



# Quarterly Agency Performance Report

**Permitting Council—Office of the Executive Director  
Fiscal Q1 2024 (October–December)**

March 29, 2024



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# Acknowledgments

The Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) submits this quarterly report to Congress pursuant to 42 U.S.C. § 4370m-7(a)(2).

The Permitting Council is a unique Federal agency 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



Advisory Council on Historic Preservation



Department of Agriculture



Department of the Army



Department of Commerce



Department of Defense



Department of Energy



Council on Environmental Quality



Department of Homeland Security



Department of Housing and Urban Development



Department of the Interior



Office of Management and Budget



Department of Transportation



Federal Energy Regulatory Commission



Nuclear Regulatory Commission



Environmental Protection Agency



# Message from the Executive Director

I am pleased to present this report on Federal agency performance to Congress. This report assesses agency implementation of Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and reflects the Permitting Council's ongoing efforts to integrate project management and permitting best practices into Federal agency permitting workflows.

Through ongoing collaboration and coordination with Permitting Council members, my staff have worked to improve the Federal environmental review and permitting process and to facilitate the work of their agency counterparts, the Chief Environmental Review and Permitting Officers (CERPOs). I see future opportunities to build on our successes and develop programmatic approaches and other tools to support efficient environmental reviews and approvals across government. It is my hope that the process improvements we identify for FAST-41 projects will not only benefit covered projects, which, at the request of project sponsors, are subject to the requirements of FAST-41 and tracked on the Permitting Dashboard, but also will have benefits for all infrastructure projects that require Federal environmental reviews and authorizations. This reflects the role of the Permitting Council as a federal center for permitting excellence and embraces our unique role with visibility into the needs and demands of both project sponsors and our federal agencies.

I look forward to continuing our momentum in this space and pursuing continuous improvement in the review and permitting of our nation's most critical infrastructure projects.

Eric B. Beightel  
Executive Director  
Federal Permitting Improvement Steering Council



# Quarterly Agency Performance Report

## Fiscal Q1 October-December 2023

### 1. Summary of Federal Agency Performance

FAST-41 requirements and agency compliance with those requirements are described in detail in section 4 of this report. The following summarizes Federal agency performance for this quarter:

- Agencies met the requirements for establishing coordinated project plans, including interagency consultation requirements for three applicable FAST-41 covered projects.
- Across the 29 FAST-41 covered projects undergoing active Federal review, agencies are tracking 1,035 Federal agency intermediate and final completion dates<sup>1</sup> on the Federal Permitting Dashboard (Dashboard).<sup>2</sup>
- Agencies satisfied the requirements for reviewing and updating coordinated project plans (CPP) for all applicable projects on the Dashboard.
- There were 27 Federal agency completion dates across 14 projects that were scheduled to be met during the reporting period.
  - Agencies met 15 of those 27 Federal agency completion dates.
  - Agencies modified 7 of the 27 Federal agency completion dates in accordance with the FAST-41 process.
  - Agencies did not meet or modify 5 of the 27 Federal agency completion dates. In these 5 instances, agencies provided initial explanations for missed completion dates and monthly status reports, as required by FAST-41, 100 percent of the time.

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<sup>1</sup> The Federal Permitting Dashboard refers to these intermediate and final completion dates as "milestones."

<sup>2</sup> The Permitting Dashboard is currently hosted and maintained by the Department of Transportation (DOT) and is used as a transparency and compliance tool for many types of infrastructure projects in which the Federal government is involved. A small percentage of the projects on the Permitting Dashboard are FAST-41 covered projects. The Permitting Dashboard is accessible at <https://www.permits.performance.gov/projects>.



- Agencies modified 83 completion dates across 16 projects.<sup>3</sup>
- Environmental review and authorization for two FAST-41 covered projects were completed this quarter while one project review was canceled.

To foster robust implementation and adoption of FAST-41, the Permitting Council staff will continue to offer opportunities to Federal agencies for training to improve Dashboard and permitting timetable management, educate agencies on FAST-41 requirements, and identify and implement Federal Permitting Dashboard enhancements that will support transparent permitting timetable management and improve permitting timetable data quality. Additionally, the Executive Director is working with Federal agencies to identify resource constraints that contribute to performance challenges and has utilized the Environmental Review Improvement Fund<sup>4</sup> to transfer funds to Federal agencies to facilitate timely and efficient completion of environmental reviews and authorizations for FAST-41 projects.



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<sup>3</sup> The 83 modified completion dates include 7 completion dates that otherwise would have occurred during this reporting quarter, as referenced in the above bullet, and the remainder were scheduled for further in the future.

<sup>4</sup> 42 U.S.C. § 4370m-8(d)(3).

## 2. Background

FAST-41 requires the Permitting Council Executive Director to submit a Quarterly Agency Performance Report to Congress, which is:

*a quarterly report evaluating agency compliance with the provisions of [FAST-41], which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under [42 U.S.C. § 4370m-2(c)].<sup>5</sup>*

Accordingly, this Quarterly Agency Performance Report, which covers the first quarter of fiscal year 2024 (fiscal Q1 2024), evaluates agency implementation of FAST-41 requirements. The report also discusses technical assistance that the Executive Director provides to agencies to support that implementation.

Lead agencies for FAST-41 covered projects must complete a coordinated project plan (CPP) within 60 days of adding a FAST-41 covered project to the Permitting Dashboard. Among other things, a CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project. The project permitting timetable, which is posted and managed on the Federal Permitting Dashboard, is a key component of a CPP and includes intermediate and final completion dates for agency actions on environmental reviews or authorizations that are required for the project. The requirements for a CPP and a permitting timetable are discussed in greater detail below.

To assist agencies in FAST-41 implementation, the Permitting Council has issued the FAST-41 [Data Management Guide](#) (DMG). The DMG provides a standard operating procedure for implementing FAST-41 requirements, including requirements related to establishing, maintaining, modifying, and completing permitting timetables and maintaining certain CPP information on the Permitting Dashboard. The Permitting Council finalized the most recent update to the DMG, incorporating the IJA amendments to FAST-41, in March 2022. Those updates became effective on July 1, 2022. Consistent and widespread use of the DMG is essential to facilitating the Executive Director's evaluation of agency implementation of FAST-41.

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<sup>5</sup> *Id.* § 70801(f), 135 Stat. at 1293, codified at 42 U.S.C. § 4370m-7(a)(2).





This report provides an overview of:

- The FAST-41 covered project portfolio;
- Agency implementation of the FAST-41 initiation process, including the requirements for CPPs;
- Agency completion of required CPP quarterly updates;
- Agency management of permitting timetables; and
- Agency postings of required information to the Dashboard.





### 3. FAST-41 Covered Project Portfolio

In fiscal Q1 2024, the FAST-41 covered project portfolio contained 29 projects undergoing active Federal environmental review and authorization<sup>6</sup> and two “paused” projects. Projects undergoing active review are organized by sector in Figure 1.<sup>7</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>OSW16</b>	<b>SLR1</b>	<b>ORE1</b>	<b>ORE2</b>	<b>ORE3</b>
Vineyard Northeast	Bonanza Solar Project	Stagecoach Wind	Seminole Pumped Storage Project	White Pine Pumped Storage
<b>ELT1</b>	<b>ELT2</b>	<b>CCUS1</b>	<b>PWW1</b>	<b>PWW2</b>
Boardman to Hemingway Transmission Line	Cardinal-Hickory Creek 345 kV Transmission Line Project	Central Louisiana Regional Carbon Storage Hub - Vernon Parish One CCS Site	Port of Corpus Christi Authority Channel Deepening Project	Sparrows Point Container Terminal
<b>WTR2</b>	<b>BRD1</b>	<b>BRD2</b>	<b>MNG1</b>	
Mid-Breton Sediment Diversion	Santa Fe Indian School Broadband	Alaska FiberOptic Project Segment 1	South32 Hermosa Critical Minerals Project	

**Note:** Atlantic Shores South was formerly known as Atlantic Shores Project 1. SouthCoast Wind was formerly known as Mayflower Wind Energy Project.










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

Figure 1: Covered projects undergoing active Federal review in fiscal Q1 2024.

<sup>6</sup> Projects undergoing active review are projects that were, at any time in fiscal Q1 2024, not canceled, completed, or paused. The set of projects undergoing active Federal review was derived from analysis of the Dashboard’s non-public revision history dataset.

<sup>7</sup> The Renewable Energy Production sector as identified in 42 U.S.C. § 3270m(6)(A) is depicted here as three sub-sectors: offshore wind, solar, and other renewable energy.

The Department of the Interior (DOI) is the lead agency for nineteen projects; the Department of the Army, United States Army Corps of Engineers (USACE) is facilitating or lead agency for three projects; the United States Department of Agriculture (USDA), Department of Commerce (DOC) and Federal Energy Regulatory Commission (FERC) are each lead agency for two projects; and the Environmental Protection Agency (EPA) is the facilitating agency for one.<sup>8</sup>

Figure 2 shows the location of FAST-41 covered projects undergoing active Federal review in fiscal Q1 2024. The project labels correspond to those in Figure 1.

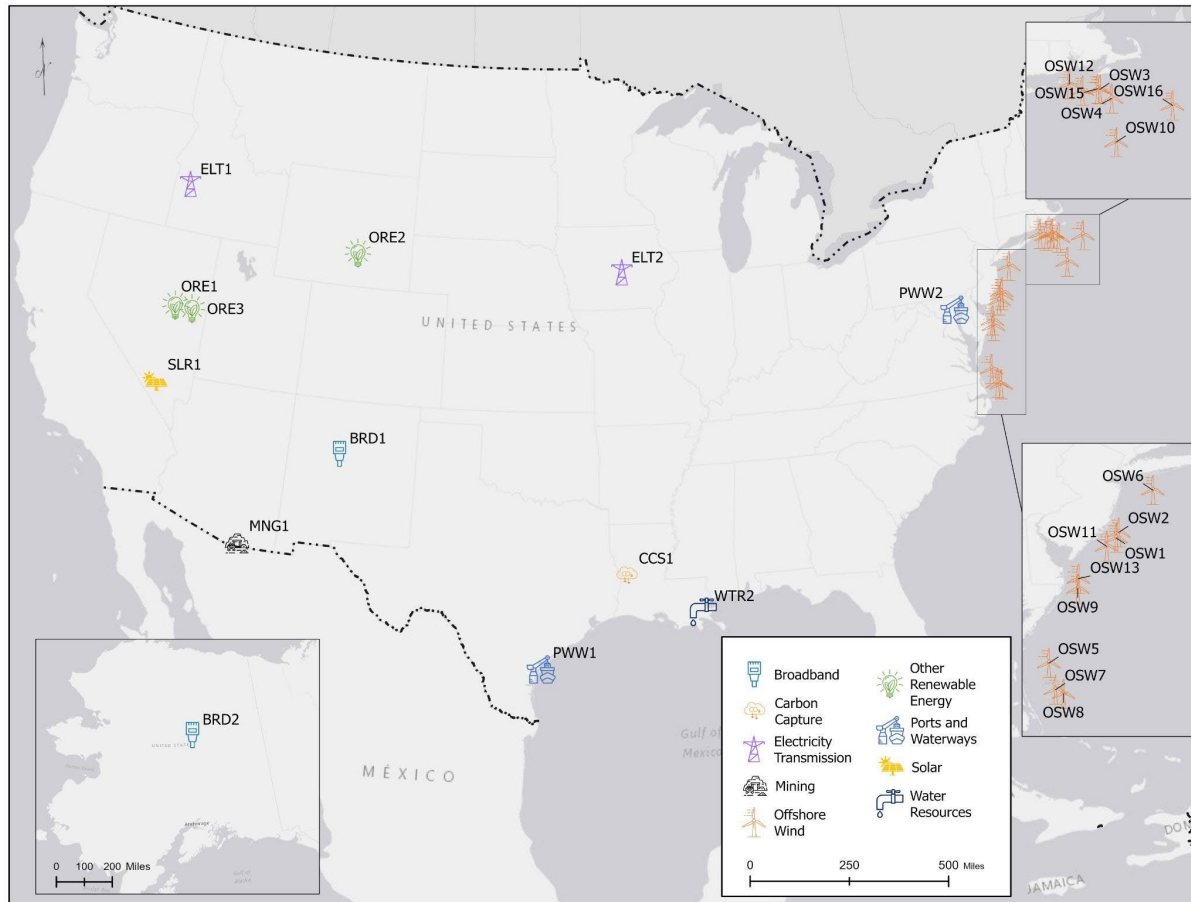
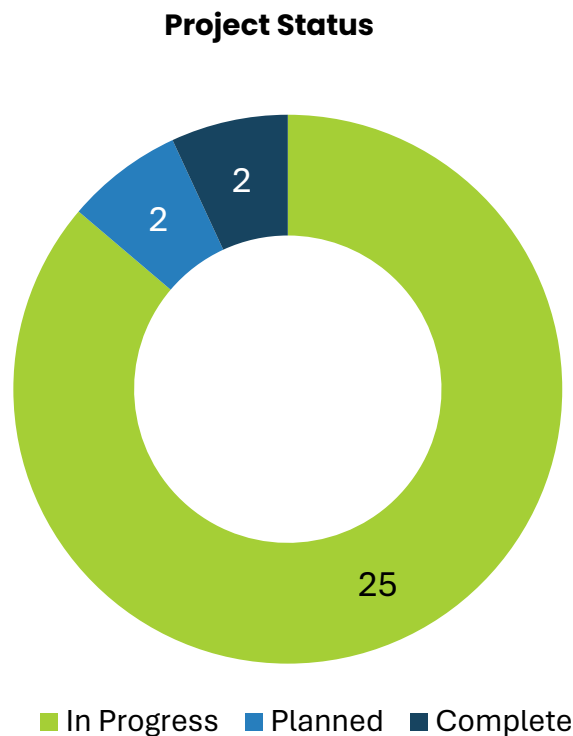


Figure 2. Covered projects undergoing active Federal review in fiscal Q1 2024.

During fiscal Q1 2024, one new project joined the FAST-41 covered project portfolio, Vineyard Northeast, an offshore wind project. The Liberty Development and Production Plan Project was paused in previous quarters, remained paused for the entirety of the

<sup>8</sup> Because a project can become a FAST-41 covered project before commencement of the environmental review process under the National Environmental Policy Act (NEPA), FAST-41 requires the identification of a “facilitating” agency for each FAST-41 project sector. 42 U.S.C. § 4370m-1(c)(1)(B). Facilitating agencies are responsible for implementing most of the FAST-41 requirements for prospective and actual covered projects until a NEPA lead agency is identified, at which point the lead agency assumes the responsibilities of the facilitating agency. See id. §§ 4370m(13), 4370m-2(a)(5).

quarter, and is therefore not under active review.<sup>9</sup> The Plains Pipeline, L.P. Lines 901 and 903 Replacement Project was also paused in previous quarters and was canceled during the quarter.<sup>10</sup> No projects were newly paused during the quarter. Two projects were completed during the quarter: the Cardinal-Hickory Creek 345 kV Transmission Line Project and the Revolution Wind Farm Project. Figure 3 summarizes the status of FAST-41 covered projects undergoing active Federal review as of December 31, 2023 (the end of fiscal Q1 2024).<sup>11</sup>



*Figure 3: Status of each project under active review in the Permitting Council portfolio as of the end of fiscal Q4 2023.*

<sup>9</sup> In March 2020, the Bureau of Safety and Environmental Enforcement (BSEE) met with the Liberty Development and Production Plan project sponsor. The project sponsor had not yet completed much work on the Request for Additional Information that was issued in July of 2019. Therefore, BSEE identified they were unable to determine a timeline for action completion, as the project sponsor did not have a potential date for additional information submission. BSEE requested the “Authorization and Certification” action be placed in “paused” status. The “paused” Action status is used when work on an “in progress” environmental review or authorization has been halted and it is impossible for the responsible agency to provide revised completion dates for the relevant Action. “Paused” Actions are not subject to the FAST-41 “modification after approval” provisions of 42 U.S.C. § 4370m-2(c)(2)(D).

<sup>10</sup> The Plains Pipeline, L.P. Lines 901 and 903 Replacement Project was paused in November 2019. On October 1, 2022, Plains Pipeline, L.P. sold Lines 901 and 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. The Project was canceled on the FAST-41 Dashboard, per the Pacific Pipeline Company request.

<sup>11</sup> Project status was derived from analysis of the Dashboard’s non-public revision history dataset.



## 4. Agency Compliance with the Provisions of FAST-41

### 4.1 Initiation and Establishment of a Coordinated Project Plan

#### 4.1.a Statutory Requirements

**FAST-41 Initiation Notice.** The FAST-41 process begins when a project sponsor<sup>12</sup> submits a notice of the initiation of a FAST-41 covered project (a.k.a., FAST-41 Initiation Notice, or “FIN”) to the Executive Director and the appropriate facilitating or lead agency.<sup>13</sup> 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.<sup>14</sup>

**Agency Invitations.** Within 21 days after the Executive Director makes a project entry on the 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.<sup>15</sup>

**Coordinated Project Plan Establishment.** 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 Dashboard.”<sup>16</sup> A CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project.<sup>17</sup> To that end, 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.<sup>18</sup>

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, is a key component of the CPP and includes intermediate and final completion dates for all Federal environmental reviews and authorizations required for the project.<sup>19</sup> Thus, the permitting timetable provides transparency, predictability, and a comprehensive

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<sup>12</sup> Under FAST-41, a “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project. 42 U.S.C. § 4370m(18).

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

<sup>14</sup> 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

<sup>15</sup> 42 U.S.C. § 4370m-2(a)(2)(A).

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

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

<sup>18</sup> 42 U.S.C. § 4370m-2(c)(1)(B).

<sup>19</sup> 42 U.S.C. § 4370m-2(c)(2). An intermediate completion date is the date on which an agency completes a component part, or stage, of a particular environmental review or authorization required by statute (e.g., publication of a draft EIS under NEPA, or completion of a Biological Assessment under the ESA). A final completion date is the date on which an agency completes an overall environmental review or authorization required by statute (e.g., publication of a Record of Decision for an EIS under NEPA, or issuance of a Biological Opinion under the ESA).

view of all the steps that are necessary for completion of the Federal environmental review and authorization process.

#### *4.1.b Executive Director Evaluation of Agency Performance*

Three covered projects had CPP establishment deadlines in fiscal Q1 2024 (Table 1).<sup>20</sup> For all of these projects, agencies met the 21-day invitation requirement and the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard.

*Table 1: Projects with CPP establishment deadlines in fiscal Q1 2024.*

<b>Project</b>	<b>Lead Agency</b>
Sparrows Point Container Terminal	USACE
Vineyard Northeast	DOI-BOEM
Central Louisiana Regional Carbon Storage Hub - Vernon Parish One CCS Site	EPA

#### *4.1.c Executive Director Technical Assistance*

The Executive Director seeks robust implementation of FAST-41 by working with agencies to provide technical assistance during the initiation and establishment of the CPPs. This includes Dashboard support for agency staff during the development of initial CPPs.

## **4.2 Coordinated Project Plan Quarterly Updates**

### *4.2.a Statutory Requirements*

FAST-41 requires the facilitating or lead agency to review and update the CPP at least once per quarter.<sup>21</sup> While an agency's updates to the permitting timetable are integral to the process, the other statutorily-required aspects of the CPP also need to be reviewed and, if necessary, updated. Agencies meet this statutory requirement by certifying, on the 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.

<sup>20</sup> The FINs for Sparrows Point Container Terminal and Central Louisiana Regional Carbon Storage Hub - Vernon Parish One CCS Site were submitted in fiscal Q4 2023. The FIN for Vineyard Northeast was submitted in fiscal Q1 2024.

<sup>21</sup> 42 U.S.C. § 4370m-2(c)(1)(B).

#### *4.2.b Executive Director Evaluation of Agency Performance*

In fiscal Q1 2024, agencies met their FAST-41 requirements to review and update their CPPs for all of the applicable FAST-41 covered projects.

#### *4.2.c Executive Director Technical Assistance*

The Executive Director continues to work with Permitting Council members to improve Dashboard functionality. The Executive Director will continue to advise agencies to ensure that CPP review and update certifications are submitted timely.

### **4.3 Agency Modification of Permitting Timetables**

#### *4.3.a Statutory Requirements*

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. Specifically, the facilitating or lead agency may modify Federal agency completion dates only after:

- Consulting with the Executive Director, affected cooperating agencies, participating agencies, and the project sponsor before making the modification;
- Providing a written, publicly-posted justification for the modification;
- Obtaining Executive Director authorization for changes that would necessitate an extension of a final completion date by more than 30 days after the originally-established final completion date.<sup>22</sup>

Additionally, a completion date may not be modified within 30 days of that completion date, thus requiring agencies to modify completion dates at least 31 days in advance.<sup>23</sup>

#### *4.3.b Executive Director Evaluation of Agency Performance*

During fiscal Q1 2024, agencies modified 83 completion dates across 16 of the 29 FAST-41 projects undergoing active Federal environmental review and authorization in accordance with FAST-41 requirements.<sup>24</sup> Table 2 identifies the number of completion dates that were modified in fiscal Q1 2024, organized by environmental review or authorization.<sup>25</sup> Schedule modifications occur for various reasons, including factors within and beyond Federal agency control, such as delayed or incomplete submissions by project sponsors.

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<sup>22</sup> 42 U.S.C. § 4370m-2(c)(2)(D).

<sup>23</sup> 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

<sup>24</sup> Some, but not all, of the 83 completion dates that were modified would have otherwise fallen within this reporting period.

<sup>25</sup> The agency responsible for the environmental review or authorization is identified parenthetically after each environmental review or authorization.



Agencies meeting FAST-41 permitting timetable modification requirements are proactively managing their permitting timetables, including following the statutory requirements for engaging in consultation, providing an explanation for modification of completion dates, and modifying completion dates at least 31 days in advance. Agencies' management of permitting timetables in accordance with FAST-41 not only achieves the goal of enhancing permitting transparency and predictability but also provides reliable information that, over time, may be used to identify areas for improvement in the Federal permitting process.

*Table 2: Completion date modifications in fiscal Q1 2024 organized by environmental review or authorization.*

<b>Environmental Review or Authorization</b>	<b>Number of Completion Dates Modified During fiscal Q1 2024</b>
Environmental Assessment (EA) (DOC-NTIA)	3
Environmental Impact Statement (EIS) (DOI-BOEM, FERC, and USACE)	11
National Historic Preservation Act (NHPA) Section 106 Review (DOI-BOEM, FERC, DOC-NTIA)	8
Construction and Operations Plan (COP) (DOI-BOEM)	3
Endangered Species Act (ESA) Consultation (DOC-NOAA/NMFS)	3
ESA Consultation (DOI-FWS)	8
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS)	4
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS)	7
Non-Federal Hydropower License (FERC)	2
Outer Continental Shelf (OCS) Air Permit (EPA)	8
Right-of-Way (ROW) Authorization (DOI-BLM)	2
ROW Authorization (DOI-FWS)	2
ROW Permit and Special Use Permit (DOI-NPS)	1
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (USACE)	13
Section 408 Permit (USACE)	7
Use Authorization (DOI-BOR)	1

As noted above, the facilitating or lead agency must request the Executive Director’s authorization prior to making a modification that would necessitate an extension of a final completion date by more than 30 days after the originally-established final completion date. In fiscal Q1 2024, agencies made 8 such requests, many of which included modifications to multiple completion dates on a project’s permitting timetable. Table 3 below identifies the projects and environmental reviews and authorizations to which these 8 requests pertained. The Executive Director authorized all the requested completion date extensions. The rationale for these 8 requests, and the Executive Director’s decision to approve those requests, are described in the Executive Director determinations that are included in links for each project in Table 3 below.

Table 3: Extension requests authorized in fiscal Q1 2024 organized by project.

Project	Environmental Review or Authorization
<a href="#">New England Wind</a>	<ul style="list-style-type: none"> <li>• COP (DOI-BOEM)</li> <li>• Section 10 Rivers and Harbors Act of 1899 (USACE)</li> <li>• Section 404 Clean Water Act (USACE)</li> <li>• OCS Air Permit (EPA)</li> </ul>
<a href="#">Coastal Virginia Offshore Wind</a>	<ul style="list-style-type: none"> <li>• OCS Air Permit (EPA)</li> </ul>
<a href="#">Santa Fe Indian School</a>	<ul style="list-style-type: none"> <li>• EA (DOC-NTIA)</li> <li>• NHPA Section 106 Review (DOC-NTIA)</li> <li>• ROW Authorization (DOI-BLM)</li> <li>• ROW Authorization (DOI-FWS)</li> <li>• ESA Consultation (DOI-FWS)</li> <li>• ROW Permit and Special Use Permit (DOI-NPS)</li> <li>• Section 404 Clean Water Act (USACE)</li> </ul>
<a href="#">Ocean Wind I Project</a>	<ul style="list-style-type: none"> <li>• OCS Air Permit (EPA)</li> </ul>
<a href="#">SouthCoast Wind Energy Project</a>	<ul style="list-style-type: none"> <li>• OCS Air Permit (EPA)</li> </ul>
<a href="#">Atlantic Shores South</a>	<ul style="list-style-type: none"> <li>• NHPA Section 106 Review (DOI-BOEM)</li> </ul>
<a href="#">Kitty Hawk Wind South Project</a>	<ul style="list-style-type: none"> <li>• EIS (DOI-BOEM)</li> <li>• COP (DOI-BOEM)</li> <li>• NHPA Section 106 Review (DOI-BOEM)</li> <li>• ESA Consultation (DOC-NOAA/NMFS)</li> <li>• Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation (DOC-NOAA/NMFS)</li> <li>• MMPA Incidental Take Authorization (DOC-NOAA/NMFS)</li> <li>• ESA Consultation (DOI-FWS)</li> <li>• OCS Air Permit (EPA)</li> </ul>

Project	Environmental Review or Authorization
	<ul style="list-style-type: none"> <li>Section 404 Clean Water Act, Section 10 Rivers and Harbors Act of 1899, and Section 103 Marine Protection, Research, and Sanctuaries Act (USACE)</li> <li>Section 408 Permit (USACE)</li> </ul>
<a href="#">New England Wind Project</a>	<ul style="list-style-type: none"> <li>NHPA Section 106 Review (DOI-BOEM)</li> </ul>

#### 4.3.c Executive Director Technical Assistance

The Executive Director will continue to work with agencies to ensure that they proactively manage their permitting timetable completion dates and make timely modifications as needed. The Executive Director developed a [policy](#) to provide clarity to agencies on the Executive Director’s expectations for permitting timetable management and factors the Executive Director will consider when determining whether to authorize certain completion date extensions as provided in FAST-41.

### 4.4 Agency Conformance with Permitting Timetables

#### 4.4.a Statutory Requirements

Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable posted on the Permitting Dashboard.<sup>26</sup> If an agency does not conform to the established timetable—that is, if an agency does not meet the completion dates set forth in the permitting timetable—the statute requires that the agency responsible for the delayed action must:

- Provide, for posting on the Dashboard, an explanation of why the agency was unable to meet the completion date.
- Establish an alternative completion date in consultation with the facilitating or lead agency.
- Provide, for posting on the Dashboard, monthly reports describing all agency actions relating to the project until the agency has taken final action on the delayed authorization or review.<sup>27</sup>

#### 4.4.b Executive Director Evaluation of Agency Performance

At the beginning of fiscal Q1 2024, there were 27 Federal agency completion dates that were scheduled to occur during the reporting period. Of those completion dates, 15 were met on-time, 7 were modified, and 5 were neither met nor modified.

<sup>26</sup> 42 U.S.C. § 4370m-2(c)(2)(F)(i).

<sup>27</sup> 42 U.S.C. § 4370m-2(c)(2)(F)(ii).



Table 4, below, summarizes the timely met completion dates by environmental review or authorization.

*Table 4: Permitting timetable on-time completion dates in fiscal Q1 2024.*

<b>Environmental Review or Authorization</b>	<b>Number of On-Time Completion Dates</b>
EIS (DOI-BOEM)	1
NHPA Section 106 Review (DOI-BOEM and USDA-Forest Service)	2
Construction and Operations Plan (DOI-BOEM)	1
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS)	2
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS)	3
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (USACE)	4
Section 408 Permit (USACE)	1
Use Authorization (DOI-BOR)	1

Table 5, below, summarizes the modified completion dates by environmental review or authorization.

*Table 5: Permitting timetable completion dates modified in fiscal Q1 2024.*

<b>Environmental Review or Authorization</b>	<b>Number of Modified Completion Dates</b>
EIS (DOI-BOEM)	3
NHPA Section 106 Review (DOI-BOEM)	1
Non-Federal Hydropower License (FERC)	1
OCS Air Permit (EPA)	1
ROW Authorization (DOI-BLM)	1

Table 6, below, presents data on the 5 completion dates for which agencies neither executed the action as scheduled nor modified the completion date. Per the procedures set forth at 42 U.S.C. § 4370m-2(c)(2)(F), explanations for the missed completion dates, alternative completion dates, and monthly status reports, are available at the links in

Table 6. During the quarter, agencies met requirements to provide explanations for missed completion dates and monthly status reports 100 percent of the time.

Table 6: Instances of permitting timetable nonconformance in fiscal Q1 2024.

Environmental Review or Authorization	Project	Reporting Agency	Reporting Compliance
In-Progress Completion Dates			
<a href="#">Environmental Impact Statement (EIS)</a>	SouthCoast Wind Energy LLC (SouthCoast Wind)	DOI-BOEM	2 of 2 reports (100%)
<a href="#">NHPA Section 106</a>	Sunrise Wind Farm	DOI-BOEM	1 of 1 reports (100%)
<a href="#">MMPA Incidental Take Authorization</a>	Empire Wind Energy Project	DOC-NOAA/NMFS	1 or 1 reports (100%)
<a href="#">Environmental Impact Statement (EIS)</a>	New England Wind	DOI-BOEM	1 or 1 reports (100%)
Complete Completion Dates			
<a href="#">Environmental Impact Statement (EIS)</a>	Sunrise Wind Farm	DOI-BOEM	2 of 2 reports (100%)

#### 4.4.c Executive Director Technical Assistance

The Executive Director will continue to work with Permitting Council member agencies to meet posted completion dates and to ensure that, when a posted completion date is missed, alternative completion dates are timely added to the permitting timetable along with explanations for missed completion dates and monthly status reports. In fiscal Q2 2024, the Executive Director plans to track and report on agency establishment and management of alternative completion dates.

### 4.5 Agency Posting of Required Information

#### 4.5.a Statutory Requirements

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. Specifically, and where consistent with applicable law, agencies must post:

- The project FIN;
- Either the application and supporting documents that have been submitted by a project sponsor for any required environmental review or authorization, or a notice explaining how the public may obtain access to such documents;

- A description of any Federal agency action taken or decision made that materially affects the status of a covered project, and any significant supporting documentation;
- Information on the status of mitigation measures that were agreed to as part of the environmental review and permitting process, including whether and when the mitigation measures have been fully implemented;
- A description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court;
- Any document described above that is not available by hyperlink on another website.<sup>28</sup>

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.<sup>29</sup>

Agencies must make the information described above available not later than five business days after the date on which the Federal agency receives the information.<sup>30</sup>

#### *4.5.b Executive Director Evaluation of Agency Performance*

It is challenging for the Executive Director to independently verify if the content posted to the Dashboard meets the requirements of the “Postings by agencies” section of FAST-41. Much of the required information, such as the extent consistent with applicable law and the information being made available within five business days of receipt, is only available to the agencies. The Executive Director verified whether agencies posted any information for the required items outlined in the statute for a project. At the end of fiscal Q1 2024, agencies are meeting this requirement 89 percent of the time.

#### *4.5.c Executive Director Technical Assistance*

The responsiveness of the information to the statutory directive is initially determined by the agencies. The Executive Director will continue to offer training to agencies to outline the statutory requirements, will communicate with agencies regarding missing information, and will educate the agencies on the need to post the required information on the Dashboard. The Executive Director intends to report agency-level performance on this metric in forthcoming quarterly reports.

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<sup>28</sup> 42 U.S.C. § 4370m-2(b)(3)(A)(i)-(ii).

<sup>29</sup> 42 U.S.C. § 4370m-2(b)(3)(A)(iii).

<sup>30</sup> 42 U.S.C. § 4370m-2(b)(3)(B).