



Quarterly Agency Performance Report

**Permitting Council—Executive Director
Fiscal Q3 2024 (April–June)**

November 19, 2024



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Acknowledgments

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

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



Federal Permitting Improvement Steering Council



Advisory Council on Historic Preservation



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Council on Environmental Quality



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Department of Transportation



Federal Energy Regulatory Commission



Nuclear Regulatory Commission



Environmental Protection Agency



Message from the Executive Director

I am pleased to present this report to Congress on Federal agency performance in the third quarter of fiscal year 2024. This report assesses agency implementation of Title 41 of the Fixing America's Surface Transportation Act (FAST-41), reflecting the Permitting Council's ongoing efforts to integrate project management and permitting best practices into Federal agency permitting workflows. Under the Biden-Harris Administration, agencies represented on the Permitting Council have been working to advance efficiency in permitting processes to deliver on the benefits of critical infrastructure investments for communities across the country.

The Permitting Council is continuing our efforts to improve our reporting to enable quarterly reports like this and our Annual Report to Congress to tell a more comprehensive story of agency implementation of FAST-41. For example, this report provides more detailed explanations for certain schedule changes.

This report conveys important information about how agencies are improving the Federal environmental review and permitting processes for FAST-41 covered projects, and how they are completing milestones earlier than scheduled. While those instances do not necessarily mean that projects are ahead of schedule overall, this illustrates the importance of active project management on these infrastructure and clean energy projects and reflects the value of FAST-41 in supporting predictability for project sponsors as well as agency stakeholders. During this quarter, I authorized three requests to move scheduled final completion dates more than 30 days, and in each instance the request was supported by the project sponsor, again reflecting the value of enhanced coordination required by the FAST-41 process.

Importantly, the FAST-41 portfolio of projects reflects a small subset of the more than 73,000 projects underway as a result of the President's historic investments in infrastructure through the Bipartisan Infrastructure Law, the Inflation Reduction Act and the CHIPS and Science Act, among others. The Permitting Council plays a critical role in the Biden-Harris Administration's historic steps to accelerate and improve the federal permitting process so that Americans across the country can benefit from the promise of the Investing in America agenda – including lowering energy costs for families and creating hundreds of thousands of good-paying union jobs. As part of the \$1 billion invested through the Inflation Reduction Act, the Permitting Council has established the Environmental Review Improvement Fund (ERIF) Assistance Program to support agency

capacity building, enabling agencies to hire permitting experts and invest in new technologies to expedite reviews.

Our work across the Biden–Harris Administration is delivering real results for the American people. [New data from CEQ and federal agencies](#) demonstrates that the Biden–Harris Administration is delivering more projects, more quickly while being responsible stewards of the environment and protecting communities. The Biden–Harris Administration has cut six months off the median time it takes for agencies to complete environmental impact statements, representing 16% in time savings compared to the previous Administration. Moreover, FAST-41 covered projects achieve a Record of Decision an average of 18 months earlier than projects outside of the program.

At a project level, the Administration recently approved the tenth offshore wind project, with nine of those ten covered under FAST-41. With this latest project approval, the Administration has approved 15 gigawatts of offshore wind capacity, enough to power 5.25 million homes.

Looking forward, I intend to continue working with agencies to build out the data and narrative explanations to provide additional context around schedule changes and overall agency performance. These quarterly reports should provide Congress and interested members of the public with a fuller understanding of agency performance. This information will also, in turn, inform our efforts to support further permitting process improvements through our work as a federal center for permitting excellence. We are taking additional steps to support agency compliance through the development of updated guidance as well as additional Executive Director Policy Memoranda that clarify expectations for agency performance. We are also leveraging resources provided to the ERIF through the President’s Inflation Reduction Act to support agency training opportunities, ensuring that permitting staff have the knowledge and skills to excel. In addition, we intend to invest \$15 million in a game-changing contracting tool to help federal agencies leverage surge support to get environmental reviews done with efficiency.

We continue to make progress, and more work remains. I look forward to partnering with Congress and all of our stakeholders to deliver critical infrastructure for the American people.

/s/

Eric B. Beightel
Executive Director
Federal Permitting Improvement Steering Council



Quarterly Agency Performance Report

Fiscal Q3 April–June 2024

1. Summary of Federal Agency Performance

The following summarizes the FAST-41 covered project portfolio, and Federal agency performance and compliance with FAST-41 requirements for the third quarter of fiscal year 2024 (fiscal Q3 2024):

- ▶ During this period, there were 28 FAST-41 covered projects undergoing active Federal review, for which agencies were tracking 878 Federal agency intermediate and final completion dates (a.k.a., “milestones”) on the Federal Permitting Dashboard (Dashboard).¹
- ▶ Environmental review and authorization for two FAST-41 covered projects was completed during this quarter and are now complete on the Dashboard: [Coastal Virginia Offshore Wind Commercial Project](#) (2600 megawatts) and [Sunrise Wind Farm](#) (924 megawatts). One new project joined the FAST-41 covered project portfolio during fiscal Q3 2024: [Winnebago Tribe Broadband Connectivity Project](#).
- ▶ Agencies satisfied the requirements for reviewing and updating coordinated project plans (CPP) for all FAST-41 covered projects on the Dashboard. The two projects with initial CPP establishment requirements in the reporting quarter met those deadlines.
- ▶ Agencies modified a total of 52 milestone dates across 12 projects in compliance with FAST-41 requirements. Fourteen (14) of the 52 were completed ahead of schedule during the reporting quarter, and 38 were extended.



¹ The 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 Dashboard are FAST-41 covered projects. The Dashboard is accessible at <https://www.permits.performance.gov/projects>.

- There were 36 milestones *scheduled* to be completed across 13 projects during this quarter. The following provides a breakdown of these milestones:
 - Agencies met 23 of the 36 milestones on time.
 - Agencies met 8 and modified 1 alternative completion date for 9 of the 36 milestones that were in nonconformance status at the beginning of the quarter.
 - Agencies did not complete or modify 3 of the 36 milestones.
 - In 2 of these 3 instances, the agency’s action went into nonconformance and they provided initial explanations for the missed dates, submitted monthly status reports, and established alternative completion dates, as required by FAST-41.
 - In 1 of these instances, the milestone was missed and a new completion date was not established because the project was moved to “paused” status during the quarter.
 - One (1) of the 36 milestones was “canceled” during the quarter.

The statutory FAST-41 requirements are explained in detail in the Appendix of this report, and detailed information on agency compliance with each of these requirements is provided in section 4 of this report.



2. Background

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

evaluat[es] agency compliance with the provisions of [FAST-41], [and] which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under [42 U.S.C. § 4370m-2(c)].

Accordingly, this Quarterly Agency Performance Report, which covers fiscal Q3 2024, evaluates agency implementation of FAST-41 requirements. The report also discusses technical assistance that the Executive Director provides to agencies to support that implementation.

To assess compliance for this report, the Permitting Council reviewed CPPs. Under FAST-41, lead agencies for covered projects must complete a CPP within 60 days of adding a covered project to the Permitting Dashboard. Among other things, a CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project. The project permitting timetable, which is posted and managed on the Dashboard, is a key component of a CPP and includes intermediate and final completion dates² for agency actions on environmental reviews or authorizations that are required for the project. The requirements for a CPP and a permitting timetable are discussed in greater detail in the Appendix of this report.

This report provides an overview of:

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

² The Federal Permitting Dashboard refers to these intermediate and final completion dates as “milestones.”

3. FAST-41 Covered Project Portfolio

In fiscal Q3 2024, the FAST-41 covered project portfolio contained 28 projects undergoing active Federal environmental review and authorization³ and one (1) project for which all Federal environmental reviews and authorizations were paused.⁴ Projects undergoing active review are organized by sector in Table 1.⁵

The Department of the Interior (DOI) was lead agency for nineteen projects; the Department of the Army, United States Army Corps of Engineers (USACE) and the Department of Commerce (DOC) were each lead agency for three projects; the Federal Energy Regulatory Commission (FERC) was lead agency for two projects; and the Department of Energy (DOE) and the United States Department of Agriculture (USDA) were each lead agency for one project.

Table 1: Covered projects undergoing active Federal review in fiscal Q3 2024.

Project	Lead or Facilitating Agency
Offshore Wind (OSW)	
Atlantic Shores South (OSW1)	DOI-BOEM
Atlantic Shores North (OSW2)	DOI-BOEM
Bay State Wind Project (OSW3)	DOI-BOEM
Beacon Wind (OSW4)	DOI-BOEM
Coastal Virginia Offshore Wind Commercial Project (OSW5)	DOI-BOEM
Kitty Hawk North Wind Project (OSW7)	DOI-BOEM
Kitty Hawk South Offshore Wind Project (OSW8)	DOI-BOEM
Maryland Offshore Wind Project (OSW9)	DOI-BOEM
SouthCoast Wind Energy LLC (SouthCoast Wind) (OSW10)	DOI-BOEM

³ Projects undergoing active review are projects for which, at any time in fiscal Q3 2024, federal environmental reviews and authorizations were planned or in progress. The set of projects undergoing active Federal review was derived from analysis of the Dashboard's non-public revision history dataset. There were 36 milestones scheduled to occur in fiscal Q3 2024 across 13 projects. The remaining 15 projects did not have any milestones scheduled to occur in fiscal Q3 2024.

⁴ The project status was assessed using data captured from the Dashboard at the end of the quarter. The Executive Director initially posts a FAST-41 covered project on the Dashboard in "planned" status. 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. The Executive Director places a FAST-41 covered project "in progress" once a permitting timetable is posted to the Dashboard. 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 "canceled" or "completed."

⁵ The Renewable Energy Production sector as identified in 42 U.S.C. § 4370m(6)(A) is depicted here as three sub-sectors: offshore wind, solar, and other renewable energy.

Project	Lead or Facilitating Agency
Offshore Wind (OSW), Continued	
Ocean Wind 1 Project (OSW11)	DOI-BOEM
Vineyard Northeast (OSW12)	DOI-BOEM
Skipjack Wind Farm (OSW13)	DOI-BOEM
Sunrise Wind Farm (OSW14)	DOI-BOEM
New England Wind (OSW15)	DOI-BOEM
Solar (SLR)	
Bonanza Solar Project (SLR1)	DOI-BLM
Silver Star Solar (SLR2)	DOI-BLM
Other Renewable Energy (ORE)	
Stagecoach Wind (ORE1)	DOI-BLM
Seminole Pumped Storage Project (ORE2)	FERC
White Pine Pumped Storage (ORE3)	FERC
Electricity Transmission (ELT)	
Boardman to Hemingway Transmission Line (ELT1)	DOI-BLM
Grain Belt Express Transmission -- Phase 1 (ELT2)	DOE-Loan Programs Office
Ports and Waterways (PWW)	
Port of Corpus Christi Authority Channel Deepening Project (PWW1)	USACE
Sparrows Point Container Terminal (PWW2)	USACE
Water Resources (WTR)	
Mid-Breton Sediment Diversion (WTR2)	USACE
Broadband (BRD)	
Santa Fe Indian School Broadband (BRD1)	DOC-NTIA
Alaska FiberOptic Project Segment 1 (BRD2)	DOC-NTIA
Winnebago Tribe Broadband Connectivity Project (BRD3)	DOC-NTIA
Mining (MNG)	
South32 Hermosa Critical Minerals Project (MNG1)	USDA-FS

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

Figure 1 shows the location of FAST-41 covered projects undergoing active Federal review in fiscal Q3 2024. The project labels correspond to those in Table 1.

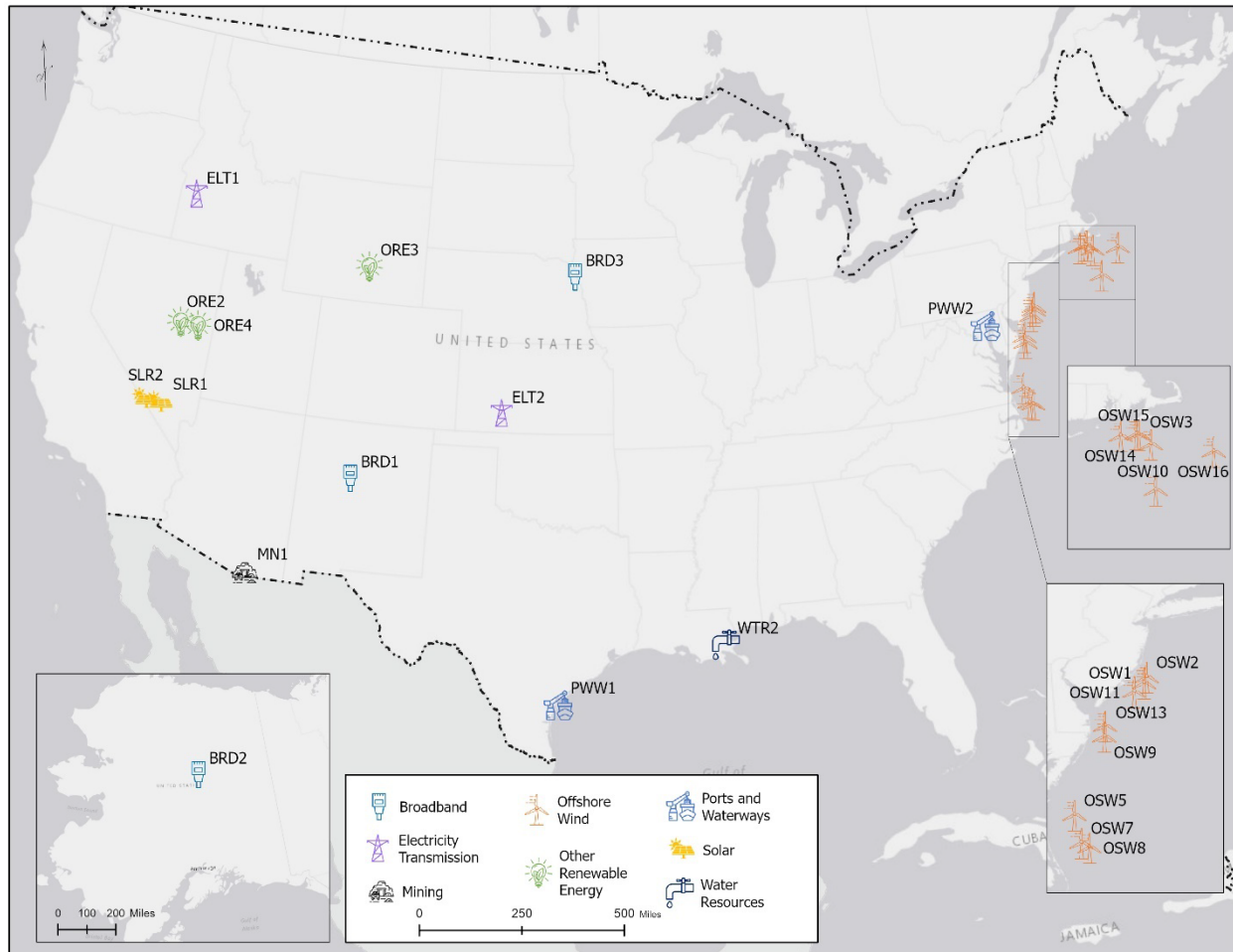


Figure 1: Covered projects undergoing active Federal review in fiscal Q3 2024.

The Federal environmental reviews and authorizations for the Liberty Development and Production Plan Project were paused in 2020 and remained paused for the entirety of the quarter, therefore the project is not under active Federal review. For one project, Beacon Wind, the Federal environmental reviews and authorizations were placed in “paused” status during the quarter.⁶

During this quarter, two FAST-41 covered projects completed all remaining milestones and as a result concluded their federal environmental reviews and authorizations: [Coastal Virginia Offshore Wind Commercial Project](#) and [Sunrise Wind Farm](#). The Coastal

⁶ On May 1, 2024, a BP-affiliated company took sole ownership of the Beacon Wind project sponsor, Beacon Wind LLC, which was previously jointly owned by a BP affiliate and an Equinor affiliate. On June 7, 2024, BOEM requested a Dashboard update to temporarily defer the FAST-41 permitting timetable requirements for Beacon Wind through October 31, 2024, allowing the project sponsor an opportunity to provide additional information on potential project design changes and decisions regarding submittal of an updated Construction and Operations Plan.

Virginia Offshore Wind Commercial project is expected to add 2,600 megawatts to the grid, capable of powering over 900,000 homes, and the Sunrise Wind project is expected to add 924 megawatts to the grid, capable of powering more than 320,000 homes. These projects support the Biden-Harris Administration’s goal of deploying 30 GW of offshore wind energy capacity by 2030. The DOI-BOEM served as the lead agency for these projects’ environmental review and permitting.

One new project, [Winnebago Tribe Broadband Connectivity Project](#), joined the FAST-41 covered project portfolio during fiscal Q3 2024. Two projects, Bay State Wind Project and Skipjack Wind Farm, were in planned status as of the end of fiscal Q3 2024.

Figure 2 summarizes the status of FAST-41 covered projects as of June 30, 2024 that were in active Federal review at any point in fiscal Q3 2024. This includes projects that were planned, in progress, or moved to paused during the quarter. Projects that were paused for the entire quarter are excluded. These 28 projects encompass 878 milestone dates for the agencies’ Federal environmental reviews and authorizations.

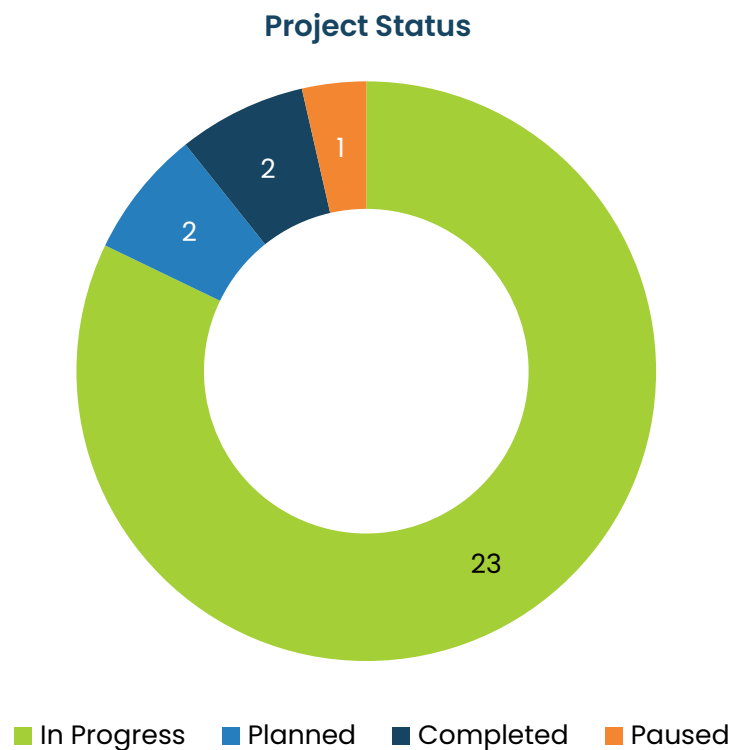


Figure 2: Snapshot of status, as of June 30, 2024, of each project in active review at any point in fiscal Q3 2024.

4. Agency Compliance with the Provisions of FAST-41

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

4.1 Initiation and Establishment of a Coordinated Project Plan

4.1.a Executive Director Evaluation of Agency Performance

The Winnebago Tribe Broadband Connectivity Project joined the FAST-41 covered project portfolio in fiscal Q3 2024. The DOC-NTIA is the lead agency for the project. For this project, the 60-day CPP establishment deadline landed in fiscal Q4 2024, however, DOC-NTIA established its CPP early, during fiscal Q3 2024.

Two projects that joined the FAST-41 covered project portfolio in fiscal Q2 2024, Grain Belt Express Transmission - Phase 1 and Silver Star Solar, had CPP establishment deadlines in fiscal Q3 2024. DOE-Loan Programs Office and DOI-BLM met the 60-day CPP establishment requirement for Grain Belt Express Transmission - Phase 1 and Silver Star Solar, respectively.

4.1.b Executive Director Technical Assistance

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

4.2 Coordinated Project Plan Quarterly Updates

4.2.a Executive Director Evaluation of Agency Performance

In fiscal Q3 2024, agencies met their FAST-41 requirements to review and update their CPPs for all of the applicable FAST-41 covered projects.

4.2.b Executive Director Technical Assistance

The Executive Director will continue to engage with agencies to ensure that CPP review and update certifications continue to be submitted in a timely manner. Additionally, to ensure that CPPs are meeting their intended purpose and providing benefits for covered projects, the Executive Director plans to review the CPP development and review process to identify potential areas of improvement and best practices.



4.3 Agency Modification of Permitting Timetables

4.3.a Executive Director Evaluation of Agency Performance

During fiscal Q3 2024, agencies modified a total of 52 milestone dates across 12 of the 28 FAST-41 projects undergoing active Federal environmental review and authorization.⁷ Table 2 identifies the number of milestone dates that were modified in fiscal Q3 2024, organized by environmental review and authorization.⁸ Schedule modifications are allowed under FAST-41 and occur for various reasons, including factors within and beyond Federal agency control, such as delayed or incomplete submissions by project sponsors. Schedule modifications show agencies' active management of permitting timetables.

⁷ Note: The 52 milestones were all modified (i.e., a date was changed—either completed earlier or later than the scheduled date) during fiscal Q3 2024. The 52 modifications include milestones scheduled to occur during fiscal Q3 2024 and scheduled to occur after fiscal Q3 2024.

⁸ The agency responsible for the environmental review or authorization is identified parenthetically after each environmental review or authorization.

Table 2: Completion date modifications (including early completions) in fiscal Q3 2024 organized by environmental review or authorization.

Environmental Review or Authorization	Number of Completion Dates Modified or Completed Early During Fiscal Q3 2024
Environmental Assessment (EA) (DOC-NTIA)	2
Environmental Impact Statement (EIS) (DOI-BLM, USDA-FS, and USACE)	8
National Historic Preservation Act (NHPA) Section 106 Review (DOI-BLM, DOI-BOEM, USACE)	4
Clean Water Act Section (CWA) 402 Permit, National Pollutant Discharge Elimination System (EPA)	2
Endangered Species Act (ESA) Consultation (DOC-NOAA/NMFS)	3
ESA Consultation (DOI-FWS)	10
Fish and Wildlife Coordination Act (FWCA) Review (DOI-FWS)	1
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS)	3
Outer Continental Shelf (OCS) Air Permit (EPA)	3
Right-of-Way (ROW) Authorization (DOI-BIA)	6
ROW Authorization (DOI-BLM)	2
ROW Permit and Special Use Permit (DOI-NPS)	1
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (CWA) (USACE)	3
Section 408 Permit (USACE)	4
TOTAL	52

Note: Modifications each represent an instance of an agency changing a milestone date. Multiple modifications may occur to dates within a single project, action, or milestone.

Some schedule modifications result from activities occurring earlier than anticipated. Fourteen (14) of the 52 milestones were completed early during the reporting quarter, including 4 milestones completed a month or more ahead of schedule. These milestones are summarized in Table 3 below.

Table 3: Dates completed early in fiscal Q3 2024.

Project	Environmental Review or Authorization Milestone	Completion Date at the Beginning of the Quarter	Actual Completion Date
Alaska FiberOptic Project Segment 1	Issuance of a Draft EA / Release for Public Review - Environmental Assessment (EA) (DOC - NTIA)	3-May-2024	29-Apr-2024
Atlantic Shores South	Section 106 consultation concluded - Section 106 Review (DOI-BOEM)	1-Jul-2024	27-Jun-2024
Coastal Virginia Offshore Wind Commercial Project	Issuance of final decision/permit approval - Outer Continental Shelf (OCS) Air Permit (EPA)	30-Apr-2024	09-Apr-2024
New England Wind	Issuance of final decision/permit approval - Outer Continental Shelf (OCS) Air Permit (EPA)	1-May-2024	15-Apr-2024
Santa Fe Indian School Broadband	FWS determines ESA Consultation Package is Complete - Endangered Species Act Consultation (DOI-FWS)	1-Jul-2024 ⁹	10-Apr-2024
Santa Fe Indian School Broadband	Endangered Species Act Consultation - ESA Consultation Concludes (DOI-FWS)	15-Aug-2024	20-May-2024
Santa Fe Indian School Broadband	Environmental Assessment (EA) - Issuance of a Draft EA / Release for Public Review (DOC-NTIA)	15-Jun-2024	13-Jun-2024
South32 Hermosa Critical Minerals Project	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS) (USDA-FS)	13-May-2024	10-May-2024
South32 Hermosa Critical Minerals Project	Scoping (USDA-FS)	13-May-2024	10-May-2024
Sunrise Wind Farm	EPA authorizes discharge under Individual permit - Clean Water Act Section 402 Permit, National Pollutant Discharge Elimination System (EPA)	21-Jun-2024	13-Jun-2024
Sunrise Wind Farm	Final decision/agency action - NPS Permit (DOI-NPS)	22-May-2024	21-May-2024

⁹ The milestone "FWS determines ESA Consultation Package is Complete - formal (Agency Action)" was replaced with "FWS determines ESA Consultation Package is Complete - Informal (Agency Action)" on the permitting dashboard during the quarter. The completion date for "formal" is used for this analysis.

Project	Environmental Review or Authorization Milestone	Completion Date at the Beginning of the Quarter	Actual Completion Date
Sunrise Wind Farm	Issuance of final decision/permit approval - Outer Continental Shelf (OCS) Air Permit (EPA)	22-May-2024	15-Apr-2024
Sunrise Wind Farm	Final Verification/Permit Decision Rendered - Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act (USACE)	21-Jun-2024	20-May-2024
Sunrise Wind Farm	Issuance of Decision - Section 408 Permit (USACE)	21-Jun-2024	20-May-2024

Note: Three of the milestones that completed early in fiscal Q3 2024 were scheduled to be completed in fiscal Q4 2024.

Agencies are meeting FAST-41 permitting timetable modification requirements by proactively managing their permitting timetables, including following the statutory requirements for engaging in consultation, providing an explanation for modification of completion dates, and modifying completion dates at least 31 days in advance.

Agencies' management of permitting timetables in accordance with FAST-41 not only achieves the goal of enhancing permitting transparency and predictability for project sponsors, state and federal partners, and the public, but also provides reliable information that, over time, will be used to identify areas for improvement in the Federal permitting process.

Before making a date modification that would necessitate an extension of a final completion date by more than 30 days after the originally-established final completion date, the facilitating or lead agency must request the Executive Director's authorization for the modification. Table 4 below identifies the projects and environmental reviews and authorizations to which prior authorization to modify the permitting timetable was necessary. In fiscal Q3 2024, agencies submitted three such requests to the Executive Director, and one of those requests included modifications to multiple completion dates on the project's permitting timetable. The Executive Director granted the three requested date extensions and the full Executive Director Determinations are available at the links in Table 4.

Table 4: Executive Director extension requests granted in fiscal Q3 2024.

Project	Environmental Review or Authorization	Extension Request Summary
SouthCoast Wind	<ul style="list-style-type: none"> NPDES (EPA) 	<p>The completion date for the NPDES permit is dependent on the final completion date for the NEPA action. To meet all requirements applicable to EPA's permit action, EPA needs time following BOEM's issuance of the ROD to review the ROD and verify that associated documents address requirements EPA must meet under laws other than the Clean Water Act (CWA). Here, the lead agency BOEM, on behalf of EPA, requested an extension of 97 days beyond issuance of the ROD for the NPDES permit decision completion to occur on March 27, 2025. Normally, only 90 days are requested, however, the additional 7 days in the extension account for federal holidays that will occur after the ROD.</p>
Mid-Breton Sediment Diversion	<ul style="list-style-type: none"> EIS (USACE) Section 106 (USACE) Section 10/404 (USACE) Section 408 (USACE) ESA Consultation (DOI-FWS) FWCA (DOI-FWS) ESA Consultation (DOC-NOAA/NMFS) EFH Consultation (DOC-NOAA/NMFS) 	<p>USACE requested this permitting timetable modification as additional time is needed for the environmental review because early work produced by the third-party contractor aiding in completion of the environmental review did not meet USACE's standards for adequacy and accuracy. USACE is adding a work quality assurance and technical review process to rectify the issue for this project and ensure that the EIS is adequate and consistent with the requirements of NEPA.</p>
Santa Fe Indian School Broadband	<ul style="list-style-type: none"> ROW Authorization (DOI-BIA) 	<p>This is a first-of-its-kind FAST-41 project involving a Project Sponsor that is a consortium of Pueblos and the need to cross over lands owned or managed by both federal government and Tribal entities. Given these unique circumstances, it is not unusual for agencies to require additional time to study how a nation-wide policy like the BIA National Policy Memorandum may apply to the environmental review and permitting process for the Project. Additionally, NTIA's present extension request reasonably seeks to align the completion dates for the BIA Southern Pueblos Agency right-of-way action with the updated completion date for NEPA.</p>

4.3.b Executive Director Technical Assistance

The Executive Director continues to work with agencies to provide clarity on the expectations for permitting timetable management and continues to engage with agencies through the Environmental Review Improvement Fund (ERIF) Assistance Program¹⁰ to identify challenges and provide assistance to ensure agencies maintain

¹⁰ More information on the ERIF Assistance Program is available on pages 16–20 of the [FY23 Annual Report to Congress](#).

project schedules. 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.

4.4 Agency Conformance with Permitting Timetables

4.4.a Executive Director Evaluation of Agency Performance

At the beginning of fiscal Q3 2024, there were 36 Federal agency completion dates that were scheduled to occur during the reporting period. Of those completion dates, 23 were met on-time (see Table 5), 2 were neither met nor modified and therefore went into nonconformance (see Table 6), and 1 was neither met nor modified because the environmental reviews and authorizations for the project were paused. In addition, 9 of the 36 were alternative completion dates, which had been established due to the agency being in nonconformance status, that were scheduled to occur during the reporting period. Of those 9, agencies met 8 of the alternative completion dates and modified 1 alternative completion date (see Table 7). One Federal agency completion date (Application deemed complete) was canceled during the quarter due to cancellation of the action (Special Use Permit (USDA-FS)) for the Santa Fe Indian School Broadband project.



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

Table 5: Permitting timetable on-time completion dates in fiscal Q3 2024.

Environmental Review or Authorization	Number of On-Time Completion Dates
EIS (DOI-BOEM, USDA-FS)	4
EA (DOC-NTIA)	2
CWA Section 402 Permit, National Pollutant Discharge Elimination System (EPA)	1
Construction and Operation Plan (COP) (DOI-BOEM)	1
ESA Consultation (DOI-FWS)	1
MMPA Incidental Take Authorization (DOC-NOAA/NMFS)	1
OCS Air Permit (EPA)	6
ROW Authorization (DOI-BLM)	1
ROW Permit and Special Use Permit (DOI-NPS)	2
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 CWA (USACE)	3
Section 408 Permit (USACE)	1
TOTAL	23

An agency may not make any modifications within 30 days of a completion date. This is known as the 30-day lockout period. In the event the agency responsible for the milestone is unable to meet the currently posted completion date, that agency will be in noncompliance with the permitting timetable and required to establish an “alternative completion date” pursuant to the permitting timetable nonconformance provisions of 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

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, which describes any responsible agency activity related to the affected FAST-41 covered project. The Data Management Guide for FAST-41

Covered Projects on the Permitting Dashboard (DMG)¹¹ implements these procedures through the “nonconformance protocol.”

Table 6, below, presents data on two completion dates for which the date was neither marked as complete, as scheduled, nor modified per the procedures set forth at 42 U.S.C. § 4370m-2(c)(2)(F). As required by statute, explanations for the missed completion dates, alternative completion dates, and monthly status reports are available at the links in Table 6. Table 6 does not include the one milestone that was neither met nor modified because the environmental reviews and authorizations for the project were paused.

During the quarter, agencies met requirements to provide explanations for missed completion dates and monthly status reports. The DMG includes the procedures for agencies to establish alternative completion dates within 5 days of the permitting timetable nonconformance and provide monthly missed date reports. In each instance, agencies established alternative completion dates within five days and submitted monthly reports on time.

Table 6: Instances of permitting timetable nonconformance in fiscal Q3 2024.

Environmental Review or Authorization	Project	Reporting Agency	Monthly Reporting Compliance	Alternative Completion Date Compliance
OCS Air Permit	SouthCoast Wind Energy LLC (SouthCoast Wind)	EPA*	3 of 3 reports (100%)	Established within 5 days
Section 106 Review	Maryland Offshore Wind Project	DOI-BOEM	2 of 2 reports (100%)	Established within 5 days

* The Environmental Protection Agency’s (EPA’s) OCS air permit decision under Section 328 of the Clean Air Act (CAA) is dependent upon BOEM’s completion of the NEPA Record of Decision (ROD). EPA projected the need for a minimum of 90 days after issuance of the ROD to review the ROD and verify that associated documents address requirements EPA must meet under statutes other than the CAA. BOEM undertook a comprehensive review of the permitting timetable for SouthCoast Wind with the cooperating agencies and in consultation with the project sponsor. The review encompassed all remaining milestone dates for the project, including this one. Based on that review, in December of 2023, BOEM initiated development of a revised permitting timetable. BOEM and EPA subsequently participated in three meetings with the project sponsor that were convened by the Executive Director. On February 16, 2024, BOEM, on behalf of EPA, timely submitted a request to the Executive Director to extend the final completion dates for EPA’s OCS air permit decision. However, the Executive Director did not sign a determination on the record granting the request by the statutory deadline of March 8, 2024 (30 days prior to the posted OCS air permit completion date of April 8, 2024) due to the uncertainty surrounding the schedule, specifically the final ROD date. Therefore, EPA could not modify the permitting timetable to reflect the extended completion date. BOEM provided a revised permitting timetable to the Executive Director to reset the schedule for the remaining milestones on April 8, 2024, and EPA appropriately established an alternative completion date for SouthCoast’s OCS air permit decision of February 25, 2025.

¹¹ 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. Consistent and widespread use of the DMG is essential to facilitating the Executive Director’s evaluation of agency implementation of FAST-41. The DMG is available at <https://www.permits.performance.gov/sites/permits.dot.gov/files/2022-08/2022%20Data%20Management%20Guide.pdf>.

Agencies met 8 of the alternative completion dates and modified 1 alternative completion date, as listed in Table 7.

Table 7: Permitting timetable alternative completion dates met in fiscal Q3 2024.

Environmental Review or Authorization Milestone	Number of Alternative Completion Dates
Alternative Completion Dates Met	
ESA Consultation Concludes – Endangered Species Act Consultation (DOI-FWS)	1
ESA Consultation Concludes – Endangered Species Act Consultation (DOC-NOAA/NMFS)	1
Final EIS (DOI-BOEM)	1
ITA decision rendered – MMPA Incidental Take Authorization (DOC-NOAA/NMFS)	1
NOAA Issues any EFH Conservation Recommendations – Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS)	1
Publish Final ITA Regulations in Federal Register – MMPA Incidental Take Authorization (DOC-NOAA/NMFS)	2
Record of Decision (ROD) – EIS (DOI-BOEM)	1
In-Progress Alternative Completion Dates In-Progress	
Final EIS (DOI-BOEM)	1
TOTAL	9

4.4.b Executive Director Technical Assistance

The Executive Director provides “Look-Ahead” reports to agencies on a monthly basis. The data in these reports outlines upcoming milestones, up to 120 days, that are currently anticipated on the Dashboard. The Executive Director will continue to work with agencies to meet posted completion dates and to ensure that, when a posted completion date is missed, alternative completion dates are timely added to the permitting timetable, along with explanations for missed completion dates and monthly status reports.

4.5 Agency Posting of Required Information

4.5.a Executive Director Evaluation of Agency Performance

It is challenging for the Executive Director to independently verify whether the content posted to the Dashboard meets the requirements of the “Postings by Agencies” section of FAST-41¹² because much of the information required to be hyperlinked and made available within five business days of agency receipt is only available to the agencies.

¹² The “Postings by Agencies” requirements (42 U.S.C. § 4370m-2(b)(3)) can be found in Section 5 of the Appendix.

Accordingly, the Executive Director verifies whether agencies posted any information for the statutorily required items for a project. At the end of fiscal Q3 2024, agencies were meeting this requirement 97 percent of the time. As of publication of this report, agencies are meeting this requirement 100 percent of the time.

4.5.b Executive Director Technical Assistance

The responsiveness of the information to the statutory directive is initially determined by the agencies. The Executive Director will continue to offer training to agencies to outline the statutory requirements, will communicate with agencies regarding missing information, and will educate the agencies on the need to post the required information on the Dashboard.

5. Looking Ahead

The Executive Director outlined plans in the fiscal Q2 2024 (January–March) report to begin reporting new metrics in future quarterly agency performance reports. The fiscal Q3 2024 report includes new data providing more detailed explanations for schedule changes that moved final completion dates more than 30 days. It also includes the alternative completion dates reported during the quarter, and completion dates that were completed ahead of their current target date during the quarter. The Executive Director intends to continue to integrate new measures into future quarterly agency performance reports to provide additional context and more fully tell the story of agency implementation of FAST-41.





Appendix. Statutory Requirements

1. Initiation and Establishment of a Coordinated Project Plan

FAST-41 Initiation Notice. The FAST-41 process begins when a project sponsor¹³ 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.¹⁴ 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.¹⁵

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-41.¹⁶

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.”¹⁷ A CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project.¹⁸ To that end, the CPP must include a list of all entities with an environmental review or authorization responsibility for a project; their respective roles and responsibilities; a discussion of potential avoidance, minimization, and mitigation strategies; plans and a schedule for public and tribal outreach and coordination; and the project permitting timetable.¹⁹

The CPP is central to the management of the environmental review and authorization process for a FAST-41 covered project. The permitting timetable, which is posted and managed publicly on the Permitting Dashboard according to the requirements of FAST-41, is a key component of the CPP and includes intermediate and final completion dates for all Federal environmental reviews and authorizations required for the project.²⁰ Thus,

¹³ 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).

¹⁴ 42 U.S.C. § 4370m-2(a)(1)(A).

¹⁵ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

¹⁶ 42 U.S.C. § 4370m-2(a)(2)(A).

¹⁷ 42 U.S.C. § 4370m-2(c)(1)(A).

¹⁸ 42 U.S.C. § 4370m-2(c)(1).

¹⁹ 42 U.S.C. § 4370m-2(c)(1)(B).

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

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

2. Coordinated Project Plan Quarterly Updates

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

The Permitting Council uses the certification of this FAST-41 requirement as a key indicator that agencies are actively managing their permitting timetables and updating project CPPs, as needed.

3. Agency Modification of Permitting Timetables

Once a permitting timetable has been established as part of the CPP for a project, FAST-41 allows the lead or facilitating agency to modify completion dates set forth in the permitting timetable if certain statutory prerequisites are met. Specifically, the facilitating or lead agency may modify Federal agency completion dates only after:

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

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

4. Agency Conformance with Permitting Timetables

Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable posted on the Permitting Dashboard.²⁴ If an agency does not conform to the established timetable—that is, if an agency does not meet the

²¹ 42 U.S.C. § 4370m-2(c)(1)(B).

²² 42 U.S.C. § 4370m-2(c)(2)(D).

²³ 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

²⁴ 42 U.S.C. § 4370m-2(c)(2)(F)(i).

completion dates set forth in the permitting timetable—the statute requires that the agency responsible for the delayed action must:

- ▶ Provide, for posting on the Dashboard, an explanation of why the agency was unable to meet the completion date.
- ▶ Establish an alternative completion date in consultation with the facilitating or lead agency.
- ▶ Provide, for posting on the Dashboard, monthly reports describing all agency actions relating to the project until the agency has taken final action on the delayed authorization or review.²⁵

5. Agency Posting of Required Information

For each covered project added to the Permitting Dashboard, FAST-41 requires the facilitating or lead agency, and each cooperating and participating agency, to post to the Permitting Dashboard a hyperlink that directs the public to a website containing certain project information. Specifically, and to the extent consistent with applicable law, agencies must post:

- ▶ The project FIN;
- ▶ Either the application and supporting documents that have been submitted by a project sponsor for any required environmental review or authorization, or a notice explaining how the public may obtain access to such documents;
- ▶ A description of any Federal agency action taken or decision made that materially affects the status of a covered project, and any significant supporting documentation;
- ▶ Information on the status of mitigation measures that were agreed to as part of the environmental review and permitting process, including whether and when the mitigation measures have been fully implemented;
- ▶ A description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court;
- ▶ Any document described above that is not available by hyperlink on another website.²⁶

²⁵ 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

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

Agencies additionally must post directly to the Permitting Dashboard information about project-related public meetings, public hearings, and public comment periods, as that information becomes available.²⁷

Agencies must make the information described above available not later than five business days after the date on which the Federal agency receives the information.²⁸

²⁷ 42 U.S.C. § 4370m-2(b)(3)(A)(iii).

²⁸ 42 U.S.C. § 4370m-2(b)(3)(B).