



## Council on Environmental Quality

# Open Government Plan

The 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 2016 Open Government Plan and highlights 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 by Congress as part of the National Environmental Policy Act of 1969 (NEPA). It is led by a Chair who serves as the President's principal environmental policy advisor. Through interagency working groups and coordination with other components of the White House, CEQ works to advance the President's agenda. It also balances competing positions and encourages government-wide coordination, bringing Federal agencies, state, local and Tribal 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 established as the Office of the Federal Environmental Executive), housed within CEQ.

### **New and Expanded Initiatives**

#### **A. Open Data**

Transparency, participation, and collaboration are part of CEQ's foundation. From its creation over 40 years ago by NEPA, CEQ has been charged with promoting public participation and transparency in understanding the environmental impacts of Government actions. Moreover, the role of the CEQ Chair 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 FOIA Reading Room](#) includes reports, publications, environmental laws and regulations, documents frequently requested under the Freedom of Information Act, the legislative history of NEPA, and CEQ historical documents. Further, additional resources concerning NEPA can be found on the [NEPA.gov portal](#).

## **C. Privacy**

CEQ reports applicable privacy compliance information periodically, as appropriate, to the Office of Management and Budget and the Office of Administration within the Executive Office of the President.

## **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 Open Government National Action Plan, CEQ is working to complete the U.S. Office of Special Counsel's Whistleblower Protection Act Certification Program.

## **E. Websites**

The CEQ website includes 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 works with partners across the Federal Government to design and implement innovative regulatory processes. Pursuant to [Executive Order \(EO\) 13807](#) titled, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," which is described in more detail in the "Flagship Initiative" section of this document, CEQ is leading an interagency working group to review CEQ's NEPA implementing regulations and guidance and other environmental review policies of federal agencies to identify impediments to efficient and effective environmental reviews and authorizations for infrastructure projects. .

## **G. Access to Scientific Data and Publications**

CEQ does not spend more than \$100 million per year on research and development and therefore is not subject to the 2013 OSTP directive on access to scientific data and publications.

## **H. Open Source Software**

CEQ's technological infrastructure is supported by the [Executive Office of the President](#).

## **I. Spending Information**

CEQ's implementation of the Digital Accountability and Transparency Act of 2014 (DATA Act) is supported by the [Executive Office of the President](#).

## **Ongoing Initiatives**

### **A. Participation in Transparency Initiatives**

CEQ's Open Government webpage allows members of the public to submit suggestions for expanding public outreach. CEQ also uses its website to make information available on CEQ's initiatives, provide links to opportunities for participation and archive material. CEQ routinely invites public participation in the development of NEPA guidance.

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 website is updated on an ongoing basis, with the goal of improving public participation and the quality of Federal agency implementation of NEPA. Updates are focused on providing tools, guidance, and NEPA references. The website will include the status of reviews of agency NEPA guidance and links to the database of environmental impact statement filings and statistics posted on the Environmental Protection Agency's website.

### **B. 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 encourages public participation through its website.

### **C. 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 implements staff-wide internal records management training in accordance with the Federal Records Act. CEQ has a designated Federal Records Officer. Also, 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 a 99% score. CEQ recently updated its records

schedule, which was approved by National Archives and Records Administration in February 2017.

#### **D. Freedom of Information Act (FOIA) Requests**

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 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 to help prevent the duplication of incoming requests.

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 frequently 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 at CEQ. The FOIA Public Liaison manages the day-to-day FOIA program, and communicates directly with individuals regarding the status of their requests and CEQ's response. CEQ also routinely refers requesters to the [Office of Government Information Services](#), as a resource for FOIA assistance.

#### **E. Congressional Requests**

CEQ regularly receives requests from the U.S. Congress for information regarding CEQ and its activities. To facilitate the handling of Congressional requests, CEQ's primary point of contact is its Deputy General Counsel. CEQ staff also proactively engage with Congress about CEQ initiatives and announcements.

#### **F. Declassification**

CEQ has a process-oriented information security program. CEQ has no original classification authorities; however, it does receive and maintain classified information. CEQ encourages and assists with declassification efforts as needed.

#### **G. Public Participation**

Opening Government means including the public in Government activities and decision-making. Public feedback and suggestions can lead to key innovations in Government actions and policies. CEQ uses its website and the [NEPA.gov portal](#) to provide notice of public meetings, and it solicits public input in the development of regulations through the notice and comment rulemaking process. Members of the public may also provide input to CEQ by emailing comments to [FN-CEQ-OpenGov@ceq.eop.gov](mailto:FN-CEQ-OpenGov@ceq.eop.gov). Moreover, CEQ oversees the

implementation of NEPA, which requires agencies to involve the public in proposals for major federal actions that could significantly affect the environment. CEQ's NEPA regulations require federal agencies to solicit comments on draft environmental impact statements from the public. As further described below, the [NEPA.gov portal](#) includes information and resources to enhance public participation in the NEPA process.

## **H. Collaboration**

The NEPA.gov portal, provides guidance for Federal, State, local, and Tribal governments and the public on the NEPA process and tools for evaluating the potential environmental consequences of proposed Federal actions. NEPA practitioners and members of the public can also access information on government agencies, including environmental impact statement databases, and information for those interested in the NEPA process, such as the "Citizen's Guide to NEPA," a handbook for collaboration in the environmental impact assessment process.

CEQ is involved in addressing a wide range of environmental issues and a number of initiatives. One of CEQ's major responsibilities is to develop and recommend national policies to the President that promote the improvement of environmental quality and meet the Nation's goals. For example, as part of an ongoing effort to implement Title 41 of the Fixing America's Surface Transportation (FAST) Act, CEQ is working closely with Federal agencies and the Federal Permitting Improvement Steering Council (Permitting Council) to improve the timeliness, predictability, and transparency of the Federal environmental review and authorization process for infrastructure projects.

[The Permitting Dashboard](#) provides regularly-updated information to the public on the status of environmental reviews and other authorizations for these infrastructure projects. The Permitting Dashboard allows Federal agencies to track environmental and community outcomes associated with infrastructure projects. CEQ is collaborating with other Federal agencies, the Permitting Council, and Administration offices to align various permitting improvement and infrastructure initiatives.

## **I. Flagship Initiative**

On August 15, 2017, President Trump signed [Executive Order \(EO\) 13807](#) titled, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects." EO 13807 seeks to reduce unnecessary burdens, delays, and uncertainties associated with federal environmental review and permitting processes for major infrastructure projects, and to increase transparency and accountability to the public. As noted in the Executive Order, "inefficiencies in current infrastructure project decisions, including management of environmental reviews and permit decisions or authorizations, have delayed infrastructure investments, increased project costs, and blocked the American people from enjoying improved infrastructure that would benefit our economy, society, and environment."

EO 13807 specifically seeks to ensure that Federal agencies conduct environmental reviews in a coordinated, consistent, predictable and timely manner, and directs CEQ to undertake a number of actions. In particular, Section 5(e)(i) of EO 13807 provides that “[w]ithin 30 days of the date of this order, the CEQ shall develop an initial list of actions it will take to enhance and modernize the Federal environmental review and authorization process. Such actions should include issuing such regulations, guidance, and directives as CEQ may deem necessary to:

(A) ensure optimal interagency coordination of environmental review and authorization decisions, including by providing for an expanded role and authorities for lead agencies, more clearly defined responsibilities for cooperating and participating agencies, and Government-wide applicability of NEPA decisions and analyses;

(B) ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient;

(C) provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support of earlier Federal, State, tribal, or local environmental reviews or authorization decisions; and

(D) ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ’s authority to interpret NEPA to simplify and accelerate the NEPA review process.”

On September 14, 2017, the CEQ published a notice in the Federal Register announcing the initial list of actions it will take to enhance and modernize the Federal environmental review and authorization process. CEQ has provided a link to the notice on its website at, <https://www.whitehouse.gov/ceq/infrastructure>, and will update its website with relevant information as CEQ takes additional actions to carry out its duties under EO 13807.