



Where projects see progress

Executive Director Determination on Request to Extend FAST-41 Final Completion Date by More Than 30 Days

March 24, 2025

Skipjack Wind Farm

I. Summary

The Skipjack Wind Farm (the “Project”), sponsored by Skipjack Offshore Energy, LLC on behalf of Orsted North America, Inc. (Project Sponsor), is a covered project under Title 41 of the Fixing America’s Surface Transportation Act (FAST-41), 42 U.S.C. §§ 4370m. The Department of the Interior, Bureau of Ocean Energy Management (BOEM), has principal responsibility for environmental review of the Project under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, which makes BOEM the lead agency for both NEPA and FAST-41.

BOEM submitted a request to the Federal Permitting Improvement Steering Council (Permitting Council) Executive Director to extend intermediate and final completion dates for multiple actions on the Project’s permitting timetable. This includes modifications for the following actions:

- BOEM’s Construction and Operations Plan (COP) decision;
- BOEM’s environmental review under NEPA;
- BOEM’s consultation under Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. § 306108;
- BOEM’s consultation under the Endangered Species Act (ESA), 16 U.S.C. §§ 1531 with both the United States Department of the Interior, Fish and Wildlife Service (FWS) and the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS);
- BOEM’s essential fish habitat (EFH) consultation with NMFS pursuant to Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801;
- The Project Sponsor’s incidental take authorization under the Marine Mammal Protection Act (MMPA), 16 U.S.C. §§ 1361, from NMFS;
- A permit decision by the United States Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 403 and Section 404 of the Clean Water Act, 33 U.S.C. § 1344 (together, Section 10/404); and
- A USACE permit decision under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408).

This is BOEM’s first request to extend completion dates on the Project’s permitting timetable. For the following reasons, BOEM’s extension request is **GRANTED**, and the Project permitting timetable will be revised accordingly.



II. Legal Standard

Pursuant to 42 U.S.C. §§ 4370m-2(c)(2)(D)(i)(II) & (IV), a lead agency may extend a final completion date by more than 30 days beyond the original final completion date only after consulting with the project sponsor and obtaining Executive Director approval. After receiving an extension request, the Executive Director must consult with the project sponsor and make a determination on the record whether to grant the requested date change. The Executive Director's determination is based on consideration of "relevant factors," including, but not limited to:

- (i) the size and complexity of the covered project;
- (ii) the resources available to each participating agency;
- (iii) the regional or national economic significance of the project;
- (iv) the sensitivity of the natural or historic resources that may be affected by the project;
- (v) the financing plan for the project; and
- (vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

42 U.S.C. §§ 4370m-2(c)(2)(B) and 4370m-2(c)(2)(D)(i)(IV). Executive Director determinations made pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV) are not subject to judicial review.

42 U.S.C. § 4370m-2(c)(2)(D)(iv)(I).



III. Background

BOEM submitted a request to modify the completion dates shown in the table immediately below.

Action Agency	Action	Milestone	Current Date	Requested Date
BOEM	NEPA	Issuance of Notice of Intent to prepare an Environmental Impact Statement (EIS)	7/29/2025	4/29/2026
		Scoping	8/29/2025	6/1/2026
		Draft environmental impact statement (EIS) published	8/21/2026	5/21/2027
		Final EIS published	5/28/2027	2/25/2028
		Record of Decision (ROD) issued	7/12/2027	4/11/2028
	COP	Agency Review of Updated Application for Consistency with NOI Checklist	3/31/2025	4/14/2025
		<i>New milestone:</i> Applicant Submits Updated Application for Consistency with the NOI Checklist	n/a	10/27/2025
		<i>New milestone:</i> Agency Review of Updated Application for Consistency with NOI Checklist	n/a	12/26/2025
		Applicant submits an Application Consistent with the NOI Checklist	5/30/2025	2/27/2026
		Issuance of decision for permit/approval	10/12/2027	7/12/2028
	Section 106	Consultation initiated with SHPO/THPO	7/29/2025	4/29/2026
		Section 106 consultation concluded	4/28/2027	1/27/2028
NMFS	ESA	ESA consultation package submitted	5/26/2026	2/24/2027
		NMFS determines ESA package is complete	10/20/2026	7/21/2027
		ESA consultation concludes	3/19/2027	12/20/2027
	EFH	EFH consultation request submitted	5/26/2026	2/24/2027



		NMFS determines EFH assessment complete	10/20/2026	7/21/2027
		NMFS issues any EFH conservation recommendations	1/18/2027	10/19/2027
	MMPA	ITA Application submitted	6/26/2025	3/27/2026
		NMFS determines ITA application complete	1/26/2026	10/27/2026
		Publish notice of receipt of ITA application in Federal Register	2/27/2026	11/30/2026
		Publish proposed ITA authorization in Federal Register	10/20/2026	7/21/2027
		Publish final ITA regulations in Federal Register	9/10/2026	6/12/2028
		ITA decision rendered	10/12/2027	7/12/2028
FWS	ESA	ESA consultation package is submitted	8/21/2026	5/24/2027
		FWS determines ESA package is complete	11/19/2026	8/20/2027
		ESA consultation concludes	4/19/2027	1/18/2028
USACE	Section 10/404	PCN/application received	6/22/2026	3/22/2027
		Complete PCN/application received	8/6/2026	5/6/2027
		Publication of public notice	8/21/2026	5/21/2027
		Final verification / permit decision	11/9/2027	7/12/2028
	Section 408	Initial application submitted	6/22/2026	3/22/2027
		Completeness determination	7/22/2026	4/21/2027
		Complete application submitted	9/21/2026	2/11/2028
		Issuance of decision	11/9/2027	7/12/2028

BOEM is requesting these completion date modifications due to the timing of the Project Sponsor's submission of a revised Construction and Operations Plan (COP) containing additional data and assessments that BOEM requires prior to issuing a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) under NEPA. BOEM has requested that the revised COP contain certain survey data for one of the proposed cable routes as well as the



following assessments: the Navigational Safety Risk Assessment; Historic Resources Visual Effects Assessment for certain facilities; Marine Archaeological Resource Assessment for a particular cable route; and the Terrestrial Archeological Resource Assessment for all routes and facilities in the onshore project design envelope. The Project Sponsor intends to submit the revised COP containing all the requested information on October 27, 2025.

NEPA & COP:

Once BOEM has reviewed the revised COP and determined it is consistent with BOEM's NOI checklist, BOEM will prepare and subsequently issue the NOI. Accordingly, BOEM seeks to shift completion of the NOI completion date by 274 days, from July 29, 2025, to April 29, 2026, with corresponding shifts in all subsequent NEPA completion dates. BOEM requests an extension of 92 days beyond issuance of the ROD for its final COP decision.

Section 106:

Because BOEM is meeting its Section 106 consultation obligations through the Section 106 NEPA substitution process, as provided in 36 C.F.R. § 800.8, the Section 106 consultation will conclude shortly before the final EIS is issued.

ESA and EFH:

The timing of ESA consultation with both FWS and NMFS and EFH consultation with NMFS is also dependent on the timing of the NEPA process. On behalf of NMFS, BOEM is requesting to set the date for receipt of ESA and EFH consultation requests concurrent with receipt of a preliminary Draft Environmental Impact Statement (DEIS) for cooperating agency review. On behalf of FWS, BOEM is requesting to set the date for receipt of a consultation request shortly after issuance of the DEIS. The remaining dates for ESA consultation with each agency flow from the date that consultation is initiated.

MMPA:

For NMFS' MMPA milestones, if supported by the administrative record, NMFS will publish the final incidental take authorization regulations at least six months after publication of the proposed regulations and approximately 60 days after issuance of the ROD, to allow NMFS to ensure the final regulations are consistent with the ROD. The MMPA final completion date (issuance of incidental take authorization) follows 30 days after publication of final incidental take authorization regulations.

Section 10/404 and Section 408:

The Section 10/404 and Section 408 final completion dates are also dependent upon the final completion date of BOEM's NEPA action. USACE requests a review of 90 days between issuance of the ROD and issuance of USACE's decisions.

Consultation with Project Sponsor on Extension Requests

Prior to submitting an extension request to the Executive Director, BOEM consulted with the Project Sponsor per 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I) and represents that the Project



Sponsor accepts the proposed permitting timetable extension.

The Executive Director also consulted with the Project Sponsor, as required by 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), and similarly found that the Project Sponsor does not object to the requested permitting timetable modification.

IV. Discussion

The primary driver of the schedule shift for this Project is the timing of a COP submission sufficient to meet BOEM's NOI checklist. Nonetheless, all proposed date shifts were mutually agreed upon by all impacted agencies and the Project Sponsor after significant coordination. Given these circumstances, extending the completion dates addressed in this Executive Director Determination are warranted.

IV. Determination

BOEM's extension request is **GRANTED**, and the permitting timetable is revised as requested.



Manisha Patel
Executive Director (Acting)
Federal Permitting Improvement Steering Council

