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

December 20, 2024

Silver Star Solar I Project – Right-of-Way Authorization (BLM); NEPA (BLM); ESA (FWS)

I. SUMMARY

The Silver Star Solar I Project (Project), sponsored by Silver Star Solar I, 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 Land Management (BLM), has principal responsibility for environmental review for the Project under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321, which makes BLM the lead agency for both NEPA and FAST-41.

BLM submitted a request to the Federal Permitting Improvement Steering Council (Permitting Council) Executive Director to extend completion dates for all actions on the project's permitting timetable. This includes BLM's NEPA action and right-of-way authorization. BLM additionally asks to extend the consultation completion dates with the United States Department of the Interior, Fish and Wildlife Service (FWS) under the ESA, 16 U.S.C. §§ 1531.

For the following reasons, BLM'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

BLM submitted a request to change the completion dates shown in the table immediately below.

Action Agency	Action	Milestone	Original Date	Requested Date
BLM	Right-of-Way	Completed Application Received	1/27/2025	8/11/2025
		Final decision / agency action	1/16/2026	7/17/2026
BLM	NEPA	Determination to prepare an Environmental Assessment (EA)	2/14/2025	8/11/2025
		Issuance of a Draft EA / Release for Public Review	8/15/2025	2/25/2026
		Issuance of a Final EA	10/31/2025	4/24/2026
		EA Process Concluded	11/30/2025	6/8/2026
FWS	ESA	ESA Consultation Request Package Submitted	4/14/2025	10/14/2025
		FWS determines ESA Consultation Package is Complete	7/28/2025	2/26/2026
		ESA Consultation Concludes	10/30/2025	5/8/2026

BLM's justification for this permitting timetable extension is based on the timing of the Project Sponsor's submission of baseline surveys, reports, and modeling, which BLM requires prior to proceeding with the NEPA process for the Project. To account for the additional time needed for the Project Sponsor to complete the surveys, studies, and modeling, including BLM review and comment, BLM is requesting an extension of approximately six months for issuance of the final NEPA document and the right-of-way authorization.

The intermediate and final completion dates for the ESA consultation are dependent on the NEPA action because information and analysis contained in the draft EA is pertinent to development of the ESA consultation package. Accordingly, BLM will not submit a consultation request to FWS until issuance of the draft EA, and therefore, requests an extension of the ESA consultation completion dates proportionate to the extension of the NEPA completion dates.

Consultation with Project Sponsor on Extension Requests

Prior to submitting its extension request to the Executive Director, BLM consulted with the Project Sponsor per 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I) and has indicated that the Project Sponsor understood the need for the requested completion date extension and did not object.

The Executive Director also has 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 the Project Sponsor does not object to the requested permitting timetable modification.

IV. DISCUSSION

BLM, as part of its standard process for solar projects, requires several baseline studies before beginning NEPA. The Project Sponsor and BLM have worked together to ensure completeness of the required studies and coordinated to manage BLM review and Project Sponsor submittals to maintain progress. Through recent increased coordination, the agency and Project Sponsor agreed that additional time is needed to finalize and approve the required studies. Significantly, through increased coordination and project management support from BLM, the Project is gaining momentum toward completion of the studies. Given these circumstances, the Executive Director concludes that the requested extension is warranted.

V. DETERMINATION

BLM's extension request is **GRANTED**, and the permitting timetable shall be revised accordingly.



Eric B. Beightel
Executive Director
Federal Permitting Improvement Steering Council