



The Federal Permitting Improvement Steering Council (Permitting Council)

What is the Permitting Council?

Created in 2015 by the Fixing America's Surface Transportation Act (FAST Act), the Permitting Council is an independent Federal agency composed of 16 members: the Executive Director (Permitting Council Chair), the Director of the Office of Management and Budget, the Chair of the Council on Environmental Quality, and representatives from the 13 Federal agencies that are responsible for environmental reviews and permitting for infrastructure projects. The Permitting Council facilitates deliberate, coordinated, and transparent Federal environmental review and permitting for certain "covered" infrastructure projects.

Why Work with the Permitting Council?

FAST-41 coverage entitles project sponsors to a comprehensive, integrated Federal permitting timetable that is publicly posted on the Permitting Dashboard and which contains all Federal environmental reviews and authorizations needed to begin construction of the project. FAST-41 requires that agencies collaboratively establish and maintain these permitting timetables and consult with the project sponsor on any proposed permitting timetable changes. Permitting timetables may only be modified in compliance with FAST-41's consultation and public disclosure requirements to ensure accountability.

What does the Permitting Council do?

The Permitting Council administers Title 41 of the FAST Act, referred to as "FAST-41," which establishes a new governance structure, set of procedures, and funding authorities to improve and make transparent the Federal review and permitting process for FAST-41 "covered" infrastructure projects on the Federal infrastructure Permitting Dashboard. Project sponsors (usually private entities) apply for and receive FAST-41 coverage for their projects.

What is a FAST-41 Covered Project?

A FAST-41 covered project must first be in one of the following 18 sectors:

1. Renewable energy production
2. Conventional energy production
3. Electricity transmission
4. Surface transportation
5. Aviation
6. Ports and waterways
7. Water resource projects
8. Broadband
9. Pipelines
10. Manufacturing
11. Mining (added by Permitting Council vote)
12. Carbon capture
13. Semiconductors
14. Artificial intelligence and machine learning
15. High-performance computing and advanced computer hardware and software
16. Quantum information science and technology
17. Data storage and data management
18. Cybersecurity



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A covered project also must meet one of the following four criteria:

1. Objective Criteria

A project must:

- Be subject to the National Environmental Policy Act (NEPA);
- Be likely to require a total investment of more than \$200,000,000; and
- Not qualify for “abbreviated authorization or environmental review processes” under any applicable law.

2. Discretionary Criteria

- Project is subject to NEPA; and
- Project is of a size and complexity that makes it, in the opinion of the Permitting Council, likely to benefit from enhanced oversight and coordination, including (but not limited to) a project likely to require:
 - Authorization from or environmental review involving more than two Federal agencies; or
 - The preparation of an environmental impact statement (EIS) under NEPA.

The Permitting Council votes to cover projects under the discretionary criteria.

3. Tribal Sponsored Criteria

- Project is within one of the eighteen sectors;
- Subject to NEPA;
- Sponsored by an Indian Tribe, an Alaska Native Corporation, a Native Hawaiian, the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs; **and**
- Located on land owned or under the jurisdiction of the entity that sponsors the activity.

Exempt from “abbreviated authorization or environmental review” limitation in the objective criteria.

Exempt from the \$200 million threshold in the objective criteria.

4. Carbon Capture Sector

Construction of infrastructure for “carbon capture” includes construction of:

- Any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture; and
- Carbon dioxide pipelines.

Criteria:

- Project is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines.
- No NEPA requirement.

EXEMPTION: DOT-led projects and WRDA-funded projects cannot be FAST-41 covered projects.

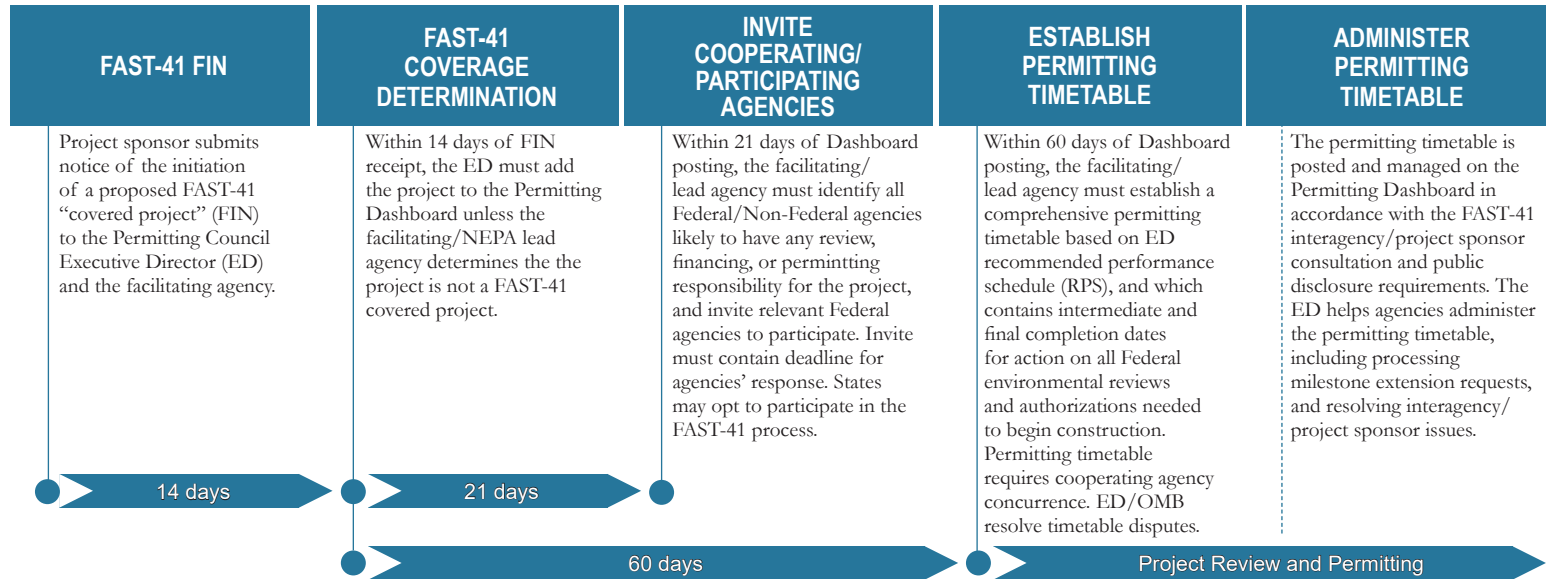




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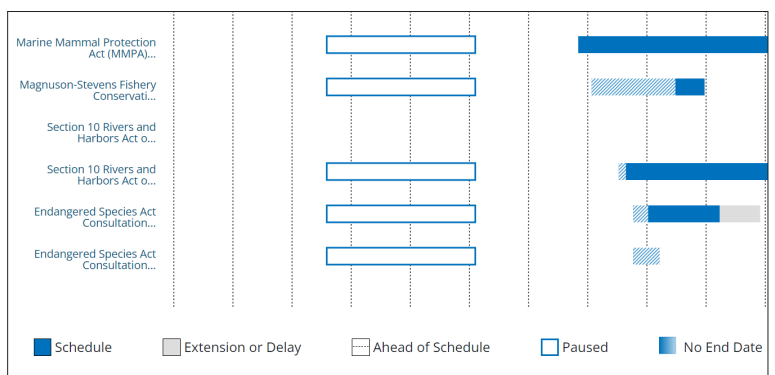
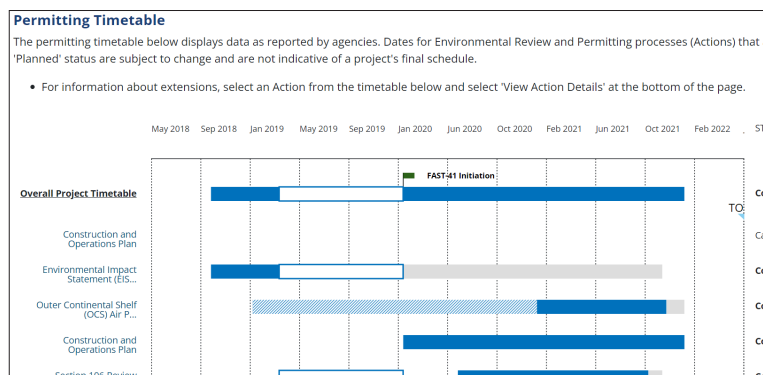
Ready to get started? The FAST-41 Process:

Establishing and administering a comprehensive permitting timetable for FAST-41 “covered projects”



The Permitting Dashboard:

Once a project is covered by FAST-41, it is placed on the Permitting Dashboard, allowing Federal agencies, project sponsors, other stakeholders, and the public to track project review and permitting in real time. The Dashboard allows unprecedented transparency into the Federal permitting process.





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How to become a FAST-41 project?

Email Instructions

Interested project sponsors for potential covered projects should submit the following information required under FAST-41:

- Project information: title, sector, type, location;
- Project sponsor name and contact information;
- Statement of the purposes and objectives of the project;
- Concise description including general location and/or a summary of geospatial information, if available, and the location, if any, of environmental, cultural, and historic resources;
- Statement regarding the technical and financial ability of the project sponsor to construct the proposed project;
- Statement of any Federal Financing, environmental reviews, and authorizations anticipated to be required; and
- Assessment that the project meets the definition of a covered project as defined in 42 U.S.C. § 4370m(6)(A) and a statement of reasons supporting the assessment.

The FIN should be emailed to both the Executive Director and the appropriate facilitating agency.

Executive Director Email: FAST.FortyOne@fpisc.gov

**Pre-application consultations available -
email the Permitting Council at:
FAST.FortyOne@fpisc.gov**



Online Submissions

Interested project sponsors for potential covered projects should submit the needed information required on our online form: permitting.gov



Who are the Permitting Council members?

- The Executive Director (Permitting Council Chair)
- OMB Director
- CEQ Chair

Deputy Secretary “or equivalent” from the following Federal agencies:

- Advisory Council on Historic Preservation
- Department of Agriculture
- Department of the Army
- Department of Commerce
- Department of Defense
- Department of Energy
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of the Interior
- Department of Transportation
- Environmental Protection Agency
- Federal Energy Regulatory Commission
- Nuclear Regulatory Commission

