



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

October 10, 2025

Vineyard Mid-Atlantic

I. Summary

The Vineyard Mid-Atlantic project (the “Project”), sponsored by Vineyard Mid-Atlantic, 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) and Section 408 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408); and
- 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.



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)	1/15/2025	Complete
		Scoping	3/1/2025	Complete
		Draft environmental impact statement (EIS) published	6/12/2026	12/9/2026
		Final EIS published	4/16/2027	10/13/2027
		Record of Decision (ROD) issued	6/1/2027	11/29/2027



	COP	Initial Application (COP) Submitted (Applicant)	1/25/2024	Complete
		Application deemed complete	2/5/2024	Complete
		Agency Review of Initial Application – for Consistency with the NOI Checklist	9/10/2024	Complete
		Applicant Submits a Revised Application – for Compliance with the NOI Checklist (Applicant)	9/11/2024	Complete
		Agency Determines Application is Consistent with the NOI Checklist	11/15/2024	Complete
		Applicant submits an Application Consistent with the NOI Checklist (Applicant)	11/25/2024	Completed
		Applicant Submits Supplemental Filing - TARA (Applicant)	2/14/2025	Completed
		Agency Review of Supplemental Filing - TARA	3/31/2025	Completed
		Applicant Submits TARA Sufficient for Section 106 Consultation (Applicant)	4/14/2025	Completed
		Applicant Submits Supplemental Filing - MSIR (Applicant)	8/29/2025	Completed
		Agency Review of Supplemental Filing - MSIR	10/28/2025	4/27/2026
		Applicant Submits MSIR Sufficient for DEIS Alternatives Development (Applicant)	11/21/2025	5/20/2026
		COP Final decision/agency action	8/30/2027	2/28/2028
	Section 106	Consultation initiated with SHPO/THPO	1/15/2025	Complete
		Section 106 consultation concluded	4/16/2027	10/13/2027
NOAA	ESA	ESA consultation package submitted	3/11/2026	9/7/2026
		NOAA determines ESA package is complete	8/13/2026	2/9/2027
		ESA consultation concludes	1/11/2027	7/12/2027
	EFH	EFH consultation request submitted	3/11/2026	9/7/2026
		NOAA determines EFH assessment complete	8/13/2026	2/9/2027
		NOAA issues any EFH conservation recommendations	11/12/2026	5/11/2027
	MMPA	ITA Application submitted	6/12/2025	Complete
		NOAA determines ITA application complete	12/12/2025	6/10/2026
		Publish notice of receipt of ITA application in Federal Register	1/13/2026	7/13/2026



		Publish proposed ITA authorization in Federal Register	8/13/2026	2/9/2027
		Publish final ITA regulations in Federal Register	7/30/2027	1/28/2028
		ITA decision rendered	8/30/2027	2/28/2028
FWS	ESA	ESA consultation package is submitted	6/12/2026	12/9/2026
		FWS determines ESA package is complete	7/12/2026	1/8/2027
		ESA consultation concludes	11/24/2026	5/24/2027
USACE	Section 10/404	PCN/application received	4/28/2026	10/26/2026
		Complete PCN/application received	5/28/2026	11/24/2026
		Publication of public notice	6/12/2026	12/9/2026
		Final verification / permit decision	8/30/2027	3/28/2028
	Section 408 Permit	Initial application submitted (Applicant Action)	4/28/2026	10/26/2026
		Completeness Determination	5/28/2026	11/24/2026
		Complete application submitted (Applicant Action)	4/1/2027	9/28/2027
		Issuance of Decision	8/30/2027	3/28/2028
EPA	OCS Air Permit	NOI to apply for an Air Permit submitted (Applicant)	2/14/2025	Complete
		Air Permit application submitted (Applicant Action)	10/15/2025	4/13/2026
		Air Permit application complete (Applicant Action)	9/1/2026	3/29/2027
		Issuance of final decision/permit approval	8/30/2027	3/29/2028

BOEM is requesting these completion date modifications due to several factors. Regulatory changes, including new executive orders and updated DOI policy requirements, have required extensive revision of the EIS as well as additional review procedures. These new policies include, but are not limited to:

- Additional time for coordination with cooperating and consulting agencies.¹
- Enhanced evaluation of energy density and land-use efficiency in alternatives analysis.²

¹ See Secretary's Order 3437 (July 29, 2025), "Ending Preferential Treatment for Unreliable, Foreign-Controlled Energy Sources in Department Decision-Making;" Secretary's Order 3438 (August 1, 2025), "Managing Federal Energy Resources and Protecting the Environment;" and Presidential Memorandum (January 20, 2025), "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."

² See Secretary's Order 3438 (August 1, 2025), "Managing Federal Energy Resources and Protecting the Environment;" also see Executive Order 14315 (July 7, 2025), "Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources" and Secretary's Order 3437 (July 29, 2025), "Ending Preferential Treatment for Unreliable, Foreign-Controlled Energy Sources in Department Decision-Making."



- Updated guidance on cumulative impacts and regional energy trade-offs.³

The implementation of the above-mentioned policies is essential to ensure that development of the EIS is consistent with current legal and policy frameworks, and requires additional time for intra-agency coordination, stakeholder engagement, and technical analysis. These contributing factors have resulted in a 180-day delay to the development of the EIS and the related NEPA milestone dates. 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 below, 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.

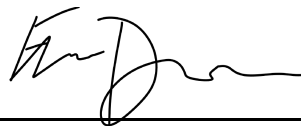
The Executive Director also consulted with the Project Sponsor, as required by 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), and similarly found that the Project Sponsor does not object to the requested permitting timetable modification.

IV. Discussion

The primary driver of the schedule shift for this Project is the additional time needed to comply with changing regulations and policies. All proposed date shifts were mutually agreed upon by all impacted agencies and the Project Sponsor after consultation. Given these circumstances, extending the completion dates addressed in this Executive Director Determination is warranted.

V. Determination

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



Emily Domenech
Executive Director
Federal Permitting Improvement Steering Council

³ See Secretary’s Order 3438 (August 1, 2025), “Managing Federal Energy Resources and Protecting the Environment; Presidential Memorandum (January 20, 2025), “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.”

