



FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

Office of the Executive Director

Quarterly Agency Performance Report

Fiscal Q3 2023 (April-June)

September 29, 2023

Acknowledgements

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

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



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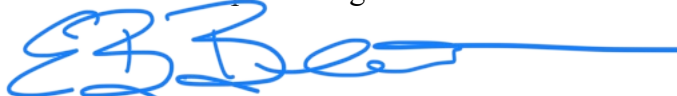
Department of the Interior

Message from the Executive Director

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

Through ongoing collaboration and coordination with our member agencies, the Permitting Council staff and their agency counterparts, the Chief Environmental Review and Permitting Officials (CERPOs), have worked to improve the federal environmental review and permitting process. As I settle into this role, I see future opportunities to build on our successes and develop programmatic approaches and other tools to support efficient environmental reviews and approvals across government - beyond just those projects covered by FAST-41. This reflects the role of the Permitting Council as a federal center for permitting excellence and embraces our unique role with visibility into the needs and demands of both project sponsors and our federal agency members.

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



Eric B. Beightel

Executive Director

Federal Permitting Improvement Steering Council

Quarterly Agency Performance Report, Fiscal Q3 April-June 2023

Summary of Performance

The following summarizes agency performance for this quarter:

- Agencies met the requirements for establishing coordinated project plans, including interagency consultation requirements, for all 6 applicable projects on the Dashboard.
- Agencies satisfied the requirements for reviewing and updating coordinated project plans for all 26 applicable projects on the Dashboard.
- Agencies modified 109 intermediate and final completion dates¹ in compliance with FAST-41 requirements.
- Agencies completed 15 of the 47 Federal agency milestones for which completion was anticipated during the reporting period and extended 9 in accordance with the FAST-41 process.
- There were 23 instances in which an agency did not complete an action by the posted completion date or modify that completion date in compliance with FAST-41. In these 23 instances, agencies provided explanations for missed completion dates and monthly status reports as required by FAST-41 approximately 93 percent of the time.
- Agencies met requirements to post certain project-related information approximately 54 percent of the time and, since the end of this reporting quarter, have taken action to meet this requirement.

To foster robust implementation of FAST-41, the Office of the Executive Director (OED) will continue to offer opportunities to Federal agencies for training to improve Dashboard and permitting timetable management, socialize FAST-41 requirements with agencies, and identify and implement Dashboard enhancements that will support transparent permitting timetable management and improve permitting timetable data quality in accordance with FAST-41. Additionally, the OED is working with Federal agencies to identify resource constraints that contribute to performance challenges and will be using the Environmental Review Improvement Fund to transfer funds to Federal agencies to facilitate timely completion of environmental reviews and permits.

Background

The Permitting Council was established in 2015 by Title 41 of the Fixing America's Surface Transportation Act (FAST-41).² On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA), which made significant amendments to FAST-41.³ As amended by IIJA, FAST-41 requires the Permitting Council Executive Director to submit to Congress:

a quarterly report evaluating agency compliance with the provisions of [FAST-41], which shall include a description of the implementation and adherence of each agency to the coordinated

¹ The Dashboard refers to these intermediate and final completion dates as "milestones."

² 42 U.S.C. §§ 4370m *et seq.*

³ Pub. L. No. 117-58, § 70801, 135 Stat. 429, 1287-1294 (Nov. 15, 2021).

project plan and permitting timetable requirements under [42 U.S.C. § 4370m-2(c)].⁴

Lead agencies for FAST-41 covered projects must complete a coordinated project plan (CPP) within 60 days of project coverage. Among other things, a CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project.⁵ The project permitting timetable, which is posted and managed on the Federal Permitting Dashboard,⁶ is a key component of a CPP and includes intermediate and final completion dates for agency actions on environmental reviews or authorizations that are required for the project.⁷ The requirements for a CPP and a permitting timetable are discussed in greater detail below.

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

This Quarterly Agency Performance Report, which covers the third quarter of fiscal year 2023 (fiscal Q3 2023), evaluates agency implementation of FAST-41 requirements. The report also discusses technical assistance that the OED provides to agencies to support that implementation. Like many other reports to Congress, this report serves as an accountability mechanism for agencies. More importantly, it also supports continuous improvement of the Federal environmental review and authorization process by highlighting agency successes and challenges.

Specifically, this report provides an overview of:

- The FAST-41 covered project portfolio;
- Agency implementation of the FAST-41 initiation process, including the requirements for CPPs;
- Agency completion of the required CPP quarterly updates;

⁴ *Id.* § 70801(f), 135 Stat. at 1293, codified at 42 U.S.C. § 4370m-7(a)(2).

⁵ 42 U.S.C. § 4370m-2(c)(1).

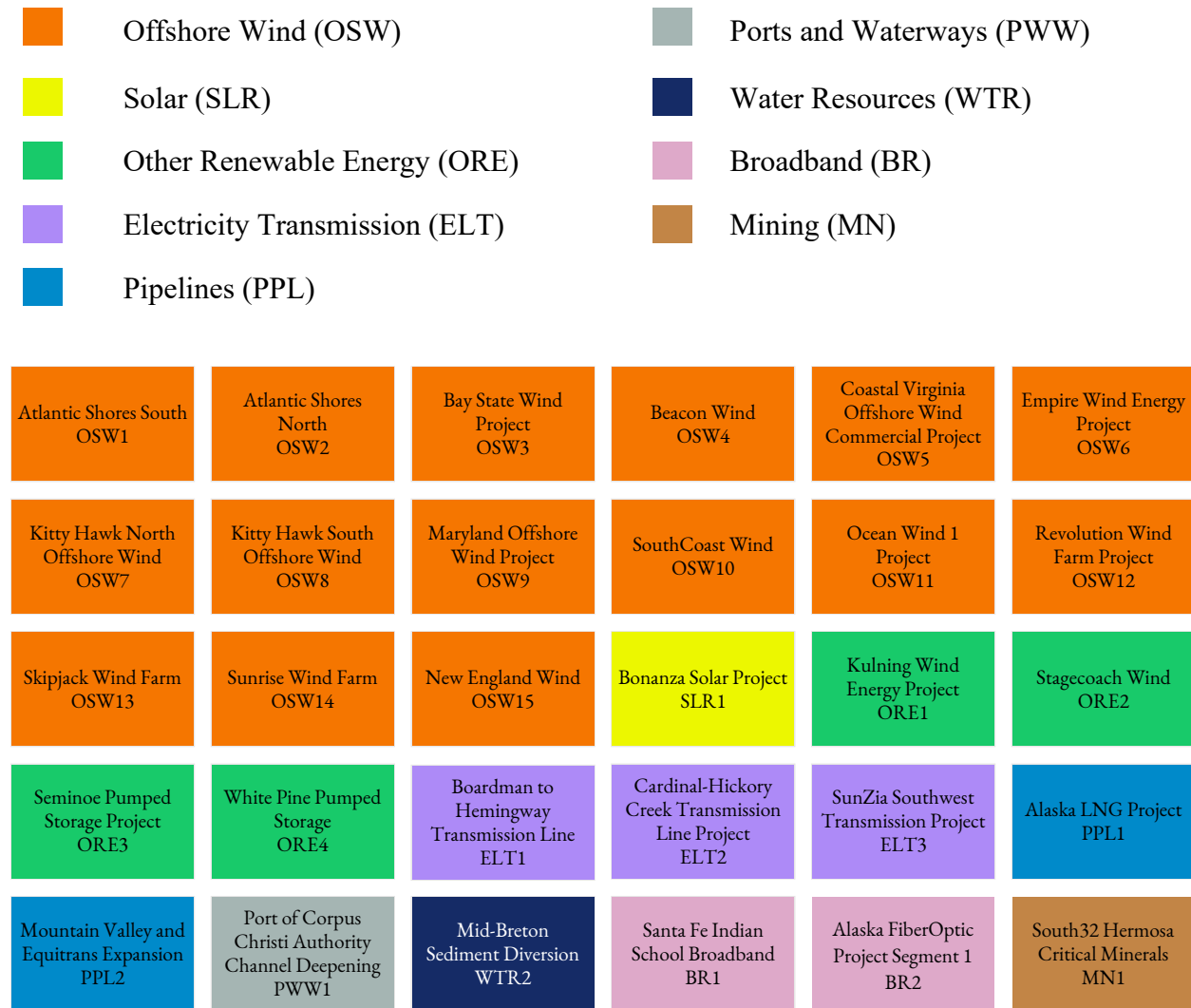
⁶ The Permitting Dashboard is currently hosted and maintained by the Department of Transportation (DOT) and is used as a transparency and compliance tool for many types of infrastructure projects in which the Federal government is involved. A small percentage of the projects on the Permitting Dashboard are FAST-41 covered projects. The Permitting Dashboard is accessible at <https://www.permits.performance.gov/projects>.

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

- Agency management of permitting timetables; and
- Agency postings of required information to the Dashboard.

FAST-41 Covered Project Portfolio

In fiscal Q3 2023, the FAST-41 covered project portfolio contained thirty projects undergoing active⁸ Federal environmental review and authorization and two paused projects. Projects undergoing active review are organized by sector in Figure 1.⁹



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

Figure 1: Covered projects undergoing active Federal review in fiscal Q3 2023.

⁸ Projects undergoing active review are projects that were, at any time in fiscal Q3 2023, not canceled, completed, or paused. The set of projects undergoing active Federal review was derived from analysis of the Dashboard’s non-public revision history dataset.

⁹ The Renewable Energy Production sector as identified in 42 U.S.C. § 3270m(6)(A) is depicted here as three sub-sectors: offshore wind, solar, and other renewable energy.

The Department of the Interior (DOI) is the lead agency for twenty projects; the Federal Energy Regulatory Commission (FERC) is the lead agency for two projects and the facilitating agency for one project; the Department of the Army, United States Army Corps of Engineers (USACE), the United States Department of Agriculture (USDA), and Department of Commerce (DOC) are each facilitating or lead agency for two projects, and the Department of Energy (DOE) is the lead agency for one.¹⁰

During fiscal Q3 2023, two new projects joined the portfolio. These included the portfolio’s first mining project (the South32 Hermosa Critical Minerals project) and the portfolio’s second broadband project (the Alaska FiberOptic Project Segment 1). Two projects (the Liberty Development and Production Plan Project as well as the Plains Pipeline, L.P. Lines 901 and 903 Replacement Project) have been in paused status, remained paused for the entirety of the quarter, and are therefore not under active review. Two projects were completed during the quarter, including the Alaska LNG Project, and the Mountain Valley and Equitrans Expansion Project, which was approved as part of the Fiscal Responsibility Act of 2023. No projects were newly paused or canceled during the quarter. Figure 2 summarizes the status of FAST-41 covered projects undergoing active Federal review as of June 30, 2023 (the end of fiscal Q3 2023).¹¹

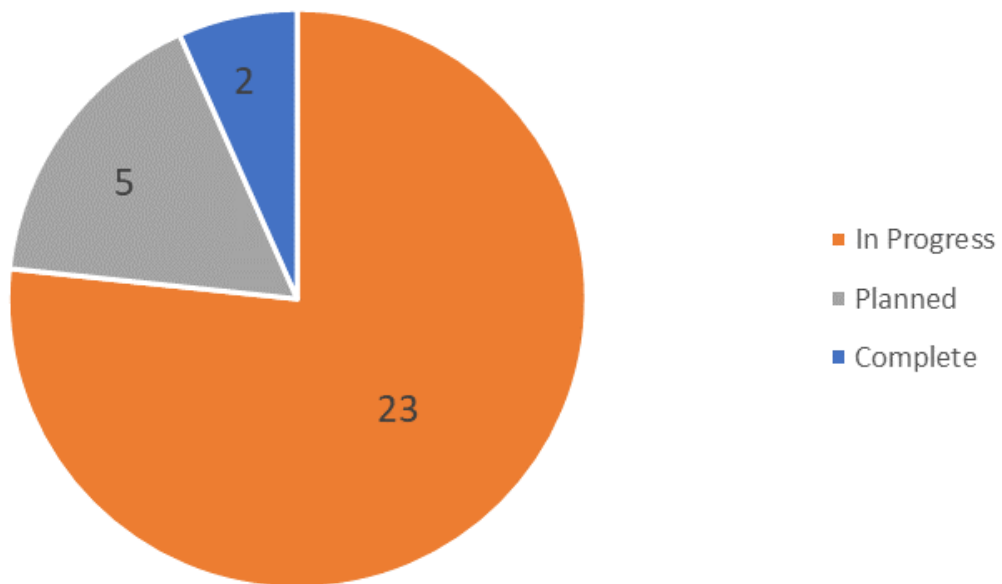


Figure 2: Status of each project under active review in the Permitting Council portfolio as of the end of fiscal Q3 2023.

¹⁰ Because a project can become a FAST-41 covered project before commencement of the environmental review process under the National Environmental Policy Act (NEPA), FAST-41 requires the identification of a “facilitating” agency for each FAST-41 project sector. 42 U.S.C. § 4370m–1(c)(1)(B). Facilitating agencies are responsible for implementing most of the FAST-41 requirements for prospective and actual covered projects until a NEPA lead agency is identified, at which point the lead agency assumes the responsibilities of the facilitating agency. *See id.* §§ 4370m(13), 4370m-2(a)(5).

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

Figure 3 shows the location of FAST-41 covered projects undergoing active Federal review in fiscal Q3 2023. The labels correspond to those in Figure 1.

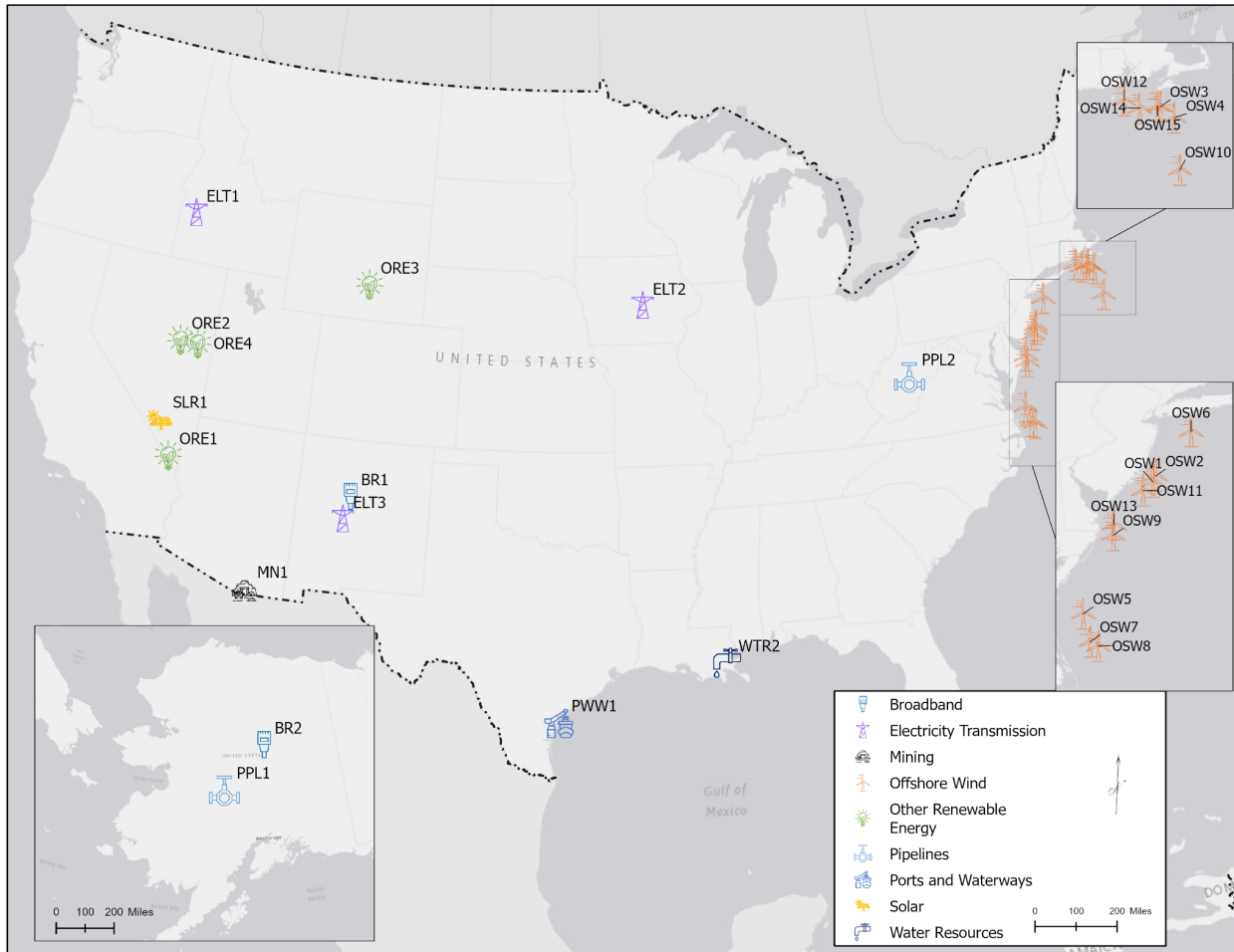


Figure 3: Covered projects undergoing active Federal review in fiscal Q3 2023.

Agency Implementation of FAST-41 Requirements for Initiation and Establishment of a Coordinated Project Plan

FAST-41 Initiation Notice. The FAST-41 process begins when a project sponsor¹² submits a notice of the initiation of a FAST-41 covered project (a.k.a., FAST-41 Initiation Notice, or “FIN”) to the Executive Director and the appropriate facilitating or lead agency.¹³ The Executive Director must make a project entry on the Permitting Dashboard within 14 days of receiving a FIN unless the facilitating or lead agency, or the Executive Director, determines that the project is not a covered project.¹⁴

Agency Invitations. Within 21 days after the Executive Director makes a project entry on the Dashboard, the facilitating or lead agency must invite all Federal agencies likely to have responsibilities with respect to the proposed project to become a participating or cooperating agency for purposes of FAST-41.¹⁵

Coordinated Project Plan Establishment. The facilitating or lead agency must establish a CPP “not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard.”¹⁶ The CPP must include a list of all entities with an environmental review or authorization responsibility for a project; their respective roles and responsibilities; a discussion of potential avoidance, minimization, and mitigation strategies; plans and a schedule for public and tribal outreach and coordination; and the project permitting timetable.¹⁷ The Executive Director posts the permitting timetable on the Permitting Dashboard.¹⁸

The CPP is central to the management of the environmental review and authorization process for a FAST-41 covered project. The permitting timetable, which is posted and managed publicly on the Permitting Dashboard according to the requirements of FAST-41, provides transparency, predictability, and a comprehensive view of all the steps that are necessary for completion of the Federal environmental review and authorization process.

OED Evaluation of Agency Performance. A total of 6 covered projects had CPP establishment deadlines in fiscal Q3 2023 (Table 1). The FINs for four of those projects were submitted in fiscal Q2 2023 and the other two FINs were submitted in fiscal Q3 2023. For each of these projects, agencies met the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard and met the 21-day invitation requirement.

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

¹³ 42 U.S.C. § 4370m-2(a)(1)(A).

¹⁴ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

¹⁵ 42 U.S.C. § 4370m-2(a)(2)(A).

¹⁶ 42 U.S.C. § 4370m-2(c)(1)(A).

¹⁷ 42 U.S.C. § 4370m-2(c)(1)(B).

¹⁸ 42 U.S.C. § 4370m-2(b)(4)(A), (C), & (D).

Table 1: Projects with CPP establishment deadlines in fiscal Q3 2023.

<i>Quarter FIN Submitted</i>	<i>Project</i>	<i>Lead Agency</i>
Q2	Seminole Pumped Storage Project	FERC
Q2	Santa Fe Indian School Broadband	DOC - National Telecommunications and Information Administration (NTIA)
Q2	Stagecoach Wind	DOI - Bureau of Land Management (BLM)
Q2	White Pine Pumped Storage	FERC
Q3	Alaska FiberOptic Project Segment 1	DOC-NTIA
Q3	South32 Hermosa Critical Minerals Project	USDA - U.S. Forest Service

OED Technical Assistance. The Executive Director seeks robust implementation of FAST-41 by working with agencies to provide technical assistance during the initiation and establishment of the CPPs. This includes Dashboard support for agency staff during the development of initial CPPs. The Permitting Council agencies continue to work with one another, with assistance from the Executive Director, to refine the initial CPP development process and ensure FAST-41 requirements are met.

Agency Completion of Coordinated Project Plan Quarterly Updates

FAST-41 requires the facilitating or lead agency to review and update the CPP at least once per quarter.¹⁹ While an agency’s updates to the permitting timetable are integral to the process, the other statutorily required aspects of the CPP also need to be reviewed and, if necessary, updated. In fiscal Q3 2023, agencies met this statutory requirement by certifying their CPP review and updates on the Dashboard.

The certification of this FAST-41 requirement is an important metric because it provides the Executive Director with confirmation that agencies are actively managing their permitting timetables and updating project CPPs as required by FAST-41.

OED Evaluation of Agency Performance. In fiscal Q3 2023, agencies met their FAST-41 requirements to review and update their CPPs for all twenty-six FAST-41 covered projects.

OED Technical Assistance. The Executive Director continues to work with Permitting Council members to improve Dashboard functionality. During fiscal Q3, OED provided training to agency staff on the submission process for certification of CPP reviews and updates. The

¹⁹ 42 U.S.C. § 4370m-2(c)(1)(B).

Executive Director will continue to advise agencies to ensure that CPP review and update certifications are submitted timely.

Agency Management of Permitting Timetables

FAST-41 requires agencies to manage and maintain permitting timetables and to meet or modify completion dates set forth in permitting timetables according to FAST-41 statutory requirements. Various FAST-41 mechanisms help agencies accomplish these goals, including requirements governing how completion dates may be modified and what agencies must do if they do not meet the completion dates in their publicly-posted timetables.

Timetable Modification. Once a permitting timetable is established, the facilitating or lead agency may modify completion dates for Federal agency activities in the permitting timetable only if the agency meets certain statutory prerequisites, including:

- Consulting with the Executive Director, affected cooperating agencies, participating agencies, and the project sponsor before making the modification;
- Providing a written, publicly-posted justification for the modification;
- Obtaining Executive Director authorization for changes that would necessitate an extension of a final completion date by more than 30 days after the originally-established final completion date.²⁰

Additionally, a permitting timetable completion date may not be modified within 30 days of the completion date.²¹

Conformance with Established Timetables. Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable posted on the Permitting Dashboard.²² If an agency does not conform to the established timetable—that is, if an agency does not meet or modify the completion dates set forth in the permitting timetable according to FAST-41 requirements—the project is considered in “non-conformance.” In such circumstances, the statute requires that the agency responsible for the delayed action must:

- Submit an explanation of the delay to the Executive Director for posting on the Permitting Dashboard.
- Establish an alternative completion date in consultation with the facilitating or lead agency.
- Submit to the Executive Director for posting on the Dashboard monthly reports describing all agency actions relating to the project until the agency has taken final action on the delayed authorization or review.²³

OED Evaluation of Agency Performance. The Executive Director tracks agency implementation of the permitting timetable modification procedures required by FAST-41 and conformance with posted milestone completion dates on the Dashboard.

²⁰ 42 U.S.C. § 4370m-2(c)(2)(D).

²¹ 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

²² 42 U.S.C. § 4370m-2(c)(2)(F)(i).

²³ 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

During fiscal Q3 2023, agencies modified 132 milestone completion dates, 109 of which were modified in accordance with FAST-41 requirements.²⁴ Agencies meeting FAST-41 permitting timetable modification requirements are proactively managing their permitting timetables, including following the statutory requirements for engaging in consultation and providing an explanation for modification of completion dates. Schedule modifications occur for various reasons, including factors within and beyond Federal agency control. Agencies' effective management of permitting timetables not only achieves FAST-41's goals of enhancing permitting transparency and predictability but also provides reliable information that, over time, may be used to identify areas for improvement in the Federal permitting process. Table 2 identifies the number of milestone completion dates that were modified in fiscal Q3 2023, organized by environmental review or authorization.²⁵

Table 2: Completion date modifications in fiscal Q3 2023 organized by environmental review or authorization.

<i>Environmental Review or Authorization</i>	<i>Number of Completion Dates Modified During Fiscal Q3 2023</i>
Environmental Assessment (EA)	3
Environmental Impact Statement (EIS)	12
Supplemental EIS	1
Section 106 Review	7
Endangered Species Act Consultation (DOC-NOAA/NMFS)	6
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS)	5
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS)	13
Right-of-Way Authorization (DOI-BIA)	1
Construction and Operations Plan (DOI - BOEM)	5
Use Authorization (DOI-BOR)	2
Endangered Species Act Consultation (DOI-FWS)	10
Fish and Wildlife Coordination Act Review (DOI - FWS)	1
Clean Water Act Section 402 Permit, National Pollutant Discharge Elimination System (EPA)	1

²⁴ Per 42 U.S.C. § 4370m-2(c)(2)(D)(ii), a Federal agency completion date may not be modified within 30 days of the completion date, which means that agencies must modify Federal agency completion dates at least 31 days in advance.

²⁵ Resource agencies are identified parenthetically after each relevant environmental review or authorization.

<i>Environmental Review or Authorization</i>	<i>Number of Completion Dates Modified During Fiscal Q3 2023</i>
Outer Continental Shelf (OCS) Air Permit (EPA)	10
Right-of-Way and Special Use Permits (NPS)	1
Authorization and Certification (Outgrant) (USACE)	1
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (USACE)	17
Section 408 Permit (USACE)	13

At the beginning of fiscal Q3 2023, there were 47 Federal agency milestones whose completion dates were anticipated during the reporting period. Of those milestones, 15 were completed on-time and 9 were extended in accordance with FAST-41 requirements. The other 23 Federal agency milestones, identified in the following table, reflect instances in which agencies did not complete actions by the posted completion dates or modify completion dates in accordance with FAST-41.²⁶

Per the procedures set forth at 42 U.S.C. § 4370m-2(c)(2)(F), explanations for the missed completion dates, alternative completion dates, and monthly status reports are generally available at the links in the tables below. During the quarter, agencies met requirements to provide explanations for missed completion dates and monthly status reports approximately 93 percent of the time. The data is presented in Table 3, by project.

Table 3: Instances of permitting timetable nonconformance in fiscal Q3 2023.

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>	<i>Reporting Compliance</i>
<i>In-Progress Milestones</i>			
Endangered Species Act Consultation (DOI-FWS)	Atlantic Shores South	DOI-FWS	2 of 2 reports (100%)
Endangered Species Act Consultation (NOAA-NMFS)	Atlantic Shores South	DOC-NOAA/NMFS	2 of 2 reports (100%)

²⁶ The table reflects instances of nonconformance with completion dates occurring during fiscal Q3 2023. There are also 4 instances of nonconformance with completion dates that occurred during the prior quarter but were not previously reported due to ongoing dialogue with the applicable agencies. Those additional 4 instances were all related to the Kitty Hawk North Wind Project, and the reporting agencies included DOI-FWS and DOC-NOAA/NMFS.

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>	<i>Reporting Compliance</i>
Endangered Species Act Consultation (NOAA-NMFS)	Atlantic Shores South	DOI-BOEM	2 of 2 reports (100%)
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	Atlantic Shores South	DOC-NOAA/NMFS	3 of 3 reports (100%)
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS)	Atlantic Shores South	DOC-NOAA/NMFS	2 of 2 reports (100%)
Endangered Species Act Consultation (DOI-FWS)	New England Wind	DOI-FWS	3 of 3 reports (100%)
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	New England Wind	DOC-NOAA/NMFS	2 of 2 reports (100%)
Environmental Impact Statement (EIS)	Revolution Wind	DOI-BOEM	2 of 2 reports (100%)
Endangered Species Act Consultation (NOAA-NMFS)	SouthCoast Wind Energy LLC (SouthCoast Wind)	DOI-BOEM	1 of 2 reports (50%)
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	SouthCoast Wind Energy LLC (SouthCoast Wind)	DOI-BOEM	2 of 2 reports (100%)
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC – NOAA/NMFS)	SouthCoast Wind Energy LLC (SouthCoast Wind)	DOC-NOAA/NMFS	1 of 1 reports (100%)

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>	<i>Reporting Compliance</i>
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	Sunrise Wind Farm	DOI-BOEM	2 of 2 reports (100%)
<i>Complete Milestones</i>			
Environmental Impact Statement (EIS)	Atlantic Shores South	DOI-BOEM	2 of 2 reports (100%)
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Atlantic Shores South	USACE	2 of 2 reports (100%)
Endangered Species Act Consultation (DOI-FWS)	Empire Wind Energy Project	DOI-FWS	1 of 1 reports (100%)
Endangered Species Act Consultation (NOAA-NMFS)	Maryland Offshore Wind Project	DOI-BOEM	1 of 2 reports (50%)
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	Maryland Offshore Wind Project	DOI-BOEM	1 of 2 reports (50%)
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC – NOAA/NMFS)	New England Wind	DOC-NOAA/NMFS	2 of 2 reports (100%)
Endangered Species Act Consultation (DOI-FWS)	Ocean Wind 1 Project	DOI-FWS	1 of 1 reports (100%)
Section 106 Review	Ocean Wind 1 Project	DOI-BOEM	1 of 1 reports (100%)
Right-of-Way Authorization (DOI-BLM)	SunZia Southwest Transmission Project	DOI-BLM	1 of 1 reports (100%)
Endangered Species Act Consultation (DOI-FWS)	Sunrise Wind Farm	DOI-FWS	2 of 2 reports (100%)

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>	<i>Reporting Compliance</i>
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	Sunrise Wind Farm	DOC-NOAA/NMFS	2 of 2 reports (100%)

OED Technical Assistance. The Executive Director will continue to work with agencies to ensure that they proactively manage their permitting timetable completion dates and make timely modifications as needed.

Agency Postings of Required Information

For each covered project added to the Permitting Dashboard, FAST-41 requires the facilitating or lead agency, and each cooperating and participating agency, to post a hyperlink to the Permitting Dashboard that directs the public to a website containing certain project information.²⁷

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

- 1) The project FIN;
- 2) Either the application and supporting documents that have been submitted by a project sponsor for any required environmental review or authorization, or a notice explaining how the public may obtain access to such documents;
- 3) A description of any Federal agency action taken or decision made that materially affects the status of a covered project, and any significant supporting documentation;
- 4) 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;
- 5) 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;
- 6) Any document described above that is not available by hyperlink on another website.²⁸

Agencies additionally must post directly to the Permitting Dashboard information about project-related public meetings, public hearings, and public comment periods, as that information becomes available.

Agencies must make the information described above available not later than 5 business days after the date on which the Federal agency receives the information.²⁹

²⁷ 42 U.S.C. § 4370m-2(b)(3)(A).

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

²⁹ 42 U.S.C. § 4370m-2(b)(3)(B).

OED Evaluation of Agency Performance. It is challenging for the Executive Director to independently verify the degree to which agencies post content in a way that meets the requirements of this section of FAST-41, as much of the required information is only available to the agencies, and the responsiveness of the information to the statutory directive is initially determined by the agencies. Therefore, for this report, the Executive Director verified whether agencies have posted any of the basic required information for a project.³⁰ At the end of fiscal Q3 2023, the Executive Director’s review of the required postings showed that agencies met the posting requirements approximately 54 percent of the time. During the preparation of this report, the Executive Director worked with agencies responsible for the remaining 46 percent of cases to meet the requirements of FAST-41. As of the date of this report, agencies are implementing this requirement at 95 percent.

OED Technical Assistance. The Executive Director will continue to offer training to agencies, will communicate with agencies regarding missing information, and will socialize with the agencies the need to post the required information on the Dashboard.

³⁰Currently, the Dashboard is designed such that, if an agency posts one element of the required information for a project, the agency must post some information pertaining to all elements for that project.