



FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

Office of the Executive Director

Quarterly Agency Performance Report

Fiscal Q4 2023 (July-September)

December 20, 2023

Table of Contents

Acknowledgements.....	3
Message from the Executive Director.....	4
Quarterly Agency Performance Report, Fiscal Q4 July-September 2023	5
1. Summary of Federal Agency Performance.....	5
2. Background	6
3. FAST-41 Covered Project Portfolio	8
4. Agency Compliance with the Provisions of FAST-41	11
4.1 Initiation and Establishment of a Coordinated Project Plan	11
4.1.a Statutory Requirements	11
4.1.b Executive Director Evaluation of Agency Performance	11
4.1.c Executive Director Technical Assistance.....	12
4.2 Coordinated Project Plan Quarterly Updates	12
4.2.a Statutory Requirements	12
4.2.b Executive Director Evaluation of Agency Performance	12
4.2.c Executive Director Technical Assistance.....	12
4.3 Agency Modification of Permitting Timetables	13
4.3.a Statutory Requirements	13
4.3.b Executive Director Evaluation of Agency Performance	13
4.3.c Executive Director Technical Assistance.....	14
4.4 Agency Conformance with Permitting Timetables	14
4.4.a Statutory Requirements	14
4.4.b Executive Director Evaluation of Agency Performance	15
4.4.c Executive Director Technical Assistance.....	17
4.5 Agency Posting of Required Information	17
4.5.a Statutory Requirements	17
4.5.b Executive Director Evaluation of Agency Performance	18
4.5.c Executive Director Technical Assistance.....	18

Acknowledgements

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

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



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Message from the Executive Director

I am pleased to present this report on Federal agency performance to Congress. This report captures my first full fiscal quarter as Executive Director and assesses agency implementation of Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and reflects the Permitting Council's ongoing efforts to integrate project management and permitting best practices into Federal agency permitting workflows.

Through ongoing collaboration and coordination with Permitting Council members, my staff have worked to improve the Federal environmental review and permitting process and to facilitate the work of their agency counterparts, the Chief Environmental Review and Permitting Officer (CERPOs). As I settle into this role, I see future opportunities to build on our successes and develop programmatic approaches and other tools to support efficient environmental reviews and approvals across government. It is my hope that the process improvements we identify for FAST-41 projects will not only benefit covered projects, which, at the request of project sponsors, are subject to the requirements of FAST-41 and tracked on the Permitting Dashboard, but also will have benefits for all infrastructure projects that require Federal environmental reviews and authorizations. This reflects the role of the Permitting Council as a federal center for permitting excellence and embraces our unique role with visibility into the needs and demands of both project sponsors and our federal agency members.

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

/s/

Eric B. Beightel
Executive Director
Federal Permitting Improvement Steering Council

Quarterly Agency Performance Report, Fiscal Q4 July-September 2023

1. Summary of Federal Agency Performance

FAST-41 requirements and agency compliance with those requirements are described in detail in section 4 of this report. The following summarizes Federal agency performance for this quarter:

- Agencies met the requirements for establishing coordinated project plans, including interagency consultation requirements, for the two projects that were initiated as FAST-41 covered projects this quarter.
- Across the 30 projects undergoing active Federal review, agencies are tracking 836 milestones on the Dashboard.
- Agencies satisfied the requirements for reviewing and updating coordinated project plans (CPP) for all 29¹ applicable projects on the Dashboard.
- There were 16 projects for which completion of one or more Federal agency milestones was anticipated during the reporting period. Cumulatively, those 16 projects had 45 Federal agency milestones whose completion was anticipated during the reporting period. Further explanation for milestones that were missed or canceled is provided in this report.
 - Agencies completed 37 of those 45 Federal agency milestones for which completion was anticipated during the reporting period.
 - Agencies canceled one agency milestone in accordance with the FAST-41 process.
 - There were seven instances in which an agency did not complete an action by the posted completion date or modify that completion date in compliance with FAST-41 requirements. In these seven instances, agencies provided initial explanations for missed completion dates and monthly status reports, as required by FAST-41, 100 percent of the time.
- Agencies modified 53 intermediate and final completion dates² across nine projects, in compliance with FAST-41 requirements.

To foster robust implementation and adoption of FAST-41, the Permitting Council Office of the Executive Director Staff (OED-Staff) will continue to offer opportunities to Federal agencies for training to improve Dashboard and permitting timetable management, educate agencies on FAST-41 requirements, and identify and implement Federal Permitting Dashboard³ enhancements that will support transparent permitting timetable management and improve permitting timetable data quality in accordance with FAST-41. Additionally, the Executive

¹ While there are 30 FAST-41 covered projects undergoing active Federal review, there are 29 FAST-41 covered projects with CPP review and update requirements. Additional details are provided on page 12 of this report.

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

³ The Permitting Dashboard is currently hosted and maintained by the Department of Transportation (DOT) and is used as a transparency and compliance tool for many types of infrastructure projects in which the Federal government is involved. A small percentage of the projects on the Permitting Dashboard are FAST-41 covered projects. The Permitting Dashboard is accessible at <https://www.permits.performance.gov/projects>.

Director is working with Federal agencies to identify resource constraints that contribute to performance challenges and has utilized the Environmental Review Improvement Fund⁴ to transfer funds to Federal agencies to facilitate timely and efficient completion of environmental reviews and authorizations.

2. Background

This Quarterly Agency Performance Report, which covers the fourth quarter of fiscal year 2023 (fiscal Q4 2023), evaluates agency implementation of Title 41 of the Fixing America's Surface Transportation Act (FAST-41) requirements. The report also discusses technical assistance that the Executive Director provides to agencies to support that implementation. It also supports continuous improvement of the Federal environmental review and authorization process by highlighting agency successes and challenges.

The Permitting Council was established in 2015 by FAST-41.⁵ On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA), which made significant amendments to FAST-41.⁶ As amended by IIJA, FAST-41 requires the Permitting Council Executive Director to submit a Quarterly Agency Performance Report to Congress, which is:

a quarterly report evaluating agency compliance with the provisions of [FAST-41], which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under [42 U.S.C. § 4370m-2(c)].⁷

Lead agencies for FAST-41 covered projects must complete a coordinated project plan (CPP) within 60 days of adding a FAST-41 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.⁸ The project permitting timetable, which is posted and managed on the Federal Permitting Dashboard, is a key component of a CPP and includes intermediate and final completion dates for agency actions on environmental reviews or authorizations that are required for the project.⁹ The requirements for a CPP and a permitting timetable are discussed in greater detail below.

To assist agencies in FAST-41 implementation, the Permitting Council has issued the FAST-41 [Data Management Guide](#) (DMG). The DMG provides a standard operating procedure

⁴ 42 U.S.C. § 4370m-8(d).

⁵ 42 U.S.C. §§ 4370m *et seq.*

⁶ Pub. L. No. 117-58, § 70801, 135 Stat. 429, 1287-1294 (Nov. 15, 2021).

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

⁸ 42 U.S.C. § 4370m-2(c)(1).

⁹ 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).

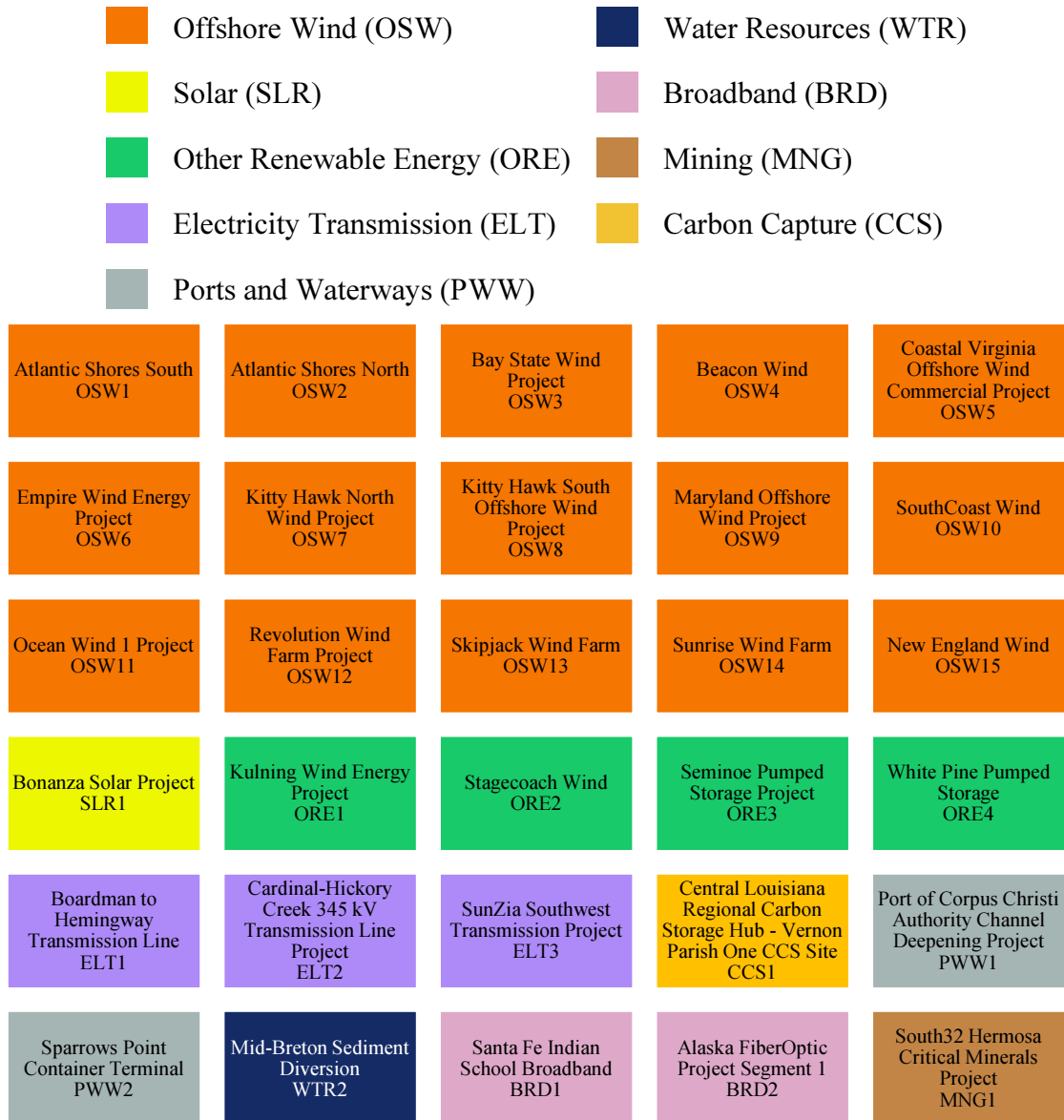
for implementing FAST-41 requirements, including requirements related to establishing, maintaining, modifying, and completing permitting timetables and maintaining certain CPP information on the Permitting Dashboard. The Permitting Council finalized the most recent update to the DMG, incorporating the IIJA amendments to FAST-41, in March 2022. Those updates became effective on July 1, 2022. Consistent and widespread use of the DMG is essential to facilitating the Executive Director's evaluation of agency implementation of FAST-41.

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

3. FAST-41 Covered Project Portfolio

In fiscal Q4 2023, the FAST-41 covered project portfolio contained thirty projects undergoing active Federal environmental review and authorization¹⁰ and two “paused” projects. Projects undergoing active review are organized by sector in Figure 1.¹¹



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

Figure 1: Covered projects undergoing active Federal review in fiscal Q4 2023.

¹⁰ Projects undergoing active review are projects that were, at any time in fiscal Q4 2023, not canceled, completed, or paused. The set of projects undergoing active Federal review was derived from analysis of the Dashboard’s non-public revision history dataset.

¹¹ The Renewable Energy Production sector as identified in 42 U.S.C. § 3270m(6)(A) is depicted here as three sub-sectors: offshore wind, solar, and other renewable energy.

The Department of the Interior (DOI) is the lead agency for 20 projects; the Department of the Army, United States Army Corps of Engineers (USACE) is facilitating or lead agency for three projects; the United States Department of Agriculture (USDA), Department of Commerce (DOC) and Federal Energy Regulatory Commission (FERC) are each lead agency for two projects; and the Environmental Protection Agency (EPA) is the facilitating agency for one.¹²

During fiscal Q4 2023, two new projects joined the FAST-41 covered project portfolio. These included the portfolio’s first carbon capture project (the Central Louisiana Regional Carbon Storage Hub - Vernon Parish One CCS Site project) and the portfolio’s second ports and waterways project (the Sparrows Point Container Terminal). Two projects (the Liberty Development and Production Plan Project as well as the Plains Pipeline, L.P. Lines 901 and 903 Replacement Project), which were paused in previous quarters, remained paused for the entirety of the quarter, and are therefore not under active review.¹³ One project was completed during the quarter: the SunZia Southwest

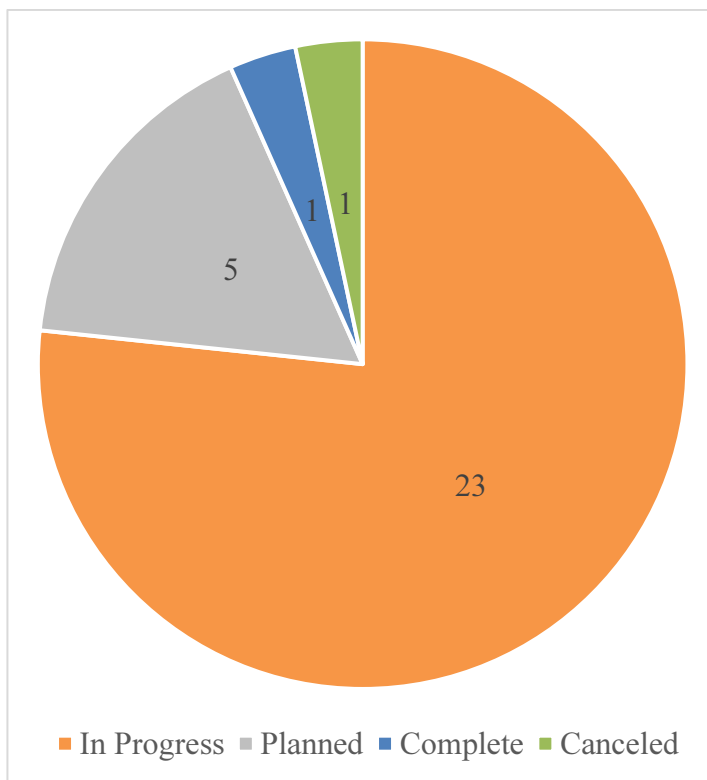


Figure 2: Status of each project under active review in the Permitting Council portfolio as of the end of fiscal Q4 2023.

¹² Because a project can become a FAST-41 covered project before commencement of the environmental review process under the National Environmental Policy Act (NEPA), FAST-41 requires the identification of a “facilitating” agency for each FAST-41 project sector. 42 U.S.C. § 4370m-1(c)(1)(B). Facilitating agencies are responsible for implementing most of the FAST-41 requirements for prospective and actual covered projects until a NEPA lead agency is identified, at which point the lead agency assumes the responsibilities of the facilitating agency. *See id.* §§ 4370m(13), 4370m-2(a)(5).

¹³ In March 2020, the Bureau of Safety and Environmental Enforcement (BSEE) met with the Liberty Development and Production Plan project sponsor. The project sponsor had not yet completed much work on the Request for Additional Information that was issued in July of 2019. Therefore, BSEE identified they were unable to determine a timeline for action completion, as the project sponsor did not have a potential date for additional information submission. BSEE requested the “Authorization and Certification” action be placed in “paused” status. The Plains Pipeline, L.P. Lines 901 and 903 Replacement Project was paused in November 2019. The “paused” Action status is used when work on an “in progress” environmental review or authorization has been halted and it is impossible for the responsible agency to provide revised completion dates for the relevant Action and component milestones. “Paused” Actions are not subject to the FAST-41 “modification after approval” provisions of 42 U.S.C. § 4370m-2(c)(2)(D).

Transmission Project. One project was canceled during the quarter: the Kulning Wind Energy Project.¹⁴ No projects were newly paused during the quarter. Figure 2 summarizes the status of FAST-41 covered projects undergoing active Federal review as of September 30, 2023 (the end of fiscal Q4 2023).¹⁵

Figure 3 shows the location of FAST-41 covered projects undergoing active Federal review in fiscal Q4 2023. The labels correspond to those in Figure 1.

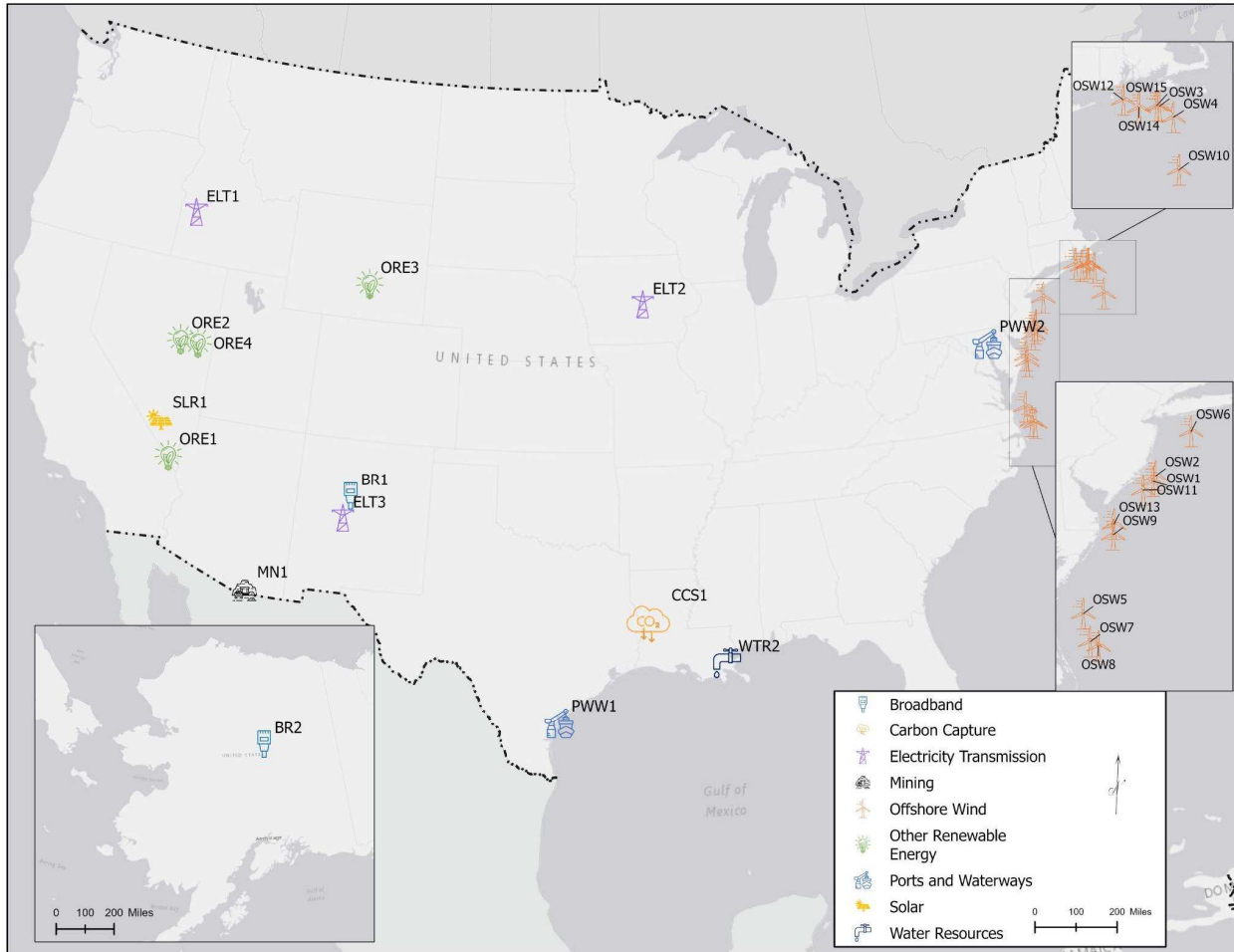


Figure 3: Covered projects undergoing active Federal review in fiscal Q4 2023.

¹⁴ In August 2023, the project sponsor submitted, and BLM formally accepted, a request to withdraw the applications for the proposed Kulning Wind Energy Project .

¹⁵ Project status was derived from analysis of the Dashboard’s non-public revision history dataset.

4. Agency Compliance with the Provisions of FAST-41

4.1 Initiation and Establishment of a Coordinated Project Plan

4.1.a Statutory Requirements

FAST-41 Initiation Notice. The FAST-41 process begins when a project sponsor¹⁶ 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.¹⁷ 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.¹⁸

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-41.¹⁹

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.”²⁰ 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.²¹ The Executive Director posts the permitting timetable on the Permitting Dashboard.²²

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

4.1.b Executive Director Evaluation of Agency Performance

A total of two covered projects had CPP establishment deadlines in fiscal Q4 2023 (Table 1). The FINs for those projects were submitted in fiscal Q3 2023. For both of these projects, agencies met the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard and met the 21-day invitation requirement.

¹⁶ 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).

¹⁷ 42 U.S.C. § 4370m-2(a)(1)(A).

¹⁸ 42 U.S.C. § 4370m-2(b)(2)(A)(ii).

¹⁹ 42 U.S.C. § 4370m-2(a)(2)(A).

²⁰ 42 U.S.C. § 4370m-2(c)(1)(A).

²¹ 42 U.S.C. § 4370m-2(c)(1)(B).

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

Table 1: Projects with CPP establishment deadlines in fiscal Q4 2023.

Project	Lead Agency
Alaska FiberOptic Project Segment 1	DOC-NTIA
South32 Hermosa Critical Minerals Project	USDA - U.S. Forest Service

4.1.c Executive Director Technical Assistance

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

4.2 Coordinated Project Plan Quarterly Updates

4.2.a Statutory Requirements

FAST-41 requires the facilitating or lead agency to review and update the CPP at least once per quarter.²³ 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.

4.2.b Executive Director Evaluation of Agency Performance

In fiscal Q4 2023, agencies met their FAST-41 requirements to review and update their CPPs for the applicable²⁴ 29 FAST-41 covered projects.

4.2.c Executive Director Technical Assistance

The Executive Director continues to work with Permitting Council members to improve Dashboard functionality. During fiscal Q4 2023, OED-Staff provided training to Federal agency staff on the submission process for certification of CPP reviews and updates. The Executive Director will continue to advise agencies to ensure that CPP review and update certifications are submitted timely.

²³ 42 U.S.C. § 4370m-2(c)(1)(B).

²⁴ While there are 30 FAST-41 covered projects undergoing active Federal review, there are 29 FAST-41 covered projects with CPP review and update requirements. Two projects that were paused for the entirety of the reporting quarter (the Liberty Development and Production Plan Project as well as the Plains Pipeline, L.P. Lines 901 and 903 Replacement Project), while not under active review, still require CPP review and update. One project canceled during the reporting quarter (Kulning Wind Energy Project) does not require CPP review and update. Two projects newly added to the Dashboard (Sparrows Point Container Terminal and Central Louisiana Regional Carbon Storage Hub - Vernon Parish One CCS Site) will not require CPP review and update until the next reporting quarter.

4.3 Agency Modification of Permitting Timetables

4.3.a Statutory Requirements

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.²⁵

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.²⁶

4.3.b Executive Director Evaluation of Agency Performance

During fiscal Q4 2023, agencies modified 53 milestone completion dates across nine of the 30 FAST-41 projects undergoing active Federal environmental review and authorization in accordance with FAST-41 requirements. Some, but not all, of the 53 completion dates that were modified would have otherwise fallen within this reporting period. Schedule modifications occur for various reasons, including factors within and beyond Federal agency control, including delayed or incomplete submissions by project sponsors. Agencies meeting FAST-41 permitting timetable modification requirements are 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 but also provides reliable information that, over time, may be used to identify areas for improvement in the Federal permitting process. Table 2 identifies the number of milestone completion dates that were modified in fiscal Q4 2023, organized by environmental review or authorization.²⁷

²⁵ 42 U.S.C. § 4370m-2(c)(2)(D).

²⁶ 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

²⁷ To the extent that a specific agency is responsible by statute for a particular environmental review or authorization, that agency is identified parenthetically after each relevant environmental review or authorization.

Table 2: Completion date modifications in fiscal Q4 2023 organized by environmental review or authorization.

<i>Environmental Review or Authorization</i>	<i>Number of Completion Dates Modified During Fiscal Q4 2023</i>
Environmental Assessment (EA)	1
Environmental Impact Statement (EIS)	8
National Historic Preservation Act (NHPA) Section 106 Review	7
Right-of-Way Authorization (DOI-BLM)	2
Construction and Operations Plan (DOI-BOEM)	1
Lease of Power Privilege (DOI-BOR)	1
Endangered Species Act Consultation (DOI-FWS)	3
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC-NOAA/NMFS)	5
Outer Continental Shelf (OCS) Air Permit (EPA)	4
Non-Federal Hydropower License (FERC)	2
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (USACE)	10
Section 408 Permit (USACE)	9

In fiscal Q4 2023, agencies made 4 requests to the Executive Director to authorize modifications to permitting timetables that would result in final completion dates being extended by more than 30 days. The Executive Director granted all of these requests.

4.3.c Executive Director Technical Assistance

The Executive Director will continue to work with agencies to ensure that they proactively manage their permitting timetable completion dates and make timely modifications as needed. The Executive Director is also developing policy to provide clarity to agencies on the Executive Director’s expectations for permitting timetable management and factors the Executive Director will consider when determining whether to grant completion date extensions.

4.4 Agency Conformance with Permitting Timetables

4.4.a Statutory Requirements

Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable posted on the Permitting Dashboard, unless such completion dates are modified in accordance with FAST-41 requirements.²⁸ If an agency does not conform to the

²⁸ 42 U.S.C. § 4370m-2(c)(2)(F)(i).

established timetable—that is, if an agency does not meet the completion dates set forth in the permitting timetable—the statute requires that the agency responsible for the delayed action must:

- Submit an explanation of the delay to the Executive Director for posting on the Permitting Dashboard.
- Establish an alternative completion date in consultation with the facilitating or lead agency.
- Submit to the Executive Director for posting on the Dashboard monthly reports describing all agency actions relating to the project until the agency has taken final action on the delayed authorization or review.²⁹

4.4.b Executive Director Evaluation of Agency Performance

At the beginning of fiscal Q4 2023, there were 45 Federal agency milestones whose completion dates were scheduled to occur during the reporting period. Of those milestones, 37 were completed on-time and one was canceled³⁰ in accordance with FAST-41 requirements.³¹ Completion dates completed on-time are summarized by environmental review or authorization in Table 3 below.

Table 3: Permitting timetable milestones completed on-time in fiscal Q4 2023.

<i>Environmental Review or Authorization</i>	<i>Number of On-Time Completion Dates</i>
Environmental Impact Statement (EIS)	5
NHPA Section 106 Review	4
Construction and Operations Plan (DOI-BOEM)	1
Endangered Species Act Consultation (DOI-FWS)	3
Endangered Species Act Consultation (NOAA-NMFS)	5
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation (DOC-NOAA/NMFS)	4
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC – NOAA/NMFS)	3
Outer Continental Shelf (OCS) Air Permit (EPA)	3
Right-of-Way Authorization (DOI-FWS)	1

²⁹ 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

³⁰ The canceled milestone was canceled as a Federal action on the Permitting Dashboard because it was determined that the State would issue the permit under delegated authority.

³¹ No milestones were extended in accordance with FAST-41 requirements.

<i>Environmental Review or Authorization</i>	<i>Number of On-Time Completion Dates</i>
Section 10 Rivers and Harbors Act of 1899 and/or Section 404 Clean Water Act (USACE)	4
Section 408 Permit (USACE)	4

The other seven Federal agency milestones, identified in the following table, reflect instances in which agencies did not complete the action as scheduled. Per the procedures set forth at 42 U.S.C. § 4370m-2(c)(2)(F), explanations for the missed completion dates, alternative completion dates, and monthly status reports, generally are available at the links in the tables below. During the quarter, agencies met requirements to provide explanations for missed completion dates and monthly status reports 100 percent of the time. The data is presented in Table 4, by project, and explanations are available at the links presented in the table.

Table 4: Instances of permitting timetable nonconformance in fiscal Q4 2023.

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>	<i>Reporting Compliance</i>
<i>In-Progress Milestones</i>			
<u>NHPA Section 106 Review*</u>	Empire Wind Energy Project	DOI-BOEM	1 of 1 reports (100%)
<u>Environmental Impact Statement (EIS)</u>	Maryland Offshore Wind Project	DOI-BOEM	2 of 2 reports (100%)
<u>NHPA Section 106 Review</u>	SouthCoast Wind Energy LLC (SouthCoast Wind)	DOI-BOEM	1 of 1 reports (100%)
<i>Complete Milestones</i>			
<u>Environmental Impact Statement (EIS)</u>	Empire Wind Energy Project	DOI-BOEM	1 of 1 reports (100%)
<u>Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation</u>	Empire Wind Energy Project	DOC-NOAA/NMFS	1 of 1 reports (100%)

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>	<i>Reporting Compliance</i>
Endangered Species Act Consultation (DOI-FWS)	Maryland Offshore Wind Project	DOI-BOEM	2 of 2 reports (100%)
Endangered Species Act Consultation (DOI-FWS)	SouthCoast Wind Energy LLC (SouthCoast Wind)	DOI-FWS	1 of 1 reports (100%)
Right-of-Way Authorization (DOI-FWS)	SunZia Southwest Transmission Project	DOI-FWS	2 of 2 reports (100%)
*While this milestone's completion date was not anticipated during fiscal Q4 2023, the milestone was modified during fiscal Q4 2023 less than 31 days in advance of the completion date.			

4.4.c Executive Director Technical Assistance

The Executive Director will continue to work with Permitting Council members 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 Statutory Requirements

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

- 1) The project FIN;
- 2) Either the application and supporting documents that have been submitted by a project sponsor for any required environmental review or authorization, or a notice explaining how the public may obtain access to such documents;
- 3) A description of any Federal agency action taken or decision made that materially affects the status of a covered project, and any significant supporting documentation;
- 4) Information on the status of mitigation measures that were agreed to as part of the environmental review and permitting process, including whether and when the mitigation measures have been fully implemented;
- 5) A description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document

made available on an electronic docket maintained by a Federal, State, or local court;

- 6) Any document described above that is not available by hyperlink on another website.³²

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.³³

Agencies must make the information described above available not later than 5 business days after the date on which the Federal agency receives the information.³⁴

4.5.b Executive Director Evaluation of Agency Performance

It is challenging for the Executive Director to independently verify the degree to which agencies post content in a way that meets the requirements of this section of FAST-41, as much of the required information is only available to the agencies, and the responsiveness of the information to the statutory directive is initially determined by the agencies. Therefore, for this report, the Executive Director verified whether agencies have posted any of the basic required information for a project. At the end of fiscal Q4 2023, agencies are implementing this requirement at 92 percent.

4.5.c Executive Director Technical Assistance

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

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

³³ 42 U.S.C. § 4370m-2(b)(3)(A)(iii).

³⁴ 42 U.S.C. § 4370m-2(b)(3)(B).