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To: FAST-41 Facilitating, Lead, Cooperating, and Participating Agencies  
From: Eric Beightel, Executive Director  
Date: December 16, 2024  
Re: Permitting Council Staff availability to facilitate kickoff meetings for new FAST-41 covered projects to aid in developing coordinated project plans and to ensure early consultation with project sponsors

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## I. Purpose

This Executive Director Policy Memorandum describes the available process for Permitting Council facilitated kickoff meetings for new FAST-41 covered projects, in coordination with facilitating or lead agencies. This process will aid agencies in developing coordinated project plans (CPPs), and can support facilitating or lead agencies' ability to meet the requirements of FAST-41 for early consultation with cooperating and participating agencies and with project sponsors. The Executive Director invites federal facilitating and lead agencies to work closely with Permitting Council staff both in advance of and during kickoff meetings.

## II. Summary

Per FAST-41 statute, not later than 60 days after the date on which the Executive Director makes a specific entry for a covered project on the Permitting Dashboard, the facilitating or lead agency must establish a concise CPP for coordinating public and agency participation in, and completion of, any required federal environmental review and authorization for the project.<sup>1</sup> While the CPP is not required to be published publicly on the Permitting Dashboard, it functions as a working document through which all FAST-41 related coordination on the covered project—including the comprehensive permitting timetable—is documented, and it is the source of the information that is posted on the Permitting Dashboard for FAST-41 covered projects.

A permitting timetable is a central feature of the CPP. The facilitating or lead agency establishes the permitting timetable in consultation with cooperating and participating agencies and the project sponsor.<sup>2</sup>

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

<sup>2</sup> *Id.* § 4370m-2(c)(2)(A).

Lessons learned from past and current projects show that holding a kickoff meeting prior to finalizing the initial CPP and permitting timetable is an effective way to implement the requirement to consult with agencies and the project sponsor in creating both the CPP and permitting timetable. A kickoff meeting is highly beneficial as it provides the opportunity to align agency and project sponsor process and timing expectations, ensure that all federal reviews and authorizations are identified and included in the permitting timetable, and establish the appropriate agency contacts for projects. In contrast, the absence of an early kickoff meeting can lead to misalignment of processes and, ultimately, an increased number of schedule modifications. Additionally, holding an early kickoff meeting can also satisfy a separate FAST-41 requirement for “early consultation”, which requires the facilitating or lead agency to “provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved . . . .”<sup>3</sup> These kickoff meetings are of their highest value when the project sponsor is able to provide specific information about their project plans versus a broad and general description of options under consideration. In these cases, the facilitating or lead, cooperating, and participating agencies are able to provide similarly specific requirements, and the permitting timetable is more predictable.

### **III. Statutory Background**

#### **A. CPP Requirements**

The CPP must include the following information and be updated by the facilitating or lead agency at least quarterly:

1. A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.
2. A consolidated Federal permitting timetable that 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 must be made.
3. A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.
4. Plans and schedule for public and tribal outreach and coordination, to the extent required by applicable law.<sup>4</sup>

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<sup>3</sup> *Id.* § 4370m-2(d).

<sup>4</sup> *Id.* § 4370m-2(c)(1)(B).

## B. Permitting Timetable Consultation Requirement

FAST-41 requires the facilitating or lead agency to establish a permitting timetable that includes intermediate and final completion dates for action on any Federal environmental review or authorization required for the project.<sup>5</sup> The statute further requires that the facilitating or lead agency create the permitting timetable “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”.<sup>6</sup>

## C. Early Consultation Requirement

As noted above, FAST-41 requires facilitating and lead agencies to “provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved.”<sup>7</sup> The statute additionally authorizes project sponsors to actively engage in early consultation by requesting information from cooperating, and participating agencies concerning:

1. the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;
2. key issues of concern to each agency and to the public; and
3. issues that must be addressed before an environmental review or authorization can be completed.

## IV. Permitting Council Staff Availability to Assist with Facilitation of Kickoff Meeting to Aid Agencies in Meeting Statutory CPP and Early Consultation Requirements

As noted above, there is a short, 60-day time period between the Executive Director posting a new FAST-41 covered project to the Permitting Dashboard and the statutory deadline for the facilitating or lead agency to establish the CPP, including the permitting timetable. To aid the facilitating or lead agency in creating a CPP with an accurate permitting timetable, the Executive Director has instructed Permitting Council staff to assist facilitating and lead agencies with the scheduling of a kickoff meeting. Based on past practice, it is generally recommended that a kickoff meeting take place approximately 30 days after the project is posted to the Permitting Dashboard.

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<sup>5</sup> *Id.* § 4370m-2(c)(2)(A).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* § 4370m-2(d)

The kickoff meeting is intended to accomplish comprehensive coordination among all stakeholders, including but not limited to the following:

- Providing the project sponsor with an opportunity to describe the project and share information on potential impacts to resources;
- Addressing the roles and responsibilities of each of the FAST-41 stakeholders, including the facilitating or lead agency, cooperating and participating agencies, and the project sponsor;
- Flagging potential permitting obstacles;
- Ensuring all stakeholders are aware of dependencies across federal, state, local, and Tribal actions, as applicable;
- Obtaining input from agencies and the project sponsor on permitting strategy and sequencing;
- Scheduling dates for any project sponsor deliverables on which Federal agency reviews and authorizations may depend;
- Discussing opportunities and a schedule for public and Tribal outreach and coordination, as appropriate.

Following a kickoff meeting, the facilitating or lead agency may use the information gathered and the discussion that occurred during the meeting to build a draft CPP and permitting timetable. Where possible, approximately two weeks after a kickoff meeting (or approximately 45 days after a project is posted to the Permitting Dashboard), the facilitating or lead agency should provide a draft CPP and permitting timetable to kickoff meeting invitees. This allows time for cooperating and participating agencies and the project sponsor to review the drafts in advance of the statutory 60-day deadline by which the Executive Director must post the permitting timetable to the Dashboard.

In preparing for and conducting a kickoff meeting, Permitting Council staff may work closely with facilitating and lead agencies to determine how the Permitting Council staff may best support the facilitating or lead agency's needs. For example, Permitting Council staff may act as the host and moderator of a kickoff meeting, which may include sending out the meeting invitation, providing an agenda, and moderating the discussion during the meeting. Alternatively, it may better serve the facilitating or lead agency if the Permitting Council staff sends the meeting invitation and helps with planning the agenda, but the facilitating or lead agency moderates the meeting. The level of Permitting Council staff engagement could be assessed in advance, based on the facilitating or lead agency's needs and experience.

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Please do not hesitate to reach out to this office with any questions concerning this Memorandum or for assistance complying with your FAST-41 obligations.

Date: December 16, 2024

A handwritten signature in blue ink, appearing to read 'EBB', with a horizontal line underneath it.

Eric B. Beightel  
Executive Director  
Permitting Council