PROJECT TIMELINE DEVELOPMENT

PERMITTING TIMETABLES AND MILESTONES

This presentation explores project timeline development, including permitting timetables and USCG bridge permitting milestones. The presentation covers the tools and tactics the USCG utilizes to ensure applications for proposed bridge projects are processed as efficiently and expeditiously as possible.

OBJECTIVES:

- UNDERSTAND "PERMITTING TIMETABLES."
- DESCRIBE THE MILESTONES FOR USCG BRIDGE PERMITS.
- EXPLAIN THE FEDERAL PERMITTING DASHBOARD
- DEFINE "DEPENDENCIES" IN THE PERMITTING PROCESS.
- UNDERSTAND THE DEPENDENCIES FOR EACH MILESTONE.
- DISCUSS THE "ONCOMING TIDAL WAVE" OF INFRASTRUCTURE PROJECTS

2

During this presentation, the objectives are to:

WHAT IS A PERMITTING TIMETABLE?

- REQUIRED FOR ALL PROJECTS ON THE FEDERAL PERMITTING DASHBOARD
- USED BY USCG FOR BRIDGE PROJECTS
- INCLUDES LEAD AND COOPERATING AGENCIES' KEY MILESTONES
- PROVIDES A COORDINATED TIMELINE FOR PROJECTS
- PROVIDES A COMPLETE PICTURE OF THE PROJECT REQUIREMENTS
- **REQUIRES EARLY AND FREQUENT COORDINATION**
- ENSURES ALL STAKEHOLDERS ARE ON THE SAME PAGE

3

The tool the USCG uses for developing a project timeline is the permitting timetable.

The lead, cooperating, and participating agencies work together to develop the timetable based on the milestones for their particular actions. The USCGs federal action is the bridge permit.

Permitting timetables are required to be used on all projects on the Federal Permitting Dashboard, which we'll discuss shortly. The USCG also develops permitting timetables for our other bridge projects not on the Dashboard.

Permitting timetables:

Include Lead and cooperating agencies' key milestones

Provide a coordinated timeline for projects

Provide a complete picture of the project requirements

Require early and frequent coordination

Ensure all stakeholders are on the same page

Early resolution of issues/conflicts.

Sets navigational clearance expectations.

Mitigates "dependencies."

Lessens unwanted surprises at the permit decision phase.

THE BENEFITS:

4

Here are the benefits of using permitting timetables.

Resolves issues/conflicts early in the process.

Sets navigational clearance expectations early on to inform project alternatives during nepa.

Mitigates "dependencies."

Lessens unwanted surprises at the permit decision phase.

PERMIT/AUTHORIZATION MILESTONES

Each federal action, that is, each federal permit or authorization for a project, has designated milestones, which are included on the permitting timetable. Again, our federal action is the USCG Bridge Permit.

USCG BRIDGE PERMIT MILESTONES

MILESTONE	RESPONSIBLE PARTY
Navigation Data Submitted	Applicant
Issued Preliminary Navigation Clearance Determination	USCG
Initial Application Submitted	Applicant
Publication of Public Notice	USCG
Application Deemed Complete	USCG
Permit Decision Rendered	USCG

6

These are the milestones for USCG bridge permits.

Navigation Data Submitted: Information (such as a Navigation Impact Report) is submitted by the applicant or proponent to the USCG. This should occur early in the scoping process.

Issued Navigation Determination: This preliminary determination provides the minimum navigational clearances acceptable for all proposed permanent and temporary bridges. The clearances are used by the applicant/lead federal agency to inform and develop alternatives for the project. This should also occur in the scoping process.

To provide some background, the Coast Guard used to wait to receive a completed application prior to beginning our review, including for navigational clearances. That meant that the preferred alternative had been chosen and the final design for the project was complete. Occasionally we would determine that the clearances were not adequate to meet the needs of navigation. As you could imagine, agencies were not happy to spend the time and money to go back to the drawing board. Now we work with the applicant and lead agency very early in the process to determine the

minimum clearances that would meet the reasonable needs of navigation. That way the alternatives can be developed knowing that the clearances will be adequate.

Initial Application(s) Received: This is not the completed, final application. This is when the applicant provides us with their initial project information, begins to complete the application template and provides other application materials, such as plan sheets. This may be submitted before or while the draft environmental document and alternatives are developed.

Publication of Public Notice: We typically issue public notices after the draft environmental document (DEA/DEIS) has been issued with a preferred alternative chosen. We cannot publish a public notice without plan sheets that are in accordance with the Bridge Permit Application Guide; however, the design does not need to be final for our public notice, such as with design-build projects. The Coast Guard's public notice, when another agency (like FHWA) is lead, serves to alert the public and other stakeholders that we have received an application and are seeking comments related to potential impacts to navigation. We reference the lead agency's environmental document and direct environmental comments to them. Since navigational clearances are examined early in the process, we rarely receive comments.

Application(s) Deemed Complete: An application(s) is deemed complete once all application materials have been received. This includes everything listed in the Coast Guard Bridge Permit Application Guide, including the final NEPA documentation (such as the FONSI or ROD), WQC, CZM, and other applicable requirements.

Permit Decision Rendered: The Coast Guard bridge permit decision is made after receiving a completed application. Our goal is to make the permit decision within 90 days after the FONSI/ROD - provided all other agency permits/requirements have been met.   Please note that projects covered under FAST-41 and One Federal Decision require all permits/authorizations within 90 days after the lead agency ROD has been issued.
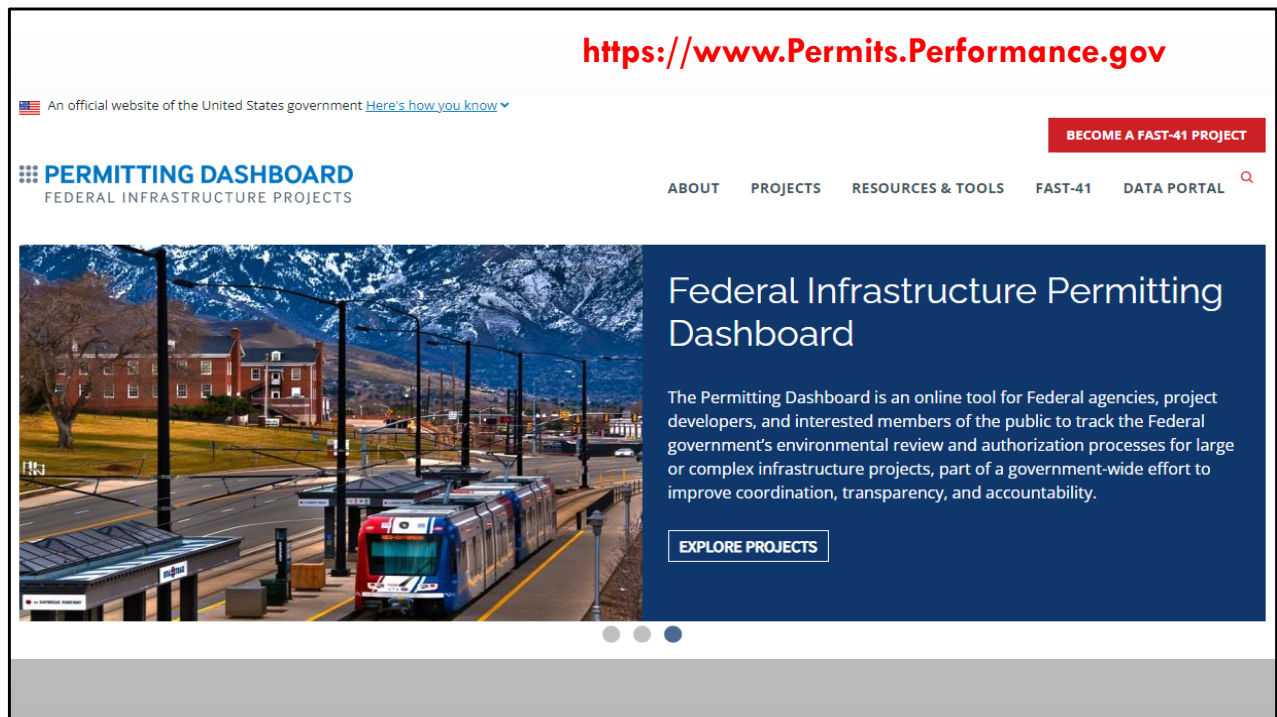
I mentioned the Federal Permitting Dashboard earlier.

This is a screen shot of the main page of the Dashboard. It is owned by the US DOT and was initiated during the Obama Administration. It serves as an online tool to track the Federal government's environmental review and authorization process for infrastructure projects. It serves to fulfill several initiatives to improve coordination and accountability of Federal agencies, and transparency. Anyone, including the public, can log on to check the status of projects on the Dashboard.

There are hundreds of infrastructure projects currently on the Dashboard. Permitting timetables are required for each project on the Dashboard.

PROJECT CATEGORIES CURRENTLY ON THE DASHBOARD

Title 41 of the FAST Act (FAST-41)

Transparency Projects (Coming Soon)

Other Projects

DOT Projects (FHWA, FTA, FRA, STB)

8

The Dashboard is solely for infrastructure projects subject to Federal approval. They include surface transportation projects, such as highways, railroads, and of course, bridges, but also projects such as: wind and solar projects, aviation, broadband, electricity transmission, manufacturing, mining, pipelines, waterways, and a few others.

Projects covered under Title 41 of the Fixing America's Surface Transportation Act (FAST-41) are included on the Dashboard; however, USDOT-funded projects are excluded from being covered under FAST-41, so we won't discuss them further.

Transparency Projects is a newly created category for projects not covered under FAST-41, but also not funded by the USDOT. Therefore, we don't discuss this category in detail either.

Other Projects are those that were originally considered Major Infrastructure Projects under Executive Order 13807, better known as One Federal Decision. The EO was enacted under the Trump Administration, then rescinded under the Biden Administration, only to be resurrected and codified in the 2021 "Infrastructure Investment and Jobs Act." The new One Federal Decision only applies to DOT-funded projects; however, no specific guidance has been made available. They will likely be included on the Dashboard under the last category.

All USDOT-funded projects with EA or EIS are now being included on the Dashboard and include a permitting timetable with agency-specific milestones. The Federal Highway Administration (FHWA) is the lead federal agency for the majority of bridge projects that require Coast Guard Bridge Permits. However, it is important to remember that the Coast Guard issues bridge permits for all modes of

transportation, including highway, railroad, pipeline, pedestrian, and conveyor; and we've even permitted a couple zip-lines that crossed waterways.

EXAMPLE DASHBOARD PROJECTS WITH BRIDGES

- I-535 BLATNIK BRIDGE (MINNESOTA/WISCONSIN)
- BRENT SPENCE BRIDGE CORRIDOR (OHIO/KENTUCKY)
- EARTHQUAKE READY BURNSIDE BRIDGE (OREGON)
- VENETIAN CAUSEWAY BRIDGES (FLORIDA)
- ALLSTON I-90 MULTIMODAL (MASSACHUSETTS)

There are currently over 1000 DOT Projects on the Dashboard across the country, including several with bridges. A few are listed on this slide.

It is the lead federal agency's responsibility to publish projects on the Dashboard.

USDOT agencies (FHWA, FTA, etc.) only recently began including other agencies' milestones on their projects.
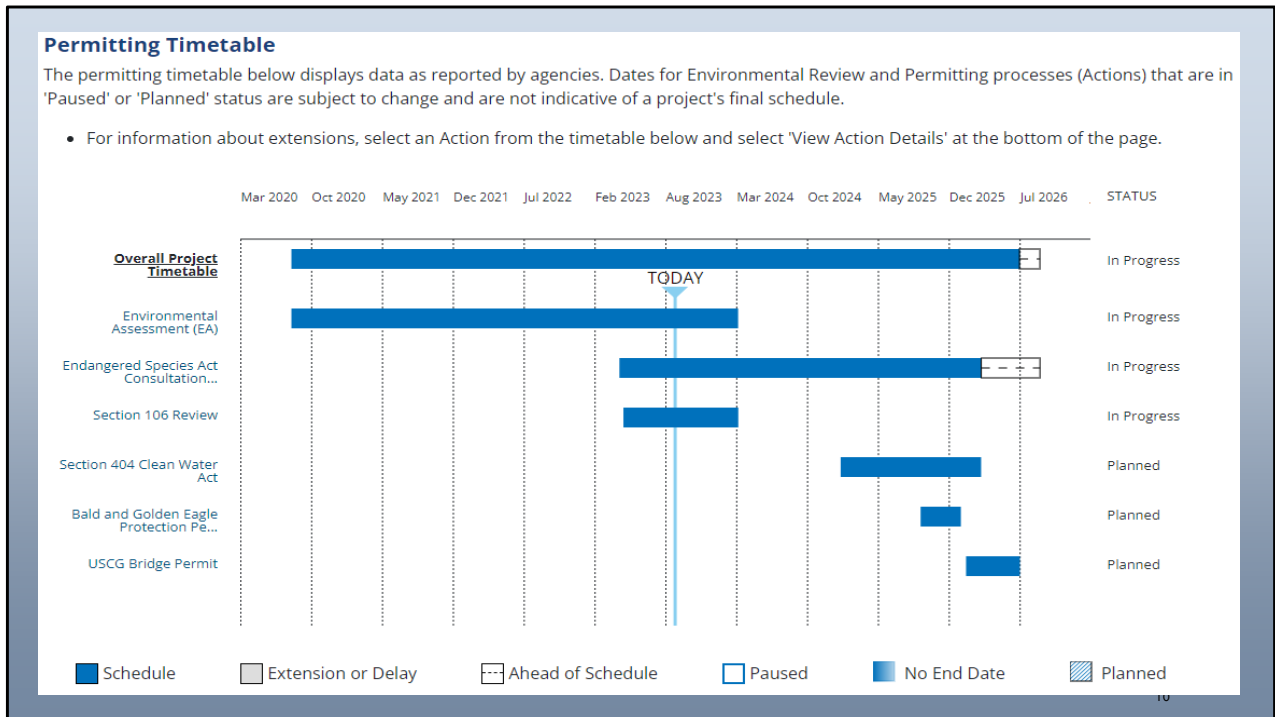
This is a screen shot of the Permitting Timetable for the Blatnik Bridge project. You can see the different federal actions on the left that are applicable to this project, including the USCG Bridge Permit.   Selecting a federal action on the left allows you to view the individual milestones and target completion dates.
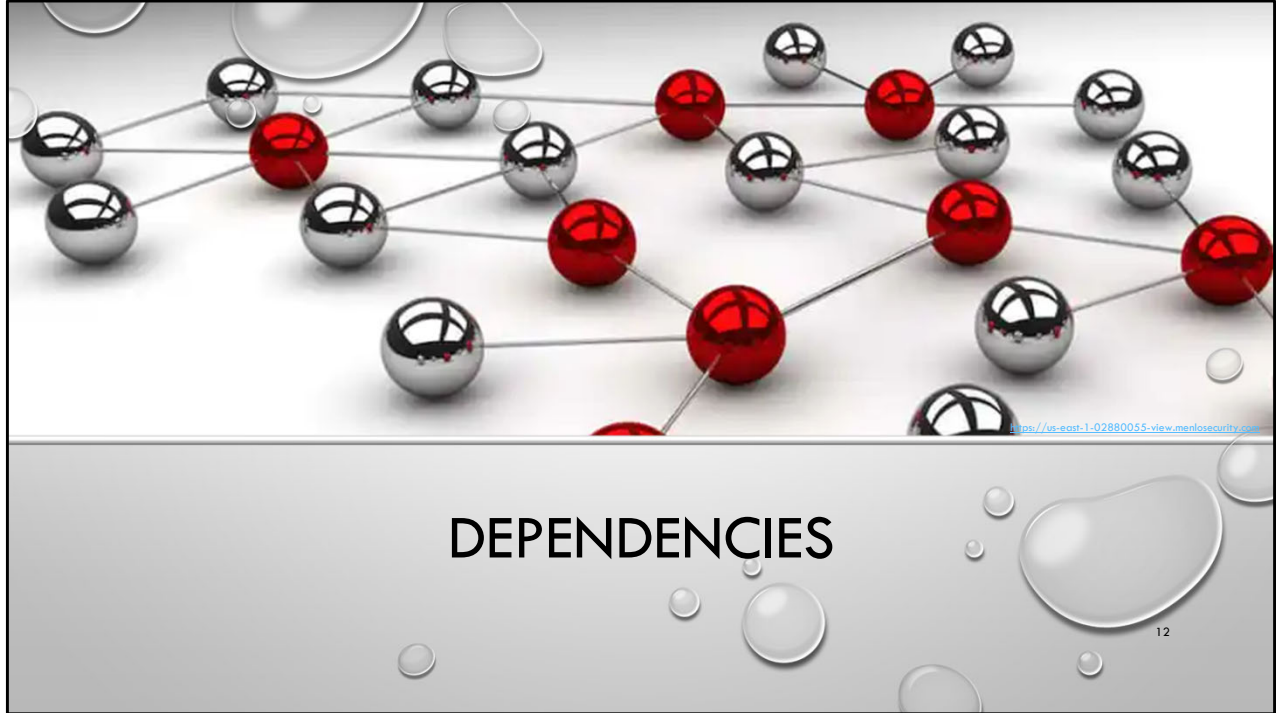
When you select USCG Bridge Permit, you can see our milestones.

DEPENDENCIES

While working through these dashboard projects across the country, we discovered several previously unrealized dependencies. This is when the timing of our milestones is directly dependent on the timing of milestones/actions of other agencies (or other entities) involved in the project.

In other words, we cannot complete our milestones on schedule without other entities completing theirs first.

Understanding dependencies is vital when developing permitting timetables and milestone target dates.

We will now discuss our bridge permitting milestones and provide examples of dependencies for each.

DEPENDENCIES:

"NAVIGATION DATA SUBMITTED" AND "ISSUE PRELIMINARY NAVIGATION CLEARANCE DETERMINATION"

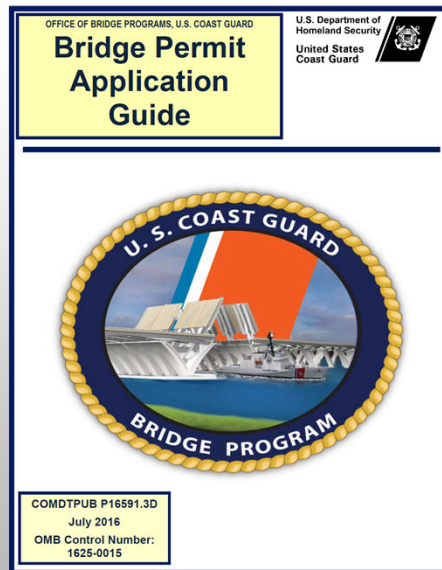➢ DEPENDENT ON APPLICANT OR LEAD AGENCY TO PROVIDE DATA OR THE NAVIGATION IMPACT REPORT.

Our first two milestones, Navigation Data Submitted and Issue Preliminary Navigation Clearance Determination, rely on the applicant or lead agency to provide us navigation data or the NIR.
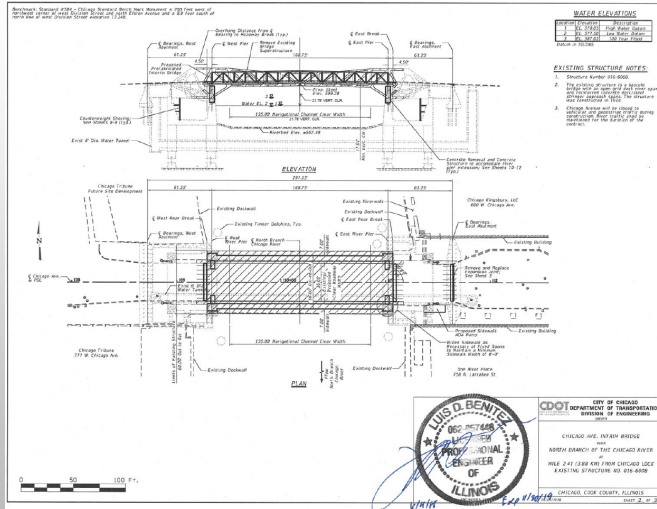
DEPENDENCIES:

"INITIAL APPLICATION SUBMITTED":

➢ DEPENDENT ON APPLICANT TO PROVIDE INFORMATION REQUIRED IN BRIDGE PERMIT APPLICATION GUIDE.

➢ APPLICANT DEPENDENT ON OTHERS TO PROVIDE THEM INFORMATION NEEDED FOR APPLICATION.

OFFICE OF BRIDGE PROGRAMS, U.S. COAST GUARD

U.S. Department of Homeland Security

Bridge Permit Application Guide

United States Coast Guard

U.S. COAST GUARD

BRIDGE PROGRAM

COMDTPUB P16591.3D
July 2016
OMB Control Number:
1625-0015

14

DEPENDENCIES:

"PUBLICATION OF PUBLIC NOTICE":

➤ DEPENDENT ON APPLICANT TO PROVIDE PLAN SHEETS IN ACCORDANCE WITH REQUIREMENTS IN BRIDGE PERMIT APPLICATION GUIDE.

15

DEPENDENCIES:

"APPLICATION DEEMED COMPLETE":

➤ DEPENDENT ON APPLICANT TO PROVIDE ALL REMAINING INFORMATION REQUIRED IN BRIDGE PERMIT APPLICATION GUIDE.

➤ FINAL NEPA DOCUMENT (ROD OR FONSI)

➤ CORPS 404 PERMIT

➤ COASTAL ZONE MANAGEMENT (WHERE APPLICABLE)

➤ **WATER QUALITY CERTIFICATE (NEW)**
  ➤ **30-DAY PREFILING REQUIREMENT**
  ➤ **WQC IN 6-12 MONTHS**
  ➤ **30-DAY EPA REVIEW**

For an application to be considered complete, we'll need the final NEPA document and all other requirements outlined in the BPAG.

Examples include:

404, WQC, and CZM

A note about Water Quality Certification. In November 2023, the EPAs 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule will be effective. The new rule requires:

- The applicant/agency must request a meeting with the certifying authority at least 30 days prior to submitting a request for a WQC.
- The certifying authority will issue a WQC within a "reasonable period of time," which should be worked out between the applicant/agency and the certifying authority. The default "reasonable" period is six months with a maximum of 12 months.
- The USEPA has 30 days to make a "may affect" determination for neighboring jurisdictions after notification. After 30 days, the agency can assume the EPA has

no comment or objection.

DEPENDENCIES:

"PERMIT DECISION RENDERED":

➢ DEPENDENT ON RECEIVING A COMPLETE APPLICATION.

WHY IS ALL OF THIS
<u>SO</u> IMPORTANT?

Federal permitting and resource agencies are preparing for what Federal regulators have called "an oncoming tidal wave" of infrastructure projects.
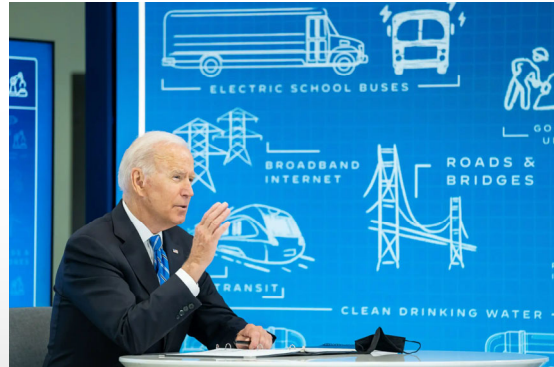
You may have heard of the Infrastructure, Investment, and Jobs Act. It was signed into law in November 2021. So, what does this mean for you?

INFRASTRUCTURE, INVESTMENT, & JOBS ACT

- TOTAL COST: APPROXIMATELY $1.2 TRILLION
- REAUTHORIZES EXISTING SURFACE TRANSPORTATION PROGRAMS FOR FIVE YEARS
- INVESTS $110 BILLION FOR ROADS AND BRIDGES
- OF THAT, $26.5 BILLION TO USDOT FOR 15,000 BRIDGES
- INVESTS $89.9 BILLION FOR PUBLIC TRANSIT, INCLUDING RAIL
- INVESTS $17 BILLION FOR PORT INFRASTRUCTURE/WATERWAYS

20

These are some of the items in the Jobs Act that may impact your work in your state, and each could involve projects that require bridge permits from the Coast Guard.

ALSO CONSIDER:

NEPA NOW REQUIRES (40 CFR 1506.10):

- TWO YEARS BETWEEN THE NOI AND ROD FOR ALL EIS PROJECTS; AND

- ONE YEAR FROM AGENCY DECISION TO PREPARE AN EA TO PUBLICATION OF THE FONSI FOR EA PROJECTS

THESE TIGHT TIMEFRAMES REQUIRE **EARLY AND FREQUENT COORDINATION** WITH THE APPLICANT, LEAD FEDERAL AGENCY, AND COOPERATING AGENCIES.

PERMITTING TIMETABLES ARE USED TO ENSURE PROJECTS STAY ON SCHEDULE

21

National Environmental Policy Act (NEPA) now requires specific timeframes for Environmental Impact Statements (EIS) and Environmental Assessments (EA).

NOI: Notice of Intent to prepare an EIS.

ROD: Record of Decision for an EIS.

FONSI: Finding of No Significant Impact for an EA.

Here's the bottom line.

Funding for infrastructure projects, including bridges, is increasing.

There will likely be many more bridge projects funded in each state across the country

USDOT publishes all EIS/EA projects on the federal permitting dashboard

All projects on the Dashboard require permitting timetables

Permitting timetables are important tools to ensure the project timeline is on schedule

Early/frequent Coordination is key to manage dependencies and meet project schedules.

QUESTIONS?