



Where projects see progress

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

April 18, 2025

### Vineyard Northeast

#### I. Summary

The Vineyard Northeast project (the “Project”), sponsored by Vineyard Northeast, LLC (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 all remaining completion dates 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);
- The Environmental Protection Agency’s (EPA) Outer Continental Shelf (OCS) air permit decision under Section 328 of the Clean Air Act, 42 U.S.C. § 7627; and
- EPA’s National Pollutant Discharge Elimination System (NPDES) permit decision under Section 402 of the Clean Water Act, 33 U.S.C. § 1342.

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	Draft environmental impact statement (EIS) published	5/23/2025	9/19/2025
		Final EIS published	2/17/2026	6/26/2026
		Record of Decision (ROD) issued	3/23/2026	8/10/2026
	COP	Issuance of decision for permit/approval	6/23/2026	11/9/2026
	Section 106	Section 106 consultation concluded	1/20/2026	5/27/2026
NMFS	ESA	NMFS determines ESA package is complete	7/24/2025	11/20/2025
		ESA consultation concludes	12/22/2025	4/20/2026
	EFH	NMFS determines EFH assessment complete	7/24/2025	11/20/2025
		NMFS issues any EFH conservation recommendations	10/22/2025	2/18/2026
	MMPA	Publish proposed ITA authorization in Federal Register	7/24/2025	11/20/2025
		Publish final ITA regulations in Federal Register	5/22/2026	10/9/2026
		ITA decision rendered	6/22/2026	11/9/2026
FWS	ESA	ESA consultation package is submitted	5/23/2025	9/19/2025
		FWS determines ESA package is complete	8/21/2025	12/18/2025
		ESA consultation concludes	1/20/2026	5/19/2026
USACE	Section 10/404	PCN/application received	3/24/2025	7/21/2025
		Complete PCN/application received	5/8/2025	9/4/2025



		Publication of public notice	5/23/2025	9/19/2025
		Final verification / permit decision	6/22/2026	11/9/2026
<b>EPA</b>	<b>OCS air permit</b>	Air Permit application complete	6/23/2025	10/20/2025
		Issuance of final decision / permit approval	6/23/2026	10/20/2026
	<b>NPDES</b>	Complete application received	6/23/2025	10/20/2025
		EPA authorizes discharge under Individual permit	6/23/2026	10/20/2026

BOEM is requesting these completion date modifications due to the timing of the Project Sponsor’s submission of a complete Terrestrial Archaeological Resources Assessment (TARA). Due to weather, the Project Sponsor was unable to complete fieldwork needed for the TARA until this spring. The Project Sponsor has indicated that it expects to provide BOEM with preliminary results by mid-April and will subsequently submit a complete TARA.

The TARA is needed to analyze impacts to cultural resources in the draft EIS. Additionally, 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 TARA is needed to prepare the Section 106 Finding of Effect and draft Memorandum of Agreement (MOA) for inclusion in the draft EIS. Vineyard Northeast intends to submit an updated TARA to BOEM on April 15, 2025, resulting in an 119-day delay to publication of the draft EIS and subsequent NEPA completion dates as well as the Section 106 consultation completion date. BOEM requests an extension of 91 days beyond issuance of the NEPA Record of Decision for its final COP decision.

All other actions on the Project’s permitting timetable are dependent on the timing of BOEM’s NEPA action. Therefore, BOEM is requesting an extension of all other completion dates commensurate with the shift for the NEPA action.

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 schedule shift for this Project is due to the timing of weather-dependent fieldwork the Project Sponsor must complete for BOEM's preparation of the draft EIS and Section 106 consultation documents. 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

