



Quarterly Agency Performance Report

**Permitting Council—Executive Director
Fiscal Q2 2024 (January–March)**

June 28, 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), reflects the Permitting Council's ongoing efforts to integrate project management and permitting best practices into Federal agency permitting workflows, and forecasts plans to integrate new measures into future quarterly agency performance reports that will provide additional context and more fully tell the story of agency implementation of FAST-41.

The information in this report illustrates our continued drive to improve the Federal environmental review and permitting processes for FAST-41 covered projects. Building on the last quarterly report, agency performance has progressed in multiple areas. Our ongoing collaboration and coordination with Permitting Council members and agency Chief Environmental Review and Permitting Officers (CERPOs) continues to yield new strategies for effective implementation of the FAST-41 statute. While agency performance continues to highlight successful project management strategies and faithful and fulsome adherence to FAST-41 requirements, I see opportunities to tell a more complete story through additional data related to project schedules. Specifically, I plan for future reports to provide additional context around how and why schedules are modified and how those modifications compare to schedules originally developed for projects. I also expect to provide additional discussion around missed milestones and the causes for delay. As we continue to build our body of work with covered projects, analyzing and discussing schedule changes will help to expand our understanding of causes of delay which, in turn, can help us troubleshoot strategies that minimize or mitigate those delays. 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 Q2 January–March 2024

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:

- During this period, there were 29 FAST-41 covered projects undergoing active Federal review, for which agencies were tracking 984 Federal agency intermediate and final completion dates¹ on the Federal Permitting Dashboard (Dashboard).²
- Agencies satisfied the requirements for reviewing and updating coordinated project plans (CPP) for all applicable projects on the Dashboard. There were no projects with CPP establishment deadlines in the reporting quarter.
- There were 51 Federal agency completion dates across 17 projects that were scheduled to be met during the reporting period.
 - Agencies met 25 of those 51 Federal agency completion dates.
 - Agencies modified 23 of the 51 Federal agency completion dates in accordance with the FAST-41 process.
 - Agencies did not meet or modify 3 of the 51 Federal agency completion dates. In these 3 instances, agencies provided initial explanations for missed completion dates and monthly status reports, as required by FAST-41. Agencies also established alternative completion dates as required.



¹ The Federal Permitting Dashboard refers to these intermediate and final completion dates as “milestones.”

² 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 a total of 114 completion dates across 18 projects in compliance with FAST-41 requirements. The 114 modified completion dates include the 23 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, beyond the end of fiscal Q2 2024.
- Environmental review and authorization for one FAST-41 covered project was completed this quarter.



2. Background

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

evaluat[es] agency compliance with the provisions of [FAST-41], [and] 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)].¹

Accordingly, this Quarterly Agency Performance Report, which covers the second quarter of fiscal year 2024 (fiscal Q2 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.

Importantly for compliance reporting in this document, under FAST-41, lead agencies for covered projects must complete a coordinated project plan (CPP) within 60 days of adding a 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 in the Appendix of the report.

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 Q2 2024, the FAST-41 covered project portfolio contained 29 projects undergoing active Federal environmental review and authorization³ and one “paused” project. Projects undergoing active review are organized by sector in Table 1.⁴

Table 1: Covered projects undergoing active Federal review in fiscal Q2 2024.

| Project | Lead or Facilitating Agency |
|--|-----------------------------|
| Offshore Wind (OSW) | |
| Atlantic Shores South (OSW1) | DOI-BOEM |
| Atlantic Shores North (OSW2) | DOI-BOEM |
| Bay State Wind Project (OSW3) | DOI-BOEM |
| Beacon Wind (OSW4) | DOI-BOEM |
| Coastal Virginia Offshore Wind Commercial Project (OSW5) | DOI-BOEM |
| Empire Wind Energy Project (OSW6) | DOI-BOEM |
| Kitty Hawk North Wind Project (OSW7) | DOI-BOEM |
| Kitty Hawk South Offshore Wind Project (OSW8) | DOI-BOEM |
| Maryland Offshore Wind Project (OSW9) | DOI-BOEM |
| SouthCoast Wind Energy LLC (SouthCoast Wind) (OSW10) | DOI-BOEM |
| Ocean Wind 1 Project (OSW11) | DOI-BOEM |
| Vineyard Northeast (OSW12) | DOI-BOEM |
| Skipjack Wind Farm (OSW13) | DOI-BOEM |
| Sunrise Wind Farm (OSW14) | DOI-BOEM |
| New England Wind (OSW15) | DOI-BOEM |
| Solar (SLR) | |
| Bonanza Solar Project (SLR1) | DOI-BLM |
| Silver Star Solar (SLR2) | DOI-BLM |

³ Projects undergoing active review are projects that were, at any time in fiscal Q2 2024, planned or in progress. The set of projects undergoing active Federal review was derived from analysis of the Dashboard’s non-public revision history dataset.

⁴ 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.

| Project | Lead or Facilitating Agency |
|---|-----------------------------|
| Other Renewable Energy (ORE) | |
| Stagecoach Wind (ORE1) | DOI-BLM |
| Seminole Pumped Storage Project (ORE2) | FERC |
| White Pine Pumped Storage (ORE3) | FERC |
| Electricity Transmission (ELT) | |
| Boardman to Hemingway Transmission Line (ELT1) | DOI-BLM |
| Grain Belt Express Transmission -- Phase 1 (ELT2) | DOE-Loan Programs Office |
| Ports and Waterways (PWW) | |
| Port of Corpus Christi Authority Channel Deepening Project (PWW1) | USACE |
| Sparrows Point Container Terminal (PWW2) | USACE |
| Water Resources (WTR) | |
| Mid-Breton Sediment Diversion (WTR2) | USACE |
| Broadband (BRD) | |
| Santa Fe Indian School Broadband (BRD1) | DOC-NTIA |
| Alaska FiberOptic Project Segment 1 (BRD2) | DOC-NTIA |
| Mining (MNG) | |
| South32 Hermosa Critical Minerals Project (MNG1) | USDA-FS |
| Carbon Capture and Sequestration (CCS) | |
| Central Louisiana Regional Carbon Storage Hub - Vernon Parish One CCS Site (CCS1) | EPA |

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

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 lead agency for three projects; the Department of Commerce (DOC) and Federal Energy Regulatory Commission (FERC) are each lead agency for two projects; and the Department of

Energy (DOE), Environmental Protection Agency (EPA), and United States Department of Agriculture (USDA) are each the facilitating agency for one project.⁵

Figure 1 shows the location of FAST-41 covered projects undergoing active Federal review in fiscal Q2 2024. The project labels correspond to those in Table 1.

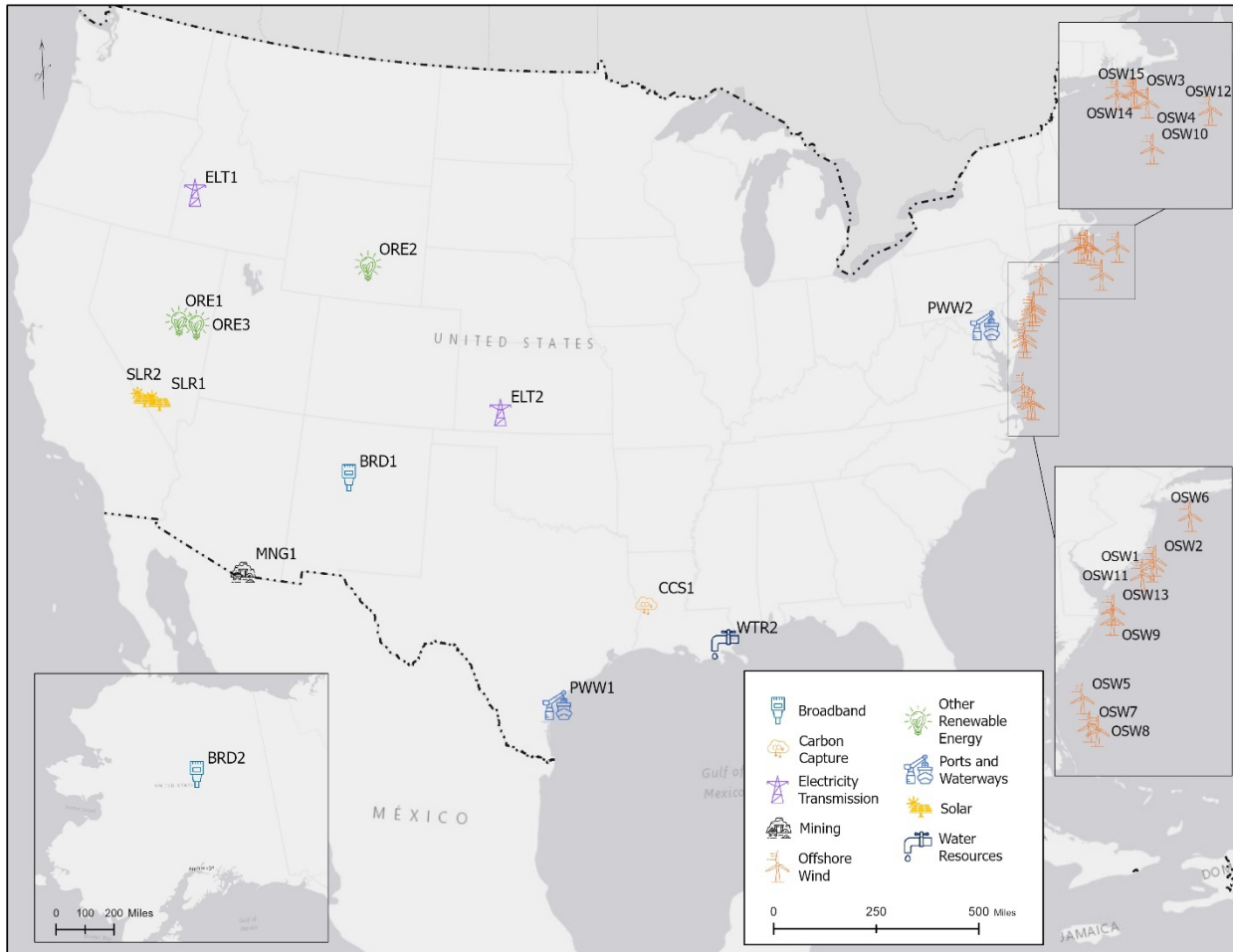


Figure 1: Covered projects undergoing active Federal review in fiscal Q2 2024.

During fiscal Q2 2024, two new projects joined the FAST-41 covered project portfolio, Grain Belt Express Transmission – Phase 1, an electricity transmission project and Silver Star Solar, a renewable energy production project.

⁵ 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).

The Liberty Development and Production Plan Project was paused in previous quarters, remained paused for the entirety of the quarter, and is therefore not under active review.⁶ No projects were newly paused during the quarter. However, one project's action, the environmental impact statement for Stagecoach Wind, was paused on February 8, 2024, due to concerns about the possible impact of the project on recently identified critical habitat for sage-grouse.

The Central Louisiana Regional Carbon Storage Hub – Vernon Parish One CCS Site project was cancelled during the quarter when EPA granted the State of Louisiana primary enforcement responsibility or “primacy” for administering the Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) program for Class VI injection wells on February 5, 2024. Accordingly, the Louisiana Department of Natural Resources is now the UIC permitting authority for this project, and there is no longer an EPA federal environmental review or authorization required.

One FAST-41 covered project completed scheduled federal environmental review and authorizations during the quarter and is now complete on the FAST-41 permitting dashboard: the [Empire Wind Energy Project](#). This offshore wind project is expected to generate 2.1 gigawatts of renewable energy, supporting the Biden-Harris administration’s goal of deploying 30 GW of offshore wind energy capacity by 2030, and potentially powering over 700,000 homes. The Department of the Interior’s Bureau of Ocean Energy Management served as the lead agency for Empire Wind’s environmental review and permitting.



⁶ 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). The project is paused because continued Federal action in the environmental review and authorization process for the covered project is impossible.

Figure 2 summarizes the status of FAST-41 covered projects undergoing active Federal review as of March 31, 2024 (the end of fiscal Q2 2024).⁷

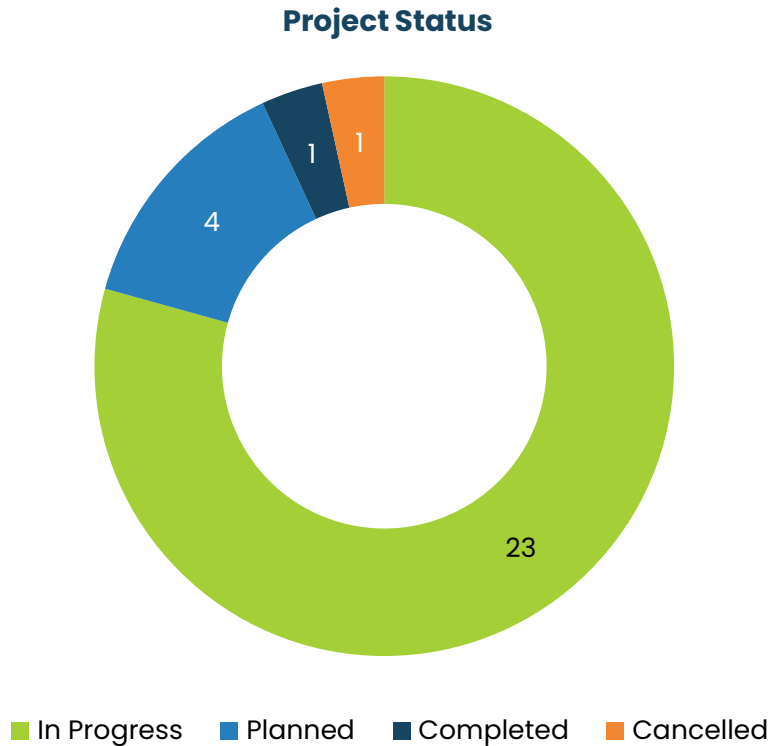


Figure 2: Status of each project under active review in the Permitting Council portfolio as of the end of fiscal Q2 2024.

4. Agency Compliance with the Provisions of FAST-41

This section provides an overview of agency performance with respect to FAST-41 provisions. The Appendix includes a summary of the statutory requirements assessed through this report.

4.1 Initiation and Establishment of a Coordinated Project Plan

4.1.a Executive Director Evaluation of Agency Performance

The two new projects joining the FAST-41 covered project portfolio in fiscal Q2 2024, Grain Belt Express Transmission – Phase I and Silver Star Solar, have CPP establishment deadlines in fiscal Q3 2024. For these projects, agency performance will be assessed in the next quarterly report.

⁷ Project status was derived from analysis of the Dashboard’s non-public revision history dataset.

4.1.b 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 Executive Director Evaluation of Agency Performance

In fiscal Q2 2024, agencies met their FAST-41 requirements to review and update their CPPs for all of the applicable FAST-41 covered projects.

4.2.b Executive Director Technical Assistance

The Executive Director worked with the Department of Interior (DOI) – Bureau of Ocean Energy Management (BOEM), which is the lead agency for 15 projects, to develop a fillable CPP template to facilitate BOEM’s development of initial CPPs. This enables BOEM to circulate a draft initial CPP among cooperating agencies to capture agency roles and receive comments on the proposed permitting timetable. Once the circulated version of the initial CPP is finalized, BOEM can then enter the information into the Permitting Dashboard. The Executive Director will continue to engage with agencies to provide assistance to ensure that CPP review and update certifications are submitted timely.

4.3 Agency Modification of Permitting Timetables

4.3.a Executive Director Evaluation of Agency Performance

During fiscal Q2 2024, agencies modified 114 completion dates across 18 of the 29 FAST-41 projects undergoing active Federal environmental review and authorization.⁸ Table 2 identifies the number of completion dates that were modified in fiscal Q2 2024, organized by environmental review or authorization.⁹ Schedule modifications occur for various reasons, including factors within and beyond Federal agency control, such as delayed or incomplete submissions by project sponsors. Some schedule modifications result from activities occurring earlier than anticipated. Two completion dates were completed ahead of schedule during the reporting quarter (an ESA Consultation Request Package Submitted (DOC-NTIA) milestone for Santa Fe Indian School Broadband project and an OCS Air Permit Issuance of Final Decision/Permit Approval (EPA) milestone for Empire Wind).

Agencies are meeting FAST-41 permitting timetable modification requirements by 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.

⁸ Some, but not all, of the 114 completion dates that were modified would have otherwise fallen within this reporting period.

⁹ The agency responsible for the environmental review or authorization is identified parenthetically after each environmental review or authorization.

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 Q2 2024 organized by environmental review or authorization.

| Environmental Review or Authorization | Number of Completion Dates Modified During fiscal Q2 2024 |
|---|---|
| Environmental Assessment (EA) (DOC-NTIA) | 5 |
| Environmental Impact Statement (EIS) (DOI-BLM, DOI-BOEM, FERC, and USACE) | 19 |
| National Historic Preservation Act (NHPA) Section 106 Review (DOI-BOEM, FERC, DOC-NTIA) | 6 |
| Clean Water Act Section 402 Permit, National Pollutant Discharge Elimination System (EPA) | 2 |
| Construction and Operations Plan (COP) (DOI-BOEM) | 6 |
| Endangered Species Act (ESA) Consultation (DOC-NOAA/NMFS) | 2 |
| ESA Consultation (DOI-FWS) | 7 |
| Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS) | 3 |
| 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) | 12 |
| Right-of-Way (ROW) Authorization (DOD) | 1 |
| ROW Authorization (DOI-BLM) | 5 |
| ROW Authorization (DOI-FWS) | 1 |

| Environmental Review or Authorization | Number of Completion Dates Modified During fiscal Q2 2024 |
|--|---|
| ROW Permit and Special Use Permit (DOI-NPS) | 2 |
| Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (CWA) (USACE) | 21 |
| Section 408 Permit (USACE) | 12 |
| Use Authorization (DOI-BOR) | 1 |

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 Q2 2024, the Executive Director authorized 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 the requested completion date extensions.

Table 3: Extension requests authorized in fiscal Q2 2024 organized by project.

| Project | Environmental Review or Authorization |
|---|--|
| Alaska FiberOptic Project Segment 1 | <ul style="list-style-type: none"> EA (DOC-NTIA) Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act (USACE) NHPA Section 106 Review (DOC-NTIA) |
| Atlantic Shores South | <ul style="list-style-type: none"> COP (DOI-BOEM) OCS Air Permit (EPA) NHPA Section 106 Review (DOI-BOEM) Section 408 Permit (USACE) |
| Beacon Wind | <ul style="list-style-type: none"> CWA Section 402 Permit, National Pollutant Discharge Elimination System (NPDES) (EPA) COP (DOI-BOEM) ESA Consultation (DOI-FWS) ESA Consultation (NOAA-NMFS) EIS (DOI-BOEM) Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation MMPA Incidental Take Authorization (DOC - NOAA/NMFS) OCS Air Permit (EPA) Section 10 Rivers and Harbors Act of 1899 and Section 404 CWA (USACE) NHPA Section 106 Review (DOI-BOEM) Section 408 Permit (USACE) |

| Project | Environmental Review or Authorization |
|---|---|
| Boardman to Hemingway Transmission Line | <ul style="list-style-type: none"> • Use Authorization (DOI-BOR) |
| Kitty Hawk North Wind Project | <ul style="list-style-type: none"> • COP (DOI-BOEM) • EIS (DOI-BOEM) • OCS Air Permit (EPA) • Section 10 of the Rivers and Harbors Act of 1899 (USACE) • Section 10 Rivers and Harbors Act of 1899 and Section 404 CWA (USACE) • NHPA Section 106 Review (DOI-BOEM) • Section 408 Permit (USACE) |
| Santa Fe Indian School Broadband | <ul style="list-style-type: none"> • EA (DOC-NTIA) • NPS Permit (DOI-NPS) • ROW Authorization (DOI-BLM) • ROW Authorization (DOI-FWS) • NHPA Section 106 Review (DOC-NTIA) • Section 404 CWA (USACE) |
| Sunrise Wind Farm | <ul style="list-style-type: none"> • CWA 402 Permit, NPDES (EPA) • COP (DOI-BOEM) • NPS Permit (DOI-NPS) • OCS Air Permit (EPA) • Section 10 Rivers and Harbors Act of 1899 and Section 404 CWA (USACE) • Section 408 Permit (USACE) |
| White Pine Pumped Storage | <ul style="list-style-type: none"> • ROW Authorization (DOI-BLM) |

Note: Two extension requests, for Coastal Virginia Offshore Wind Commercial Project and New England Wind, were received in fiscal Q1 2024 and authorized in fiscal Q2 2024. These extension requests were reported in the fiscal Q1 2024 report.

4.3.b 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 assisted with BOEM’s development of an online fillable milestone extension request template by providing comments on the draft and technical assistance to finalize the form. The fillable milestone extension request template ensures robust consultation among agencies for proposed milestone shifts with multiple dependencies. It clearly captures agency justifications for proposed milestone shifts and provides a consolidated record of the milestone extension request.



4.4 Agency Conformance with Permitting Timetables

4.4.a Executive Director Evaluation of Agency Performance

At the beginning of fiscal Q2 2024, there were 51 Federal agency completion dates that were scheduled to occur during the reporting period. Of those completion dates, 25 were met on-time (see Table 4), 23 were modified (see Table 5), and 3 were neither met nor modified (see Table 6).

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

Table 4: Permitting timetable on-time completion dates in fiscal Q2 2024.

| Environmental Review or Authorization | Number of On-Time Completion Dates |
|--|------------------------------------|
| EIS (DOI-BOEM, USACE) | 3 |
| NHPA Section 106 Review (DOI-BOEM) | 4 |
| COP (DOI-BOEM) | 2 |
| ESA Consultation (DOI-FWS) | 1 |
| ESA Consultation (DOC-NOAA/NMFS) | 3 |
| Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation (DOC-NOAA/NMFS) | 3 |
| MMPA Incidental Take Authorization (DOC-NOAA/NMFS) | 4 |
| Section 10 Rivers and Harbors Act of 1899 and/or Section 404 CWA (USACE) | 2 |
| Section 408 Permit (USACE) | 2 |
| ROW Authorization (DOI-BLM) | 1 |

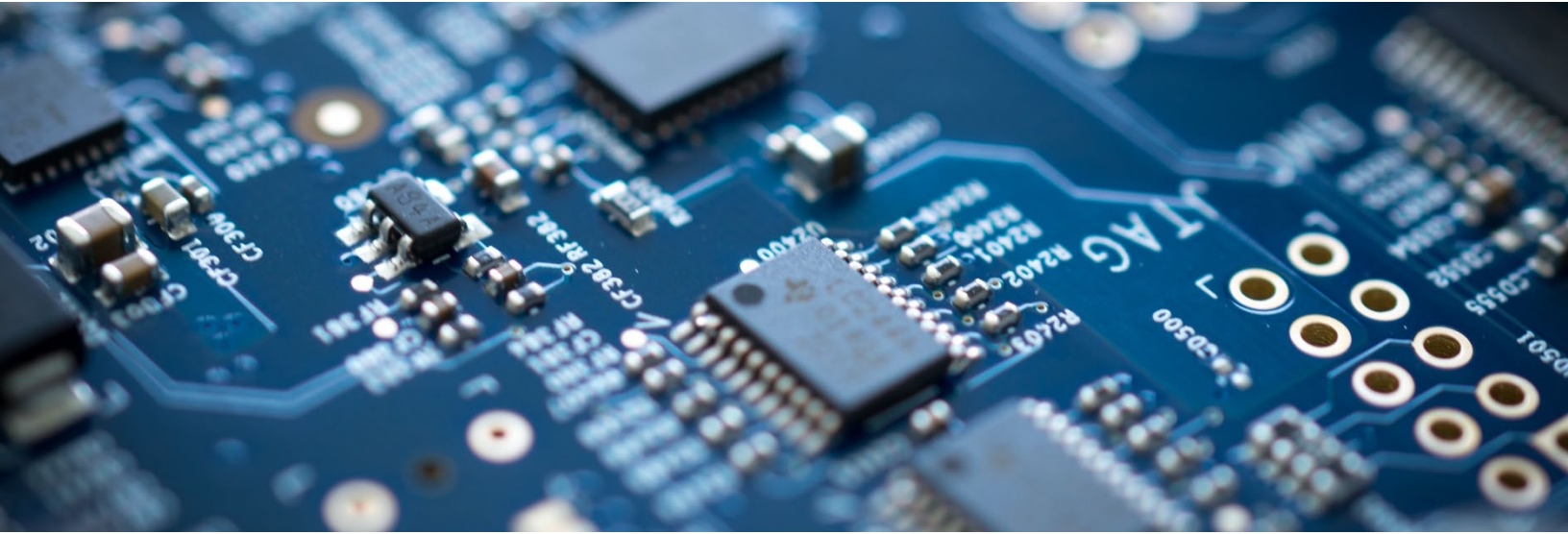


Table 5, below, summarizes the modified completion dates by environmental review or authorization.¹⁰

Table 5: Permitting timetable completion dates scheduled to occur during fiscal Q2 2024 and modified.

| Environmental Review or Authorization | Number of Modified Completion Dates |
|--|-------------------------------------|
| EIS (DOI-BLM) | 2 |
| EA (DOC-NTIA) | 1 |
| NHPA Section 106 Review (DOC-NTIA, DOI-BOEM) | 2 |
| CWA 402 Permit, NPDES (EPA) | 1 |
| COP (DOI-BOEM) | 2 |
| MMPA Incidental Take Authorization (DOC-NOAA/NMFS) | 2 |
| Non-Federal Hydropower Licenses (FERC) | 1 |
| NPS Permit (DOI-NPS) | 1 |
| OCS Air Permit (EPA) | 4 |
| Section 10 Rivers and Harbors Act of 1899 and/or Section 404 CWA (USACE) | 4 |
| Section 408 Permit (USACE) | 2 |
| Use Authorization (DOI-BOR) | 1 |

¹⁰ Of the 114 completion dates modified during fiscal Q2 2024 (presented in Table 2), 23 were scheduled to occur during the reporting quarter.

Table 6, below, presents data on the 3 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. In each instance, agencies established alternative completion dates, but did not always do so timely. The Data Management Guide¹¹ includes procedures for agencies to establish alternative completion dates within five days of the permitting timetable nonconformance.

Table 6: Instances of permitting timetable nonconformance in fiscal Q2 2024.

| Environmental Review or Authorization | Project | Reporting Agency | Reporting Compliance | Alternative Completion Date Compliance |
|---|--|------------------|-----------------------|--|
| In-Progress Completion Dates | | | | |
| COP | SouthCoast Wind Energy LLC (SouthCoast Wind) | DOI-BOEM | 2 of 2 reports (100%) | Established 63 days after timetable nonconformance |
| MMPA Incidental Take Authorization | Sunrise Wind Farm | DOC-NOAA/NMFS | 3 of 3 reports (100%) | Established 0 days after timetable nonconformance |
| Section 10 Rivers and Harbors Act of 1899 and Section 404 CWA | SouthCoast Wind Energy LLC (SouthCoast Wind) | USACE* | 2 of 2 reports (100%) | Established 64 days after timetable nonconformance |

* USACE is a cooperating agency for this project. BOEM is the lead agency. USACE milestones rely on the schedule set by the lead agency. BOEM, as lead agency, is undertaking a review of the permitting timetable for this project with the cooperating agencies and in consultation with the project sponsor. Furthermore, on December 6, 2023, BOEM, on behalf of USACE, timely submitted a request to the Permitting Council Executive Director (Executive Director) to extend the final completion dates for USACE's Section 10/404 permit decision. However, the Executive Director did not sign a determination on the record granting the request by the statutory deadline of December 24, 2023 (30 days prior to the posted Section 10/404 completion date of January 25, 2024) due to the uncertainty surrounding the schedule, specifically the final Record of Decision date. Therefore, USACE could not modify the permitting timetable to reflect an extended completion date. BOEM provided a revised permitting timetable before the Permitting Council to reset the schedule for the remaining milestones on April 8, 2024 and USACE appropriately established an alternative completion date for SouthCoast's Section 10/404 permit decision of March 27, 2025.

¹¹ 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.

4.4.b Executive Director Technical Assistance

The Executive Director will continue to work with 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.

4.5 Agency Posting of Required Information

4.5.a 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 Q2 2024, agencies were meeting this requirement 99 percent of the time, an increase from 89 percent at the end of fiscal Q1 2024. As of publication of this report, agencies are meeting this requirement 100 percent of the time.

4.5.b 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.





5. Looking Ahead

The Executive Director intends to integrate new measures into future quarterly agency performance reports, beginning in fiscal Q3 2024, to provide additional context and more fully tell the story of agency implementation of FAST-41.

More context for critical measures. Future reports are expected to include more information to contextualize the performance measures currently included in quarterly reports. For example, this may include information on the magnitude of timetable modifications, management of alternative completion dates, and reasons for permitting timetable extension requests, among others.

Improvements relative to initially planned schedules. Future reports are expected to include discussion of instances in which agencies have met completion dates early relative to planned original target dates and therefore have saved time on original schedules. This assessment may include comparison of target and actual durations of environmental reviews and authorizations, including a description of the practices, methods, or tools deployed to achieve the earlier than expected success, so that such measures might be captured as agency best practices and replicated by others.

Causes of missed completion dates and nonconformance. Future reports are expected to include data on factors that are frequently attributed to cause missed completion dates and nonconformance with permitting timetables. This analysis may include identification of circumstances, such as delays attributed to incomplete necessary information and situations when a milestone cannot be completed due to dependency on another federal agency's action that is delayed.



Appendix. Statutory Requirements

1. Initiation and Establishment of a Coordinated Project Plan

FAST-41 Initiation Notice. The FAST-41 process begins when a project sponsor¹² 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.¹³ 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.¹⁴

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-41.¹⁵

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.”¹⁶ A CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project.¹⁷ 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.¹⁸

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.¹⁹ Thus,

¹² 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).

¹³ 42 U.S.C. § 4370m-2(a)(1)(A).

¹⁴ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

¹⁵ 42 U.S.C. § 4370m-2(a)(2)(A).

¹⁶ 42 U.S.C. § 4370m-2(c)(1)(A).

¹⁷ 42 U.S.C. § 4370m-2(c)(1).

¹⁸ 42 U.S.C. § 4370m-2(c)(1)(B).

¹⁹ 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).

the permitting timetable provides transparency, predictability, and a comprehensive view of all the steps that are necessary for completion of the Federal environmental review and authorization process.

2. Coordinated Project Plan Quarterly Updates

FAST-41 requires the facilitating or lead agency to review and update the CPP at least once per quarter.²⁰ 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.

3. Agency Modification of 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. 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.²¹

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.²²

4. Agency Conformance with Permitting Timetables

Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable posted on the Permitting Dashboard.²³ If an agency does not conform to the established timetable—that is, if an agency does not meet the

²⁰ 42 U.S.C. § 4370m-2(c)(1)(B).

²¹ 42 U.S.C. § 4370m-2(c)(2)(D).

²² 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

²³ 42 U.S.C. § 4370m-2(c)(2)(F)(i).

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.²⁴

5. 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. 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.²⁵

²⁴ 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

²⁵ 42 U.S.C. § 4370m-2(b)(3)(A)(i)-(ii).

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.²⁶

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.²⁷

²⁶ 42 U.S.C. § 4370m-2(b)(3)(A)(iii).

²⁷ 42 U.S.C. § 4370m-2(b)(3)(B).