



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

**August 19, 2025**

### **Vineyard Northeast**

#### **I. Summary**

The Vineyard Northeast project (the “Project”), sponsored by Vineyard Offshore, 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 intermediate and final completion dates for multiple actions on the Project’s permitting timetable. This includes modifications for the following actions:

- BOEM’s environmental review under NEPA;
- BOEM’s Construction and Operations Plan (COP) decision;
- 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);
- 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;
- National Pollutant Discharge Elimination System (NPDES) permit decision under Section 402 of the Clean Water Act from the Environmental Protection Agency (EPA).



This is BOEM’s second 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)	03/25/2024	Complete
		Scoping	05/09/2024	Complete
		Draft environmental impact statement (EIS) published	09/19/2025	7/24/2026



		Final EIS published	06/26/2026	4/30/2027
		Record of Decision (ROD) issued	08/10/2026	6/14/2027
	<b>COP</b>	Initial Application (COP) Submitted (Applicant)	7/29/2022	Complete
		Application deemed complete	9/29/2022	Complete
		Agency Review of Initial Application – for Consistency with the NOI Checklist	8/31/2023	Complete
		Applicant Submits a Revised Application – for Compliance with the NOI Checklist (Applicant)	1/15/2024	Complete
		Agency Determines Application is Consistent with the NOI Checklist	2/07/2024	Complete
		Issuance of decision for permit/approval	11/09/2026	9/13/2027
	<b>Section 106</b>	Consultation initiated with SHPO/THPO	3/25/2024	Complete
		Section 106 consultation concluded	5/27/2026	3/31/2027
<b>NMFS</b>	<b>ESA</b>	ESA consultation package submitted	1/22/2025	Complete
		NMFS determines ESA package is complete	11/20/2025	9/24/2026
		ESA consultation concludes	4/20/2026	2/22/2027
	<b>EFH</b>	EFH consultation request submitted	1/22/2025	Complete
		NMFS determines EFH assessment complete	11/20/2025	9/24/2026
		NMFS issues any EFH conservation recommendations	02/18/2026	12/23/2026
	<b>MMPA</b>	ITA Application submitted	5/24/2024	Complete
		NMFS determines ITA application complete	11/18/2024	Complete
		Publish notice of receipt of ITA application in Federal Register	12/17/2024	Complete
		Publish proposed ITA authorization in Federal Register	11/20/2025	9/24/2026



		Publish final ITA regulations in Federal Register	10/09/2026	8/13/2027
		ITA decision rendered	11/09/2026	9/13/2027
<b>FWS</b>	<b>ESA</b>	ESA consultation package is submitted	9/19/2025	7/24/2026
		FWS determines ESA package is complete	12/18/2025	10/22/2026
		ESA consultation concludes	5/19/2026	3/22/2027
<b>USACE</b>	<b>Section 10/404</b>	PCN/application received	7/21/2025	5/26/2026
		Complete PCN/application received	9/04/2025	7/09/2026
		Publication of public notice	9/19/2026	7/24/2026
		Final verification / permit decision	11/09/2026	9/13/2027
<b>EPA</b>	<b>OCS Air Permit</b>	NOI to apply for an Air Permit submitted (Applicant)	06/21/2024	Complete
		Air Permit application submitted (Applicant Action)	12/20/2024	Complete
		Air Permit application complete (Applicant Action)	10/20/2025	9/10/2026
		Issuance of final decision/permit approval	10/20/2026	9/10/2027
	<b>CWA Act 402 Permit (NPDES)</b>	Initial application received (Applicant Action)	10/21/2024	Complete
		Completed application received (Applicant Action)	10/20/2025	9/10/2026
		EPA authorizes discharge under Individual permit	10/20/2026	9/10/2027

BOEM is requesting these completion date modifications due to several factors. At BOEM's request, in August 2025, the project sponsor provided essential design details and site investigation data related to the offshore area for an export cable realignment alternative requested by the agencies. BOEM needs additional time to review the submission and assess impacts of the alternative in the EIS. In addition, regulatory changes, including new executive orders and updated DOI policy requirements, have required extensive review and revision of the EIS. Furthermore, BOEM experienced delays in gathering information from adjacent lessees to inform the preparation of cumulative visual simulations. The project sponsor anticipates



submission of the simulations by September 2025. Additional time is needed to review the cumulative visual simulations and assess impacts to scenic and visual resources in the EIS. These contributing factors have resulted in a 308-day delay to the development of the EIS. Therefore, the NEPA milestone dates have shifted 308-days as detailed in table above.

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, as listed above, 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 primary driver of the schedule shift for this Project is the additional time needed to review new information and data, and also comply with changing regulations and policies. 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.



---

Emily Domenech  
Executive Director  
Federal Permitting Improvement Steering Council

