



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

June 18, 2026

Navajo Nation Department of Education E-Rate Funded Broadband Project—Right of Way Authorization (BIA), Right of Way Authorization (BLM), and Use Authorization (BOR)

I. Summary

The Navajo Nation Department of Education E-Rate Funded Broadband Project (NNDOE), sponsored by Navajo Nation Broadband Office (the ‘Applicant’ or ‘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 Department of Interior’s Bureau of Indian Affairs (BIA), has principal responsibility for environmental review of the Project under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.*, which makes BIA the lead agency for both NEPA and FAST-41.

BIA submitted a request to the Federal Permitting Improvement Steering Council (Permitting Council) Executive Director to extend completion dates for the BIA Right-of-Way Authorization (ROW), the Bureau of Reclamation (BOR) Use Authorization, and the Bureau of Land Management (BLM) Right-of-Way Authorization on the project’s permitting timetable. This is BIA’s second request for modification of the project’s permitting timetable.¹

For the following reasons, BIA’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

¹ The previous Executive Director Determination approving permitting timetable modifications is available here: <https://www.permits.performance.gov/permitting-projects/navajo-nation-department-education-e-rate-funded-broadband-executive-director>





- 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

BIA seeks authorization to modify the completion date shown in the table below.

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
BIA	ROW Authorization (Phase II)	All outstanding application materials submitting (Applicant Action)	5/22/26	7/21/26	N/A
		Application Deemed Complete (Agency Action)	7/21/26	7/21/26	9/18/26
		Final decision/agency action (Agency Action)	8/20/26	8/20/26	10/19/26
BLM	ROW Authorization (Phase II)	Final decision/agency action (Agency Action)	8/20/26	8/20/26	10/19/26
BOR	Use Authorization (Phase II)	All outstanding application materials submitted (Applicant Action)	5/22/26	7/21/26	N/A
		Application deemed complete (Agency Action)	7/21/26	7/21/26	9/18/26
		Final decision/agency action (Agency Action)	8/20/26	8/20/26	10/19/26





BIA has requested to modify the dates for the federal agency authorizations to add sufficient time for the Project Sponsor to complete their right-of-way and use authorization applications.

BIA has statutory requirements given in 25 U.S.C. § 323–328 and implemented by regulations at 25 C.F.R. Part 169 - Rights-of-Way Over Indian Land, for the application to include, among others: landowner consent; accurate survey plats; proof of insurance/bond; compensation (unless waived); permission to cross existing utilities; and sufficient NEPA documentation. As submitted, BIA determined the ROW application was incomplete due to several deficiencies related to defining project parameters and meeting the compliance requirements for the ROW easement including completed NEPA analysis, certified survey plats demonstrating the precise ROW alignment with legal boundaries of land status ownership, highway and utility permissions to cross and encroachment authorizations for all existing easements, rights-of-way, road corridors, and utility infrastructure intersected by the proposed project.

BOR has requirements as implemented by regulations at 43 C.F.R. Part 429 - Use of Bureau of Reclamation Land, Facilities, and Waterbodies, and follows its Engineering and O&M Guidelines for Crossings Bureau of Reclamation Water Conveyance Facilities (Canals, Pipelines, and Similar Facilities). As submitted, BOR determined the application for the use authorization was deficient and inactionable because it did not include detailed construction plans (e.g., plan and profiles views of the proposed infrastructure crossings incorporating pipeline potholing information) to ensure that the proposed use will not unreasonably interfere with BOR's use of its easements.

The federal agencies have provided technical assistance and clarification of expectations to the Project Sponsor's contractor, Sacred Wind, by email and through regular biweekly meetings among all federal agencies involved. Additionally, BIA coordinated and facilitated meetings between the Sacred Wind, Navajo Nation utility and broadband offices, and other appropriate parties to ensure the project's success.

Both the BIA Right-of-Way Authorization and the BOR Use Authorization had milestones on the Dashboard with target dates on May 22, 2026 for "*All outstanding application materials*" to be submitted by the Applicant. The Applicant did not meet either of these milestones, and the target dates were pushed back by 60 days to allow sufficient time for the Applicant to complete their applications.

BIA requested their Right-of-Way Authorization and BOR Use Authorizations actions, "*Application Deemed Complete*" and "*Final Decision*", be modified to account for the additional 60 days for the Project Sponsor to provide the information needed to complete the applications and for the federal agencies to review and process the applications within their regulatory requirements. BLM is requesting to similarly modify their Right-of-Way Authorization to remain in alignment with the overall permitting timetable for the project.





Consultation with Project Sponsor on Permitting Timetable Modifications

Prior to submitting its extension request to the Executive Director, BIA, BLM and BOR consulted with the Project Sponsor per 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I) and represent that the Project Sponsor prefers to maintain the original target date.

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 object to the permitting timetable modifications.

IV. Discussion

The circumstances surrounding this project justify BIA'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. Due to the size and complexity of the project, it is necessary for the Project Sponsor to be as complete as possible with the project's technical details (e.g. legal boundaries, land ownership). The applications submitted to BIA and BOR by the Project Sponsor lack sufficient information required by statute to deem the applications complete and ensure the federal agencies could make informed decisions related to the project. The federal agencies have effectively communicated the application requirements to the Project Sponsor.

While the Project Sponsor has been responsive to requests for the required information, the applications provided by the May 22, 2026 milestone were not complete. The following milestones within both authorizations are dependent on all outstanding application materials being submitted by the applicant, so it follows that those milestones should also be shifted by 60 days to allow BIA and BOR sufficient time to review the complete applications once received. Given these circumstances, and considering the complexity of the project and resources potentially impacted, additional time is needed for complete submissions and federal agencies review. The requested date modifications are warranted.

V. Determination

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

Emily Domenech
Executive Director
Permitting Council

