

# **FAST-41: Tangible Permitting Process Improvements on a Project-Specific Basis**

Amber Levofsky,  
Executive Operations Manager  
Federal Permitting Improvement Steering Council



**PERMITTING COUNCIL**

Transparency • Efficiency • Accountability

# Transparency – Efficiency – Accountability

## Title 41 of the Fixing America's Surface Transportation Act (FAST-41)

Provides statutory authority to the Federal Permitting Improvement Steering Council (Permitting Council) to support and oversee a timely and efficient permitting process for covered infrastructure projects.

So what does FAST-41 coverage mean?

1. What benefits does FAST-41 offer?
2. How does the Permitting Council deliver those benefits?
3. What does going through this program look like for a project sponsor?
4. How does a project become a FAST-41 covered project?



Photos: U.S. Department of Energy



# What Benefits Does FAST-41 Offer?

**FAST-41 focuses on supporting informed decision-making while reducing and eliminating unnecessary and costly delays**

The Permitting Council is transforming the way permitting is conducted at the Federal level on covered projects through greater transparency, efficiency, and accountability.

## Transparency

Permitting schedules are publicly displayed on the Permitting Dashboard ([permits.performance.gov](https://permits.performance.gov))

## Efficiency

Early coordination among all relevant federal agencies is required

Federal agency permitting processes are aligned to optimize the schedule (concurrent vs sequential processes)

## Accountability

High-level federal oversight for covered projects by the Permitting Council



# How Does the Permitting Council Deliver Those Benefits?

## One Stop Shop

Project sponsors have a single point of contact with the Executive Director throughout the entire Federal permitting process and can contact the lead agency or the Executive Director with issues about the permitting process or schedule.

## Executive Level Oversight

Permitting Council Members (Deputy Secretary level) - 12 Federal agencies plus the Council on Environmental Quality and the Office of Management and Budget - led by an Executive Director appointed by the President

## Decision Makers

CERPOs – covered projects have a designated Chief Environmental Review and Permitting Officer(s) at each agency

- Appointed by the head of that agency
- Report to the Deputy Secretary or equivalent.

The CERPO is charged with facilitating efficient and timely permitting processes for FAST-41 covered projects and recommending process improvements

## Dispute Resolution

The Executive Director mediates timetable disputes and elevates them to the Director of the Office of Management and Budget (OMB) if unresolved after 30 days.



# What Does FAST-41 Look Like for You?

## Part 1 - Early Coordination (Likely Pre-Application) Resulting in Clear Next Steps:

The Executive Director serves as a “one stop shop” resource throughout the process and while overseeing the early coordination process to:

Discuss eligibility of FAST-41 and timing for your individual project

Oversee the lead agency’s expeditious consultation with Federal and state agencies to provide you with information within 60 days on:

- Availability of information and tools to facilitate early planning efforts
- Key issues of concern to each agency and to the public
- Issues that must be addressed before a permit decision can be issued

**Outcome for you: Clear understanding of key issues to be addressed and analyzed during the permitting process across agencies and optimal timing for submitting permit applications**



# What Does FAST-41 Look Like for You?

## Part 2 - Early Coordination (Likely Pre-Application) Resulting in Clear Next Steps:

### Pre-FAST-41 Interagency Meeting

The Executive Director coordinates with the lead agency to schedule an interagency meeting, including with the project sponsor, to:

- Discuss any key issues for immediate attention
- Identify the critical path to your first major milestone in the permitting process (this may be the NEPA Notice of Intent [NOI])
- Identify initial roles and responsibilities for agencies with a permitting role

**Outcome for you: Clear understanding of the critical path to launch the permitting process, so that agencies have the information necessary to execute on a more effective and efficient permitting process, striving for the 2-year goal.**



# What Does FAST-41 Look Like for You?

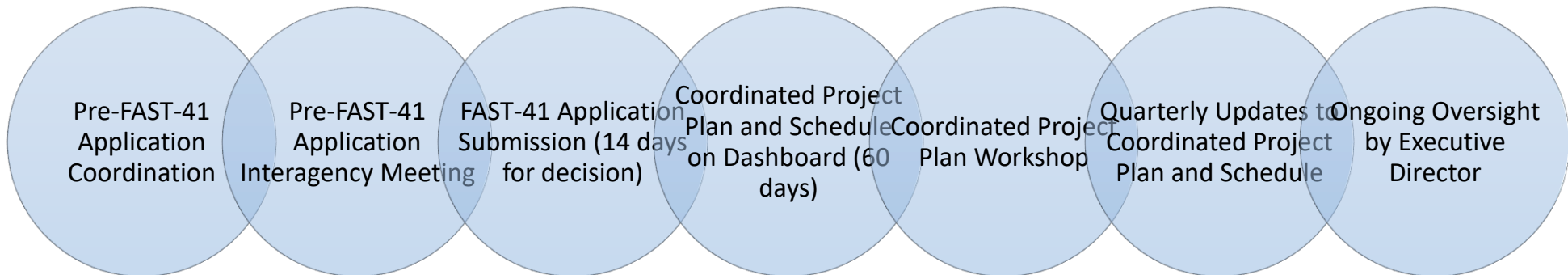
## Part 1 - Setting a Solid Foundation with the FAST-41 Application and Coordinated Project Plan:

Project Applicant Submits a FAST-41 Application

(<https://www.permits.performance.gov/tools/becoming-fast-41-covered-project>)

The lead agency coordinates with Federal agencies likely to be involved in the permitting process to decide whether a project is covered within 14 days.

\*Note: Should a project be denied, the project applicant can appeal to the Executive Director



# What Does FAST-41 Look Like for You?

## Part 2 - Setting a Solid Foundation with the FAST-41 Application and Coordinated Project Plan:

A Custom Roadmap to the Permitting Process, the Coordinated Project Plan, is Developed by the Federal Agencies within 60 Days:

- Roles and responsibilities for all entities with permitting responsibilities
- Comprehensive permitting schedule with interim and final milestones (also Permitting Dashboard), with potential focus areas for additional interagency coordination noted
- Potential avoidance, minimization, and mitigation strategies
- Plans and a schedule for public and tribal outreach and coordination

### Coordinated Project Plan Workshop

The Executive Director coordinates with the lead agency to schedule a Coordinated Project Plan Workshop, including with the project sponsor, to verify an efficient and timely permitting schedule has been developed and concurred upon by the Federal agencies, and that all entities have a clear understanding of the steps required to meet that schedule

*Note: States have the ability to “opt in” to the FAST-41 process.*





# What Does FAST-41 Look Like for You?

## Part 1 - Quarterly Updates and Ongoing Oversight by the Executive Director:

### Coordinated Project Plan and Permitting Schedule Quarterly Updates:

- The Executive Director must approve any changes to the schedule that would extend a permitting action's target date by more than 30 days
  - Such a milestone extension decision requires the Executive Director to consult with the project sponsor
- Target completion dates may not be modified within 30 days of that date – this helps avoid last minute surprises and allows both agencies and project sponsors to have more time to adjust any of their obligations
- If a schedule is extended by 150% of the project's original schedule, it must be reported to Congress



# What Does FAST-41 Look Like for You?

## Part 2 - Quarterly Updates and Ongoing Oversight by the Executive Director:

Formal Dispute Resolution (*beyond routine proactive issue identification and resolution*)

The Executive Director may initiate the formal dispute resolution process:

- The Executive Director, in consultation with the project sponsor and appropriate agencies, has 30 days to resolve the dispute before it is elevated to the Director of the Office of Management and Budget (OMB)
- The Director of OMB, in consultation with the Chairman of the Council on Environmental Quality (CEQ), has 30 days to resolve the dispute
- The Director of OMB's decision is final and conclusive, and not subject to judicial review.



# What Does FAST-41 Look Like for You?

## Permitting Council's Quantified Benefits to Covered Projects:

### Combined Savings to Project Sponsors: Over \$1 billion to date

**Moving the Process Along:** OED coordinated closely with the Council to facilitate a Section 106 review, saving an estimated six months and millions in capital costs to the project.

**Enhancing Coordination:** By facilitating state-federal coordination, OED was able to reduce a permitting timetable by 22 months.

**Correcting Inefficiencies:** OED collaborated with an agency to implement a more efficient internal review process for a FAST-41 project that resulted in a six to eight week shorter environmental review period.

**Avoiding Communication Failures:** OED has successfully intervened when communication within and among agencies has broken down to facilitate and resolve misunderstandings, disagreements, and disputes.



# What Does FAST-41 Look Like for You?

## Legal Certainty Improvements:

Limitation on Claims: FAST-41 reduces the statute of limitations from 6 to 2 years

Federal agencies will review NEPA challenges only when filed by a party who submitted a related comment during the project's environmental review

Established standards for judicial review of actions seeking a temporary restraining order or preliminary injunction against an agency of project sponsor in connection with review or authorization of a FAST-41 covered project

- The court shall consider the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from an order or injunction and
- Not presume that the above harms are reparable



# How Does a Project Become a FAST-41 Project?

## FAST-41 Eligibility Criteria

- Any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure in designated sectors,
- Subject to the National Environmental Policy Act (NEPA),
- Likely to require a total investment of more than \$200 million, and
- Does not qualify for an abbreviated authorization or environmental review process.

Note: A project that does not meet the \$200 million threshold may still be a covered project if the Permitting Council determines it is of a size and complexity that would benefit from FAST-41

## FAST-41 Sectors

- Water Resources\*
- Renewable Energy Production
- Conventional Energy Production
- Electricity Transmission
- Aviation
- Ports and Waterways\*
- Broadband
- Surface Transportation\*
- Manufacturing
- Pipelines

*\*Exemption: Does not include projects subject to Section 139 of Title 23 or Section 2045 of WRDA (2007)*

**No fee is currently required to become a FAST-41 project.**



# Permitting Dashboard

The project details page turns data entered by agencies into illustrations to communicate the data clearly and efficiently to the public.

## Desert Quartzite Solar

**PROJECT WEBSITE:** [Bureau of Land Management Desert Quartzite Home Page](#)

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



PROJECT STATUS  
IN PROGRESS



ESTIMATED COMPLETION DATE  
May 10 2019



Environmental Review  
and Permitting Processes  
Completed



SECTOR  
Renewable Energy  
Production



CATEGORY  
FAST-41 Covered Projects



LEAD AGENCY  
Department of Interior



### Primary Location

Latitude: 33.590000000000  
Longitude: -114.740000000000

### Lead Agency Information:

**POC Name:** Brandon G. Anderson  
**POC Title:** Project Manager  
**POC Email:** [bganderson@blm.gov](mailto:bganderson@blm.gov)  
**Agency/Department:** Department of Interior  
**Bureau/Mode:** Bureau of Land Management

### Sponsor Contact Information:

**Project Sponsor:** First Solar  
**POC Name:** James Cook  
**POC Title:** Director, Project Development  
**POC Email:** [jcook@firstsolar.com](mailto:jcook@firstsolar.com)

### Description:

The Project would be located approximately 2.75 miles southwest of the City of Blythe, just south of the Interstate 10 freeway, in Riverside County, California. The Project involves construction of a 450 MW solar facility and a 2.8 mile long 230 kilovolt transmission line that would connect with Southern California Edison's Colorado Substation. The Project would require 89 acres for temporary construction. After construction, the Project would occupy up to 3,614 acres of BLM land and 154 acres of private land under the jurisdiction of the County of Riverside. Once completed, the Project would also include an operations and maintenance building, an on-site substation, internal access roads, and ancillary facilities. Existing roads would be used to access the site.



**PERMITTING COUNCIL**

Transparency • Efficiency • Accountability

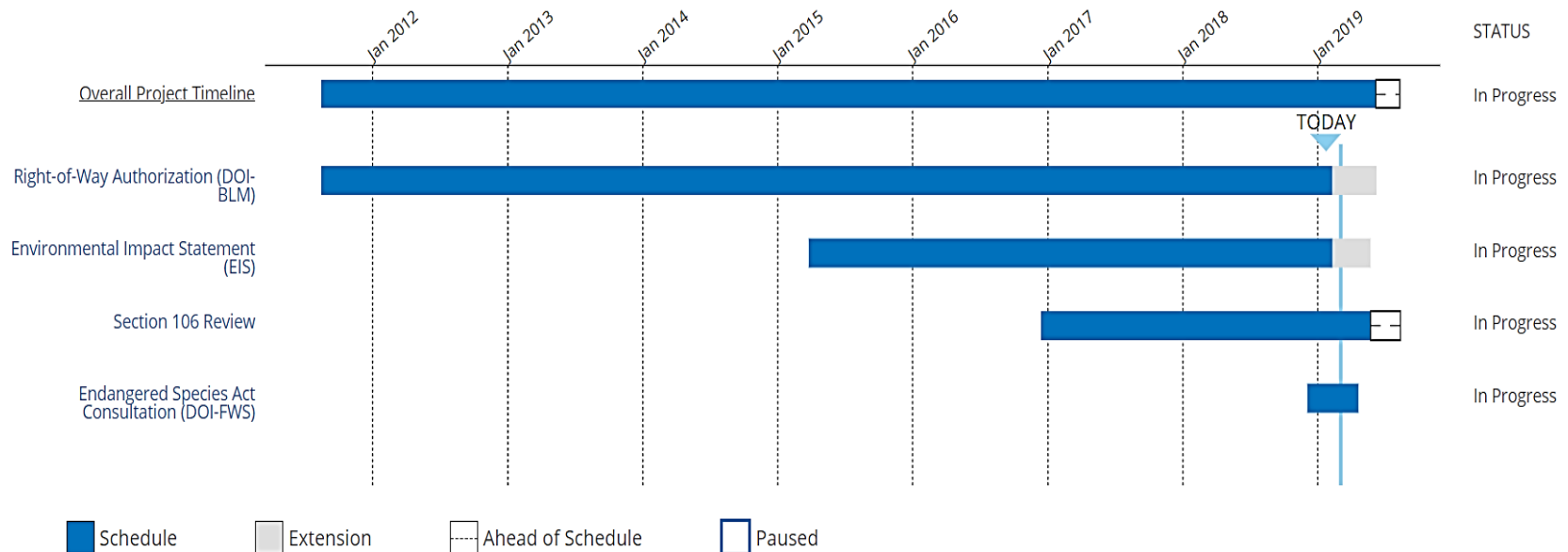
# Permitting Dashboard

Example of a Gantt chart breaking down each specific Environmental Review and Permitting process for FAST-41 projects to show where delays occurred from the original schedule.

## Permitting Timetable

The permitting timetable below displays data as reported by agencies. Dates for Environmental Review and Permitting processes (Actions) that are in 'Paused' or '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.



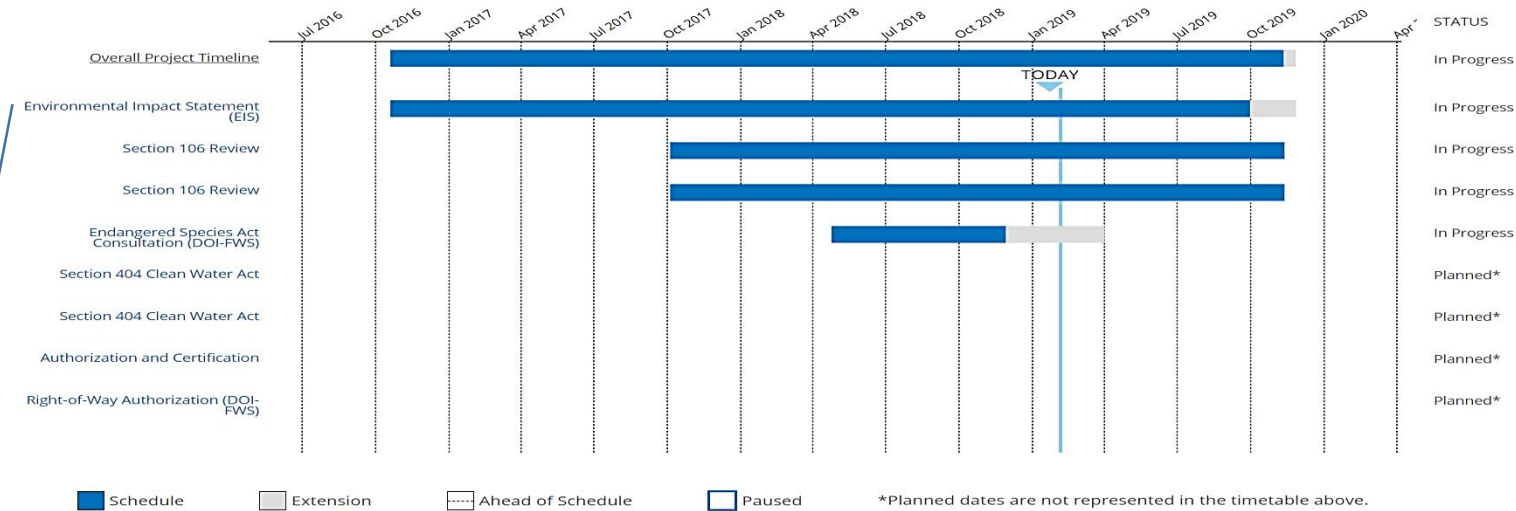
# Permitting Dashboard

Milestone completion dates for each Environmental Review and Permitting process can be viewed by making a selection from the Gantt chart.

## Permitting Timetable

The permitting timetable below displays data as reported by agencies. Dates for Environmental Review and Permitting processes (Actions) that are in 'Paused' or '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.



## Action Information

Action: **Environmental Impact Statement (EIS)**

Responsible Agency: **Department of Agriculture**

Bureau: **Rural Development**

Milestone	Original Target Date	Current Target Date	Milestone Complete
Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	10/07/2016	10/18/2016	✓
Scoping	12/07/2016	01/06/2017	✓
Official Notice of Availability of a Draft EIS published in the Federal Register (FR) beginning both the public comment period and concurrent CAA Section 309 Review	08/19/2018	12/07/2018	—
Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	06/07/2019	08/23/2019	—
Issuance of Record of Decision or combined Final EIS / Record of Decision	09/13/2019	11/08/2019	—

[View Action Details](#)




# Permitting Dashboard

The project details page turns data entered by agencies into illustrations to communicate the data clearly and efficiently to the public.

## CARDINAL-HICKORY CREEK 345 KV TRANSMISSION LINE PROJECT

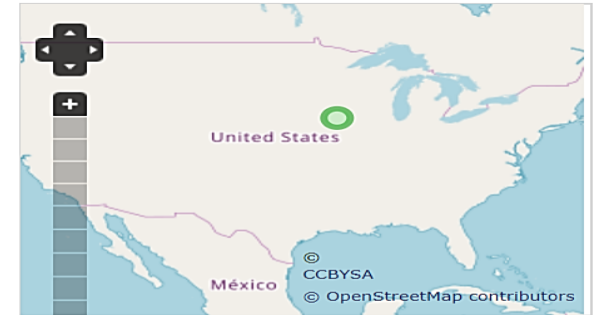
### Project Information

**Sector:** Electricity Transmission  
**Project Category:** FAST-41 Covered Projects  
**Project Status:** In Progress  
**Project Website:** [Cardinal-Hickory Creek 345 kV Transmission Line Project](#)   
**Total Estimated Project Cost:** \$500,000,000

### Description:

Dairyland Power Cooperative ("Dairyland"), a cooperative organized under the laws of Wisconsin, American Transmission Company LLC by its corporate manager, ATC Management Inc., (together, "ATC"), and ITC Midwest LLC ("ITC Midwest") (all collectively, "Utilities") propose to construct and own the Cardinal—Hickory Creek Transmission Line Project ("Project"), a 345 kilovolt ("kV") transmission line connecting northeast Iowa and south-central Wisconsin.


The U.S. Department of Agriculture's Rural Utilities Service is currently the lead federal agency for the preparation of an Environmental Impact Statement for the Project. The U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers are Cooperating Agencies. The Notice of Intent was published on October 18, 2016. The Scoping Report was released around June 23, 2017. The RUS's consultant is currently drafting the Preliminary Draft Environmental Impact Statement (PDEIS).




### Primary Location


**City:**  
**State:** Iowa  
**Zip Code:**

### Lead Agency Information:

**POC Name:** Lauren Cusick  
**POC Title:** Environmental Protection Specialist  
**POC Email:** [lauren.cusick@wdc.usda.gov](mailto:lauren.cusick@wdc.usda.gov)   
**Agency/Department:** Department of Agriculture  
**Bureau/Mode:** Rural Development

### Sponsor Contact Information:

**Project Sponsor:** American Transmission Company LLC  
**POC Name:** Tom Schemm  
**POC Title:** Project Manager  
**POC Email:** [tschemm@atcllc.com](mailto:tschemm@atcllc.com) 

**Project Sponsor:** ITC Midwest LLC  
**POC Name:** Aaron Curtis  
**POC Title:** Project Manager  
**POC Email:** [acurtis@Itctransco.com](mailto:acurtis@Itctransco.com) 

**Project Sponsor:** Dairyland Power Cooperative  
**POC Name:** Chuck Thompson  
**POC Title:** Manager of Siting and Regulatory Affairs  
**POC Email:** [Chuck.Thompson@DairylandPower.com](mailto:Chuck.Thompson@DairylandPower.com) 



# Permitting Dashboard

The project details page turns data entered by agencies into illustrations to communicate the data clearly and efficiently to the public.

## PERMITTING TIMELINE

Action	Agency	Target Completion	Status
▸ Section 404 Clean Water Act	US Army Corps of Engineers - Regulatory (Cooperating under FAST-41), (Cooperating under NEPA)		Planned
▸ Endangered Species Act Consultation (DOI-FWS)	Fish and Wildlife Service (Cooperating under FAST-41), (Cooperating under NEPA)		In Progress
▸ Section 404 Clean Water Act	US Army Corps of Engineers - Regulatory (Cooperating under FAST-41), (Cooperating under NEPA)	12/12/2019	Planned
▸ Right-of-Way Authorization (DOI-FWS)	Fish and Wildlife Service (Cooperating under FAST-41)	06/12/2020	Planned
▸ Environmental Impact Statement (EIS)	Rural Development	10/25/2019	In Progress 11/08/2019
▸ Authorization and Certification	US Army Corps of Engineers - Civil Works (Cooperating under FAST-41), (Cooperating under NEPA)	06/12/2020	Planned
▸ Section 106 Review	Rural Development		In Progress
▸ Section 106 Review	Rural Development		In Progress



