

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
3090-0316, PERMITTING NOTICE OF INITIATION**

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

In December 2015, Title 41 of the Fixing America's Surface Transportation (FAST-41) Act (codified at 42 U.S.C §4370m *et seq.*) outlined a set of fundamental requirements designed to change the way Federal agencies carry out their environmental review and authorization responsibilities for large, complex infrastructure projects. §4370m-2(a)(1) (A) of FAST-41 states that a "project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project." The statute further describes the required information to be contained in the FAST-41 notice of initiation (FIN) (4370m-2(a)(1)(C)).

In order to accommodate this statutory requirement, the Federal Permitting Improvement Steering Council (FPISC or Permitting Council), Office of Executive Director (FPISC-OED) is seeking to collect the following information consistent with its authority under FAST-41 (§4370m-2(a)(1)(C)) which together serves as an applicant's FIN:

1. Project Information: Title, Sector, Type, Location;
2. Project Sponsor Name and Contact Information;
3. Statement of the purposes and objectives of the project;
4. Concise description including general location and/or a summary of geospatial information, if available, and the locations, if any, of environmental, cultural, and historic resources;
5. Statement regarding the technical and financial ability of the project sponsor to construct the proposed project;
6. Statement of any federal financing, environmental reviews, and authorizations anticipated to be required; and
7. Assessment that the project meets the definition of a covered project as defined in §4370m-2(6)(A) and a statement of reasons supporting the assessment.

The information that FPSIC-OED seeks to collect is the exact same information set out in §4370m-2(a)(1)(C) of the statute. FPISC-OED understands that a rulemaking may be necessary to collect information not explicitly set out in FAST-41.

FPISC-OED will notify the public of the need to submit this information by posting the list above on its dedicated website. The information will need to be submitted to FPISC-OED via a web-form automatically submitted through the Permitting Dashboard. A dedicated email address will be included if an applicant prefers to submit a FIN through email.

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2. Indicate how, by whom, and for what purpose the information is to be used.

The information collected by FPISC-OED will be shared with and reviewed by the facilitating agency, as identified for the particular type of project under consideration, as well as the Executive Director of the FPISC in order to verify that the project in question qualifies to be considered a “covered project” as defined by FAST-41.

A project may qualify as a covered project because it is an infrastructure project that fits in one of the eligible project sectors, is subject to National Environmental Policy Act (NEPA), appears likely to require a total investment of more than \$200,000,000, and does not appear to qualify for an abbreviated authorization or environmental review process. FAST-41 states that project proponents from the following sectors are eligible to submit a FIN: surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production and generation, including from fossil, renewable, nuclear, and hydro sources; electricity transmission; broadband Internet; pipelines; storm water and sewer infrastructure; drinking water infrastructure; and other sectors as may be determined by the Permitting Council.

If applicants continue to have questions, they will be able to email them to an address that will be provided on the website. The website will also provide contact information for each of the facilitating agencies which applicants may choose to contact as well.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Permitting Council will deploy an electronic form that will automatically populate a record with the requested statutory information in the Permitting Dashboard database, which will provide clarity and ease in the process for project proponents. Applicants are encouraged to submit through this form statutorily required information that will allow the facilitating agency to determine if a project meeting the requirements to be “covered” under FAST-41.

4. Describe efforts to identify duplication.

FPISC-OED reviewed existing forms related to the initiation of Federal infrastructure permitting and found that none of them captured the information required by §4370m-2(a)(1)(C) of FAST-41.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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The FPISC does not anticipate any impact on small businesses, as the expected project costs for covered projects, which would use this form, is \$200 million. Additionally, the burden associated with completion of the form is minimal.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The collection of this information is mandated by statute, so the consequence for failure to collect it would be a violation of law for FPISC.

7. Explain any special circumstances.

Not applicable

8. Describe efforts to consult with persons outside the agency.

A notice was published in the *Federal Register* at 81 FR 52692 on August 9, 2016. No comments were received. A 30-day notice was published in the *Federal Register* at 82 FR 45849 on October 2, 2017. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

All information submitted to the agency under this collection will be made publicly available on the Permitting Dashboard as required by §4370m2(b)(3)(A)(i)(I). FPISC worked with the General Services Administration's Regulatory Secretariat to determine that a System of Records Notice is not needed as this effort will not collect sensitive, confidential or Personally Identifiable Information. A system of records is a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual.

11. Provide additional justification for any questions of a sensitive nature.

Not applicable

12. Provide estimates of the hour burden of the collection of information.

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Respondents.....	48
Responses Per Respondent.....	<u>x 1</u>
Total Annual Responses.....	48
Hours Per Responses.....	<u>x 3</u>
Total Burden Hours.....	144

Based on consultation with the four project sponsors who submitted the requested information at the time of the Support Statement's approval, FPISC-OED estimated the burden for this collection to be three hours. This estimate has not changed. As of January 2020, FPISC manages 47 projects, which is in line with covered project projections made at the time of the Support Statement's approval. FPISC-OED estimates it will continue to manage overall 48 projects per year.

13. Provide an estimate for the total annual cost burden to respondents or record-keepers resulting from the collection of information.

There will be a negligible cost to respondents given the minimal time needed to complete the FIN. Participation in this program is voluntary and no firm is required to submit a FIN in order to receive a federal environmental review or authorization.

14. Provide estimates of annualized costs to the Federal Government.

The government anticipates no development costs as the content needed for the website is already developed. No additional costs are anticipated, as processing of the forms received will not require dedicated staff or equipment.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

This is a new information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

All information collected by FPISC-OED under this request will be published on the Permitting Dashboard as required by §4370m-2(b)(3)(A)(i)(I).

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

If the collection consists of a paper form, the agency may request exemption from printing the expiration date and Office of Management and Budget-approved control numbers on the forms, based on the high cost of reprinting. However, since the use of an electronic application has been implemented, FPISC may not claim this exemption.

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18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions”.

Not applicable.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.