



FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

## FAST-41 Performance Schedules

November 2023, revised January 2024

# **FAST-41 Performance Schedules, November 2023 (rev. 01/2024)**

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## Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
BLM	Bureau of Land Management
CAA	Clean Air Act
CFR	Code of Federal Regulations
CPCN	Certificate of Public Convenience and Necessity
DEIS	Draft Environmental Impact Statement
DOE	Department of Energy
DOI	Department of Interior
EC	Engineer Circular
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
ENG	Engineer
ESA	Endangered Species Act
FAST-41	Title 41 of the Fixing America's Surface Transportation Act
FEIS	Final Environmental Impact Statement
FERC	Federal Energy Regulatory Commission
FPS	FAST-41 Performance Schedule
FR	Federal Register
FWS	Fish and Wildlife Service
Hydro Lic	Non-federal Hydropower License
ILP	Integrated Licensing Process
MOU	Memorandum of Understanding
NEIMA	Nuclear Energy Innovation and Modernization Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOI	Notice of Intent
NRC	Nuclear Regulatory Commission
Nuclear Comb Lic	Nuclear Power Plant – Combined (construction and operating) License
PCN	Preconstruction Notification
PC-Staff	Permitting Council Staff
Permitting Council	Federal Permitting Improvement Steering Council
PN	Public Notice
ROD	Record of Decision
ROW	Right-of-Way Authorization
RUS	Rural Utilities Service
Sec 10 (or Section 10)	Section 10 of the Rivers and Harbors Act of 1899
Sec 106 (or Section 106)	Section 106 of the National Historic Preservation Act
Sec 404 (or Section 404)	Section 404 of the Clean Water Act
Sec 408 (or Section 408)	33 USC 408
SHPO	State Historic Preservation Office
SMR	Small Modular Reactor
THPO	Tribal Historic Preservation Office
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture

## Background, Methodology, and Approach

Title 41 of the Fixing America's Surface Transportation Act (FAST-41), 42 U.S.C. § 4370m *et seq.*, directs the Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council), in consultation with the Permitting Council, to develop what the statute refers to as “recommended performance schedules” for each category of covered projects (“sector”). The use of “recommended” in the statute is misleading as these schedules are created to represent the most sound and efficient applicable processes for project timelines within a particular sector. Accordingly, to meet the statutory requirements, these sector-specific FAST-41 performance schedules (FPS):

- Include interim and final completion dates for the environmental reviews and authorizations most commonly required for a given category of projects;
- Reflect the most sound and efficient applicable processes, including alignment of Federal reviews, reduction of permitting and project delivery time, and consideration of the best practices for public participation;
- Extend no more than 2 years, to the maximum extent practicable and consistent with applicable Federal law;
- For a FPS that exceeds 2 years, include an explanation of the factors causing it to be longer than 2 years; and
- Not exceed the average time to complete an environmental review or authorization for a project within that category.

(See 42 U.S.C. § 4370m-1(c)(1)(C))

In addition, any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization is in the possession of the agency. 42 U.S.C. § 4370m-1(c)(1)(C)(III)(cc).

A FPS is “recommended” only insofar as it serves as a starting point from which lead agencies, cooperating and participating agencies, and project sponsors can identify and consider project-specific factors that will ultimately determine the project timetable for each project.

The Executive Director, in consultation with the Permitting Council, must review and revise the FPSs at least every two years. 42 U.S.C. § 4370m-1(c)(1)(C)(iii)

The Permitting Council agency staff (PC-Staff) supports the Executive Director in the development, review, and revision of FPSs. PC-Staff initiated development of the FPSs issued in 2023 by first identifying the common environmental reviews and authorizations (often called “actions” within the context of FAST-41 and on the Federal Permitting Dashboard (Dashboard)) for each sector and subsector. Thus, PC-Staff identified the most common actions by reviewing existing projects posted on the Dashboard, requesting information from agencies, and relying on internal PC-Staff subject-matter expertise.

PC-Staff then used Dashboard data from completed FAST-41 projects and actions to establish baseline durations for each action and the milestones within a particular action. PC-Staff

supplemented the Dashboard data with time periods contained in various agencies' policy, guidance, or regulations, which PC-Staff used to inform the duration used for interim and final milestones, and ultimately the actions, within each FPS. The agencies whose regulations or guidance materials contain timeframes PC-Staff incorporated into FPSs include the U.S. Army Corps of Engineers, the Nuclear Regulatory Commission, Federal Energy Regulatory Commission, the Department of the Interior - Fish and Wildlife Service and Bureau of Land Management, and the Advisory Council on Historic Preservation. PC-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. PC-Staff took those types of relationships between and among actions into account when developing the FPSs.

Another critical component of developing the FPSs was direct engagement with the agencies. Agency staff were consulted for review and feedback on the FPSs to help identify the appropriate milestones, durations, and dependencies. Agency staff's interpretation and explanation of internal agency processes, regulations, and policies provided clarity and context to the data from projects on the Dashboard.

PC-Staff used all the information described above to create Gantt charts for each sector and subsector represented by these FPSs. The Gantt charts provide a visual representation of:

- The most common environmental reviews and authorizations (i.e., actions) for each sector or subsector;
- When each action begins and ends;
- The total duration of each action and timing of interim milestones within each action;
- Action dependencies and where actions overlap; and
- The overall duration of the whole permitting process for the project.

The final 2023 FPSs are designed to represent idealized baseline schedules for FAST-41 projects in the applicable sector or subsector, as they were developed using data from existing FAST-41 projects along with information provided by agencies or specified in agency regulations and guidance. Each sector-specific FPS has been developed with direct input from and in consultation with the agencies responsible for an action within a sector or subsector and represent the most sound and efficient processes for all activities. The Gantt charts and explanatory information found on the pages linked below for each sector and subsector will provide agencies with a quantitative tool that can be used as a starting point to develop timely and realistic project-specific coordinated project plans and permitting timetables. FAST-41 permits agencies to vary the permitting timetable for each covered project based on relevant factors, including but not limited to:

- the size and complexity of the covered project;
- the resources available to each participating agency;
- the regional or national economic significance of the project;
- the sensitivity of the natural or historic resources that may be affected by the project;
- the financing plan for the project; and

- the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

*See* 42 U.S.C. § 4370m-2(c)(2)(B).

FPSs are not intended to be all-inclusive, definitive limits. Rather, they are intended to be used as a starting point when agencies are developing project permitting timetables. For example, the FPSs include the most common types of authorizations required for each particular sector or subsector, but based on considerations unique to a particular project, agencies may need to include other authorizations or remove an authorization when developing the permitting timetable for a project. Additionally, a project's permitting timetable can vary from an FPS based on the project-specific factors above. Thus, the Executive Director recommends that these FPSs be used as a starting point for developing project permitting timetables that are transparent and reliable, based on project-specific factors.

Finally, pre-application activities and post-permitting activities are not included in the FPSs. The Permitting Council recognizes that, with any large infrastructure project, project sponsors engage in a substantial amount of pre-application work that requires coordination with and among agencies. These activities are critical components of project development and necessary for efficient permitting processes. Nonetheless, because the amount of time engaged in re-application activities is undefined and largely driven by project sponsors, and thus not within the control of Federal agencies, the pre-application process is not included in the FPSs. It is also important to acknowledge that the end of the permitting process does not necessarily mean that the project sponsor and agencies are done with the project. During project construction, operation, and maintenance there are often mitigation, inspection, and compliance activities that continue well beyond the permitting process. FAST-41 permitting timetables, however, terminate with the final decision date for the environmental reviews and authorizations for a project. Accordingly, post-permitting activities are not included in the FPSs.

## Electricity Transmission (Including the Electricity Transmission-All and Rural Transmission subsectors)

The Electricity Transmission sector FPS includes the following environmental reviews and authorizations:

- Right-of-Way Authorization / Special Use Permit (DOI-BLM or other relevant agency)
- Environmental Impact Statement (EIS) (Facilitating/Lead Agency)
- Section 106 Review (Facilitating/Lead Agency)
- Section 408 Permit (USACE)
- Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (USACE)
- Endangered Species Act Consultation (DOI-FWS)

Figure 1 presents the timing and duration of each environmental review and authorization comprising this FPS.

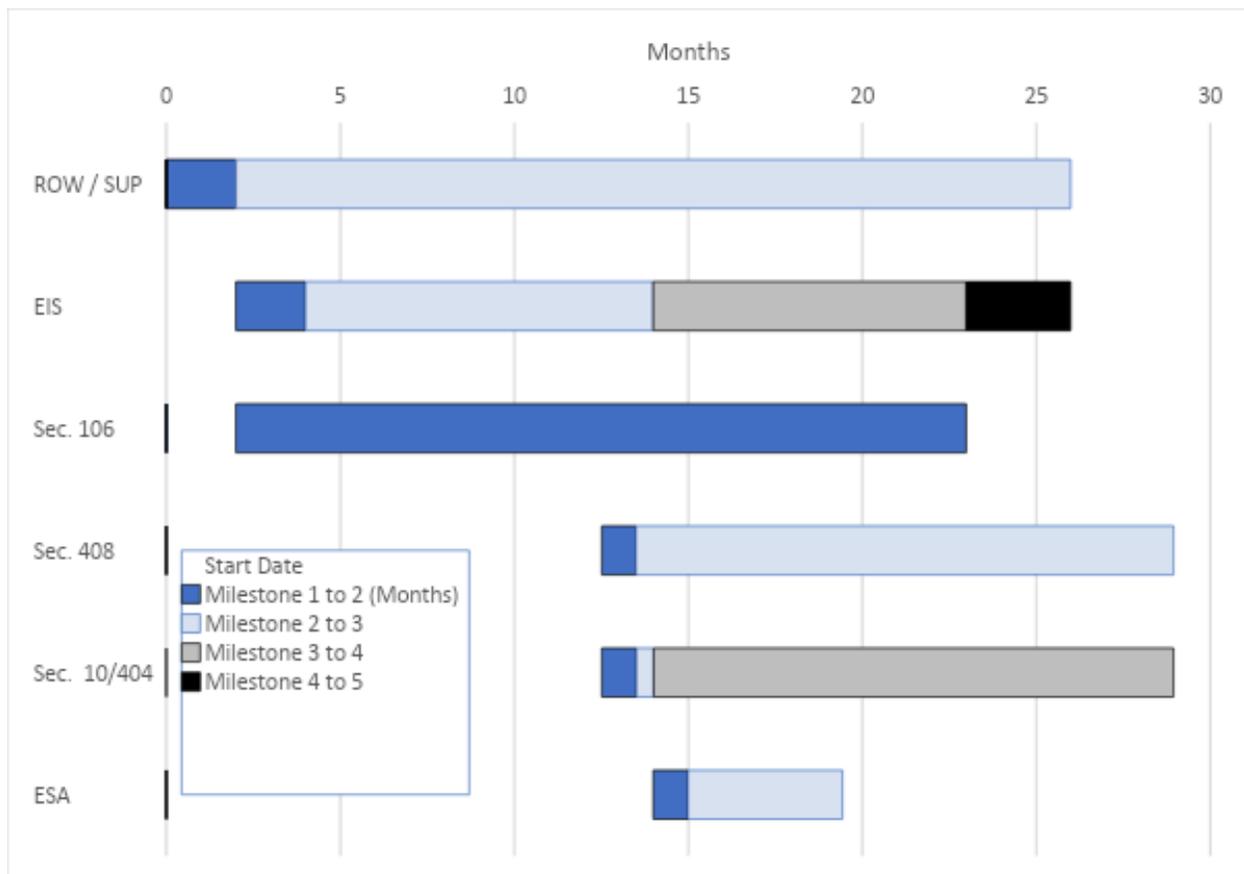


Figure 1: FAST-41 performance schedule for the Electricity Transmission sector.

As demonstrated by the chart in Figure 1, this FPS exceeds 2-years. This FPS was developed in close collaboration with the Department of Energy (the Facilitating Agency for most Electricity Transmission projects covered by FAST-41) with assistance from other cooperating agencies and

is consistent with the requirements and timelines included in DOE’s Draft Standard Schedule for Electricity Transmission projects. In May 2023, a Memorandum of Understanding (MOU) was signed by nine Federal agencies to implement Section 216(h) of the Federal Power Act (FPA). The MOU tasks DOE with coordinating Federal environmental reviews and authorizations required for many electricity transmission facilities. In the MOU, DOE committed to establishing a standard schedule that will serve as a template to guide developer engagement with Federal agencies and relevant stakeholders in the environmental review and permitting processes. In the spirit of fostering consistency in practice and promoting efficiency across Federal agencies, PC-Staff, DOE, and other agencies worked closely to align the Permitting Council FPS and the DOE Standard Schedule.

Table 1 presents more information about the milestones within each environmental review and authorization comprising this FPS.

*Table 1: Details, assumptions, and sources for the Electricity Transmission sector FPS.*

Right-of-Way Authorization	Initial application received	1	Starts process	
Right-of-Way Authorization	Completed application received	2	60 days after "Initial application received"	BLM Customer Service flow chart
Right-of-Way Authorization	Issuance of decision for permit/approval	3	Concurrent with EIS ROD; not issued before ESA, Section 106, and NEPA are completed	
Environmental Impact Statement (EIS)	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	1	Starts concurrent with BLM ROW "Completed application received"	
Environmental Impact Statement (EIS)	Scoping	2	No statutory requirement; use 60 days for FPS	
Environmental Impact Statement (EIS)	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	3	No statutory requirement; use 10 months for FPS	

Environmental Impact Statement (EIS)	Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	4	Use 9 months to respond to 60-day comment period, revise the EIS, circulate, finalize the EIS, and draft the ROD	
Environmental Impact Statement (EIS)	Issuance of Lead Agency Record of Decision	5	Must be at least 90 days after DEIS, and at least 30 days after FEIS	
Section 106 Review	Consultation initiated with SHPO/THPO	1	Concurrent with EIS NOI	ACHP NEPA Section 106 Handbook and flowchart
Section 106 Review	Section 106 consultation concluded	2	Concurrent with FEIS	ACHP NEPA Section 106 Handbook and flowchart
Section 408 Permit	Initial application submitted	1	45 days before DEIS; concurrent with Section 10/404 PCN	Dashboard data and USACE policy to synchronize with Section 10/404
Section 408 Permit	Completeness Determination	2	30 days after "Initial application submitted"	USACE policy
Section 408 Permit	Issuance of Decision	3	Issued 90 days after ROD; not issued before ESA, Section 106, and NEPA are completed. Concurrent with USACE Section 10/404.	USACE policy and input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	1	45 days before DEIS	USACE input

Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Complete Pre-Construction Notification (PCN)/Application Received	2	30 days after "PCN/Form ENG 4345/Joint Application Form Received"	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Publication of Public Notice	3	15 days after "Complete PCN/Application Received"; intent is to align with USACE PN with the DEIS	USACE regulations
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Final Verification/Permit Decision Rendered	4	Issued 90 days after ROD; not issued before ESA, Section 106, EFH, and NEPA are completed	USACE input
Endangered Species Act Consultation	ESA Consultation Request Package Submitted	1	Concurrent with DEIS	DOI input
Endangered Species Act Consultation	FWS determines ESA Consultation Package is Complete -- Formal	2	30 days	Endangered Species Consultation Handbook (March 1998) and DOI input
Endangered Species Act Consultation	ESA Consultation Concludes	3	135 days	ESA regulation, Endangered Species Consultation Handbook (March 1998), and DOI input

Notes:

1. The content of this FPS includes both the “Electricity Transmission – All” and the “Rural Transmission” subsectors of the Electricity Transmission sector.
2. DOE will be lead or co-lead for all electricity transmission projects where applicable to the Federal Power Act. If this FPS is applied to a Rural Transmission project, the lead or co-lead agency will likely be the USDA Rural Utilities Service rather than BLM.
3. The actions and agencies included in this FPS represent the most common authorizations expected for this subsector based on past projects on the Dashboard. It is not necessarily all-inclusive, and, when developing a project-specific permitting timetable, the facilitating/lead agency is responsible for including all Federal reviews and authorizations necessary for bringing the project to construction.

4. This FPS has been developed using relevant data from the Dashboard, agency flow charts and documents, and direct input from agencies. It is a starting point for agencies to use when developing project-specific permitting timetables, which may differ from the FPS based on factors unique to a particular project.

References:

1. BLM ROW process and standard processing times flowchart:  
[https://blm.gov/sites/blm.gov/files/Lands\\_ROW\\_2-17-18\\_CustomerService\\_Flow\\_Chart.pdf](https://blm.gov/sites/blm.gov/files/Lands_ROW_2-17-18_CustomerService_Flow_Chart.pdf)
2. NEPA-NHPA Section 106 Handbook:  
[https://achp.gov/sites/default/files/2017-02/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013\\_0.pdf](https://achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf)
3. ACHP Section 106 and Environmental Impact Statement flow chart:  
[https://www.achp.gov/sites/default/files/2022-07/NEPA\\_Section106\\_072922.pdf](https://www.achp.gov/sites/default/files/2022-07/NEPA_Section106_072922.pdf)
4. USACE regulations at 33 CFR 320-332
5. Endangered Species Consultation Handbook  
<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>
6. Memorandum of Understanding to implement Section 216(h) of the Federal Power Act.
7. USACE Engineering Circular EC 1165-2-220:  
[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC\\_1165-2-220.pdf?ver=2018-09-07-115729-890](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf?ver=2018-09-07-115729-890)

## Interstate Natural Gas Pipelines

The Interstate Natural Gas Pipelines subsector FPS includes the following environmental reviews and authorizations:

- Certificate of Public Convenience and Necessity (CPCN) for Natural Gas Pipelines (FERC)
- Environmental Impact Statement (EIS) (Facilitating/Lead Agency)
- Section 106 Review (Facilitating/Lead agency)
- Section 408 Permit (USACE)
- Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (USACE)
- Right-of-Way Authorization / Special Use Permit (DOI-BLM or other relevant agency)
- Endangered Species Act Consultation (DOI-FWS)

Figure 2 presents the timing and duration of each environmental review and authorization comprising this FPS.

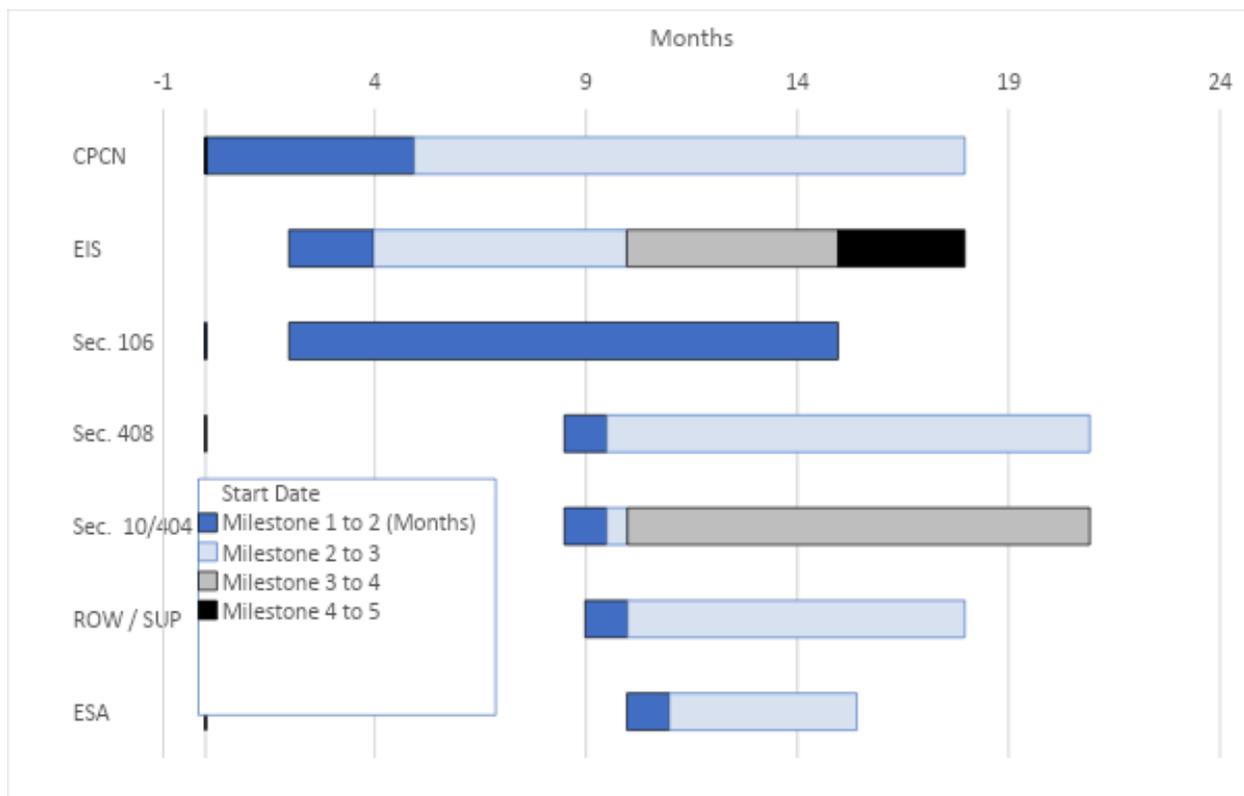


Figure 2: FAST-41 performance schedule for the Interstate Natural Gas Pipelines subsector.

Table 2 presents more information about the milestones within each environmental review and authorization comprising this FPS.

*Table 2: Details, assumptions, and sources for the Interstate Natural Gas Pipelines subsector FPS.*

Certificate of Public Convenience and Necessity for Interstate Natural Gas Pipelines	Initial application submitted	1	Typically starts process; on occasion, applications for other Federal actions are filed before an application with the Commission	Dashboard data; FERC input and flowchart
Certificate of Public Convenience and Necessity for Interstate Natural Gas Pipelines	Application deemed complete	2	After EIS Scoping; Dashboard data shows a range of 5 to 22 months between "Initial application submitted" and "Application deemed complete." Use 5 months for FPS as most efficient process.	Dashboard data
Certificate of Public Convenience and Necessity for Interstate Natural Gas Pipelines	Final decision/agency action	3	Concurrent with EIS ROD	FERC input
Environmental Impact Statement (EIS)	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	1	Starts after Certificate of Public Convenience and Necessity "Initial application submitted;" no time requirement specified	FERC input and flowchart

Environmental Impact Statement (EIS)	Scoping	2	No statutory requirement; use 60 days for FPS	
Environmental Impact Statement (EIS)	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	3	No statutory requirement; use 6 months for FPS	
Environmental Impact Statement (EIS)	Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	4	Use 150 days for FPS; includes a 45-day comment period on DEIS, plus a minimum of 105 days to review comments, issue any needed additional information requests, and prepare the FEIS with cooperating agencies	FERC input and flowchart
Environmental Impact Statement (EIS)	Issuance of Lead Agency Record of Decision	5	Use 90 days for FPS. The Commission has determined the minimum timeline from issuance of the FEIS to a ROD is 90 days	FERC input and flowchart
Section 106 Review	Consultation initiated with SHPO/THPO	1	Concurrent with EIS NOI	ACHP NEPA Section 106 Handbook and flowchart
Section 106 Review	Section 106 consultation concluded	2	Concurrent with FEIS	ACHP NEPA Section 106 Handbook and flowchart
Endangered Species Act Consultation	ESA Consultation Request Package Submitted	1	Concurrent with DEIS	DOI input

Endangered Species Act Consultation	FWS determines ESA Consultation Package is Complete -- Formal	2	30 days	Endangered Species Consultation Handbook (March 1998) and DOI input
Endangered Species Act Consultation	ESA Consultation Concludes	3	135 days	ESA regulation, Endangered Species Consultation Handbook (March 1998), and DOI input
Right-of-Way Authorization	Initial application received	1	30 days before DEIS	
Right-of-Way Authorization	Completed application received	2	30 days after "Initial application received"	BLM Customer Service flow chart
Right-of-Way Authorization	Issuance of decision for permit/approval	3	Concurrent with EIS ROD; not issued before ESA, Section 106, and NEPA are completed	
Section 408 Permit	Initial application submitted	1	45 days before DEIS; concurrent with Section 10/404 PCN	Dashboard data and USACE policy to synchronize with Section 10/404
Section 408 Permit	Completeness Determination	2	30 days after "Initial application submitted"	USACE policy
Section 408 Permit	Issuance of Decision	3	Issued 90 days after ROD; not issued before ESA, Section 106, and NEPA are completed. Concurrent with USACE Section 10/404.	USACE policy and input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	1	45 days before DEIS	USACE input

Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Complete Pre-Construction Notification (PCN)/Application Received	2	30 days after "PCN/Form ENG 4345/Joint Application Form Received"	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Publication of Public Notice	3	15 days after "Complete PCN/Application Received"; intent is to align the USACE PN with the DEIS	USACE regulations
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Final Verification/Permit Decision Rendered	4	Issued 90 days after ROD; not issued before ESA, Section 106, EFH, and NEPA are completed	USACE input

Notes:

1. The content of this FPS is specific to the Interstate Natural Gas Pipelines subsector of the Pipelines sector and is not necessarily the same for the Land-based Oil and Gas Production/Extraction subsector or the LNG Terminal Facilities and Associated Natural Gas Pipelines subsector.
2. In addition to data from the Dashboard, the time between EIS and Certificate of Public Convenience and Necessity milestones was primarily developed through input from FERC regarding their Commission timeline, the FERC flowchart, and other FERC input.
3. FERC identified specific durations for portions of the Certificate of Public Convenience and Necessity process.
4. The actions and agencies included in this FPS represent the most common authorizations expected for this subsector based on past projects on the Dashboard. It is not necessarily all-inclusive, and, when developing a project-specific permitting timetable, the facilitating/lead agency is responsible for including all Federal reviews and authorizations necessary for bringing the project to construction.
5. This FPS has been developed using relevant data from the Dashboard, agency flow charts and documents, and direct input from agencies. It is a starting point for agencies to use when developing project-specific permitting timetables, which may differ from the FPS based on factors unique to a particular project.

References:

1. BLM ROW process and standard processing times flowchart:  
[https://blm.gov/sites/blm.gov/files/Lands\\_ROW\\_2-17-18\\_CustomerService\\_Flow\\_Chart.pdf](https://blm.gov/sites/blm.gov/files/Lands_ROW_2-17-18_CustomerService_Flow_Chart.pdf)
2. FERC flowchart for Certificate of Public Convenience and Necessity:  
<https://ferc.gov/resources/processes/flow/process-eis>
3. NEPA-NHPA Section 106 Handbook:  
[https://achp.gov/sites/default/files/2017-02/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013\\_0.pdf](https://achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf)
4. ACHP Section 106 and Environmental Impact Statement flow chart:  
[https://www.achp.gov/sites/default/files/2022-07/NEPA\\_Section106\\_072922.pdf](https://www.achp.gov/sites/default/files/2022-07/NEPA_Section106_072922.pdf)
5. USACE regulations at 33 CFR 320-332
6. Endangered Species Consultation Handbook  
<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>
7. USACE Engineering Circular EC 1165-2-220:  
[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC\\_1165-2-220.pdf?ver=2018-09-07-115729-890](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf?ver=2018-09-07-115729-890)

## Solar

The Solar subsector FPS includes the following environmental reviews and authorizations:

- Right-of-Way Authorization / Special Use Permit (DOI-BLM or other relevant agency)
- Environmental Impact Statement (EIS) (Facilitating/Lead Agency)
- Section 106 Review (Facilitating/Lead Agency)
- Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (USACE)
- Endangered Species Act Consultation (DOI-FWS)

Figure 3 presents the timing and duration of each environmental review and authorization comprising this FPS.

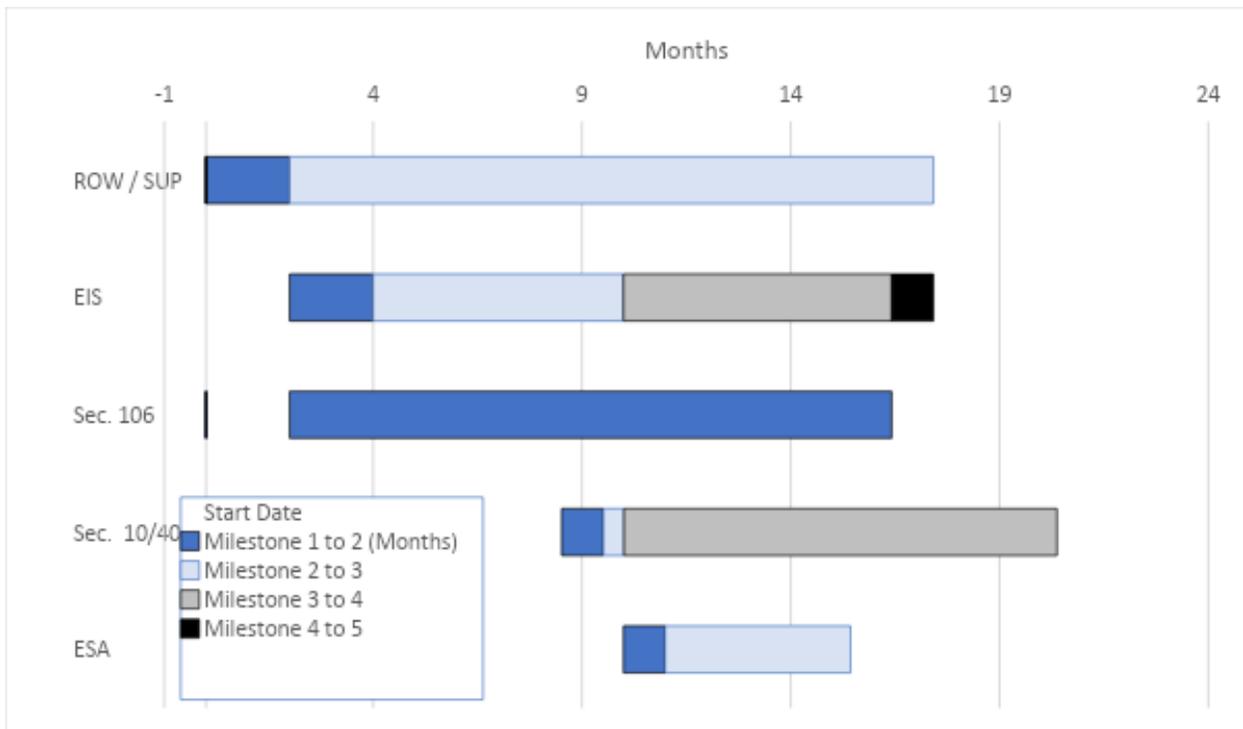


Figure 3: Recommended performance schedule for Solar subsector.

Table 3 presents more information about the milestones within each environmental review and authorization comprising this FPS.

*Table 3: Details, assumptions, and sources for the Solar subsector FPS.*

Action	Milestone	Milestone Number	Assumptions	Sources/References
Right-of-Way Authorization	Initial application received	1	Starts process	
Right-of-Way Authorization	Completed application received	2	60 days after "Initial application received"	BLM Customer Service flow chart
Right-of-Way Authorization	Issuance of decision for permit/approval	3	Concurrent with EIS ROD; not issued before ESA, Section 106, and NEPA are completed	
Environmental Impact Statement (EIS)	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	1	Starts concurrent with BLM ROW "Completed application received"	
Environmental Impact Statement (EIS)	Scoping	2	No statutory requirement; use 60 days for FPS	
Environmental Impact Statement (EIS)	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	3	No statutory requirement; use 6 months for FPS	
Environmental Impact Statement (EIS)	Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	4	Use 90 days for FPS; no sooner than 45 days after DEIS due to 45-day comment period; finish at least 30 days after conclusion of ESA	

Action	Milestone	Milestone Number	Assumptions	Sources/References
Environmental Impact Statement (EIS)	Issuance of Lead Agency Record of Decision	5	Must be at least 90 days after DEIS, and at least 30 days after FEIS	
Section 106 Review	Consultation initiated with SHPO/THPO	1	Concurrent with EIS NOI	ACHP NEPA Section 106 Handbook and flowchart
Section 106 Review	Section 106 consultation concluded	2	Concurrent with FEIS	ACHP NEPA Section 106 Handbook and flowchart
Endangered Species Act Consultation	ESA Consultation Request Package Submitted	1	Concurrent with DEIS	DOI input
Endangered Species Act Consultation	FWS determines ESA Consultation Package is Complete -- Formal	2	30 days	Endangered Species Consultation Handbook (March 1998) and DOI input
Endangered Species Act Consultation	ESA Consultation Concludes	3	135 days	ESA regulation, Endangered Species Consultation Handbook (March 1998), and DOI input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	1	45 days before DEIS	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Complete Pre-Construction Notification (PCN)/Application Received	2	30 days after "PCN/Form ENG 4345/Joint Application Form Received"	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Publication of Public Notice	3	15 days after "Complete PCN/Application Received"; intent is to align the USACE PN with the DEIS	USACE regulations

Action	Milestone	Milestone Number	Assumptions	Sources/References
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Final Verification/Permit Decision Rendered	4	Issued 90 days after ROD; not issued before ESA, Section 106, EFH, and NEPA are completed	USACE input

Notes:

1. The content of this FPS is specific to the Solar subsector of the Renewable Energy Production sector.
2. The actions and agencies included in this FPS represent the most common authorizations expected for this subsector based on past projects on the Dashboard. It is not necessarily all-inclusive, and, when developing a project-specific permitting timetable, the facilitating/lead agency is responsible for including all Federal reviews and authorizations necessary for bringing the project to construction.
3. This FPS has been developed using relevant data from the Dashboard, agency flow charts and documents, and direct input from agencies. It is a starting point for agencies to use when developing project-specific permitting timetables, which may differ from the FPS based on factors unique to a particular project.

References:

1. BLM ROW process and standard processing times flowchart: [https://blm.gov/sites/blm.gov/files/Lands\\_ROW\\_2-17-18\\_CustomerService\\_Flow\\_Chart.pdf](https://blm.gov/sites/blm.gov/files/Lands_ROW_2-17-18_CustomerService_Flow_Chart.pdf)
2. NEPA-NHPA Section 106 Handbook: [https://achp.gov/sites/default/files/2017-02/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013\\_0.pdf](https://achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf)
3. ACHP Section 106 and Environmental Impact Statement flow chart: [https://www.achp.gov/sites/default/files/2022-07/NEPA\\_Section106\\_072922.pdf](https://www.achp.gov/sites/default/files/2022-07/NEPA_Section106_072922.pdf)
4. USACE regulations at 33 CFR 320-332
5. Endangered Species Consultation Handbook <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

## Non-Federal Hydropower – Licenses (Including Non-federal Marine and Hydro-kinetic Projects)

The Non-Federal Hydropower - Licenses subsector FPS includes the following environmental reviews and authorizations:

- Non-Federal Hydropower License (FERC)
- Section 106 Review (Facilitating/Lead Agency)
- Environmental Impact Statement (EIS) (Facilitating/Lead Agency)
- Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (USACE)
- Endangered Species Act Consultation (DOI-FWS)

Figure 4 presents the timing and duration of each environmental review and authorization comprising this FPS.

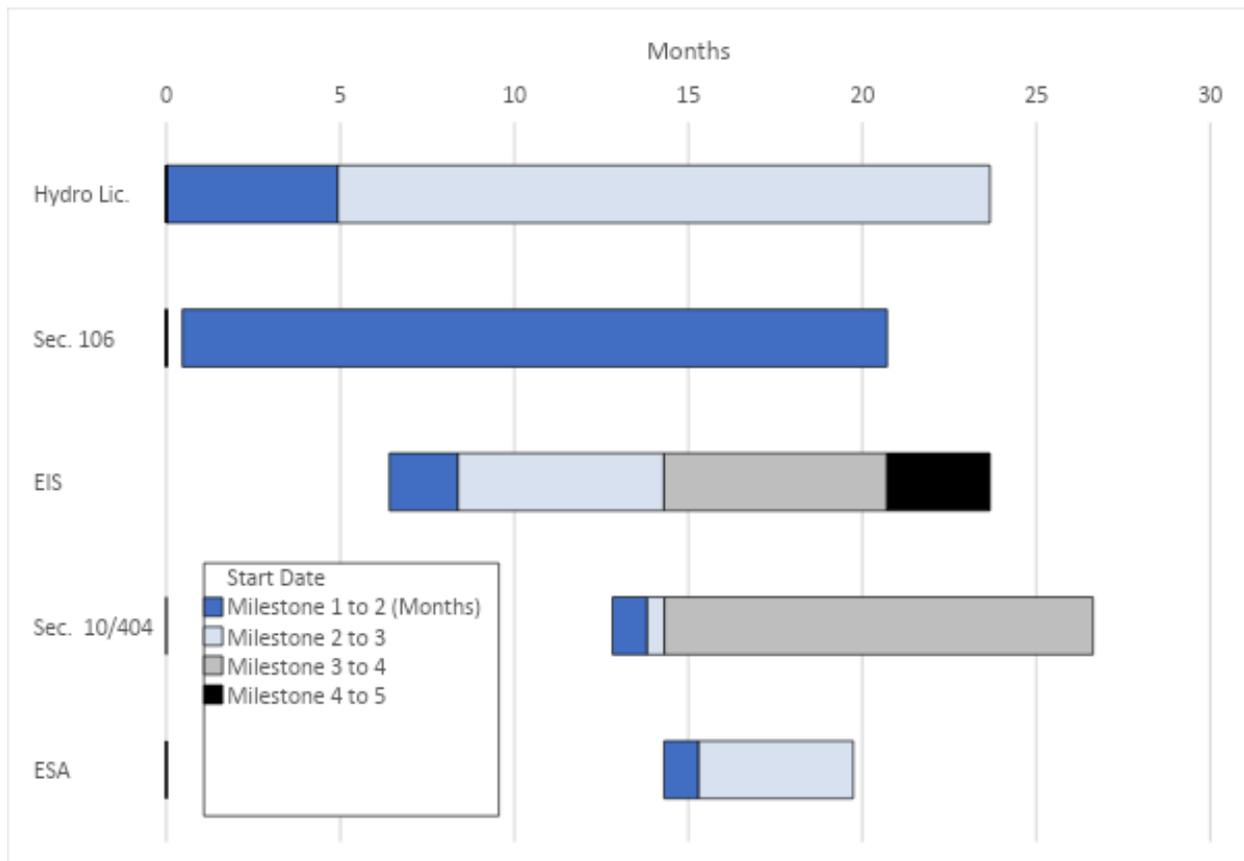


Figure 4: FAST-41 performance schedule for Non-federal Hydropower - Licenses subsector.

As demonstrated by the chart in Figure 4, this FPS exceeds 2-years. Development of this FPS was primarily guided by the Federal Energy Regulatory Commission (Facilitating Agency for this subsector and Lead Agency for past FAST-41 projects in this subsector) and is consistent with the requirements and timelines under 18 CFR Chapter 1, Subchapter B, Part 5 for the

Integrated License Application Process, and other relevant FERC regulations, guidance, policies, and processes. Other dependent agency actions were added to the FPS as appropriate and figure into the total amount of time for the FPS.

Table 4 presents more information about the milestones within each environmental review and authorization comprising this FPS.

*Table 4: Details, assumptions, and sources for the Non-federal Hydropower - Licenses subsector FPS.*

Action	Milestone	Milestone Number	Assumptions	Sources/References
Non-Federal Hydropower Licenses	Initial application submitted	1	Starts process	
Non-Federal Hydropower Licenses	Application deemed complete	2	No regulatory requirement; use 150 days for FPS	FERC input
Non-Federal Hydropower Licenses	Final decision/agency action	3	570 days based on FERC Integrated Licensing Process (ILP) - Tutorial	FERC input and flowchart
Environmental Impact Statement (EIS)	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	1	EIS NOI occurs within 15 days of the due date for comments, interventions, and preliminary terms and conditions (box 21 in FERC flowchart); i.e., 45 days after hydropower license "Application deemed complete"	FERC input and flowchart
Environmental Impact Statement (EIS)	Scoping	2	No statutory requirement; Use 60 days for FPS	

Action	Milestone	Milestone Number	Assumptions	Sources/References
Environmental Impact Statement (EIS)	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	3	180 days, the Commission's regulatory timeline	FERC input
Environmental Impact Statement (EIS)	Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	4	195 days, the Commission's regulatory timeline	FERC input
Environmental Impact Statement (EIS)	Issuance of Lead Agency Record of Decision	5	The Commission has established a timeline of 90 days from issuance of FEIS to the issuance of the Commission Order	FERC input
Section 106 Review	Consultation initiated with SHPO/THPO	1	Initiated within 14 days of application filing under 18 CFR 5.19.	FERC input
Section 106 Review	Section 106 consultation concluded	2	Concurrent with FEIS	ACHP NEPA Section 106 Handbook and flowchart
Endangered Species Act Consultation	ESA Consultation Request Package Submitted	1	Concurrent with DEIS	DOI input
Endangered Species Act Consultation	FWS determines ESA Consultation Package is Complete -- Formal	2	30 days	Endangered Species Consultation (March 1998) and DOI input
Endangered Species Act Consultation	ESA Consultation Concludes	3	135 days	ESA regulation, Endangered Species Consultation Handbook (March 1998), and DOI input

Action	Milestone	Milestone Number	Assumptions	Sources/References
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	1	45 days before DEIS	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Complete Pre-Construction Notification (PCN)/Application Received	2	30 days after "PCN/Form ENG 4345/Joint Application Form Received"	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Publication of Public Notice	3	15 days after "Complete PCN/Application Received"; intent is to align the USACE PN with the DEIS	USACE regulations
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Final Verification/Permit Decision Rendered	4	Issued 90 days after ROD; not issued before ESA, Section 106, EFH, and NEPA are completed	USACE input

Notes:

1. The content of this FPS is specific to the "Non-federal Hydropower - Licenses (Including Non-federal Marine and Hydro-kinetic Projects)" subsector of the Renewable Energy Production sector and is not necessarily the same for the "Non-federal Hydropower - Leases" subsector.
2. The time between EIS milestones for this FPS was primarily developed through input from FERC regarding their Commission timeline, the FERC flowchart, and other FERC input.
3. FERC identified specific durations for portions of the Non-Federal Hydropower License process.
4. The actions and agencies included in this FPS represent the most common authorizations expected for this subsector based on past projects on the Dashboard. It is not necessarily all-inclusive, and, when developing a project-specific permitting timetable, the facilitating/lead agency is responsible for including all Federal reviews and authorizations necessary for bringing the project to construction.

5. This FPS has been developed using relevant data from the Dashboard, agency flow charts and documents, and direct input from agencies. It is a starting point for agencies to use when developing project-specific permitting timetables, which may differ from the FPS based on factors unique to a particular project.

References:

1. FERC website  
<https://www.ferc.gov/industries-data/hydropower/licensing/licensing-processes/integrated-licensing-process-ilp-tutorial>
2. NEPA-NHPA Section 106 Handbook:  
[https://achp.gov/sites/default/files/2017-02/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013\\_0.pdf](https://achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf)
3. ACHP Section 106 and Environmental Impact Statement flow chart:  
[https://www.achp.gov/sites/default/files/2022-07/NEPA\\_Section106\\_072922.pdf](https://www.achp.gov/sites/default/files/2022-07/NEPA_Section106_072922.pdf)
4. USACE regulations at 33 CFR 320-332
5. Endangered Species Consultation Handbook  
<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

## Wind - Other than Federal Offshore

The Wind - Other than Federal Offshore subsector FPS includes the following environmental reviews and authorizations:

- Right-of-Way Authorization / Special Use Permit (DOI-BLM or other relevant agency)
- Environmental Impact Statement (EIS) (Facilitating/Lead Agency)
- Section 106 Review (Facilitating/Lead Agency)
- Endangered Species Act Consultation (DOI-FWS)

Figure 5 presents the timing and duration of each environmental review and authorization comprising this FPS.

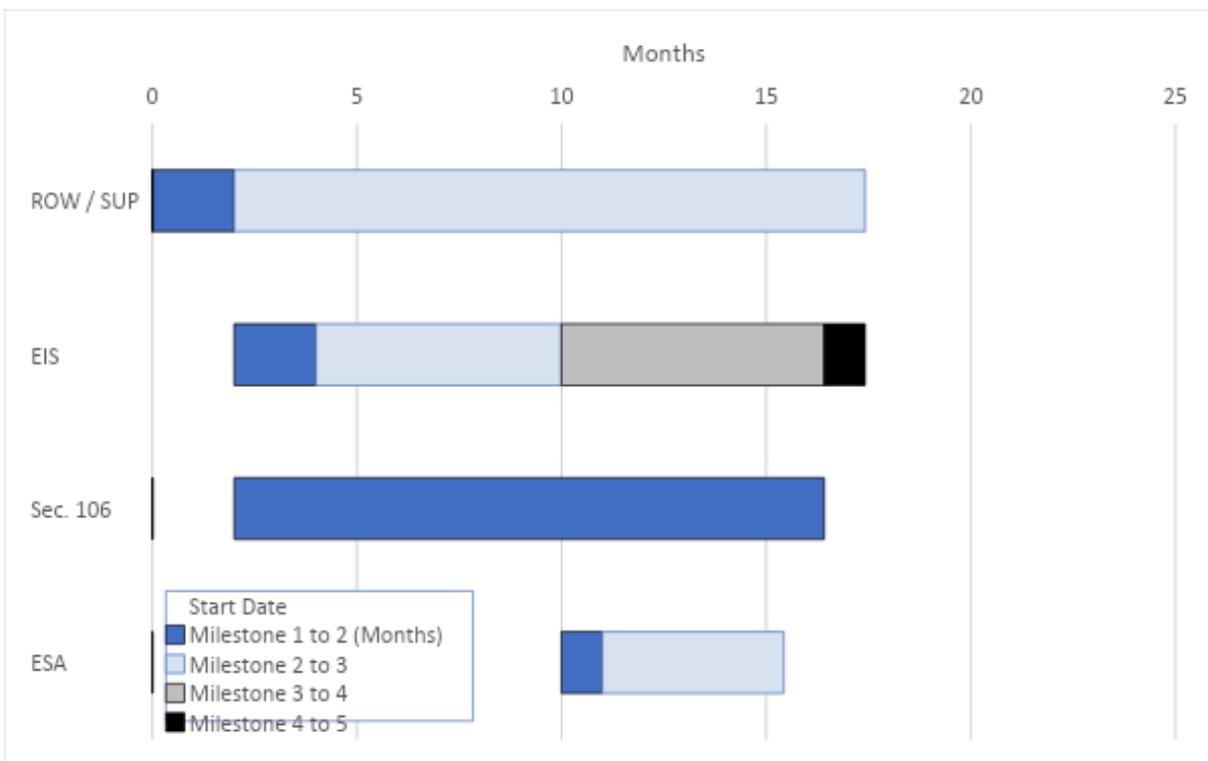


Figure 5: Recommended performance schedule for the Wind – Other than Federal Offshore subsector.

Table 5 presents more information about the milestones within each environmental review and authorization comprising this FPS.

*Table 5: Details, assumptions, and sources for the Wind – Other than Federal Offshore subsector FPS.*

Action	Milestone	Milestone Number	Assumptions	Sources/References
Right-of-Way Authorization	Initial application received	1	Starts process	
Right-of-Way Authorization	Completed application received	2	60 days after "Initial application received"	BLM Customer Service flow chart
Right-of-Way Authorization	Issuance of decision for permit/approval	3	Concurrent with EIS ROD; not issued before ESA, Section 106, and NEPA are completed	
Environmental Impact Statement (EIS)	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	1	Concurrent with BLM ROW "Completed application received"	
Environmental Impact Statement (EIS)	Scoping	2	No statutory requirement; use 60 days for FPS	
Environmental Impact Statement (EIS)	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	3	No statutory requirement; use 6 months for FPS	

Action	Milestone	Milestone Number	Assumptions	Sources/References
Environmental Impact Statement (EIS)	Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	4	Use 90 days for FPS; no sooner than 45 days after DEIS due to 45-day comment period; finish at least 30 days after conclusion of ESA	
Environmental Impact Statement (EIS)	Issuance of Lead Agency Record of Decision	5	Must be at least 90 days after DEIS, and at least 30 days after FEIS	
Section 106 Review	Consultation initiated with SHPO/THPO	1	Concurrent with EIS NOI	ACHP NEPA Section 106 Handbook and flowchart
Section 106 Review	Section 106 consultation concluded	2	Concurrent with FEIS	ACHP NEPA Section 106 Handbook and flowchart
Endangered Species Act Consultation	ESA Consultation Request Package Submitted	1	Concurrent with DEIS	DOI input
Endangered Species Act Consultation	FWS determines ESA Consultation Package is Complete -- Formal	2	30 days	Endangered Species Consultation Handbook (March 1998) and DOI input
Endangered Species Act Consultation	ESA Consultation Concludes	3	135 days	ESA regulation, Endangered Species Consultation Handbook (March 1998) and DOI input

Notes:

1. The content of this FPS is specific to the "Wind - Other than Federal Offshore" subsector of the Renewable Energy Production sector and is not necessarily the same for the "Wind – Federal Offshore" subsector.
2. The actions and agencies included in this FPS represent the most common authorizations expected for this subsector based on past projects on the Dashboard. It is not necessarily all-inclusive, and, when developing a project-specific permitting timetable, the

facilitating/lead agency is responsible for including all Federal reviews and authorizations necessary for bringing the project to construction.

3. This FPS has been developed using relevant data from the Dashboard, agency flow charts and documents, and direct input from agencies. It is a starting point for agencies to use when developing project-specific permitting timetables, which may differ from the FPS based on factors unique to a particular project.

References:

1. BLM ROW process and standard processing times flowchart:  
[https://blm.gov/sites/blm.gov/files/Lands\\_ROW\\_2-17-18\\_CustomerService\\_Flow\\_Chart.pdf](https://blm.gov/sites/blm.gov/files/Lands_ROW_2-17-18_CustomerService_Flow_Chart.pdf)
2. NEPA-NHPA Section 106 Handbook:  
[https://achp.gov/sites/default/files/2017-02/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013\\_0.pdf](https://achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf)
3. ACHP Section 106 and Environmental Impact Statement flow chart:  
[https://www.achp.gov/sites/default/files/2022-07/NEPA\\_Section106\\_072922.pdf](https://www.achp.gov/sites/default/files/2022-07/NEPA_Section106_072922.pdf)
4. Endangered Species Consultation Handbook  
<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

## Nuclear Power Plant – Combined (construction and operating) License

The Nuclear Power Plant – Combined (construction and operating) License subsector FPS includes the following environmental reviews and authorizations:

- Nuclear Power Plant – Combined (construction and operating) License (NRC)
- Environmental Impact Statement (EIS) (Facilitating/Lead Agency)
- Section 106 Review (Facilitating/Lead Agency)
- Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act (USACE)
- Endangered Species Act Consultation (DOI-FWS)

Figure 6 presents the timing and duration of each environmental review and authorization comprising this FPS.

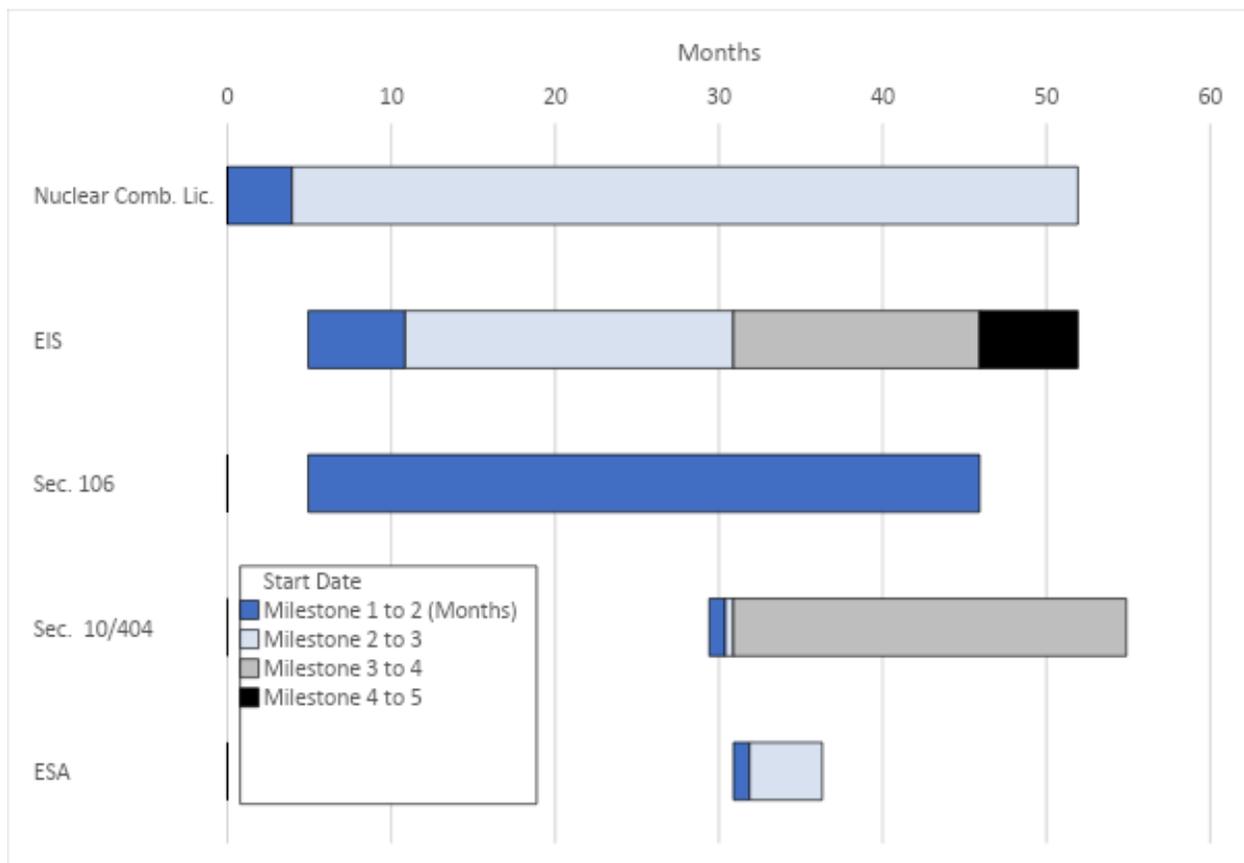


Figure 6: FAST-41 performance schedule for the Nuclear Power Plant – Combined (construction and operating) License subsector.

As demonstrated by the chart in Figure 6, this FPS exceeds 2-years. Development of this FPS was primarily guided by the Nuclear Regulatory Commission (Facilitating Agency for this subsector and Lead Agency for past FAST-41 projects in this subsector) and is consistent with the requirements and timelines under 10 CFR Parts 50 and 52, the 2019 Nuclear Energy Innovation and Modernization Act (NEIMA), and other relevant NRC regulations, guidance,

policies, and processes. Other dependent agency actions were added to the FPS as appropriate and figure into the total amount of time for the FPS.

Table 6 presents more information about the milestones within each environmental review and authorization comprising this FPS.

*Table 6: Details, assumptions, and sources for the Nuclear Power Plant – Combined (construction and operating) License subsector FPS.*

Action	Milestone	Milestone Number	Assumptions	Sources/References
Nuclear Power Plant – Combined (construction and operating) License	Initial application submitted	1	Starts process	
Nuclear Power Plant – Combined (construction and operating) License	Application deemed complete	2	This milestone represents NRC completion of acceptance review	Input from NRC
Nuclear Power Plant – Combined (construction and operating) License	Final decision/agency action	3	48 months in total from completed application to issuance of decision for permit/approval, for light water SMRs combined license with non-certified designs. Includes 42 months from completed application to FEIS, and an additional 6 months after FEIS	NRC Document: "Recommended Performance Schedules for Construction Permits, Combined Licenses and Fuel Cycle Facility Applications"

Action	Milestone	Milestone Number	Assumptions	Sources/References
Environmental Impact Statement (EIS)	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	1	Starts 1 month after Nuclear Power Plant – Combined License "Application deemed complete"	Input from NRC
Environmental Impact Statement (EIS)	Scoping	2	No statutory requirement; use 60 days for FPS	
Environmental Impact Statement (EIS)	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	3	No statutory requirement; established proportionate amount of time for DEIS based on NRC input for the timing of the NOI and ROD	
Environmental Impact Statement (EIS)	Official Notice of Availability of a Final EIS published in the FR beginning both the public review period and concurrent CAA Section 309 Review	4	No statutory requirement; established proportionate amount of time for FEIS based on NRC input for the timing of the NOI and ROD	
Environmental Impact Statement (EIS)	Issuance of Lead Agency Record of Decision	5	Concurrent with completion of Nuclear Power Plant – Combined License, must be at least 90 days after DEIS, and at least 30 days after FEIS	NRC Document: "Recommended Performance Schedules for Construction Permits, Combined Licenses and Fuel Cycle Facility Applications"
Section 106 Review	Consultation initiated with SHPO/THPO	1	Concurrent with EIS NOI	ACHP NEPA Section 106 Handbook and flowchart

Action	Milestone	Milestone Number	Assumptions	Sources/References
Section 106 Review	Section 106 consultation concluded	2	Concurrent with FEIS	ACHP NEPA Section 106 Handbook and flowchart
Endangered Species Act Consultation	ESA Consultation Request Package Submitted	1	Concurrent with DEIS	DOI Input
Endangered Species Act Consultation	FWS determines ESA Consultation Package is Complete -- Formal	2	30 days	Endangered Species Consultation Handbook (March 1998) and DOI input
Endangered Species Act Consultation	ESA Consultation Concludes	3	135 days	ESA regulation, Endangered Species Consultation Handbook (March 1998), and DOI input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	1	45 days before DEIS	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Complete Pre-Construction Notification (PCN)/Application Received	2	30 days after "PCN/Form ENG 4345/Joint Application Form Received"	USACE input
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Publication of Public Notice	3	15 days after "Complete PCN/Application Received"; intent is to align the USACE PN with the DEIS	USACE regulations
Section 10 Rivers and Harbors Act of 1899 and Section 404 Clean Water Act	Final Verification/Permit Decision Rendered	4	Issued 90 days after ROD; not issued before ESA, Section 106, EFH, and NEPA are completed	USACE input

#### Notes:

1. The content of this FPS is specific to the "Nuclear Power Plant - Combined (construction and operating) License" subsector of the Conventional Energy sector and is not necessarily the same for the "Nuclear Power Plant - Construction Permit " subsector.
2. For EIS, no specific amount of time has been specified in NEPA guidance for some milestones. The duration between EIS milestones was developed with proportional amounts of time based on NRC input regarding timing of the NOI and ROD.
3. NRC identified specific durations for portions of the Nuclear Power Plant - Combined (construction and operating) License process.
4. The actions and agencies included in this FPS represent the most common authorizations expected for this subsector based on past projects on the Dashboard. It is not necessarily all-inclusive, and, when developing a project-specific permitting timetable, the facilitating/lead agency is responsible for including all Federal reviews and authorizations necessary for bringing the project to construction.
6. This FPS has been developed using relevant data from the Dashboard, agency flow charts and documents, and direct input from agencies. It is a starting point for agencies to use when developing project-specific permitting timetables, which may differ from the FPS based on factors unique to a particular project.

#### References:

1. NEPA-NHPA Section 106 Handbook:  
[https://achp.gov/sites/default/files/2017-02/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013\\_0.pdf](https://achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf)
2. ACHP Section 106 and Environmental Impact Statement flow chart:  
[https://www.achp.gov/sites/default/files/2022-07/NEPA\\_Section106\\_072922.pdf](https://www.achp.gov/sites/default/files/2022-07/NEPA_Section106_072922.pdf)
3. USACE regulations at 33 CFR 320-332
4. Endangered Species Consultation Handbook  
<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>
5. NRC Document: "Recommended Performance Schedules for Construction Permits, Combined Licenses and Fuel Cycle Facility Applications."