Federal Permitting Improvement Steering Council

Recommended Best Practices

Fiscal Year 2026

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Federal Permitting Improvement Steering Council

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Department of Agriculture

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Department of Commerce

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Department of Housing and Urban Development

Advisory Council on Historic Preservation

Office of Management and Budget

Council on Environmental Quality

Environmental Protection Agency

Department of the Interior

Background

The Federal Permitting Improvement Steering Council (Permitting Council) is required to issue annual recommendations on best practices for improving the federal permitting process for "covered projects" under Title 41 of the Fixing America's Surface Transportation Act (FAST-41).[1] Each lead agency and participating agency for FAST-41 covered projects must submit to Congress and the Director of the Office of Management and Budget (OMB) an annual report assessing agency performance in implementing these best practice recommendations.[2]

FAST-41 provides that the Permitting Council's best practice recommendations may include the following categories:[3]

    i.   enhancing early stakeholder engagement, including—

        I.   engaging with Native American stakeholders to ensure that project sponsors and agencies identify potential natural, archeological, and cultural resources and locations of historic and religious significance in the area of a covered project; and

        II.   fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

    ii.   ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

    iii.   improving coordination between federal and non-federal governmental entities, including through the development of common data standards and terminology across agencies;

    iv.   increasing transparency;

    v.   reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

    vi.   developing and making available to applicants appropriate geographic information systems and other tools;

    vii.   creating and distributing training materials useful to federal, state, Tribal, and local permitting officials;

    viii.   in coordination with the Executive Director, improving preliminary engagement with project sponsors in developing coordinated project plans;

    ix.   using programmatic assessments, templates, and other tools based on the best available science and data; and

    x.   addressing other aspects of infrastructure permitting, as determined by the Council.

The Permitting Council has issued best practices annually since 2017. Past best practices for fiscal years (FY) 2017-2024 can be found here.

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1 42 U.S.C. § 4370m-1(c)(2)(B).

2 42 U.S.C. § 4370m-7(a)(3).

3 42 U.S.C. § 4370m-1(c)(2)(B).

FY 2026 Recommended Best Practices Methodology

FAST-41 sets forth ten best practice categories; however, it does not require that the Permitting Council issue best practices in all ten categories each year. For FY 2026, the Permitting Council is issuing best practices for a subset of the ten categories identified in the statute. Issuing best practices for a set of targeted categories will allow affected agencies to focus their efforts and collect data and information needed to meaningfully assess the impacts of the implementation of these best practices.[4]

Agencies may continue implementing and reporting on best practices from prior years. Agencies are encouraged to review previously issued best practices. Agencies may also report on other best practices self-identified as priorities, if desired, but must report in April 2027 on the best practices issued in this document, in accordance with reporting instructions that will be provided by the Office of Management and Budget.

The best practices for FY 2026 are intended to be actionable and measurable by each agency, which will assist the Permitting Council in assessing impacts of best practices across the federal agencies and will help guide a set of meaningful, transformative, and evidence-based best practices that can be adopted as standard practices to improve the efficiency and predictability of environmental reviews and authorizations. Permitting Council staff are available as a resource to agencies to provide assistance as agencies implement and track progress on best practices.

In developing these recommended best practices, the Permitting Council staff received feedback and agreement from the Permitting Council agencies on several high-level concepts based on agency-identified priorities in FY 2024 best practice implementation reports and opportunities for synergies with other Permitting Council initiatives. The Permitting Council staff then developed these concepts into draft recommended best practices and shared them with the Permitting Council agencies for further review and feedback.

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4 Any agency that is a lead or facilitating agency for a FAST-41 covered project must annually report on its implementation of the FAST-41 best practices, regardless of whether the agency is represented by a Permitting Council Member.

FY 2026 Recommended Best Practices

The Permitting Council recommends three best practices for FY 2026:

1. Develop or enhance innovative information technology solutions to improve the efficiency and predictability of the environmental review and authorization process.

2. Participate in an interagency effort to inform development or enhancement of performance measures regarding the efficiency and timeliness of environmental review and authorization activities.

3. Identify, understand, and address causes of delay in the environmental review and authorization process.

The following discussion describes these recommended best practices and their anticipated benefits to the federal permitting process for FAST-41 covered projects. Each recommendation is followed with suggestions for agency consideration in implementing the best practice.

1. Develop or enhance innovative information technology (IT) solutions to improve the efficiency and predictability of the environmental review and authorization process.

This recommendation implements the following statutory categories of best practices:

- *(iii) improving coordination between federal and non-federal governmental entities, including through the development of common data standards and terminology across agencies*

- *(vi) developing and making available to applicants appropriate geographic information systems and other tools*

- *(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties*

- *(ix) using programmatic assessments, templates, and other tools based on the best available science and data*

The federal permitting process should be modernized to leverage available technology. IT solutions applied to the environmental review and authorization process can position agencies to automate processes for routine actions, improving public transparency, reducing administrative burdens, and saving time. Applying IT solutions can also help agencies manage complex reviews and improve shared data quality, simplifying coordination and ultimately improving analysis and decision making.

Agencies can satisfy implementation of this recommended best practice by fulfilling the requirements of the Council on Environmental Quality (CEQ) Permitting Technology Action Plan and the Presidential Memorandum, Updating Permitting Technology for the 21st Century.

In implementing this best practice recommendation, agencies should consider the following areas discussed in the Presidential Memorandum and CEQ Action Plan:

- Implementing data standards to enable interoperability and data sharing between systems within and among agencies to reduce duplicative or siloed systems.

- Exploring the application of artificial intelligence to environmental reviews and authorizations consistent with applicable law and the Executive Order on "Removing Barriers to American Leadership in Artificial Intelligence" and forthcoming implementing guidance.

- Automating routine workflows to enable permitting staff to focus on complex analysis.

- Pursuing the development of technology solutions across a variety of use cases including applicant portals, project tracking systems, case management tools, comment collection and analysis systems, public engagement tools, collaboration platforms, GIS applications, document management systems, and filing, publication and submittal systems.

SUGGESTIONS FOR IMPLEMENTATION

Agencies may reference CEQ's Report to Congress on the Potential for Online and Digital Technologies to Address Delays in Reviews and Improve Public Accessibility and Transparency under 42 U.S.C. 4332(2)(C).
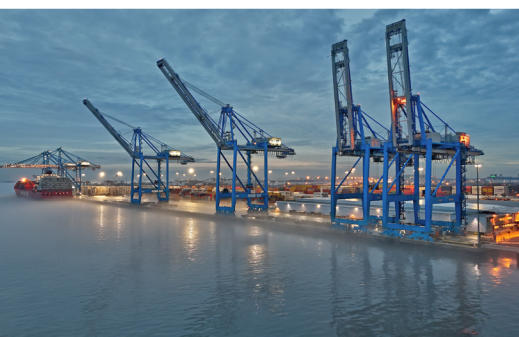
2. Participate in an interagency effort to inform development or enhancement of performance measures regarding the efficiency and timeliness of environmental review and authorization activities.

This recommendation implements the statutory best practice *Category (ii), ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics.*

Advancing performance management will enable agencies to better understand and more effectively tell the story of how the Federal Government is improving the permitting process. A coordinated approach to standardized performance measures across government will allow agencies to roll-up data across the federal family and consistently track progress towards improving the efficiency and timeliness of environmental review and authorization processes.

The Permitting Council Executive Director and staff will lead a current state and gap analysis of performance measures regarding the environmental review and authorization process. The analysis will seek to understand relevant performance measures in use or under development and barriers and challenges to agency adoption and implementation of such performance measures. Relevant performance measures may include, for example, the duration of environmental reviews or authorizations, the variance between anticipated and actual permitting timetables, the number and severity of permitting timetable delays, or the cost of delays to project sponsors.

This analysis will inform the Permitting Council's future development of, and coordination with agencies on, environmental review and authorization performance measures shared across the Federal government for FAST-41 covered projects.

Agencies should coordinate with the Executive Director, CEQ, and OMB to contribute to this analysis.

SUGGESTIONS FOR IMPLEMENTATION

In implementing this best practice recommendation, agencies may identify considerations regarding:

- Desired end results (i.e., outcomes), outputs that indicate those end results are being achieved, and the data needed to validate those outputs.
- Availability of qualitative and quantitative data and evidence.
- The agency's level of influence and control of performance measures.
- Integration of performance measures with agency environmental review and authorization IT systems.
- Consistency of measures over time to enable trend analysis and comparisons to the baseline.
- Integration of permitting workforce capability into performance measures.

3. Identify, understand, and address causes of delay in the environmental review and authorization process.

This recommendation implements the statutory best practice *Category (ii), ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics.*

Effectively recognizing, analyzing, and resolving the underlying causes of delay improves transparency, predictability, and accountability in the environmental review and authorization process for FAST-41 covered projects. The lessons learned can also be applied more broadly within agency environmental review and permitting programs.

Agencies should use internal agency systems and the Permitting Dashboard to identify delays, if they occur, and their causes. For example, agencies should follow the Data Management Guide standard operating procedures related to use of the "reason for date change" dropdown selection on the Permitting Dashboard.

Agency analysis of delay should consider root causes of delays. Root cause analysis goes beyond identifying proximate reasons for delay and explores underlying factors. For example, the immediate cause of a permitting timetable delay may be that a project sponsor has failed to provide an application or respond to a request during consultation with agencies with complete and sufficient information in a timely manner. The underlying cause of this delay may be the agency not providing clear, consistent, and transparent guidance to project sponsors regarding application expectations or the lack of availability of equipment or supplies to conduct the necessary surveys.

Agencies should address delays by working with the Permitting Council staff to develop plans of action and milestones outlining tasks, responsibilities, and timelines for delay resolution and prevention of similar issues in the future.[5]

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5 Agencies should address delays consistent with Section 5(d) of the Executive Order on "Unleashing American Energy."

SUGGESTIONS FOR IMPLEMENTATION

In implementing this best practice recommendation, agencies may conduct analysis of delays retrospectively to avoid drawing resources away from conducting environmental reviews and authorizations. Agencies may gather information about causes of delay throughout the review process.

Agency analysis of delay may consider:

- Quantifying effects of delays, including impacts of individual milestone delays on action timelines, other dependent actions, and overall project timelines.

- Quantifying cumulative effects of delays.

- Variation across regions and infrastructure sectors.

- Variation between reviews primarily managed at the federal versus state level or at the headquarters versus district level.

In addressing delays, agencies may use new (or improved) internal IT systems and other tools to help identify areas for improvement and implement solutions such as case management and process automation that could increase process efficiency. Where improvements to IT systems are necessary, agencies should reference their planned actions related to Best Practice 1. and the Permitting Technology Action Plan.