

**Testimony of Gary Frazer, Assistant Director for Ecological Services,
U.S. Fish and Wildlife Service, Department of the Interior
before the Senate Committee on Homeland Security and Governmental Affairs,
Permanent Subcommittee on Investigations
“Cutting Through the Red Tape: Oversight of Federal Infrastructure Permitting and the
Federal Permitting Improvement Steering Council”**

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Good morning Chairman Portman, Ranking Member Carper, and Members of the Subcommittee. I am Gary Frazer, Assistant Director for Ecological Services at the U.S. Fish and Wildlife Service (Service). I appreciate the opportunity to testify today on the Service’s work in the implementation of Title 41 of the Fixing America’s Surface Transportation (FAST) Act.

Background

The FAST Act includes provisions aimed at improving the transparency, predictability, and timeliness of Federal environmental review and permitting processes for major infrastructure projects. Specifically, Title 41 of the Act (FAST-41) addresses improvements to the Federal permitting process for certain types of projects, including large and complex energy production, electricity transmission, water resource, pipeline, and transportation projects, among others. FAST-41 focuses on improved coordination between Federal agencies and created the Federal Permitting Improvement Steering Council (Council) to oversee the agency coordination process for covered infrastructure projects. The FAST Act was signed into law on December 4, 2015 and is still in the initial phases of implementation. The Service is committed to carrying out our responsibilities under the law and fulfilling Secretary Zinke’s priority of making environmental review and permitting processes more efficient.

U.S. Fish and Wildlife Service’s Role Under FAST-41

The Service is responsible for reviewing and permitting projects under a number of statutory authorities, including the Endangered Species Act (ESA), National Environmental Policy Act (NEPA), and Fish and Wildlife Coordination Act. The Service’s role is to facilitate the development and approval of environmentally sound infrastructure projects. The Service works with project proponents and partner agencies to help avoid and minimize harm to fish and wildlife, and to offset those impacts that are unavoidable. The goal is to facilitate these important projects while ensuring that each complies with Federal law.

The Service typically carries out these activities in the field as a participating or coordinating agency under FAST-41, working with the lead agency for a project in reviewing and commenting or consulting on the project plan within set deadlines. We engage at the national level to advise the Council in identifying and implementing best practices and policies related to FAST-41.

The overwhelming majority of the Service's actions are carried out at the field level. The Service's local field staff have in-depth knowledge of the ecosystems in which they work and the species that inhabit them, bringing expertise to project reviews to facilitate efficient, project-specific analyses. Larger and more complex projects, like those covered by FAST-41, may fall under the jurisdiction of multiple field or regional offices. As we move forward with the implementation of FAST-41, we will be reviewing our processes to maximize our effectiveness in conducting consultations and project evaluations spanning multiple field and regional offices. Our objective is to provide project proponents and partner agencies with consistent and efficient processes and, where feasible, a single point of contact.

At this time, the Service is either a cooperating or participating agency in 18 projects, and all eight of the Service's regions are engaged in the review of FAST-41 covered projects. Two of those projects are highlighted below:

NEXUS Gas Transmission Project and Texas Eastern Appalachian Lease Project

The Service was able to conclude formal consultation under the ESA in less than two months on NEXUS Gas Transmission LLC's proposed pipeline in Ohio and Michigan, largely thanks to early and robust discussions between the Service and NEXUS. In this case, NEXUS initiated discussions with the Service early in the process, actively sought and implemented Service recommendations, and drafted detailed and innovative conservation measures. Coordination between the Service, NEXUS, and our partner agencies was smooth as a result of early consultation, voluntary avoidance of important resources, and cooperative discussion and analysis.

Gateway West Transmission Line Project

The Gateway West project is a proposed interstate transmission line between Idaho and Wyoming, spanning two Service regions and field offices; segments 8 and 9 of the project are covered by FAST-41. The Service's Wyoming Fish and Wildlife Office coordinates our role as a participating agency working with the project's lead agency, the Bureau of Land Management (BLM), to provide reviews under the ESA and other statutes within BLM's mandated timelines. Project meetings include many stakeholders, increasing transparency and allowing engaged agencies and project proponents to build consensus when considering changes to the proposed project to minimize impacts to fish and wildlife resources. The Service continues to work with BLM to facilitate the permitting processes for segments 8 and 9 of this project.

Conclusion

As discussed above, FAST-41 provides a platform for more efficient and effective review and permitting of large and complex infrastructure projects. The Service is focused on building efficiencies into our review and permitting processes that will improve and expedite consideration of many projects, regardless of whether a project is covered under FAST-41.

The Service is committed to improving the environmental review process to facilitate environmentally sound infrastructure development through timely, transparent, and predictable reviews, while ensuring the conservation of our nation's fish and wildlife resources. We view FAST-41 as a constructive framework for arriving at more timely decisions. In addition to facilitating increased coordination, FAST-41 increases the accountability of all parties involved

by designating priority projects, ensuring commitment to agreed upon timelines, and helping to identify and elevate potential issues earlier in the process. FAST-41 is a positive step in helping integrate various reviews and facilitating efficient processes across the Federal government.

Thank you for the opportunity to discuss the Service's work in implementing FAST-41. I would be happy to address any questions that you may have.