



Quarterly Agency Performance Report

**Permitting Council—Executive Director
Fiscal Q4 2024 (July–September)**

January 15, 2025



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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



Department of Agriculture



Department of the Army



Department of Commerce



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Department of Energy



Council on Environmental Quality



Department of Homeland Security



Department of Housing and Urban Development



Department of the Interior



Office of Management and Budget



Department of Transportation



Federal Energy Regulatory Commission



Nuclear Regulatory Commission



Environmental Protection Agency



Message from the Executive Director

I am pleased to present this report to Congress on Federal agency performance in the fourth quarter of fiscal year 2024. This report assesses agency implementation of Title 41 of the Fixing America's Surface Transportation Act (FAST-41). As part of President Biden's infrastructure agenda, agencies represented on the Permitting Council are working to improve permitting performance across government, supporting efficient delivery of critical projects that will help grow the economy and make significant progress towards our clean energy goals.

The Permitting Council is continuing our efforts to improve our reporting to enable quarterly reports like this and the Annual Report to Congress to tell a more comprehensive story of agency implementation of FAST-41. This report includes new data summarizing how much project schedules shifted within the reporting quarter and reasons for milestone modifications. I hope that the foundation we've laid to improve our reporting will support more robust analytics moving forward under new leadership in the coming year.

This report is the last of my tenure as Executive Director of the Permitting Council. I am extremely grateful for the opportunity to serve in this role and help drive continuous improvement in the federal permitting process for infrastructure projects. We have worked hard to increase the capacity of the Permitting Council staff to better serve our project sponsors and agency partners as they work towards permitting milestones. That renewed effort to actively manage project schedules resulted in approving four requests to move scheduled completion dates more than 30 days - each request supported by the project sponsor, reflecting the value of enhanced coordination as part of the FAST-41 process.

We continue to identify ways to build capacity and improve permitting efficiency. Importantly, the Permitting Council's implementation of FAST-41 and our work to advance permitting excellence across government expands our reach beyond our portfolio of covered projects. While this report focuses on agency performance in meeting the requirements of FAST-41, I expect to see future improved performance enabled by our initiatives to expand agency capacity, improve engagement on covered projects and train the workforce to better manage the environmental review and permitting processes.

The Permitting Council has invested over \$170 million to support agency capacity - part of \$1 billion provided by the Inflation Reduction Act to support timely and efficient



permitting. These investments are helping agencies manage increased workload and avoid unnecessary delays in processing permit applications and performing environmental reviews. We've also provided over \$40 million to agencies to expand information technology solutions to accelerate permitting processes. We've invested \$15 million to support Tribal nations in consultations on FAST-41 covered projects and invested an additional \$5 million to support essential training for federal permitting staff.

These investments are part of our broader strategy to invest in solutions that will help agencies do the work of permitting better, directly supporting timely and efficient environmental reviews and authorizations for FAST-41 covered projects, with expected benefits that extend beyond our portfolio.

The FAST-41 process is not only about increasing the transparency, accountability, and predictability of federal permitting for infrastructure projects; it is also a model to help identify best practices that can be applied government wide. I am optimistic that with the investments we've made and the programs we've established to identify and disseminate best practices, agency performance will continue to improve and FAST-41 will continue to lead the charge in improving permitting.

It has been the honor of a lifetime to serve the President in this role, and I'm excited to see what's next.

Eric B. Beightel
Executive Director
Federal Permitting Improvement Steering Council



Quarterly Agency Performance Report

Fiscal Q4 July–September 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 fourth quarter of fiscal year 2024 (fiscal Q4 2024):

- › During this period, there were 26 FAST-41 covered projects undergoing active Federal review, for which agencies were tracking 879 Federal agency intermediate and final completion dates (a.k.a., “milestones”) on the Federal Permitting Dashboard (Dashboard).¹
- › Environmental review and authorization for two (2) FAST-41 covered projects was completed during this quarter and are now complete on the Dashboard: [New England Wind](#) and [Port of Corpus Christi Authority Channel Deepening Project](#). One new project joined the FAST-41 covered project portfolio during fiscal Q4 2024: [Perkins Renewable Energy Project](#).
- › Agencies satisfied the requirements for reviewing and updating coordinated project plans (CPPs) for all FAST-41 covered projects on the Dashboard.
- › Agencies modified a total of 50 dates across 10 projects in compliance with FAST-41 requirements.²
- › Agencies submitted 4 requests to the Executive Director to authorize date modifications that would necessitate extensions of final completion dates by more than 30 days after the originally-established final completion date. The Executive Director granted the 4 requests.

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>.

² The 50 date modifications include 38 completion dates (see Table 2 for more information) and 12 alternative completion dates (see Table 8 for more information). Agencies did not modify any dates for the other 16 projects undergoing active review during fiscal Q4 2024.

- ▶ There were 31 milestones *scheduled* to be completed across 10 projects during this quarter.³ The following provides a breakdown of these milestones:
 - Agencies completed 20 of the 31 milestones on time, including 7 that were completed ahead of schedule.
 - Agencies completed 3 of the 31 milestones late during the quarter.
 - Agencies moved 8 of the 31 milestones beyond the end of the quarter. In 2 of these instances, agencies did not modify the completion dates in a timely manner, and the agencies' actions went into nonconformance. The agencies provided initial explanations of the specific reasons for not conforming, established alternative completion dates, and partially met the requirement to submit monthly status reports.
- ▶ For all projects, agencies satisfied the requirements to post certain project information to the Permitting Dashboard.

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.



³ The 31 milestones include 24 completion dates (see Table 5 for more information) and 7 alternative completion dates (see Table 7 for more information). The remaining 16 projects did not have any milestones anticipated during fiscal Q4 2024.

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 Q4 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 dates⁴ 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.

⁴ The Federal Permitting Dashboard refers to these intermediate and final completion dates as “milestones.”

3. FAST-41 Covered Project Portfolio

In fiscal Q4 2024, the FAST-41 covered project portfolio contained 26 projects undergoing active Federal environmental review and authorization and two (2) projects for which all Federal environmental reviews and authorizations were paused.⁵ Projects undergoing active review are organized by sector in Table 1.⁶

The Department of the Interior (DOI) was lead agency for 16 projects; the Department of the Army, United States Army Corps of Engineers (USACE) and the Department of Commerce, National Telecommunications and Information Administration (DOC-NTIA) were each the lead agency for 3 projects; the Federal Energy Regulatory Commission (FERC) was the lead agency for 2 projects; and the Department of Energy (DOE) and the United States Department of Agriculture (USDA) were each the lead agency for 1 project.

Table 1: Covered projects undergoing active Federal review in fiscal Q4 2024.

| Project | Lead or Facilitating Agency |
|--|-----------------------------|
| Offshore Wind (OSW) | |
| Atlantic Shores North (OSW1) | DOI-BOEM |
| Atlantic Shores South (OSW2) | DOI-BOEM |
| Bay State Wind Project (OSW3) | DOI-BOEM |
| Kitty Hawk North Wind Project (OSW4) | DOI-BOEM |
| Kitty Hawk South Offshore Wind Project (OSW5) | DOI-BOEM |
| Maryland Offshore Wind Project (OSW6) | DOI-BOEM |
| New England Wind (OSW7) | DOI-BOEM |
| Ocean Wind 1 Project (OSW8) | DOI-BOEM |
| Skipjack Wind Farm (OSW9) | DOI-BOEM |
| SouthCoast Wind Energy LLC (SouthCoast Wind) (OSW10) | DOI-BOEM |
| Vineyard Northeast (OSW11) | DOI-BOEM |

⁵ The project status was assessed using data captured from the Dashboard at the end of the quarter. Projects undergoing active review are projects for which, at any time in fiscal Q4 2024, federal environmental reviews and authorizations were not "paused," "cancelled," or "completed." 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."

⁶ 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 |
|---|-----------------------------|
| Solar (SLR) | |
| Bonanza Solar Project (SLR1) | DOI-BLM |
| Perkins Renewable Energy Project (SLR2) | DOI-BLM |
| Silver Star Solar (SLR3) | DOI-BLM |
| Other Renewable Energy (ORE) | |
| Seminole Pumped Storage Project (ORE1) | FERC |
| Stagecoach Wind (ORE2) | DOI-BLM |
| 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 (WTR1) | USACE |
| Broadband (BRD) | |
| Alaska FiberOptic Project Segment 1 (BRD1) | DOC-NTIA |
| Santa Fe Indian School Broadband (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 Q4 2024. The project labels correspond to those in Table 1.

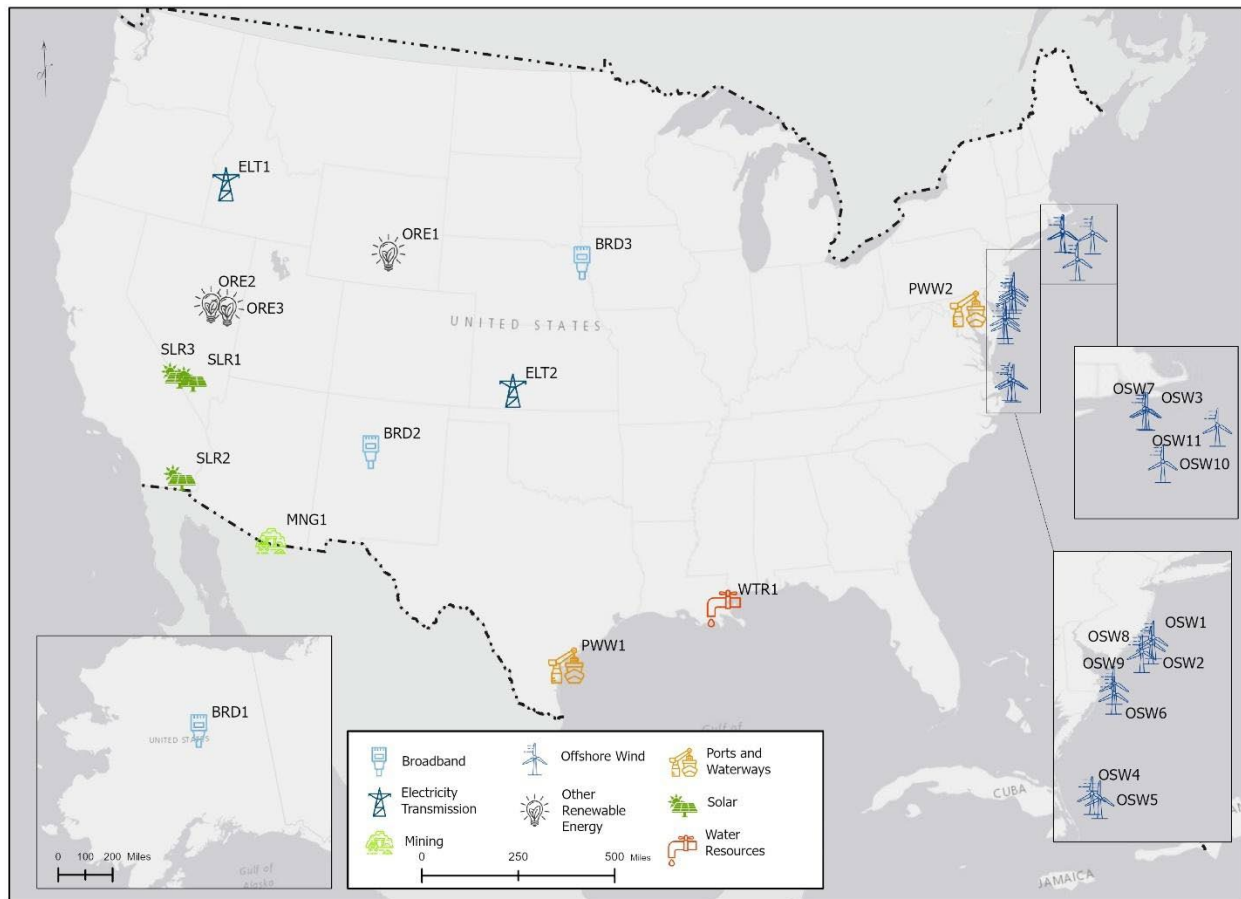


Figure 1: Covered projects undergoing active Federal review in fiscal Q4 2024.

The Federal environmental reviews and authorizations for the Liberty Development and Production Plan Project and the Beacon Wind Project were paused prior to the quarter and remained paused for the entirety of the quarter, therefore the projects are not under active Federal review. The Ocean Wind 1 Project was placed in “paused” status during the quarter.⁷

⁷ On January 19, 2024 Ocean Wind LLC requested a suspension of the operations term of Lease OCS-A 0498 until the earlier of: (1) the date that is two years after BOEM’s issuance of a suspension order; or (2) such date that BOEM specifies if it grants a request by the Lessee that BOEM lift the suspension order sooner. Further, the Lessee has requested that BOEM suspend all deadlines and schedules in the Lessee’s approved Construction and Operations Plan (“COP”) for the Ocean Wind 1 Offshore Wind Project (“Project”), and in BOEM’s September 21, 2023, Conditions of Construction and Operations Plan Approval (“COP Approval”), for so long as Renewable Energy Lease Number OCS-A 0498’s Operations Term is suspended. On February 29, 2024, BOEM approved a two-year lease suspension to Ocean Wind LLC for renewable energy lease number OCS-A 0498. A lease or grant suspension extends the term of the lease or grant. During a suspension, activities may not be conducted on the lease or grant except as otherwise expressly authorized under the terms of the lease or grant suspension granted by BOEM. BOEM will consider any requests for an early termination of the suspension consistent with the Outer

During this quarter, two FAST-41 covered projects completed all remaining milestones, thus concluding all federal environmental reviews and authorizations: [New England Wind](#) and [Port of Corpus Christi Authority Channel Deepening Project](#). The New England Wind project will produce over 2,600 megawatts delivering energy to more than 900,000 homes. This project supports 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 this project’s environmental review and permitting. The Port of Corpus Christi Authority Channel Deepening Project will increase the depth of the port from 54 to 77 feet, upgrading the channel with the capacity to accommodate transit of very large crude carriers into the Gulf of Mexico. The USACE led the project through the FAST-41 process.

One new solar power and battery energy storage project, [Perkins Renewable Energy Project](#), joined the FAST-41 covered project portfolio during fiscal Q4 2024 and was in planned status as of the end of fiscal Q4 2024.⁸ Another project, Bay State Wind Project, was also in planned status as of the end of fiscal Q4 2024.

Figure 2 provides a snapshot of the status of FAST-41 covered projects as of September 30, 2024, that were in active Federal review at any point in fiscal Q4 2024. Projects that were paused for the entire quarter are excluded. These 26 projects encompass 879 Federal agency milestone dates for the agencies’ Federal environmental reviews and authorizations.

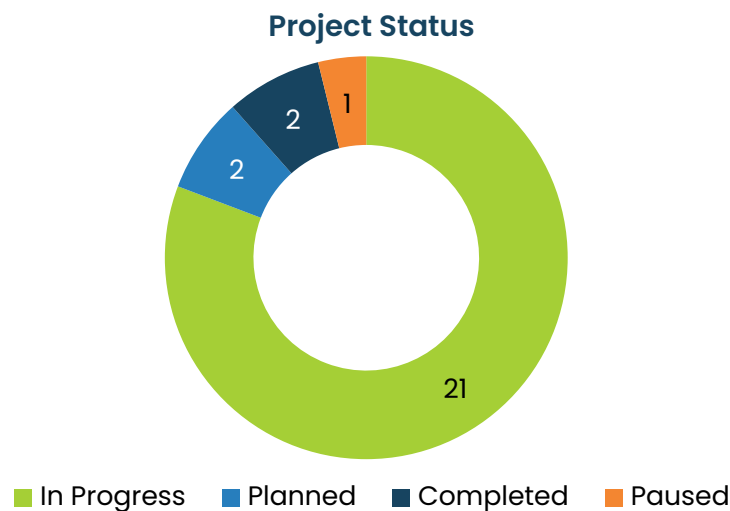


Figure 2: Snapshot of status, as of September 30, 2024, of each project in active review at any point in fiscal Q4 2024.

Continental Shelf Lands Act (OCSLA), the regulations in 30 C.F.R. Part 585 Subpart D, and the terms of the lease. Any such requests must be made in writing.

⁸ 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, at which point the project’s status changes to “in progress.”

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 Perkins Renewable Energy Project joined the FAST-41 covered project portfolio in fiscal Q4 2024. The DOI-BLM is the lead agency for the project. For this project, the 60-day CPP establishment deadline is in fiscal Q1 2025. DOI-BLM's establishment of an initial CPP will be reported in the fiscal Q1 2025 report.

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 providing Dashboard support and direction regarding FAST-41 requirements 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 Q4 2024, agencies met their FAST-41 requirements to review and update their CPPs in a timely manner 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. For example, the Permitting Council supported BOEM in developing a standardized template for CPPs which is assisting BOEM in identifying inconsistencies and gaps in information across their projects. Moving forward, this template should better inform cooperating and participating agency staff who are not regular Dashboard users.

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.



4.3 Agency Modification of Permitting Timetables

4.3.a Executive Director Evaluation of Agency Performance

During fiscal Q4 2024, agencies modified a total of 38 completion dates across 8 of the 26 FAST-41 projects undergoing active Federal environmental review and authorization.⁹ Table 2 lists these 38 modified completion dates organized by environmental review and authorization.¹⁰ Permitting timetable modifications are allowed under FAST-41 and occur for various reasons, including factors within and beyond Federal agency control, such as early completion of milestones or delayed or incomplete submissions by project sponsors. Due to the interdependent nature of certain review and permit actions, a schedule modification for one milestone may result in modifications of other milestones for that project. Permitting timetable modifications must follow a specific procedure under FAST-41 and therefore demonstrate agencies' active management of permitting timetables.

⁹ **Note:** The 38 completion dates were all modified (i.e., a date was changed—either completed earlier or later than the scheduled date) during fiscal Q4 2024. The 38 modifications include completion dates scheduled to occur during fiscal Q4 2024 and scheduled to occur after fiscal Q4 2024. These 38 completion dates are a subset of the 50 milestones modified during this quarter. The other 12 milestones modified during this quarter are alternative completion dates.

¹⁰ The agency responsible for a particular authorization is identified parenthetically after each authorization.

Table 2: Completion date modifications (including early completions) in fiscal Q4 2024 organized by environmental review or authorization.

| Environmental Review or Authorization | Number of Completion Dates Modified During Fiscal Q4 2024 |
|--|---|
| Environmental Assessment (EA) (DOC-NTIA) | 7 |
| Environmental Impact Statement (EIS) (DOI-BOEM) | 1 |
| National Historic Preservation Act (NHPA) Section 106 Review (DOC-NTIA) | 2 |
| Construction and Operations Plan (COP) (DOI-BOEM) | 1 |
| Endangered Species Act (ESA) Consultation (DOI-FWS) | 3 |
| Lease of Power Privilege (DOI-BOR) | 1 |
| Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS) | 2 |
| NPS Permit (DOI-NPS) | 1 |
| Right-of-Way (ROW) Authorization (DOI-BIA) | 4 |
| Right-of-Way (ROW) Authorization (DOI-BLM) | 2 |
| Right-of-Way (ROW) Authorization (DOI-FWS) | 2 |
| Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (CWA) (USACE) | 7 |
| Section 408 Permit (USACE) | 5 |
| TOTAL | 38 |

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. Nine (9) of the 38 completion dates were completed early during the reporting quarter.

Two completion dates were completed more than two months ahead of schedule. These completion dates are summarized in Table 3 below.¹¹

Table 3: Federal agency completion dates completed early in fiscal Q4 2024.

| Project | Environmental Review or Authorization Milestone | Completion Date at the Beginning of the Quarter | Actual Completion Date |
|--|--|---|------------------------|
| Atlantic Shores South | Publish Final ITA Regulations in Federal Register (LOA Only) (DOC-NOAA/NMFS) | 30-Sep-2024 | 24-Sep-2024 |
| Alaska FiberOptic Project Segment 1 | EA Process Concluded (DOC-NTIA) | 08-Aug-2024 | 23-Jul-2024 |
| Alaska FiberOptic Project Segment 1 | Issuance of a Final EA (DOC-NTIA) | 08-Aug-2024 | 23-Jul-2024 |
| Alaska FiberOptic Project Segment 1 | Section 106 consultation concluded (DOC-NTIA) | 29-Jul-2024 | 24-Jul-2024 |
| Winnebago Tribe Broadband Connectivity Project | EA Process Concluded (DOC-NTIA) | 30-Aug-2024 | 23-Aug-2024 |
| Winnebago Tribe Broadband Connectivity Project | Issuance of a Draft EA / Release for Public Review (DOC-NTIA) | 12-Jul-2024 | 11-Jul-2024 |
| Winnebago Tribe Broadband Connectivity Project | Issuance of a Final EA (DOC-NTIA) | 30-Aug-2024 | 23-Aug-2024 |
| Winnebago Tribe Broadband Connectivity Project | Complete Pre-Construction Notification (PCN)/Application Received (Applicant Action) | 19-Jul-2024 | 01-Jul-2024 |
| Winnebago Tribe Broadband Connectivity Project | Completeness Determination Response (USACE) | 07-Jul-2024 | 01-Jul-2024 |
| Winnebago Tribe Broadband Connectivity Project | Final Verification/Permit Decision Rendered (USACE) | 26-Nov-2024 | 12-Sep-2024 |
| Winnebago Tribe Broadband Connectivity Project | Issuance of Decision (USACE) | 26-Nov-2024 | 12-Sep-2024 |

Note: Two of the completion dates that completed early in fiscal Q4 2024 were scheduled to be completed in fiscal Q1 2025.

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.

¹¹ The agency responsible for a particular milestone is identified parenthetically after each milestone.

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 for which prior authorization to modify the permitting timetable was necessary. In fiscal Q4 2024, agencies submitted 4 such requests to the Executive Director. Those 4 requests included modifications to completion dates for 17 environmental reviews and authorizations. The Executive Director granted the 4 requests, and the full Executive Director Determinations are available at the links in Table 4.



Table 4: Executive Director extension requests granted in fiscal Q4 2024.

| Project | Environmental Review or Authorization | Extension Request Summary |
|--|---|--|
| Atlantic Shores South | <ul style="list-style-type: none"> Section 408 (USACE) | <p>BOEM's justification for this permitting timetable extension is based on the timing of the Project Sponsor's submission of an updated Section 408 application containing sufficient information to complete the Section 408 review. USACE considered the updated application complete as of August 16, 2024, and USACE asks for a 120-day review period for the Section 408 application for this Project because the authorization will be issued at the USACE Division level rather than a USACE District level. Accordingly, BOEM requests that the final Section 408 completion date be extended to December 16, 2024.</p> |
| Seminole | <ul style="list-style-type: none"> Lease of Power Privilege (DOI-BOR) Right-of-Way Authorization (DOI-BLM) ESA Consultation (DOI-FWS) Section 404 (USACE) | <p>The permitting timetable modifications are based on the Project Sponsor's need for additional time to complete studies and study reports. FERC issued a notice revising the schedule for the Project to account for this additional time. The timing of the completion dates for the Lease of Power Privilege, Right-of-Way Authorization, ESA, and Section 404 actions are each dependent on the timing of FERC's actions. BOR, BLM, FWS, and USACE sought extensions that correlate proportionately with the date changes FERC already has implemented for its own actions.</p> |
| Santa Fe Indian School | <ul style="list-style-type: none"> EA (DOC-NTIA) NHPA Section 106 (DOC-NTIA) NPS Permit (DOI-NPS) Right-of-Way Authorization (DOI-FWS) Right-of-Way Authorization (DOI-BLM) Right-of-Way Authorization (DOI-BIA Southern Pueblos Agency) Right-of-Way Authorization (DOI-BIA Zuni Agency) Section 404 (USACE) | <p>NTIA is seeking to extend the Project's permitting timetable at the request of the Project Sponsor. The Project Sponsor has asked for an additional five months to complete its coordination with the Pueblos and Tribes, which the Project Sponsor is engaged in as part of the Section 106 process. The Section 106 consultation and route alignment affect timing of the Environmental Assessment, which then affects the cooperating agency dependent actions. Specifically, the completion dates for rights-of-way from BLM, FWS, BIA Southern Pueblos Agency and BIA Zuni Agency; NPS Permit; and USACE Section 404 actions are dependent on the timing of completion dates for NTIA's NEPA action.</p> |
| Maryland Wind | <ul style="list-style-type: none"> COP (DOI-BOEM) MMPA (DOC-NOAA/NMFS) Section 10/404 (USACE) Section 408 (USACE) | <p>BOEM's request to extend the federal permitting timetable is based on the timing of the state's issuance of a federal consistency determination under the CZMA, plus the time needed to review a revised application.</p> |

Changes to an individual action's schedule may or may not impact the overall project schedule. For example, a delay in one action may cause a delay in a dependent action; or, conversely, a delay in one intermediate milestone could be compensated for by

expediting a subsequent milestone. Timetable modifications resulted in changes to overall project durations for five projects during fiscal Q4 2024. Changes to these projects' overall durations ranged from 35 days to 183 days; these changes are equivalent to 4 percent to 43 percent of these projects' overall original durations. Timeline changes happen for numerous reasons attributable to agencies, project sponsors, and other causes. For example, an agency may need to conduct additional public comment/outreach, a project sponsor may need additional time to submit required application information, or a court order may require or necessitate permitting timetable modifications. In fiscal Q4 2024, 25 out of 38 completion date modifications were attributable to project sponsor factors. Of the 38 completion date modifications, 9 were attributable to agency factors. An additional 4 out of 38 milestone modifications were attributable to other factors, such as completions ahead of schedule.

4.3.b Executive Director Technical Assistance

The Executive Director continues to work with agencies to provide clarity on the Executive Director's expectations for permitting timetable management and continues to engage with agencies through the Environmental Review Improvement Fund (ERIF) Assistance Program to identify challenges and provide assistance to ensure agencies have sufficient resources to maintain project schedules. The Executive Director intends to collect additional data regarding reasons for schedule delays and impacts to overall project timelines and share these findings in future quarterly reports. 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 Q4 2024, there were 24 Federal agency completion dates that were *scheduled to occur* during the reporting period.¹² Of those completion dates, 6 were completed ahead of schedule, 9 were met on time, 1 was completed late, and 8 were moved beyond the end of the quarter.¹³ The 1 milestone completed late and 2 of the milestones that were moved beyond the end of the quarter resulted in nonconformance.¹⁴ Table 5, below, summarizes the anticipated completion dates by environmental review or authorization.

¹² These 24 Federal agency completion dates are a subset of the 31 milestones scheduled to be completed during this quarter. The other 7 milestones scheduled to be completed during this quarter are alternative completion dates.

¹³ The terms *ahead of schedule*, *on time*, and *late* are with respect to the anticipated schedule as of the beginning of fiscal Q4 2024.

¹⁴ 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 nonconformance 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).

Table 5: Permitting timetable completion dates anticipated in fiscal Q4 2024.

| Environmental Review or Authorization | Number of Completion Dates |
|---|----------------------------|
| Completed Ahead of Schedule | 6 |
| EA (DOC-NTIA) | 5 |
| NHPA Section 106 Review (DOC-NTIA) | 1 |
| Completed On Time | 9 |
| Construction and Operations Plan (DOI-BOEM) | 2 |
| EIS (DOI-BLM, USACE) | 2 |
| Outer Continental Shelf (OCS) Air Permit (EPA) | 1 |
| Section 10 Rivers and Harbors Act of 1899, Section 404 CWA, and/or Section 103 Marine Protection, Research, and Sanctuaries Act (USACE) | 3 |
| Section 408 Permit (USACE) | 1 |
| Completed Late | 1 |
| ESA Consultation (DOI-FWS) ⁺ | 1 |
| Moved Beyond the End of the Quarter | 8 |
| Construction and Operations Plan (DOI-BOEM) | 1 |
| EA (DOC-NTIA) | 1 |
| Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS) | 1 |
| Right-of-Way Authorization (DOI-BIA) ⁺ | 2 |
| Right-of-Way Authorization (DOI-FWS) | 1 |
| NHPA Section 106 Review (DOC-NTIA, DOI-BLM ⁺) | 2 |
| TOTAL | 24 |

⁺ Indicates milestones that resulted in nonconformance in fiscal Q4 2024.

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 a monthly status report describing 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)¹⁵ implements these procedures through the “nonconformance protocol.”

¹⁵ 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>.

Table 6, below, presents data on 3 missed completion dates¹⁶ for which the date was neither completed on time nor modified per the procedures set forth at 42 U.S.C. § 4370m-2(c)(2)(F).¹⁷ 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.

During the quarter, agencies met requirements to provide explanations for missed completion dates and monthly status reports in all cases but one. In each instance, agencies established alternative completion dates on time.

Table 6: Instances of permitting timetable nonconformance enabled in fiscal Q4 2024.

| Environmental Review or Authorization | Project | Reporting Agency | Monthly Reporting Compliance | Alternative Completion Date Compliance |
|--|---|------------------|------------------------------|--|
| Right-of-Way Authorization (DOI-BIA) | Winnebago Tribe Broadband Connectivity Project | DOI-BIA | 1 of 2 reports (50%) | Established within 5 days |
| NHPA Section 106 Review | Silver Star Solar | DOI-BLM | 2 of 2 reports (100%) | Established within 5 days |
| ESA Consultation (DOI-FWS) | Bonanza Solar Project | DOI-BLM | 1 of 1 reports (100%) | Established within 5 days |

There were also 7 Federal agency *alternative* completion dates, which had been established due to the agency being in nonconformance status, that were *scheduled to occur* during the reporting period.¹⁸ Of those alternative completion dates, all were completed within the quarter: 1 was completed ahead of schedule, 4 were completed on time, and 2 were completed late.¹⁹ Table 7, below, summarizes the anticipated alternative completion dates by environmental review or authorization.

¹⁶ All three established an alternative completion date, as required by FAST-41. One of them subsequently met the alternative completion date during this quarter.

¹⁷ Table 6 does not include information on instances of permitting timetable nonconformance that began prior to fiscal Q4 2024.

¹⁸ These 7 Federal agency alternative completion dates are a subset of the 31 milestones scheduled to be completed during this quarter. The other 24 milestones scheduled to be completed during this quarter are completion dates.

¹⁹ The terms *ahead of schedule*, *on time*, and *late* are with respect to the anticipated schedule as of the beginning of fiscal Q4 2024.

Table 7: Permitting timetable alternative completion dates anticipated in fiscal Q4 2024.

| Environmental Review or Authorization | Number of Alternative Completion Dates |
|---|--|
| Completed Ahead of Schedule | 1 |
| Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS) | 1 |
| Completed On Time | 4 |
| EIS (DOI-BOEM) | 2 |
| Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS) | 1 |
| Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS) | 1 |
| Completed Late | 2 |
| EIS (DOI-BOEM) | 1 |
| NHPA Section 106 Review (DOI-BOEM) | 1 |
| TOTAL | 7 |



During fiscal Q4 2024, agencies modified a total of 12 alternative completion dates across 5 of the 26 FAST-41 projects undergoing active Federal environmental review and authorization.²⁰ Table 8 identifies the number of alternative completion dates that were modified in fiscal Q4 2024, organized by environmental review and authorization. Agency modification of alternative completion dates reflects agencies’ ongoing maintenance of permitting timetables for actions in nonconformance.

Table 8: Alternative completion date modifications (including early completions) in fiscal Q4 2024 organized by environmental review or authorization.

| Environmental Review or Authorization | Number of Alternative Completion Dates Modified During Fiscal Q4 2024 |
|---|---|
| EIS (DOI-BOEM) | 1 |
| NHPA Section 106 Review (DOI-BLM, DOI-BOEM) | 4 |
| Endangered Species Act (ESA) Consultation (DOI-FWS) | 3 |
| MMPA Incidental Take Authorization (DOC-NOAA/NMFS) | 1 |
| ROW Authorization (DOI-BIA) | 2 |
| Section 10 Rivers and Harbors Act of 1899 and Section 404 CWA (USACE) | 1 |
| TOTAL | 12 |

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. In addition, the Executive Director has been engaging with DOI-BIA regarding FAST-41 responsibilities

²⁰ The 12 alternative completion dates were all modified (i.e., a date was changed—either completed earlier or later than the scheduled date) during fiscal Q4 2024. The 12 modifications include completion dates scheduled to occur during fiscal Q4 2024 and scheduled to occur after fiscal Q4 2024. These 12 alternative completion dates are a subset of the 50 milestones modified during this quarter. The other 38 milestones modified during this quarter are completion dates.

related to their right-of-way authorization for the Winnebago project (i.e., assisting DOI-BIA with meeting nonconformance reporting requirements).

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-41,²¹ 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. Accordingly, the Executive Director verifies whether agencies posted any information for the statutorily required items for a project. At the end of fiscal Q4 2024, agencies were meeting this requirement 96 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 included new data providing more detailed explanations for schedule changes that moved final completion dates more than 30 days. It also included the alternative completion dates reported during the quarter, and completion dates that were completed ahead of their current target date during the quarter. The fiscal Q4 2024 report includes new data summarizing how much a project’s schedule shifted within the reporting quarter and reasons for milestone modifications. Following further coordination with Permitting Council agencies, 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.

²¹ The “Postings by Agencies” requirements (42 U.S.C. § 4370m-2(b)(3)) can be found in Section 5 of the Appendix.



Appendix. Statutory Requirements

1. Initiation and Establishment of a Coordinated Project Plan

FAST-41 Initiation Notice. The FAST-41 process begins when a project sponsor²² 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.²³ 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.²⁴

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-41.²⁵

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.”²⁶ A CPP coordinates agency participation in, and completion of, the Federal environmental reviews and authorizations required for a FAST-41 covered project.²⁷ 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.²⁸

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.²⁹

²² 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).

²³ 42 U.S.C. § 4370m-2(a)(1)(A).

²⁴ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

²⁵ 42 U.S.C. § 4370m-2(a)(2)(A).

²⁶ 42 U.S.C. § 4370m-2(c)(1)(A).

²⁷ 42 U.S.C. § 4370m-2(c)(1).

²⁸ 42 U.S.C. § 4370m-2(c)(1)(B).

²⁹ 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).

Thus, 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.³⁰ 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.³¹

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.³²

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.³³ If an agency does not conform to the established timetable—that is, if an agency does not meet the

³⁰ 42 U.S.C. § 4370m-2(c)(1)(B).

³¹ 42 U.S.C. § 4370m-2(c)(2)(D).

³² 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

³³ 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.³⁴

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.³⁵

³⁴ 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

³⁵ 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.³⁶

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.³⁷

³⁶ 42 U.S.C. § 4370m-2(b)(3)(A)(iii).

³⁷ 42 U.S.C. § 4370m-2(b)(3)(B).