



FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

Data Management Guide

for

FAST-41 Covered Projects on the
Permitting Dashboard

Data Management Guide for FAST-41 Covered Projects on the Permitting Dashboard

Table of Contents

Introduction	1
Purpose	1
Key Concepts and Terminology	3
Project and Permitting Timetable Entry on the Permitting Dashboard	17
Creating a Project Page on the Permitting Dashboard	17
Adding Project Information to the FAST-41 Covered Project Page	17
Maintenance of Covered Project Dashboard Entries	25
Updating the Coordinated Project Plan	25
Modifying the Permitting Timetable	26
Nonconformance with the Permitting Timetable	35
Appendix A: Roles and Responsibilities for Managing FAST-41 Projects on the Permitting Dashboard	40
Appendix B: Summary of Applicable Requirements by Party Responsible for Milestone	42

Table of Figures

Figure 1. Explanation of the scope and purpose of the Data Management Guide relevant to other FAST-41 guidance and resources.	2
Figure 2. The Data Management Guide provides standard operating procedures for steps four and five in FAST-41’s five stages.....	3
Figure 3. Snapshot of a permitting timetable on the Permitting Dashboard, illustrating FAST-41 and Permitting Dashboard terminology.....	10
Figure 4. FAST-41 Postings by Agencies page on the Dashboard Back-End.	19
Figure 5. Coordinated Project Plans page on MAX.gov.....	23
Figure 6. FAST-41 CPP Task navigation tab on the Permitting Dashboard Back-End.....	25
Figure 7. Process for modifying Federal Agency or Participating State Agency completion dates.	27
Figure 8. Nonconformance protocol.	38

Table of Tables

Table 1. Comparison of FAST-41 and Permitting Dashboard Terms	9
Table 2. Procedures for modifying completion dates in compliance with FAST-41.....	34

Introduction

Purpose

Established pursuant to Title 41 of the Fixing America’s Surface Transportation Act (FAST-41), 42 U.S.C. §§ 4370m *et seq.*, the Federal Permitting Improvement Steering Council (Permitting Council) is an independent Federal agency comprised of the Permitting Council Executive Director, who serves as the Council Chair; 13 Federal agency council members designated by the Secretaries of Agriculture, Army, Commerce, the Interior, Energy, Transportation, Defense, and Homeland Security; Administrators of the Environmental Protection Agency and the Department of Housing and Urban Development; and Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation; and additional council members, the Chair of the Council on Environmental Quality (CEQ) and the Director of the Office of Management and Budget (OMB). FAST-41 establishes special procedures for Federal agencies that are intended to facilitate deliberate, synchronized, and transparent Federal environmental review and decision making for FAST-41 “covered” infrastructure projects.¹

The Permitting Dashboard for Federal Infrastructure Projects (Permitting Dashboard or Dashboard) is administered by the United States 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, including FAST-41 covered projects.

Successful implementation of FAST-41 depends on compliant management of FAST-41 permitting timetables on the Permitting Dashboard. A FAST-41 permitting timetable is a comprehensive schedule for all Federal environmental reviews² and authorizations,³ and any state permits, reviews, and approvals required by FAST-41 to be included on the Dashboard,⁴ that are needed to site, construct, and operate a FAST-41 covered project. To manage FAST-41 permitting timetables in accordance with statutory requirements, Federal agencies must engage in advanced planning, deliberate resource allocation, and close coordination and communication with each other, with relevant state, local, and Tribal entities and with FAST-41 covered project sponsors. Because FAST-41 can require the facilitating/lead agency to establish a comprehensive permitting timetable potentially early in the environmental review and authorization process,⁵ FAST-41 contemplates flexible permitting timetables and establishes procedures for modifying

¹ A FAST-41 covered project is a project in one of the FAST-41 sectors (see 42 U.S.C. § 4370m(6)(A) & 40 C.F.R. 1900.1 & 1900.2) that meets one of the “covered project” criteria at 42 U.S.C. § 4370m(6), and has obtained covered project status pursuant to the procedures at 42 U.S.C. § 4370m-2(a) and (b)(2).

² 42 U.S.C. § 4370m(11).

³ 42 U.S.C. § 4370m(3).

⁴ See 42 U.S.C. §§ 4370m(3); 4370m-2(c)(1)(B)(ii); 4370m-2(c)(3).

⁵ 42 U.S.C. § 4370m-2(c)(1)(A), (c)(1)(B)(ii) (Coordinated project plan, including comprehensive permitting timetable, established not later than 60 days after the Executive Director must add a covered project to the Permitting Dashboard).

permitting timetables as needed to reflect the realities of the Federal environmental review and authorization process for any given covered project.

This Data Management Guide provides a standard operating procedure for Permitting Council member agencies to implement the FAST-41 requirements related to establishing, maintaining, modifying, and completing FAST-41 covered project permitting timetables, and maintaining related required information on the Permitting Dashboard. This Data Management Guide is intended to govern FAST-41 covered projects and should not be used to manage entries for any other type of project on the Permitting Dashboard. This document supersedes all previous iterations of the Data Management Guide, incorporates the FAST-41 requirements as amended by section 70801 of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (Nov. 15, 2021), and removes procedures that have become unnecessary due to the revocation of Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects, 82 FR 40463 (Aug. 15, 2017) on January 21, 2021.

This Data Management Guide is intended to supplement and work in conjunction with the FAST-41 implementation guidance for Permitting Council agencies issued by OMB and CEQ,⁶ applicable Standard Operating Procedures issued by the Permitting Council, relevant Executive Director Memoranda, and the [Permitting Dashboard Technical User Guide](#), which describes the technical and logistical aspects of managing information on the Permitting Dashboard. This Data Management Guide has been developed by the Permitting Council Executive Director in coordination with OMB, CEQ, DOT, and the Permitting Council member agencies.

CEQ and OMB FAST-41 Implementation Guidance	Provides guidance for Permitting Council agencies to carry out their responsibilities under FAST-41.
Data Management Guide	Provides a standard operating procedure for Permitting Council member agencies to implement the FAST-41 requirements related to establishing, maintaining, modifying, and completing permitting timetables, and maintaining related required information on the Permitting Dashboard.
Permitting Council Standard Operating Procedures and Executive Director Memoranda	Provide standard operating procedures for Permitting Council operations that involve interaction among Permitting Council members or member agencies, and articulate how the Executive Director implements the Executive Director's statutorily-assigned responsibilities.
Permitting Dashboard Technical User Guide	Provides a detailed explanation of the technical and logistical aspects of managing information on the Permitting Dashboard, including step-by-step instructions.

Figure 1. Explanation of the scope and purpose of the Data Management Guide relevant to other FAST-41 guidance and resources.

⁶ 42 U.S.C. § 4370m-1(c)(1)(D).

Key Concepts and Terminology

This section provides the conceptual framework for implementing FAST-41 requirements in the context of the Permitting Dashboard, which was built on a legacy transparency tool for infrastructure projects that are not FAST-41 covered projects. Accordingly, much of this Data Management Guide is devoted to translating FAST-41 concepts and terminology into their approximate Permitting Dashboard equivalents and ensuring that the provisions of FAST-41 can be faithfully implemented on the Permitting Dashboard without negatively affecting the many other projects on the Permitting Dashboard that are not subject to FAST-41. Generally, this Data Management Guide will use FAST-41 terminology when discussing FAST-41 requirements and obligations and will use Permitting Dashboard terminology when discussing implementation of FAST-41 requirements on the Permitting Dashboard.

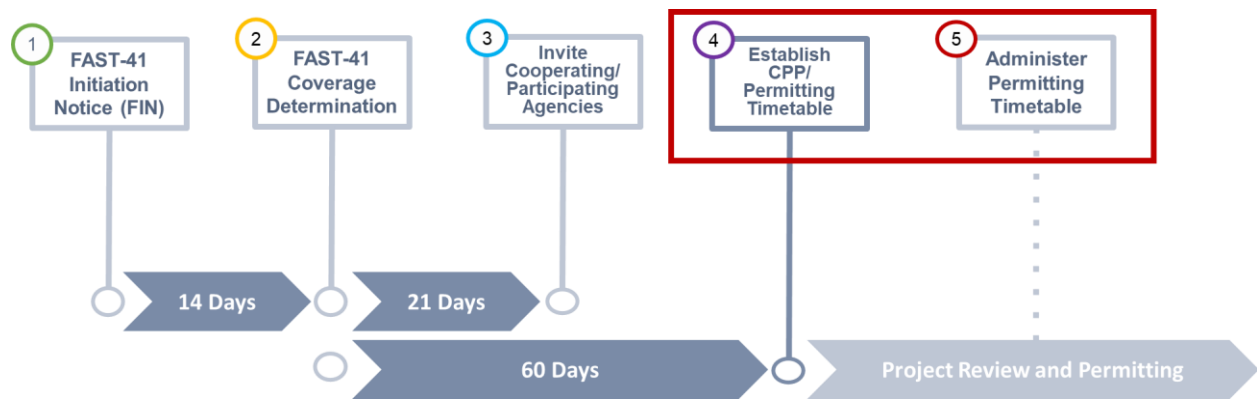


Figure 2. The Data Management Guide provides standard operating procedures for steps four and five in FAST-41's five stages.

The Permitting Dashboard

The **Permitting Dashboard** is a website maintained by DOT that contains permitting and permitting timetable-related information for various types of infrastructure projects over which the Federal government has review and permitting authority. Although the Permitting Dashboard initially was mandated in the FAST-41 statute to accommodate FAST-41 covered infrastructure projects,⁷ most of the projects currently on the Permitting Dashboard are not FAST-41 covered projects, and therefore are not subject to the requirements of FAST-41. Such projects are outside the purview of this Data Management Guide. In this Data Management Guide, the term “**project**” exclusively refers to a FAST-41 covered project.⁸

The term “Permitting Dashboard” refers to the part of the Permitting Dashboard that is visible to the public. The portion of the Permitting Dashboard that is not visible to the public is referred to as the “**Permitting Dashboard Back-End.**”

⁷ 42 U.S.C. § 4370m-2(b)(1).

⁸ 42 U.S.C. § 4370m(6).

Who is Involved in Developing and Managing the Content of FAST-41 Covered Project Dashboard Entries?

FAST-41 assigns specific roles and responsibilities for certain Federal and non-Federal entities with respect to management of project-related information on the Permitting Dashboard. Certain state-related information identified below must also appear on a FAST-41 permitting timetable. Although project sponsor-related information is not required to appear on a FAST-41 permitting timetable, Federal agencies are encouraged to include project sponsor-related information to the extent it helps the agency manage its FAST-41 permitting timetable responsibilities.

1. The **“Executive Director”** is the Presidentially appointed chair of the Permitting Council with specific, statutorily identified, Permitting Dashboard and permitting timetable-related responsibilities.
2. A **“facilitating agency”** is the Federal agency that receives the notice of the initiation of a FAST-41 covered project (“FIN”) from the project sponsor and, until a lead agency is designated, is the Federal agency responsible for fulfilling most of the Federal agency Dashboard management responsibilities, including creating the FAST-41 Coordinated Project Plan (CPP) and the permitting timetable, and managing and modifying the FAST-41 permitting timetable.⁹
3. A **“lead agency”** is the Federal agency with principal responsibility for environmental review of a covered project under the National Environmental Policy Act (NEPA).¹⁰ Once identified, the lead agency becomes responsible for fulfilling most of the Federal agency Dashboard management responsibilities under FAST-41, including creating the FAST-41 CPP and creating, managing, and modifying the FAST-41 permitting timetable.¹¹
4. **“Cooperating agency”** has the same meaning as in the NEPA regulations and is assigned certain statutory responsibilities under FAST-41.¹²
5. A **“participating agency”** is a Federal agency, other than a facilitating, lead, or cooperating agency, that participates in an environmental review or authorization for a FAST-41 covered project and is assigned certain statutory responsibilities under FAST-41.¹³
6. A **“participating state agency”** is an agency of a state in which a FAST-41 covered project is located that has elected to participate in the environmental review and authorization process pursuant to 42 U.S.C. § 4370m-2(c)(3). The participating state and the facilitating/lead agency enter into a memorandum of understanding explaining the extent to which the participating state agency, or the facilitating/lead agency, is responsible for providing and updating state-related environmental review and authorization information for the project.¹⁴

⁹ 42 U.S.C. § 4370m(13); 4370m-2(a)(5).

¹⁰ 42 U.S.C. § 4370m(15).

¹¹ 42 U.S.C. § 4370m-2(a)(5)(A).

¹² 42 U.S.C. § 4370m(4).

¹³ 42 U.S.C. § 4370m(17).

¹⁴ 42 U.S.C. 4370m-2(c)(3).

7. A “**nonparticipating state**” is a state in which a FAST-41 covered project is located that has not elected to participate in the Federal environmental review and authorization process pursuant to 42 U.S.C. § 4370m-2(c)(3). The facilitating/lead agency, to the maximum extent practicable, is required to include in the FAST-41 covered project permitting timetable a schedule of dates by which all nonparticipating state permits, reviews and approvals must be made.¹⁵ Nonparticipating states, and nonparticipating state permits, reviews and approvals, are not subject to the FAST-41 permitting timetable management requirements.
8. A “**project sponsor**” is an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.¹⁶ Project sponsors are not directly subject to FAST-41 Dashboard-related requirements, and project sponsor actions (such as application and information submissions to agencies) are neither required to be included in FAST-41 covered project permitting timetables nor subject to the FAST-41 permitting timetable management requirements. However, FAST-41 requires agencies to consult with project sponsors when creating and modifying FAST-41 covered project permitting timetables. The Dashboard also allows agencies to include project sponsor actions on the FAST-41 covered project permitting timetable for transparency and to assist Federal agencies in managing dependent Federal permitting workflows.

The FAST-41 Permitting Timetable

Implementation of FAST-41 on the Permitting Dashboard centers on the development and maintenance of the **permitting timetable**, which sets forth a comprehensive schedule of dates by which all Federal environmental reviews and authorizations, and to the maximum extent practicable, state permits, reviews and approvals for a FAST-41 covered project must be made.¹⁷ The permitting timetable must include all “intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.”¹⁸ This includes intermediate and final completion dates for action by any participating state agency.¹⁹

The permitting timetable is a component of the FAST-41 **Coordinated Project Plan (CPP)**, which is a concise plan established by the facilitating/lead agency, in consultation with each cooperating and participating agency, “for coordinating public and agency participation in, and completion of, any required environmental review and authorization for [a FAST-41 covered] project.”²⁰ In practice, the CPP consists of: (1) a document containing information required under 42 U.S.C. § 4370m-2(c)(1)(B) that is uploaded to MAX.gov or a successor interagency shared site; and (2) the permitting timetable, which is maintained on the Permitting Dashboard.

¹⁵ 42 U.S.C. § 4370m-2(c)(1)(B)(ii).

¹⁶ 42 U.S.C. § 4370m(18).

¹⁷ 42 U.S.C. § 4370m-2(c)(1)(B)(ii).

¹⁸ 42 U.S.C. § 4370m-2(c)(2)(A).

¹⁹ 42 U.S.C. 4370m(3).

²⁰ 42 U.S.C. § 4370m-2(c)(1)(A).

FAST-41 additionally requires agencies to maintain certain additional information on the Permitting Dashboard to provide public access to important project-related information.²¹ This additional information is identified in the *Adding Project Information to FAST-41 Covered Project Pages* section of this guide.

This section describes each of the components of a FAST-41 permitting timetable and explains the associated terms used on the Permitting Dashboard.

The term “**environmental review**” means 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 NEPA.²²

“**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.

Unless expressly indicated otherwise, “**days**” are calendar days. If a FAST-41 statutory deadline ends on a weekend or holiday, then the required action will be undertaken on the next business day.

The Permitting Dashboard treats each FAST-41 “environmental review” and “authorization” that must appear on a FAST-41 permitting timetable as an “**Action.**” Each such Dashboard Action receives its own line on the permitting timetable Gantt chart (e.g., preparation of an Environmental Impact Statement, National Historic Preservation Act Section 106 Consultation, Marine Mammal Protection Act Authorization, Right-of-Way Issuance, Endangered Species Act Section 7 Consultation).

FAST-41 additionally requires each covered project permitting timetable to contain “intermediate and final completion dates for **action** [uncapitalized] by each participating agency on any Federal environmental review or authorization required for the project,”²³ and by each participating state agency on any state environmental review or authorization for the project. The Dashboard refers to these intermediate and final completion dates for Federal or state agency action as “**milestones.**” Milestones are components of the Dashboard Action referenced above. See Table 1 and Figure 3 below for a crosswalk of FAST-41 and Dashboard terminology.

Non-Federal Actions and Milestones

Permitting timetables may – and in some cases, must – include non-Federal Actions or milestones. A non-Federal Action or milestone is an action by a non-Federal entity – including a participating state agency, nonparticipating state, local government, Tribal government, or project sponsor. The only non-Federal Actions or milestones that are required to appear on a FAST-41 permitting timetable are those of: (1) participating state agencies, and (2) “to the

²¹ 42 U.S.C. § 4370m-2(b)(3).

²² 42 U.S.C. § 4370m(11).

²³ 42 U.S.C. § 4370m-2(c)(2)(A) (emphasis added).

maximum extent practicable,” nonparticipating states. Although not required under FAST-41, improvements to the Dashboard now allow the facilitating/lead agency to include on the permitting timetable project sponsor milestones that will assist the Federal agencies in managing their own milestones.²⁴

Only the Actions and milestones for participating state agencies are required to be managed according to the FAST-41 permitting timetable management requirements. Nonparticipating state Actions and milestones and project sponsor milestones are not subject to the FAST-41 permitting timetable management requirements.

Actions, Milestones, and the Federal Environmental Review and Authorization Inventory

The Permitting Dashboard function for establishing and managing permitting timetable contents is linked to the Federal Environmental Review and Authorization Inventory (Inventory), which is a standard set of Actions and milestones for some of the more common Federal environmental reviews and authorizations for infrastructure projects. The Inventory is not exhaustive and does not include all “authorizations” that may need to be included in a permitting timetable. If an agency determines that an Action required to be included in a FAST-41 permitting timetable is not currently in the Inventory, the agency should contact the Executive Director, who will work with the DOT Dashboard Team to include the Action and associated milestones in the Inventory. Similarly, if an agency determines that a milestone should be added to an Action in the Inventory (i.e., any “intermediate or final” action associated with an “environmental review” or “authorization”), the agency should contact the Executive Director, who will work with DOT Dashboard Team to update the Inventory as needed.

The Inventory contains two generic Actions: “FAST-41 Participating State” and “FAST-41 Nonparticipating State” that the facilitating/lead agency may use to populate any participating or nonparticipating state environmental review or authorization on the Dashboard.

Although many of the Federal Actions in the Inventory have been updated to reflect the most current Federal infrastructure-related milestones, and to accommodate inclusion of project sponsor milestones in Federal agency Actions, agencies may still need to add to the permitting timetable non-Federal milestones that are not included the Inventory. An agency may use the “additional milestone”²⁵ functionality on the Dashboard to populate any non-Federal milestone that is not included in the Inventory in circumstances where the Executive Director and the DOT Dashboard Team have determined that updating the Inventory is not appropriate at the time. For more information on adding and managing non-Federal Actions and milestones on the Permitting Dashboard, see the *Developing the Permitting Timetable* and *Procedures for Changes to Completion Dates for Non-Federal Milestones* sections below.

²⁴ Project sponsor milestones also will be used to help make the 150% calculation required pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(iii). See the description on page 28 in the *Procedures for Modifying a Federal Agency or Participating State Agency Completion Date* section below.

²⁵ Additional milestones were formerly referred to as “optional milestones” on the Permitting Dashboard.

The [Federal Environmental Review and Authorization Inventory](#) includes many (but not all) of the most common Federal environmental reviews and authorizations, licenses, permits, approvals, findings, determinations, and other administrative decisions that agencies should consider for inclusion in FAST-41 covered project permitting timetables. The contents of the Inventory are mirrored on the Permitting Dashboard Back-End as standard milestones to help populate FAST-41 permitting timetables. The Inventory is not exhaustive and does not include all “authorizations” that may need to be included in a permitting timetable. It also does not include participating or nonparticipating state agency Actions.

Completion/Target Dates

FAST-41 refers to the date on which an action related to an environmental review or authorization is anticipated to be, or is in fact, completed as a “**completion date.**” FAST-41 classifies completion dates as follows:

1. **Original completion date:** The anticipated completion date for action that is established in the original permitting timetable.
2. **Current completion date:** The most recent anticipated completion date for an action.
3. **Intermediate completion date:** The date that any action other than the final action in an environmental review or authorization is anticipated to be completed.
4. **Final completion date:** The date that the last action in an environmental review or authorization is anticipated to be completed.

5. **Alternative completion date:** A completion date for a Federal or participating state agency action that was not completed or modified in compliance with the FAST-41 “modification after approval” requirements at 42 U.S.C. § 4370m-2(c)(2)(D). Alternative completion dates are developed and managed subject to the procedures prescribed at 42 U.S.C. § 4370m-2(c)(2)(F)(ii) (see the *Nonconformance with the Permitting Timetable* section below) and represent instances of noncompliance with the FAST-41 permitting timetable for the purposes of 42 U.S.C. § 4370m-2(b)(4)(B) and 4370m-7(a)(2).

Pursuant to 42 U.S.C. § 4370m-2(c)(3)(A), the facilitating/lead agency must include in the FAST-41 covered project permitting timetable intermediate and final completion dates for **participating state** actions and must include in the FAST-41 permitting timetable, “to the maximum extent practicable,” anticipated completion dates for all **nonparticipating state** “permits, reviews, and approvals” for the project. Please see the *Developing the Permitting Timetable, Procedures for Modifying a Federal Agency or Participating State Agency Completion Date, and Procedures for Changes to Completion Dates for Non-Federal Milestones* sections of this guide for the permitting timetable business rules that apply to each category of action.

This Data Management Guide implements these procedures through the “**nonconformance protocol.**”

The Permitting Dashboard refers to each FAST-41 completion date as a “target date.”

Table 1. Comparison of FAST-41 and Permitting Dashboard Terms

Permitting Dashboard Term	FAST-41 Term
Action (with a capital “A”)	Any “environmental review” or “authorization,” including, as applicable, state, local, or Tribal reviews, permits, and authorizations.
Milestone	Intermediate or final action of a Federal, state, or local agency, Tribal government, or project sponsor, related to the completion of an environmental review or authorization (in FAST-41, an “action” with an uncapitalized “a”)
Last milestone in a Dashboard “Action”	Final action on an environmental review and authorization
Milestones other than the last milestone in a Dashboard “Action”	Intermediate action on an environmental review or authorization
Target date (including current target date)	Completion date
Original target date	Initial completion date (i.e., date for completion of an action on an environmental review or authorization established on the day the permitting timetable is initially established)
The date for action on a milestone other than the last milestone in a Dashboard “Action”	Intermediate completion date
The date for action on the last milestone in a Dashboard “Action”	Final completion date

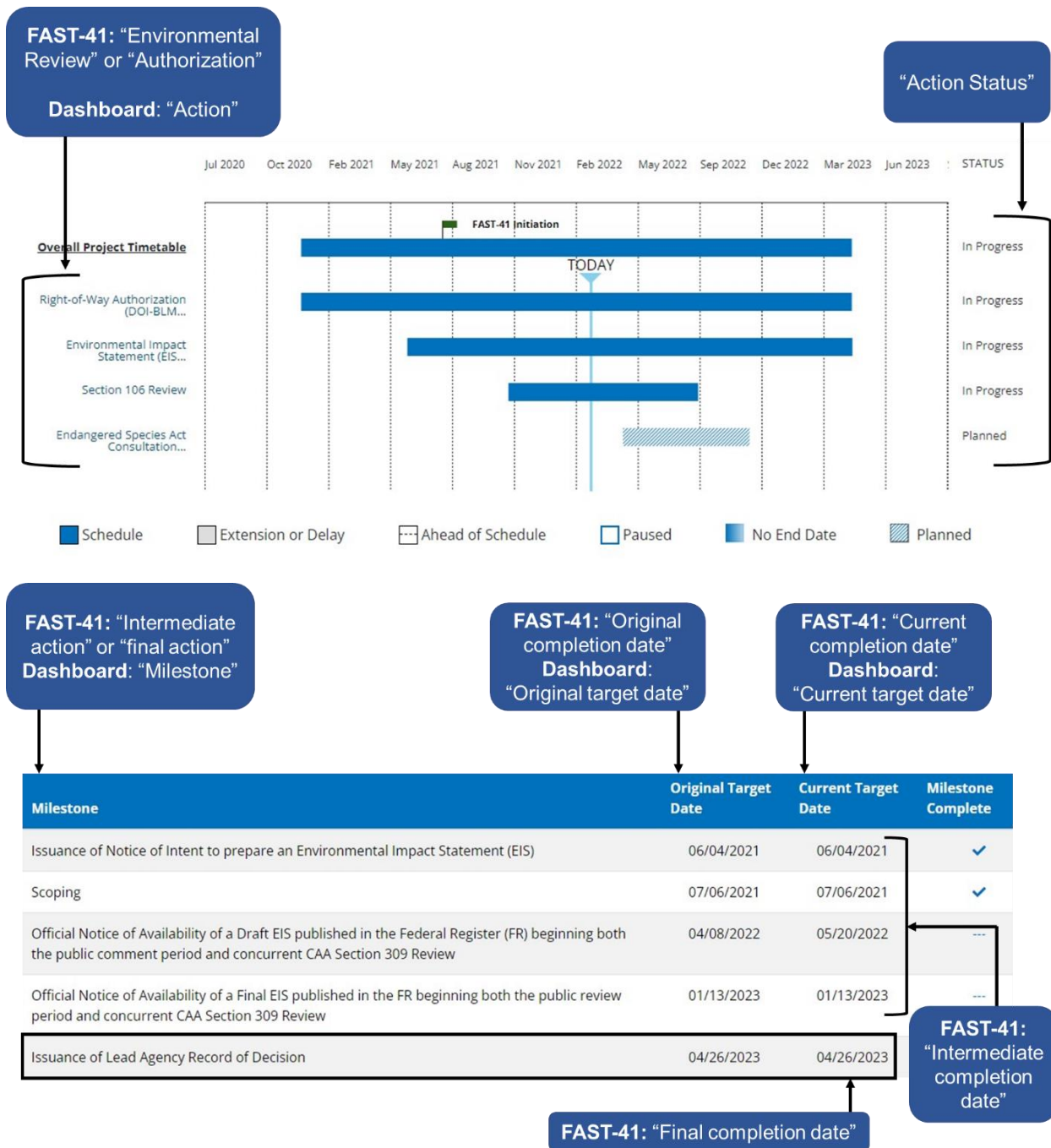


Figure 3. Snapshot of a permitting timetable on the Permitting Dashboard, illustrating FAST-41 and Permitting Dashboard terminology.

FAST-41 Covered Project Statuses

A FAST-41 covered project may be in any one of five **project statuses**: “planned,” “in progress,” “paused,” “cancelled,” or “complete.” The Permitting Dashboard provides for two additional project statuses that **should not** be used for FAST-41 projects: “Class of Action Changed” and “No Longer Required to be Tracked.”

1. **Planned Project Status.** The Executive Director initially posts a FAST-41 covered project on the Dashboard in “**planned**” status.²⁶ The project will remain in “planned” status until the Executive Director receives from the facilitating/lead agency a permitting timetable and posts the permitting timetable to the Dashboard.
2. **In Progress Project Status.** The Executive Director places a FAST-41 covered project “**in progress**” once a permitting timetable is posted to the Dashboard. At this point, all intermediate and final completion dates become “original completion dates” and become subject to FAST-41’s permitting timetable “modification after approval” requirements at 42 U.S.C. § 4370m-2(c)(2)(D), unless management in accordance with these requirements is impossible, as described in the Paused Project Status and Paused Action Status descriptions below.
3. **Paused Project Status.** The Executive Director places a FAST-41 covered project in “**paused**” status if continued maintenance of all Actions in the permitting timetable or continued Federal action in the environmental review and authorization process for the covered project is impossible, and the project has not been either “cancelled” or “completed.” Examples of reasons for “pausing” a FAST-41 covered project have in the past included, but are not limited to, circumstances where:
 - a. a project sponsor requests that the facilitating/lead agency halt Federal review of the project application, and, after consulting with the project sponsor pursuant to 42 U.S.C. § 4370m-2(c)(2)(D), the facilitating/lead agency is unable to estimate modified completion dates and the facilitating/lead agency decides not to “cancel” project review;
 - b. a court issues an order that suspends, or necessitates formulating a new approach to, continued Federal review of the project; or
 - c. a facilitating/lead agency is considering whether to “cancel” a project pursuant to the “abandonment of covered project” provisions of FAST-41 (42 U.S.C. § 4370m-2(c)(2)(G)).

In coordination with the facilitating/lead agency, the Executive Director will ensure that the project page on the Permitting Dashboard explains the circumstance giving rise to the project’s “paused” status. The facilitating/lead agency should, as soon as practicable, request the Executive Director either “cancel” or place back “in progress” any “paused” FAST-41 covered project. The facilitating/lead agency should reach out to the Executive Director before placing a project in “pause” if the agency is having difficulty contacting

²⁶ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

the project sponsor or obtaining from the project sponsor new anticipated dates for project sponsor action.

4. **Cancelled Project Status.** The Executive Director will “**cancel**” a FAST-41 covered project when requested to do so by the lead/facilitating agency when the Federal environmental review and authorization process for a project will not be completed. Circumstances in which a project may be cancelled on the Dashboard include, but are not limited to, circumstances where:
 - a. an agency denies a project sponsor application for an authorization that is essential to covered project siting, construction, or operation, before the environmental review and authorization process is complete;
 - b. a FAST-41 covered project sponsor withdraws its application from Federal review;
 - c. a FAST-41 project sponsor requests to no longer be a FAST-41 covered project;
 - d. the facilitating/lead agency determines that a FAST-41 covered project is “abandoned” or no longer is a covered project pursuant to 42 U.S.C. § 4370m(6) (*see* 4370m-2(c)(2)(g)); or
 - e. the lead agency makes a determination that the Federal environmental review and authorization for the covered project will not move forward.

In coordination with the facilitating/lead agency, the Executive Director will ensure that the project page on the Permitting Dashboard explains the circumstance that gave rise to the project’s cancellation. The Dashboard entry for cancelled projects will remain on the Dashboard for transparency and data management purposes.

5. **Complete Project Status.** The Executive Director marks a project “**complete**” when all Federal environmental reviews have been completed and authorization decisions made (regardless of whether the decision is or is not to authorize the project), and, for projects involving one or more participating state agencies, state authorization decisions made pursuant to Federal law have been made.²⁷

In consultation with the facilitating/lead agency and the project sponsor, the Executive Director may, as appropriate, place a “cancelled” or “completed” project back “in progress.” Examples in the past have included, but are not limited to, circumstances in which:

- a. the facilitating/lead agency identifies an extant environmental review or authorization that is not currently included in the permitting timetable;
- b. an agency revokes or reconsiders a previously completed environmental review or authorization for a completed project; or
- c. post-completion litigation invalidates or remands for Federal agency consideration one or more Federal environmental reviews or authorizations for the covered project.

²⁷ 42 U.S.C. § 4370m(3).

FAST-41 Covered Project Action Statuses

The Permitting Dashboard also assigns a status to each individual Action in a permitting timetable. There are five **Action statuses**: “planned,” “in progress,” “paused,” “cancelled,” or “complete.” The Executive Director will assign Action statuses in consultation with the lead/facilitating agency, the agency responsible for the Action at issue, and, as appropriate, the project sponsor.

1. **Planned Action Status.** The “**planned**” Action status signifies that the relevant Federal or participating state agency has not yet begun work on an environmental review or authorization. “Planned” Actions for FAST-41 covered projects must have posted intermediate and final completion dates, which must be managed consistent with the Permitting Dashboard “modification after approval” provisions of 42 U.S.C. § 4370m-2(c)(2)(D).
2. **In Progress Action Status.** “**In progress**” signifies that a Federal or participating state agency has initiated work on the environmental review or authorization. Actions will remain “planned” until the agency-identified “triggering milestone” for the Action (see the Federal Environmental Review and Authorization Inventory) is complete, at which point the Action will move to “in progress” status. “In progress” Actions for FAST-41 covered projects must have posted intermediate and final completion dates and must be managed consistent with the FAST-41 “modification after approval” provisions of 42 U.S.C. § 4370m-2(c)(2)(D).
3. **Paused Action Status.** Consistent with the previous iteration of the FAST-41 Data Management Guide and DOT practice for the non-FAST-41 covered projects on the Dashboard, the “**paused**” Action status is used when:
 - a. work on an “in progress” environmental review or authorization has been halted; and
 - b. it is impossible for the responsible agency to provide revised completion dates for the relevant Action and component milestones.

Past examples of “pausing” an Action include, but are not limited to:

- a. the project sponsor fails to provide application-related information necessary for the agency to proceed with work on the relevant Federal Action, and the project sponsor refuses or is unable to provide a timeline for providing such information to the agency;
- b. the project sponsor makes a major change to the scope or design of the project that likely renders further work on the Action futile, pending receipt of the revised project design; or
- c. a court issues an order that suspends, or necessitates formulating a new approach to, continued progress on the Action.

In coordination with the facilitating/lead agency, the Executive Director will ensure that the project page on the Permitting Dashboard explains the circumstance giving rise to an Action’s “paused” status. The relevant agency should, as soon as practicable, request the

Executive Director place back “in progress” or “cancel” any “paused” FAST-41 covered project Action. The facilitating/lead agency should reach out to the Executive Director before placing a project in “pause” if the agency is having difficulty contacting the project sponsor or obtaining from the project sponsor new anticipated dates for project sponsor action, including submission of revised project-related information or designs.

“Paused” Actions are not subject to the FAST-41 “modification after approval” provisions of 42 U.S.C. § 4370m-2(c)(2)(D).

4. **Cancelled Action Status.** The “**cancelled**” Action status signifies that the agency no longer will pursue a given Action. In coordination with the relevant agency, the Executive Director will ensure that the project page on the Permitting Dashboard explains the circumstance that gave rise to the cancellation of an Action (e.g., project sponsor withdraws application, agencies choose alternate environmental review or authorization path, the intermediate action on an environmental review or authorization is no longer necessary).
5. **Complete Action Status.** The “**complete**” Action status signifies that the relevant Action has been completed.

Permitting Dashboard Permissions and Workflow

Access to the Permitting Dashboard Back-End is restricted based on permission status. The term “**permission**” refers to the level of access granted to a Permitting Council agency or Office of the Executive Director (OED) staff member to review, edit, and/or post information on the Permitting Dashboard. Agency staff may have “**Read Only**,” “**Author**,” or “**Approver**” permissions for various categories of information. These permission levels apply to: (1) the permitting timetable information on the Dashboard Back-End; and (2) information required to be posted on the new “**FAST-41 Postings By Agency page**,” which is intended to facilitate agency compliance with the requirements of 42 U.S.C. § 4370m-2(b)(3)(A).

The term “**post**” or “**posting**” in this Data Management Guide means placing information on the portion of the Permitting Dashboard that is visible to the public. “Posting” is the same as an Approver publishing information on the Permitting Dashboard.

A staff member’s permission level determines the moderation state(s) in which they can place information on the Dashboard. “**Moderation state**” refers to the three standard workflow steps for information on the Permitting Dashboard, which are “**Draft**,” “**Needs Review**,” and “**Published**.”

Permitting Council agency staff with the ability to access and review information on the Permitting Dashboard, but who cannot edit or approve information for posting on the Permitting Dashboard, have “**Read Only**” permissions.

Any Permitting Council agency staff member who is authorized to enter and edit project information on the Dashboard Back-End is an “**Author**.” Agencies are encouraged to limit Author permissions to their **Dashboard Administrators**, which are the main points of contact

for FAST-41 Dashboard management identified by each Permitting Council agency. Dashboard Administrators enter and manage information on the Permitting Dashboard on behalf of their agencies.²⁸ Agencies should assign users to appropriate projects with project-level permissions, particularly to ensure that appropriate staff receive notifications of potential FAST-41 nonconformance (see the *Nonconformance with the Permitting Timetable* section below).

An “**Approver**” is the OED or agency staff member who is responsible for reviewing and posting information entered on the Dashboard Back-End by Federal agency staff. Any information entered by an Author when creating or editing a project on the Permitting Dashboard that has not yet been set to “Needs Review” by the Author is in “**Draft**” moderation state. After the agency staff places the information in “Needs Review” status, the Approver will review it, make any necessary modifications in consultation with the appropriate agency staff, and post to the Dashboard by placing the information in the “**Published**” moderation state.

For information that the Executive Director is required to post on the Permitting Dashboard, such as the permitting timetable, permitting timetable modifications and associated explanations, and alternative completion dates and associated explanations and reports,²⁹ only OED staff has Approver status. For such information, the agency Author populates the information on the Permitting Dashboard Back-End and places the information in the “**Needs Review**” moderation state for review and posting by the OED Approver. For such information that the agency is required to provide within a statutory timeframe, such as modifying the permitting timetable or providing notices pursuant to 42 U.S.C. § 4370m-2(c)(2)(D) and (F), the agency meets its obligation on the date on which it places permitting timetable information in the “Needs Review” moderation state.

Generally, the Author of permitting timetable information should be staff from the facilitating/lead agency, which is responsible for managing most of the information in a FAST-41 permitting timetable.³⁰ The facilitating/lead agency should grant Author permission to staff from a cooperating agency in circumstances where the cooperating agency is directly responsible for providing information to an OED Approver for posting on the Permitting Dashboard, such as alternative completion dates and associated explanations/reports in the event of noncompliance with a FAST-41 permitting timetable.³¹

The Dashboard allows a facilitating/lead agency to assign responsibility for modifying completion dates and accompanying narratives to the relevant cooperating agency. To effectuate such an assignment, the facilitating/lead agency would grant Author permissions to the cooperating agency. The cooperating agency then would be able to place permitting timetable information into the “Draft” moderation state for facilitating/lead agency review. The facilitating/lead agency then would place the information in the “Needs Review” moderation state for Executive Director review and posting on the Dashboard. If a cooperating agency

²⁸ A list of each agency’s Dashboard Administrators is maintained on MAX.gov: <https://community.max.gov/pages/viewpage.action?pageId=1321765920>.

²⁹ 42 U.S.C. § 4370m-2(b)(4).

³⁰ See 42 U.S.C. § 4370m-2(c)(2)(D).

³¹ 42 U.S.C. 4370m-2(c)(2)(F)(ii).

Author puts information directly into “Needs Review” moderation state, the Executive Director will assume the information can be posted to the Dashboard. Facilitating/lead agencies therefore should clearly communicate with cooperating agencies regarding expectations for workflow steps on the back end of the Permitting Dashboard. Facilitating/lead agencies are ultimately responsible for the permitting timetable, even when permitting timetable management mechanics have been assigned to other agencies

FAST-41 additionally requires the facilitating/lead agency and each cooperating and participating agency to post directly to the Dashboard certain information without Executive Director involvement. This information is identified at 42 U.S.C. § 4370m-2(b)(3)(A) and should be posted by each agency on their respective section of the **“FAST-41 postings by agency page”** (a new Dashboard feature) for each FAST-41 covered project. Each agency’s designated Authors will have Approver permission status for their respective FAST-41 postings by agency page (i.e., agencies do not need to put this information into “Needs Review” status for Executive Director review; they can post the information directly to the Permitting Dashboard).

Project and Permitting Timetable Entry on the Permitting Dashboard

Creating a Project Page on the Permitting Dashboard

Pursuant to 42 U.S.C. § 4370m-2(b)(2)(ii), the Executive Director will create a project page on the Permitting Dashboard for a FAST-41 covered project within 14 days of receiving a FIN from a project sponsor, unless the Executive Director or the facilitating/lead agency determines that the project is not a FAST-41 covered project. *See* Executive Director Memorandum, [Executive Director Role and Responsibilities in Determining Whether a Project is a Covered Project Pursuant to Title 41 of the Fixing America’s Surface Transportation Act \(FAST-41\)](#). The Executive Director will indicate on each FAST-41 covered project page the date on which the project was added to the Permitting Dashboard. The project page will contain a project description; identify the project location and sponsor; provide the facilitating/lead agency point of contact; identify the facilitating/lead, cooperating, participating, and participating state agencies; identify the status of the compliance of each agency with the permitting timetable; and provide space for the permitting timetable.

Adding Project Information to the FAST-41 Covered Project Page

FAST-41 Postings by Agency Page

Each FAST-41 covered project page will include a link to a separate page where each facilitating/lead, cooperating, participating, and participating state agency may post the information required by 42 U.S.C. § 4370m-2(b)(3)(A). This page is called the “FAST-41 postings by agency page” and will contain headings under which each agency can populate the required information.

Pursuant to 42 U.S.C. § 4370m-2(b)(3)(A), each facilitating/lead, cooperating, participating, and participating state agency must post, either directly or via a link to a project website, on the “FAST-41 postings by agency page” the following information, no later than five business days after the date on which the agency receives the required information:³²

1. The project FIN;³³
2. Where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization. Alternatively, agencies may post a notice explaining how the public may obtain access to such documents;

³² 42 U.S.C. § 4370m-2(b)(3)(B).

³³ Proprietary information contained in the FIN should not be posted to the Permitting Dashboard. OED is revising the FIN submission form to request that project sponsors clearly identify any proprietary or confidential information that the FIN may contain.

3. A description of any Federal agency action taken or decision made that materially affects the status of a covered project;
4. Any significant document that supports the action or decision made that materially affects the status of a covered project;
5. 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;
6. 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; and,
7. Any document that is not available by hyperlink on another website.

Agencies must additionally post directly to the “FAST-41 postings by agency page” information about project-related public meetings, public hearings, and public comment periods, which must be presented in English and in the “predominant language of the community or communities most affected by the project, as that information becomes available.”³⁴ The obligation to post the information or links to a website that contains the information remains until the project is marked “complete” or “cancelled.”

Strictly speaking, the statutory requirement that each facilitating/lead, cooperating, participating, and participating state agency post this information on the Permitting Dashboard is redundant (e.g., each agency is required to post the project FIN). However, the Permitting Council interprets this requirement as an attempt to ensure that agencies jointly and severally provide all of the required information publicly on the project’s Dashboard page. Each agency may meet its obligation to post the required information by cross-referencing information and weblinks already posted by another agency, and by providing only the additional information for which the agency is directly responsible.

Authors at each agency must make the required entries directly on the “FAST-41 postings by agency page” in the appropriate box on the Dashboard Back-End. The designated agency Authors have Approver permissions for postings to “FAST-41 postings by agency pages.”

³⁴ 42 U.S.C. § 4370m-2(b)(3)(A).

View Edit Delete Revisions

Home

Permitting Project
Mid-Barataria Sediment Diversion

Agency *
US Army Corps of Engineers – Civil Works

FAST-41 Initiation Notice

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo. Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni

body p [About text formats](#)

Provide a hyperlink that directs to a website that contains the FAST-41 Initiation Notice. Upload a copy of document if it is not available by hyperlink. Do not include proprietary or confidential information.

Application and Supporting Documents

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo. Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni

body p [About text formats](#)

Provide a hyperlink that directs to a website that contains 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. Upload a copy of relevant documents that are not available by hyperlink. Note whether provision of applications and supporting documents is not practicable or applicable.

Description of any Federal agency action taken or decision made that materially affects the status of the project

Ali vero eos et accusamus et iusto odio dignissimos ducimus qui blanditiis praesentium voluptatum deleniti.

body p [About text formats](#)

Provide a hyperlink that directs to a website that contains a description of any Federal agency action taken or decision made that materially affects the status of the project and significant documents that support the actions/decisions. Upload a copy of relevant documents that are not available by hyperlink. Note whether this description is already reflected through the project's permitting timetable or elsewhere on the Dashboard.

Information on the status of mitigation measures

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body p [About text formats](#)

Provide 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. Upload a copy of relevant documents that are not available by hyperlink.

Description of the status of any litigation

Et harum quidem rerum facilis est et expedita distinctio. Nam libero tempore, cum soluta nobis est eligendi optio cumque nihil impedit quo minus.

body p [About text formats](#)

Provide a description of the status of any litigation to which the agency is a party that is directly related to the project, including any judicial document made available on an electronic docket maintained by a Federal, State, or local court. Upload a copy of relevant documents that are not available by hyperlink. Note whether provision of judicial documents is not practicable.

Information about project-related public meetings, public hearings, and public comment periods

body p [About text formats](#)

Text format: Full HTML [About text formats](#)

Provide information about project-related public meetings, public hearings, and public comment periods, presented in English and the predominant language of the community or communities most affected by the project, as that information becomes available. A link to such information is not sufficient.

Current state: Published
Change to: Draft

Save

Published
Last saved: 03/15/2022 - 17:37

Author: carlos_arandia
Create new revision
Revisions are required.
Revision log message

Briefly describe the changes you have made.

- MENU SETTINGS (Not in menu)
- URL REDIRECTS
- URL ALIAS (No alias)
- AUTHORING INFORMATION (By carlos_arandia (2956) on 2022-03-14)
- PROMOTION OPTIONS (Not promoted)

Figure 4. FAST-41 Postings by Agencies page on the Dashboard Back-End.

The Coordinated Project Plan

The facilitating/lead agency must develop the CPP in consultation with each cooperating and participating agency, the project sponsor, and any state in which the project is located, within 60 days of the date on which the Executive Director must create a project page for a FAST-41 covered project on the Permitting Dashboard.³⁵ The CPP must include:

1. A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.
2. A permitting timetable that sets forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, state permits, reviews and approvals must be made.
3. A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.
4. Plans and a schedule for public and Tribal outreach and coordination, to the extent required by applicable law.³⁶

In practice, the CPP consists of: (i) the permitting timetable, which is maintained on the Permitting Dashboard; and (ii) a CPP form that contains all the other information required for CPPs, which is currently maintained on MAX.gov.

The Permitting Timetable

Developing the Permitting Timetable

As part of the CPP, the facilitating/lead agency, in consultation with each cooperating and participating agency, the project sponsor, and any state in which the project is located, and with the concurrence of each cooperating agency, must establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.³⁷

The permitting timetable must include all intermediate and final completion dates for action by each cooperating or participating agency on any Federal environmental review or authorization required for the project and, to the maximum extent practicable, all state permits, reviews, and approvals for a project.³⁸ If a state chooses to participate in the Federal environmental review and authorization process for a FAST-41 covered project pursuant to 42 U.S.C. § 4370m-2(c)(3), then all state authorizations undertaken pursuant to Federal law (i.e., licenses, permits, approvals, findings, determinations, or other administrative decision issued by a state 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 state agency) must be included in the permitting timetable.³⁹

³⁵ 42 U.S.C. § 4370m-2(c)(1) & (2).

³⁶ 42 U.S.C. § 4370m-2(c)(1)(B).

³⁷ 42 U.S.C. § 4370m-2(c)(2)(A).

³⁸ *Id.*; see 42 U.S.C. § 4370m-2(c)(1)(B)(ii).

³⁹ 42 U.S.C. § 4370m(3); 4370m-2(c)(1)(B)(ii) & (c)(2)(A).

FAST-41 does not require agencies to include in the permitting timetable completion dates for actions of project sponsors. However, the Dashboard includes the option to include project sponsor completion dates to help agencies manage their own permitting timetable workflows, and, among other reasons, to facilitate modification of Federal agency milestones sufficiently in advance of the FAST-41 30-day lockout period⁴⁰ (e.g., milestones that reflect the project sponsor’s submission of an application or additional information). Project sponsor milestones are not subject to the FAST-41 “modification after approval” requirements of 42 U.S.C. § 4370m-2(c)(2)(D).

Agencies also are required to include, to the maximum extent practicable, completion dates for nonparticipating state permits, reviews and approvals. These non-Federal milestones are not subject to the FAST-41 “modification after approval” requirements of 42 U.S.C. § 4370m-2(c)(2)(D).

In establishing the permitting timetable, the facilitating/lead agency “shall follow the performance schedules established under 42 U.S.C. § 4370m-1(c)(1)(C), but may vary the timetable based on relevant factors, including, but not limited to:

- The size and complexity of the covered project;
- The resources available to each [cooperating or] participating agency;
- The regional or national economic significance of the project;
- The sensitivity of the natural or historic resources that may be affected by the project;
- The financing plan for the project; and
- The extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under state law.”⁴¹

If the Executive Director has developed a [Recommended Performance Schedule](#) (RPS) for the applicable project type, the facilitating/lead agency should verify in the CPP form that it considered the RPS in developing the permitting timetable. If the facilitating/lead agency creates a permitting timetable that differs from the RPS, the facilitating/lead agency should explain the additional “relevant factors” it considered and explain why the project’s permitting timetable differs from the RPS. If the Executive Director has not developed an RPS for the relevant project sector, then the facilitating/lead agency should indicate in the CPP form that no applicable RPS is available.

Coordination in Developing the Permitting Timetable

Because the facilitating/lead agency has only 60 days from the date that the Executive Director is required to post a covered project page to the Permitting Dashboard to establish the permitting timetable, the facilitating/lead agency should consult as early as possible with the cooperating and participating agencies to generate a draft of the permitting timetable. The facilitating/lead agency should share a draft of the permitting timetable with the project sponsor at least by day 30 of the 60-day period to confirm timetable feasibility, obtain project sponsor input on permitting strategy and sequencing, and plan the dates for the various project sponsor

⁴⁰ 42 U.S.C. 4370m-2(c)(2)(E).

⁴¹ 42 U.S.C. § 4370m-2(c)(2)(B).

deliverables on which Federal agency reviews and authorizations may depend. Dialogue between the cooperating agencies and the project sponsor may be necessary to determine which application(s) for Federal authorization the project sponsor needs to submit, and when to submit the application(s), to facilitate agencies' work on the project.

The facilitating/lead agency additionally is required to consult with the state(s) in which the covered project is located before completing the initial permitting timetable, and, to the maximum extent practicable, include any state permits, reviews and approvals needed for the project in the permitting timetable.⁴²

Pursuant to 42 U.S.C. § 4370m-2(c)(3)(B), facilitating/lead agencies must also, to the maximum extent practicable under applicable law, coordinate with “any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.” The facilitating/lead agency may work with the Executive Director to engage with state, local, and Tribal agencies to fulfill this requirement.

Timely engagement of cooperating agencies and the project sponsor is important also because it allows for the efficient resolution of any permitting timetable disputes, whether brought by a cooperating agency or a project sponsor, before the timetable is publicly posted. Pursuant to 42 U.S.C. § 4370m-2(c)(2)(C), disputes must be resolved within 60 days of the date on which the dispute is submitted to the Executive Director. The 60-day deadline to post a permitting timetable is tolled (i.e., suspended) while the dispute is being resolved. Once the dispute is resolved, the 60-day timeframe resumes from the point at which it was tolled.

Submitting the Completed CPP and Entering the Permitting Timetable on the Dashboard

The facilitating/lead agency submits the CPP form by uploading it to the relevant project child page under the [MAX.gov Coordinated Project Plans page](#). The facilitating/lead agency must upload the CPP form to MAX.gov, or a successor interagency shared site, within 60 days of the date on which the Executive Director added the project to the Dashboard, unless the 60-day timeframe has been tolled for dispute resolution.⁴³

⁴² 42 U.S.C. § 4370m-2(c)(1)(B)(ii); *see* 4370m-2(c)(2)(A).

⁴³ 42 U.S.C. § 4370m-2(c)(1)(B).

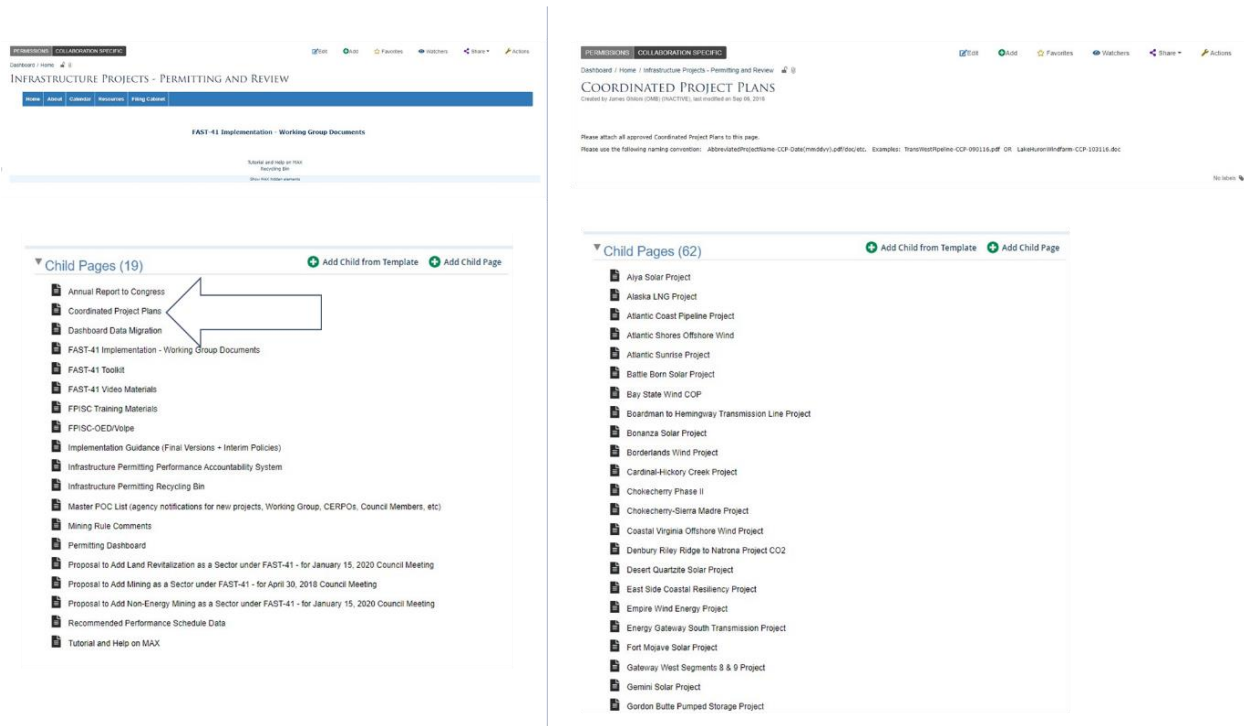


Figure 5. Coordinated Project Plans page on MAX.gov.

The facilitating/lead agency also must input the permitting timetable on the Permitting Dashboard Back-End within 60 days of the date on which the Executive Director is required to add the project to the Permitting Dashboard, unless the 60-day timeframe has been tolled to accommodate dispute resolution. The facilitating/lead agency must input Actions, milestones, and corresponding “target” dates on the Dashboard using the “Manage Timetable” tab as follows:

1. Input each required Action via the “Add Action” link, which navigates to the “Permitting Action” form.
 - a. Input all required information related to each Action in the form. Non-Federal reviews and authorizations should be entered using the "FAST-41 Participating State" or "FAST-41 Nonparticipating State" Actions.
 - b. Select “Save and Continue.”
2. Add target dates for standard milestones and, at the facilitating/lead agency’s discretion, milestone detail language provided by cooperating and participating agencies. Input additional milestones and associated target dates, if needed.
 - a. Input “original target dates” for each standard milestone (“standard milestones” are those that are in the Inventory and are automatically populated for each Action on the Dashboard Back-End).
 - b. Use the “additional milestone” functionality to include milestones that are not provided for in the Inventory, and that are useful for timetable management (e.g., project sponsor milestone that is not in the Inventory, or nonparticipating state action on which a Federal agency action is dependent).

- c. If an agency determines that a milestone is required pursuant to 42 U.S.C. § 4370m-2(c)(1)(B)(ii) (i.e., “dates by which all environmental reviews and authorizations must be made”), but that that milestone is not in the Inventory, the agency should contact the Executive Director to update the standard set of milestones.
3. Save the milestone data using the buttons and options at the bottom of the data entry form. The permitting timetable information should be set to “Draft” until it is ready to be reviewed and posted to the Dashboard by the OED Approver, at which point the facilitating/lead agency Author should set the moderation state to “Needs Review.”

Refer to Chapter 4.8 of the Permitting Dashboard Technical User Guide for more details on adding milestones to the Permitting Dashboard. Section 4.8.1 #14 provides information on the mechanics of using “additional milestones.”

Maintenance of Covered Project Dashboard Entries

Updating the Coordinated Project Plan

Pursuant to 42 U.S.C. § 4370m-2(c)(1)(B), the facilitating/lead agency must update the CPP at least quarterly. On the first day of the last month of each Fiscal Year (FY) quarter, the facilitating/lead agency will be assigned a quarterly CPP update task on the Dashboard under the [“FAST-41 CPP Task” navigation tab](#).

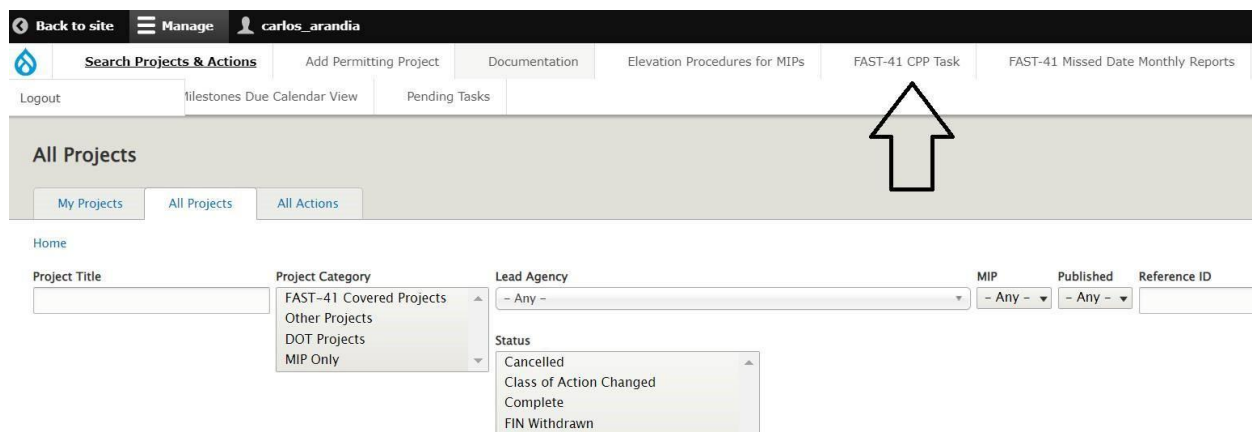


Figure 6. FAST-41 CPP Task navigation tab on the Permitting Dashboard Back-End.

Here, the facilitating/lead agency certifies that the CPP has been reviewed and indicates whether CPP updates were made. The deadline for the facilitating/lead agency to make this certification is the end of each FY quarter. The facilitating/lead agency should coordinate with cooperating agencies sufficiently early to certify that the CPP has been reviewed, and updated if necessary, by the quarterly deadline.

If the facilitating/lead agency makes changes to the CPP, the agency uploads the revised CPP form to the relevant project child page under the [MAX.gov Coordinated Project Plans page](#). The updated CPP should include all required changes as needed, including:

- Revised or new Federal, state, local, or Tribal Actions and milestones;
- Changes to roles or responsibilities of agencies, including changes in facilitating/lead agency;
- Changes to avoidance, minimization, and mitigation strategies that are required to be posted to the Dashboard; and
- Changes to public and Tribal outreach and coordination plans or schedules.

Modifications to the permitting timetable made on the Dashboard, discussed in detail below, constitute updates to the permitting timetable aspect of the CPP, and no additional action by a facilitating/lead agency needs to be taken in this regard on the CPP form.

Modifying the Permitting Timetable

This section discusses requirements and procedures for modifying permitting timetables in compliance with FAST-41.

Statutory Requirements

Pursuant to the “modification after approval” requirements of 42 U.S.C. § 4370m-2(c)(2)(D)(i), the facilitating/lead agency may modify a completion date in the permitting timetable only if:

- The facilitating/lead agency consults with the Executive Director regarding the potential modification not less than 15 days before engaging in required consultation with affected cooperating agencies, participating agencies, and the project sponsor;
- The facilitating/lead agency and the affected cooperating agencies, after consultation with the participating agencies, the Executive Director, and the project sponsor, agree to a different completion date;
- The facilitating/lead agency provides a written justification to the Executive Director for publication on the Permitting Dashboard for the modification; and
- In the case of a modification that would necessitate an extension of a final completion date (i.e., final milestone for a Permitting Dashboard Action) to a date more than 30 days after the original final completion date, the facilitating/lead agency submits a request to modify the permitting timetable to the Executive Director, who shall consult with the project sponsor and make a determination on the record, based on consideration of the relevant factors, whether to grant the extension.

No agency may modify, and the Executive Director may not authorize any modification of, an intermediate or final completion date in a FAST-41 permitting timetable within 30 days of the posted completion date.⁴⁴

Facilitating/lead agencies are encouraged to manage their own internal processes to timely fulfill the statutory consultation requirements for modifying the permitting timetable, including consultation with the Executive Director. See *Procedures for Modifying a Federal Agency or Participating State Agency Completion Date* below for information on how to fulfill the requirement to consult with the Executive Director.

Procedures for Modifying a Federal Agency or Participating State Agency Completion Date

Prior to modifying a Federal agency or participating state completion date (including a “planned” completion date) on the permitting timetable, the facilitating/lead agency must:

- **Consult with the Executive Director** at least 15 days before consulting with the other required parties prior to modifying a completion date.⁴⁵ Facilitating/lead agencies may satisfy this consultation requirement by notifying the Executive Director of the contemplated date change by emailing the Executive Director at fastfortyone.projects@fpisc.gov. If a Federal agency or participating state agency action

⁴⁴ 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

⁴⁵ 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I).

is dependent on a non-Federal action, and is required by law to take place within 15 days after the non-Federal action, then the requirement to consult with the Executive Director does not apply. *See* 42 U.S.C. §§ 4370m-6(d) (Nothing in FAST-41 “supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute”); 4370m-6(e)(2) (Nothing in FAST-41 preempts, limits, or interferes with . . . any power, jurisdiction, responsibility, or authority that a Federal . . . agency . . . has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program”).

- **Consult with affected cooperating agencies, participating agencies, and the project sponsor, and obtain concurrence of affected cooperating agencies on a new completion date.**⁴⁶
- Provide to the Executive Director for posting on the Permitting Dashboard a written explanation/justification for the milestone modification.⁴⁷

The **30-day lockout period** is the period of time that precedes an intermediate or final completion date for action on a FAST-41 environmental review or authorization within which the completion date may not be modified. The 30-day lockout period is inclusive of day 30.

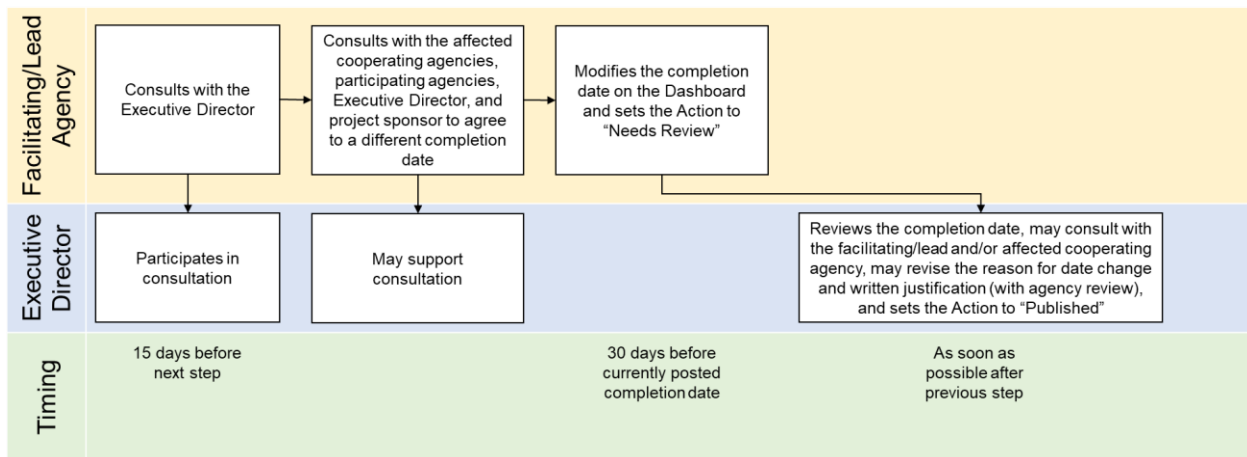


Figure 7. Process for modifying Federal Agency or Participating State Agency completion dates.

Because the 30-day lockout period is inclusive of day 30, the facilitating/lead agency must modify a completion date and the facilitating/lead agency must provide the required written explanation at least 31 days before the currently-posted completion date.⁴⁸ Accordingly, the facilitating/lead agency should coordinate with cooperating agencies, participating agencies, and the project sponsor sufficiently early to ensure that the completion date is modified before the 30-day lockout period begins. Once within the 30-day lockout period, a completion date may no longer be modified, and, in the event the agency responsible for the milestone (which may not necessarily be the facilitating/lead agency) is unable to meet the currently posted completion date, that agency will be in noncompliance with the permitting timetable and required to

⁴⁶ 42 U.S.C. § 4370m-2(c)(2)(D)(i)(II).

⁴⁷ 42 U.S.C. § 4370m-2(c)(2)(D)(i)(III).

⁴⁸ 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

establish an “alternative completion date” pursuant to the permitting timetable nonconformance provisions of 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

When modifying any Federal or participating state milestone, the facilitating/lead agency will undertake the following procedure:

1. Navigate to the “Manage Timetable” tab and select the relevant milestone. Review Section 4.8 of the Permitting Dashboard Technical User Guide for more information on the mechanics of this process.
2. Update the “current target date,” which will update the milestone.
3. Certify via three checkboxes that the facilitating/lead agency consulted with the following regarding the new target/completion date:
 - The Executive Director;
 - The participating agencies; and
 - The project sponsor.
4. Certify via checkbox that the affected cooperating agencies agree with the new milestone target date.
5. Select a “reason for date change” from the dropdown. The table below explains when to use each reason option. For FAST-41 Dashboard administration purposes, the “reason for date change” is tracked primarily because permitting timetable extensions needed to accommodate events that are outside the control of Federal, state, local, and Tribal governments do not count toward calculation of the 150% threshold pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(iii)(I). The dropdown contains several selections that are not applicable to FAST-41 projects, and which should not be used. These selections include:
 - *Environmental review and authorization milestone dependency-related factors*. If the target date for the milestone is being modified because that milestone is dependent on another milestone’s modified target date, select the same reason that was selected for the initial target date modification.
 - *Ahead of schedule*. Select the appropriate underlying reason for the milestone date modification.
 - *Data entry error*. Select “Federal agency factors.”
 - *Project pause*. Select the appropriate underlying reason for the milestone date modification.
 - *Updating planned date*. Select the appropriate underlying reason for the milestone date modification.
6. The facilitating/lead agency must provide a written justification for the milestone target date modification for the OED Approver to post on the Dashboard.⁴⁹ Use the Dashboard’s “Modification Justification” field to provide this narrative.

⁴⁹ 42 U.S.C. § 4370m-2(c)(2)(D)(III), 4370m-2(b)(4)(D).

7. Set the Action’s moderation state to “Needs Review” for the OED Approver’s review. The OED Approver may consult with the facilitating/lead and/or affected cooperating agency, and may as necessary revise the reason for date change and written justification, before setting the Action’s moderation state to “Published.”

Reasons for Date Change	Examples (representative; not comprehensive)
<i>Federal Government Factors</i>	
<i>Federal agency factors (identified on the Dashboard as “Internal agency factors” and “Interagency factors”)</i>	<ul style="list-style-type: none"> ● There are agency capacity or resource issues. ● Additional (or less) time is required to comply with internal agency procedures or review processes. ● Additional (or less) time is required to perform an adequate environmental review, consultation, or assessment. ● There are changes to an agency’s policies, guidelines, or regulations. ● There are changes in the Federal approach to review and authorization of the project. ● An alternative has been identified that necessitates modification/augmentation of the permitting timetable. ● There is a lapse of Federal funding. ● Additional (or less) time is required for interagency coordination or consultation. ● Additional (or less) time is required to complete consultation with non-Federal entities. ● Additional public comment / outreach is needed. ● There are interagency disputes. ● There are interagency communication issues. ● Permitting timetable modifications are appropriate in light of possible or actual judicial challenge. ● A Federal or participating state agency requires more or different information from a project sponsor than anticipated in the original permitting timetable. ● A milestone target completion date was entered erroneously.
<i>Court factors (Identified on the Dashboard as “Pending legal action”)</i>	<ul style="list-style-type: none"> ● A court has issued an order that requires or necessitates permitting timetable modification.

Reasons for Date Change	Examples (representative; not comprehensive)
<i>Non-Federal Government Factors</i>	
<i>State government factors</i>	<ul style="list-style-type: none"> ● There are unresolved state trust land rights-of-way impact issues. ● There is a delay in a state action that is necessary for the Federal decision to proceed. ● There are unresolved state sovereignty issues for riparian and coastal lands, water, or fisheries. ● There is a necessary state authorization, permit, review, or approval that must be accommodated on the permitting timetable that was unaccounted for in the original permitting timetable or that affects completion of a Federal agency action. ● A participating state agency needs more time to complete a state agency authorization.
<i>Local government factors</i>	<ul style="list-style-type: none"> ● There are unresolved conflicts with local, county, or city zoning. ● There are unresolved payment-in-lieu-of-tax issues. ● There are unresolved impacts on recreational or protected areas. ● A local government needs more (or less) time to complete an action on which a Federal agency or participating state agency action depends.
<i>Tribal government factors</i>	<ul style="list-style-type: none"> ● There is a necessary Tribal authorization, permit, review, or approval that must be accommodated on the permitting timetable that was unaccounted for in the original permitting timetable or that affects completion of a Federal agency action. ● A Tribe needs more time to complete a review, action, or consultation on which a Federal agency action depends.

Reasons for Date Change	Examples (representative; not comprehensive)
<i>Project Sponsor Factors</i>	
<i>Project sponsor factors</i>	<ul style="list-style-type: none"> ● A project sponsor needs more time to submit a required application or information to a Federal or participating state agency. ● A project sponsor fails to submit a complete application or sufficient information as required by applicable regulations and contemplated in the original permitting timetable. ● A project sponsor requests that an agency pause Federal or participating state agency action on an action or project. ● A project sponsor fails to respond to an agency request for an updated statement regarding the ability of the project sponsor to complete the project, and is subject to an Executive Director notice issued pursuant to 42 U.S.C. § 4370m-2(c)(2)(G)(ii). ● A project sponsor modifies the project proposal, necessitating additional or less time for permitting timetable modification and/or project review.
<i>Force Majeure / No Agent Specified</i>	
<i>Natural disasters</i>	<ul style="list-style-type: none"> ● There have been necessary schedule changes directly resulting from an emergency situation created by a natural disaster.
<i>National emergency</i>	<ul style="list-style-type: none"> ● There have been necessary schedule changes directly resulting from a national emergency situation, such as a public health emergency created by a pandemic or military action.

Procedure for Completion Date Modifications That Extend a Final Completion Date for a Federal Agency or Participating State Agency Action By More Than 30 Days After the Originally Established Final Completion Date

A facilitating/lead agency may modify a final completion date for an environmental review or authorization by more than 30 days after the originally established final completion date only after: (i) complying with the procedures for modifying a completion date pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I)-(III); and (ii) requesting and obtaining an Executive Director determination on the record granting the modification.⁵⁰ If the Executive Director determines not

⁵⁰ In making a determination on the record, the Executive Director considers “relevant factors,” including, but not limited to, the factors identified in 42 U.S.C. § 4370m-2(c)(2)(B).

to grant the request, the agency responsible for the environmental review or authorization is required to establish an alternative completion date and comply with the permitting timetable nonconformance requirements of 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

When making an extension request to change a final completion date on the permitting timetable by more than 30 days, facilitating/lead agencies should do the following:

1. Complete Dashboard steps 1-4 described in the *Procedures for Modifying a Completion Date for a Federal Agency or Participating State Agency Action* section above. The facilitating/lead agency should begin the completion date modification process at least 50 days before the final completion date to allow for the required consultation with the Executive Director, affected cooperating agencies, participating agencies, and the project sponsor.⁵¹
2. Submit a Milestone Extension Request to the Executive Director. Dashboard mechanics for this activity are described in Chapter 7 of the Permitting Dashboard Technical User Guide. The call-out box below describes elements of a milestone extension request.
 - Upon receiving the request, the Executive Director will consult with the project sponsor as required and make a determination on the record, based on consideration of “relevant factors,”⁵² whether to grant the facilitating/lead agency authority to make the modification.
 - If granted, the Executive Director will publish the permitting timetable modification and the determination on the Permitting Dashboard.
 - If denied, the Executive Director will notify the facilitating/lead agency that the request has been denied, publish the adverse determination on the Permitting Dashboard, and place the responsible agency in the nonconformance protocol prescribed at 42 U.S.C. § 4370m-2(c)(2)(F)(ii), if the completion date currently posted on the Dashboard is not met.

Elements of a Milestone Extension Request
<ul style="list-style-type: none">● A detailed explanation of the reason for the proposed date change.● Identification of the “relevant” factors on which the Executive Director should base a determination on the record granting the request.● Identification of the affected cooperating agencies.● A description of the project sponsor’s disposition with respect to the proposed date change.

Procedures for Changes to Completion Dates for Non-Federal Milestones

With the exception of participating state agency actions, modification of completion/target dates for non-Federal milestones are not subject to the FAST-41 permitting timetable modification

⁵¹ 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I)-(III).

⁵² 42 U.S.C. § 4370m-2(c)(2)(B).

requirements. Such non-Federal milestones include those for which a nonparticipating state government, local government, Tribal government, or project sponsor is responsible.

Because the facilitating/lead agency is required to include, “to the maximum extent practicable,” a “comprehensive schedule of dates by which all . . . state permits, reviews and approvals must be made,”⁵³ the Dashboard allows agencies to revise and keep current such milestones and completion dates/target dates at will.

Agencies generally are encouraged to consult with non-Federal entities and include non-Federal milestones on FAST-41 covered project permitting timetables to help set expectations (e.g., when an agency can expect to receive an application from the project sponsor), manage dependencies (e.g., manage Federal milestone completion dates that are dependent on state, local, or project sponsor actions), and maintain an accurate representation of how the permitting process works in the real world (e.g., represent the totality of the environmental review and authorization process and show the interdependence of Federal and non-Federal actions needed to complete project review).

Because only the permitting timetable extensions outside the control of Federal, state, local, and Tribal governments do not count toward the 150% calculation under 42 U.S.C. § 4370m-2(c)(2)(D)(iii)(I), it is particularly important for facilitating/lead agencies to populate and maintain project sponsor milestones and corresponding completion dates for any FAST-41 permitting timetable so delays attributable to the project sponsor can be subtracted from the permitting timeline.

When modifying non-Federal milestones on the Permitting Dashboard, facilitating/lead agencies must complete Dashboard steps 1, 2, 5, and 7 described in the *Procedures for Modifying a Completion Date for a Federal Agency or Participating State Agency Action* section above. It is optional, but recommended, for facilitating/lead agencies to complete Dashboard step 6 (providing a Modification Justification) in the interests of transparency and facilitating an accurate understanding of real-world permitting processes.

⁵³ 42 U.S.C. § 4370m-2(c)(1)(B)(ii).

Summary of Procedures for Modifying Completion Dates

Table 2. Procedures for modifying completion dates in compliance with FAST-41

Facilitating/Lead Agency Dashboard Tasks	Modifications to a completion date...		
	For <u>any</u> Federal Agency or Participating State Agency action	That Extend a Final Completion Date for Federal Agency or Participating State Agency action by More Than 30 Days After the Originally Established Final Completion Date	For Non-Federal (i.e., nonparticipating State, local, Tribal, and project sponsor) action
1. Navigate to the Manage Timetable tab	●	●	●
2. Update the current target date	●	●	●
3. Certify that consultation requirements with the Executive Director, participating agencies, and project sponsor have been met	●	●	
4. Certify that the affected cooperating agencies agree with the new completion date	●	●	
5. Select a reason for date change from the dropdown	●	●	●
6. Provide a public written justification for the modification	●	●	
6.1 Submit a non-public Milestone Extension Request to the Executive Director for a Determination on the Record		●	
7. Set the Action to “Needs Review”	●	●	●

Nonconformance with the Permitting Timetable

Statutory Requirements

Pursuant to 42 U.S.C. § 4370m-2(c)(2)(F)(i), each Federal agency, whether facilitating, lead, or cooperating, must conform to the intermediate and final completion dates currently posted on the Permitting Dashboard, or modify them pursuant to the FAST-41 “modification after approval” requirements described above.

Pursuant to 42 U.S.C. § 4370m-2(c)(2)(F)(ii), if a Federal agency fails to conform with an intermediate or final completion date for agency action currently posted on the Permitting Dashboard (including “planned” dates), or the agency reasonably believes that it will fail to – or does not intend to – conform with a completion date, the agency must:

- Promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or reasonably believing the agency will fail to conform to the completion date, and a proposal for an alternative completion date;
- In consultation with the facilitating/lead agency, establish an alternative completion date; and,
- Each month thereafter until the agency has taken final action on the delayed environmental review or authorization, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

Process

Any Federal agency that fails to, or reasonably believes it will fail to, conform with one of its own intermediate or final completion dates will be subject to the following **nonconformance protocol**, which implements the FAST-41 “failure to conform” requirements of 42 U.S.C. § 4370m-2(c)(2)(F)(ii). Each time the nonconformance protocol is triggered represents an instance of noncompliance with the FAST-41 permitting timetable for the purpose of reporting status of the compliance of each agency with the project permitting timetable pursuant to 42 U.S.C. § 4370m-2(c)(4)(B), and in assessing agency compliance with FAST-41 requirements pursuant to 42 U.S.C. § 4370m-7(a)(2).

Enabling the Nonconformance Protocol

The Dashboard detects circumstances that indicate likely nonconformance with a permitting timetable, including those identified below:

1. If the facilitating/lead agency changes a “current target date” within 30 days of the completion date and places the action into “Needs Review” moderation state.
2. If the facilitating/lead agency informs the Executive Director within the 30-day lockout period that the agency will not meet the currently posted completion date.
3. If the facilitating/lead agency does not check one or more of the consultation certification boxes for the completion date and places the action into “Needs Review” moderation state.
4. In the case of a modification that would necessitate an extension of a final completion date (i.e., final milestone for a Permitting Dashboard Action) to a date more than 30 days

after the original final completion date, if the facilitating/lead agency does not consult with the Executive Director at least 50 days before the currently posted completion date.

5. If the facilitating/lead agency does not check the “Milestone Complete?” box for the completion date and places the action into “Needs Review” moderation state within one business day of the “current target date.”
6. If the Executive Director denies a request to extend a final completion date by more than 30 days from the original completion date, and the relevant agency fails to meet the completion date or informs the Executive Director that it will not meet the posted completion date.

Upon detecting any of the above circumstances, the Dashboard automatically sends an email notification of possible nonconformance to the facilitating/lead agency, the action-responsible agency, and the Executive Director. The Executive Director may enable or decline to enable the nonconformance protocol based on discussions with the relevant agencies and an assessment of compliance with the FAST-41 permitting timetable modification requirements.

Upon receipt of notification by the Dashboard, the relevant agency(ies) should immediately consult with the Executive Director so the Executive Director can either confirm actual or anticipated nonconformance, or false alarm. The Executive Director will not enable the nonconformance protocol without first consulting with the relevant agency(ies) and verifying that enabling the protocol is appropriate. The Executive Director will enable the nonconformance protocol when the Executive Director has confirmed actual or certain nonconformance with the FAST-41 permitting timetable modification requirements, which may occur before the completion date at issue actually is missed. For example, the Executive Director will enable the nonconformance protocol if, within the 30-day lockout period, an agency states that it will not meet a posted completion date.

Exemptions to the Nonconformance Protocol

The provisions of FAST-41 do not supersede, amend, or modify any Federal statute or affect the responsibility of any Federal officer to comply with or enforce any statute, and does not preempt, limit, or interfere with any power, jurisdiction, responsibility, or authority that a Federal agency has with respect to carrying out a project or any other provision of law applicable to any project.⁵⁴ Accordingly, where an existing agency requirement conflicts with a FAST-41 requirement, the FAST-41 requirement must move aside, and the existing agency requirement trumps. Similarly, where compliance with the requirements of FAST-41 is impossible, the Executive Director will not trigger the nonconformance protocol. Past examples have included, but are not limited to, circumstances where:

- An agency action on a project sponsor submission must, by regulation, take place within 30 days of agency receipt of the project sponsor submission, and the agency determines within that 30-day period that the submission is incomplete or inadequate;⁵⁵

⁵⁴ 42 U.S.C. §§ 4370m-6(d) & (e).

⁵⁵ Agencies are encouraged to identify for the Executive Director such authorizations so the Executive Director can work with the DOT Dashboard Team to exempt the authorizations from the operation of the nonconformance protocol. The Executive Director also will be able to manually exempt such authorizations from the

- A project sponsor informs an agency within the 30-day lockout period that the project sponsor will be submitting a materially revised application for agency review; or
- A project sponsor informs an agency that it is materially revising its project such that continued maintenance of the permitting timetable is impossible and a project pause is necessary.

In all cases, agencies should comply with FAST-41 requirements in any way possible, including maintaining and timely modifying all FAST-41 covered project permitting timetables in compliance with applicable FAST-41 requirements. An agency should reach out to the Executive Director as early as possible if it believes compliance may be frustrated by superseding legal requirements or intervening circumstances so the Executive Director, in consultation with the appropriate Permitting Council members and/or member agencies, can determine whether to suspend application of the nonconformance protocol in a given circumstance.

Alternative Completion Dates

When the nonconformance protocol is enabled, responsibility for managing the relevant completion date(s) shifts from the facilitating/lead agency to the agency responsible for the action with the nonconforming completion date(s). The agency will remain in noncompliance until the action is either completed or cancelled.

Pursuant to 42 U.S.C. §§ 4370m-2(c)(2)(D)(ii) & (F)(ii), a nonconforming completion date can no longer be modified pursuant to the “modification after approval” procedures of 42 U.S.C. § 4370m-2(c)(2)(D). Instead, the responsible agency must establish an “alternative completion date” for the action and manage the alternative completion date exclusively pursuant to the nonconformance protocol described below.

The Nonconformance Protocol

When the Executive Director enables the nonconformance protocol, the Dashboard sends an email notification to the facilitating/lead agency, the agency responsible for the action with the nonconforming completion date, and the Executive Director regarding:

- An alternative completion date;
- A nonconformance explanation; and
- Monthly status reports.

Once the Executive Director enables the nonconformance protocol, the agency responsible for the action with the nonconforming completion date must do the following:

1. Consult with the facilitating/lead agency to establish an **alternative completion date** for the action.⁵⁶
2. Within five days of the date on which the Executive Director enables the nonconformance protocol, submit to the Executive Director for posting on the Permitting Dashboard a **nonconformance explanation** using the “FAST-41 Nonconformance” tab

nonconformance protocol when such authorizations are identified and confirmed.

⁵⁶ The responsible agency may also consult with the project sponsor if needed to determine a realistic alternative completion date, but it is not required.

and a proposal for an alternative completion date. The nonconformance explanation is an “an explanation of the specific reasons for failing or reasonably believing the agency will fail to conform to the completion date.”⁵⁷

- Update the “current target date” for the milestone to reflect the proposed alternative completion date. Set the action’s moderation state to “Needs Review.”

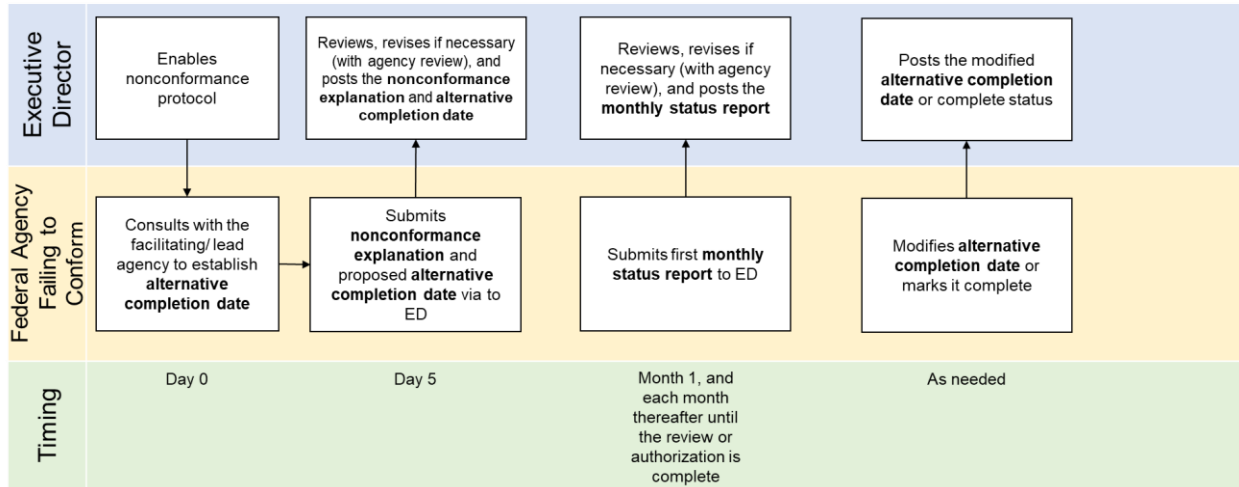


Figure 8. Nonconformance protocol.

The Executive Director will post on the Permitting Dashboard the alternative completion date and nonconformance explanation. The Executive Director will circulate for review by the relevant agency(ies) any proposed revisions to the nonconformance explanation before posting it to the Dashboard.

When the Executive Director posts the nonconformance explanation on the Permitting Dashboard, the Permitting Dashboard will send an email notification to the action-responsible agency and the facilitating/lead agency that the nonconformance explanation has been published.

The nonconformance explanation provides an opportunity for the agency to provide a detailed explanation of the underlying causes of nonconformance.

Maintaining Current Alternative Completion Dates

Alternative completion dates do not need to be managed in compliance with the FAST-41 “modification after approval” requirements at 42 U.S.C. § 4370m-2(c)(2)(D). The Dashboard sends an email notification to the responsible and facilitating/lead agency five days in advance of an upcoming alternative completion date reminding the action-responsible agency to maintain a current alternative completion date. The responsible agency should continue to consult with the facilitating/lead agency in maintaining a current alternative completion date.

⁵⁷ 42 U.S.C. § 4370m-2(c)(2)(F)(I).

Monthly Status Reporting

Each month after the date on which the nonconformance explanation is posted, and until the final milestone for the affected environmental review or authorization is complete, the responsible agency is required to submit for Executive Director posting on the Dashboard a monthly status report,⁵⁸ which describes any responsible agency activity related to the affected FAST-41 covered project.

The Dashboard sends an email reminder to the responsible agency to submit each monthly status report. The agency must submit the monthly status report for Executive Director review and posting by using the “FAST-41 Nonconformance” tab.

For example, if a lead agency is responsible for nonconformance with an Endangered Species Act consultation completion date, the lead agency continues monthly status reporting until the consultation is concluded.

⁵⁸ Previous iterations of the Data Management Guide referred to this variously as a “monthly progress report,” “missed date monthly report,” or “monthly action status report.”

Appendix A: Roles and Responsibilities for Managing FAST-41 Projects on the Permitting Dashboard

Role	Responsibilities
Executive Director	<ul style="list-style-type: none"> Receives FAST-41 FIN from the project sponsor.⁵⁹ Determines FAST-41 project coverage in collaboration with facilitating/lead agency; makes final determination with respect to covered project status.⁶⁰ Creates the covered project Dashboard page.⁶¹ Mediates permitting timetable disputes.⁶² Reviews/publishes on the Permitting Dashboard permitting timetables, permitting timetable modifications, explanations for permitting timetable modifications, alternative completion dates, explanations of nonconformance, nonconformance status reports, and determinations on the record re agency extension requests.⁶³ On each FAST-41 covered project page, posts the status of the compliance of each agency with each project’s permitting timetable.⁶⁴ Posts on each FAST-41 covered project page any memorandum of understanding established between the facilitating/lead agency and any state, local, or Tribal agency pursuant to 42 U.S.C. § 4370m-2(c)(3)(C).⁶⁵
Project Sponsor	<ul style="list-style-type: none"> Consults with the facilitating/lead agency on permitting timetable development and permitting timetable modifications.⁶⁶ Provides materials (such as applications) consistent with the project sponsor milestones identified in the permitting timetable. Promptly notifies agencies of any anticipated changes that would affect the contents or timing of the permitting timetable. Consults with the Executive Director with respect to the resolution of any permitting timetable disputes and determinations on the record re agency extension requests.⁶⁷

⁵⁹ 42 U.S.C. § 4370m-2(a)(1)(A).

⁶⁰ 42 U.S.C. § 4370m-2(b)(2)(A)(ii), (B) & (C).

⁶¹ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

⁶² 42 U.S.C. § 4370m-2(c)(2)(C).

⁶³ 42 U.S.C. § 4370m-2(b)(4), (c)(2)(D)(IV), (c)(2)(F)(ii)

⁶⁴ 42 U.S.C. § 4370m-2(b)(4)(B)

⁶⁵ 42 U.S.C. § 4370m-2(b)(4)(E)

⁶⁶ 42 U.S.C. § 4370m-2(c)(2)(A), (c)(2)(D)(1).

⁶⁷ 42 U.S.C. § 4370m-2(c)(2)(C)(i), (c)(2)(D)(i)(IV).

Role	Responsibilities
Lead Agency	<ul style="list-style-type: none"> • Determines FAST-41 project coverage in collaboration with the Executive Director.⁶⁸ • Adds information to the project page required pursuant to 42 U.S.C. § 4370m-2(b)(3). • Develops permitting timetable in consultation with participating and cooperating agencies and project sponsor, and with concurrence of cooperating agencies.⁶⁹ • Develops and updates CPP at least quarterly.⁷⁰ • Inputs timetable and proposed timetable modifications and related information on the Permitting Dashboard Back-End. • Manages the permitting timetable in accordance with the FAST-41 permitting timetable “modification after approval” requirements.⁷¹ • In instances of lead agency nonconformance, complies with the FAST-41 nonconformance protocols at 42 U.S.C. § 4370m-2(c)(2)(F)(ii).
Facilitating Agency	<ul style="list-style-type: none"> • Receives FAST-41 FIN from project sponsor.⁷² • Until a lead agency is identified pursuant to NEPA, facilitating agencies have the same responsibilities as lead agencies identified above.⁷³
Participating Agency	<ul style="list-style-type: none"> • Adds information to the project page as required by 42 U.S.C. § 4370m-2(b)(3). • Consults with the facilitating/lead agency on creating the CPP and permitting timetable.⁷⁴
Cooperating Agency	<ul style="list-style-type: none"> • Adds information to the project page required pursuant to 42 U.S.C. § 4370m-2(b)(3). • Consults on CPP development.⁷⁵ • Consults and concurs on permitting timetable establishment.⁷⁶ • Participates in permitting timetable management in accordance with the FAST-41 permitting timetable “modification after approval” requirements.⁷⁷ • In instances of cooperating agency nonconformance, complies with the FAST-41 nonconformance requirements at 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

⁶⁸ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

⁶⁹ 42 U.S.C. § 4370m-2(c)(2)(A).

⁷⁰ 42 U.S.C. § 4370m-2(c)(1).

⁷¹ 42 U.S.C. § 4370m(2)(c)(2)(D).

⁷² 42 U.S.C. § 4370m(2)(a)(i)(A).

⁷³ 42 U.S.C. § 4370m-2(a)(5), (b)(2)(A)(ii), (c)(1), (c)(2)(A), (c)(2)(D), (c)(2)(F)(ii).

⁷⁴ 42 U.S.C. § 4370m-2(c)(1)(A) & (c)(2)(A).

⁷⁵ 42 U.S.C. § 4370m-2(c)(1)(A).

⁷⁶ 42 U.S.C. § 4370m-2(c)(2)(A).

⁷⁷ 42 U.S.C. § 4370m(2)(c)(2)(D).

Appendix B: Summary of Applicable Requirements by Party Responsible for Milestone

Requirements	Federal Agency Milestone	Participating State Agency Milestone	Other Non-Federal Agency (i.e., nonparticipating State, local, or Tribal government) Milestone	Project Sponsor Milestone
Is the milestone required to be on the Dashboard?	●	●		
Should the milestone be included on the Dashboard to the maximum extent practicable?			●	
When modifying the milestone's completion date...				
Does the 30-day lockout period apply?	●	●		
Does the requirement to consult with the Executive Director, affected cooperating agencies, participating agencies, and project sponsor apply?	●	●		
May the milestone extension request process apply?	●	●		
May the nonconformance protocol apply?	●	●		