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

May 23, 2025

SouthCoast Wind Energy Project — NPDES Permit

I. Summary

The SouthCoast Wind Energy Project (Project), sponsored by Ocean Winds North America, LLC on behalf of SouthCoast Wind Energy, 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 Executive Director (Executive Director) to extend the final completion date for a National Pollutant Discharge Elimination System (NPDES) permit decision under Section 402 of the Clean Water Act from the Environmental Protection Agency (EPA). This is the fourth extension request for final completion dates on the Project's permitting timetable.¹

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;

¹ The previous Executive Director Determinations approving permitting timetable modifications are available here:
[2023-11-30 SouthCoast Executive Director Determination](#)
[2024-4-23 SouthCoast Executive Director Determination](#)
[2025-02-26 SouthCoast Executive Director Determination](#)



- (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, on behalf of EPA, requests to modify the final NPDES permit completion date from June 25, 2025 to September 23, 2025, based on the January 20, 2025, Presidential Memorandum, “Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects,” (the “Presidential Memorandum”).² Section 2(a) of the Presidential Memorandum provides that “the Administrator of the Environmental Protection Agency . . . shall not issue new or renewed . . . permits . . . for onshore or offshore wind projects pending the completion of a comprehensive assessment and review of Federal wind leasing and permitting practices.” The Presidential Memorandum directs the Secretary of the Interior to lead the assessment and review.

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 would prefer a 30-day rather than a 90-day extension of the NPDES final completion date.

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 objects to the extension. The Project Sponsor noted that there is pending litigation in which plaintiffs are seeking a preliminary injunction against the Presidential Memorandum. However, any decision in that matter is expected after the deadline by which the lead agency must extend the final completion date at issue. The Project Sponsor further represents that a 90-day extension could cause harm insofar as it interferes with the Project Sponsor's ability to make use of its Lease.

² [Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects – The White House](#)



IV. Discussion

The Offshore Wind Presidential Memorandum directs that agencies shall not issue new permits for offshore wind projects “pending the completion of a comprehensive assessment and review of Federal wind leasing and permitting practices” led by the Secretary of the Interior in consultation with a number of agencies, including EPA. Given the need to assess applicability and implementation of the Presidential Memorandum, extending EPA’s final NPDES permit decision date is warranted.

IV. Determination

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



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