale (temporal and spatial) NEPA review.

10. Agencies should optimize the use of collaborative stakeholder groups for developing and implementing monitoring for the effects of proposed projects and the effectiveness of proposed mitigations.

Implementing these recommendations will help agencies:

1. Promote best practices or procedural innovations to improve NEPA implementation;

2. Simplify NEPA implementation practices, such as data gathering, scoping, and public review and comment through information technology and interagency collaborative efforts;

3. Leverage and coordinate federal, state, tribal, and local environmental review, consultation, and permitting requirements;

4. Reduce the time and cost involved in preparing NEPA reviews; and

5. Improve the quality and transparency of federal agency decisionmaking and public involvement.

CEQ is pleased to have taken these steps to implement the principles of Executive Order 13563. CEQ looks forward to continuing its efforts to help Federal agencies save time and money, promote more efficient and effective environmental reviews for projects that create jobs, grow the economy, and protect the health and environment of communities.[17]

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[14] http://www.necfuture.com/pdfs/ceq_nepa_2013.pdf

[15] http://www.fs.usda.gov/4fri

[16] http://www.fs.usda.gov/detail/siuslaw/about-forest/jobs/?cid=fsbdev7_007298

[17] CEQ notes that in our August 22, 2011 Plan for Retrospective Review of Existing Regulations ("Plan"), it was incorrectly stated that CEQ only has regulations implementing NEPA and the Freedom of Information Act. *See* Plan at 2. CEQ also has regulations implementing the Privacy Act. *See* 40 C.F.R. § 1516.