

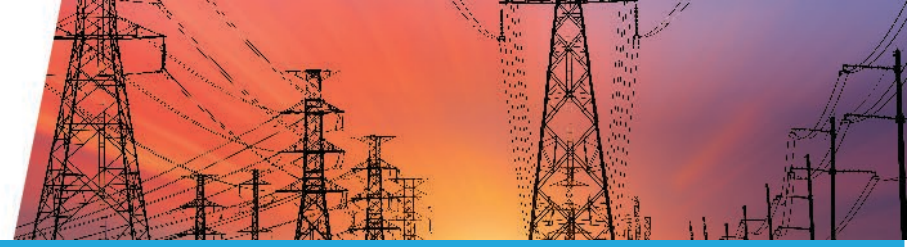


***THE STANDARD SCHEDULE IS A DRAFT AND SUBJECT TO REVISION.
FINALIZATION WILL BE CONCURRENT WITH PUBLICATION OF THE FINAL RULE FOR 10 CFR PART 900***

COORDINATED INTERAGENCY TRANSMISSION AUTHORIZATIONS AND PERMITS (CITAP) PROGRAM

Draft Standard Schedule

- ▶ **Memorandum Of Understanding (MOU) Background:** In May 2023, a Memorandum of Understanding (MOU) was signed by nine Federal agencies to implement Section 216(h) of the Federal Power Act (FPA) (2023 MOU).
 - The 2023 MOU tasks the Department of Energy (DOE) with coordinating Federal environmental reviews and authorizations required for many electric transmission facilities (qualifying projects) by using existing authority that was enacted by Congress in the Energy Policy Act of 2005. The full 2023 MOU is available on DOE's website and linked in the references at the end of this document.
 - In the 2023 MOU, DOE committed to establishing a standard schedule that will serve as a template to guide developer engagement with Federal agencies and relevant stakeholders in the environmental review and permitting processes of electric transmission infrastructure.
 - DOE also committed to update its regulations implementing Section 216(h). DOE is publishing a notice of proposed rulemaking (NOPR) in August 2023 to update 10 CFR part 900 and establish the Coordinated Interagency Transmission Authorizations and



Permits (CITAP) Program and is accepting public comment. This document refers to procedures and timelines proposed in that proposed rulemaking and is subject to revision.

- ▶ **Standard Schedule Overview:** The standard schedule is a template that aims to consolidate all the Federal environmental reviews and authorizations for qualifying projects into a two-year review timeline that begins with the publication of a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).
 - While the standard schedule is a template, each qualifying project will ultimately have its own specific binding milestones and requirements depending on its scope and location, which will include robust analysis of project impacts and early and meaningful consultation with potentially affected Tribal Nations, communities, and other stakeholders.
 - A key mechanism to facilitate the two-year standard schedule review timeline is the Integrated Interagency Preapplication (IIP) Process, a preapplication process driven by developers and project sponsors, coordinated by DOE, and involving all relevant Federal and non-Federal entities involved in reviewing and potentially authorizing the qualifying project.

- ▶ **IIP Process Overview:** The IIP Process precedes the decision to issue an NOI to prepare an EIS. Developers may submit an IIP Process initiation request to DOE. DOE will then disseminate the initiation request materials to relevant Federal agencies and render a decision within 30 days as to whether the project meets the necessary requirements to move forward with the IIP Process.
 - If accepted, developers will work iteratively with DOE and other Federal agencies to gather the information necessary to demonstrate compliance with various Federal permitting reviews (e.g., Endangered Species Act (ESA) Section 7 Consultation, National Historic Preservation Act (NHPA) Section 106 compliance, and/or Marine Mammal Protection Act (MMPA)) and necessary authorizations (e.g., 10 Rivers and Harbors Act (RHA) and/or Section 404 Clean Water Act (CWA)).

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The IIP Process provides for timely and focused meetings with relevant Federal and non-Federal entities that aid in identifying potential siting constraints and opportunities while promoting thorough and consistent stakeholder engagement by the developer. At the close-out of each IIP Process, DOE will coordinate with the developer and other Federal agencies to determine a project-specific schedule by drawing from the standard schedule template, information provided by the developer, and information gathered through the IIP Process. The deadlines in the project-specific schedule will provide the basis for the Presidential appeal provisions of FPA Section 216(h)(6).

How to Read the Standard Schedule:

- ▶ The two tables below are captured visually in Figure 1. Standard Schedule Template:
 - Table 1 (DOE IIP Timeline) represents the work that precedes any initiation of any required environmental review pursuant to the National Environmental Policy Act (NEPA) and, therefore, prior to starting the two-year period identified in the 2023 MOU.
 - The Table 1 timeline, demarcated in a period of “negative months” in Figure 1, shows that the IIP Process steps are not accounted for in that two-year time timeframe.
 - The publication of an NOI to prepare an EIS begins the two-year timeline required in 10 CFR part 900, which is consistent with 40 CFR part 1500 NEPA requirements.
- ▶ In the Standard Schedule Template, the IIP timeline is noted as uncertain. The developer largely controls the IIP timeline, and thus the timeline will vary based on the developer’s preparation, responsiveness to feedback from the relevant agencies, and the overall project readiness.
- ▶ Subject to the ongoing rulemaking on 10 CFR part 900, the IIP Process will require:
 - Establishment of a project-specific schedule in coordination with relevant Federal agencies, with schedule risks/constraints identified;

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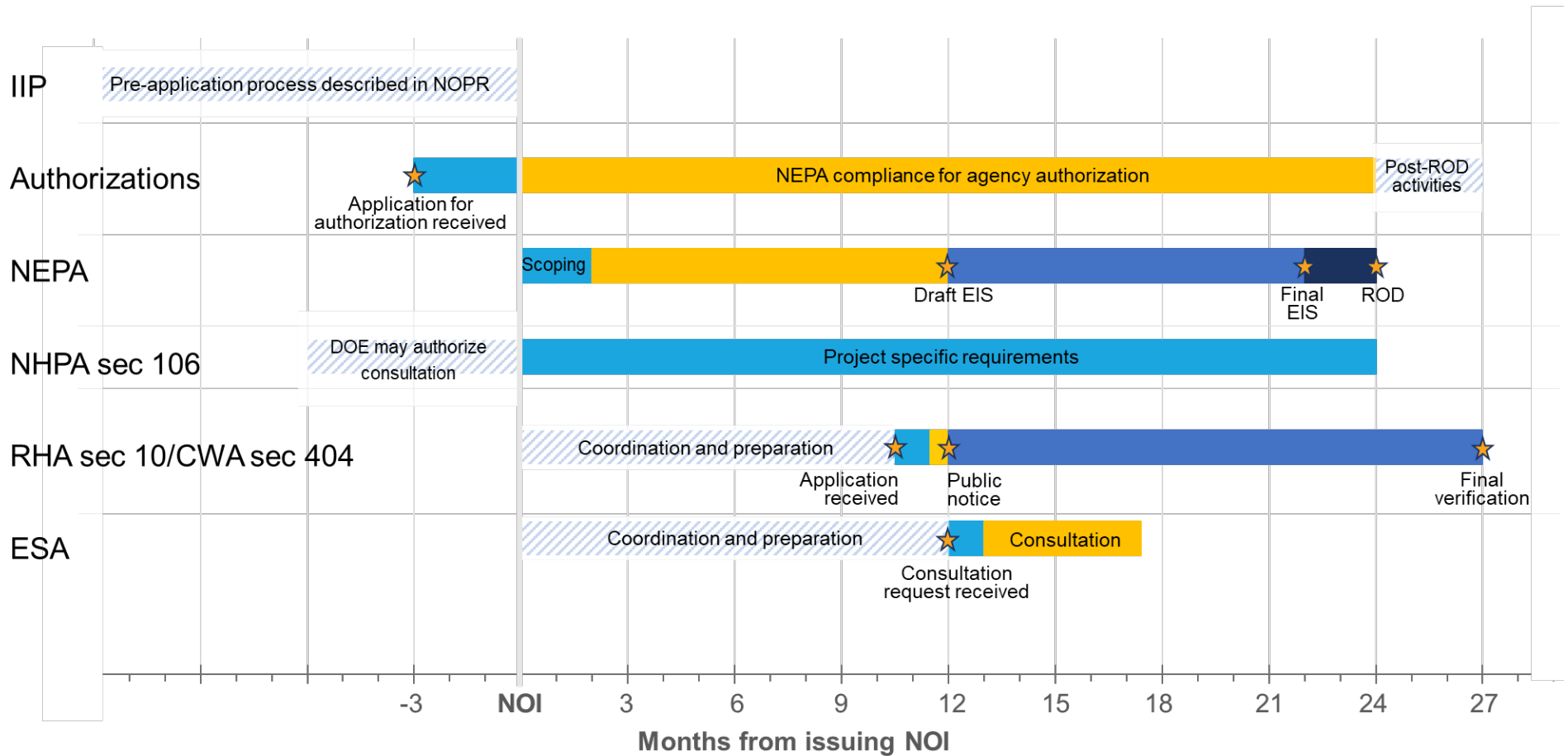
- Completion of resource reports that will help inform the NEPA process, based on the best available information;
 - Development of Proposed Action and objectives of the project to inform Federal agencies' development of the project's purpose and need statement and preliminary alternatives;
 - Identification of project constraints due to impacts on military test, training, and operational missions, as well as any areas of special protection (e.g., parks, sanctuaries, national monuments);
 - Availability of map data showing preliminary project area;
 - Completion of initial outreach related to ESA, as appropriate (for instance, initial species list or preliminary action area);
 - Activities that will help inform the Section 106 of the NHPA consultation process (for instance, any preliminary survey work that can be undertaken prior to initiation of NEPA; outreach to Indian Tribes to discuss pending undertaking);
 - Identification and, at the very least, initiation of other needed surveys (visual resources, for instance); and
 - Creation of materials needed for scoping and release of NOI.
- ▶ For the EIS timeline, DOE drew on its own experience as well as the Federal Permitting Improvement Steering Council's (FPISC's) Recommended Performance Schedule (RPS). Existing projects on the FPISC Permitting Dashboard were sampled to obtain information on timing, durations, and interdependencies for specific milestones to build Table 2 (Federal Review and Authorization Standard Schedule Pursuant to MOU) and the Standard Schedule Template.
 - ▶ The actions and relevant Federal agencies included in Table 2 and Figure 1 represent the most common authorizations expected, based on past transmission projects on the FPISC Permitting Dashboard and RPS. Project-specific schedules will reflect the authorizations required for a given project, which may include authorizations not described here.

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Figure 1. Standard Schedule Template

Standard Schedule Template



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Table 1: DOE IIP Timeline

This table is organized by processes, corresponding to the bars in Figure 1. Each yellow row indicates the first milestone in a process.

Process	Timing	Task	Notes
IIP	PREAPP Day 0	DOE receives IIP Process initiation request	A developer must submit a request to DOE to initiate the IIP Process. The developer may decide when to submit the initiation request. The initiation request must include materials identified in 10 CFR 900.5.
	PREAPP Days 1-15	DOE notifies relevant Federal, Tribal, and non-Federal entities of initiation request	Within 15 calendar days after an initiation request is received, DOE provides electronic copy of the initiation request to all relevant Federal, Tribal, and non-Federal entities.
	PREAPP Days 1-30	DOE notifies developer and relevant Federal, Tribal, and non-Federal entities that initiation request meets or does not meet requirements	Within 30 calendar days after initiation request is received, DOE notifies the developer and relevant Federal, Tribal, and non-Federal entities whether the initiation request meets or does not meet the requirements.
	PREAPP Days 1-60	IIP Process Initial Meeting	<p>If a developer submits a valid initiation request, DOE, in consultation with the identified relevant Federal entities, shall convene the IIP Process initial meeting with the developer and all relevant Federal, Tribal, and non-Federal entities.</p> <p>The developer may begin gathering necessary information relating to the various environmental reviews that must be completed in the course of the project—for instance, the Endangered Species Act (ESA), Section 106 of the National Historic Preservation Act (NHPA), Section 404 of the Clean Water Act (CWA)/Section 10 of the Rivers and Harbors Act U.S. Army Corps of Engineers (USACE) permitting, and collecting surveys and other needs for visual resources analysis; early outreach with potentially affected communities and landowners; and/or development of the plan of development (POD) for a right-of-way (ROW) authorization. These examples are not exhaustive of all legal requirements that may be required for a project.</p>

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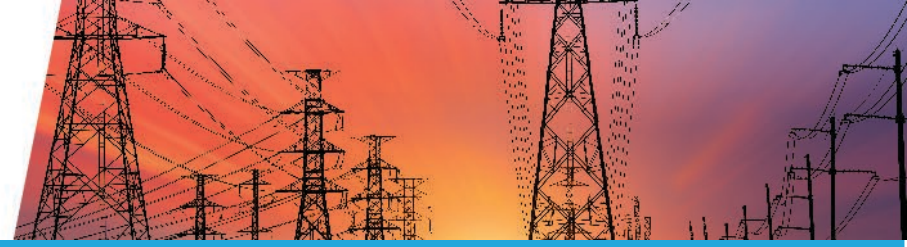
			<p>The initial meeting will address any potential impacts to military test, training, and operational missions, including impacts on installations, ranges, and airspace, as well as any areas of special protection (e.g., parks, sanctuaries, national monuments).</p> <p>The initial meeting will also address arrangements for the developer to contribute funds to cover costs incurred by DOE and relevant Federal entities in the IIP Process, including any requirements for entering into cost recovery agreements.</p>
	<p>PREAPP Day:</p> <p>Variable, determined by developer</p>	<p>IIP Process Review Meeting request and resource report completeness check</p>	<p>Developer may submit the review meeting request anytime following submission of the required resource reports.</p> <p>Within 60 calendar days after DOE receives the review meeting request, DOE will notify the developer and all relevant Federal, Tribal, and non-Federal entities that the meeting request either meets or does not meet the requirements. If the request meets the requirements, DOE will convene the review meeting within 30 calendar days. If request does not meet the requirements, DOE will provide reasons and a description of how the developer may address any deficiencies.</p>
	<p>PREAPP Day:</p> <p>Within 90 days of receiving a complete request</p>	<p>IIP Review Meeting</p> <p>Review resource reports, prepare for NOI release and start of scoping period</p>	<p>An IIP Process review meeting is required for each qualified project and may only be held after the developer submits all the required resource reports and a complete review meeting request to DOE. Items to address at this meeting are outlined in 10 CFR 900.8(e). These would include identifying any needed updates to the resource reports and beginning to prepare the NOI release and scoping period tasks, as relevant. Additionally, at the meeting, DOE shall present the proposed project-specific schedule developed under 10 CFR 900.7.</p>
	<p>PREAPP Day:</p> <p>Withing 45 days of the Review Meeting</p>	<p>Section 106 Consultation Authorization</p>	<p>Within 45 calendar days of the review meeting, DOE determines whether there exists an “undertaking” for the purposes of Section 106 of the NHPA. If so determined, DOE would authorize developers to initiate consultation with State Historical Preservation Officers (SHPOs), Tribal Historical Preservation Officers (THPOs), and others consistent with 36 CFR 800.2(e)(4).</p>

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	PREAPP Day: Variable, determined by developer	IIP Close-Out Meeting request	Developers must submit a request for a close-out meeting, with updated materials as described in 10 CFR 900.9. Within 60 calendar days of receiving the close-out meeting request, DOE will notify the developer and all relevant Federal, Tribal, and non-Federal entities if the request meets or does not meet the requirements. If the request meets the requirements, DOE will convene the close-out meeting within 30 calendar days. If the request does not meet the requirements, DOE will provide reasons and a description of how the developer may address any deficiencies.
	PREAPP Day: Within 90 days of receiving a complete request	Completion of the IIP Process	Completion of the IIP Process includes a close-out meeting, identification of the co-lead agency and other roles; issuance of the project-specific schedule; completion of resource reports, including preliminary alternatives and proposed action; finalizing the NOI for release in the Federal Register; and preparation and readiness of scoping plan and materials. This completed process signifies preparation to begin the authorization schedule (NOI release and start of scoping period), the timing of which may be dependent on the developer's ability to provide relevant Federal entities with the necessary information for the entities to deem the application complete.
Developer Submits Application to Agency(ies)	PREAPP Day [VARIABLE]	Agency receives application for authorization	<p>Applications to relevant Federal entities for necessary Federal authorizations begin the process that will lead to release of the NOI, e.g., a Title V ROW under the Federal Land Policy and Management Act (FLPMA) from the Bureau of Land Management (BLM) to cross public lands or Special Use Permit (SUP) from the U.S. Forest Service. The applications must be reviewed by such Federal entities to determine completeness. Additionally, Federal land-managing agencies must consider whether the proposal in the applications require amendments to existing land use plans, e.g., a Resource Management Plan Amendment (RMPA) from BLM, which may require additional process before such agencies can approve a project. Certain Federal agencies (e.g., BLM, consistent with its Title V right-of-way regulations), may require developers to submit a POD as part of the application.</p> <p>If appropriate, initiation of the developer's drafting of the POD may begin as needed, as well as any preliminary outreach to potentially affected landowners located within the proposed project's footprint.</p> <p>Consistent with proposed amendments to 10 CFR part 900, submission of documentation necessary to initiate cost recovery may be required earlier in the IIP Process.</p>

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	PREAPP Day [VARIABLE]	Agency performs completeness determination of application for authorization	This timing can vary based on specific agency authorization and IIP Process outcomes. The standard schedule graphic identifies 90 calendar days, as it is the longest period that may be needed for the relevant Federal entities to render a decision on application completeness.
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Table 2: Federal Review and Authorization Standard Schedule Pursuant to MOU

This table is organized by process, corresponding to the bars in Figure 1. Each yellow row indicates the first milestone in a process.

Process	Milestone	Task	Notes
NEPA (EIS)	Day 0	Issuance of NOI (commencement of NEPA process)	NOI issuance begins upon completion of agency authorization application process, as indicated above. NOI materials would be prepared during the IIP Process such that the NOI issuance date is “day zero” of the standard schedule.
	Day 60	Scoping	Scoping timelines will vary based on the nature of the authorization. For example, per 36 CFR part 219, actions that may make a significant change in the land management plan require a 90-day scoping period. Scoping periods can be as short as 30 calendar days and as long as 120 calendar days. 60 calendar days identified here as the typical scoping comment period.
	Day 360	Publish Notice of Availability (NOA) for Draft EIS	10 months has been identified here for this process given that during this time, scoping, alternatives development, and impacts analysis must be refined or revised in response to public comments, and the draft EIS must be completed in coordination with relevant Federal agencies.
	Day 640	Publish NOA of Final EIS	This schedule assumes approximately 9 months to complete and respond to a 60-day comment period, revise the EIS, circulate to appropriate Federal entities, finalize the EIS, and draft the record of decision (ROD).
	Day 730	Issuance of ROD (Conclusion of NEPA Process)	ROD cannot be issued before Section 7 Consultation under the ESA, Section 106 compliance, any other environmental compliance steps outlined in 40 CFR part 1500 regulations are completed. While NEPA only requires 30 calendar days between the Final EIS and the ROD, the schedule here allows 90 calendar days to accommodate the pre-decisional objection periods or protest periods that some agencies require (see, e.g., 36 CFR part 218).
Section 106 Review	Day 0	Consultation initiated with State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO)	The schedule reflects the Section 106 process may begin prior to or concurrently with the NOI. This is because, in the IIP Process, developers will be encouraged to initiate outreach and data gathering activities as early as possible to inform or support the Section 106 process and ensure its efficiency during the NEPA process. Consistent with the proposed amendments to 10 CFR part 900, DOE may authorize consultation during the IIP Process.

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	Day 730	Satisfaction of Section 106 process requirements	Concurrent with final EIS. ROD cannot be issued before requirements of the Section 106 process are satisfied, whether that includes a programmatic agreement (PA) or other measures. Section 106 consultation can continue after issuance of the ROD as long as the stipulations for completion of the steps of the process are reflected in an executed PA, memorandum of agreement, or reflected in the ROD if the agencies are utilizing the substitution process consistent with 36 CFR 800.8(c).
ESA Section 7 Consultation	Day 360	ESA Section 7 Consultation Request Package Submitted	Ideally, the ESA process would begin during the IIP Process as the applicant prepares the resource reports and coordinates with FWS and/or NMFS, as appropriate, on the information required for a complete biological assessment. ESA Section 7 consultation should be initiated when the proposed action has been clearly defined and, ideally, coincident with the release of the Draft NEPA document (e.g., DEIS).
	Day 390	Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) (as appropriate) determines whether ESA Section 7 Consultation Request Package is Complete – Formal Consultation	FWS and/or NMFS must determine whether the ESA Section 7 consultation request package is complete within 30 calendar days of receiving the request. If not complete, FWS and/or NMFS will notify the action agency of missing information. Once the missing information is submitted, the completeness review begins again. See the informational requirements for requests to initiate formal consultation at 50 CFR 402.14(c).
	Day 525	ESA Section 7 Consultation Concludes	135 calendar days after receipt of a complete application (as determined by FWS and/or NMFS); Although the statutory timeframe for formal consultation is 135 calendar days, it may be extended in accordance with ESA Section 7(b) (see 16 USC 1536(b); 50 CFR 402.14(e)-(f)). Figure 1 shows that, at maximum, consultation must be completed prior to signing and release of ROD.
Section 10 Rivers and Harbors Act and Section 404 Clean Water Act*	Day 315	Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received	Begins upon close of scoping; however, developers will be encouraged to develop the needed application prior to publication of NOI and while developing resource reports through the IIP Process. Schedule shows initiation of task after scoping where issues are more settled, and the proposed action has been finalized, then USACE's receipt of the application 45 days prior to publication of the Draft EIS.

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	Day 345	Complete PCN/Application Received	30 calendar days after "PCN/Form ENG 4345/Joint Application Form Received," though this timeline will vary depending on applicant's submittal; the timeline in this schedule has been set up so that the complete application is received and the public notice period corresponds with that of the Draft EIS.
	Day 360	Publication of Public Notice (if applicable)	15 calendar days after "Complete Application"; this is the deadline by which USACE must initiate public notice.
	Day 820	Final Verification/Permit Decision Rendered	Issued 90 calendar days post-ROD; not issued before ESA, Section 106, EFH, NEPA, Section 408, Section 401 WQC, and CZMA (if applicable) are completed.
Agency Authorization	Day [VARIABLE]	Agency Actions – post ROD	Once a NEPA decision is executed and made available to the public, agencies may issue a separate authorization (i.e., ROW Grant or equivalent) that would authorize rights to construct, operate and maintain a proposed project and privileges for a specific use of the land for the life of the project. Post-ROD activities vary and thus cannot be accounted for in the standard schedule but may be included in a project-specific schedule. Other post NEPA authorizations may include an issuance of a Notice to Proceed (NTP) for the developer to start surface disturbance which may be issued only after a federal authorization is issued. Another example is completion of RMPA mitigation activities, certification of Section 404/10 permitting, or any completion of Section 106 activities under the NHPA and additional monitoring or execution therein. This is not a comprehensive list of actions required by Federal agencies once a NEPA decision has been rendered. It is a responsibility of the developer to promptly request and obtain any required federal authorizations and/or permits to commence construction of a project.

*Note: Section 408 review is not included in the standard schedule

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References:

1. Federal Power Act, 16 U.S.C. § 824p(h)(4).
2. Memorandum of Understanding Among the U.S. Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, the Environmental Protection Agency, the Council on Environmental Quality, the Federal Permitting Improvement Steering Council, Department of the Interior, and the Office of Management and Budget Regarding Facilitating Federal Authorizations for Electric Transmission Facilities (May 2023), available at www.energy.gov/sites/default/files/2023-05/5-04-2023%2016h%20Transmission%20MOU.pdf
3. Federal Permitting Improvement Steering Council Recommended Performance Schedules, available at: <https://www.permits.performance.gov/fpisc-content/recommended-performance-schedules>
4. Coordination of Federal Authorizations for Electric Transmission Facilities, pending publication in the Federal Register, available here: www.energy.gov/sites/default/files/2023-08/CITAP-NOPR-DOE-HQ-2023-0050-Coordination-of-Federal-Authorizations-for-Electric-Transmission-Facilities-RIN-1901-AB62.pdf
5. BLM ROW Customer Service Standard Flow Chart, available at https://blm.gov/sites/blm.gov/files/Lands_ROW_2-17-18_CustomerService_Flow_Chart.pdf
6. NEPA-NHPA Section 106 Handbook, available at https://www.achp.gov/sites/default/files/2017-02/NEPA_NHPA_Section_106_Handbook_Mar2013_0.pdf
7. USACE Regulatory Program Regulations, 33 CFR 320-332, available at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Federal-Regulation/>
8. FWS and NMFS Endangered Species Consultation Handbook, available at <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

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