

**OVERSIGHT OF THE PERMITTING COUNCIL:
IMPROVING TRANSPARENCY AND COORDINATION**

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS

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OVERSIGHT OF THE PERMITTING COUNCIL: IMPROVING TRANSPARENCY AND COORDINATION

WEDNESDAY, JULY 10, 2024

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:02 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Garry Peters, Chair of the Committee, presiding.

Present: Senators Peters [presiding], Carper, Hassan, Rosen, Blumenthal, Ossoff, Lankford, and Hawley.

OPENING STATEMENT OF SENATOR PETERS¹

Chairman PETERS. The Committee will come to order.

Over the past three years, the Biden Administration and Congress have worked together to make a once-in-a-generation upgrade to our infrastructure. The investments made through the bipartisan infrastructure law (BIL), the Creating Helpful Incentives to Produce Semiconductors and Science Act (CHIPS and Science Act) and the Inflation Reduction Act (IRA), have already launched thousands of essential projects all across the country.

Before projects like these get off the ground, they need to obtain critical approvals. This process helps to ensure that improving our infrastructure does not come at a cost for our environment, wildlife, public land, or private property. These approvals are generally referred to as permitting, and today's hearing gives us a chance to dive more deeply into how this process works.

These landmark new investments give us a chance to do something essential; think critically about how we execute infrastructure projects, and how we can improve transparency, coordination, and accountability in permitting.

Today, we can take one important step in that work by taking a closer look at the work of the Permitting Council. The Permitting Council was established almost a decade ago to oversee the process by which government agencies issues permits on our most expensive projects. It coordinates all environmental reviews and authorizations for a wide array of projects, including renewable energy, electricity, transmission, ports and waterways, and broadband.

The Permitting Council improves this process in a few key ways. It gives stakeholders more transparency by publishing approvals

¹The prepared statement of Senator Peters appears in the Appendix on page 23.

and timetables online. It designates a single Federal agency that coordinates the permitting process for each project, and reduces the burden on project sponsors, including State and tribal governments, as well as private companies.

The Permitting Council also serves as a Federal center for permitting excellence, where it makes recommendations to agencies on the best practices to improve the permitting process. In other words, the Council helps ensure that these investments can deliver on the promises to improve our nation's infrastructure, create jobs, and transition to a clean energy future.

Today, we will have a chance to hear directly from Eric Beightel, the Council's executive director about what Congress can do to support his work. His testimony comes at a crucial moment as the Permitting Council goes through some big changes. In 2022, the Permitting Council received \$350 million in the Inflation Reduction Act to transfer to other agencies and governments to improve permitting.

These resources will help hire subject matter experts, invest in engagement from stakeholders, and purchase technologies that are used in environmental reviews. The Council also recently established the Tribal Assistance Program (TAP) to earmark a portion of funds for tribes. These resources are intended to help overcome the barriers that tribes often face in engaging in an environmental review process. The Permitting Council has made two transfers for tribal assistance so far.

This hearing is an essential opportunity to better understand how these funds will be used, how the permitting process can continue to improve, and how Congress should continue strengthening the Council's purview in the future, and I look forward to the discussion.

It is the practice of the Homeland Security and Governmental Affairs Committee (HSGAC) to swear in witnesses. Mr. Beightel, if you would please stand and raise your right hand? Do you swear that the testimony that you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. BEIGHTEL. I do.

Chairman PETERS. You may be seated. Thank you.

Today's witness, Eric Beightel, is the Executive Director of the Permitting Council. Director Beightel has more than 20 years of environmental and infrastructure experience in both the public and the private sector. As a senior environmental policy advisor in the Department of Transportation (DOT), he helped streamline the permitting process while delivering better community outcomes. He's also provided subject matter expertise as a policy advisor at the Office of Management and Budget (OMB).

In the private sector, Director Beightel has held leadership positions and roles at engineering and environmental consultancies where he helped guide clients through the Federal environmental regulatory landscape. Director Beightel holds a Bachelor's degree from the University of Kansas, and a Master of Public Policy degree from George Mason University Director.

Mr. Director, it is great to have you here today, and we look forward to your testimony, and look forward to having a discussion with you. You may begin with your testimony.

**TESTIMONY OF ERIC BEIGHTEL,¹ EXECUTIVE DIRECTOR,
FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL**

Mr. BEIGHTEL. Thank you, Chair Peters, Ranking Member Paul, and Members of the Committee. Thank you for the opportunity to testify today about the work of the Federal Permitting Improvement Steering Council, what we call the Permitting Council.

My name is Eric Beightel, and I serve as the Executive Director and Chair of the Permitting Council. I came to this role with nearly 25 years of experience in the environmental review and permitting of large complex infrastructure projects. I am honored to testify here today about issues I am passionate about, including making our Federal permitting processes more effective and transparent, developing critical infrastructure efficiently and responsibly, and delivering that infrastructure for the good of the American people.

These same goals of transparency, predictability, and accountability were envisioned when Congress created the Permitting Council in 2015 through Title 41 of the Fixing America's Surface Transportation Act (FAST-41). FAST-41 tasked the agency with addressing the concern that the Federal permitting process was uncoordinated and lacking transparency, leaving important projects mired in avoidable delays.

To address this concern, the Permitting Council provides targeted permitting assistance to projects that seek coverage under the FAST-41 program, promoting transparency, predictability, and accountability. As Executive Director, I lead an agency of 21 staff with an \$11 million operating budget focused on implementing the FAST-41 statute. I also Chair the Permitting Council, an inter-agency body with deputy secretary-level representation from 13 Federal agencies, the Director of the Office Management and Budget, and the Chair of the Council on Environmental Quality (CEQ).

In both of these roles, I work to advance permitting excellence by delivering FAST-41-covered projects, and by identifying, elevating, and coordinating environmental permitting best practices across government. Currently, our FAST-41 portfolio includes 27 projects, reflecting a total investment of nearly \$75 billion from sectors like renewable energy, ports and waterways, broadband, electric transmission, and others.

The Permitting Council does not issue any permits or approvals. Our work is focused on the process, improving efficient coordination between agencies, and also bringing those agencies together with industry to improve transparency. Together, we work to identify emerging issues and facilitate solutions to improve accountability and progress toward permit deadlines.

Our role is simple; we bring transparency to the process by developing a permitting timetable, posting that timetable to the publicly available permitting dashboard, and tracking progress toward all necessary permits for a proposed project. That transparency

¹The prepared statement of Mr. Beightel appears in the Appendix on page 25.

also provides predictability to agencies, developers, and the American public by detailing the steps and duration for the project to complete the permitting process. We also hold agencies and project sponsors accountable, and report on agency performance under FAST-41.

Beyond our project portfolio, the Permitting Council also serves as a Federal center for permitting excellence. Leveraging lessons learned in our ongoing coordination with our Federal partners, we identify, elevate, and promote best practices that support permitting excellence for infrastructure projects governmentwide.

With \$350 million from the President's Inflation Reduction Act, we have been able to expand our efforts by standing up the Environmental Review Improvement Fund (ERIF) Assistance Program, enabling us to make targeted investments to improve the timeliness and efficiency of infrastructure permitting.

With the ERIF Assistance Program, we have invested nearly \$165 million to increase capacity at Federal agencies as they prepare to process an unprecedented volume of applications spurred by the projects enabled through generational investments in our infrastructure from the bipartisan infrastructure law, IRA, and the CHIPS and Science Act. We have invested over \$30 million in information technology (IT) that will help agencies modernize permitting systems, accelerate decisionmaking, and position them for the future.

We are also supporting tribes as they engage in the environmental review process for FAST-41-covered projects. Recognizing the resource constraints that many tribes face, we established the ERIF Tribal Assistance Program to provide funding directly to tribes to enable them to meaningfully engage in agency decisionmaking.

I am dedicated to building on our recent success, and delivering on our mission to advance critical infrastructure projects and promote permitting excellence. I will accomplish this through four key priorities. One, continuing to build a strong foundation for the Permitting Council as an agency. Two, administering and overseeing investments made through the ERIF Assistance Program to measure their effectiveness and inform future strategies. Three, track and report on permitting performance to measure the success of FAST-41 and better communicate its benefits. Four, fostering permitting excellence across government by investing in people, tools, and training to improve efficiency and effectiveness.

As we approach 10 years since the creation of the Permitting Council and the end of my first year as the executive director, we take great pride in the work we have accomplished so far. I look forward to continuing to work with the Committee to improve the Federal environmental review and permitting process for infrastructure projects, and to deliver the benefits of infrastructure investments for the American people.

Chairman PETERS. Thank you, Director Beightel.

Members of this Committee hear a lot of concerns about the Federal permitting process on a regular basis, and particularly how we try to manage the, some of the goals like protecting the environment, but also trying to have a very timely process that can work for all of the entities involved.

My first question for you is, what do you see as the biggest challenges that are being faced by agencies right now in the permitting process? How would you rank those challenges?

Mr. BEIGHTEL. I think there are a number of challenges that agencies face as they look at permitting large infrastructure projects. One is sheer capacity and the staffing capacity of the agencies to handle the number of studies and the applications that are coming in as a result of the investments. What we are doing at the Permanent Council, as I mentioned in my opening remarks, is that we are investing in staffing capacity and resource capacity at the agencies to help them address that gap.

There's also outdated technological systems at the agencies that do not avail themselves of a fast and efficient process. We have invested in technology to help automate some of those processes. Some of these are paper-based systems that can be upgraded to online systems, online portals for application to automate the review.

There are things such as automating and increasing artificial intelligence (AI) for the review of public comment on National Environmental Policy Act (NEPA) documents. There are thousands upon thousands of comments that often come in on NEPA documents that take a significant amount of time to look at, review, and respond to. There are opportunities to use technology to automate that and increase efficiency there.

There's also just the simple fact that many of our underlying environmental statutes are at competing interests. They do not always work in concert together toward a common goal. They have their own resources that they are protecting. The agencies have their own mission that they are trying to adhere to.

What we do at the Permanent Council is bring the agencies together with those competing interests to help facilitate the conversation to ensure that while there may be different goals or outcomes that they are seeking for their individual statutes, that we are working toward a common goal to be able to deliver these infrastructure projects, and providing an overlay of coordination and communication that would not otherwise be there.

Chairman PETERS. Certainly, streamlining that whole process is essential. But as I mentioned in my question, it's also important to ensure that we have high quality environmental review as well.

Now, you talked about a variety of competing legislation or policies that are there, but how can we ensure that while we are pushing for greater efficiency, which is critical, that we also have the highest quality environmental review possible to protect our environment?

Mr. BEIGHTEL. Absolutely. I think it's important to just recognize that FAST-41 is a procedural statute. It's a procedural process that is intended to provide the timeliness and predictability of the underlying reviews, but it does not influence the reviews. The environmental reviews and permitting actions that are undertaken on these projects are not accelerated to shortcut any sort of standard procedure. They still meet the rigor that is necessary for the project.

I want to be clear that while there is an intent for us to go faster, and the predictability, and a transparency helps to ensure that we maintain the timeline, it does not mean that we are doing that at

the expense of ensuring that these environmental reviews are giving full consideration of the environmental effects of the projects.

Chairman PETERS. According to latest data, the Permitting Council is only currently coordinating 33 projects. Only 37 more have been completed and coordinated the permitting process. I would think we probably agree that these figures are far fewer than what we originally envisioned for the Council.

My question for you is, can you explain why the Permitting Council is not involved in coordinating more projects? Second question is, what policy changes are necessary to facilitate a more significant coordinating role, which is the intent of this Council?

Mr. BEIGHTEL. Yes, I appreciate the question, and it is definitely my intent as executive director to ensure that we are expanding coverage of FAST-41 to as many projects as we can.

I think there are a number of elements that contributed to a slower start to the agency when it was first created. In FAST-41, there was a sunset clause. There was uncertainty as to the future of the agency. The bipartisan infrastructure law removed that sunset clause. So, only since 2021 have we been a permanent agency. We are still kind of standing up some of the fundamental parts of being an agency. That also relates to our ability to familiarize the public with the agency and the work that we do.

There is with the uncertainty of the sunset clause, there were not as many projects perhaps that came to us with interest for coverage. But just in the last year, we have added 12 projects. We are in conversation with 12 more potential projects that are looking to submit applications for FAST-41 coverage. I think our efforts right now to raise the profile of the agency, to share the benefits of the FAST-41 program are yielding benefits already.

As far as policy changes to increase participation in the program, there are a couple barriers to entry. One, the cost threshold is at \$200 million. We have had projects smaller than that that have approached us with interest in FAST-41 coverage. That is one possibility.

There are other technical pieces of the legislation that exempt certain types of projects. Department of Transportation-led projects, as well as projects led by the U.S. Army Corps of Engineers (USACE) that are funded through the Water Resources Development Act are also exempted from FAST-41 coverage.

We have had ports and waterway projects come to us that would otherwise be eligible to accept that they have funding from the Maritime Administration. They are statutorily exempt. We are unable to provide coverage to port projects that would otherwise seek coverage from us.

Chairman PETERS. We are working closely right now with your staff, as you are well aware, on legislation that will strengthen the Permitting Council's ability to coordinate the permitting clarify projects, some of the things that you just mentioned. Could you talk about how such legislation would help your efforts and why it's needed?

Mr. BEIGHTEL. Yes, and I appreciate the question, and I really appreciate the opportunity to review the legislation. Your team has been remarkably helpful as we have provided our technical assist-

ance to help, I think, refine some of the proposals. I have not seen the latest legislation, but I know that they are very technical fixes.

FAST-41 as a procedural statute is fairly focused in the statutory language and what the authorities of the Council are. The tweaks that are being proposed, from what I have seen, are going to help us do our job better. I appreciate the Committee's interest in our work.

Chairman PETERS. Good. We look forward to continuing to work with you and have the Committee work on that.

Senator Lankford, you are recognized for your questions.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Mr. Chair, thank you.

Thank you for being here and for the work that you are doing. The challenge that we have is there's really two ways to be able to streamline permitting. One is to create a permitting streamlining entity, and everything stays the same and we try to figure out how to be able to get everybody in the same room, figure out how to be able to work out convoluted, contradictory statutes and to be able to solve it. The other one is to fix the contradictory statutes that are causing the problem in the first place.

Do you see that as part of the mandate that you have at this point, to be able to identify where are the conflicting statutes and then to be able to report that back to us, or is it just a matter of work with what you got?

Mr. BEIGHTEL. I think our role at the Permitting Council is to work with the underlying legislation as it exists and identify pinch points where the conflict exists. Our projects are navigating these different environmental statutes toward issuing decisions that deliver these projects.

Once we have identified those solutions where there are conflicts, we identify that as a best practice, elevate that, and then share that with agencies to ensure that we do not encounter that same issue again, or that we have a strategy in place to resolve it if it should emerge.

Senator LANKFORD. How do we get those conflicts, those pinch points that you're getting so that we can determine how to be able to fix those in statute or to be able to come back through regulation to different agencies and say, how do we fix a regulation that is contradictory?

Mr. BEIGHTEL. Sure. Right now, we provide annual reports to Congress on the performance of the Permitting Council. We also provide quarterly reports on how the agencies are complying with FAST-41. The specific information that you are requesting are not in those reports.

Senator LANKFORD. Right. That's why I am asking.

Mr. BEIGHTEL. Yes. We would be happy to follow up with you to figure out if there is additional information¹ that would be helpful for you as we are looking across the landscape. Right now, we do not provide that information.

Senator LANKFORD. OK. That information, I think, it would be helpful to us. I think at this point Congress has created over dec-

¹The information referred to by Mr. Beightel appears in the Appendix on page 39.

ades of different laws and statutes that are out there that are being implemented, and where there are contradictions over decades, people are trying to figure out how to be able to work around rather than getting it back to us and saying, hey, this is a problem that Congress made, Congress needs to fix it.

Mr. BEIGHTEL. Sure.

Senator LANKFORD. I think that would be helpful for everybody. I am not trying to put you out of a job because there's still plenty of issues that would be dealt with there, but it might make the job easier to not have to try to figure out how to navigate three things that have conflict with each other to be able to solve that.

But we cannot see that. You see it on a daily basis, and it's not right for the American people for that to be kept from us, and so that we do not have the opportunity to be able to fix it. That would be helpful.

The categorical exclusions is one of those things that was put in years ago. That does not seem to have worked very effectively. I know that's under the \$200 million mark on it, that's smaller, but it's one of many examples that I see of attempts to be able to help streamline this process that has not been effective in the past. It would be helpful for us to be able to get back both the things to you, what you are working through already, to be able to review legislation to say these things would be helpful. But it would also be helpful to be able to get the different details on it.

Mr. BEIGHTEL. Sure.

Senator LANKFORD. The Government Accountability Office (GAO) recently did a study looking at just the broadband implementation and the permitting issues on that. I know you are not dealing with that a lot right now, but they set a goal to be able to have permitting decisions and such made within 270 days. That's still a really long time. The painful part is they are not making the 270-day even mark. That's the goal to be able to be made, but that's not actually making that goal.

When you look at the permitting issues that you are dealing with right now and trying to be able to navigate through what's a typical time to be able to get through the permitting process of a different project and you can pick small to large.

Mr. BEIGHTEL. That's a question that we get often, Senator, and I appreciate the opportunity to kind of provide a little context around the work that we do. When you compare timelines outside of FAST-41, it is very much kind of an apples to oranges because FAST-41 is the only process in government that actually tracks a project from start to finish throughout all of the environmental reviews and permitting.

But also inherent with that, is the uniqueness of each project and the different issues that each project may have, and the different permits and approvals that may be associated with each project. We do not have good data yet, but we are getting there on the average timeline for FAST-41 projects and to be able to report out on the benefits of that. What I would say is we are seeing projects move through the process efficiently and hitting their marks more for permitting timetables. I think we are on the improving upswing here for permitting.

Also, to just pivot back to a point that you made about category exclusions and broadband, we have provided significant funding to the National Telecommunications and Information (NTIA) to support their efforts to do efficient environmental reviews and approvals of broadband projects. That is both in capacity as well as in IT investments so that they have greater automated systems to process the flood of applications that are going to result from bid.

There's also support to U.S. Forest Service for reviewing applications on forest service lands, which many of these remote areas may cross. We have also provided support to the Advisory Council on Historic Preservation (ACHP) to extend a program comment to allow for a more efficient process for Section 106 review for broadband.

So, understanding that the target of 270 may not currently be met, I have not seen the GAO report, but we are making significant efforts to improve that and make sure that we are meeting the demands of the program.

Senator LANKFORD. OK. September 2023, you all put out a proposed rule dealing with mining and that proposed rule that has not been finalized yet. Is that set to be finalized soon, or do you know a timeline when that'll be finalized?

Mr. BEIGHTEL. We do not have a timeline yet. We are still considering the comments received. The way that that process will work, we will have to have a vote of the Permitting Council, so all the deputy secretaries will take the vote.

Senator LANKFORD. I have one of the comments in that. Good to be able to do that. One of the comments was coming from me that I put in actually in November 2023 asking why the narrowing because you seem to narrow it on the mining portion to critical minerals, which excludes rare earth, excludes gravel, excludes nickel and lots of copper. Lots of other minerals that are obviously very important to our national security and to our economy were excluded from that initially in the proposed rule.

My question from November 2023, and so my question now is, why the narrowing there not looking at national significance, or economically significance, or national security significance minerals, why that narrowing, and is that a part of the dialog at this point?

Mr. BEIGHTEL. It is definitely the part of the dialog now, and the reasoning behind the proposed rulemaking when it was put out was the administration has really put a laser focus on domestic sourcing of critical minerals because of all the benefits that you have identified, economic competitiveness, national security, and as part of an all-of-government approach to really uplift the domestic sourcing of critical minerals.

The rule was seen as a way to prioritize the effort of the agencies toward those projects. Obviously, we received comments back from a number of stakeholders who shared similar concerns. Many of the concerns were around the narrowing, and we are still considering those comments. As I mentioned we do not have a timeline at this point for finalizing.

Senator LANKFORD. Thank you. Mr. Chair, if I can make one quick comment on this. If we do not have more copper, we are not going to do electrification. I know that's not on the critical minerals

list, but if we are talking about electrification, we have to have more copper to be able to do that. We have to have more rare earth minerals as well to be able to do almost anything in national security or in electrification. I do get the critical mineral side, but as far as for our economy and our national security, there's a broader swathe of minerals that will be important as well and let you go through all the review process you have. Thank you.

Chairman PETERS. Thank you, Senator Lankford.

Senator Hawley, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much, Mr. Chair.

Mr. Beightel—is that how I say your name, by the way?

Mr. BEIGHTEL. It is, yes. Thank you.

Senator HAWLEY. OK. Thanks for being here today. Are you familiar with the Grain Belt Express?

Mr. BEIGHTEL. I am. Yes, sir.

Senator HAWLEY. Tell us about it.

Mr. BEIGHTEL. Grain Belt Express is a transmission line crossing Kansas and Missouri. It is currently in the NEPA phase with the draft environmental impact statement, I think, targeted for toward the end of this year, the beginning of next year with the Department of Energy (DOE) as the lead agency. It sought FAST-41 coverage from my agency in February of this year,

Senator HAWLEY. 542 miles of overhead high voltage lines that will cut right across the State of Missouri. You have designated it, you have given it FAST-41 approval, is that correct?

Mr. BEIGHTEL. It is a FAST-41 covered project. Yes.

Senator HAWLEY. What will the effect of that be, the FAST-41 designation?

Mr. BEIGHTEL. FAST-41 is a procedural statute that helps bring the agencies who have permitting actions together. It establishes a permitting timetable to provide predictability and transparency to the public as to what the actions are necessary for the project to seek approval and actually get to construction.

We have developed a permitting timetable for that project and posted it to the permitting dashboard, and we will maintain active project management of the timetable to ensure that we are meeting permitting deadlines.

Senator HAWLEY. Here's what you said upon approving the Grain Belt Express for FAST-41 status. "Grain Belt Express exemplifies the type of transformative transmission projects capable of delivering the triple play of affordability, grid reliability, and more domestic renewable energy production."

Are you aware that the Grain Belt Express is highly controversial in the State of Missouri and vociferously opposed by farmers in my State?

Mr. BEIGHTEL. I am aware that there is a local opposition to the project. Yes.

Senator HAWLEY. Yes, to put it mildly. Why is it a good idea to go over the heads of the people of Missouri and give this expressway, which is being developed by a private company that's making probably billions of dollars on it as they take farmers' land? Why is that a good idea?

Mr. BEIGHTEL. Senator, we do not have actual discretion for projects that seek FAST-41 coverage. It was not a decision on my part actually to grant coverage. If a project meets the criteria as defined in statute and they seek FAST-41 coverage, we are obligated to extend that coverage to the project independent of the individual merits of the project.

Senator HAWLEY. Don't you think that it's kind of incredible that this private company, Invenergy, that is responsible now for Greenbelt Express that is making boatloads of money on it, that is taking farmers' land in my State without compensating them?

Here's how bad it was Mr. Beightel. In the State of Missouri, Invenergy was refusing to negotiate with farmers, refusing to give them fair market value using the power of eminent domain. I emphasize, this is a private corporation that is doing this so bad that the Missouri State Legislature had to step in and pass special legislation to require the company to compensate farmers fairly for the land that they were taking.

All of this, and the State of Missouri still gets—originally, we were going to get no benefit from the Grain Belt Expressway. Zero. No power was going to flow to Missourians. It was going to come across our land, take our farmers' land, give the money to this private corporation, and we were going to get zilch.

What strikes me is farmers have opposed this for years. Farmers have been trying to get a hearing for years. Farmers have been trying to get anybody to listen to their concerns. This private corporation, Invenergy, which by the way, has sat right where you are sitting and testified about how wonderful this program is, although they can never quite remember how much money they are going to make on it—it's a lot—they get whatever they want when they come to you. Boom, they get their designation.

When they go to the Federal Energy Regulatory Commission (FERC), they get their designation. It's amazing. Every Federal agency is bending over backwards to give this private corporation everything they want. And working farmers in my State and working people in my State who live on the land, maybe have lived on the land for generations, eking out a living, they can't get anything. They cannot even get compensated for their land. This corporation is making billions, and you are telling me there's just nothing you can do about it.

Mr. BEIGHTEL. We do not influence the decisionmaking process for the project.

Senator HAWLEY. There's not a decision at all on your part?

Mr. BEIGHTEL. No.

Senator HAWLEY. You are just a rubber stamp.

Mr. BEIGHTEL. We do not approve any projects.

Mr. BEIGHTEL. The FAST-41 you are just saying that that's just merely a what? That's just an administrative designation. I mean, you do not have anything to do with it?

Mr. BEIGHTEL. It is an administrative designation.

Senator HAWLEY. What's the Permitting Council do then? You do not review applications when you make the designation? Does an algorithm do it?

Mr. BEIGHTEL. If a project meets the criteria for a covered project, meaning it is subject to NEPA—

Senator HAWLEY. Who reviews whether it meets the covered criteria?

Mr. BEIGHTEL. I do.

Senator HAWLEY. OK. So, you do make a determination?

Mr. BEIGHTEL. I make a determination that it meets the criteria. The minimum criteria is that it has \$200 million investment subject to NEPA and multiple Federal approvals, that project meets that criterion.

Senator HAWLEY. There is a decisionmaking process. You are part of it. You have approved this. Listen, this is the same story that we get every time and that, frankly, farmers and workers in my State get every time. It's always that, sorry, there's nothing we can do. The corporation can get whatever it wants. Want to take the land, fine, go for it. Want to designate this as a high transmission zone, fine, go for it. FAST-41, absolutely, we would be happy to do it.

But farmers are told, oh, you have concerns, there's just no place for you to be heard. Now, you are telling me that you just did not have any discretion in it, you are just a functionary. The corporation can just get whatever it wants. Maybe that is the law. I doubt it. If it is, it needs to be changed.

But I am just here to tell you on behalf of the people of my State, I think it's outrageous that a private corporation can take this kind of land. We are talking about a massive corridor right across the central part of Missouri. We are talking about taking land from farmers whose families it has been for generations. These are not corporate farmers, these are small family farmers. They live on this land. They do not hire lobbyists. They do not appear before your agency, clearly. They do not have any voice, obviously, and they are just told you have just got to suck it up and take it. I just have a problem with that. I just think it's ridiculous.

Frankly, if you do not have any discretion and your agency does not have any discretion, I question why you exist. If you really just are rubber stamping whatever comes before you, let's just shut down your council and replace you with a computer algorithm if you do not have any discretion.

I just think this is ridiculous. I think the whole thing is ridiculous. I think the idea that a private corporation can leverage the laws of the United States and every piece of the Federal Government in order to get what it wants, and make billions off the people of Missouri when they are getting no benefit is ridiculous. It is why the people of this country hate their government so much and suspect it, and they have every reason to do so. I just think the whole thing is ridiculous.

Thank you, Mr. Chair.

Chairman PETERS. Thank you, Senator Hawley.

Can you talk a little bit about the Permitting Council strategy and plans for coordinating with State permitting and environmental agencies?

Mr. BEIGHTEL. Absolutely. I appreciate the question. We are actively engaging with States right now. I see that as untapped potential, really, for the Permitting Council. Obviously, Federal approvals are necessary for infrastructure projects, but there are also going to be State approvals.

FAST-41 allows us to enter into an agreement with States for them to opt in where they would place their State approvals onto the Federal permitting dashboard and subject themselves to the same transparency and accountability that Federal agencies do.

We are also working with States to identify pipeline of projects, and we recently executed a memorandum of understanding (MOU) with the New Mexico Renewable Energy Transmission Authority (RETA) to essentially establish a relationship whereby they would look at the projects in their portfolio that could qualify for FAST-41, and then direct them to us for conversations to see if FAST-41 coverage would be appropriate. This is building off of the success that we had with the SunZia transmission line in New Mexico.

We are looking at ways that we can really engage the States in more thorough conversations about what projects are within their borders that would qualify for FAST-41, but also how we can provide the same strategies that we do to the Federal Government to State agencies.

Chairman PETERS. You mentioned a number of things. Michigan right now is engaged in making historic infrastructure investments to reach climate neutrality by 2050. You mentioned some efforts that you have been taking to help States, but could you be a little more specific as to how the Permitting Council might support this investment goal in my home State of Michigan?

Mr. BEIGHTEL. Yes. I applaud Michigan for setting such an ambitious target. I think, the easiest way for us to be supportive is to put projects that are in furtherance of that goal on the dashboard. Extend FAST-41 coverage to those projects because it's an opt-in program. Those projects would have to seek coverage from us, but, I think that's the easiest way.

Second, we have actually had conversations with the infrastructure coordinator in Michigan in looking at potential projects that could qualify for FAST-41. There are ways, once a project comes in and is covered by FAST-41, as I mentioned, that opt-in program could be a way for us to help elevate the State approvals and help to provide a framework for them to be more efficient and transparent.

Chairman PETERS. Very good. What is the Permitting Council doing now to promote engagement with tribes? If you give us a walk through that a little bit would be appreciated.

Mr. BEIGHTEL. Sure. We recognize the importance that tribes play in the consultative process for the environmental review and approval of projects. Tribes that are engaged on FAST-41 projects, we have had, particularly on the East Coast with the growth of offshore wind and offshore wind Renewable Energy Certificates (REC), reflects the largest proportion of projects in our portfolio. There are a number of tribes who are being asked to consult on multiple projects at once.

In response to the demands that we are placing on the tribes, we have created a Tribal Assistance Program using the Environmental Review Improvement Fund, to provide support directly to the tribes to enable them to engage meaningfully in these project reviews to ensure that their considerations are accounted for in the agency decisionmaking process.

We also have a dedicated staff person who is our director of tribal affairs. For a team of only 21 staff, I think it reflects the importance and the significance that we place on our engagement with tribes to have a dedicated staff person who is working, particularly with the tribes, to raise awareness of FAST-41 program, as well as the Tribal Assistance Program.

We have brought in three tribal broadband projects. With the bipartisan infrastructure law, there was the creation of a new criteria, a tribal criterion, which allows FAST-41 to cover projects that are tribally sponsored and occur on tribal lands. With that, we have had, as I mentioned, three tribal broadband projects come forward, and we are in conversation with other tribes about future projects as well.

Chairman PETERS. That's all good. Is there anything more that you think we should be doing to assist tribes?

Mr. BEIGHTEL. Honestly, I think, the more we can provide financial assistance to the tribes to encourage and enable their active participation in these projects, the better off these projects will be incorporating tribal knowledge, and their cultural awareness of their lands, and the artifacts that may be present.

An awareness of tribal interests will help us to make these projects designed more appropriately, accounting for the tribal interests. Ultimately, I think it will be more efficient down the road because we will avoid, with early engagement with the tribes, issues that may bubble up toward the end, which would have a much more significant effect on timeline.

Chairman PETERS. Very good. The Permitting Council is charged with holding agencies accountable when they disagree about how long it takes to issue a permit. Could you tell the Committee about the Permitting Council's work mediating disputes between Federal agencies over these permitting timetables?

Mr. BEIGHTEL. Yes. I think I mentioned earlier, the competing interest of various underlying environmental statutes that breeds not necessarily a dispute, but there are different objectives for the agencies as they go through their environmental permitting process.

On a day-to-day basis, our infrastructure project advisors who are the primary points of contact for these projects, who work with their agency partners, will work through those sorts of challenges, disputes at a very staff level. Not elevating, typically, most of these issues, but every now and then we will have a challenge that warrants elevation.

The benefit of having the deputy secretary-level representation on the Permitting Council is that I have a direct line to agency leadership who are responsible for these permits and are able to talk through whatever these challenges are and help to work toward a resolution.

Because at the end of the day, what we are trying to do is deliver the infrastructure projects, and deliver defensible decisions that are durable to litigation, as well as incorporating all of the agency interests that they reflect.

Chairman PETERS. Do you believe the Council has appropriate authorities to coordinate and mediate these permitting timetables?

Mr. BEIGHTEL. I do. I think there is a little bit of ambiguity in the dispute resolution process itself as it's written in statute that could be further clarified, potentially.

But, we do not issue permits, as I mentioned. Ultimately, what we are here to do is to make sure that we have a path forward with the agencies to ensure that they are getting the information that they need, and are able to support their decision on a timeline that is workable with the overall project timeline.

I think that we have adequate authority. I think there could be greater clarity in the roles of the participants.

Chairman PETERS. Very good.

Senator Rosen, you are recognized for your questions.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you, Chair Peters. Appreciate it, and thank you for holding this really important hearing today, and appreciate you being here as well.

I want to talk a little bit about permitting and public lands in Nevada, because over 80 percent of Nevada land is managed by the Federal Government, the highest percentage I believe, in the Nation. That's over 56 million acres of public lands.

It means permitting a project in Nevada, well, frankly, no easy task. There are numerous important stakeholders to engage with. We have our tribes and conservationists, our sportsmen, our ranchers, mining other local community members, city governments, all of that. A project should be really thoughtfully considered and planned so that resource conflicts are minimized from the starts. This means early communication and collaboration between stakeholders and permitting agencies. It's absolutely key and critical.

We have made progress in beginning to streamline this process through the Fiscal Responsibility Act, which I was proud to vote for. But we can do more by allowing agencies to work concurrently rather than consecutively through the permitting process. Because if one thing goes after the other, you just run out of time. You delay the time. The States are critically important, so what needs to happen consecutively, we should allow that to go on.

Mr. Beightel, has the Council considered ways to do this concurrent work so that we can cut through that red tape and get our project—at least get some determination whether they are going, not going, what do people have to do. This consecutive process just isn't working for us. What's the biggest barrier, if you have not done it, to adopting this process?

Mr. BEIGHTEL. I appreciate the question. The working concurrently rather than consecutively is a fundamental best practice for permitting and the 41 agencies to work concurrently on permitting reviews and environmental approvals for FAST-41-covered projects.

For the projects that come in for coverage under our program, when we create the permitting timetable, we are looking at ways that are going to enable these actions to occur concurrently so that we are working simultaneously toward a common goal of reaching a decision on an agreed upon timeline. I think Senator, we are already prioritizing that.

I would also note that the bipartisan Permitting Reform Implementation Rule, the NEPA Phase 2 Rule, that CEQ, just finalized, also prioritizes the concurrent review of NEPA and permitting actions to enable the more efficient review and approval of these projects. I think we are taking strong steps in that direction. It will take a little while for it to spread fully across government, I suppose, but for the FAST-41 projects that we have in our portfolio, that is the State of practice, and that is what is expected.

Senator ROSEN. This is critically important to all the funding that's coming down to Nevada for these critically important projects in wind, water, solar, geothermal, critical minerals, and even implementing broadband expansion, all of the things that we have to do to keep our State growing, thriving and competitive. How can Congress empower the Permitting Council to really take a more significant role?

Because you are saying you are directing agencies to do this. Is it coming down to our local levels? Are they understanding that they have to collaborate and coordinate, and where they can, even not just concurrently, maybe they can share some of the data. It does not have to even be done twice, that it can also reduce the cost of a project?

Mr. BEIGHTEL. No, and I think that that's an important question. What the distinction that I would like to draw is that we have, under FAST-41, we have our covered projects, and we have control or influence over the way that the timetables are developed for our covered projects. But there are a vast number of projects that are not covered under FAST-41, where we have obviously much less influence.

What we do, however, is to identify those best practices that we learn from the covered projects and coordinate with the agencies to help them adopt those sorts of strategies, so the—

Senator ROSEN. Trying to filter it down to the local level.

Mr. BEIGHTEL. Exactly.

Senator ROSEN. That's what we really need to do. Because last week I hosted Secretary of Commerce, Gina Raimondo, to discuss the barriers of bringing broadband to Northern Nevada. We actually are the most mountainous State in the Lower 48, and we have to bring it to Northern Nevada and rural parts of our State.

A large part of the conversation we had last week centered around challenges of permitting on Federal land. NTIA has worked to mitigate delays on the front end by releasing permitting templates, environmental screening tools for all the applicants, but more needs to be done.

Can you speak a little bit about how the Permitting Council is working with the Department of Commerce (DOC) to ensure projects like those funded under the bipartisan infrastructure law are able to meet the construction deadlines because the permitting process, again, is slowing them out?

Mr. BEIGHTEL. Absolutely. We have been working very closely with the NTIA to help them get the resources that they need to be able to manage the influx of applications that are going to result from the Broadband Equity Access and Deployment Program (BEAD). I mentioned earlier, we have provided funding to the NTIA to increase staff capacity. It's also to improve information

technology tools to ensure that they have automated systems to process the applications as they come in.

We have worked with the U.S. Forest Service to help develop tools to enable faster, more efficient permitting across forest lands. We have also provided funding to Department of Interior (DOI) to support broadband teams, to enable them to be more efficient. We are looking at additional ways to do programmatic reviews under the Endangered Species Act (ESA) for broadband projects to enable that to be more efficient as well.

We recognize that there is a high demand for NTIA staff to be able to review and approve these broadband projects, and we are doing as much as we can to help provide results.

Senator ROSEN. Could you talk about the permitting dashboard that you have been working on? I am a former computer programmer and systems analyst. I know you have talked about we have the permitting dashboard, how that's going to improve the efficiency and efficacy of environmental reviews as it makes sense for us to invest in this digital streamlining for all the stakeholders, everybody that's working on it.

How has the technology been helpful in the permitting process, and where do we need to go to utilize the technology, again, to help us move forward faster, whatever the response is in this area?

Mr. BEIGHTEL. The dashboard really is our, kind of our front porch to the American public. That is where people will go to look and identify the projects that are FAST-41-covered. It serves multiple purposes. It is not only for us at the Permitting Council to illustrate the FAST-41-covered projects, but it also is used by the Department of Transportation for projects that they are undergoing environmental review. It right now is very much a portal for the public to see what is happening and less interactive. I think there are upgrades that we could make to that tool to make—

Senator ROSEN. Should you use this as a model for other agencies? Your permitting dashboard would be a good template as we are trying to do this across agencies?

Mr. BEIGHTEL. It absolutely could, or it could be the portal for agencies. I think what we are hoping to encourage agencies is where there are requirements to post timetables for projects, whether they are FAST-41-covered or not, to use the dashboard. It already exists.

Senator ROSEN. Yes. I like the dashboard idea. I will be glad to submit some more questions for the record.

Thank you, Mr. Chair.

Chairman PETERS. Thank you, Senator Rosen. Senator Carper, you are recognized for your questions.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks so much.

Mr. Beightel, we welcome you. I understand your wife Hillary's with you. Would you raise your hand, ma'am?

Mr. BEIGHTEL. Yes.

Senator CARPER. All right. I understand you got some children here?

Mr. BEIGHTEL. Yes.

Senator CARPER. A daughter, Ainsley. Is that you, Ainsley? All right, raise your hand, Ainsley. Ainsley, do you have a brother?

Miss BEIGHTEL. Yes.

Senator CARPER. What's his name?

Miss BEIGHTEL. Max.

Senator CARPER. All right. Max, to the max. Ainsley, do you have any grandparents here?

Miss BEIGHTEL. Yes.

Senator CARPER. Are these your parents? That's a question Hillary—are these your parents?

Mr. BEIGHTEL. Yes.

Senator CARPER. Good. All right. We thank you all for coming along. My first question is, and I ask variations of this question, but if you try to get people to explain complex concepts, I say how would you explain this to your grandparents? I am going to say, how would you explain what you do to your in-laws?

Mr. BEIGHTEL. The simplest way to explain what we do is that we are an agency that provides coordination among the various Federal agencies that are responsible for permitting big infrastructure projects. What we do is provide transparency, and predictability, and accountability to the permitting process.

Many times, people do not understand the various steps that go into permitting a big infrastructure project. What we do is break it down into the individual steps and the milestones to achieve those permits, and provide a timeline for the accomplishment of that task. People can look at it and understand if it starts on day one, we have until day 365 to achieve this outcome.

Senator CARPER. Good. I am looking at your in-laws, and thumbs up, thumbs down. What are you thinking? All right. They are rolling their eyes. [Laughter.]

Mr. BEIGHTEL. I get that a lot, Senator.

Senator CARPER. Not really. I have just come from the Environment and Public Works (EPW) Committee, which is having a hearing on the Key Bridge, the bridge in Baltimore that was badly damaged. I have to slip back down there and ask some more questions. I see Rebecca Higgins who was a longtime member of the Environment Public Works Committee, helped us write big parts of the Inflation Reduction Act. Hugely helpful, and during my tenure in the committee. Rebecca, it's nice to see, see you.

My question. Last year, the Environment and Public Works Committee held, I think, not one, but a couple of hearings on permitting, common theme at our hearings, on the importance of public engagement. As you may know, we learned that when project sponsors understand community concerns early in the process, sponsors can often include solutions in the project's design.

Public engagement can build trust, it can increase public buy-in, can help resolve issues, can help prevent litigation, and ultimately it can save time and money. A question, based on your experience, how does community engagement facilitate timely completion of reviews and improve permitting outcomes?

Mr. BEIGHTEL. I appreciate that question, Senator. Early and meaningful engagement is a kind of foundational piece of effective environmental review. The bipartisan Permitting Reform Implementation Rule, the NEPA Phase 2 Rule, emphasizes early public

engagement as part of the NEPA process. What we do at the Permitting Council for our FAST-41-covered projects is ensure that we are providing transparent information to the public about the project and its status in the permitting process.

Ultimately, the earlier you engage with affected stakeholders and have meaningful conversations with them to identify their concerns, and also potential issues on a project, the better you are able to incorporate those concerns into project design, into the analysis, to ensure that you are identifying alternatives that will not result in avoidable impacts that would then trigger further complications down the road. The earlier you engage, the sooner you identify the issues, the earlier you can resolve them.

What often happens without early engagement and meaningful public involvement is that issues will emerge later in the process that you could have identified sooner, that will have a much more material effect on the permitting timeline. If you can identify early and resolve them early, you can have much more predictability. At the end of the day, project sponsors are willing to account for a slightly longer timeline if they know that it's going to be longer. The unpredictability of unexpected delays is what can really cause problems.

Senator CARPER. I am reminded of a hearing that we held before the Environment and Public Works Committee. I think it was late last year, and the issue of what can we do to ensure better outcomes in projects. We had a wide range of witnesses, different views. You would not expect them to agree on something like this. They all came back in their testimony, said we are better off when we hear community concerns at the beginning of the process rather than at the end.

Then let me ask a second question with respect to the Inflation Reduction Act funds. As you mentioned in your testimony, the Inflation Reduction Act included some \$350 million, with an M, million, the Environmental Review Improvement Fund, which we created, as you will recall in the FAST-41 Act, oftentimes when Federal agencies have adequate resources, permitting is more efficient.

My question is now, how has the \$350 million for the Inflation Reduction Act, for the Environmental Review Improvement Fund, how has that helped the Permitting Council support other Federal agencies, States, and tribes in improving permitting reviews? If you could give us a couple of examples, please.

Mr. BEIGHTEL. Absolutely. We have provided \$165 million to Federal agencies to increase capacity at those agencies, whether that be hiring full time equivalent (FTEs) at the agency, contract support, or other tools, templates that they can develop to improve the efficiency and timeliness of the environment review permitting process. We have also invested \$30 million in IT solutions at the agencies to help them build, modernize, I should say, their IT infrastructure, to bring it into the 21st century, in many cases.

There is an example that I like to cite is that the U.S. Coast Guard (USCG) used to use a Microsoft Word document for their bridge permit application. With the investments that we have made at the Coast Guard, they are actually making an online portal for the bridge application, which will make it much more efficient for review and intake of those permitting actions.

We have also provided funds to tribes who are engaged in the environmental review and permitting for FAST-41-covered projects through our Tribal Assistance Program.

Senator CARPER. All right. Mr. Chair, if I can do a follow-up question? Mr. Chair please? How is the permitting Council using the environmental review improvement funds to promote early and meaningful community engagement?

Mr. BEIGHTEL. Our tools that we are investing in at the agencies and the resources that we are investing in will enable the agencies to do more meaningful outreach. It will make the process more transparent for project applicants and the public. We are also obviously using our dashboard to provide vital information to the public on the status of the projects. Also, I mentioned the Tribal Assistance Program, that is all about engagement with tribes who are engaged in FAST-41 program.

Senator CARPER. OK, good. Thanks. I have a bunch of other questions I have, and I will submit those for the record.¹

I need to get back to my other committee. Thanks, Mr. Chair. Thanks for letting jump in here. I want to say to your children, again, I love it when folks witnesses bring spouses, children, in-laws, and it's a family affair. How old are your kids?

Mr. BEIGHTEL. They are 9 and 11.

Senator CARPER. Who's 9, daughter?

Mr. BEIGHTEL. Max.

Senator CARPER. Yes. Son, 11. Let me talk to the two of you just for a second. OK. We have as you know, 50 States. He's our Chair, he's our leader on this Committee. He's from the State of Michigan. I am from the State of Delaware, although I am a huge fan of the Detroit Tigers, as he knows.

Chairman PETERS. We are happy about that.

Senator CARPER. Yes. But just for your kids. We have 50 States. Every State has two U.S. Senators, and our job is to help make the rules for the country. That's what we do. We help make the rules for the country, and we do not do this by ourselves. We have a lot of people helping us who are sitting behind us and in the audience as well.

But that's what we do. Help make the rules for the country. We are delighted to have a chance to work with your dad, your husband, your son-in-law in this effort. This is important stuff. This is important stuff for our country today, and going forward.

Thank you, Mr. Chair.

Chairman PETERS. Thank you, Senator Carper. Hopefully, they will both get extra credit for school today. This is a civics lesson. That's very good. That's great.

Mr. BEIGHTEL. I promised them froyo afterwards. [Laughter.]

Chairman PETERS. That's even more important for them, clearly.

My last question for you, sir, is could you just tell us a little bit about your vision for balancing the two roles of the Permitting Council? First, coordinating specific infrastructure projects, but also, how do we improve permitting process broadly across the whole Federal Government enterprise? Can you give us an idea of that vision and how you see we can be helpful?

¹The questions submitted by Senator Carper appears in the Appendix on page 00.

Mr. BEIGHTEL. Yes. I am passionate about improving the overall permitting process for infrastructure. This is something that I have spent pretty much my entire career working on. When I came into this role, I really embraced the idea of the agency as a center for permitting excellence.

This is something where we have the opportunity to learn from the projects that we have that are covered under FAST-41. They are, by their nature, very large, very complex and present often unique challenges that we can learn from. We are very focused on ensuring that we are managing those projects to the permitting timetables that they are created.

But we are also focused on pulling back. After we have looked at the inventory of projects that we have and the progress that we have made, where were the pinch points. We had a question earlier about the pinch points among the various Federal pieces of legislation and how there might be competing interests.

How do we learn from the experience that we have on these very large, complex projects to develop better strategies, better tools, better templates that can be used for other projects? We will never have all of the Federal investments covered under FAST-41, but what we can do is apply lessons learned across government.

We are very intentional about extracting these lessons learned. We have a full unit within the agency that is focused on permitting excellence on extracting these lessons learned, working with the agencies to develop new strategies, overseeing the funds that we are investing through the ERIF Assistance Program, to ensure that they are going toward their intended purpose and measuring that effectiveness to inform future strategy.

I think, the two roles are separate, in idea and concept, but they are very much integrated in action and very complimentary so that what we learn to apply for future projects outside of FAST-41. But also, those coming in, we are able to provide even better-informed technical assistance to these projects as they approach us, and we are able to develop permitting timetables that are still aggressive and achievable, leveraging these lessons learned.

Chairman PETERS. Wonderful. Thank you, Director Beightel. Thank you for being here today. Thank you for sharing your testimony as well as your expertise.

Congress has made significant investments in the CHIPS and Science Act, the Infrastructure Investment and Jobs Act (IIJA), and the Inflation Reduction Act. Congress has also given the Permitting Council the tools and the authorities to improve coordination, transparency, and predictability, and the permitting process to enable the Federal Government to deliver on these important investments.

I believe that additional legislative reforms could build on this progress by clarifying the Council's authorities, as well as the scope of projects covered, and increasing transparency in the permitting process. I look forward to working with the Council. I look forward to working with you and my colleagues on these potential reforms in the near future.

Thank you once again for being here. Thank you for bringing your family here—and you need to be proud of your dad. He's doing

a great job. It's good to have you here, and thank you for your service to our country.

The record for this hearing will remain open for 15 days until 5 p.m. on July 25, 2024, for the submission of statements and questions for the record.

[The information referred to follows:]

Chairman PETERS. This hearing is now adjourned.

[Whereupon, at 11:03 a.m., the hearing was adjourned.]

A P P E N D I X

Chairman Peters Opening Statement As Prepared for Delivery Full Committee Hearing: Permitting Council July 10, 2024

Over the past three years, the Biden Administration and Congress have worked together to make once in a generation upgrades to our infrastructure. The investments made through the Bipartisan Infrastructure Law, the CHIPS and Science Act, and the Inflation Reduction Act have already launched thousands of essential projects across the country.

Before projects like these get off the ground, they need to obtain critical approvals. This process helps to ensure that improving our infrastructure doesn't come at a cost for our environment, wildlife, public land, and private property.

These approvals are generally referred to as "permitting." And today's hearing gives us a chance to dive more deeply into how that process works. These landmark new investments give us the chance to do something essential: think critically about how we execute infrastructure projects and how we can improve transparency, coordination, and accountability in permitting. Today, we can take one important step in that work by taking a closer look at the work of the Permitting Council.

The Permitting Council was established almost a decade ago to oversee the process by which government agencies issue permits on our most expensive projects. It coordinates all environmental reviews and authorizations for a wide array of projects – including renewable energy, electricity transmission, ports and waterways, and broadband.

The Permitting Council improves this process in a few key ways. It gives stakeholders more transparency by publishing approvals and timetables online. It designates a single federal agency that coordinates the permitting process for each project and reduces the burden on project sponsors, including state and Tribal governments, and private companies. The Permitting Council also serves as a "federal permitting center of excellence," where it makes recommendations to agencies on best practices to improve the permitting process.

In other words – the Council helps ensure that these investments can deliver on their promises – to improve our nation's infrastructure, create jobs, and transition to a clean energy future.

Today, we'll have the chance to hear directly from Eric Beightel – the council's Executive Director – about what Congress can do to support this work. His testimony comes at a crucial moment, as the Permitting Council goes through some big changes.

In 2022, the Permitting Council received \$350 million in the Inflation Reduction Act to transfer to other agencies and governments to improve permitting. These resources will help hire subject matter experts, invest in engagement from stakeholders, and purchase technologies that are used in environmental reviews.

The Council also recently established the Tribal Assistance Program to earmark a portion of funds. These resources are intended to help overcome the barriers Tribes often face in engaging in the environmental review process. The Permitting Council has made two transfers for Tribal assistance so far.

This hearing is an essential opportunity to better understand how these funds will be used – how the permitting process can continue to improve – and how Congress should consider strengthening the Council's purview in the future.

Written Testimony to the Committee on Homeland Security and Governmental
Affairs hearing "Oversight of the Permitting Council: Improving Transparency and
Coordination"
on July, 10 2024

United States Senate

Eric B. Beightel

Executive Director, Federal Permitting Improvement Steering Council

Introduction

Chairman Peters, Ranking Member Paul, and distinguished Members of the Committee, thank you for the opportunity to testify before you today about the work of the Federal Permitting Improvement Steering Council (Permitting Council). My name is Eric Beightel, and I am the Executive Director of the Permitting Council, appointed by President Biden in July of 2023. I come to this role with nearly 25 years of experience in developing and implementing federal policy regarding the environmental review and permitting of large, complex infrastructure projects. I am honored to testify here today because I am passionate about making our federal permitting processes more effective, enabling the efficient and responsible development of critical infrastructure and delivering that infrastructure for the good of the American people.

Permitting Council Background

Congress created the Permitting Council in 2015 through Title 41 of the "Fixing America's Surface Transportation Act," (FAST-41) and tasked it with providing targeted permitting assistance to certain infrastructure projects that seek coverage under the FAST-41 program, which is detailed below. Under FAST-41, project sponsors seek coverage of infrastructure projects to gain the benefits of enhanced coordination, transparency, and predictability in the federal permitting process.

In 2021, through the "Infrastructure Investment and Jobs Act" (IIJA), or "Bipartisan Infrastructure Law" ("BIL"), Congress recognized the value of the Permitting Council

by eliminating the sunset clause to make the agency a permanent federal agency, reaffirming the importance of its mission. As Executive Director, I lead the agency's efforts to implement the FAST-41 statute. Under the FAST-41 program, the Permitting Council facilitates enhanced coordination among federal agencies engaged on infrastructure projects across the eighteen FAST-41 sectors. The Permitting Council publicly posts permitting timetables for each covered project, and tracks agency progress towards permitting milestones. Under BIL, Congress also identified the Permitting Council as a federal center for permitting excellence, providing resources and tools that will advance permitting improvements across government.

In addition to leading the agency, as Executive Director, I chair the Permitting Council, which is composed of Deputy Secretary or equivalent representatives from thirteen federal agencies, as well as the Director of the Office of Management and Budget and the Chair of the Council on Environmental Quality. As chair of the Permitting Council, I convene meetings with Permitting Council members to discuss permitting policy, facilitate focused discussions on emerging issues at the project and programmatic level, and evaluate the effectiveness of FAST-41 implementation, including expenditures from FAST-41's Environmental Review Improvement Fund (ERIF). All of these efforts are in furtherance of improving federal permitting to accelerate delivery of critical infrastructure projects.

The Permitting Council Mission and Outcomes

The Permitting Council was created to address the concern that the federal permitting process is uncoordinated and lacking transparency, leaving important projects mired in avoidable delays. Our work at the Permitting Council makes federal permitting and environmental review more efficient and predictable, accelerates delivery of infrastructure projects, while providing predictability and timeliness for project sponsors and stakeholders. We work closely with the Permitting Council members and their respective agencies along with the Council on Environmental Quality (CEQ) and the Office of Management and Budget in coordinating the Federal permitting process for a portfolio of nearly \$75 billion in large-scale infrastructure projects. Currently, the majority of projects in the FAST-41 portfolio are renewable energy, along with broadband, electric transmission, ports and other project types. We also support the development and implementation of Administration permitting

priorities including President Biden's Permitting Action Plan, CEQ's Bipartisan Permitting Reform Implementation Rule, and the Department of Energy's Coordinated Interagency Transmission Authorizations and Permits Rule.

Recognizing the unique role of the Permitting Council in promoting better outcomes of the Federal environmental review and permitting process, Congress provided \$350 million in the Inflation Reduction Act (IRA) for the agency's ERIF. We have coordinated with agencies represented on the Permitting Council to leverage that funding to make targeted investments in staff capacity and information technology. These investments are helping to address obstacles to permitting efficiency and to accelerate permitting across multiple sectors while also improving transparency and outcomes. We've also launched a Tribal Assistance Program that provides much needed resources to Tribes to actively engage on FAST-41 covered projects, which is discussed in detail below.

The benefits of this work can be seen in the numbers. The Biden-Harris Administration has issued Records of Decision (RODs) on nine commercial-scale offshore wind projects standing up a new job-creating industry and making significant progress towards the President's goal of responsibly deploying 30 gigawatts of offshore wind in the United States by 2030. These nine projects total more than 13 gigawatts of offshore wind energy, enough to power nearly five million homes. Eight other FAST-41 covered offshore wind projects are currently undergoing environmental review, representing an additional 13 GW of renewable energy. I am proud of the work that my team has done to support the Bureau of Ocean Energy Management, the lead federal agency for the siting, leasing, and permitting of offshore wind activities, and the other permitting agencies that are driving forward the offshore wind sector while maintaining high standards.

Our nation's clean energy goals are ambitious yet essential to combat the challenges of climate change. In order to meet the moment, we must be able to deploy infrastructure quickly without sacrificing the quality of environmental review or shortchanging the opportunity for public input. Therefore, it is imperative to continually refine and advance the federal environmental review and approval process to deliver on the shared goal of building and delivering critical infrastructure

projects. For the projects that opt to participate in the FAST-41 program, the Permitting Council serves a key coordination and transparency role for project sponsors and the permitting agencies as they work towards meeting milestones. In so doing we help to deliver on the opportunities created by the generational investments made through BIL, the IRA, and the “Creating Helpful Incentives to Produce Semiconductors and Science Act” (CHIPS and Science Act).

It is my goal that the Permitting Council, through our work to manage permitting timetables for FAST-41 projects and our broader efforts to promote permitting excellence, will help elevate the state of the practice for infrastructure permitting across government. We measure and report our progress in these areas to Congress through quarterly and annual reports, providing details on agency performance and our strategies towards continuous improvement.

FAST-41 Coverage

Projects seeking to become a “covered project” and receive the benefits of the program must meet one of the following sets of criteria defined in the FAST-41 legislation:

- *Objective Criteria:* Minimum investment of \$200 million, subject to review under the National Environmental Policy Act (NEPA) and not eligible for abbreviated environmental review or approval under other federal laws;
- *Tribal Criteria:* Projects must be sponsored by a federally recognized Tribe, be located at least in part on Tribal lands, and be subject to NEPA;
- *Carbon Capture Criteria:* Infrastructure related to the capture, utilization, and sequestration of carbon dioxide emissions; or
- *Discretionary Criteria:* Projects requiring NEPA reviews that are of the size and complexity which, in the opinion of the Council, make the project likely to benefit from FAST-41 coverage.

The vast majority of FAST-41 covered projects meet the objective criteria. It is notable that there are now three broadband projects in our portfolio that qualified for coverage under the Tribal criteria and the agency is in discussions with potential carbon capture project sponsors. Importantly, the procedures in FAST-41 and the duties of the Permitting Council do not elevate speed over the deliberation that is

necessary to deliver excellent environmental, economic, and community outcomes. Instead, we maintain consistent, open communication with agency officials and the project sponsors to monitor progress, identify emerging risks to project schedules and proactively mitigate against those risks.

Importantly, the approach taken by the Permitting Council under FAST-41 does not rely solely on deadlines to accelerate the Federal environmental review and authorization process, but rather enables and promotes efficient analysis and deliberation. This is not to say that speed is not part of the FAST-41 process. Once a qualifying project submits a FAST-41 Initiation Notice, I work with the lead agency to confirm FAST-41 coverage within fourteen days. Once a project is covered, the lead agency in coordination with the project sponsor and federal permitting agencies will develop a Coordinated Project Plan, which includes the permitting timetable, within 60 days. That means that once a qualifying application is submitted, a covered project will have a project plan and a publicly posted Dashboard project schedule within three months.

Projects in the FAST-41 portfolio typically face complex logistics to complete permitting. Many of our projects require multiple authorizations from numerous Federal agencies, apart from authorizations that may be required from state agencies and Tribal nations. The Executive Director is responsible for monitoring each project's permitting timetable on the Dashboard, assessing agency compliance with FAST-41 permitting timetable management requirements, ensuring quick elevation of permitting timetable issues, and rendering administrative decisions on project coverage under FAST-41 as well as certain extensions of FAST-41 permitting timetables.

FAST-41 does not alter any substantive statutory or regulatory requirement, environmental law, regulation, review process, or public involvement procedure, including the requirements of the National Environmental Policy Act (NEPA). FAST-41 also does not predetermine the outcome of any Federal decision-making process or move projects up in any Federal permitting "queue." Instead, the FAST-41 process requires active project management of covered projects with focused attention by agency leadership on the progress towards permitting milestones. This heightened

focus, public transparency, and accountability promote a more predictable and efficient process.

Recent Permitting Council Accomplishments

Our Annual Report to Congress, delivered on April 15th each year, highlights many of our recent accomplishments including both our work to support FAST-41 covered projects as well as our work to improve permitting across government in our role as a center for permitting excellence. These two core functions reflect our agency's unique position within government to support the environmental reviews and authorizations necessary to build large complex projects. We continually learn from the experience of each covered project to improve our coordination with federal agency partners to identify and implement permitting best practices.

In Fiscal Year 2023, the Permitting Council proactively managed 33 projects through the FAST-41 program and saw marked improvement in the implementation of FAST-41 by the agencies, with 100% of projects developing project plans and permitting timetables on schedule, and steady improvement with required posting of information on the Permitting Dashboard. Additionally, four covered projects completed the environmental review and permitting process. Two of those projects are highlighted in more detail below.

- **SunZia Southwest Transmission Project**

The SunZia Southwest Transmission Project is an approximately 525-kilovolt high voltage direct current transmission line that will transport up to 3,000 megawatts of primarily renewable energy from New Mexico to markets in western states. The SunZia Southwest Transmission Project is connected to the SunZia Wind Project, a planned 3,500 MW renewable energy project also located in New Mexico. Together, SunZia Wind and Transmission Projects could comprise the largest renewable energy infrastructure project in U.S. history. The transmission project sought FAST-41 coverage in 2021 after years spent in the environmental review and permitting process. Once covered, the Permitting Council helped coordinate a project plan and permitting timetable that supported the completion of federal permitting in 2023 - providing certainty and transparency to the project sponsor, Tribes, and other stakeholders, along with the public.

Building off of the successful partnership with New Mexico's Renewable Energy Transmission Authority (RETA) on the SunZia project, I recently signed a Memorandum of Understanding with RETA to establish a working relationship between our agencies in order to bring FAST-41 permitting support to qualifying RETA-supported projects. This partnership will help us advance much needed transmission capacity that will deliver the growing renewable energy production in the state.

- **Mid-Barataria Sediment Diversion Project**

The Mid-Barataria Sediment Diversion Project focuses on restoring Louisiana's coastline, which is experiencing some of the highest levels of land loss in the country. The project will reconnect the Mississippi River to its wetlands, depositing sediment to build up eroded areas. Ultimately, this will protect some of the most vulnerable residents in the state, in addition to sustaining the ecosystem and wildlife in the area, which is also one of the areas most affected by the 2010 Deepwater Horizon oil spill. The Permitting Council supported cross-agency coordination with federal and state partners to drive this project to completion, and I was proud to attend the groundbreaking with then-Governor of Louisiana, John Bel Edwards, state legislative representatives, and other officials.

FAST-41 Tribal Projects

The Santa Fe Indian School Broadband Project is the first Tribal-sponsored FAST-41 covered project and also the first FAST-41 broadband project. It will enable participation in the digital economy and provide last-mile internet access to homes and anchor institutions and Tribal businesses. The Pueblo Education Network, of which this project is a component, also creates a private network connecting Tribal schools and libraries to national research and education networks, modernizing Indian education in the global information age. The project stretches nearly 324 miles, originating in Albuquerque, New Mexico, and traveling through Isleta Pueblo, Acoma Pueblo, and Zuni Pueblo lands.

Following the Santa Fe Indian School Broadband Project, the Permitting Council added the Alaska Fiber-Optic Project, another Tribal broadband project, as a covered project. The Alaska FiberOptic Project proposes to deploy a reliable, affordable, scalable and future-proofed broadband network. If approved and constructed, the project will bridge the digital divide in one of the most remote, isolated, high-cost, and difficult to serve areas of the United States. The Alaska Fiber-Optic Project Segment 1 is one of three phases that includes constructing a middle mile fiber optic network directly supporting last mile high-speed Internet connections to twenty-three Alaskan Native Villages along the Yukon River, connecting 581 unserved Native American households with fiber-to-the-home 1 Gbps service where approximately 51% of the households live at or below the poverty line.

The Winnebago Tribe Broadband Connectivity Project was the most recent Tribal project to obtain FAST-41 coverage. This project will construct a multi-conduit, underground Fiber to the Premises system, totaling more than two hundred thirty-five miles. Once completed, this project will connect every household and business, including medical facilities and schools, within the Winnebago reservation - eight hundred eighty-six households and forty-six businesses and organizations - to high-quality internet capability.

These Tribal broadband projects, all of which have the National Telecommunications and Information Administration as their lead federal agency, will receive focused permitting project management support and, if constructed, will provide essential service to Tribal communities. I am encouraged by the interest in FAST-41 that Tribal project sponsors have shown, and we are making Tribal outreach a priority to continue to grow our portfolio of Tribally led projects.

Additional Project Highlights

- **South32 Hermosa**

The first critical minerals mining project added to the FAST-41 portfolio is the \$1.7 billion South32 Hermosa project with the U.S. Forest Service as the lead agency. If permitted, the proposed zinc and manganese mining and processing operation could play a key role in the electric vehicle and stationary storage battery supply

chain. The project sponsor proposes to construct a small-footprint, underground mining operation applying low-carbon design and best-in-class engineering principles. Part of the Hermosa project area will involve subsurface and surface disturbance of lands within the Coronado National Forest in Arizona.

- **Coastal Virginia Offshore Wind (CVOW)**

CVOW is a 2.6-gigawatt offshore wind project consisting of 176 wind turbines twenty-seven miles off the coast of Virginia Beach and developed by Dominion Energy, with the Bureau of Ocean Energy Management (BOEM) serving as lead agency. The project, which completed all permitting under FAST-41, is currently under construction and is expected to create 900 direct and indirect jobs annually during the construction phase. Once operational, Dominion Energy projects that it will avoid carbon dioxide emissions equivalent to removing more than 1 million cars off the road each year and power over 900,000 homes.

- **Revolution Wind**

The Revolution Wind project received FAST-41 coverage in July 2020 and completed permitting in November 2023, with BOEM as the lead agency. This project, developed by Revolution Wind, LLC as a joint venture of parent companies Ørsted and Eversource, will bring 704 MW of clean energy to Connecticut and Rhode Island, generating enough energy to power more than 250,000 homes. When operational, it will bring 304 MW of clean energy to Connecticut and 400 MW to Rhode Island, displacing more than one million metric tons of carbon pollution-- equivalent to taking over 150,000 cars off the road.

- **Sunrise Wind**

Sunrise Wind will construct, operate and maintain an offshore wind farm located approximately 30 miles east of Montauk, New York. The project, a 50/50 partnership between Ørsted and Eversource, will have up to 84 wind turbine generators and a total capacity of 924 megawatts of clean, renewable energy that BOEM estimates could power more than 320,000 homes per year. The project will support more than 800 direct jobs each year during the construction phase and about 300 jobs annually during the operations phase. The Sunrise Wind project completed the FAST-41 process on June 21, 2024.

- **Sparrows Point**

The Sparrows Point Container Terminal is expected to bring thousands of jobs to the Baltimore area as it expands the Port of Baltimore service for the Mediterranean Shipping Company, the world's largest container carrier company. At full build-out, the project will double the size of the Port of Baltimore, positioning the port as a leading top-tier facility on the eastern seaboard. This project will improve supply-chain resilience and economic competitiveness for the United States.

Advancing Permitting Excellence

The BIL identified the Permitting Council as a federal center for permitting excellence. This role is executed by identifying, developing and implementing smart permitting practices, creating templates and tools to increase permitting efficiency, providing key resources to agencies to increase capacity and reduce bottlenecks, promote timely decision making, improve interagency coordination, promote meaningful stakeholder engagement and invest in data management and tracking tools.

As mentioned above, with the passage of the BIL, IRA, and the CHIPS and Science Act, the permitting community is reacting to significant new investments into our nation's infrastructure, requiring the allocation of substantial resources toward Federal permitting. The ERIF makes funds available to the Executive Director to implement FAST-41 and support the role of the Permitting Council as a Federal center for permitting excellence. FAST-41 authorizes the Executive Director to transfer funds from the ERIF to other Federal agencies, and state, local, and Tribal governments, to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects.

We have leveraged the \$350 million from the IRA to make targeted investments at federal agencies and Tribes that will help to improve permitting efficiency. These investments will bolster agency permitting capacity, support information technology tools and strategies to bring federal permitting into the 21st century. We also created a first-of-its-kind ERIF Tribal Assistance Program (TAP) to provide direct financial assistance to Tribes that are directly engaged in the underlying environmental review and permitting processes of FAST-41 covered projects.

- **Agency Capacity Building**

To date we have provided nearly \$165 million to federal agencies for capacity building which will help increase the efficiency and effectiveness of environmental reviews and authorizations of infrastructure. From hiring permitting experts to acquiring vital tools and resources, the funding will allow agencies to take significant steps to bolster their ability to meet review timelines and advance the predictability of decision timing for critically needed infrastructure across the nation. The funds are allocated through Interagency Agreements and support both FAST-41 covered project reviews as well as other infrastructure projects across sectors as described in FAST-41, including renewable energy, broadband, semiconductor fabrication, and electricity transmission. Funds will also be used to facilitate consultation and community engagement, and in the creation of tools, technology and data to support long-term benefits in multiple sectors.

- **Tribal Assistance Program**

In November of last year, we announced the creation of the ERIF TAP with an initial \$5 million allocation. The program provides funds to support Tribal engagement in the underlying environmental review and permitting of FAST-41 covered projects. Recognizing the unfair burden and capacity issues many Tribal Nations face when engaging in the Federal permitting process, we created the TAP to address those constraints. Eligible Tribes can use TAP funds to access critically needed resources to help fulfill their responsibilities in the federal review and approval process for FAST-41 covered projects. The use of these funds will help ensure that Tribal representatives have a more meaningful and effective seat at the table when consulting on potential effects to Tribal lands and interests.

Two Tribes—the Mashpee Wampanoag and the Munsee-Stockbridge Community—have sought funding under the TAP, and we have awarded nearly \$1.2 million between the two Tribes. We continue to promote the program and are seeing increased interest among potential participants in the program.

- **Information Technology Tools and Resources**

In April of this year, we announced an initial investment of over \$30 million of ERIF resources allocated to federal agencies to enhance permitting efficiency through

information technology and tools. With these investments, agencies will be able to build critical IT tools and invest in innovative technologies that will bring the federal permitting process into the 21st Century. As of the date of this testimony, the funding supports 13 projects in 11 different federal agencies. The funding will support agencies to incorporate new technology into permitting processes from artificial intelligence and Geographic Information Systems to online applicant portals and innovative data sharing systems. These investments will accelerate and spur innovation in environmental permitting across the federal government through 1) technology to automate processes for routine actions, improving public transparency and saving time, 2) new tools to ease the management of complex workstreams and improve data quality for better coordination, analysis and decision making, and 3) leveraging cutting-edge technologies to save time and improve outcomes.

Permitting Council Priorities

The Permitting Council has accomplished much since FAST-41 was enacted and we are poised for additional progress in the coming years as we continue to build agency capacity and leverage lessons learned from our work. Looking ahead, I am committed to delivering on our mission to deliver critical infrastructure projects and advance permitting excellence through several key priorities.

1. Continuing to build a strong foundation for the Permitting Council as an agency

With the agency only recently made permanent through the BIL, there remains important internally focused work that must be completed and capacity achieved to support effective implementation of FAST-41. We continue to focus on our workforce and develop expertise to efficiently support the projects in our portfolio and perform essential agency functions. In addition to focusing internally, we are also focusing our efforts externally to raise awareness of FAST-41 and describe the benefits of FAST-41 coverage to new project sponsors across eligible sectors. Our external focus doesn't end with project sponsors and necessarily extends to state, Tribal, and local governments as well. Considering our new partnership with New Mexico's RETA, I hope to engage more states to build similar relationships, potentially extending FAST-41 benefits of transparency and accountability to state approvals as well.

2. Administering and Overseeing the ERIF Assistance Program

With the investments made in the agencies to develop capacity and to create and implement IT tools to support permitting efficiency, we have a responsibility to monitor and support those investments to maximize their benefits. We are accomplishing this through regular coordination points with agencies and the White House to identify and mitigate emerging challenges in hiring and procurement. We will also continue to aggressively promote the funds available through the ERIF TAP so that Tribes engaged in FAST-41 projects avail themselves of the resources to support their efforts.

3. Tracking and Reporting on Permitting Performance

As part of our role overseeing the expenditure of ERIF funds, we must monitor and measure the effect of the investments in improving permitting efficiency. In addition to those efforts, we are looking across the historic FAST-41 portfolio to identify trends, common challenges and strategies to apply to future projects. We are also increasing the scope of reporting on active FAST-41 projects to provide a more complete picture on how agencies are performing against the permitting timetables for covered projects.

4. Continuing to Foster Permitting Excellence Across Government

A key strategy to elevate the state of the permitting practice is to provide appropriate and adequate training to those staff who are engaged in the environmental review and permitting of infrastructure projects. This is why I am proud to provide resources to agencies to send key staff to essential training to build project management skills, and refresh or strengthen understanding of and compliance with NEPA, National Historic Preservation Act Section 106 and other environmental laws. Also, through our reporting on FAST-41 performance, we identify permitting best practices that help promote more timely and efficient environmental reviews and permitting decisions. Lessons learned from the FAST-41 portfolio can apply more broadly across agencies and sectors. We will leverage the Permitting Council members and their agencies to continue to promote those strategies beyond our covered projects.

Conclusion

Thank you, once again, for this opportunity to testify before you today. As we approach ten years since the creation of the Permitting Council and the end of my first year as the Executive Director, we can take great pride in the work of the Permitting Council to date. However, we will continue to build on our accomplishments to support more effective, efficient, and transparent permitting. I look forward to continuing to work with the Committee to improve the federal environmental review and permitting process for infrastructure projects and to deliver on the goals of the Permitting Council and benefits of infrastructure investments for the American people.



The Federal Permitting Improvement Steering Council (Permitting Council)

What is the Permitting Council?

Created in 2015 by the Fixing America's Surface Transportation Act (FAST Act), the Permitting Council is an independent Federal agency composed of 16 members: the Executive Director (Permitting Council Chair), the Director of the Office of Management and Budget, the Chair of the Council on Environmental Quality, and representatives from the 13 Federal agencies that are responsible for environmental reviews and permitting for infrastructure projects. The Permitting Council facilitates deliberate, coordinated, and transparent Federal environmental review and permitting for certain "covered" infrastructure projects.

Why Work with the Permitting Council?

FAST-41 coverage entitles project sponsors to a comprehensive, integrated Federal permitting timetable that is publicly posted on the Permitting Dashboard and which contains all Federal environmental reviews and authorizations needed to begin construction of the project. FAST-41 requires that agencies collaboratively establish and maintain these permitting timetables and consult with the project sponsor on any proposed permitting timetable changes. Permitting timetables may only be modified in compliance with FAST-41's consultation and public disclosure requirements to ensure accountability.

What does the Permitting Council do?

The Permitting Council administers Title 41 of the FAST Act, referred to as "FAST-41," which establishes a new governance structure, set of procedures, and funding authorities to improve and make transparent the Federal review and permitting process for FAST-41 "covered" infrastructure projects on the Federal infrastructure Permitting Dashboard. Project sponsors (usually private entities) apply for and receive FAST-41 coverage for their projects.

What is a FAST-41 Covered Project?

A FAST-41 covered project must first be in one of the following 12 sectors:

1. Renewable energy production
2. Conventional energy production
3. Electricity transmission
4. Surface transportation
5. Aviation
6. Ports and waterways
7. Water resource projects
8. Broadband
9. Pipelines
10. Manufacturing
11. Mining (added by Permitting Council vote)
12. Carbon capture



The Federal Permitting Improvement Steering Council (Permitting Council)

A covered project also must meet one of the following four criteria:

1. Objective Criteria

A project must:

- Be subject to the National Environmental Policy Act (NEPA);
- Be likely to require a total investment of more than \$200,000,000; and
- Not qualify for “abbreviated authorization or environmental review processes” under any applicable law.

2. Discretionary Criteria

- Project is subject to NEPA; and
- Project is of a size and complexity that makes it, in the opinion of the Permitting Council, likely to benefit from enhanced oversight and coordination, including (but not limited to) a project likely to require:
 - Authorization from or environmental review involving more than two Federal agencies; or
 - The preparation of an environmental impact statement (EIS) under NEPA.

The Permitting Council votes to cover projects under the discretionary criteria.



3. Tribal Sponsored Criteria

- Project is within one of the twelve sectors;
- Subject to NEPA;
- Sponsored by an Indian Tribe, an Alaska Native Corporation, a Native Hawaiian, the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs; **and**
- Located on land owned or under the jurisdiction of the entity that sponsors the activity.

Exempt from “abbreviated authorization or environmental review” limitation in the objective criteria.

Exempt from the \$200 million threshold in the objective criteria.

4. Carbon Capture Sector

Construction of infrastructure for “carbon capture” includes construction of:

- Any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture; and
- Carbon dioxide pipelines.

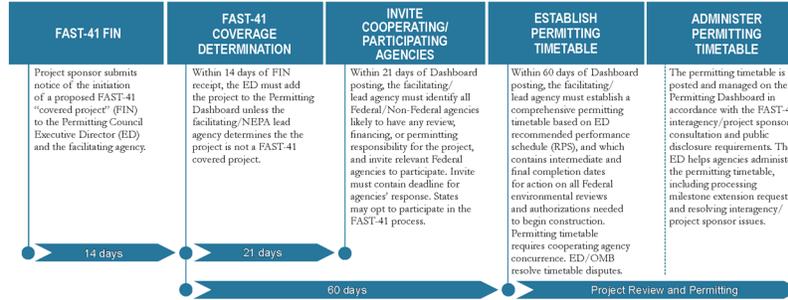
Criteria:

- Project is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines.
- No NEPA requirement.

EXEMPTION: DOT-led projects and WRDA-funded projects cannot be FAST-41 covered projects.

The Federal Permitting Improvement Steering Council (Permitting Council)

Ready to get started? The FAST-41 Process:
 Establishing and administering a comprehensive permitting timetable for FAST-41 "covered projects"



The Permitting Dashboard:

Once a project is covered by FAST-41, it is placed on the Permitting Dashboard, allowing Federal agencies, project sponsors, other stakeholders, and the public to track project review and permitting in real time. The Dashboard allows unprecedented transparency into the Federal permitting process.

South Fork Wind Farm and South Fork Export Cable
 PERMITTING DASHBOARD PROJECT POSTING DATE: AUGUST 30, 2018
 PROJECT WEBSITE: South Fork Wind Farm - Deepwater Wind.

All dates below are specific to the schedule of the Environmental Review and Permitting processes for this project.

ENVIRONMENTAL REVIEW AND PERMITTING STATUS: COMPLETE

COMPLETION DATE OF ENVIRONMENTAL REVIEW AND PERMITTING: 01/18/2022

ENVIRONMENTAL REVIEW AND PERMITTING: SECTOR: Renewable Energy

CATEGORY: Project Category FAST-41

LEAD AGENCY: Department of the Interior

Permitting Timetable
 The permitting timetable below displays data as reported by agencies. Dates for Environmental Review and Permitting processes (Actions) that are Planned Status are subject to change and are not indicative of a project's final schedule.
 For information about extensions, select an Action from the timetable below and select "View Action Details" at the bottom of the page.

Marine Mammal Protection Act (MMPA), Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), Section 10 Rivers and Harbors Act (S-10), Section 10 Rivers and Harbors Act (S-10), Endangered Species Act (ESA) Consultation, Endangered Species Act Consultation...





The Federal Permitting Improvement Steering Council (Permitting Council)

How to become a FAST-41 project?

Email Instructions

Interested project sponsors for potential covered projects should submit the following information required under FAST-41:

- Project information: title, sector, type, location;
- Project sponsor name and contact information;
- Statement of the purposes and objectives of the project;
- Concise description including general location and/or a summary of geospatial information, if available, and the location, if any, of environmental, cultural, and historic resources;
- Statement regarding the technical and financial ability of the project sponsor to construct the proposed project;
- Statement of any Federal Financing, environmental reviews, and authorizations anticipated to be required; and
- Assessment that the project meets the definition of a covered project as defined in 42 U.S.C. § 4370m(6)(A) and a statement of reasons supporting the assessment.

The FIN should be emailed to both the Executive Director and the appropriate facilitating agency.

Executive Director Email: FAST.FortyOne@fpisc.gov

**Happy to do pre-application consultations
- simply email us at
FAST.FortyOne@fpisc.gov**



SCAN ME

Online Submissions

Interested project sponsors for potential covered projects should submit the needed information required on our online form.



Who are the Permitting Council members?

- The Executive Director (Permitting Council Chair)
- OMB Director
- CEQ Chair

Deputy Secretary "or equivalent" from the following Federal agencies:

- Advisory Council on Historic Preservation
- Department of Agriculture
- Department of the Army
- Department of Commerce
- Department of Defense
- Department of Energy
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of the Interior
- Department of Transportation
- Environmental Protection Agency
- Federal Energy Regulatory Commission
- Nuclear Regulatory Commission





The **Infrastructure Investment and Jobs Act** passed in November 2021 granted the Permitting Council new authorities related to Tribes and ushered in significant changes:

- Congress eliminated the investment threshold requirement for Tribal projects to enter into FAST-41, creating a special track for Tribal projects to access the program.
- Congress granted the Permitting Council authority to transfer funds to Tribal governments to make the FAST-41 project review more timely and efficient.

Support to Tribes

The Permitting Council is leveraging these new authorities to build Tribal capacity and advance infrastructure project review through two programs:

FAST-41 | Title 41 of the Fixing America's Surface Transportation Act

Advancing Tribal Infrastructure Projects in the Federal Permitting Process

Tribes can access the [FAST-41](#) program to obtain special permitting assistance benefits for their infrastructure projects.

The benefits of FAST-41 for Tribes include:

- Comprehensive federal permitting timeline within 60 days of the project entering the FAST-41 program.
- Regular communication with federal agencies regarding the status of their permits.
- Access to the Permitting Council's ability to convene agencies, with quick issue elevation and resolution.
- Dedicated Permitting Council Tribal Director and support staff for direct contact with Tribal communities and project sponsors.

As a result of having dedicated Tribal staff focused on outreach, FAST-41 has its first Tribal and broadband projects covered under FAST-41—the [Santa Fe Indian School Pueblo Education Network](#) and the [Alaska Fiber Optic Network](#).

Tribal projects subject to the National Environmental Policy Act (NEPA) and in the following sectors qualify for FAST-41 coverage:

- Renewable energy production
- Conventional energy production
- Electricity transmission
- Energy storage
- Surface transportation
- Aviation
- Ports and waterways
- Water resource
- Broadband
- Pipelines
- Manufacturing
- Mining
- Carbon capture utilization and sequestration
- Semiconductors
- Artificial intelligence and machine learning
- High-performance computing and advanced computer hardware and software
- Quantum information science and technology
- Data storage and data management
- Cybersecurity

ERIF TAP | Environmental Review Improvement Fund Tribal Assistance Program

New Permitting Council Funding Program, Launched in November 2023, to Support Tribes Participating in the Environmental Review Process

The [ERIF TAP](#) was launched to address capacity issues Tribes face when participating in the federal environmental review and authorization process for infrastructure projects, including FAST-41 covered projects on lands of cultural and historic significance. Providing funding to Tribal governments to meaningfully participate in environmental reviews such as NEPA and consultations under Section 106 of the National Historic Preservation Act (NHPA) will help make the environmental review and authorization process for FAST-41 covered projects more timely and efficient.

The Permitting Council made an initial \$5 million of the Inflation Reduction Act funding available in November 2023 for ERIF TAP. Through Tribal consultations, the Permitting Council identified resources Tribes need to engage in the permitting process. Tribes can use ERIF TAP for a variety of permitting review-related activities, including:

- Contractors, consultants, and staff
- Contract support costs
- Equipment, supplies, and materials
- Per diem
- Technical training
- Transportation costs

Eligible Funding Under the ERIF TAP

FAST-41 Projects	Maximum Funding Available for FAST-41 Tribal Engagement	Maximum Contract Support Costs	Maximum Total Request
1	\$300,000	\$45,000	\$345,000
2-4	\$600,000	\$90,000	\$690,000
5 or more	\$750,000	\$112,500	\$862,500





Eligibility

Federally recognized Tribes consulting on or engaged in the environmental review and authorization process (e.g., NEPA or NHPA) on one or more FAST-41 covered projects listed as "in progress" on the [Federal Permitting Dashboard](#) are eligible for the ERIF TAP.



Formula for Distribution

This funding is non-competitive but requires an application process. Maximum funding levels are determined based on the number of FAST-41 covered projects that the applicant is engaged in, for up to three years. Funding will be provided incrementally.



Mechanism for Distribution

The Permitting Council has partnered with the Department of the Interior Bureau of Indian Affairs (BIA) to utilize BIA's Indian Self-Determination and Education Assistance Act Title I Self-Determination Contracts or Title IV Self-Governance Compacts as the mechanisms to distribute the ERIF TAP. This structure directly results from feedback received and integrated following Tribal consultation.

Memorandum of Understanding
Between
The Federal Permitting Improvement Steering Council
And
The New Mexico Renewable Energy Transmission Authority
to Facilitate Implementation of FAST-41 for Covered Projects

I. **PURPOSE:** The purpose of this Memorandum of Understanding (MOU) is to foster coordination and collaboration between the New Mexico Renewable Energy Transmission Authority (RETA) and the Federal Permitting Improvement Steering Council (Permitting Council) (the "Parties") with regard to the permitting assistance provided to covered projects pursuant to Title 41 of the Fixing America's Surface Transportation Act (FAST-41) 42 U.S.C. §§ 4370m *et seq.* This document establishes the roles of the Parties and defines the principles of the working relationship. This MOU does not commit either Party to any particular action or expenditure of funds, and instead reflects the Parties' intention to work collaboratively to identify projects that are eligible for FAST-41 coverage and provide the full benefits of FAST-41 to FAST-41 covered projects.

II. **AUTHORITY:**

The Permitting Council enters into this agreement pursuant to 42 U.S.C. § 4370m *et seq.* The Permitting Council Executive Director will act on behalf of the Permitting Council in implementing this MOU.

RETA enters into this agreement pursuant to the New Mexico Renewable Transmission Act, NMSA 1978, §62-16A-4(B) (the "RETA Act").

III. **STATEMENTS OF THE PARTIES:**

A. The Permitting Council

Established in 2015 by FAST-41, the Permitting Council is a federal agency charged with improving the transparency and predictability of the federal environmental review and authorization process for FAST-41 covered projects. 42 U.S.C. § 4370m(6) (Defining "covered project"). The Permitting Council is comprised of the Permitting Council Executive Director, who serves as the Council Chair; 13 federal agency council members (including deputy secretary-level designees of the Secretaries of Agriculture, Army, Commerce, Interior, Energy, Transportation, Defense, Homeland Security, and Housing and Urban Development, the Administrator of the Environmental Protection Agency, and the Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation); and the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget.

The Permitting Council coordinates federal environmental reviews¹ and authorizations² for projects that seek and qualify for FAST-41 coverage. FAST-41 covered projects are entitled to comprehensive permitting timetables and transparent, collaborative management of those timetables on the Federal Permitting Dashboard. FAST-41 covered projects may be in the renewable or conventional energy production, electricity transmission, energy storage, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity sectors.

B. RETA

RETA is a governmental instrumentality of the State of New Mexico created in 2007 to facilitate the development of new transmission and storage infrastructure projects designed to access New Mexico's rich renewable energy resources for use within New Mexico and export to other markets. RETA recognizes the challenges the state and federal permitting processes pose for the development of large infrastructure projects and enters into this MOU in order to coordinate and combine its efforts at improving the permitting process with the Permitting Council.

IV. PRINCIPLES OF THE RELATIONSHIP

This MOU establishes a relationship between the Parties to provide federal permitting support to projects RETA has entered into following its required notice procedures in accordance with the RETA Act that also qualify as "covered projects" pursuant to 42 U.S.C. § 4370m(6). This relationship should provide mutually beneficial outcomes by supporting federal environmental reviews and authorizations, as those term are defined in FAST-41, for RETA projects while also expanding the FAST-41 portfolio of projects administered by the Permitting Council. Sponsors of RETA projects that seek and obtain FAST-41 coverage pursuant to the procedures prescribed in FAST-41³ will receive the focused technical assistance, transparency and predictability afforded to all FAST-41 covered projects. This MOU does not modify or affect the FAST-41 covered project criteria or any other legal requirement for project coverage and review. Accordingly, projects identified pursuant to this MOU are not guaranteed covered project status by virtue of this MOU, nor are any covered projects assured of any permit approval by virtue of becoming a covered FAST-41 project.⁴

¹ 42 U.S.C. § 4370m(11) (defining "environmental review").

² *Id.* § 4370m(3) (defining "authorization").

³ *Id.* § 4370m-2(a)(1), (b)(2)(B) & (C).

⁴ *See* 42 U.S.C. § 4370m-6(d)(2) (FAST-41 does not create a presumption that a covered project will be approved or favorably reviewed by any federal agency).

On a project-by-project basis, and at the request of RETA, the Permitting Council will help RETA and any appropriate facilitating or lead agency to leverage the state "opt-in" provision at 42 U.S.C § 4370m-2(c)(3) and post state environmental reviews and authorizations to the Permitting Dashboard found at www.permitting.gov.

V. ROLES AND RESPONSIBILITIES

A. Under this MOU, the Permitting Council Executive Director intends to:

1. Help RETA determine the FAST-41 eligibility of projects in RETA's portfolio and provide ongoing support as RETA identifies new projects that may be eligible for FAST-41 coverage.
2. Engage with project sponsors of projects in RETA's portfolio to provide FAST-41 briefings as requested and appropriate.
3. Engage in regular (at least quarterly) meetings with RETA to assess potential future projects and update or modify strategy for engaging with project sponsors of potential FAST-41 covered projects.
4. Coordinate with RETA to develop a template for a Notice of the Initiation of a FAST-41 Notice (a.k.a., FAST-41 Initiation Notice, or FIN) that will support efficient application for FAST-41 coverage by project sponsors of projects in RETA's portfolio.
5. Upon receipt of a FAST-41 FIN, identify and connect RETA and the project sponsor with the appropriate FAST-41 facilitating agency and, if applicable, lead agency.
6. Provide dedicated Permitting Council staff contacts for each covered project in RETA's portfolio and support regular (at least monthly) coordination calls with the project sponsor and the participating agencies for the project.
7. Convene, as appropriate, federal agencies with equities in RETA projects covered under FAST-41 to support timely issue identification, resolution, and efficient and effective environmental review and permitting of covered projects.
8. Identify opportunities to develop practice tools to aid in the implementation of FAST-41, such as templates or fact sheets, and work with RETA to develop such practice tools, where appropriate.
9. On a project-by-project basis, support discussions with New Mexico State resource agencies with approval actions for covered projects to determine whether the State should pursue the state "opt-in" provision at 42 U.S.C § 4370m-2(c)(3) and post state agency environmental reviews and authorizations to the permitting timetable.

B. Under this MOU, RETA intends to:

1. Coordinate with the Permitting Council Executive Director to assess and determine potential FAST-41 covered project eligibility of projects in RETA's portfolio.

2. Provide FAST-41 information to sponsors of projects in RETA's portfolio and, to the extent practicable, encourage eligible projects to pursue FAST-41 coverage.
3. Engage in regular (at least quarterly) meetings with the Permitting Council Executive Director to assess future project potential and update or modify RETA or the Permitting Council's strategy for engaging with project sponsors of potential FAST-41 covered projects.
4. Coordinate with the Permitting Council Executive Director to develop a FAST-41 FIN template that will support efficient application for coverage by project sponsors of projects in RETA's portfolio.
5. Identify the need for practice tools to aid in the implementation of FAST-41, such as templates or fact sheets, and work with the Permitting Council Executive Director to develop such practice tools as appropriate.
6. Provide support to Permitting Council staff in communication and outreach efforts, when appropriate.
7. Provide an opportunity for the Permitting Council to present at the annual RETA conference, to advance knowledge of FAST-41 and this MOU.

V. POINTS OF CONTACT

The following individuals will serve as the respective points of contact (POC) for each Party for implementing this MOU. A Party may change its POC by written notice to the other Party.

For the Permitting Council:

Angela Colamaria
Director of Permitting Planning and Policy
angela.colamaria@permitting.gov

Jennifer Mallard
Director, Infrastructure Portfolio/Project Management
jennifer.mallard@permitting.gov
202.701.6425

For RETA:

Erik Aaboe
Energy Transition Specialist
505-699-3773
ERIK@NMRETA.NET

Lynn Mostoller
General Counsel
505-883-3315
lem@sutinfirm.com

VI. CONFIDENTIALITY

The Parties recognize that to implement this MOU, the Parties, their counsel, employees, and consultants may exchange documents and information that are subject to attorney-client privilege, attorney work product, other forms of privilege, and other confidential information. The Parties intend to keep confidential information shared under this MOU confidential to the extent allowed by their respective laws and regulations.

Whenever sharing information deemed confidential or otherwise susceptible of protection from disclosure, the Party shall clearly mark any information to which it asserts a privilege as "Privileged and Confidential Information Do Not Release."

The Party receiving information so marked will endeavor in good faith not to release, or allow to be released, such information to a non-party, to the extent permitted by law and without notifying the respective Party who marked the information. The Parties agree that failure to so mark information developed or shared under this MOU does not preclude the Parties from asserting the exemptions under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, or New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12, or from asserting privileges and exceptions in seeking to protect the information from discovery. A Party that received a disclosure request will notify the other Parties within 5 business days.

VII. FUNDING

The Parties acknowledge that coordination through this MOU is subject to the availability of Federal or State funds. Nothing in this MOU will require either Party to assume any obligation or expend any sum or funds in excess of authorization and appropriations available or in any other way act in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

VIII. EFFECTIVE DATE, TERM The effective date of this MOU is the date of the signature last affixed to these pages. The Parties intend this MOU to remain in effect for a minimum period of five years after execution. If, during that time period, either party desires to terminate the MOU, either Party may do so at any time by providing 60 days written notice to the other Party.

IX. SAVINGS PROVISION; LEGAL EFFECT

Nothing in this MOU shall be construed to convey new authorities to either Party and all actions taken in furtherance of this agreement shall be consistent with each Party's authorities and applicable laws and regulations. This MOU does not create or alter any legal rights, requirements, or causes of action. This MOU merely establishes a mechanism of cooperation, and coordination to achieve shared goals.

X. SEVERABILITY

Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in effect, and the Parties may renegotiate the terms affected by the severance.

XI. MODIFICATION

Either Party may request changes to this MOU. Any changes, modifications, or amendments to this MOU that must be mutually agreed upon by the Parties, and will be incorporated by written instrument, executed, and signed by the Parties.

XII. SIGNATURES

Signature: 

Name: Robert E. Busch

Title: Board Chairman, NM Renewable Energy Transmission Authority

Signature: 

Name: Eric B. Beightel

Title: Executive Director, Federal Permitting Improvement Steering Council



Federal Permitting Improvement Steering Council
Annual Report to Congress



Fiscal Year 2023



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Acknowledgments

The Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) prepared this report pursuant to 42 U.S.C. § 4370m-7(a)(1)(A), with review by the Permitting Council members pursuant to 42 U.S.C. § 4370m-7(a)(1)(B).

The Permitting Council is 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 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



Department of Agriculture



Department of the Army



Department of Commerce



Department of Energy



Department of Transportation



Department of Defense



Federal Energy Regulatory Commission



Department of Homeland Security



Nuclear Regulatory Commission



Department of Housing and Urban Development



Advisory Council on Historic Preservation



Office of Management and Budget



Council on Environmental Quality



Environmental Protection Agency



Department of the Interior

Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation	IRA	Inflation Reduction Act
BIL	Bipartisan Infrastructure Law	IT	Information Technology
BLM	Bureau of Land Management	LNG	Liquefied Natural Gas
BOEM	Bureau of Ocean Energy Management	MOA	Memorandum of Agreement
BSEE	Bureau of Safety and Environmental Enforcement	MOU	Memorandum of Understanding
CERPOS	Chief Environmental Review and Permitting Officers	NBAM	National Broadband Availability Map
CEQ	Council on Environmental Quality	NEPA	National Environmental Policy Act
CPP	Coordinated Project Plan	NOAA	National Oceanic and Atmospheric Administration
CPRA	Louisiana Coastal Protection and Restoration Authority	NPDES	National Pollutant Discharge Elimination System
DHS	Department of Homeland Security	NPS	National Park Service
DOC	Department of Commerce	NRC	Nuclear Regulatory Commission
DOD	Department of Defense	NTIA	National Telecommunications and Information Administration
DOE	Department of Energy	NTTA	National Tribal Telecommunications Association
DOI	Department of the Interior	OCS	Outer Continental Shelf
DOT	Department of Transportation	OMB	Office of Management and Budget
EIS	Environmental Impact Statement	OPM HRS	Office of Personnel Management Human Resources Solutions
EPA	Environmental Protection Agency	Permitting Council	The 16-Member Federal Permitting Improvement Steering Council, a Federal agency
ERIF	Environmental Review Improvement Fund	Permitting Council staff	The employees and contractors retained by the Executive Director to execute the roles and responsibilities of the Executive Director
ESA	Endangered Species Act	TAP	Tribal Assistance Program
Executive Director	Permitting Council Executive Director	TDAT	Tribal Directory Assistance Tool
FAST-41	Title 41 of the Fixing America's Surface Transportation Act	UA	United Association
FERC	Federal Energy Regulatory Commission	Udall Foundation	Udall Foundation's John S. McCain III National Center for Environmental Conflict Resolution
FIN	FAST-41 Initiation Notice	USACE	U.S. Army Corps of Engineers
FPS	FAST-41 Performance Schedules	USDA	U.S. Department of Agriculture
FY	Fiscal Year	USET	United South and Eastern Tribes
HUD	Department of Housing and Urban Development	USFWS	U.S. Fish and Wildlife Service
IJA	Infrastructure Investment and Jobs Act		
IPaC	Information for Planning and Consultation		



Note From the Executive Director



President Biden has made constructing transformative infrastructure a focus of his Administration, demonstrating that our democracy can deliver needed investments for our future. The landmark infrastructure and climate investments from the Bipartisan Infrastructure Law (BIL), the CHIPS and Science Act, and the Inflation Reduction Act (IRA) have already funded tens of thousands of projects that will improve mobility, create good-paying union jobs, and help the nation transition to a clean energy economy. To ensure that these historic investments in America's infrastructure benefit communities across the country, President Biden has elevated environmental review and permitting to be a top priority. The Permitting Council continues to play a central role in providing permitting support for sustainable infrastructure projects, enabling them to begin construction sooner. In this past year, the Permitting Council has improved the transparency, timeliness, effectiveness, and efficiency of Federal environmental reviews and approvals for major infrastructure projects.

The implementation of historic levels of infrastructure funding has catalyzed project development and associated environmental reviews and permitting across all sectors, affecting each agency represented on the Permitting Council. In addition to funding critical infrastructure, the IRA also invested \$1 billion to enable Federal permitting agencies to meet this historic moment by increasing capacity, developing new technologies, and improving coordination in how agencies site and permit major projects. As a result of this once-in-a-generation investment in our nation's critical infrastructure and enabled by the \$350 million provided to our agency through the IRA, we've embraced the role of the Permitting Council as a Federal center for permitting excellence and provided resources and tools to our Federal partners that will help them conduct the necessary environmental reviews and authorizations effectively and efficiently. Supporting the agencies represented on the Permitting Council is a central component of being a center for permitting excellence. In FY 2023, we committed nearly \$160 million to our Federal partners to increase staff capacity, improve tools, implement Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and make other investments that will enable the agencies to complete their reviews and authorizations on time, relying on the best available science, and ensuring that our decisions are informed by early and meaningful public engagement.

A key aspect of serving as a center for permitting excellence is identifying permitting best practices and taking steps to improve the way that we permit projects across government, learning from the complex and difficult projects in our FAST-41 portfolio. We are working closely with our Federal partners to emphasize the importance of early and meaningful stakeholder engagement and putting action to those words by standing up our Tribal Assistance Program (ERIF-TAP), which provides funds directly to Tribes who are engaged on FAST-41 projects. The ERIF-TAP is intended to provide resources to Tribes to enable them to effectively and meaningfully engage on FAST-41 projects that may affect Tribal resources, including cultural sites and historic lands.

These investments and the support we provide as a Federal center for permitting excellence represents an important pillar of our agency's mission, but the more consequential and most visible portion of our work is with our FAST-41 project portfolio. The central function of the Permitting Council is to provide transparency and accountability to projects that seek coverage under the FAST-41 program, and in the last year we delivered tangible progress by providing permitting support to some of the largest, most complex projects in the nation. The Permitting Council also continues to grow our portfolio and in FY 2023, we saw a 25 percent increase in FAST-41 projects, including our first two Tribal projects and our first carbon capture project. These additions reflect the continued benefit of the FAST-41 program and the value project sponsors perceive in our agency.

The following report provides a detailed account of our success implementing FAST-41 over the past fiscal year, and includes a look ahead to next year. I can take little credit for our substantial successes in FY 2023 as I came into this seat in July, at the start of the fourth quarter, but I have done my best to maintain the tremendous momentum generated by my predecessor and sustained by the outstanding Permitting Council agency staff. The President has prioritized an all-of-government approach to improving the way we do the business of permitting, and our work at the Permitting Council is integral to ensuring that we deliver results for the American people. I am eager to work with my Federal partners and with Congress to continue delivering critical infrastructure projects that will enable us to transition to a clean energy future, grow our economy, and capitalize on the opportunities before us.

Sincerely,



Eric Beightel
Executive Director
Permitting Council



Report Summary

Pursuant to 42 U.S.C. § 4370m-7(a)(1) as amended, this Annual Report to Congress details the progress of the Federal Permitting Improvement Steering Council (Permitting Council) in implementing Title 41 of the Fixing America's Surface Transportation Act (FAST-41) during Fiscal Year (FY) 2023. This report includes an introduction to FAST-41 and the Permitting Council; a description of the FAST-41 covered project portfolio; an evaluation of progress made in implementing FAST-41 during FY 2023; and a look ahead to FY 2024. The report, which has been reviewed by the Permitting Council pursuant to 42 U.S.C. § 4370m-7(a)(1)(B), is submitted to Congress by the Permitting Council Executive Director (Executive Director) and published on the Permitting Dashboard.

Highlights from the report include:

- ▶ An overview of the 33 FAST-41-covered projects in ten different sectors in FY 2023.
- ▶ An increase in the FAST-41 project portfolio by 25 percent.
- ▶ 100 percent of posting CPPs within 60 days of a project being added to the Permitting Dashboard.
- ▶ Environmental Review Improvement Fund (ERIF) progress on Tribal support, technology, and engagement.
- ▶ Planned initiatives and events that have already been held in FY 2024.

Infrastructure is a priority for the Biden-Harris Administration. The Federal government is making strides to transition to a clean-energy economy, and permitting is critical to enable infrastructure to be built and realize those goals. The Permitting Council and its role as a center for permitting excellence contributes to the Biden-Harris administration's efforts, specifically its implementation of the Permitting Action Plan. This report highlights the Permitting Council's role in working with agencies to establish clear timeline goals for actions on major projects and to track project information to improve transparency and accountability, providing increased certainty for project sponsors and the public. The Permitting Council helps ensure that the major infrastructure projects underway have positive community benefits that protect critical resources. FAST-41 requires the Executive Director to submit to Congress on a quarterly basis a separate report evaluating agency compliance with the provisions of FAST-41, including a description of the implementation and adherence of each agency to the Coordinated Project Plan (CPP) and permitting timetable requirements.¹ These Quarterly Agency Performance Reports, which the Executive Director submits under separate cover, can be found [here](#).

This report was developed using data from the Permitting Dashboard by compiling Quarterly Agency Performance Reports data, through discussions with Permitting Council staff, and consultation with Permitting Council agencies. The Permitting Council staff sent a request to agencies to share accomplishments from FY 2023 that highlight FAST-41 implementation successes and examples that advance the state of practice for permitting across the Federal government. This input is reflected through the report.

Previous reports to Congress for FY 2016-2022 can be found [here](#).

¹ 42 U.S.C. § 4370m-7(a)(2).

About FAST-41 and the Permitting Council

Established in 2015 pursuant to FAST-41, 42 U.S.C. §§ 4370m, the Permitting Council facilitates deliberate, coordinated, and transparent processes for Federal environmental reviews and authorizations² for infrastructure projects covered by FAST-41 (i.e., “covered projects”).³ The Permitting Council plays a key role in advancing the Biden-Harris Administration’s strategy for ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent, guided by science to promote positive environmental and community outcomes, and shaped by early and meaningful public engagement.

The President and Congress made the Permitting Council agency permanent through enactment of the Bipartisan Infrastructure Law (BIL), formally known as the Infrastructure Investment and Jobs Act (IIJA).⁴ The Executive Director (Council Chair) employs 28 staff including full-time Federal employees, contractors, and detailees from other Federal agencies that support the work of the Executive Director in implementing FAST-41.

FAST-41 is a voluntary program for qualifying infrastructure projects; project sponsors must apply for and obtain FAST-41 coverage for their projects.⁵ Covered projects may include infrastructure projects across the following industry sectors: renewable and conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity, carbon capture, energy storage, and mining. The Permitting Council may, by majority vote, engage in a Federal rulemaking to add FAST-41 sectors.

FAST-41 provides unique transparency into the Federal permitting process through management of a comprehensive Federal permitting timetable

² The term “environmental review” is defined in the statute as, “the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under the National Environmental Policy Act.” 42 U.S.C. § 4370m(1). The term “authorization” means “any license, permit, approval, finding, determination, or other administrative decision issued by an agency and any interagency consultation that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with 42 U.S.C. § 4370m-2(c)(3)(A), a State agency.” 42 U.S.C. § 4370m(3).

³ The full definition of “covered project,” which includes criteria that projects must meet to qualify for coverage under the FAST-41 program, is found in 42 U.S.C. § 4370m(6).

⁴ Pub. L. No. 117-58, 135 Stat. 429 (Nov. 15, 2021).

⁵ See 42 U.S.C. §§ 4370m-2(a)(1), (b)(2)(A)(i).

The Permitting Council

The Permitting Council is comprised of 16 individuals including Deputy Secretary, Administrator, Chairperson, or equivalent designees of the following agencies:

Advisory Council on Historic Preservation (ACHP)

Army Corps of Engineers (USACE)

Department of Agriculture (USDA)

Department of Commerce (DOC)

Department of Defense (DOD)

Department of Energy (DOE)

Department of Homeland Security (DHS)

Department of the Interior (DOI)

Department of Transportation (DOT)

Environmental Protection Agency (EPA)

Federal Energy Regulatory Commission (FERC)

Department of Housing and Urban Development (HUD)

Nuclear Regulatory Commission (NRC)

Additional Members

Executive Director

Director, Office of Management and Budget (OMB)

Chair, Council on Environmental Quality (CEQ)



for each FAST-41 covered project, which is on the public-facing [Permitting Dashboard](#), and accounts for, organizes, and coordinates all necessary Federal environmental reviews and authorizations for a covered project. Managing a permitting timetable in compliance with FAST-41 requires close communication among the participating Federal agencies, between the Federal agencies and project sponsors, and, in circumstances where a state chooses to participate in the Federal environmental review and decision-making process, among the Federal agencies and participating state agencies. FAST-41 encourages business practice improvements in the environmental review and decision-making process for covered infrastructure projects, facilitating the development of critical infrastructure investments.

FAST-41 coverage provides agencies, Congress, project sponsors, and the public with:

- ▶ Transparency into the Federal environmental review and authorization process, including information on all major Federal steps and requirements needed to site, construct, and commence operation of a covered project, as well as on opportunities for public engagement in Federal decision-making.
- ▶ Early identification, elevation, and resolution of potential risks and conflicts that may arise during the Federal environmental review, authorization, and decision-making process.
- ▶ Clear and timely updated schedules for completion of each stage of Federal environmental review and authorization, which are coordinated and synchronized among agencies and participating states.

FAST-41 does not dictate particular project-related outcomes or affect the level of environmental review a project receives.⁶ The statute instead requires transparency and deliberate coordination of Federal effort in making environmental review and permitting decisions. FAST-41 coverage expressly does not alter or supersede any applicable statutory or regulatory requirement, environmental law, regulation, required review process, or public involvement procedure. FAST-41 coverage does not predetermine the outcome of any Federal decision-making process with respect to any covered project, or mandate completion of FAST-41 covered project reviews before reviews of other projects.

⁶ See 42 U.S.C. §§ 4370m-6(d) & (e).

With the passage of BIL and the Inflation Reduction Act (IRA), the permitting community is reacting to significant new investments into our nation's infrastructure, requiring the allocation of substantial resources toward Federal permitting. To this end, FAST-41 established the Environmental Review Improvement Fund (ERIF) to make funds available to the Executive Director to implement FAST-41 and support the role of the Permitting Council as a Federal center for permitting excellence. FAST-41 also authorizes the Executive Director to transfer funds from the ERIF to other Federal agencies, and state, local, and Tribal governments, to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects.⁷ The IRA also includes \$1 billion to help expedite Federal agency permitting.

Additionally, the Executive Director creates performance schedules for each FAST-41 sector for agencies to use as baselines for developing their FAST-41 covered project permitting timetables, and the Permitting Council establishes recommendations for best practices for agencies to implement when undertaking environmental reviews and authorizations for FAST-41 covered infrastructure projects. The Permitting Council also serves as a Federal center for permitting excellence by supporting training for permitting professionals, providing resources to build or expand Information Technology (IT) tools that improve permitting efficiency, identifying and promoting permitting best practices, and seeking opportunities to provide cross-cutting improvements in the environmental review, permitting, and authorization process. The Permitting Council fosters intergovernmental cooperation as well as cooperation with industries and communities to develop more efficient, transparent, and effective processes for reviewing and permitting infrastructure while achieving positive community and environmental outcomes.



⁷ 42 U.S.C. § 4370m-8(d).

Description of Project Portfolio

This section describes the FAST-41 covered project portfolio during FY 2023.

Active Projects

Projects undergoing active review are projects that were planned or in progress at any time in FY 2023.⁸ There were 33 active FAST-41 covered projects in FY 2023, organized by sector in Figure 1.⁹

OSW1	OSW2	OSW3	OSW4	OSW5
Atlantic Shores South	Atlantic Shores North	Bay State Wind Project	Beacon Wind	Coastal Virginia Offshore Wind Commercial Project
OSW6	OSW7	OSW8	OSW9	OSW10
Empire Wind Energy Project	Kitty Hawk North Wind Project	Kitty Hawk South Offshore Wind Project	Maryland Offshore Wind Project	SouthCoast Wind
OSW11	OSW12	OSW13	OSW14	OSW15
Ocean Wind 1 Project	Revolution Wind Farm Project	Skipjack Wind Farm	Sunrise Wind Farm	New England Wind
SLR1	ORE1	ORE2	ORE3	ORE4
Bonanza Solar Project	Kulning Wind Energy Project	Stagecoach Wind	Seminole Pumped Storage Project	White Pine Pumped Storage
ELT1	ELT2	ELT3	PPL1	PPL2
Boardman to Hemingway Transmission Line	Cardinal-Hickory Creek 345 kV Transmission Line Project	SunZia Southwest Transmission Project	Alaska LNG Project	Mountain Valley and Equitrans Expansion
CCS1	PWW1	PWW2	WTR1	WTR2
Central Louisiana Regional Carbon Storage Hub – Vernon Parish One CCS Site	Port of Corpus Christi Authority Channel Deepening Project	Sparrows Point Container Terminal	Mid-Barataria Sediment Diversion	Mid-Breton Sediment Diversion
BRD1	BRD2	MNG1	Note: Atlantic Shores South was formerly known as Atlantic Shores Project 1. SouthCoast Wind was formerly known as Mayflower Wind Energy Project.	
Santa Fe Indian School Broadband	Alaska FiberOptic Project Segment 1	South32 Hermosa Critical Minerals Project		

■ Offshore Wind (OSW)	■ Solar (SLR)	■ Other Renewable Energy (ORE)	■ Electricity Transmission (ELT)	■ Pipelines (PPL)
■ Carbon Capture Utilization and Sequestration (CCS)	■ Ports and Waterways (PWW)	■ Water Resources (WTR)	■ Broadband (BRD)	■ Mining (MNG)

Figure 1: List of covered projects undergoing active Federal review in FY 2023. This includes all FAST-41 projects, except those that were paused, canceled, or complete for the entirety of FY 2023.

⁸ The set of projects undergoing active Federal review was derived from analysis of the Permitting Dashboard's non-public revision history dataset for FAST-41 covered projects.

⁹ The Renewable Energy Production sector is depicted as three sub-sectors: offshore wind, solar, and other renewable energy.

Figure 2 shows the location of FAST-41 covered projects undergoing active Federal review in FY 2023.

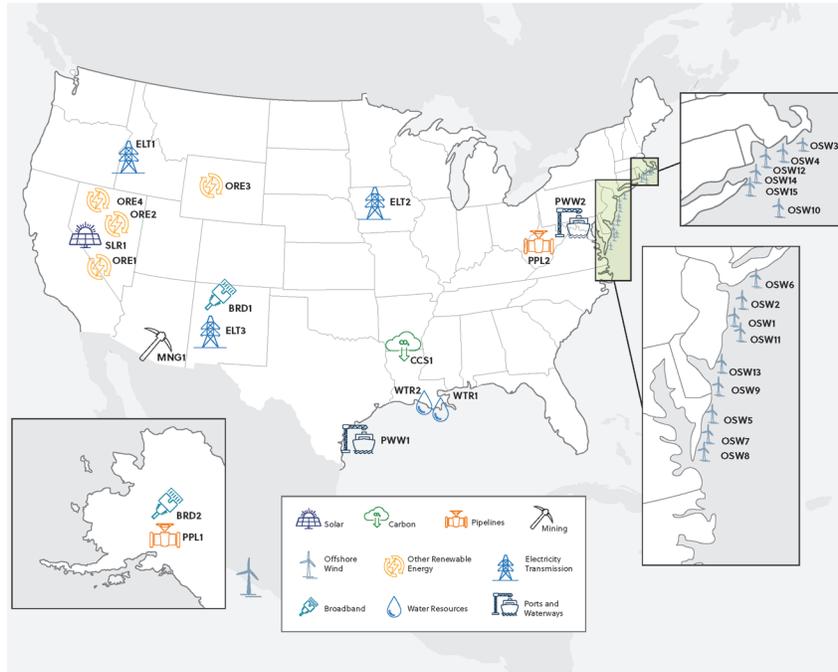


Figure 2: Map of covered projects undergoing active Federal review in FY 2023. The project labels correspond to abbreviations in Figure 1.

For the 33 FAST-41 covered projects undergoing active Federal review during FY 2023. Figure 3 summarizes the status as of September 30, 2023 (the end of FY 2023).¹⁰

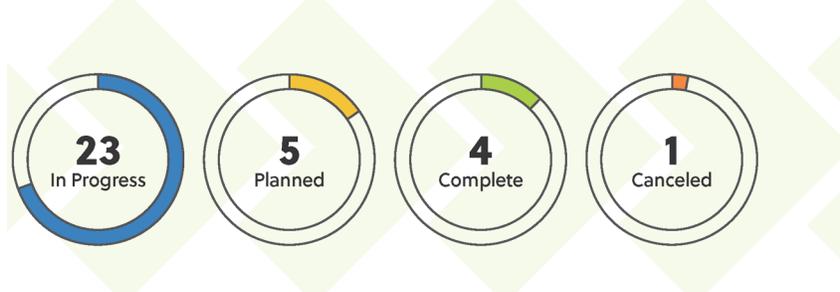


Figure 3: The status of each project in the Permitting Council portfolio as of the end of FY 2023.

Newly Covered Projects in FY 2023

Through the consistent and focused efforts of the Executive Director and staff, the Permitting Council increased its portfolio of covered projects by over 25 percent, adding eight new projects from across the country to the Federal Permitting Dashboard. The newly added projects, in the order that the Permitting Council received a FAST-41 Initiation Notice (FIN) from project sponsors are:

- ▶ Santa Fe Indian School Broadband, New Mexico
- ▶ Seminoe Pumped Storage Project, Carbon County, Wyoming
- ▶ White Pine Pumped Storage, White Pine County, Nevada
- ▶ Stagecoach Wind, White Pine County, Nevada
- ▶ South32 Hermosa Critical Minerals Project, Santa Cruz County, Arizona
- ▶ Alaska FiberOptic Project Segment 1, Alaska
- ▶ Central Louisiana Regional Carbon Storage Hub Vernon Parish One CCS Site, Vernon Parish, Louisiana
- ▶ Sparrows Point Container Terminal, Baltimore County, Maryland

The addition of these new projects signals an increasing awareness of the value of participating in the FAST-41 program, including the benefits of transparency, predictability, accountability, and coordination in the Federal process that come from collaboratively developing and actively managing public-facing project permitting timetables. The eight projects added during FY 2023 also represent an expansion in the sectors participating in the FAST-41 process, notably including projects in the broadband, critical minerals, and carbon capture sectors. Additionally, the Santa Fe Indian School Broadband Project and Alaska FiberOptic Project Segment 1 were the first ever Tribal-sponsored projects added to the Permitting Dashboard as FAST-41 covered projects (see Tribal Engagement Initiatives below for more information). The Permitting Council staff continue to conduct outreach to expand awareness of FAST-41 and increase the number of FAST-41 projects in order to extend the project management benefits to additional infrastructure projects.

¹⁰ Project status was derived from analysis of the Dashboard's non-public revision history dataset.

First critical mineral project obtains FAST-41 coverage.

The FAST-41 program highlights early, robust coordination and collaboration as an indicator of success in delivering positive environmental and community outcomes. The South 32 Hermosa Critical Minerals Project is the first critical minerals project to obtain coverage under FAST-41. USDA, as lead agency, developed an accelerated timeline and aims to meet or exceed early milestones. As part of the FAST-41 program, USDA facilitates impactful sponsor engagement, meaningful public and Tribal outreach, and proactive and rigorous interagency coordination.

Successful interagency coordination on permitting timetables and timely issue identification, elevation, and resolution.

The National Telecommunications and Information Administration (NTIA) kicked off the Santa Fe Indian School Pueblo Education Network project with two CPP meetings in spring 2023. These meetings resulted in predictable and agreed upon roles and a Tribal consultation plan. Through ongoing routine check-in meetings with the 12 cooperating agencies, NTIA identified challenges associated with several Permitting Dashboard milestones that would ultimately cause the final milestone to move by more than 30 days. To ensure an efficient milestone extension request, NTIA coordinated with the project sponsor and agencies to identify and gain consensus on all of the necessary milestone extensions prior to submitting a consolidated request to the Permitting Council Executive Director.

Collaboration with the project sponsor leads efficient permitting.

The SunZia Southwest Transmission project sought and obtained FAST-41 coverage in July 2021, following which the Permitting Council staff quickly worked with the lead and cooperating agencies to develop a CPP and permitting timetable. The project achieved final authorization in August 2023, completing environmental review and authorization process only a month beyond the original plan. The Permitting Council staff leveraged strong and regular engagement and collaboration with the project sponsor to achieve this goal, demonstrating the value of FAST-41.

Completed Projects

In FY 2023 the Permitting Council saw the completion of four FAST-41 covered projects in the water resources, pipelines, and electricity transmission sectors: Mid-Barataria Sediment Diversion (Louisiana), Alaska LNG Project (Alaska), Mountain Valley and Equitrans Expansion (Virginia and West Virginia), and SunZia Southwest Transmission Project (Arizona and New Mexico):

- ▶ The **Mid-Barataria Sediment Diversion Project** is intended to reintroduce freshwater and sediment from the Mississippi River to the Barataria Basin to reconnect the Mississippi River to its wetlands. This project is intended to help protect vulnerable residents in the state, in addition to sustaining the ecosystem and wildlife on the coast. Over the five-year construction period, spending on building the Mid-Barataria project is anticipated to create over \$1.4 billion in new sales at construction and manufacturing firms in Plaquemines Parish and an average of 340 new jobs per year.



The Mid-Barataria Sediment Diversion Project, sponsored by the Louisiana Coastal Protection and Restoration Authority (CPRA), is the first FAST-41 covered project sponsored by a State entity. USACE began work on the environmental review process in 2013. In FY 2023, with the support of the Executive Director's staff engaging directly with project sponsors, permitting agencies, and relevant stakeholders, the permitting agencies were able to quickly and efficiently manage changes to the permitting timetable. USACE and cooperating agencies, with assistance from the Permitting Council, were able to reduce the project's anticipated permitting timetable by 22 months once it was posted to the Permitting Dashboard.

- ▶ The **Alaska LNG Project** would include a gas treatment plant, more than 800 miles of natural gas pipeline, liquefaction and storage facilities, an LNG export (marine) terminal, and associated infrastructure and facilities. According to the project sponsor, Alaska LNG could create up to 10,000 jobs during design and construction and approximately 1,000 operational jobs.
- ▶ The **Mountain Valley Pipeline Project** is expected to provide up to 2,000,000 dekatherms per day of firm natural gas transportation service from northern West Virginia to southwestern Virginia.
- ▶ The **SunZia Southwest Transmission Project** proposes to deploy a ± 525 -kV high voltage direct current transmission line that will run through 550 miles of Federal, state, and private land in Central Arizona and New Mexico. Once fully constructed, the transmission line is intended to transport up to 3,000 megawatts of primarily renewable energy from New Mexico to markets across the West and contribute to the modernization of our energy grid. In tandem with a planned 3,500 megawatt renewable wind energy project known as the SunZia Wind project, when completed, the SunZia Southwest Transmission project will comprise the largest renewable energy infrastructure project in U.S. history.

*SunZia's participation in the FAST-41 program, and resulting interagency coordination, was vital to ensure major Federal project development milestones were met, allowing the project to begin construction on time. This process is a great example in how government can operate more efficiently and effectively to drive investment opportunities to build a more reliable, cleaner electric grid. **The FAST-41 assistance on SunZia has helped create a pathway to deliver renewable energy to 3 million Americans.***

– **Natalie McCue**

Assistant Vice President of Environmental & Permitting at Pattern Energy

Paused Projects

Paused projects are those covered projects for which continued maintenance of the permitting timetable or continued Federal action in the environmental review and authorization process is temporarily impossible, but for which the intent is to resume Federal action once the issue causing the pause is resolved. A pause may occur for a variety of reasons.

The permitting timetable for the Plains Pipeline, L.P.'s Lines 901 and 903 Replacement Project was paused in FY 2022 and did not resume during FY 2023. The pause is due to the project sponsor continuing to work on developing a new schedule for completion of the Environmental Impact Statement and other environmental reports. On October 1, 2022, Plains Pipeline L.P. sold Lines 901/903 to Pacific Pipeline Company. On October 24, 2023, Pacific Pipeline Company notified the Permitting Council of their decision to not proceed with the Project. This project is now canceled on the FAST-41 Dashboard.

The permitting timetable for the Liberty Development and Production Plan Project was also paused for the duration of FY 2023. The Bureau of Safety and Environmental Enforcement (BSEE) requested the "Authorization and Certification" action be placed in "paused" status after meeting with the project sponsor in March 2020. The project sponsor has not provided a response to the Oil Spill Response Plan Request for Additional Information that BSEE had requested in July 2019 and does not have a potential date for additional information submission.

Canceled Projects

The Kulning Wind Energy Project proposed by Crescent Peak Renewables became a FAST-41 covered project in September 2021 and would have been located on Federal lands administered by the Bureau of Land Management (BLM) in Clark County, Nevada. In August 2023, Crescent Peak Renewables submitted a request to the BLM Las Vegas Field Office to withdraw its applications for the project. Following BLM's formal acceptance of the request to withdraw, the project was canceled on the Permitting Dashboard.

Progress Made Implementing FAST-41 During FY 2023

Permitting Council Efforts

The Permitting Council has the authority and expertise to help agencies move complex infrastructure projects through the environmental review and authorization process and ultimately enable infrastructure to be built. The Permitting Council, the Executive Director, and Permitting Council staff assist with problem solving, facilitating resources that provide technical expertise to help agencies and project sponsors manage the permitting and environmental review process. In FY 2023, Federal agencies made significant progress in implementing FAST-41, using \$1 billion from the President's IRA to advance permitting, and providing technical assistance to ensure timely and efficient environmental reviews.

Furthering the Role of the Permitting Council as a Federal Center for Permitting Excellence

The IRA provided funds to the Permitting Council's Environmental Review Improvement Fund (ERIF). FAST-41 authorizes the Executive Director to expend funds from the ERIF to support the role of the Permitting Council as a Federal center for permitting excellence, which may include supporting interagency details and rotation opportunities, advanced training, enhanced support for agency project managers, and for sharing information and lessons learned.¹¹ FAST-41 also authorizes the Executive Director, with the approval of the Director of OMB, to transfer funds from the ERIF to Federal agencies to facilitate timely and efficient environmental reviews and authorizations for covered and other FAST-41 projects.¹²

In FY 2023, the Executive Director established the ERIF Assistance Program to facilitate the distribution of ERIF resources to Federal agencies, Tribes, and state and local governments to facilitate more timely and efficient reviews and authorizations for FAST-41 projects and supporting permitting innovation. In FY 2023, the Executive Director approved approximately \$165 million in funds under the Federal and Tribal component of the ERIF Assistance Program to increase staff capacity in agencies represented on the Permitting Council, support Tribal consultation on covered projects, and facilitate timely environmental review and permitting of infrastructure projects. To support the development of the financial assistance program, the Executive Director created appropriate policies and procedures and added new Permitting Council staff to ensure proper financial stewardship and compliance with Federal requirements. The Executive Director and Permitting Council staff will track and monitor the expenditures for accountability.

¹¹ 42 U.S.C. § 4370m-8(d)(2).

¹² 42 U.S.C. § 4370m-8(d)(3).

FEDERAL ERIF ASSISTANCE PROGRAM

To date, in consultation with the Permitting Council and with input from OMB, the Executive Director has approved approximately \$160 million in agency requests as well as \$5 million for the Tribal Assistance Program for the IRA funds in the ERIF, and is in the process of distributing those funds to agencies and Tribes over the next several fiscal years. This use of the ERIF addresses a range of Federal environmental review and permitting needs, as highlighted below.

- ▶ **Offshore Wind:** In support of the Biden-Harris Administration's goal of deploying 30 gigawatts of offshore wind energy capacity by 2030, offshore wind projects were 45 percent of FAST-41 covered projects undergoing active review in FY 2023. As an energy sector for which Federal environmental review and permitting processes are still nascent, and infrastructure is located in sensitive environments, offshore wind permitting requires significant agency expertise, tools, and coordination. The Executive Director has provided funding to support Federal environmental reviews and authorizations for FAST-41 covered offshore wind projects at Federal agencies such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Ocean Energy Management (BOEM), and the U.S. Fish and Wildlife Service (USFWS). Funding allocated to these agencies is intended to increase capacity of technical specialties, allowing for more efficient survey and analysis, occurring concurrently across multiple projects. Specific examples of the types of activities using the ERIF funds include comprehensive acoustic modeling and analysis for impacts to wildlife, air quality analysis, and review and identification of the most efficient, low emission equipment. This analysis is intended to be used to enhance the environmental review and authorization process for multiple offshore wind projects and should help agencies meet their permitting timetables.

EPA's Expanding Role in FAST-41

Due to a recent increase in offshore wind farms applying to be covered under the FAST-41 program, EPA's role in FAST-41 has expanded.

- ▶ **In FY 2023,** EPA issued one Outer Continental Shelf (OCS) air quality permit.
- ▶ **In FY 2024,** EPA expects to issue final permit decisions for six OCS air quality permits and two Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permits.
- ▶ **Additionally, in FY 2023,** EPA also became a facilitating agency for the first FAST-41 carbon capture project, which requires an EPA Safe Drinking Water Act Class VI injection well permit.

- ◆ **Tools and Technology.** The Executive Director has funded various tools and technology, which are intended to assist agencies and project sponsors in efficiently reviewing infrastructure projects. Funding for tools includes resources to improve and expand functionality to the USFWS' Information for Planning and Consultation (IPaC) tool. IPaC is a publicly available Endangered Species Act (ESA) screening and consultation tool that provides information to project proponents to help determine whether a project will have effects on federally listed species or designated critical habitat, as well as other sensitive resources managed by the USFWS. The tool can be used by many entities (Federal agencies, project developers, state agencies) to strengthen and expedite ESA compliance.
- ◆ **Early Planning and Stakeholder Engagement:** Early planning and stakeholder engagement often results in more efficient environmental reviews and decision-making and improvements in community outcomes. President Biden's Executive Order on [Tackling the Climate Crisis at Home and Abroad](#) has laid the foundation for the most ambitious environmental justice agenda ever undertaken by an Administration and puts environmental justice and climate action at the center of the Federal government's work. Early planning and stakeholder engagement helps achieve these goals. Early planning may include identifying sites and project areas sooner in the planning process to better consider, avoid, minimize, or compensate for potentially adverse impacts to our nation's natural and cultural resources. The avoidance of impacts can in turn help to reduce the complexity and timeline for Federal environmental reviews and approvals and minimize impacts to communities. Early stakeholder engagement with Tribes, state and local governments, and the communities affected by a project fosters opportunities to identify environmental, cultural, and historic resource concerns and to develop mitigation strategies as part of project development and improve lives. To foster the use of early planning and engagement strategies, the Executive Director has provided ERIF assistance to Federal agencies to enhance engagement from the Advisory Council on Historic Preservation (ACHP) for Section 106 reviews under the National Historic Preservation Act; to provide Tribal, state, and local government access to geospatial data related to broadband deployment and environmental and historical preservation reviews conducted by the National Telecommunications and Information Administration (NTIA); and to improve spatial planning and mapping for better-informed engagement by NOAA for future offshore wind lease areas. The Permitting Council also encourages agencies to post information about project-related public meetings, public hearings, and public comment periods on the Permitting Dashboard, per the recommendations in the Permitting Action Plan.

As part of the Central Louisiana Regional Carbon Capture Storage Hub—Vernon Parish One CCS Site project, the project sponsor, CapturePoint Solutions LLC, Vernon Parish Schools, and the United Association (UA) of Union Plumbers and Pipefitters signed a Memorandum of Understanding (MOU) to create a pre-apprenticeship program for high school students in Vernon Parish, Louisiana, to learn the skills necessary to build the future of our nation's clean energy infrastructure. The students who successfully complete the program and meet the requirements set by the U.S. Department of Labor and the Louisiana Workforce Commission will earn direct entry into the (UA) registered apprenticeship program. This project is the first of its kind in the nation, and it is a proactive economic and environmental justice initiative associated with a major carbon capture and sequestration project.

▶ **Workforce Capacity:** Stretched resources and staffing needs at Federal agencies can often lead to bottlenecks for environmental review and permitting. Several agencies requested ERIF assistance to bolster staff for various aspects of the environmental review and permitting process for covered projects. The agencies' staffing needs include project managers that coordinate work using project plans with clear timelines and milestones to drive timely and efficient decision-making. To further support timely reviews, agencies also requested more permitting and environmental subject matter experts to handle the surge of permitting necessary to implement IRA and IJA. The Executive Director has provided ERIF assistance to the U.S. Department of Agriculture (USDA), Environmental Protection Agency (EPA), Department of Commerce (DOC), Department of Homeland Security (DHS), and Department of the Interior (DOI) to fund the hiring of subject matter experts such as biologists, Geographic Information System specialists, and environmental permitting specialists to facilitate more efficient environmental reviews and authorizations for critical renewable energy, carbon capture, broadband, and transmission projects.

NTIA received FY 2023 ERIF funds to hire Environmental Program Officers and Permitting Coordinators to facilitate broadband permitting. ERIF funding for NTIA's National Broadband Availability Map (NBAM) initiatives also enabled NTIA to develop tools to help permitting agencies plan for broadband permitting surges associated with the Internet for All grants, and to develop permitting templates to assist grant recipients in identifying permit requirements. These efforts are ongoing as NTIA prioritizes the development and deployment of technology-based solutions supporting broadband permitting.



▶ **Establishing the ERIF Tribal Assistance Program (TAP):** In December 2022, the Executive Director announced the allocation of an initial \$5 million from the ERIF to be made available directly to Federally recognized Tribes to facilitate participation in the environmental reviews and authorizations for FAST-41 covered projects. Tribal involvement is a key element of the permitting process. However, Tribal involvement can often be limited by severe capacity-related barriers to participation routinely faced by Tribes. Constraints frequently include limited staffing and technical capacity to review large volumes of complex technical project- and impact-related information. Increasing Tribal capacity to participate in the environmental review and authorization process is critical to ensuring infrastructure projects are developed equitably, as well as efficiently and effectively. Eligible Tribes can use ERIF TAP funds to access critically needed resources to help fulfill their permitting review responsibilities, enabling more meaningful and effective participation during the environmental review process. Funds can be used toward technical training, survey equipment, reimbursing cultural experts, staffing, and more. These funds aim to address the unfair burden and capacity issues many Tribes face when engaging in the Federal permitting process. In FY 2023, the Permitting Council worked diligently to consult with Tribes and to develop the parameters for the program, with funding being made available in FY 2024 (see page 32 for additional information).

OPM Cross-Agency Project Management Hiring Initiatives

In FY 2023, the Permitting Council responded to Federal workforce staffing needs by developing and executing a Memorandum of Agreement (MOA) between the Permitting Council Executive Director and the Office of Personnel Management Human Resources Solutions (OPM HRS) for cross-governmental hiring actions. The MOA provides agencies with staff acquisition support to build a pool of highly qualified candidates from which agencies can draw to address staffing shortages for infrastructure permitting.

The Executive Director and OPM, in consultation with the Permitting Council, engaged in a robust process to identify an acute need for Federal project managers with expertise in environmental reviews and authorizations. Although many agencies have subject matter experts or other specialists on staff to engage in the technical and scientific aspects of environmental review and permitting, such staff often have limited experience managing projects efficiently and effectively. Accordingly, OPM issued a cross-government hiring action for GS-12-13 project managers in June 2023 to address this lack of capacity. All agencies represented on the Permitting Council were offered priority access to screened applicants that the agencies could hire as project managers to assist with FAST-41 covered projects. The cross-agency hiring action provided agencies with easier access to experienced project managers, a broader pool of talented applicants, and a faster way to address process bottlenecks than could have been accomplished through individual agency-specific hiring efforts.

The posting received nearly 1000 applicants, from which OPM identified more than 60 highly qualified candidates. Agencies have used this process to hire project managers and expect to reap the benefits of this additional capacity to foster timely and efficient environmental reviews and permitting. Based on this experience, the Permitting Council is exploring additional opportunities for cross-agency hiring initiatives to support efficient talent identification and acquisition.

Tribal Engagement Initiatives

In FY 2023, the Permitting Council continued to serve as a vanguard for the expansion and enhancement of Tribal involvement in the Federal infrastructure environmental review and authorization process. Meaningful Government-to-Government consultation that incorporates the concerns and meets the needs of Tribes is essential to developing infrastructure. To this end, the Permitting Council endeavored to increase awareness among Tribes about the benefits of FAST-41 coverage and provide new funding opportunities to facilitate Tribal involvement in the environmental review and authorization process for FAST-41 covered projects.

To support the Permitting Council's efforts, in FY 2023, the Executive Director focused on two objectives:

- 1 Fostering relationships with Tribes interested in developing infrastructure projects that could be eligible for coverage under FAST-41; and
- 2 Robustly implementing FAST-41 authorities to help Tribes more meaningfully engage in timely and efficient environmental reviews and authorizations for FAST-41 covered projects.

TRIBAL INITIATIVES IN FY 2023 INCLUDE:

- ▶ **Building better relationships with Tribes.** In December 2022, the Executive Director established a new position, the Director of Tribal Affairs. This is a dedicated position to manage the Permitting Council's Tribal engagements, to assist with the development and implementation of a new ERIF Tribal Assistance Program, and to integrate awareness of Tribal priorities into the activities of the Permitting Council.
- ▶ **Adding new FAST-41 covered Tribal projects to the portfolio.** Congress made amendments in BIL to make FAST-41 coverage more accessible for infrastructure projects sponsored by Tribes. Consequently, as a result of the efforts of the Executive Director and the new Director of Tribal Affairs, two new projects are now covered by FAST-41 and are on the Permitting Dashboard. In February 2023, the Santa Fe Indian School project received FAST-41 coverage. The proposed project would build a 300+ mile fiber optic network to increase broadband connectivity for Tribal communities in New Mexico. In May 2023, the Alaska FiberOptic Project Segment 1 project received FAST-41 coverage. The proposed project aims to deploy a reliable, affordable, scalable, and future-proofed broadband network in one of the most remote, isolated, high-cost, and difficult to serve areas of the United States. The Alaska FiberOptic Project Segment 1 is one phase of a three-phase project that includes constructing a middle mile fiber optic network (underwater and on land), aiming to support last mile high-speed internet connections to 23 Alaskan Native Villages along the Yukon River.

*At Santa Fe Indian School, we're building a regional education network, connecting our schools and libraries ... We can connect to each other for our language and culture, but we also connect to higher education ... **We can transform Indian education through this project in a way we can't even imagine yet.***

– **Kimball Sekaquaptewa**
Santa Fe Indian School chief technology officer

- ▶ **Training to improve Government-to-Government consultation on FAST-41 projects.** In partnership with the Udall Foundation's John S. McCain III National Center for Environmental Conflict Resolution (Udall Foundation), the Permitting Council continued offering training to Federal agency staff on collaborating and consulting with Tribes on FAST-41 covered projects. The training included identifying additional best practices for engagement with Tribal Nations and operationalizing those practices in FAST-41 processes.
- ▶ **Continuing enhancements and expansion of the Department of Housing and Urban Development (HUD) Tribal Directory Assistance Tool (TDAT) software.** In FY 2023, the Executive Director continued to use the ERIF to support HUD's efforts to improve the accuracy of the Tribal information in the TDAT database and to allow for easier future updates. This tool provides contact information for Tribal leaders and Tribal Historic Preservation Officers, along with counties where the Tribes have current and ancestral interest. HUD conducted two webinars in November 2022 to give Tribes an overview of the TDAT enhancement project and to solicit comments and feedback on the project. In FY 2023, HUD began testing to incorporate new synchronization and editing tools, as well as a new user interface. The synchronization tool will allow data from the BIA and the National Park Service (NPS) to be automatically updated on a quarterly basis, and the editing tool will allow the TDAT Administrator to make quick changes to the data on TDAT based on input received from Tribes. This new functionality provides regular updates to contact information for Tribal leaders and Tribal Historic Preservation Officers, ensuring that project sponsors and Permitting Council agencies can reach the right points of contact in a timely manner when engaging with Tribes or when Federal agencies begin the formal Tribal consultation process.
- ▶ **Consulting Tribes in establishing the ERIF TAP.** The Executive Director, in establishing the ERIF TAP, recognized that an effective program could not be developed without early and robust Tribal consultation. Therefore, the Executive Director engaged Tribes early in the program development process. In February 2023, the Executive Director hosted three opportunities for formal Tribal consultation to hear directly from Tribes on their preferred mechanism to receive ERIF funding, and the specific resources needed to more meaningfully participate in the environmental review and authorization process for infrastructure projects. The consultation process was designed to seek input and guidance directly from Tribes to better understand, articulate, and address capacity-related

*Reliable, affordable, high-speed internet is a key to connecting our people to the world, preserving and advancing our culture, and offering opportunities for young people in our communities. In combination with other broadband projects in our region, **the Alaska FiberOptic Project will create the foundation for many socio-economic improvements and opportunities in the region now and for decades to come.***

– **Andrew Guy**
President and CEO of Callista Corporation

barriers that Tribes encounter. The Executive Director established the ERIF TAP based on the feedback from the February 2023 consultations, and in July 2023, the Executive Director hosted another Tribal consultation to get feedback on the proposed program before finalization. The Executive Director remains committed to working with Tribal governments and continues to maintain an ongoing dialogue to help ensure Tribal involvement in the Permitting Council's administration of FAST-41.

- ▶ **Presenting at United South and Eastern Tribes Impact Week.** The Executive Director presented to the United South and Eastern Tribes (USET) Board of Directors and Cultural Heritage Committee at the USET Impact Week 2023 Conference in February 2023. Impact week brings together USET member Tribes and Federal partners to discuss various topics important to all parties relevant to the preservation, protection, and expansion of Tribal cultures. The Executive Director's presentation was focused on an introduction to FAST-41 and the Permitting Council's role in offshore wind permitting. The Executive Director's participation in and presentation at this event demonstrated the Permitting Council's continued commitment to prioritizing Tribal engagement.
- ▶ **Engaging at the National Tribal Telecommunications Association Tribal Broadband Summit.** The National Tribal Telecommunications Association (NTTA) hosted a Tribal Broadband Summit in August 2023 with a focus on helping Tribes identify funding sources; build, maintain, and monetize a network; and plan for the future of broadband. The Permitting Council continues to build a relationship with NTTA organizers and has made two presentations to conference attendees. The purpose of NTTA is to provide a forum for Tribally owned companies and those who work in the telecommunications industry to share knowledge and opportunities, discuss effects of regulation, and address issues affecting Tribal telecommunications companies and customers on Tribal lands. The Executive Director continues to foster strong relationships with potential Tribal project sponsors, and attendance at this and other Tribal events contributes to the Permitting Council's statutory obligation to meet annually with groups or individuals representing state, Tribal, and local governments that are engaged in the infrastructure permitting process.¹³

¹³ 42 U.S.C. § 4370m-1(c)(2)(C)

Nuclear Regulatory Commission—Cultivating Tribal Relationships in the Eielson Air Force Base Micro-Reactor Project

The Nuclear Regulatory Commission and the Department of the Air Force participated in the Tanana Chiefs Conference Annual Meeting in March 2023 to **cultivate Tribal relationships** and discuss the Eielson Air Force Base micro-reactor project. Tribal Nations showed interest in future use of the micro-reactor technology in remote villages, which could replace legacy diesel generators that currently power the village communities.

Agency User-Oriented Dashboard Enhancements

The Permitting Council staff work closely with the Department of Transportation (DOT), which manages the Permitting Dashboard, to maintain and enhance the system to facilitate improved FAST-41 implementation by agencies and increase transparency with which Dashboard information is presented to the public. Through regular coordination meetings, including engagement with Dashboard administrators at each agency, the Permitting Council staff and DOT identify priorities and plan system development work. Permitting Council staff also monitor and test Permitting Dashboard features to ensure the system is functioning as expected. Throughout FY 2023, and in cooperation with DOT, the Permitting Council staff made a number of enhancements to Permitting Dashboard functionality that improved useability for Federal agency staff. For example, the Permitting Council staff created a calendar tool that highlights completion dates on a permitting timetable that are approaching the 30-day lockout period for date modifications, helping agencies to take timely action to either meet or modify those completion dates. The Permitting Council staff also implemented improvements that provide clearer information to agencies on upcoming deadlines for nonconformance reporting requirements.

Executive Director Permitting Process Initiatives

In FY 2023, the Executive Director introduced initiatives to address recurring issues or to advance Federal permitting excellence.

- ▶ **Template MOU to facilitate state participation in the environmental review and authorization process for FAST-41 covered projects.** Federal approvals are often only part of the complete list of reviews. Permits and authorizations with state and local approvals are also frequently required. Recognizing the opportunity to extend the transparency and accountability benefits of FAST-41 to state approvals, the Executive Director developed an MOU in FY 2023 outlining FAST-41's state "opt-in" provision.¹⁴ This allows a state in which a FAST-41 covered project is located to elect to participate with Federal agencies in the FAST-41 process for the project. Specifically, a state may elect to subject those state agencies that are responsible for undertaking environmental reviews and authorizations for a covered project to the FAST-41 permitting timetable posting, reporting, modification, and nonconformance requirements in the same manner as Federal agencies. Work to enable more active participation by state governments in the FAST-41 process will expand the transparency of the permitting process and extend accountability and best practices to necessary permitting actions that the Permitting Council has not historically tracked. The Permitting Council intends to make the template MOU available to states in FY 2024.

¹⁴ 42 U.S.C. § 4370m-2(c)(3)(A).

MOU between Department of Homeland Security/U.S. Coast Guard and the U.S. Army Corps of Engineers

In January of 2023, the two agencies signed a new [MOU](#) that better aligns coordination of bridge and causeway projects with ongoing Federal government initiatives to **improve the permitting and environmental review processes for infrastructure.**

▶ Opportunities to Improve Outer Continental Shelf (OCS) Air Permitting

Project sponsors must obtain Clean Air Act permits for wind development projects on the OCS. Obtaining an EPA OCS air permit in a timely manner has proven to be a challenge for offshore wind energy development along the Atlantic Coast. In many instances, the permit is the last decision issued in the Federal permitting process; therefore, delays in obtaining an OCS air permit can lead to delays in construction start dates. Some delays in the OCS air permits occur because earlier milestones are delayed; others may occur due to incomplete data or modeling issues. Based on concerns raised by FAST-41 project sponsors, the Permitting Council staff used data analytics from projects on the Permitting Dashboard to identify this issue in FY 2023 and proposed opportunities to improve application quality and timely reviews for this new industry. The Executive Director will continue to work with BOEM and EPA to improve the OCS Air Permit process in FY 2024, as described in the "Looking Ahead—FY 2024" section below.

- ▶ **Executive Director memorandum on requesting authorization to modify completion dates.** In FY 2023, the Permitting Council Executive Director developed a [memorandum](#) to assist Permitting Council agencies when those agencies request Executive Director authorization to modify completion dates in a FAST-41 permitting timetable.¹⁵ This memo addresses how the Executive Director will approach extension requests, identifies strategies agencies can use to minimize the need for extensions in their permitting timetables, and seeks to improve coordination between the Executive Director and the Permitting Council agencies.

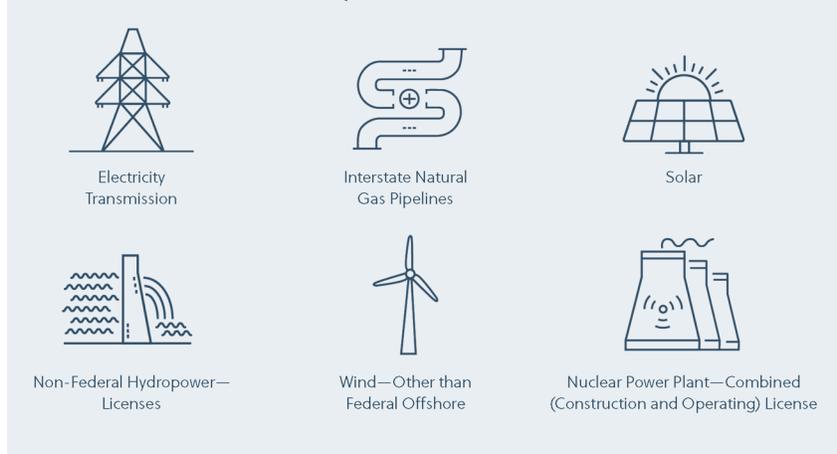
FAST-41 Performance Schedules

Pursuant to 42 U.S.C. § 4730m-1(c)(1)(C), the Executive Director must consult with members of the Permitting Council to develop FAST-41 performance schedules (FPS) (previously referred to as Recommended Performance Schedules) for each sector and category of FAST-41 covered projects.

The FPS are designed to represent a baseline for FAST-41 covered projects in the applicable sector or subsector. The FPS provide agencies with a nominal benchmark that can be used to develop timely and realistic project-specific permitting timetables that will vary based on relevant factors, as provided in FAST-41. FPS are not intended to be all-inclusive of the site-specific factors that may result in more complicated environmental reviews. Rather, they are intended to be used as a starting point for agencies' use in developing project permitting timetables. The Executive Director expects that those project permitting timetables will vary as necessary based on project-specific factors in order to provide accurate estimates of milestone completion timelines.

¹⁵ Pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), an Executive Director authorization is required for extensions of final milestones by more than 30 days.

In FY 2023, the Permitting Council staff developed schedules for the following six sectors, which were issued by the Executive Director in November 2023:



Permitting Council staff initiated development of the FPS issued in 2023 by identifying the common environmental reviews and authorizations for each sector and subsector, which are referred to as “actions” for this purpose. Permitting Council staff then used Permitting Dashboard data from completed FAST-41 covered projects to establish nominal durations for each action and the intermediate steps within a particular action. Permitting Council staff supplemented the Permitting Dashboard data with time periods contained in various agencies’ policy, guidance, or regulations, which they used to inform the duration of interim and final completion dates for actions within each sector-specific FPS. Permitting Council staff also took into account that there are dependencies between some actions. A dependency means the timing of one action depends upon a different action. For example, some actions must occur in a particular sequence while other actions should occur simultaneously.

Another critical component of developing each sector-specific FPS was direct engagement with the agencies. Agency staff were consulted for review and feedback on the FPS to help identify the appropriate completion dates, nominal durations, and dependencies. Agency staff’s explanation of internal agency processes, regulations, and policies provided clarity and context to the data from projects on the Permitting Dashboard, and helped to identify key factors driving project timelines. The Permitting Council staff will continue to collaborate with FAST-41 member agencies to synthesize historical project data, as well as agency regulations, policies, and processes to capture projected permitting authorization timelines by sector and subsector, with a goal of issuing additional sector-specific schedules in FY 2024.

Permitting Council Best Practices

The Permitting Council is required to issue annual recommendations on best practices for improving the Federal permitting process for FAST-41 covered projects.¹⁶ In FY 2023 the Permitting Council [reissued all best practices issued from FY 2018 to FY 2022](#) as a “look back” to provide a basis on which to move toward more impactful, evidence-based, and actionable best practices that improve the Federal permitting process for covered projects. This consolidated list of best practices was intended to be used as a resource to inform agencies’ reporting to OMB and Congress. This approach provided an opportunity for agencies to revisit established best practices, identify redundancies, and reflect on which have been the most successful in improving the Federal permitting process for covered projects.

Permitting Action Plan Engagement

The Biden-Harris Administration’s [Permitting Action Plan](#) (and subsequent implementation guidance) to strengthen and accelerate Federal permitting and environmental reviews, released in May 2022 and March 2023, respectively, continue to guide efforts toward ensuring that infrastructure projects are delivered on time, on task, and on budget without unnecessary delays. This is especially important as Congress has made historic investments to expand high-speed internet, increase clean transportation options, and produce more clean energy with offshore wind, onshore renewable energy, and critical minerals. The Permitting Council continues to play a key role in ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent, and are guided by the best practices to promote positive environmental and community outcomes.

The Permitting Council remains focused on maximizing cross-agency engagement. Emphasizing robust participation in regular meetings and focused workshops by agency Chief Environmental Review and Permitting Officers (CERPOs) and their support staff, the Permitting Council is improving Federal agency coordination and communication on infrastructure permitting. The Permitting Council further seeks to enhance engagement of Federal agencies with state agencies, local communities, Tribal governments, and project sponsors. Improved communication, along with establishing clear timeline goals and tracking key project information, provided opportunity in FY 2023 for all interested parties to discuss project proposals, potential environmental impacts, and ways to avoid or minimize any identified impacts. Throughout the year, the Executive Director worked closely with staff from Federal permitting agencies to identify best practices that can be used to provide consistency across related Federal environmental review and authorization processes and within covered sectors to reduce process uncertainties, miscommunications, and avoidable delays.

Internal Capacity Building

FY 2023 saw a change in leadership at the Permitting Council. The President appointed a new Executive Director in July 2023 after the former Executive Director moved to another role in the Administration. During that transition, Permitting Council staff continued to provide support across all sectors to project sponsors and permitting agencies to address challenges, manage permitting timetables, and convene necessary parties to make timely permitting decisions, while working swiftly to onboard the new Executive Director to facilitate a seamless transition without interruption to FAST-41 implementation. Additionally, the Biden-Harris Administration appointed a Chief of Staff in September 2023, underscoring its commitment to deliver permitting excellence by bolstering the team that the Executive Director has in place to implement FAST-41.

¹⁶ 42 U.S.C. § 4370m-1(c)(2)(B).

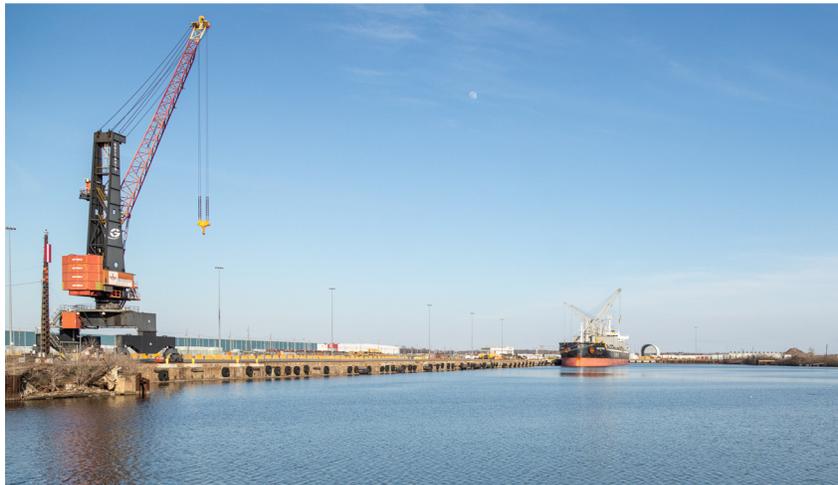
As more projects obtain FAST-41 coverage and the Permitting Council continues to develop programs, disburse IRA funding, and solidify its role as a center for permitting excellence, the Executive Director continues to grow the Permitting Council's modest staff resources. The Executive Director has begun to build the future state of the organization and will make additional key hires in FY 2024 to continue to meet the Permitting Council's mission.

Agency Performance Trends

FY 2023 has seen marked improvement in the implementation of FAST-41 by the agencies. One hundred percent of projects with CPP deadlines in FY 2023 met the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard. Agencies met their FAST-41 requirements to review and update their CPPs 98 percent of the time. 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. Agencies showed improvement in modifying completion dates on time and in posting required project information over the course of FY 2023.

FAST-41 provides flexibility for agencies to set timelines and update anticipated completion dates on the project permitting timetable as needed, as long as updates are made according to the consultation and disclosure requirements established in the FAST-41 statute.

Compliance with these FAST-41 requirements is tracked on a quarterly basis for all FAST-41 covered projects. This section summarizes trends based on [Quarterly Agency Performance Reports](#) from FY 2023.



100% compliance by **Permitting Council agencies** in meeting the FAST-41 requirements to post CPPs within 60 days of the project being added to the Permitting Dashboard **AND** inviting all agencies to become cooperating/participating agencies within the first 21 days in FY 2023.

Coordinated Project Plan Requirements

The FAST-41 process begins when a project sponsor submits a notice of the initiation of a FAST-41 covered project (a.k.a., FAST-41 Initiation Notice [FIN]) to the Executive Director and the appropriate facilitating or lead agency. 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.

Within 21 days after the Executive Director makes a project entry on the Permitting 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.

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 Permitting Dashboard.”¹⁷ 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. The Executive Director posts the permitting timetable on the Permitting Dashboard.

A total of 11 FAST-41 covered projects had deadlines to establish a CPP in FY 2023 (see Figure 4 below). For 100 percent of these projects, agencies met the 21-day invitation requirement and met the requirement to post a CPP within 60 days of the project being added to the Permitting Dashboard, which is an improvement over FY 2022.

Number of CPPs Established by Quarter in FY 2023

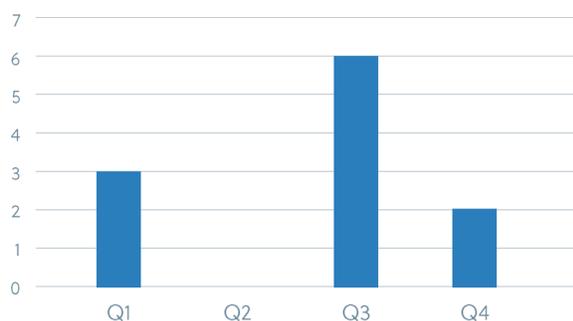


Figure 4: Number of CPPs established by fiscal quarter

¹⁷ 42 U.S.C. § 4370m-2(c)(1)(A).

FAST-41 requires the facilitating or lead agency to review and update the CPP at least once per quarter. This review ensures that the permitting timetable and all other statutorily required aspects of the CPP remain current and accurate. Agencies meet this statutory requirement by certifying, on the Permitting 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. In FY 2023, agencies met their FAST-41 requirements to review and update their CPPs 98 percent of the time, e.g., in 106 out of 108 instances (see Figure 5 below).

Agency Compliance with CPP Review and Update Requirements in FY 2023

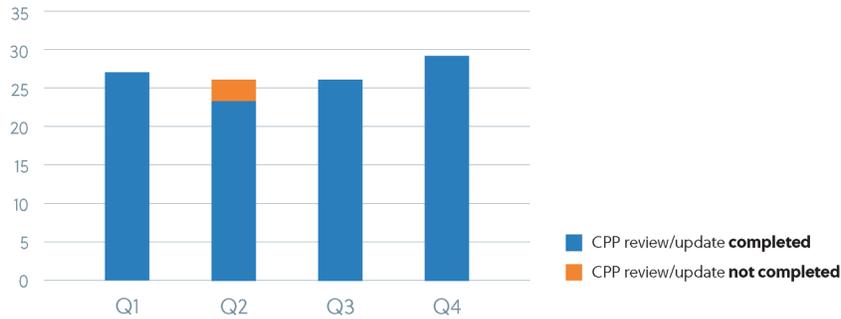


Figure 5: Agency compliance with CPP review and update requirements, by fiscal quarter.

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. 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.

Figure 6 depicts, by quarter, the status of completion dates. The green bars indicate completion dates that agencies met. The blue bars indicate where completion dates were managed (e.g., moved or canceled) in accordance with FAST-41 requirements. The orange bars indicate instances in which agencies did not conform to the established timetable—that is, when agencies did not meet the completion dates set forth in the permitting timetable. Permitting Council staff are working to continually improve data collection and analysis, and began collecting information on expected completion dates beginning in Q2. This graph shows a trend of improvement in outcomes for expected completion dates between Q2 and Q4. By the end of FY 2023, most expected completion dates were met. To this end, as mentioned above, the Executive Director developed a memorandum for Permitting Council agencies to aid those agencies when requesting Executive Director authorization to modify completion dates in a FAST-41 permitting timetable during FY 2023 (see more information in the “Looking Ahead—Plans for FY 2024” section below). This ensures that if agencies cannot meet their expected completion dates, the Executive Director is providing clear and concise guidance on how to still meet the FAST-41 requirements.

Outcomes for Expected Completion Dates in FY 2023

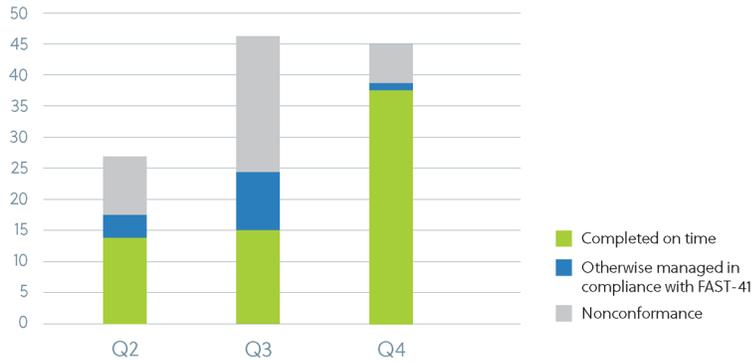


Figure 6: Outcomes for expected completion dates, by fiscal quarter. **Note:** This data was not collected for Q1.

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 a hyperlink to the Permitting Dashboard that directs the public to a website containing certain project information. Agencies additionally must post directly to the Permitting Dashboard information about project-related public meetings, public hearings, and public comment periods, as that information becomes available. Agencies must make the information described above available no later than 5 business days after the date on which the Federal agency receives the information.

Agencies made marked improvement in posting required project information over the course of FY 2023, as Figure 7 below demonstrates, and by Q4, 92 percent of required postings had been completed by agencies. Using the Permitting Dashboard to post up-to-date project information and opportunities for public engagement in Federal decision-making is a critical means by which the FAST-41 process ensures transparency and enhances environmental and community outcomes.

Postings by Agencies in FY 2023

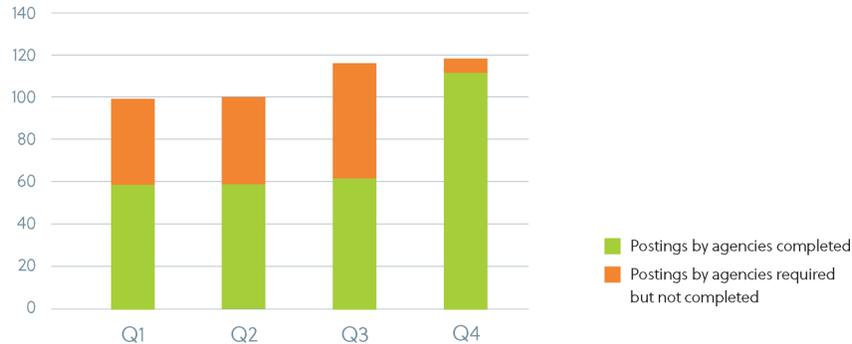


Figure 7: Agency compliance with postings by agencies' requirements, by fiscal quarter.



Looking Ahead—Plans for FY 2024

The Permitting Council is excited for FY 2024 as it looks to bolster its role as a resource for strategic assistance for the Federal permitting community. The Permitting Council is a service-oriented, customer-focused organization and is positioned to identify programmatic challenges and develop enduring solutions that support timely decisions by agencies. In this way, the Permitting Council will continue to provide more predictable outcomes for project sponsors.

ERIF Assistance Program

The [ERIF TAP launched on October 1, 2023](#). The Permitting Council looks forward to reviewing applications from Tribes and reporting on funds disbursed in FY 2024.

The Executive Director intends to use ERIF funds to invest in training as a service in FY 2024. This effort will provide training opportunities to agencies represented by members on the Permitting Council using ERIF funds to build permitting capacity across the Federal government.

In October 2023, the Executive Director announced up to \$25 million in additional Federal funding toward IT investments from the ERIF. This funding will be made available to support innovative solutions to leverage the role of the Permitting Council as a Federal center for permitting excellence and advance permitting efficiency, transparency, and predictability. The Executive Director expects this funding will support IT solutions for Federal permitting processes that are goal- and user-oriented, interoperable, and scalable, and that will benefit the permitting community. During FY 2024, the Executive Director plans to collect and review requests for funding support and make meaningful investments in quality solutions.

Recognizing that many agencies are seeking to hire additional staff using the ERIF funding for Federal agencies that was committed in FY 2023, the Permitting Council is seeking to facilitate agency access to qualified human resources. Using the MOA that was executed in FY 2023 between the Executive Director and OPM HRS, the Permitting Council is planning to issue a cross-agency hiring action for environmental protection specialists to give agencies ease of access to additional resources to advance the environmental review and authorization process for FAST-41 covered projects.

Tribal Engagement

The Permitting Council will continue to make Tribal consultation and strengthening Government-to-Government relationships a priority. The Permitting Council will shepherd the two new FAST-41 covered Tribal projects through the environmental review and authorization process, provide funding through the ERIF TAP, and continue engaging with Tribes through consultations as needed and through dedicated events.

Executive Director Initiatives

The Executive Director continues to develop and advance the solutions to issues and challenges in Federal environmental review and permitting. By the end of FY 2024, the Executive Director, in consultation with the Permitting Council, anticipates making the state opt-in MOU available to states to participate in the FAST-41 process. The Permitting Council intends to hold working sessions with EPA and other agencies to evaluate opportunities to reduce the amount of time it takes to obtain an OCS air permit. The Permitting Council is working to ensure that projects that go into nonconformance are updated appropriately. The Permitting Council Executive Director has instituted regular agenda items at Permitting Council and CERPO meetings to cover projects in nonconformance to maintain appropriate attention on progress toward completion.

Permitting Council Capacity Building

The Permitting Council has already welcomed new critical staff in FY 2024, including the appointment of a Director of Legislative and Intergovernmental Affairs and a Director of Public Engagement. These roles will expand awareness of the value of the Permitting Council for covered projects and as a center for permitting excellence. Additional planned hires throughout FY 2024 will continue to thoughtfully grow the capacity of the Permitting Council staff to support robust and meaningful implementation of FAST-41.

Communications and Outreach

During FY 2024, the Permitting Council will continue its strategic approach for raising awareness of the value and benefits of using the FAST-41 process for Federal environmental reviews and authorizations. Notably, the Permitting Council agency intends to deploy its own website providing a dedicated online resource for all stakeholders to improve FAST-41 implementation and foster Federal permitting excellence. The website will provide information about FAST-41, as well as resources and information that promote permitting best practices and tools for timely and efficient permitting decisions. This is a key component for advancing the Permitting Council agency's goals by enabling target audiences to learn about and engage directly with the Permitting Council.

The Executive Director is also working to reinforce the Permitting Council's role as a convener to bring diverse perspectives together to garner insights on FAST-41 and permitting processes. Through this engagement, the Permitting Council can better understand policy and practitioner pain points to help shape services and solutions. The Permitting Council is committed to using the resources of the agency effectively to advance timely and effective environmental reviews and authorizations. Continual, proactive engagement within the permitting community will advance timely and effective environmental reviews and authorizations.

Coast Guard—Navigational Safety for the Offshore Wind Industry

The Coast Guard is finalizing a Notice of Proposed Rulemaking to be published in the Federal Register in early January 2024 that will **establish shipping safety fairways along the entire Atlantic Coast**. This signifies a huge milestone in support of the offshore wind industry in that it secures the safety of navigation for all vessels, including those that will be employed to develop this burgeoning industry.

Permitting Council Best Practices

The Permitting Council is required to issue annual recommendations on best practices for improving the Federal permitting process for FAST-41 covered projects. For FY 2024, the Permitting Council is issuing best practices under a subset of the 10 categories identified in the statute. Issuing best practices under only selected categories will allow affected agencies to focus their efforts and to collect meaningful implementation data and information. The best practices for FY 2024 are intended to be actionable and measurable, and the Permitting Council will assess impacts of best practices across the Federal agencies. The goal of this reporting is to move toward consistent use of transformative, evidence-based best practices that improve delivery of timely, high-quality environmental reviews and authorizations.

In its review of Agency Permitting Action Plans, the Permitting Council—in coordination with CEQ and OMB—identified three key elements for agencies to implement as best practices: (1) tracking and reporting on the outcomes of their reviews and authorizations; (2) tracking and monitoring internal workloads by developing and evaluating performance metrics; and (3) establishing and implementing issue elevation procedures. By identifying these Permitting Action Plan elements as FAST-41 best practices, the Permitting Council seeks to encourage baseline practices and activities across agencies to continually improve the Federal environmental review and authorization process.

Interagency IT and Performance Measurement Collaborations

In October 2023, CEQ, OMB, and the Permitting Council convened agency officials and professionals from the environmental and information technology sectors for an Environmental Permitting Technology and Data Summit. The purpose of the Summit was to share knowledge and build a community of practice around improving the efficiency and effectiveness of environmental reviews and permits through use of technology and data. The Summit featured participation from universities, private industry, and many Federal agencies, including presentations by the Executive Director and Permitting Council staff. The Summit highlighted agency issues around streamlining workflows and demonstrated technology solutions that successfully meet user needs. The Summit supported implementation of the Biden-Harris Administration's Permitting Action Plan direction to agencies to "make full use of available technology, data, and tools to efficiently and holistically assess environmental and community effects, including information on climate change effects and identify ways to make enhanced use of new technology to collect, analyze, share, and publicly communicate relevant information."

Additionally, the Permitting Council, OMB, CEQ, and the Performance Improvement Council hosted an interagency Performance Measurement for Permitting Agencies Workshop in November 2023. This interactive workshop included a presentation on performance measurement followed by a collaborative working-session for Agency Performance and Permitting teams to discuss how to develop, or refine, meaningful performance indicators to measure progress in strengthening and accelerating the Federal environmental review and permitting process for infrastructure projects.

NTIA identified early in the development of the Coordinated Project Plan (CPP) that Tribal consultation is integral to the success of the Santa Fe Indian School project and implemented a joint consultation plan to maximize efficiency. With the agreement of the Pueblos of Acoma, Zuni, and Isleta, NTIA and the 12 cooperating agencies conducted joint consultation meetings with each Pueblo in June and November of 2023. The CPP identifies consultation as an iterative process and additional consultation meetings will occur every three to six months throughout project construction. All three Pueblos have expressed appreciation for the agencies' coordinated efforts to respectfully engage, seek Tribal input, and listen to Tribal concerns.



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In This Section



Biden-Harris Administration Announces New Program to Bolster Tribal Engagement in the Environmental Review Process for FAST-41 Infrastructure Projects

Funded through President Biden's Investing in America Agenda, the Environmental Review Improvement Fund Tribal Assistance Program will infuse critically needed funding into Tribal Participation in the Federal Review Process

Contact Information

Permitting Council Press Office (media@permitting.gov)

WASHINGTON (November 2, 2023) – Today, the Federal Permitting Improvement Steering Council (Permitting Council) opened applications for the Environmental Review Improvement Fund Tribal Assistance Program (ERIF TAP). The program, which is funded through President Biden's Investing in America Agenda – a key pillar of Bidenomics – provides funds to support Tribal engagement in the environmental review and authorization process for FAST-41 covered projects. FAST-41, which is designed to enhance transparency and increase the efficiency of the permitting process, currently has nearly \$100 billion in large-scale infrastructure projects under its purview – including those in the renewable energy, coastal restoration, broadband, and electricity transmission sectors. The Permitting Council is leveraging funds from President Biden's Inflation Reduction Act – the largest climate investment in history – to make an initial \$5 million available under the ERIF TAP.

Recognizing the unfair burden and capacity issues many Tribal Nations face when engaging in the Federal permitting process, the Permitting Council Executive Director directed these funds for Tribal assistance after the agency received funding in the Inflation Reduction Act. Eligible Tribes can use these funds to access critically needed resources to help fulfill their permitting review responsibilities, ensuring a more meaningful and effective seat at the table during the environmental review process. Funds can be used toward technical training, survey equipment, reimbursing cultural experts, staffing and more. The Administration's work is rooted in the President's respect for the unique Nation-to-Nation relationship, commitment to fulfilling the country's trust and treaty responsibilities, and desire to strengthen Tribal sovereignty and self-determination.

"Ensuring that Tribes have access to the resources they need to participate in the Federal permitting review and authorization process is a key component to the work we do at the Permitting Council," says Eric Beightel, Permitting Council Executive Director. "In order to improve the efficiency and accountability of the permitting process overall it is imperative that Tribes are equipped with every tool they need to engage in the process as we work to bring critical infrastructure to communities across the nation."

The Permitting Council held Tribal consultations earlier this year to better understand Tribal needs in the permitting review and authorization process. Feedback from those consultations assisted in the development of this program. The Permitting Council Executive Director may consider the need to increase available funding through the ERIF TAP at a later date, depending on interest and successful implementation. For eligibility requirements refer to the ERIF TAP application, which is now available on the [Permitting Dashboard](#).

About the Permitting Council and FAST-41

Established in 2015 by Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and made permanent in the Infrastructure Investment and Jobs Act, 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 is comprised of the Permitting Council Executive Director, who serves as the Council Chair; 13 Federal agency Council members (including deputy secretary-level designees of the Secretaries of Agriculture, Army, Commerce, Interior, Energy, Transportation, Defense, Homeland Security, and Housing and Urban Development, the Administrator of the Environmental Protection Agency, and the Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation); and the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget.

The Permitting Council coordinates federal environmental reviews and authorizations for projects that seek and qualify for FAST-41 coverage. FAST-41 covered projects are entitled to comprehensive permitting timetables and transparent, collaborative management of those timetables on the Federal Permitting Dashboard. FAST-41 covered projects may be in the renewable or conventional energy production, electricity transmission, energy storage, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity sectors.

Last updated: Thursday, November 2, 2023

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In This Section



Permitting Council Annual Report to Congress Showcases a Year of Significant Growth and Progress in Federal Permitting Review and Authorization

Infrastructure projects from across the nation received permitting approval as the agency ramped up its work as a permitting center of excellence.

Contact Information

Permitting Council Press Office (media@permitting.gov)

WASHINGTON (April 15, 2024) – The Permitting Council (Federal Permitting Improvement Steering Council) is pleased to unveil its Annual Report to Congress for Fiscal Year 2023 (FY23). The report showcases a year of tremendous growth and forward-thinking innovation, as the agency makes substantial investments in permitting review and authorization processes while assisting several impactful projects to the permitting finish line.

“The past year was one of terrific growth and opportunity for the Permitting Council, as we witnessed economy-transforming projects complete permitting review and break ground on the road to bringing once-in-a-generation infrastructure to the nation,” says Eric Beightel, Permitting Council Executive Director. “In addition to our work assisting projects through permitting review and authorization, this was a year of incredible growth in our role as a center of permitting excellence, as we laid down foundational elements that will strengthen our work and the work of our council agencies for years to come.”

In FY23 the Permitting Council guided 33 active projects through the FAST-41 program, with the majority in renewable energy sectors. FY 2023 saw marked improvement in the implementation of FAST-41 by the agencies, with 100% of projects meeting coordinated project plan deadlines, and steady improvement with required posting of information on the Permitting Dashboard.

A total of four projects receiving permitting assistance from the Permitting Council in fiscal year 2024 completed the environmental review and permitting process, including the SunZia Southwest Transmission project and the Mid Barataria Sediment Diversion Project:

- **SunZia Southwest Transmission Project:** The SunZia Southwest Transmission project is a ±525-kV high voltage direct current (HVDC) transmission line that will transport up to 3,000 megawatts of primarily renewable energy from New Mexico to markets in western states. The SunZia Southwest Transmission project is connected to the SunZia Wind project, a planned 3,500 MW renewable energy project also located in New Mexico. Together, SunZia Wind and Transmission could comprise the largest renewable energy infrastructure project in U.S. history.
- **Mid Barataria Sediment Diversion Project:** The Mid Barataria Sediment Diversion project focuses on restoring Louisiana's coastline, which is experiencing some of the highest levels of land loss in the country. The project will reconnect the Mississippi River to its wetlands, ultimately working to protect some of the most vulnerable residents in the state, in addition to sustaining the ecosystem and wildlife on the coast. This area is also one of the most affected by the 2010 Deepwater Horizon oil spill, and this project will work to remediate the decade-long damage still being experienced.

Fiscal year 2024 featured several firsts for the Permitting Council, including the introduction of the first Tribal and broadband projects on the Federal Permitting Dashboard. [Santa Fe Indian School](#) is the first Tribal project and also the first broadband project, proposing to bring over 300 miles of broadband infrastructure to rural New Mexico, aiming to connect 700 students and members of the surrounding community to high speed internet service. The year also brought the first critical minerals project to the dashboard, the \$1.7 billion [South32 Hermosa](#) project. If permitted, the proposed zinc and manganese mining and processing operation could play a key role in the electric vehicle and stationary storage battery supply chain.

The Annual Report also showcases significant progress in the Permitting Council's role as the federal center for permitting excellence. As part of its work to support federal agencies, state, and Tribal governments in improving permitting review and authorization processes, the Permitting Council created the Environmental Review Improvement Fund (ERIF) Assistance Program with \$350 million provided by the Inflation Reduction Act. In FY23 the Council allocated over \$165 million in funding to federal agencies and Tribes to facilitate more timely and efficient permitting reviews, through the funding of staff hires and critically needed tools and technology.

Learn more about the Permitting Council's Annual Report to Congress at [Permitting.gov](#).

About the Permitting Council

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The Permitting Council coordinates federal environmental reviews and authorizations for projects that seek and qualify for FAST-41 coverage. FAST-41 covered projects are entitled to comprehensive permitting timetables and transparent, collaborative management of those timetables on the Federal Permitting Dashboard. FAST-41 covered projects may be in the renewable or conventional energy production, electricity transmission, energy storage, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity sectors.

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Last updated: Monday, April 15, 2024

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Biden-Harris Administration Announces New Investment in Innovative Technologies to Improve Efficiency of Federal Permitting for Critical Infrastructure As Part of Investing in America Agenda

\$30 Million from President Biden's Inflation Reduction Act will support vital IT improvements at federal agencies to speed federal permitting review, improve data quality, and foster public transparency

Contact Information

Permitting Council Press Office (media@permitting.gov)

WASHINGTON (April 29, 2024) – Today, the Permitting Council (Federal Permitting Improvement Steering Council) is pleased to announce the allocation of over \$30 million in funding to enhance permitting efficiency across the federal government as part of President Biden's Investing in America agenda. These funds will enable federal agencies to build and improve critical IT tools and invest in innovative technologies to advance the efficiency of federal permitting reviews and authorizations of infrastructure projects. These investments come at a critical time to enable agencies to meet the influx of applications resulting from once-in-a-generation investments from President Biden's Bipartisan Infrastructure Law, CHIPS and Science Act, and Inflation Reduction Act.

"Today's action by the Permitting Council is an important step forward as we continue to fulfill our role as a permitting center of excellence, supporting the President's ambitious infrastructure goals," said Eric Beightel, Permitting Council Executive Director. "In order to capitalize on the tremendous opportunity to transition to a clean energy economy and rebuild our nation's infrastructure, we need to make sure that federal agencies are equipped with state-of-the-art IT resources that will support meaningful public engagement, enhance transparency and timeliness of decisions without sacrificing environmental quality."

The \$30 million in funding from the Inflation Reduction Act will support 13 IT projects in 11 different federal agencies which will incorporate new technologies into permitting processes, from artificial intelligence and GIS mapping, to online applicant portals and innovative data sharing systems. These investments will accelerate and spur innovation in environmental permitting across the federal government through 1) technology to automate processes for routine actions, improving public transparency and saving time, 2) new tools to ease the management of complex workstreams and improve data quality for better coordination, analysis and decision making, and 3) leveraging cutting-edge technologies to save time and improve outcomes. See the [Permitting Council Fact Sheet](#) for more information on IT projects.

Agencies receiving IT Investments:

- **Department of the Interior-Office of Environmental Policy and Compliance (DOI-OECP)** - Public Comment Analysis Tool: \$6.5M
- **Department of the Interior-Fish and Wildlife Service (DOI-FWS)**-ECOSphere Enhancing Workflow: \$3M
- **Department of the Interior-Bureau of Ocean Energy Management (DOI-BOEM)** - InfoSys for Renewable Energy program: \$4.4M
- **Department of the Interior-Bureau of Indian Affairs (DOI-BIA)** - Right-of-Way System Feasibility Study: \$385K
- **U.S. Department of Agriculture Rural Development (USDA-RD)** - Rapid Environmental Approval Portal-Electronic Review: \$1.9M
- **U.S. Department of Agriculture Forest Service (USDA-FS)** - Special Uses ePermitting: \$2.5M
- **Department of Commerce-National Telecommunications and Information Administration (DOC-NTIA)** - Environmental and Historic Preservation Screening and Permitting Tracking (Salesforce) Tool : \$2.6M
- **Advisory Council on Historic Preservation (ACHP)** - Integrated Electronic Nationwide Properties Map: \$750K
- **Department of Homeland Security-U.S. Coast Guard (DHS-USCG)** - Bridge Permit Online Application System: \$500K
- **Department of Homeland Security-U.S. Coast Guard (DHS-USCG)** - US Aids to Navigation Information Management System/Bridge Tile System: \$300K
- **Department of Homeland Security-U.S. Coast Guard (DHS-USCG)** - Waterways Management Risk Module: \$323K
- **Department of Energy (DOE)** - PolicyAI Pilot: \$6.1M
- **U.S. Department of Housing and Urban Development (HUD)** - Tribal Directory Assessment Tool (TDAT) Enhancements: \$760K

Total funding: \$30.02 million

"When it comes to quickly delivering high speed internet and clean, reliable energy to hundreds of thousands of customers, the right workforce and permitting systems are crucial," said Agriculture Deputy Secretary Xochitl Torres Small. "With this investment from the Permitting Council, we can accelerate the delivery of investments thanks to President Biden's Inflation Reduction and Bipartisan Infrastructure Law to strengthen infrastructure and improve resilience for rural America."

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"AI-driven technologies are already transforming the world, and we're looking to leverage them to modernize the way we permit clean energy infrastructure in our country," said U.S. Deputy Secretary of Energy David Turk. "DOE and our National Laboratories have always been at the forefront of cutting-edge AI research and development, and we will meet this critical moment in history by securing U.S. leadership in both AI innovation and clean energy deployment."

"With the Biden-Harris administration's historic investments in infrastructure being made throughout the country, the need for coordination between federal, state, local and tribal partners cannot be understated," said U.S. Department of Housing Acting Secretary Adrienne Todman. "Through a systems investment like HUD's Tribal Directory Assessment Tool (TDAT), HUD's grantees and recipients can ensure that they consult the appropriate Tribal partners on these critical infrastructure projects – furthering a better future for us all."

"This investment will jump-start ACHP's ambitious effort to create an integrated, nationwide map of historic and cultural resources – which will inform early planning and siting decisions and will accelerate permitting for 120,000 federal undertakings every year," said Advisory Council on Historic Preservation Chair Sara Bronin. "We couldn't be more grateful for the Permitting Council's support of ACHP to design an interoperable and scalable system that assembles, cleans, and harmonizes GIS data from a variety of sources, so that we can both protect the places Americans cherish and advance the publicly-funded projects from which we all benefit."

"The US Coast Guard will be developing 1) a new geographic information system mapping capability for its U.S. Aids to Navigation Information System and Bridge Tile System; 2) a Waterways Risk Model; and 3) an online Bridge Permit Application System," said DHS Deputy Under Secretary for Management Tex Alles. "These new resources will provide a more transparent and efficient application process for project sponsors, partner agencies, and other stakeholders. The Department and U.S. Coast Guard appreciates this opportunity provided by the Permitting Council to streamline environmental review and infrastructure permitting through technology to meet Administration priorities for a more timely, efficient, and transparent process."

"As the Interior Department implements historic investments provided through President Biden's Investment in America agenda to tackle the climate crisis and restore our nation's lands and water, the need for increased capacity and efficiency is critical," said Acting Deputy Secretary of the Interior Laura Daniel-Davis. "With these new resources, our Department's bureaus and offices will have more tools to streamline efficiency, enhance transparency and get vital funding into the hands of the communities who need it most."

"Internet for All is an historic commitment to connect everyone in America to affordable, reliable high-speed Internet service, and streamlining the permitting process is critical to its success," said Deputy Secretary of Commerce Don Graves. "The Permitting Council's funding will support NTIA efforts to help states and territories identify permit requirements and more efficiently navigate applications and environmental reviews using cutting-edge tech tools."

About the Permitting Council

Established in 2015 by Title 41 of the Fixing America's Surface Transportation Act (FAST-41) and made permanent in the Infrastructure Investment and Jobs Act, the Permitting Council is a 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 coordinates federal environmental reviews and authorizations for projects that seek and qualify for FAST-41 coverage. FAST-41 covered projects are entitled to comprehensive permitting timetables and transparent, collaborative management of those timetables on the Federal Permitting Dashboard. FAST-41 covered projects may be in the renewable or conventional energy production, electricity transmission, energy storage, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity sectors.

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Biden-Harris Administration Announces Historic Investments to Increase Tribal Engagement and Improve Infrastructure Permitting Reviews

The Permitting Council is leveraging Inflation Reduction Act funding to equip Tribes with critically needed resources to make the permitting review process more efficient.

Contact Information

Permitting Council Press Office (media@permitting.gov)

WASHINGTON (May 7, 2024) – Today, the Federal Permitting Improvement Steering Council (Permitting Council) announced its first [Environmental Review Improvement Fund Tribal Assistance Program \(ERIF-TAP\)](#) awards of over \$1.3 million to the Mashpee Wampanoag Tribe and the Stockbridge-Munsee Community. The Permitting Council recently launched this financial assistance program in response to requests from Tribes for resources to help them meet increased permitting demand and to meaningfully engage in the environmental review process.

The Mashpee Wampanoag Tribe will receive \$690,000 and the Stockbridge-Munsee Community will receive \$632,500 from the ERIF-TAP. Both Tribes will use these funds to support engagement and consultation for a number of offshore wind projects on the Eastern seaboard that may affect Tribal interests.

"Increasing Tribal capacity in the environmental review process is essential to ensuring we can quickly build thoughtful infrastructure in this country," said Eric Beightel, Permitting Council Executive Director. "When Tribes have the tools that they need to engage in the environmental review of projects where Tribal interests may be affected, everyone wins because we can protect cultural resources, mitigate environmental impacts, and make sure that critical infrastructure projects are completed swiftly without undue delays."

These funds are enabled by the Permitting Council's \$350 million from President Biden's Inflation Reduction Act (IRA). ERIF-TAP investments will play a significant role in supporting Tribal engagement during the federal environmental review and authorization process. With these resources, reviews and authorizations can be completed more efficiently, helping to meet the Biden-Harris Administration's infrastructure and clean energy goals. ERIF-TAP funding applications are currently open to Tribal governments engaged in the environmental review and authorization process for FAST-41 covered projects, with applications reviewed on a rolling basis. The Permitting Council encourages interested Tribes to review requirements, reach out to staff, and submit applications through the Permitting Council [website](#).

"The Permitting Council's funding award is much appreciated and will be put to immediate use by Stockbridge-Munsee Community to engage in more efficient and meaningful cultural resource consultation on the covered FAST-41 projects," said Dr. Jeff Bendremer, Tribal Historic Preservation Officer, Stockbridge Munsee Community. "With this support, we can dedicate staff time and technical resources to meet our interests in these projects. We're pleased to be among the first Tribes to benefit from this opportunity."

"Tribes have struggled to effectively keep pace with the demanding permitting schedules in our efforts to preserve and protect our culturally significant, sacred sites and responsibly assess potential adverse environmental effects," said Councilman David Weeden, Tribal Historic Preservation Officer for the Mashpee Wampanoag Tribe. "The ERIF-TAP awards will provide vital support in these endeavors. This equitable funding mechanism is unprecedented and was done with an exemplary level of Tribal input. This collaborative approach has set a new standard for how federal agencies address the needs of Tribal Nations. We are proud to be part of this historic funding as an initial Tribe to receive an ERIF-TAP award and look forward to the positive impact it will have on our community's interests and concerns."

The Permitting Council is leveraging a partnership with the Department of the Interior's Bureau of Indian Affairs (BIA) to use the BIA's Indian Self Determination and Education Assistance Act (P.L. 93-638) Self Governance and Self Determination mechanisms to distribute funding to Tribes in a way that respects Tribal sovereignty and reduces administrative burden.

"These awards are a continuation of our all-of-government approach to protecting and supporting Tribal sovereignty and self-determination," said Bryan Newland, Assistant Secretary for Indian Affairs, Department of the Interior. "Tribal engagement in the environmental review and permitting process allows for Tribes to have input in decisions that will affect their lands and waters, as well as provides opportunities for Indigenous Knowledge to contribute to the well-being of the United States and to the collective understanding of the natural world."

Learn more about the Permitting Council's Environmental Review Improvement Fund Tribal Assistance Program at [Permitting.gov](https://www.permits.performance.gov).

About the Permitting Council and FAST-41

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Biden-Harris Administration Announces First of Its Kind State Permitting Collaboration with the New Mexico Renewable Energy Transmission Authority (RETA) to Advance Grid Infrastructure Projects

This new state-federal partnership will bring the tools and resources of the FAST-41 permitting assistance program to critical projects in New Mexico

Contact Information

Permitting Council Press Office (media@permitting.gov)

RETA-related media inquiries (News@GarrityPR.com)

WASHINGTON (May 30, 2024) – Today, the Federal Permitting Improvement Steering Council (Permitting Council) announced an exciting new Memorandum of Understanding (MOU) with the New Mexico Renewable Energy Transmission Authority (RETA). The MOU establishes a working relationship between the Permitting Council and RETA in order to provide federal permitting support to RETA-supported projects that also qualify for coverage under the Permitting Council's FAST-41 program. This new, collaborative state-federal partnership will help bring the benefits of federal permitting assistance to New Mexico to bring consequential infrastructure projects to life.

"The Permitting Council is excited to begin this new chapter of our relationship with New Mexico's RETA as we work together to identify projects that could truly benefit from the FAST-41 permitting assistance program," said Eric Beightel, Permitting Council Executive Director. "By bringing the vast tools of our program to the environmental review and authorization of infrastructure projects in the state of New Mexico, we know that we can realize a marked improvement in getting outstanding projects from the starting line to the finish with efficiency and effectiveness baked into every step of the process."

This announcement comes as President Biden's Bipartisan Infrastructure Law and Inflation Reduction Act are driving a surge of investment in transmission buildout and clean energy projects. The Permitting Council will bring the coordination, collaboration and transparency of the FAST-41 permitting assistance program to eligible RETA projects, ensuring an accountable federal environmental review and authorization process for those project sponsors that choose to join the FAST-41 program. Under the MOU, the Permitting Council will work with RETA on various aspects of the review process, including:

- Helping RETA to determine the FAST-41 eligibility of projects in RETA's portfolio and providing ongoing support as RETA identifies new projects that may be eligible for permitting assistance;
- Engaging with developers of projects in RETA's portfolio to provide FAST-41 briefings as requested;
- Coordinating with RETA to develop a FAST-41 Initiation Notice template that will support an efficient application process for developers of projects in RETA's portfolio;
- Providing dedicated Permitting Council staff contacts for each covered project in RETA's portfolio and supporting regular coordination calls with the project sponsor and the participating agencies for the project; and
- Convening, as appropriate, federal agencies with equities in RETA projects covered under FAST-41 to support timely issue identification, resolution, and efficient and effective environmental review and permitting of covered projects.

"RETA has been working on ways of expediting and streamlining the permitting process for several years," said Robert Busch, RETA Board Chair. "This MOU with the Permitting Council is the next logical step in that effort. We look forward to finding ways of efficiently coordinating the federal and state permitting processes."

As part of the MOU the Permitting Council will also work with RETA to identify projects that would benefit from FAST-41's state opt-in provision. This provision allows the environmental reviews and authorizations of state agencies to be included on the federal Permitting Dashboard and held to the same statutory requirements of FAST-41 as though the state agencies were federal agencies. Those standards include permitting timetable posting, reporting, modification, and nonconformance requirements.

Learn more about the federal Permitting dashboard at [Permitting.gov](https://www.permits.performance.gov).

About the Permitting Council and FAST-41

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About New Mexico Renewable Energy Transmission Authority

The NM RETA was created by New Mexico lawmakers to facilitate the development of electric transmission and storage projects. The goal is to enhance the flow of renewable energy across New Mexico and for export out of New Mexico. For more information visit <https://nmreta.com>.

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