



Council on Environmental Quality

## Open Government Plan

Version 3.0

September 15, 2016

President Obama's Open Government Initiative calls on executive departments and agencies to adopt the principles of transparency, participation, and collaboration in their activities to make the Federal Government more accountable and more effective. This Plan updates CEQ's 2014 Open Government Plan and highlights a selection of new and ongoing CEQ efforts that support the key principles of OpenGov - transparency, participation, and collaboration.

The Council on Environmental Quality (CEQ) coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. CEQ was established within the Executive Office of the President (EOP) by Congress as part of the National Environmental Policy Act of 1969 (NEPA) and additional responsibilities were provided by the Environmental Quality Improvement Act of 1970. Through interagency working groups and coordination with other EOP components, CEQ works to advance the President's agenda. It also balances competing positions and encourages government-wide coordination by bringing Federal agencies, state and local governments, and other stakeholders together on matters relating to the environment, natural resources, and energy.

In addition, CEQ is the leader within the Federal community for improving the environmental footprint and performance of the Federal Government through its statutory role in ensuring Federal agency implementation of and compliance with NEPA and through Federal sustainability efforts led by the Office of Federal Sustainability (formerly the Office of the Federal Environmental Executive), housed within CEQ.

## **New and Expanded Initiatives**

### **A. NEPA Modernization—Flagship Initiative**

Enacted in 1970, NEPA is a cornerstone of our Nation's efforts to protect the environment and a fundamental tool to harmonize our economic and environmental aspirations. It recognizes that many Federal activities affect the environment and mandates that Federal agencies consider the environmental impacts of their proposed actions. NEPA emphasizes public involvement in Government actions affecting the environment by requiring that the benefits and the risks associated with proposed actions be assessed and publicly disclosed.

In August 2016, CEQ [published](#) its [Final Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews](#). This final guidance provides a framework for agencies to consider both the effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the effects of climate change on a proposed action. The guidance applies to all types of proposed Federal agency actions that are subject to NEPA analysis, and guides agencies on how to address the greenhouse gas emissions from Federal actions and the effects of climate change on their proposed actions within the existing NEPA regulatory framework. With this guidance, CEQ provided an inventory of available greenhouse gas accounting methods and tools that agencies can use in their NEPA reviews. Additionally, a stable hyperlink to the tool, a homepage that includes additional information and access to the tool, and a technical document with comprehensive information about the tool are also provided.

### **B. Increased Transparency in the Federal Permitting Process – Flagship Initiative**

Since 2011, CEQ has worked with the Office of Management and Budget (OMB) and over a dozen interagency partners to increase efficiency and transparency in the Federal permitting process. CEQ has proposed several steps to use the NEPA process to improve environmental and community outcomes in Federal infrastructure decisions. CEQ's work with OMB and the Federal agencies has focused on several sector-specific infrastructure permitting initiatives that now operate alongside Title 41 of the Fixing America's Surface Transportation Act (FAST Act). The FAST Act, which was signed into law on December 4, 2015, includes provisions aimed at improving the transparency, predictability, and timeliness of the Federal environmental reviews and authorizations for major infrastructure projects. Among other elements, Title 41 of the Act ("FAST-41") requires use of the public [Permitting Dashboard](#) to track certain major infrastructure projects under Federal review; creates a new Federal Infrastructure Permitting Improvement Steering Council ("Council") to coordinate the Federal permitting and review processes for such projects; and establishes Chief Environmental Review and Permitting Officers at 13 Council agencies. Along with the use of the Permitting Dashboard and the establishment of the Council, the FAST Act measures are designed to assist Federal agencies to meet the goals of NEPA, involve the public in governmental decisions relating to the environment, increase transparency, and ease implementation. Many of the FAST-41 provisions build upon and institutionalize key reform efforts that CEQ has advanced to modernize the Federal permitting process.

FAST-41 adopts the use of the Permitting Dashboard developed by CEQ, OMB, DOT and other Federal agencies. This Permitting Dashboard will:

- Significantly increase the transparency of the permitting and review process to the public, allowing interested parties to receive notice of upcoming projects and track progress on projects throughout their review, as well as to analyze past project reviews.
- Help to shorten review timelines by encouraging early coordination and synchronization of agency review schedules.
- Provide consistent data that Federal agencies can use to analyze permit and review practices and identify ways to further improve the effectiveness and efficiency of these processes.
- Help to assess the progress of the reforms included in the Administration’s Implementation Plan (<https://www.permits.performance.gov/about/implementation-plan>), as well as related legislation, and to identify common external drivers and trends that influence project review processes.
- Track improved environmental and community outcomes that will help to document the important role that permitting and review processes play in safeguarding these resources.

Additionally, as chair of the Transportation Rapid Response Team (TRRT), CEQ is working with DOT and other agencies to oversee the implementation of the FAST Act efficiencies in the transportation sector. The TRRT also maintains a project focus, with oversight of high-priority projects such as the Hudson River tunnel project within the Northeast Corridor.

### **C. Climate Change Resilience—Flagship Initiative**

On June 25, 2013, President Obama announced the Climate Action Plan to reduce carbon pollution, move our economy toward American-made clean energy sources, and begin to slow the effects of climate change. Reducing carbon pollution will help keep our air and water clean, protect our children, drive innovation to modernize our power plants, and create good American jobs as we move toward cleaner, more efficient forms of energy. CEQ is leading efforts to take steady, responsible steps to cut the carbon pollution that causes climate change and threatens public health.

Across America, states, cities, and communities are also taking steps to protect themselves against the impacts of climate change that are too late to avoid by updating building codes, adjusting the way they manage natural resources, investing in more resilient infrastructure, and planning for rapid recovery from damages. As laid out in the President's plan, the Federal Government has an important role to play in supporting local efforts to build stronger, safer communities and infrastructure, protecting our economy and natural resources, supporting sound science to manage climate impacts, and ensuring that Federal operations and facilities can continue to protect and serve citizens in a changing climate. CEQ’s resilience efforts are consistent with the goals of fostering transparency, participation, and collaboration. In particular, the Council on Climate Preparedness and Resilience<sup>1</sup>, which CEQ co-leads, is developing a “Resilience Roadmap” to outline key opportunities in order to advance climate resilience. The

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<sup>1</sup> Section 6 of E.O. 13653, *Preparing the United States for the Impacts of Climate Change*

Roadmap will document highlights and lessons learned, with a focus on opportunities to build on those successes moving forward. The Roadmap is anticipated to be released in the fall of 2016.

#### **D. GreenGov**

GreenGov is an official trademark used by CEQ and the Office of Federal Sustainability to define and identify sustainability initiatives throughout the Federal government. With more than 343,000 buildings, 630,000 fleet vehicles, and \$438 billion in annual purchasing power, the Federal government has an opportunity to lead by example when it comes to its environmental, energy and economic performance.

Demonstrating a commitment to this principle, President Obama signed Executive Order 13693, Planning for Federal Sustainability in the Next Decade, (E.O. 13693) on March 19, 2015. E.O. 13693 directed Federal agencies to reduce their greenhouse gas pollution, meet a number of energy, water, and waste reduction targets, and leverage Federal purchasing power to promote environmentally responsible products and technologies.

##### *GreenGov Partnership*

For the second year in a row, CEQ has entered into a partnership with the George Washington University to collaborate on the annual GreenGov Symposium and two GreenGov Dialogues. The Symposium and Dialogues feature innovative thought leaders from public and private sectors and academia who share ideas and strategies for achieving energy efficiency, clean energy targets, waste reduction, sustainable supply chains, greener fleets, and water reduction. Symposiums are full day events focused on E.O. 13693 implementation issues and Administration efforts, while the Dialogues are half day events focused on specific themes. The 2016 Dialogues were focused on Supply Chain and Fleet Electrification.

##### *GreenGov Collaborative*

The GreenGov Collaborative, an online discussion group hosted by FedCenter.gov is where Federal and military personnel from across the Government are given the opportunity to put sustainability related ideas into action. This online community offers various discussion forums to share ideas and strategies, ask questions, and recruit allies in efforts to create a more sustainable Federal Government. More information can be found at <https://www.whitehouse.gov/greengov/collaborative>.

## **Ongoing Initiatives**

### **A. Open Data**

Transparency, participation, and collaboration are part of CEQ's foundation. From its creation by NEPA over 40 years ago, CEQ has been charged with promoting public participation and transparency in understanding the environmental impacts of Government actions. Moreover, the role of CEQ in advising the President on environmental policy demands collaboration with the executive agencies, departments, and stakeholders.

## **B. Proactive Disclosures**

CEQ proactively discloses frequently requested material and information that may be of interest to the public. CEQ's [Proactive Disclosure Reading Room](#) includes reports, publications, environmental laws and regulations, documents frequently requested under FOIA, the legislative history of the NEPA, and CEQ historical documents. [CEQ's Open Government](#) page provides access to past quarterly reports to Congress regarding the status and progress of projects and activities receiving funds under the American Recovery and Reinvestment Act of 2009, and how they have complied thus far with NEPA. Further, additional resources concerning NEPA can be found at <http://ceq.doe.gov/>.

## **C. Privacy**

CEQ reports applicable privacy compliance information periodically, as appropriate, to OMB and the Office of Administration.

## **D. Whistleblower Protection**

CEQ works to ensure that its employees are informed of whistleblower rights and remedies. In accordance with the Whistleblower Protection Act and the requirements of the Obama Administration's Second Open Government National Action Plan, CEQ is taking steps to participate in the U.S. Office of Special Counsel's Whistleblower Protection Act Certification Program.

## **E. Websites**

The [CEQ website](#) holds a trove of information about the office's work including the types of documents discussed above in the [Proactive Disclosures section](#). CEQ also manages content for the [CEQ Open Government website](#), and welcomes suggestions for expanding public outreach and for improving transparency. Comments and questions may be emailed to CEQ at [FN-CEQ-OpenGov@ceq.eop.gov](mailto:FN-CEQ-OpenGov@ceq.eop.gov).

## **F. Open Innovation Methods**

CEQ and the Office of Science and Technology Policy (OSTP) have partnered to establish a working group organized under the authority of Executive Order 13693 (Planning for Federal Sustainability in the Next Decade) to design and implement advance market commitments (AMCs) and other “demand pull” procurement mechanisms that can catalyze clean energy technology commercialization. AMCs are commitments to purchase a certain quantity of a newly developed product at a fixed price once the product meets pre-defined performance requirements. Leveraging AMCs and related activities across agency procurements could support innovation in many clean energy technology arenas, including fuels, vehicles, power generation, and energy management services. Beyond AMCs, related mechanisms include: contracts with enhanced milestone-based payments, non-binding purchase commitments, “buyers consortia” cooperative agreements, incentive prizes, priority review vouchers, among others.

## **G. Transparency**

CEQ's Open Government page allows members of the public to submit suggestions for expanding public outreach. When feasible, CEQ also uses its website to broadcast public meetings and internal working group meetings on CEQ's initiatives, to provide links to

opportunities for participation in transparency, and to archive material. CEQ routinely invites public participation in the development of NEPA guidance.

Additionally, there is a wealth of information on the [Climate section](#) of Data.gov. The website provides data related to climate change that can help inform and prepare America's communities, businesses, and citizens for the effects of climate change. The website's [data catalog](#) also provides access to a trove of documents and datasets.

At its core, NEPA creates transparency by requiring disclosure, public comment, and coordination about the environmental impacts of Federal actions. The NEPA.gov portal provides a wide range of information about NEPA. The site is currently being updated, with the goal of improving public participation and the quality of Federal agency administration of NEPA. The updated site will be more inviting, to allow greater public participation within NEPA analysis. It will also be more focused on providing tools, guidance, and NEPA references. The site will include the status of reviews of agency NEPA guidance, and links to the database of Environmental Impact Statement (EIS) filings and statistics posted on the Environmental Protection Agency's (EPA) website.

Finally, the National Ocean Council (NOC) maintains a [blog](#) that allows members of the public to remain informed about the work that the Council is undertaking.

## **H. Public Notice**

CEQ engages with the public in a variety of ways to ensure the public participates in the activities and efforts of the office. CEQ uses the internet to encourage participation through the office's [official website](#), as well as through the [CEQ blog](#), [Twitter feed](#), and [Facebook page](#). The public can also receive email updates from CEQ by registering on the official [Stay Connected page](#).

## **I. Records Management**

Since releasing its initial Open Government Plan in 2009, CEQ has made tremendous progress in improving its records management. CEQ has developed and implemented staff-wide internal records management training in accordance with the Federal Records Act and has a designated Federal Records Officer. In addition, CEQ has designated a Senior Agency Official to supervise records management and has completed a self-assessment of its compliance with records management requirements, receiving an 89% score. CEQ is currently working with the National Archives and Records Administration to update its records schedules.

## **J. Freedom of Information (FOIA) Requests**

Enacted on July 4, 1966, and taking effect one year later, the Freedom of Information Act (FOIA) provides that any person has a right, enforceable in court, to obtain access to Federal agency records, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. In accordance with the requirements of FOIA and in an effort to assist potential requesters, CEQ's [FOIA Service Center](#), and specifically CEQ's [Online FOIA Reading Room](#) contain descriptions of CEQ's operations, including methods by which the data can be obtained, and information about CEQ's functions, rules, procedures, and the scope of CEQ's records. Final

opinions, and policy statements and interpretations are also among the available content. CEQ also proactively publishes records that are frequently requested under FOIA.

FOIA inquiries to CEQ may be submitted electronically at [efoia@ceq.eop.gov](mailto:efoia@ceq.eop.gov), via fax, or regular mail. Upon initial contact, requesters are often directed to the FOIA Service Center for an explanation of the FOIA process or information about how to submit a proper request. CEQ's Office of General Counsel oversees FOIA implementation. The FOIA Public Liaison manages the day-to-day FOIA program, communicates directly with individuals regarding the status of their requests, and assists with dispute resolution services. CEQ also routinely refers requesters to the Office of Government Information Services, <https://ogis.archives.gov/>, as a resource for FOIA assistance.

## **K. Congressional Requests**

CEQ regularly receives requests from Congress for information regarding CEQ and its activities. To facilitate the handling of these Congressional requests, CEQ's primary point of contact is its Associate Director for Legislative Affairs. The Legislative Affairs team also proactively engages with Congress about CEQ initiatives and announcements. CEQ issues press releases containing the prepared testimony of its officials who testify before Congress. Testimony can be found on the CEQ website under the [press releases tab](#).

## **L. Declassification**

CEQ has a process-oriented information security program. CEQ encourages and assists with facilitating declassification efforts on a regular basis.

## **M. Public Participation**

Opening Government in a meaningful way means including civil society stakeholders and the public in Government activities and decision-making. Public feedback and suggestions can lead to key innovations in Government actions and policies. The [Initiatives tab](#) on CEQ's website offers multiple opportunities for public engagement, including public commenting forums and information about public meetings. The public comment portion of the website also offers the opportunity for the public to read each other's comments. CEQ will continue to focus its public engagement efforts on public awareness of these opportunities. Recent examples of the ways in which CEQ has built participation into its work are included under New and Expanded Initiatives above.

## **N. Collaboration**

### *Climate Change Resilience - State, Local, and Tribal Leaders Task Force*

In 2013, President Obama signed Executive Order 13653, which established the [State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience \(“Task Force”\)](#). [The Task Force was established](#) to advise the Administration on how the Federal Government could respond to the needs of communities nationwide that are dealing with the impacts of climate change. The Task Force members, which included governors, mayors, county officials, and Tribal leaders from across the country, met frequently and used their first-hand experiences in building climate preparedness and resilience in their communities to inform their recommendations. The recommendations offered guidance on how the Federal Government should modernize programs and policies to incorporate climate change, incentivize and remove



barriers to community resilience, and provide useful, actionable information and tools. The Council on Climate Preparedness and Resilience, established under this Executive Order, is composed of 25 agencies and co-led by CEQ, OMB, the National Security Council, and OSTP. The Council on Climate Preparedness and Resilience serves as the primary framework for resilience coordination across the Federal government.

### *National Ocean Council*

An Executive Order signed on July 19, 2010, established the National Ocean Council (NOC), which is co-chaired by CEQ and OSTP. The centerpiece of the effort is the [development](#) of regional marine plans for coordinated management of U.S. territorial waters and coasts by Regional Planning Bodies consisting of representatives from Federal agencies and components, States, tribes, and Fisheries Management Councils. This collaborative effort includes extensive stakeholder participation and engagement. Both the Northeast and Mid-Atlantic Regional Planning Bodies have released draft plans in 2016 which can be viewed on their respective webpages (<http://northeastoceancouncil.org/>; <http://midatlanticocean.org/>).

The NOC provides a [website](#) to support regional marine planning efforts across the country and to create a convenient place for anyone to find out more about the marine, coastal, and Great Lakes environments. The website includes a data catalog that has hundreds of Federal documents that the public can download and view. The website also welcomes members of the public or interested stakeholders to submit comments or suggestions.