



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

June 10, 2026

### Vineyard Mid-Atlantic Offshore Wind Project

#### I. Summary

The Vineyard Mid-Atlantic Offshore Wind Project (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 *et seq.* The Bureau of Ocean Energy Management (BOEM), has principal responsibility for the environmental review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.*, which makes BOEM the lead agency for both NEPA and FAST-41. The cooperating agencies are the Environmental Protection Agency (EPA), the United States Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers (USACE), and the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS).

BOEM submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the Permitting Council) to extend the completion dates for ten Federal actions on the Project's permitting timetable. The request includes extensions for the following actions: 1) BOEM's environmental review under NEPA; 2) BOEM's Construction and Operations Plan (COP) decision; 3) BOEM's consultation under Section 106 of the National Historic Preservation Act (Section 106); 4) BOEM's consultation under the Endangered Species Act (ESA), with both the USFWS and the NMFS; 5) BOEM's consultation under the Magnuson-Stevens Fishery Conservation and Management Act for essential fish habitat (EFH) with NMFS; 6) the Project Sponsor's incidental take authorization under the Marine Mammal Protection Act (MMPA), from NMFS; 7) a permit decision by USACE under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, (together, Section 10/404) and Section 408 of the Rivers and Harbors Act of 1899 (Section 408); and 8) EPA's Outer Continental Shelf (OCS) air permit decision under Section 328 of the Clean Air Act.

For the following reasons, BOEM's extension request is **GRANTED**, and the Project's 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 seeks authorization to modify the completion dates shown in the table below:

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
BOEM	NEPA	Draft environmental impact statement (EIS) published	06/12/2026	12/09/2026	06/07/2027
		Final EIS published	04/16/2027	10/13/2027	04/10/2028
		Record of Decision (ROD) issued	06/01/2027	11/29/2027	05/30/2028
	Section 106	Section 106 Concludes	04/16/2027	10/13/2027	04/10/2028
	COP	COP Final decision/agency action	08/30/2027	02/28/2028	08/28/2028
NOAA-NMFS	ESA	ESA consultation package submitted	03/11/2026	09/07/2026	03/08/2027
		NOAA determines ESA package is complete	08/13/2026	02/09/2027	08/09/2027
		ESA consultation concludes	01/11/2027	07/12/2027	01/10/2028
	EFH	EFH consultation request submitted	03/11/2026	09/07/2026	03/08/2027





		NOAA determines EFH assessment complete	08/13/2026	02/09/2027	08/09/2027
		NOAA issues any EFH conservation recommendations	11/12/2026	05/11/2027	11/08/2027
	MMPA	NOAA determines ITA application complete	12/12/2025	06/10/2026	12/07/2026
		Publish notice of receipt of ITA application in Federal Register	01/13/2026	07/13/2026	01/11/2027
		Publish proposed ITA authorization in Federal Register	08/13/2026	02/09/2027	08/09/2027
		Publish final ITA regulations in Federal Register	07/30/2027	01/28/2028	07/26/2028
		ITA decision rendered	08/30/2027	02/28/2028	08/28/2028
FWS	ESA	ESA consultation package is submitted	06/12/2026	12/09/2026	06/07/2027
		FWS determines ESA package is complete	07/12/2026	01/08/2027	07/07/2027
		ESA consultation concludes	11/24/2026	05/24/2027	11/22/2027
USACE	Section 10/404	PCN/application received	04/28/2026	10/26/2026	04/26/2027
		Complete PCN/application received	05/28/2026	11/24/2026	05/24/2027
		Publication of public notice	06/12/2026	12/09/2026	06/07/2027
		Final verification / permit decision	08/30/2027	03/28/2028	09/25/2028
	Section 408	Initial application submitted	04/28/2026	10/26/2026	04/26/2027
		Completeness Determination	05/28/2026	11/24/2026	05/24/2027
		Complete application submitted	04/01/2027	09/28/2027	03/27/2028
		Issuance of Decision	08/30/2027	03/28/2028	09/25/2028
EPA	OCS	NOI to apply for an Air Permit submitted	02/14/2025	02/14/2025	08/12/2026
		Air Permit application submitted	10/15/2025	04/13/2026	04/13/2027
		Air Permit application complete	09/01/2026	03/29/2027	03/29/2028
		Issuance of final decision/permit approval	08/30/2027	03/29/2028	03/29/2029

The NEPA timeline is the critical path for the project’s permitting timeline. BOEM has conducted a comprehensive review of the established EIS schedule and found that meeting upcoming milestones is no longer feasible due to the requirement of additional BOEM and DOI reviews for the development of EISs for offshore wind projects. The implementation of additional reviews is essential for BOEM to ensure development of the EIS is consistent with





current legal and policy frameworks and to ensure additional time for intra-agency coordination and technical analysis. These contributing factors have resulted in a 180-day delay to the development of the EIS. Therefore, BOEM is requesting to modify the NEPA timeline, under FAST-41, by 180 days. The Section 106, COP, ESA, EFH, MMPA, Section 10/404, and Section 408 actions are all dependent on BOEM's EIS schedule, and therefore, BOEM is requesting to modify these actions by 180 days to align with the new EIS timeline.

BOEM, as the FAST-41 lead agency, is requesting to further extend the target date for NEPA under the FAST-41 schedule to conclude EPA's OCS air permit. EPA's OCS air permits are not dependent on NEPA for completion and therefore are not dependent on the NEPA schedule. However, EPA's OCS air permit does rely on the ESA, EFH, and Section 106 determinations, including mitigation made during the permitting process that would be included in the ROD. In turn, the Project Sponsor has requested to extend the EPA OCS air permit schedule by 12 months to better align the OCS air permit schedule with the project design and construction schedules. EPA regulations require construction to start within 18 months of the effective date of the permit, which if issued in alignment with the COP approval would not allow sufficient time for the completion of design work and the start of construction. An extension to the OCS air permit schedule mitigates the need for the project sponsor to seek a permit modification from EPA in the future. Therefore, BOEM is also requesting to modify the FAST-41 target completion date for the OCS air permit timeline by 12 months to align with the rest of the updated permitting timeline.

#### Consultation with Project Sponsor on Permitting Timetable Modifications

BOEM appropriately consulted with the Project Sponsor pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I) prior to submitting its extension request to the Executive Director. On March 27, 2026, BOEM shared the revised schedule with the Project Sponsor and the Project Sponsor responded accepting the revised schedule.

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

#### **IV. Discussion**

The circumstances surrounding this project justify BOEM's requested timetable modifications, and the request will be granted. Pursuant to 42 U.S.C. § 4370m-2(c)(2)(B)(i) & (iv), two of the relevant factors to consider for modifications under the FAST Act are the size and complexity of the project and the sensitivity of the natural or historic resources that may be affected by the project. The Project is very large and complex, including up to 117 wind turbines within the 43,056 acre lease area and two potential export cable corridors that would make landfall at Long Island, New York. Additionally, the project implicates sensitive resources





including marine, fisheries, navigation, and historic resources. Rigorous consideration is warranted to ensure the sensitivity of the natural and historic resources that may be affected are fully considered, consultation requirements are met, and appropriate mitigation measures are established. BOEM's requested timetable modifications will allow the necessary and thorough NEPA analysis contemplated by the Department of Interior elevated review process for offshore wind projects to be met and will facilitate a thorough, coordinated administrative record. Lastly, BOEM, as the FAST-41 lead agency, request to allow additional time beyond the updated NEPA schedule for EPA to complete the OCS air permit aligns the OCS air permit with the construction start, avoiding the need to modify the permit in the future, since construction must start within 18 months of the effective date of permit. All proposed date shifts were mutually agreed upon by all impacted agencies and the Project Sponsor. Given these circumstances, the completion date modifications are warranted.

## V. Determination

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

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Emily Domenech  
Executive Director  
Permitting Council

