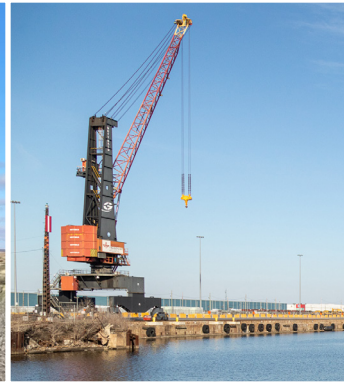




Federal Permitting Improvement Steering Council  
**Annual Report to Congress**



Fiscal Year 2023



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## Acknowledgments

The Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) prepared this report pursuant to 42 U.S.C. § 4370m-7(a)(1)(A), with review by the Permitting Council members pursuant to 42 U.S.C. § 4370m-7(a)(1)(B).

The Permitting Council is charged with improving the transparency and predictability of the Federal environmental review and authorization process for certain critical infrastructure projects. The Permitting Council comprises the Executive Director, who serves as the Permitting Council Chair, and 15 members, including the Deputy Secretary (or equivalent) from 13 Federal agencies, the Chair of the Council on Environmental Quality, and the Director of the Office of Management and Budget.



Federal Permitting Improvement Steering Council



Department of Agriculture



Department of the Army



Department of Commerce



Department of Energy



Department of Transportation



Department of Defense



Federal Energy Regulatory Commission



Department of Homeland Security



Nuclear Regulatory Commission



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

# Acronyms and Abbreviations

<b>ACHP</b>	Advisory Council on Historic Preservation	<b>IRA</b>	Inflation Reduction Act
<b>BIL</b>	Bipartisan Infrastructure Law	<b>IT</b>	Information Technology
<b>BLM</b>	Bureau of Land Management	<b>LNG</b>	Liquefied Natural Gas
<b>BOEM</b>	Bureau of Ocean Energy Management	<b>MOA</b>	Memorandum of Agreement
<b>BSEE</b>	Bureau of Safety and Environmental Enforcement	<b>MOU</b>	Memorandum of Understanding
<b>CERPOs</b>	Chief Environmental Review and Permitting Officers	<b>NBAM</b>	National Broadband Availability Map
<b>CEQ</b>	Council on Environmental Quality	<b>NEPA</b>	National Environmental Policy Act
<b>CPP</b>	Coordinated Project Plan	<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>CPRA</b>	Louisiana Coastal Protection and Restoration Authority	<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>DHS</b>	Department of Homeland Security	<b>NPS</b>	National Park Service
<b>DOC</b>	Department of Commerce	<b>NRC</b>	Nuclear Regulatory Commission
<b>DOD</b>	Department of Defense	<b>NTIA</b>	National Telecommunications and Information Administration
<b>DOE</b>	Department of Energy	<b>NTTA</b>	National Tribal Telecommunications Association
<b>DOI</b>	Department of the Interior	<b>OCS</b>	Outer Continental Shelf
<b>DOT</b>	Department of Transportation	<b>OMB</b>	Office of Management and Budget
<b>EIS</b>	Environmental Impact Statement	<b>OPM HRS</b>	Office of Personnel Management Human Resources Solutions
<b>EPA</b>	Environmental Protection Agency	<b>Permitting Council</b>	The 16-Member Federal Permitting Improvement Steering Council, a Federal agency
<b>ERIF</b>	Environmental Review Improvement Fund	<b>Permitting Council staff</b>	The employees and contractors retained by the Executive Director to execute the roles and responsibilities of the Executive Director
<b>ESA</b>	Endangered Species Act	<b>TAP</b>	Tribal Assistance Program
<b>Executive Director</b>	Permitting Council Executive Director	<b>TDAT</b>	Tribal Directory Assistance Tool
<b>FAST-41</b>	Title 41 of the Fixing America's Surface Transportation Act	<b>UA</b>	United Association
<b>FERC</b>	Federal Energy Regulatory Commission	<b>Udall Foundation</b>	Udall Foundation's John S. McCain III National Center for Environmental Conflict Resolution
<b>FIN</b>	FAST-41 Initiation Notice	<b>USACE</b>	U.S. Army Corps of Engineers
<b>FPS</b>	FAST-41 Performance Schedules	<b>USDA</b>	U.S. Department of Agriculture
<b>FY</b>	Fiscal Year	<b>USET</b>	United South and Eastern Tribes
<b>HUD</b>	Department of Housing and Urban Development	<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>IIJA</b>	Infrastructure Investment and Jobs Act		
<b>IPaC</b>	Information for Planning and Consultation		



## Note From the Executive Director



President Biden has made constructing transformative infrastructure a focus of his Administration, demonstrating that our democracy can deliver needed investments for our future. The landmark infrastructure and climate investments from the Bipartisan Infrastructure Law (BIL), the CHIPS and Science Act, and the Inflation Reduction Act (IRA) have already funded tens of thousands of projects that will improve mobility, create good-paying union jobs, and help the nation transition to a clean energy economy. To ensure that these historic investments in America's infrastructure benefit communities across the country, President Biden has elevated environmental review and permitting to be a top priority. The Permitting Council continues to play a central role in providing permitting support for sustainable infrastructure projects, enabling them to begin construction sooner. In this past year, the Permitting Council has improved the transparency, timeliness, effectiveness, and efficiency of Federal environmental reviews and approvals for major infrastructure projects.

The implementation of historic levels of infrastructure funding has catalyzed project development and associated environmental reviews and permitting across all sectors, affecting each agency represented on the Permitting Council. In addition to funding critical infrastructure, the IRA also invested \$1 billion to enable Federal permitting agencies to meet this historic moment by increasing capacity, developing new technologies, and improving coordination in how agencies site and permit major projects. As a result of this once-in-a-generation investment in our nation's critical infrastructure and enabled by the \$350 million provided to our agency through the IRA, we've embraced the role of the Permitting Council as a Federal center for permitting excellence and provided resources and tools to our Federal partners that will help them conduct the necessary environmental reviews and authorizations effectively and efficiently. Supporting the agencies represented on the Permitting Council is a central component of being a center for permitting excellence. In FY 2023, we committed nearly \$160 million to our Federal partners to increase staff capacity, improve tools, implement Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and make other investments that will enable the agencies to complete their reviews and authorizations on time, relying on the best available science, and ensuring that our decisions are informed by early and meaningful public engagement.

A key aspect of serving as a center for permitting excellence is identifying permitting best practices and taking steps to improve the way that we permit projects across government, learning from the complex and difficult projects in our FAST-41 portfolio. We are working closely with our Federal partners to emphasize the importance of early and meaningful stakeholder engagement and putting action to those words by standing up our Tribal Assistance Program (ERIF-TAP), which provides funds directly to Tribes who are engaged on FAST-41 projects. The ERIF-TAP is intended to provide resources to Tribes to enable them to effectively and meaningfully engage on FAST-41 projects that may affect Tribal resources, including cultural sites and historic lands.

These investments and the support we provide as a Federal center for permitting excellence represents an important pillar of our agency's mission, but the more consequential and most visible portion of our work is with our FAST-41 project portfolio. The central function of the Permitting Council is to provide transparency and accountability to projects that seek coverage under the FAST-41 program, and in the last year we delivered tangible progress by providing permitting support to some of the largest, most complex projects in the nation. The Permitting Council also continues to grow our portfolio and in FY 2023, we saw a 25 percent increase in FAST-41 projects, including our first two Tribal projects and our first carbon capture project. These additions reflect the continued benefit of the FAST-41 program and the value project sponsors perceive in our agency.

The following report provides a detailed account of our success implementing FAST-41 over the past fiscal year, and includes a look ahead to next year. I can take little credit for our substantial successes in FY 2023 as I came into this seat in July, at the start of the fourth quarter, but I have done my best to maintain the tremendous momentum generated by my predecessor and sustained by the outstanding Permitting Council agency staff. The President has prioritized an all-of-government approach to improving the way we do the business of permitting, and our work at the Permitting Council is integral to ensuring that we deliver results for the American people. I am eager to work with my Federal partners and with Congress to continue delivering critical infrastructure projects that will enable us to transition to a clean energy future, grow our economy, and capitalize on the opportunities before us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'EBE', with a horizontal line extending to the right.

**Eric Beightel**

Executive Director

**Permitting Council**



## Report Summary

Pursuant to 42 U.S.C. § 4370m-7(a)(1) as amended, this Annual Report to Congress details the progress of the Federal Permitting Improvement Steering Council (Permitting Council) in implementing Title 41 of the Fixing America's Surface Transportation Act (FAST-41) during Fiscal Year (FY) 2023. This report includes an introduction to FAST-41 and the Permitting Council; a description of the FAST-41 covered project portfolio; an evaluation of progress made in implementing FAST-41 during FY 2023; and a look ahead to FY 2024. The report, which has been reviewed by the Permitting Council pursuant to 42 U.S.C. § 4370m-7(a)(1)(B), is submitted to Congress by the Permitting Council Executive Director (Executive Director) and published on the Permitting Dashboard.

### Highlights from the report include:

- ▶ An overview of the 33 FAST-41-covered projects in ten different sectors in FY 2023.
- ▶ An increase in the FAST-41 project portfolio by 25 percent.
- ▶ 100 percent of posting CPPs within 60 days of a project being added to the Permitting Dashboard.
- ▶ Environmental Review Improvement Fund (ERIF) progress on Tribal support, technology, and engagement.
- ▶ Planned initiatives and events that have already been held in FY 2024.

Infrastructure is a priority for the Biden-Harris Administration. The Federal government is making strides to transition to a clean-energy economy, and permitting is critical to enable infrastructure to be built and realize those goals. The Permitting Council and its role as a center for permitting excellence contributes to the Biden-Harris administration's efforts, specifically its implementation of the Permitting Action Plan. This report highlights the Permitting Council's role in working with agencies to establish clear timeline goals for actions on major projects and to track project information to improve transparency and accountability, providing increased certainty for project sponsors and the public. The Permitting Council helps ensure that the major infrastructure projects underway have positive community benefits that protect critical resources. FAST-41 requires the Executive Director to submit to Congress on a quarterly basis a separate report evaluating agency compliance with the provisions of FAST-41, including a description of the implementation and adherence of each agency to the Coordinated Project Plan (CPP) and permitting timetable requirements.<sup>1</sup> These Quarterly Agency Performance Reports, which the Executive Director submits under separate cover, can be found [here](#).

This report was developed using data from the Permitting Dashboard by compiling Quarterly Agency Performance Reports data, through discussions with Permitting Council staff, and consultation with Permitting Council agencies. The Permitting Council staff sent a request to agencies to share accomplishments from FY 2023 that highlight FAST-41 implementation successes and examples that advance the state of practice for permitting across the Federal government. This input is reflected through the report.

Previous reports to Congress for FY 2016-2022 can be found [here](#).

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<sup>1</sup> 42 U.S.C. § 4370m-7(a)(2).



# About FAST-41 and the Permitting Council

Established in 2015 pursuant to FAST-41, 42 U.S.C. §§ 4370m, the Permitting Council facilitates deliberate, coordinated, and transparent processes for Federal environmental reviews and authorizations<sup>2</sup> for infrastructure projects covered by FAST-41 (i.e., “covered projects”).<sup>3</sup> The Permitting Council plays a key role in advancing the Biden-Harris Administration’s strategy for ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent, guided by science to promote positive environmental and community outcomes, and shaped by early and meaningful public engagement.

The President and Congress made the Permitting Council agency permanent through enactment of the Bipartisan Infrastructure Law (BIL), formally known as the Infrastructure Investment and Jobs Act (IIJA).<sup>4</sup> The Executive Director (Council Chair) employs 28 staff including full-time Federal employees, contractors, and detailees from other Federal agencies that support the work of the Executive Director in implementing FAST-41.

FAST-41 is a voluntary program for qualifying infrastructure projects; project sponsors must apply for and obtain FAST-41 coverage for their projects.<sup>5</sup> Covered projects may include infrastructure projects across the following industry sectors: renewable and conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity, carbon capture, energy storage, and mining. The Permitting Council may, by majority vote, engage in a Federal rulemaking to add FAST-41 sectors.

FAST-41 provides unique transparency into the Federal permitting process through management of a comprehensive Federal permitting timetable

<sup>2</sup> The term “environmental review” is defined in the statute as, “the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under the National Environmental Policy Act.” 42 U.S.C. § 4370m(11). The term “authorization” means “any license, permit, approval, finding, determination, or other administrative decision issued by an agency and any interagency consultation that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with 42 U.S.C. § 4370m-2(c)(3)(A), a State agency.” 42 U.S.C. § 4370m(3).

<sup>3</sup> The full definition of “covered project,” which includes criteria that projects must meet to qualify for coverage under the FAST-41 program, is found in 42 U.S.C. § 4370m(6).

<sup>4</sup> Pub. L. No. 117-58, 135 Stat. 429 (Nov. 15, 2021).

<sup>5</sup> See 42 U.S.C. §§ 4370m-2(a)(1), (b)(2)(A)(ii).

## The Permitting Council

The Permitting Council is comprised of 16 individuals including Deputy Secretary, Administrator, Chairperson, or equivalent designees of the following agencies:

- Advisory Council on Historic Preservation (ACHP)
- Army Corps of Engineers (USACE)
- Department of Agriculture (USDA)
- Department of Commerce (DOC)
- Department of Defense (DOD)
- Department of Energy (DOE)
- Department of Homeland Security (DHS)
- Department of the Interior (DOI)
- Department of Transportation (DOT)
- Environmental Protection Agency (EPA)
- Federal Energy Regulatory Commission (FERC)
- Department of Housing and Urban Development (HUD)
- Nuclear Regulatory Commission (NRC)

## Additional Members

- Executive Director
- Director, Office of Management and Budget (OMB)
- Chair, Council on Environmental Quality (CEQ)



for each FAST-41 covered project, which is on the public-facing [Permitting Dashboard](#), and accounts for, organizes, and coordinates all necessary Federal environmental reviews and authorizations for a covered project. Managing a permitting timetable in compliance with FAST-41 requires close communication among the participating Federal agencies, between the Federal agencies and project sponsors, and, in circumstances where a state chooses to participate in the Federal environmental review and decision-making process, among the Federal agencies and participating state agencies. FAST-41 encourages business practice improvements in the environmental review and decision-making process for covered infrastructure projects, facilitating the development of critical infrastructure investments.

### **FAST-41 coverage provides agencies, Congress, project sponsors, and the public with:**

- ▶ Transparency into the Federal environmental review and authorization process, including information on all major Federal steps and requirements needed to site, construct, and commence operation of a covered project, as well as on opportunities for public engagement in Federal decision-making.
- ▶ Early identification, elevation, and resolution of potential risks and conflicts that may arise during the Federal environmental review, authorization, and decision-making process.
- ▶ Clear and timely updated schedules for completion of each stage of Federal environmental review and authorization, which are coordinated and synchronized among agencies and participating states.

FAST-41 does not dictate particular project-related outcomes or affect the level of environmental review a project receives.<sup>6</sup> The statute instead requires transparency and deliberate coordination of Federal effort in making environmental review and permitting decisions. FAST-41 coverage expressly does not alter or supersede any applicable statutory or regulatory requirement, environmental law, regulation, required review process, or public involvement procedure. FAST-41 coverage does not predetermine the outcome of any Federal decision-making process with respect to any covered project, or mandate completion of FAST-41 covered project reviews before reviews of other projects.

<sup>6</sup> See 42 U.S.C. §§ 4370m-6(d) & (e).

With the passage of BIL and the Inflation Reduction Act (IRA), the permitting community is reacting to significant new investments into our nation's infrastructure, requiring the allocation of substantial resources toward Federal permitting. To this end, FAST-41 established the Environmental Review Improvement Fund (ERIF) to make funds available to the Executive Director to implement FAST-41 and support the role of the Permitting Council as a Federal center for permitting excellence. FAST-41 also authorizes the Executive Director to transfer funds from the ERIF to other Federal agencies, and state, local, and Tribal governments, to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects.<sup>7</sup> The IRA also includes \$1 billion to help expedite Federal agency permitting.

Additionally, the Executive Director creates performance schedules for each FAST-41 sector for agencies to use as baselines for developing their FAST-41 covered project permitting timetables, and the Permitting Council establishes recommendations for best practices for agencies to implement when undertaking environmental reviews and authorizations for FAST-41 covered infrastructure projects. The Permitting Council also serves as a Federal center for permitting excellence by supporting training for permitting professionals, providing resources to build or expand Information Technology (IT) tools that improve permitting efficiency, identifying and promoting permitting best practices, and seeking opportunities to provide cross-cutting improvements in the environmental review, permitting, and authorization process. The Permitting Council fosters intergovernmental cooperation as well as cooperation with industries and communities to develop more efficient, transparent, and effective processes for reviewing and permitting infrastructure while achieving positive community and environmental outcomes.



<sup>7</sup> 42 U.S.C. § 4370m-8(d).



# Description of Project Portfolio

This section describes the FAST-41 covered project portfolio during FY 2023.

## Active Projects

Projects undergoing active review are projects that were planned or in progress at any time in FY 2023.<sup>8</sup> There were 33 active FAST-41 covered projects in FY 2023, organized by sector in Figure 1.<sup>9</sup>

<b>OSW1</b>	<b>OSW2</b>	<b>OSW3</b>	<b>OSW4</b>	<b>OSW5</b>
Atlantic Shores South	Atlantic Shores North	Bay State Wind Project	Beacon Wind	Coastal Virginia Offshore Wind Commercial Project
<b>OSW6</b>	<b>OSW7</b>	<b>OSW8</b>	<b>OSW9</b>	<b>OSW10</b>
Empire Wind Energy Project	Kitty Hawk North Wind Project	Kitty Hawk South Offshore Wind Project	Maryland Offshore Wind Project	SouthCoast Wind
<b>OSW11</b>	<b>OSW12</b>	<b>OSW13</b>	<b>OSW14</b>	<b>OSW15</b>
Ocean Wind 1 Project	Revolution Wind Farm Project	Skipjack Wind Farm	Sunrise Wind Farm	New England Wind
<b>SLR1</b>	<b>ORE1</b>	<b>ORE2</b>	<b>ORE3</b>	<b>ORE4</b>
Bonanza Solar Project	Kulning Wind Energy Project	Stagecoach Wind	Seminole Pumped Storage Project	White Pine Pumped Storage
<b>ELT1</b>	<b>ELT2</b>	<b>ELT3</b>	<b>PPL1</b>	<b>PPL2</b>
Boardman to Hemingway Transmission Line	Cardinal-Hickory Creek 345 kV Transmission Line Project	SunZia Southwest Transmission Project	Alaska LNG Project	Mountain Valley and Equitrans Expansion
<b>CCS1</b>	<b>PWW1</b>	<b>PWW2</b>	<b>WTR1</b>	<b>WTR2</b>
Central Louisiana Regional Carbon Storage Hub – Vernon Parish One CCS Site	Port of Corpus Christi Authority Channel Deepening Project	Sparrows Point Container Terminal	Mid-Barataria Sediment Diversion	Mid-Breton Sediment Diversion
<b>BRD1</b>	<b>BRD2</b>	<b>MNG1</b>	<b>Note:</b> Atlantic Shores South was formerly known as Atlantic Shores Project 1. SouthCoast Wind was formerly known as Mayflower Wind Energy Project.	
Santa Fe Indian School Broadband	Alaska FiberOptic Project Segment 1	South32 Hermosa Critical Minerals Project		

- Offshore Wind (OSW)
- Solar (SLR)
- Other Renewable Energy (ORE)
- Electricity Transmission (ELT)
- Pipelines (PPL)
- Carbon Capture Utilization and Sequestration (CCS)
- Ports and Waterways (PWW)
- Water Resources (WTR)
- Broadband (BRD)
- Mining (MNG)

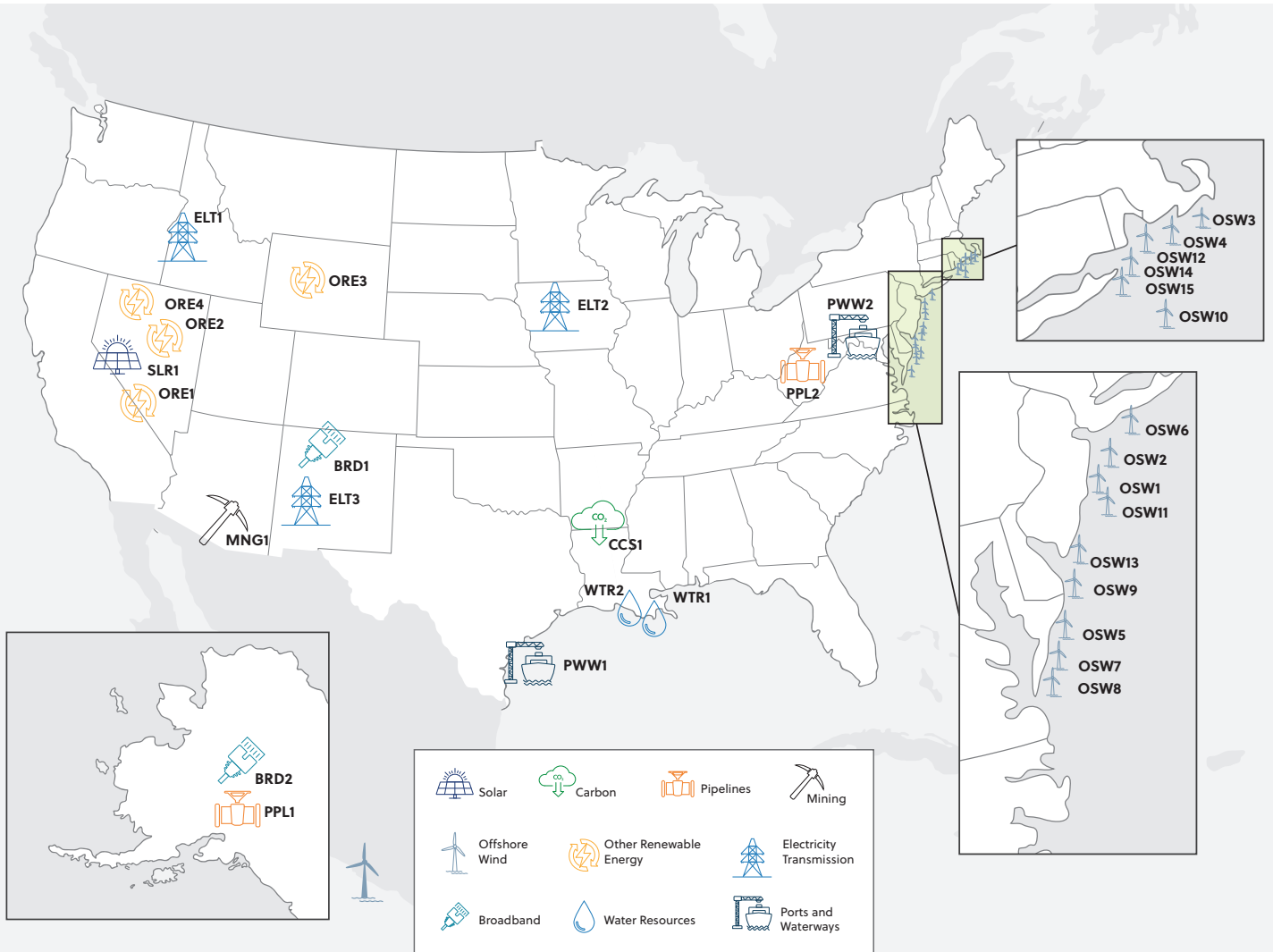
**Figure 1:** List of covered projects undergoing active Federal review in FY 2023. This includes all FAST-41 projects, except those that were paused, canceled, or complete for the entirety of FY 2023.

<sup>8</sup> The set of projects undergoing active Federal review was derived from analysis of the Permitting Dashboard’s non-public revision history dataset for FAST-41 covered projects.

<sup>9</sup> The Renewable Energy Production sector is depicted as three sub-sectors: offshore wind, solar, and other renewable energy.

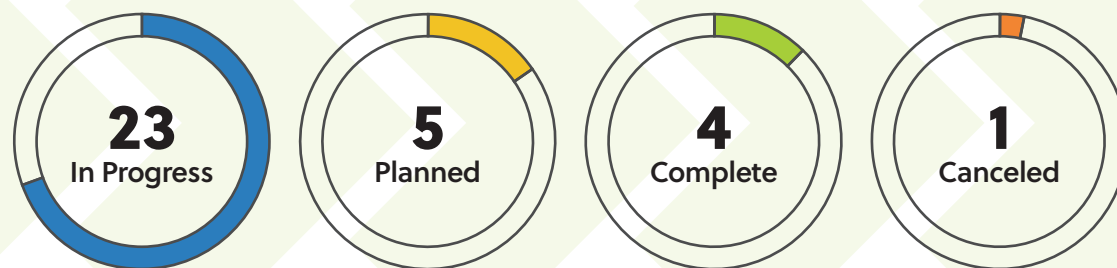


Figure 2 shows the location of FAST-41 covered projects undergoing active Federal review in FY 2023.



**Figure 2:** Map of covered projects undergoing active Federal review in FY 2023. The project labels correspond to abbreviations in Figure 1.

For the 33 FAST-41 covered projects undergoing active Federal review during FY 2023. Figure 3 summarizes the status as of September 30, 2023 (the end of FY 2023).<sup>10</sup>



**Figure 3:** The status of each project in the Permitting Council portfolio as of the end of FY 2023.

## Newly Covered Projects in FY 2023

Through the consistent and focused efforts of the Executive Director and staff, the Permitting Council increased its portfolio of covered projects by over 25 percent, adding eight new projects from across the country to the Federal Permitting Dashboard. The newly added projects, in the order that the Permitting Council received a FAST-41 Initiation Notice (FIN) from project sponsors are:

- ▶ Santa Fe Indian School Broadband, New Mexico
- ▶ Seminoe Pumped Storage Project, Carbon County, Wyoming
- ▶ White Pine Pumped Storage, White Pine County, Nevada
- ▶ Stagecoach Wind, White Pine County, Nevada
- ▶ South32 Hermosa Critical Minerals Project, Santa Cruz County, Arizona
- ▶ Alaska FiberOptic Project Segment 1, Alaska
- ▶ Central Louisiana Regional Carbon Storage Hub Vernon Parish One CCS Site, Vernon Parish, Louisiana
- ▶ Sparrows Point Container Terminal, Baltimore County, Maryland

The addition of these new projects signals an increasing awareness of the value of participating in the FAST-41 program, including the benefits of transparency, predictability, accountability, and coordination in the Federal process that come from collaboratively developing and actively managing public-facing project permitting timetables. The eight projects added during FY 2023 also represent an expansion in the sectors participating in the FAST-41 process, notably including projects in the broadband, critical minerals, and carbon capture sectors. Additionally, the Santa Fe Indian School Broadband Project and Alaska FiberOptic Project Segment 1 were the first ever Tribal-sponsored projects added to the Permitting Dashboard as FAST-41 covered projects (see Tribal Engagement Initiatives below for more information). The Permitting Council staff continue to conduct outreach to expand awareness of FAST-41 and increase the number of FAST-41 projects in order to extend the project management benefits to additional infrastructure projects.

<sup>10</sup> Project status was derived from analysis of the Dashboard's non-public revision history dataset.

## First critical mineral project obtains FAST-41 coverage.

The FAST-41 program highlights early, robust coordination and collaboration as an indicator of success in delivering positive environmental and community outcomes. The South 32 Hermosa Critical Minerals Project is the first critical minerals project to obtain coverage under FAST-41. USDA, as lead agency, developed an accelerated timeline and aims to meet or exceed early milestones. As part of the FAST-41 program, USDA facilitates impactful sponsor engagement, meaningful public and Tribal outreach, and proactive and rigorous interagency coordination.

## Successful interagency coordination on permitting timetables and timely issue identification, elevation, and resolution.

The National Telecommunications and Information Administration (NTIA) kicked off the Santa Fe Indian School Pueblo Education Network project with two CPP meetings in spring 2023. These meetings resulted in predictable and agreed upon roles and a Tribal consultation plan. Through ongoing routine check-in meetings with the 12 cooperating agencies, NTIA identified challenges associated with several Permitting Dashboard milestones that would ultimately cause the final milestone to move by more than 30 days. To ensure an efficient milestone extension request, NTIA coordinated with the project sponsor and agencies to identify and gain consensus on all of the necessary milestone extensions prior to submitting a consolidated request to the Permitting Council Executive Director.

## Collaboration with the project sponsor leads efficient permitting.

The SunZia Southwest Transmission project sought and obtained FAST-41 coverage in July 2021, following which the Permitting Council staff quickly worked with the lead and cooperating agencies to develop a CPP and permitting timetable. The project achieved final authorization in August 2023, completing environmental review and authorization process only a month beyond the original plan. The Permitting Council staff leveraged strong and regular engagement and collaboration with the project sponsor to achieve this goal, demonstrating the value of FAST-41.

## Completed Projects

In FY 2023 the Permitting Council saw the completion of four FAST-41 covered projects in the water resources, pipelines, and electricity transmission sectors: Mid-Barataria Sediment Diversion (Louisiana), Alaska LNG Project (Alaska), Mountain Valley and Equitrans Expansion (Virginia and West Virginia), and SunZia Southwest Transmission Project (Arizona and New Mexico):

- ▶ The **Mid-Barataria Sediment Diversion Project** is intended to reintroduce freshwater and sediment from the Mississippi River to the Barataria Basin to reconnect the Mississippi River to its wetlands. This project is intended to help protect vulnerable residents in the state, in addition to sustaining the ecosystem and wildlife on the coast. Over the five-year construction period, spending on building the Mid-Barataria project is anticipated to create over \$1.4 billion in new sales at construction and manufacturing firms in Plaquemines Parish and an average of 340 new jobs per year.



The Mid-Barataria Sediment Diversion Project, sponsored by the Louisiana Coastal Protection and Restoration Authority (CPRA), is the first FAST-41 covered project sponsored by a State entity. USACE began work on the environmental review process in 2013. In FY 2023, with the support of the Executive Director's staff engaging directly with project sponsors, permitting agencies, and relevant stakeholders, the permitting agencies were able to quickly and efficiently manage changes to the permitting timetable. USACE and cooperating agencies, with assistance from the Permitting Council, were able to reduce the project's anticipated permitting timetable by 22 months once it was posted to the Permitting Dashboard.

- ▶ The **Alaska LNG Project** would include a gas treatment plant, more than 800 miles of natural gas pipeline, liquefaction and storage facilities, an LNG export (marine) terminal, and associated infrastructure and facilities. According to the project sponsor, Alaska LNG could create up to 10,000 jobs during design and construction and approximately 1,000 operational jobs.
- ▶ The **Mountain Valley Pipeline Project** is expected to provide up to 2,000,000 dekatherms per day of firm natural gas transportation service from northern West Virginia to southwestern Virginia.
- ▶ The **SunZia Southwest Transmission Project** proposes to deploy a  $\pm 525$ -kV high voltage direct current transmission line that will run through 550 miles of Federal, state, and private land in Central Arizona and New Mexico. Once fully constructed, the transmission line is intended to transport up to 3,000 megawatts of primarily renewable energy from New Mexico to markets across the West and contribute to the modernization of our energy grid. In tandem with a planned 3,500 megawatt renewable wind energy project known as the SunZia Wind project, when completed, the SunZia Southwest Transmission project will comprise the largest renewable energy infrastructure project in U.S. history.

*SunZia's participation in the FAST-41 program, and resulting interagency coordination, was vital to ensure major Federal project development milestones were met, allowing the project to begin construction on time. This process is a great example in how government can operate more efficiently and effectively to drive investment opportunities to build a more reliable, cleaner electric grid. **The FAST-41 assistance on SunZia has helped create a pathway to deliver renewable energy to 3 million Americans.***

– **Natalie McCue**

Assistant Vice President of Environmental & Permitting at Pattern Energy



## Paused Projects

Paused projects are those covered projects for which continued maintenance of the permitting timetable or continued Federal action in the environmental review and authorization process is temporarily impossible, but for which the intent is to resume Federal action once the issue causing the pause is resolved. A pause may occur for a variety of reasons.

The permitting timetable for the Plains Pipeline, L.P.'s Lines 901 and 903 Replacement Project was paused in FY 2022 and did not resume during FY 2023. The pause is due to the project sponsor continuing to work on developing a new schedule for completion of the Environmental Impact Statement and other environmental reports. On October 1, 2022, Plains Pipeline L.P. sold Lines 901/903 to Pacific Pipeline Company. On October 24, 2023, Pacific Pipeline Company notified the Permitting Council of their decision to not proceed with the Project. This project is now canceled on the FAST-41 Dashboard.

The permitting timetable for the Liberty Development and Production Plan Project was also paused for the duration of FY 2023. The Bureau of Safety and Environmental Enforcement (BSEE) requested the "Authorization and Certification" action be placed in "paused" status after meeting with the project sponsor in March 2020. The project sponsor has not provided a response to the Oil Spill Response Plan Request for Additional Information that BSEE had requested in July 2019 and does not have a potential date for additional information submission.

## Canceled Projects

The Kulning Wind Energy Project proposed by Crescent Peak Renewables became a FAST-41 covered project in September 2021 and would have been located on Federal lands administered by the Bureau of Land Management (BLM) in Clark County, Nevada. In August 2023, Crescent Peak Renewables submitted a request to the BLM Las Vegas Field Office to withdraw its applications for the project. Following BLM's formal acceptance of the request to withdraw, the project was canceled on the Permitting Dashboard.

# Progress Made Implementing FAST-41 During FY 2023

## Permitting Council Efforts

The Permitting Council has the authority and expertise to help agencies move complex infrastructure projects through the environmental review and authorization process and ultimately enable infrastructure to be built. The Permitting Council, the Executive Director, and Permitting Council staff assist with problem solving, facilitating resources that provide technical expertise to help agencies and project sponsors manage the permitting and environmental review process. In FY 2023, Federal agencies made significant progress in implementing FAST-41, using \$1 billion from the President's IRA to advance permitting, and providing technical assistance to ensure timely and efficient environmental reviews.

## Furthering the Role of the Permitting Council as a Federal Center for Permitting Excellence

The IRA provided funds to the Permitting Council's Environmental Review Improvement Fund (ERIF). FAST-41 authorizes the Executive Director to expend funds from the ERIF to support the role of the Permitting Council as a Federal center for permitting excellence, which may include supporting interagency details and rotation opportunities, advanced training, enhanced support for agency project managers, and for sharing information and lessons learned.<sup>11</sup> FAST-41 also authorizes the Executive Director, with the approval of the Director of OMB, to transfer funds from the ERIF to Federal agencies to facilitate timely and efficient environmental reviews and authorizations for covered and other FAST-41 projects.<sup>12</sup>

In FY 2023, the Executive Director established the ERIF Assistance Program to facilitate the distribution of ERIF resources to Federal agencies, Tribes, and state and local governments to facilitate more timely and efficient reviews and authorizations for FAST-41 projects and supporting permitting innovation. In FY 2023, the Executive Director approved approximately \$165 million in funds under the Federal and Tribal component of the ERIF Assistance Program to increase staff capacity in agencies represented on the Permitting Council, support Tribal consultation on covered projects, and facilitate timely environmental review and permitting of infrastructure projects. To support the development of the financial assistance program, the Executive Director created appropriate policies and procedures and added new Permitting Council staff to ensure proper financial stewardship and compliance with Federal requirements. The Executive Director and Permitting Council staff will track and monitor the expenditures for accountability.

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<sup>11</sup> 42 U.S.C. § 4370m-8(d)(2).

<sup>12</sup> 42 U.S.C. § 4370m-8(d)(3).

## FEDERAL ERIF ASSISTANCE PROGRAM

To date, in consultation with the Permitting Council and with input from OMB, the Executive Director has approved approximately \$160 million in agency requests as well as \$5 million for the Tribal Assistance Program for the IRA funds in the ERIF, and is in the process of distributing those funds to agencies and Tribes over the next several fiscal years. This use of the ERIF addresses a range of Federal environmental review and permitting needs, as highlighted below.

➤ **Offshore Wind:** In support of the Biden-Harris Administration's goal of deploying 30 gigawatts of offshore wind energy capacity by 2030, offshore wind projects were 45 percent of FAST-41 covered projects undergoing active review in FY 2023. As an energy sector for which Federal environmental review and permitting processes are still nascent, and infrastructure is located in sensitive environments, offshore wind permitting requires significant agency expertise, tools, and coordination. The Executive Director has provided funding to support Federal environmental reviews and authorizations for FAST-41 covered offshore wind projects at Federal agencies such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Ocean Energy Management (BOEM), and the U.S. Fish and Wildlife Service (USFWS). Funding allocated to these agencies is intended to increase capacity of technical specialties, allowing for more efficient survey and analysis, occurring concurrently across multiple projects. Specific examples of the types of activities using the ERIF funds include comprehensive acoustic modeling and analysis for impacts to wildlife, air quality analysis, and review and identification of the most efficient, low emission equipment. This analysis is intended to be used to enhance the environmental review and authorization process for multiple offshore wind projects and should help agencies meet their permitting timetables.

## EPA's Expanding Role in FAST-41

Due to a recent increase in offshore wind farms applying to be covered under the FAST-41 program, EPA's role in FAST-41 has expanded.

- **In FY 2023**, EPA issued one Outer Continental Shelf (OCS) air quality permit.
- **In FY 2024**, EPA expects to issue final permit decisions for six OCS air quality permits and two Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permits.
- **Additionally, in FY 2023**, EPA also became a facilitating agency for the first FAST-41 carbon capture project, which requires an EPA Safe Drinking Water Act Class VI injection well permit.

- ▶ **Tools and Technology:** The Executive Director has funded various tools and technology, which are intended to assist agencies and project sponsors in efficiently reviewing infrastructure projects. Funding for tools includes resources to improve and expand functionality to the USFWS' Information for Planning and Consultation (IPaC) tool. IPaC is a publicly available Endangered Species Act (ESA) screening and consultation tool that provides information to project proponents to help determine whether a project will have effects on federally listed species or designated critical habitat, as well as other sensitive resources managed by the USFWS. The tool can be used by many entities (Federal agencies, project developers, state agencies) to strengthen and expedite ESA compliance.
- ▶ **Early Planning and Stakeholder Engagement:** Early planning and stakeholder engagement often results in more efficient environmental reviews and decision-making and improvements in community outcomes. President Biden's Executive Order on [Tackling the Climate Crisis at Home and Abroad](#) has laid the foundation for the most ambitious environmental justice agenda ever undertaken by an Administration and puts environmental justice and climate action at the center of the Federal government's work. Early planning and stakeholder engagement helps achieve these goals. Early planning may include identifying sites and project areas sooner in the planning process to better consider, avoid, minimize, or compensate for potentially adverse impacts to our nation's natural and cultural resources. The avoidance of impacts can in turn help to reduce the complexity and timeline for Federal environmental reviews and approvals and minimize impacts to communities. Early stakeholder engagement with Tribes, state and local governments, and the communities affected by a project fosters opportunities to identify environmental, cultural, and historic resource concerns and to develop mitigation strategies as part of project development and improve lives. To foster the use of early planning and engagement strategies, the Executive Director has provided ERIF assistance to Federal agencies to enhance engagement from the Advisory Council on Historic Preservation (ACHP) for Section 106 reviews under the National Historic Preservation Act; to provide Tribal, state, and local government access to geospatial data related to broadband deployment and environmental and historical preservation reviews conducted by the National Telecommunications and Information Administration (NTIA); and to improve spatial planning and mapping for better-informed engagement by NOAA for future offshore wind lease areas. The Permitting Council also encourages agencies to post information about project-related public meetings, public hearings, and public comment periods on the Permitting Dashboard, per the recommendations in the Permitting Action Plan.

As part of the Central Louisiana Regional Carbon Capture Storage Hub—Vernon Parish One CCS Site project, the project sponsor, CapturePoint Solutions LLC, Vernon Parish Schools, and the United Association (UA) of Union Plumbers and Pipefitters signed a Memorandum of Understanding (MOU) to create a pre-apprenticeship program for high school students in Vernon Parish, Louisiana, to learn the skills necessary to build the future of our nation's clean energy infrastructure. The students who successfully complete the program and meet the requirements set by the U.S. Department of Labor and the Louisiana Workforce Commission will earn direct entry into the (UA) registered apprenticeship program. This project is the first of its kind in the nation, and it is a proactive economic and environmental justice initiative associated with a major carbon capture and sequestration project.



▶ **Workforce Capacity:** Stretched resources and staffing needs at Federal agencies can often lead to bottlenecks for environmental review and permitting. Several agencies requested ERIF assistance to bolster staff for various aspects of the environmental review and permitting process for covered projects. The agencies' staffing needs include project managers that coordinate work using project plans with clear timelines and milestones to drive timely and efficient decision-making. To further support timely reviews, agencies also requested more permitting and environmental subject matter experts to handle the surge of permitting necessary to implement IRA and IIJA. The Executive Director has provided ERIF assistance to the U.S. Department of Agriculture (USDA), Environmental Protection Agency (EPA), Department of Commerce (DOC), Department of Homeland Security (DHS), and Department of the Interior (DOI) to fund the hiring of subject matter experts such as biologists, Geographic Information System specialists, and environmental permitting specialists to facilitate more efficient environmental reviews and authorizations for critical renewable energy, carbon capture, broadband, and transmission projects.

NTIA received FY 2023 ERIF funds to hire Environmental Program Officers and Permitting Coordinators to facilitate broadband permitting. ERIF funding for NTIA's National Broadband Availability Map (NBAM) initiatives also enabled NTIA to develop tools to help permitting agencies plan for broadband permitting surges associated with the Internet for All grants, and to develop permitting templates to assist grant recipients in identifying permit requirements. These efforts are ongoing as NTIA prioritizes the development and deployment of technology-based solutions supporting broadband permitting.



▶ **Establishing the ERIF Tribal Assistance Program (TAP):** In December 2022, the Executive Director announced the allocation of an initial \$5 million from the ERIF to be made available directly to Federally recognized Tribes to facilitate participation in the environmental reviews and authorizations for FAST-41 covered projects. Tribal involvement is a key element of the permitting process. However, Tribal involvement can often be limited by severe capacity-related barriers to participation routinely faced by Tribes. Constraints frequently include limited staffing and technical capacity to review large volumes of complex technical project- and impact-related information. Increasing Tribal capacity to participate in the environmental review and authorization process is critical to ensuring infrastructure projects are developed equitably, as well as efficiently and effectively. Eligible Tribes can use ERIF TAP funds to access critically needed resources to help fulfill their permitting review responsibilities, enabling more meaningful and effective participation during the environmental review process. Funds can be used toward technical training, survey equipment, reimbursing cultural experts, staffing, and more. These funds aim to address the unfair burden and capacity issues many Tribes face when engaging in the Federal permitting process. In FY 2023, the Permitting Council worked diligently to consult with Tribes and to develop the parameters for the program, with funding being made available in FY 2024 (see page 32 for additional information).

### **OPM Cross-Agency Project Management Hiring Initiatives**

In FY 2023, the Permitting Council responded to Federal workforce staffing needs by developing and executing a Memorandum of Agreement (MOA) between the Permitting Council Executive Director and the Office of Personnel Management Human Resources Solutions (OPM HRS) for cross-governmental hiring actions. The MOA provides agencies with staff acquisition support to build a pool of highly qualified candidates from which agencies can draw to address staffing shortages for infrastructure permitting.

The Executive Director and OPM, in consultation with the Permitting Council, engaged in a robust process to identify an acute need for Federal project managers with expertise in environmental reviews and authorizations. Although many agencies have subject matter experts or other specialists on staff to engage in the technical and scientific aspects of environmental review and permitting, such staff often have limited experience managing projects efficiently and effectively. Accordingly, OPM issued a cross-government hiring action for GS-12-13 project managers in June 2023 to address this lack of capacity. All agencies represented on the Permitting Council were offered priority access to screened applicants that the agencies could hire as project managers to assist with FAST-41 covered projects. The cross-agency hiring action provided agencies with easier access to experienced project managers, a broader pool of talented applicants, and a faster way to address process bottlenecks than could have been accomplished through individual agency-specific hiring efforts.

The posting received nearly 1000 applicants, from which OPM identified more than 60 highly qualified candidates. Agencies have used this process to hire project managers and expect to reap the benefits of this additional capacity to foster timely and efficient environmental reviews and permitting. Based on this experience, the Permitting Council is exploring additional opportunities for cross-agency hiring initiatives to support efficient talent identification and acquisition.

## Tribal Engagement Initiatives

In FY 2023, the Permitting Council continued to serve as a vanguard for the expansion and enhancement of Tribal involvement in the Federal infrastructure environmental review and authorization process. Meaningful Government-to-Government consultation that incorporates the concerns and meets the needs of Tribes is essential to developing infrastructure. To this end, the Permitting Council endeavored to increase awareness among Tribes about the benefits of FAST-41 coverage and provide new funding opportunities to facilitate Tribal involvement in the environmental review and authorization process for FAST-41 covered projects.

**To support the Permitting Council's efforts, in FY 2023, the Executive Director focused on two objectives:**

- 1 Fostering relationships with Tribes interested in developing infrastructure projects that could be eligible for coverage under FAST-41; and
- 2 Robustly implementing FAST-41 authorities to help Tribes more meaningfully engage in timely and efficient environmental reviews and authorizations for FAST-41 covered projects.

### TRIBAL INITIATIVES IN FY 2023 INCLUDE:

- **Building better relationships with Tribes.** In December 2022, the Executive Director established a new position, the Director of Tribal Affairs. This is a dedicated position to manage the Permitting Council's Tribal engagements, to assist with the development and implementation of a new ERIF Tribal Assistance Program, and to integrate awareness of Tribal priorities into the activities of the Permitting Council.
- **Adding new FAST-41 covered Tribal projects to the portfolio.** Congress made amendments in BIL to make FAST-41 coverage more accessible for infrastructure projects sponsored by Tribes. Consequently, as a result of the efforts of the Executive Director and the new Director of Tribal Affairs, two new projects are now covered by FAST-41 and are on the Permitting Dashboard. In February 2023, the Santa Fe Indian School project received FAST-41 coverage. The proposed project would build a 300+ mile fiber optic network to increase broadband connectivity for Tribal communities in New Mexico. In May 2023, the Alaska FiberOptic Project Segment 1 project received FAST-41 coverage. The proposed project aims to deploy a reliable, affordable, scalable, and future-proofed broadband network in one of the most remote, isolated, high-cost, and difficult to serve areas of the United States. The Alaska FiberOptic Project Segment 1 is one phase of a three-phase project that includes constructing a middle mile fiber optic network (underwater and on land), aiming to support last mile high-speed internet connections to 23 Alaskan Native Villages along the Yukon River.

*At Santa Fe Indian School, we're building a regional education network, connecting our schools and libraries ... We can connect to each other for our language and culture, but we also connect to higher education ... **We can transform Indian education through this project in a way we can't even imagine yet.***

– **Kimball Sekaquaptewa**  
Santa Fe Indian School chief technology officer

- ▶ **Training to improve Government-to-Government consultation on FAST-41 projects.** In partnership with the Udall Foundation's John S. McCain III National Center for Environmental Conflict Resolution (Udall Foundation), the Permitting Council continued offering training to Federal agency staff on collaborating and consulting with Tribes on FAST-41 covered projects. The training included identifying additional best practices for engagement with Tribal Nations and operationalizing those practices in FAST-41 processes.
- ▶ **Continuing enhancements and expansion of the Department of Housing and Urban Development (HUD) Tribal Directory Assistance Tool (TDAT) software.** In FY 2023, the Executive Director continued to use the ERIF to support HUD's efforts to improve the accuracy of the Tribal information in the TDAT database and to allow for easier future updates. This tool provides contact information for Tribal leaders and Tribal Historic Preservation Officers, along with counties where the Tribes have current and ancestral interest. HUD conducted two webinars in November 2022 to give Tribes an overview of the TDAT enhancement project and to solicit comments and feedback on the project. In FY 2023, HUD began testing to incorporate new synchronization and editing tools, as well as a new user interface. The synchronization tool will allow data from the BIA and the National Park Service (NPS) to be automatically updated on a quarterly basis, and the editing tool will allow the TDAT Administrator to make quick changes to the data on TDAT based on input received from Tribes. This new functionality provides regular updates to contact information for Tribal leaders and Tribal Historic Preservation Officers, ensuring that project sponsors and Permitting Council agencies can reach the right points of contact in a timely manner when engaging with Tribes or when Federal agencies begin the formal Tribal consultation process.
- ▶ **Consulting Tribes in establishing the ERIF TAP.** The Executive Director, in establishing the ERIF TAP, recognized that an effective program could not be developed without early and robust Tribal consultation. Therefore, the Executive Director engaged Tribes early in the program development process. In February 2023, the Executive Director hosted three opportunities for formal Tribal consultation to hear directly from Tribes on their preferred mechanism to receive ERIF funding, and the specific resources needed to more meaningfully participate in the environmental review and authorization process for infrastructure projects. The consultation process was designed to seek input and guidance directly from Tribes to better understand, articulate, and address capacity-related

*Reliable, affordable, high-speed internet is a key to connecting our people to the world, preserving and advancing our culture, and offering opportunities for young people in our communities. In combination with other broadband projects in our region, **the Alaska FiberOptic Project will create the foundation for many socio-economic improvements and opportunities in the region now and for decades to come.***

– **Andrew Guy**  
President and CEO of Calista Corporation

barriers that Tribes encounter. The Executive Director established the ERIF TAP based on the feedback from the February 2023 consultations, and in July 2023, the Executive Director hosted another Tribal consultation to get feedback on the proposed program before finalization. The Executive Director remains committed to working with Tribal governments and continues to maintain an ongoing dialogue to help ensure Tribal involvement in the Permitting Council's administration of FAST-41.

- ▶ **Presenting at United South and Eastern Tribes Impact Week.** The Executive Director presented to the United South and Eastern Tribes (USET) Board of Directors and Cultural Heritage Committee at the USET Impact Week 2023 Conference in February 2023. Impact week brings together USET member Tribes and Federal partners to discuss various topics important to all parties relevant to the preservation, protection, and expansion of Tribal cultures. The Executive Director's presentation was focused on an introduction to FAST-41 and the Permitting Council's role in offshore wind permitting. The Executive Director's participation in and presentation at this event demonstrated the Permitting Council's continued commitment to prioritizing Tribal engagement.
- ▶ **Engaging at the National Tribal Telecommunications Association Tribal Broadband Summit.** The National Tribal Telecommunications Association (NTTA) hosted a Tribal Broadband Summit in August 2023 with a focus on helping Tribes identify funding sources; build, maintain, and monetize a network; and plan for the future of broadband. The Permitting Council continues to build a relationship with NTTA organizers and has made two presentations to conference attendees. The purpose of NTTA is to provide a forum for Tribally owned companies and those who work in the telecommunications industry to share knowledge and opportunities, discuss effects of regulation, and address issues affecting Tribal telecommunications companies and customers on Tribal lands. The Executive Director continues to foster strong relationships with potential Tribal project sponsors, and attendance at this and other Tribal events contributes to the Permitting Council's statutory obligation to meet annually with groups or individuals representing state, Tribal, and local governments that are engaged in the infrastructure permitting process.<sup>13</sup>

<sup>13</sup> 42 U.S.C. § 4370m-1(c)(2)(C)

## Nuclear Regulatory Commission—Cultivating Tribal Relationships in the Eielson Air Force Base Micro-Reactor Project

The Nuclear Regulatory Commission and the Department of the Air Force participated in the Tanana Chiefs Conference Annual Meeting in March 2023 to **cultivate Tribal relationships** and discuss the Eielson Air Force Base micro-reactor project. Tribal Nations showed interest in future use of the micro-reactor technology in remote villages, which could replace legacy diesel generators that currently power the village communities.



## Agency User-Oriented Dashboard Enhancements

The Permitting Council staff work closely with the Department of Transportation (DOT), which manages the Permitting Dashboard, to maintain and enhance the system to facilitate improved FAST-41 implementation by agencies and increase transparency with which Dashboard information is presented to the public. Through regular coordination meetings, including engagement with Dashboard administrators at each agency, the Permitting Council staff and DOT identify priorities and plan system development work. Permitting Council staff also monitor and test Permitting Dashboard features to ensure the system is functioning as expected. Throughout FY 2023, and in cooperation with DOT, the Permitting Council staff made a number of enhancements to Permitting Dashboard functionality that improved useability for Federal agency staff. For example, the Permitting Council staff created a calendar tool that highlights completion dates on a permitting timetable that are approaching the 30-day lockout period for date modifications, helping agencies to take timely action to either meet or modify those completion dates. The Permitting Council staff also implemented improvements that provide clearer information to agencies on upcoming deadlines for nonconformance reporting requirements.

## Executive Director Permitting Process Initiatives

In FY 2023, the Executive Director introduced initiatives to address recurring issues or to advance Federal permitting excellence.

➤ **Template MOU to facilitate state participation in the environmental review and authorization process for FAST-41 covered projects.** Federal approvals are often only part of the complete list of reviews. Permits and authorizations with state and local approvals are also frequently required. Recognizing the opportunity to extend the transparency and accountability benefits of FAST-41 to state approvals, the Executive Director developed an MOU in FY 2023 outlining FAST-41's state "opt-in" provision.<sup>14</sup> This allows a state in which a FAST-41 covered project is located to elect to participate with Federal agencies in the FAST-41 process for the project. Specifically, a state may elect to subject those state agencies that are responsible for undertaking environmental reviews and authorizations for a covered project to the FAST-41 permitting timetable posting, reporting, modification, and nonconformance requirements in the same manner as Federal agencies. Work to enable more active participation by state governments in the FAST-41 process will expand the transparency of the permitting process and extend accountability and best practices to necessary permitting actions that the Permitting Council has not historically tracked. The Permitting Council intends to make the template MOU available to states in FY 2024.

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<sup>14</sup> 42 U.S.C. § 4370m-2(c)(3)(A),

## MOU between Department of Homeland Security/U.S. Coast Guard and the U.S. Army Corps of Engineers

In January of 2023, the two agencies signed a new [MOU](#) that better aligns coordination of bridge and causeway projects with ongoing Federal government initiatives to **improve the permitting and environmental review processes for infrastructure**.

### ▶ Opportunities to Improve Outer Continental Shelf (OCS) Air Permitting.

Project sponsors must obtain Clean Air Act permits for wind development projects on the OCS. Obtaining an EPA OCS air permit in a timely manner has proven to be a challenge for offshore wind energy development along the Atlantic Coast. In many instances, the permit is the last decision issued in the Federal permitting process; therefore, delays in obtaining an OCS air permit can lead to delays in construction start dates. Some delays in the OCS air permits occur because earlier milestones are delayed; others may occur due to incomplete data or modeling issues. Based on concerns raised by FAST-41 project sponsors, the Permitting Council staff used data analytics from projects on the Permitting Dashboard to identify this issue in FY 2023 and proposed opportunities to improve application quality and timely reviews for this new industry. The Executive Director will continue to work with BOEM and EPA to improve the OCS Air Permit process in FY 2024, as described in the “Looking Ahead—FY 2024” section below.

- ▶ **Executive Director memorandum on requesting authorization to modify completion dates.** In FY 2023, the Permitting Council Executive Director developed a [memorandum](#) to assist Permitting Council agencies when those agencies request Executive Director authorization to modify completion dates in a FAST-41 permitting timetable.<sup>15</sup> This memo addresses how the Executive Director will approach extension requests, identifies strategies agencies can use to minimize the need for extensions in their permitting timetables, and seeks to improve coordination between the Executive Director and the Permitting Council agencies.

### FAST-41 Performance Schedules

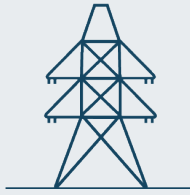
Pursuant to 42 U.S.C. § 4730m-1(c)(1)(C), the Executive Director must consult with members of the Permitting Council to develop FAST-41 performance schedules (FPS) (previously referred to as Recommended Performance Schedules) for each sector and category of FAST-41 covered projects.

The FPS are designed to represent a baseline for FAST-41 covered projects in the applicable sector or subsector. The FPS provide agencies with a nominal benchmark that can be used to develop timely and realistic project-specific permitting timetables that will vary based on relevant factors, as provided in FAST-41. FPS are not intended to be all-inclusive of the site-specific factors that may result in more complicated environmental reviews. Rather, they are intended to be used as a starting point for agencies’ use in developing project permitting timetables. The Executive Director expects that those project permitting timetables will vary as necessary based on project-specific factors in order to provide accurate estimates of milestone completion timelines.

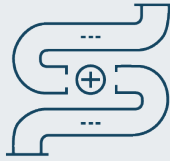
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<sup>15</sup> Pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), an Executive Director authorization is required for extensions of final milestones by more than 30 days.

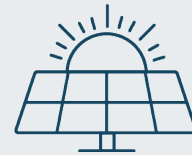
**In FY 2023, the Permitting Council staff developed schedules for the following six sectors, which were issued by the Executive Director in November 2023:**



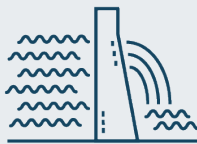
Electricity  
Transmission



Interstate Natural  
Gas Pipelines



Solar



Non-Federal Hydropower—  
Licenses



Wind—Other than  
Federal Offshore



Nuclear Power Plant—Combined  
(Construction and Operating) License

Permitting Council staff initiated development of the FPS issued in 2023 by identifying the common environmental reviews and authorizations for each sector and subsector, which are referred to as “actions” for this purpose. Permitting Council staff then used Permitting Dashboard data from completed FAST-41 covered projects to establish nominal durations for each action and the intermediate steps within a particular action. Permitting Council staff supplemented the Permitting Dashboard data with time periods contained in various agencies’ policy, guidance, or regulations, which they used to inform the duration of interim and final completion dates for actions within each sector-specific FPS. Permitting Council staff also took into account that there are dependencies between some actions. A dependency means the timing of one action depends upon a different action. For example, some actions must occur in a particular sequence while other actions should occur simultaneously.

Another critical component of developing each sector-specific FPS was direct engagement with the agencies. Agency staff were consulted for review and feedback on the FPS to help identify the appropriate completion dates, nominal durations, and dependencies. Agency staff’s explanation of internal agency processes, regulations, and policies provided clarity and context to the data from projects on the Permitting Dashboard, and helped to identify key factors driving project timelines. The Permitting Council staff will continue to collaborate with FAST-41 member agencies to synthesize historical project data, as well as agency regulations, policies, and processes to capture projected permitting authorization timelines by sector and subsector, with a goal of issuing additional sector-specific schedules in FY 2024.

## Permitting Council Best Practices

The Permitting Council is required to issue annual recommendations on best practices for improving the Federal permitting process for FAST-41 covered projects.<sup>16</sup> In FY 2023 the Permitting Council [reissued all best practices issued from FY 2018 to FY 2022](#) as a “look back” to provide a basis on which to move toward more impactful, evidence-based, and actionable best practices that improve the Federal permitting process for covered projects. This consolidated list of best practices was intended to be used as a resource to inform agencies’ reporting to OMB and Congress. This approach provided an opportunity for agencies to revisit established best practices, identify redundancies, and reflect on which have been the most successful in improving the Federal permitting process for covered projects.

## Permitting Action Plan Engagement

The Biden-Harris Administration’s [Permitting Action Plan](#) (and subsequent implementation guidance) to strengthen and accelerate Federal permitting and environmental reviews, released in May 2022 and March 2023, respectively, continue to guide efforts toward ensuring that infrastructure projects are delivered on time, on task, and on budget without unnecessary delays. This is especially important as Congress has made historic investments to expand high-speed internet, increase clean transportation options, and produce more clean energy with offshore wind, onshore renewable energy, and critical minerals. The Permitting Council continues to play a key role in ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent, and are guided by the best practices to promote positive environmental and community outcomes.

The Permitting Council remains focused on maximizing cross-agency engagement. Emphasizing robust participation in regular meetings and focused workshops by agency Chief Environmental Review and Permitting Officers (CERPOs) and their support staff, the Permitting Council is improving Federal agency coordination and communication on infrastructure permitting. The Permitting Council further seeks to enhance engagement of Federal agencies with state agencies, local communities, Tribal governments, and project sponsors. Improved communication, along with establishing clear timeline goals and tracking key project information, provided opportunity in FY 2023 for all interested parties to discuss project proposals, potential environmental impacts, and ways to avoid or minimize any identified impacts. Throughout the year, the Executive Director worked closely with staff from Federal permitting agencies to identify best practices that can be used to provide consistency across related Federal environmental review and authorization processes and within covered sectors to reduce process uncertainties, miscommunications, and avoidable delays.

## Internal Capacity Building

FY 2023 saw a change in leadership at the Permitting Council. The President appointed a new Executive Director in July 2023 after the former Executive Director moved to another role in the Administration. During that transition, Permitting Council staff continued to provide support across all sectors to project sponsors and permitting agencies to address challenges, manage permitting timetables, and convene necessary parties to make timely permitting decisions, while working swiftly to onboard the new Executive Director to facilitate a seamless transition without interruption to FAST-41 implementation. Additionally, the Biden-Harris Administration appointed a Chief of Staff in September 2023, underscoring its commitment to deliver permitting excellence by bolstering the team that the Executive Director has in place to implement FAST-41.

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<sup>16</sup> 42 U.S.C. § 4370m-1(c)(2)(B).

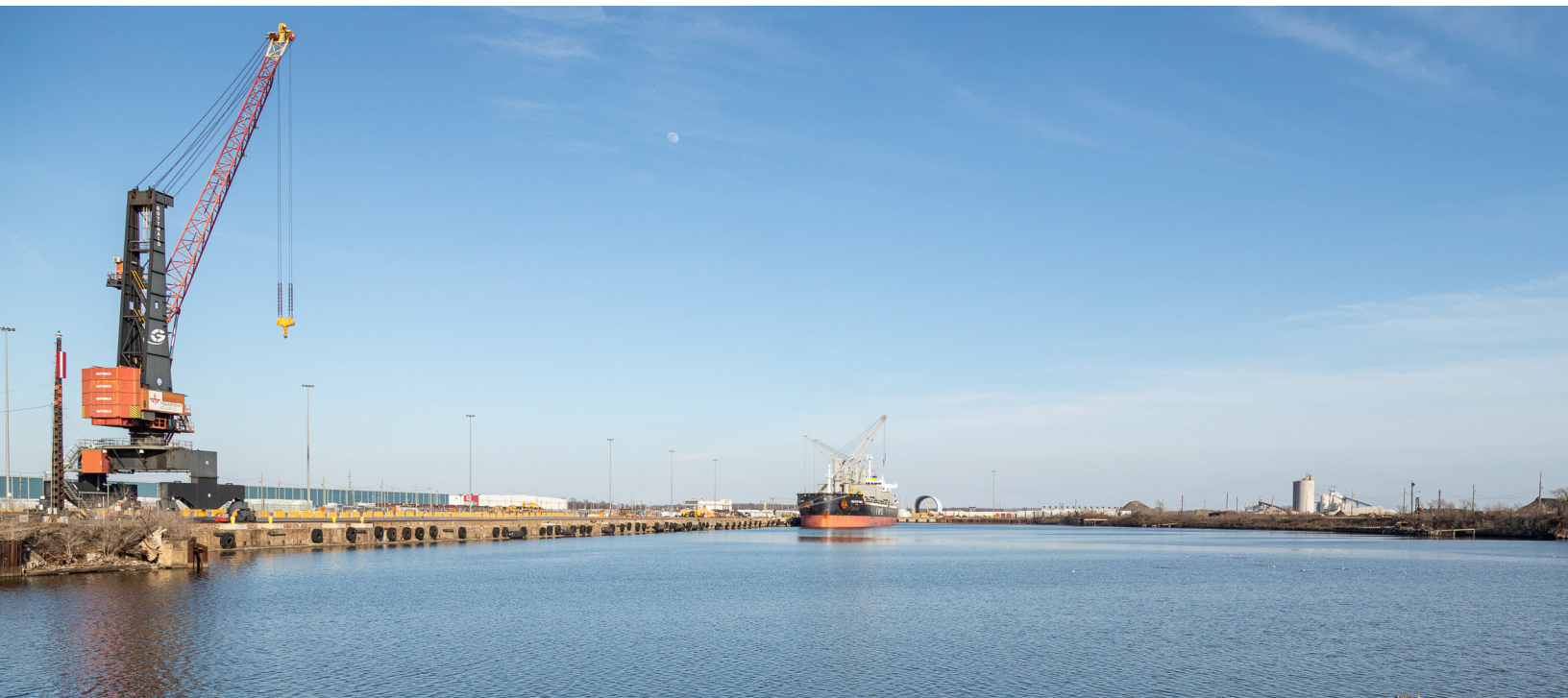
As more projects obtain FAST-41 coverage and the Permitting Council continues to develop programs, disburse IRA funding, and solidify its role as a center for permitting excellence, the Executive Director continues to grow the Permitting Council's modest staff resources. The Executive Director has begun to build the future state of the organization and will make additional key hires in FY 2024 to continue to meet the Permitting Council's mission.

## Agency Performance Trends

FY 2023 has seen marked improvement in the implementation of FAST-41 by the agencies. One hundred percent of projects with CPP deadlines in FY 2023 met the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard. Agencies met their FAST-41 requirements to review and update their CPPs 98 percent of the time. The CPP is central to the management of the environmental review and authorization process for a FAST-41 covered project. The permitting timetable, which is posted and managed publicly on the Permitting Dashboard according to the requirements of FAST-41, provides transparency, predictability, and a comprehensive view of all the steps that are necessary for completion of the Federal environmental review and authorization process. Agencies showed improvement in modifying completion dates on time and in posting required project information over the course of FY 2023.

FAST-41 provides flexibility for agencies to set timelines and update anticipated completion dates on the project permitting timetable as needed, as long as updates are made according to the consultation and disclosure requirements established in the FAST-41 statute.

Compliance with these FAST-41 requirements is tracked on a quarterly basis for all FAST-41 covered projects. This section summarizes trends based on [Quarterly Agency Performance Reports](#) from FY 2023.





# 100% compliance

by **Permitting Council agencies** in meeting the FAST-41 requirements to post CPPs within 60 days of the project being added to the Permitting Dashboard **AND** inviting all agencies to become cooperating/participating agencies within the first 21 days in FY 2023.

## Coordinated Project Plan Requirements

The FAST-41 process begins when a project sponsor submits a notice of the initiation of a FAST-41 covered project (a.k.a., FAST-41 Initiation Notice [FIN]) to the Executive Director and the appropriate facilitating or lead agency. The Executive Director must make a project entry on the Permitting Dashboard within 14 days of receiving a FIN unless the facilitating or lead agency, or the Executive Director, determines that the project is not a covered project.

Within 21 days after the Executive Director makes a project entry on the Permitting Dashboard, the facilitating or lead agency must invite all Federal agencies likely to have responsibilities with respect to the proposed project to become a participating or cooperating agency for purposes of FAST-41.

The facilitating or lead agency must establish a CPP “not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Permitting Dashboard.”<sup>17</sup> The CPP must include a list of all entities with an environmental review or authorization responsibility for a project; their respective roles and responsibilities; a discussion of potential avoidance, minimization, and mitigation strategies; plans and a schedule for public and Tribal outreach and coordination; and the project permitting timetable. The Executive Director posts the permitting timetable on the Permitting Dashboard.

A total of 11 FAST-41 covered projects had deadlines to establish a CPP in FY 2023 (see Figure 4 below). For 100 percent of these projects, agencies met the 21-day invitation requirement and met the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard, which is an improvement over FY 2022.

### Number of CPPs Established by Quarter in FY 2023

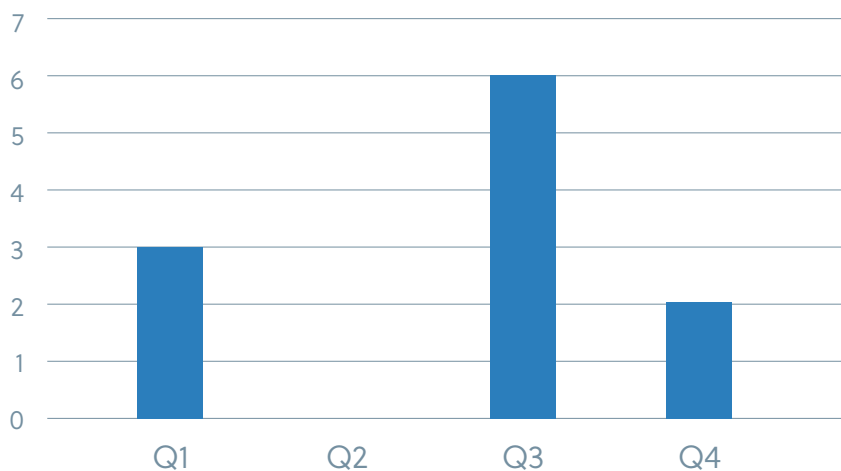


Figure 4: Number of CPPs established by fiscal quarter

<sup>17</sup> 42 U.S.C. § 4370m-2(c)(1)(A).

FAST-41 requires the facilitating or lead agency to review and update the CPP at least once per quarter. This review ensures that the permitting timetable and all other statutorily required aspects of the CPP remain current and accurate. Agencies meet this statutory requirement by certifying, on the Permitting Dashboard, that they have reviewed and updated their CPPs timely.

The Permitting Council uses the certification of this FAST-41 requirement as a key indicator that agencies are actively managing their permitting timetables and updating project CPPs, as needed. In FY 2023, agencies met their FAST-41 requirements to review and update their CPPs 98 percent of the time, e.g., in 106 out of 108 instances (see Figure 5 below).

### Agency Compliance with CPP Review and Update Requirements in FY 2023

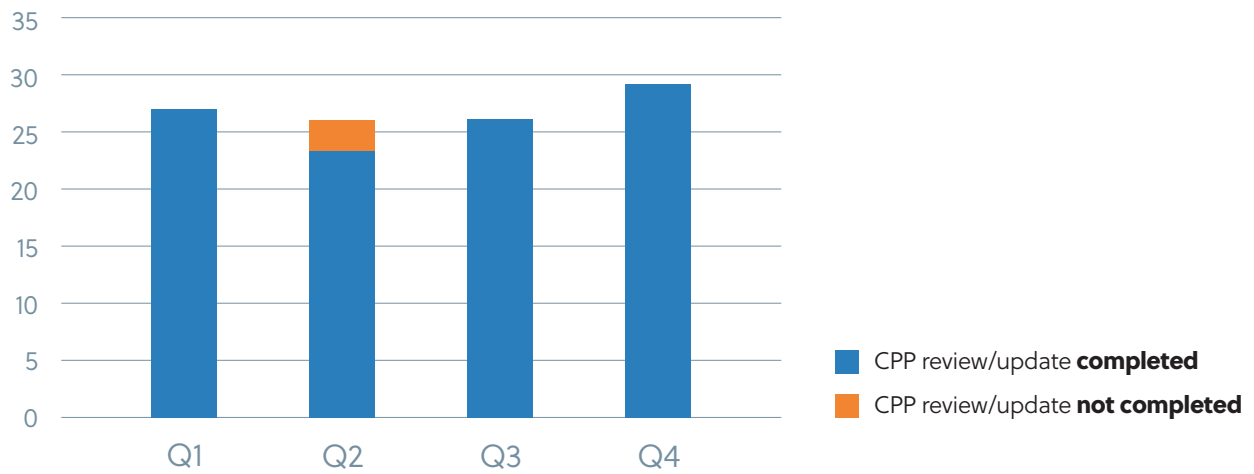


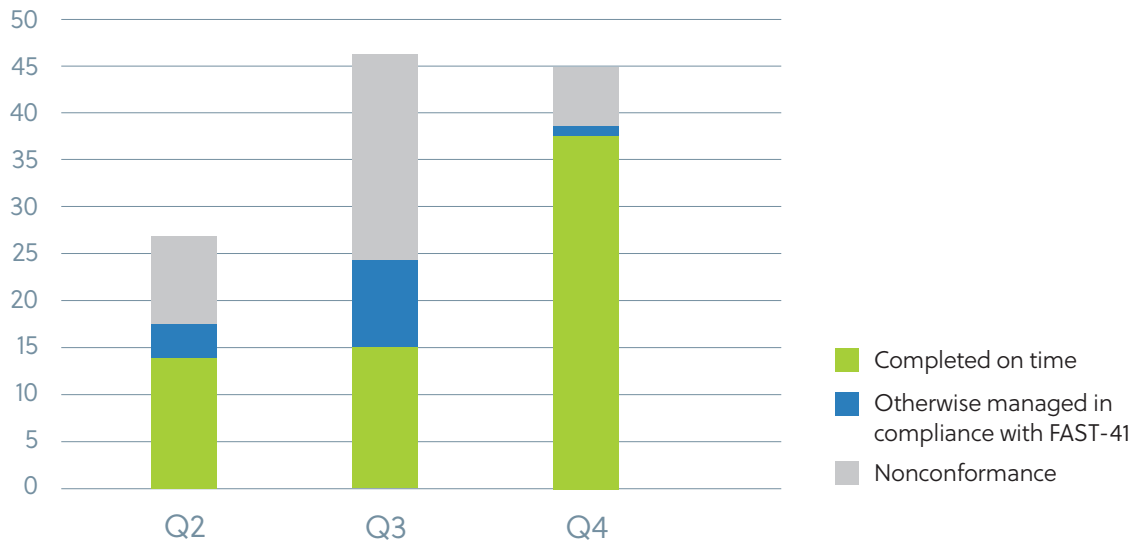
Figure 5: Agency compliance with CPP review and update requirements, by fiscal quarter.

### Permitting Timetables

Once a permitting timetable has been established as part of the CPP for a project, FAST-41 allows the lead or facilitating agency to modify completion dates set forth in the permitting timetable if certain statutory prerequisites are met. Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable posted on the Permitting Dashboard, unless such completion dates are modified in accordance with FAST-41 requirements.

Figure 6 depicts, by quarter, the status of completion dates. The green bars indicate completion dates that agencies met. The blue bars indicate where completion dates were managed (e.g., moved or canceled) in accordance with FAST-41 requirements. The orange bars indicate instances in which agencies did not conform to the established timetable—that is, when agencies did not meet the completion dates set forth in the permitting timetable. Permitting Council staff are working to continually improve data collection and analysis, and began collecting information on expected completion dates beginning in Q2. This graph shows a trend of improvement in outcomes for expected completion dates between Q2 and Q4. By the end of FY 2023, most expected completion dates were met. To this end, as mentioned above, the Executive Director developed a memorandum for Permitting Council agencies to aid those agencies when requesting Executive Director authorization to modify completion dates in a FAST-41 permitting timetable during FY 2023 (see more information in the “Looking Ahead—Plans for FY 2024” section below). This ensures that if agencies cannot meet their expected completion dates, the Executive Director is providing clear and concise guidance on how to still meet the FAST-41 requirements.

### Outcomes for Expected Completion Dates in FY 2023



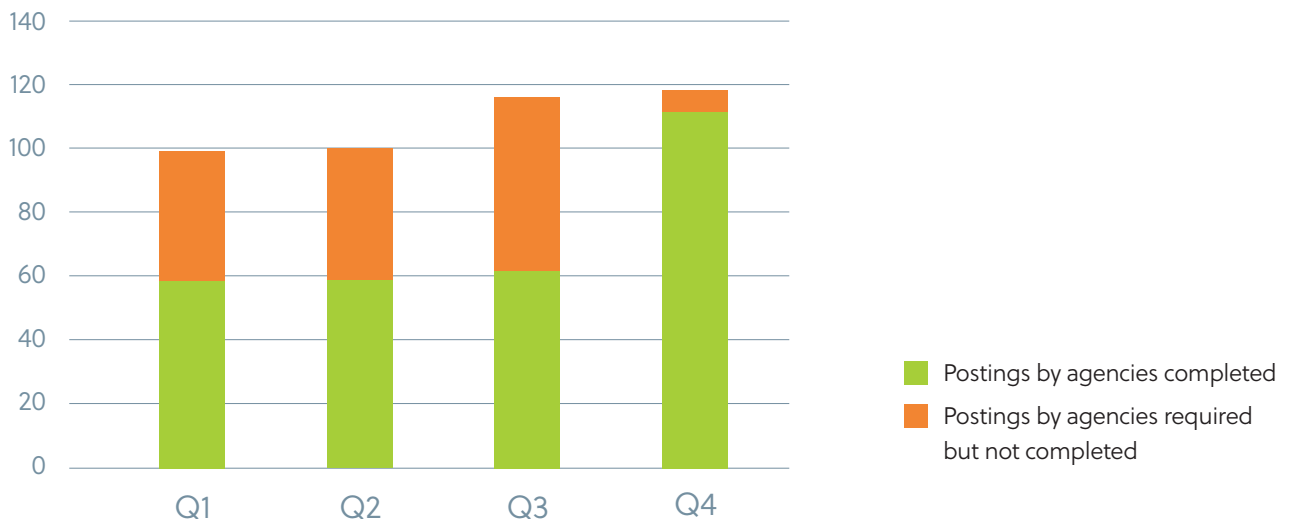
**Figure 6:** Outcomes for expected completion dates, by fiscal quarter. **Note:** This data was not collected for Q1.

### Agency Posting of Required Information

For each covered project added to the Permitting Dashboard, FAST-41 requires the facilitating or lead agency, and each cooperating and participating agency, to post a hyperlink to the Permitting Dashboard that directs the public to a website containing certain project information. Agencies additionally must post directly to the Permitting Dashboard information about project-related public meetings, public hearings, and public comment periods, as that information becomes available. Agencies must make the information described above available no later than 5 business days after the date on which the Federal agency receives the information.

Agencies made marked improvement in posting required project information over the course of FY 2023, as Figure 7 below demonstrates, and by Q4, 92 percent of required postings had been completed by agencies. Using the Permitting Dashboard to post up-to-date project information and opportunities for public engagement in Federal decision-making is a critical means by which the FAST-41 process ensures transparency and enhances environmental and community outcomes.

### Postings by Agencies in FY 2023



**Figure 7:** Agency compliance with postings by agencies' requirements, by fiscal quarter.

# Looking Ahead—Plans for FY 2024

The Permitting Council is excited for FY 2024 as it looks to bolster its role as a resource for strategic assistance for the Federal permitting community. The Permitting Council is a service-oriented, customer-focused organization and is positioned to identify programmatic challenges and develop enduring solutions that support timely decisions by agencies. In this way, the Permitting Council will continue to provide more predictable outcomes for project sponsors.

## ERIF Assistance Program

The [ERIF TAP launched on October 1, 2023](#). The Permitting Council looks forward to reviewing applications from Tribes and reporting on funds disbursed in FY 2024.

The Executive Director intends to use ERIF funds to invest in training as a service in FY 2024. This effort will provide training opportunities to agencies represented by members on the Permitting Council using ERIF funds to build permitting capacity across the Federal government.

In October 2023, the Executive Director announced up to \$25 million in additional Federal funding toward IT investments from the ERIF. This funding will be made available to support innovative solutions to leverage the role of the Permitting Council as a Federal center for permitting excellence and advance permitting efficiency, transparency, and predictability. The Executive Director expects this funding will support IT solutions for Federal permitting processes that are goal- and user-oriented, interoperable, and scalable, and that will benefit the permitting community. During FY 2024, the Executive Director plans to collect and review requests for funding support and make meaningful investments in quality solutions.

Recognizing that many agencies are seeking to hire additional staff using the ERIF funding for Federal agencies that was committed in FY 2023, the Permitting Council is seeking to facilitate agency access to qualified human resources. Using the MOA that was executed in FY 2023 between the Executive Director and OPM HRS, the Permitting Council is planning to issue a cross-agency hiring action for environmental protection specialists to give agencies ease of access to additional resources to advance the environmental review and authorization process for FAST-41 covered projects.

## Tribal Engagement

The Permitting Council will continue to make Tribal consultation and strengthening Government-to-Government relationships a priority. The Permitting Council will shepherd the two new FAST-41 covered Tribal projects through the environmental review and authorization process, provide funding through the ERIF TAP, and continue engaging with Tribes through consultations as needed and through dedicated events.

## Executive Director Initiatives

The Executive Director continues to develop and advance the solutions to issues and challenges in Federal environmental review and permitting. By the end of FY 2024, the Executive Director, in consultation with the Permitting Council, anticipates making the state opt-in MOU available to states to participate in the FAST-41 process. The Permitting Council intends to hold working sessions with EPA and other agencies to evaluate opportunities to reduce the amount of time it takes to obtain an OCS air permit. The Permitting Council is working to ensure that projects that go into nonconformance are updated appropriately. The Permitting Council Executive Director has instituted regular agenda items at Permitting Council and CERPO meetings to cover projects in nonconformance to maintain appropriate attention on progress toward completion.

## Permitting Council Capacity Building

The Permitting Council has already welcomed new critical staff in FY 2024, including the appointment of a Director of Legislative and Intergovernmental Affairs and a Director of Public Engagement. These roles will expand awareness of the value of the Permitting Council for covered projects and as a center for permitting excellence. Additional planned hires throughout FY 2024 will continue to thoughtfully grow the capacity of the Permitting Council staff to support robust and meaningful implementation of FAST-41.

## Communications and Outreach

During FY 2024, the Permitting Council will continue its strategic approach for raising awareness of the value and benefits of using the FAST-41 process for Federal environmental reviews and authorizations. Notably, the Permitting Council agency intends to deploy its own website providing a dedicated online resource for all stakeholders to improve FAST-41 implementation and foster Federal permitting excellence. The website will provide information about FAST-41, as well as resources and information that promote permitting best practices and tools for timely and efficient permitting decisions. This is a key component for advancing the Permitting Council agency's goals by enabling target audiences to learn about and engage directly with the Permitting Council.

The Executive Director is also working to reinforce the Permitting Council's role as a convener to bring diverse perspectives together to garner insights on FAST-41 and permitting processes. Through this engagement, the Permitting Council can better understand policy and practitioner pain points to help shape services and solutions. The Permitting Council is committed to using the resources of the agency effectively to advance timely and effective environmental reviews and authorizations. Continual, proactive engagement within the permitting community will advance timely and effective environmental reviews and authorizations.

## Coast Guard—Navigational Safety for the Offshore Wind Industry

The Coast Guard is finalizing a Notice of Proposed Rulemaking to be published in the Federal Register in early January 2024 that will **establish shipping safety fairways along the entire Atlantic Coast**. This signifies a huge milestone in support of the offshore wind industry in that it secures the safety of navigation for all vessels, including those that will be employed to develop this burgeoning industry.



## Permitting Council Best Practices

The Permitting Council is required to issue annual recommendations on best practices for improving the Federal permitting process for FAST-41 covered projects. For FY 2024, the Permitting Council is issuing best practices under a subset of the 10 categories identified in the statute. Issuing best practices under only selected categories will allow affected agencies to focus their efforts and to collect meaningful implementation data and information. The best practices for FY 2024 are intended to be actionable and measurable, and the Permitting Council will assess impacts of best practices across the Federal agencies. The goal of this reporting is to move toward consistent use of transformative, evidence-based best practices that improve delivery of timely, high-quality environmental reviews and authorizations.

In its review of Agency Permitting Action Plans, the Permitting Council—in coordination with CEQ and OMB—identified three key elements for agencies to implement as best practices: (1) tracking and reporting on the outcomes of their reviews and authorizations; (2) tracking and monitoring internal workloads by developing and evaluating performance metrics; and (3) establishing and implementing issue elevation procedures. By identifying these Permitting Action Plan elements as FAST-41 best practices, the Permitting Council seeks to encourage baseline practices and activities across agencies to continually improve the Federal environmental review and authorization process.

## Interagency IT and Performance Measurement Collaborations

In October 2023, CEQ, OMB, and the Permitting Council convened agency officials and professionals from the environmental and information technology sectors for an Environmental Permitting Technology and Data Summit. The purpose of the Summit was to share knowledge and build a community of practice around improving the efficiency and effectiveness of environmental reviews and permits through use of technology and data. The Summit featured participation from universities, private industry, and many Federal agencies, including presentations by the Executive Director and Permitting Council staff. The Summit highlighted agency issues around streamlining workflows and demonstrated technology solutions that successfully meet user needs. The Summit supported implementation of the Biden-Harris Administration's Permitting Action Plan direction to "make full use of available technology, data, and tools to efficiently and holistically assess environmental and community effects, including information on climate change effects and identify ways to make enhanced use of new technology to collect, analyze, share, and publicly communicate relevant information."

Additionally, the Permitting Council, OMB, CEQ, and the Performance Improvement Council hosted an interagency Performance Measurement for Permitting Agencies Workshop in November 2023. This interactive workshop included a presentation on performance measurement followed by a collaborative working-session for Agency Performance and Permitting teams to discuss how to develop, or refine, meaningful performance indicators to measure progress in strengthening and accelerating the Federal environmental review and permitting process for infrastructure projects.

NTIA identified early in the development of the Coordinated Project Plan (CPP) that Tribal consultation is integral to the success of the Santa Fe Indian School project and implemented a joint consultation plan to maximize efficiency. With the agreement of the Pueblos of Acoma, Zuni, and Isleta, NTIA and the 12 cooperating agencies conducted joint consultation meetings with each Pueblo in June and November of 2023. The CPP identifies consultation as an iterative process and additional consultation meetings will occur every three to six months throughout project construction. All three Pueblos have expressed appreciation for the agencies' coordinated efforts to respectfully engage, seek Tribal input, and listen to Tribal concerns.

