



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

October 9, 2026

Castle Mountain Mine Phase 2 Project

I. Summary

The Castle Mountain Mine Phase 2 Project (“Project”), sponsored by Castle Mountain Venture (“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.* As the federal agency with principal responsibility for the environmental reviews required for the Project, the Bureau of Land Management (“BLM”) of the United States Department of the Interior will serve as the lead agency for purposes of FAST-41, with the United States Fish and Wildlife Service (“USFWS”) and the United States Army Corps of Engineers (“USACE”) serving as cooperating agencies.

On October 1, 2026, BLM submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the “Permitting Council”) to extend the milestone completion dates in the Project’s permitting timetable for the Environmental Impact Statement (“EIS”) action under the National Environmental Policy Act (“NEPA”), its review under Section 106 of the National Historic Preservation Act (“Section 106”), the Right-of-Way Authorization, and its review of the Plan of Operations. USFWS and USACE are not requesting modifications to their relevant agency action milestones.

For the following reasons, BLM’s extension request is **GRANTED**, and the Project’s permitting timetable will be revised accordingly.

II. Legal Standard

Under 42 U.S.C. § 4370m-2(c)(2)(D)(i), a lead agency may modify a permitting timetable only if the conditions set forth in subclauses (I) through (IV) are satisfied. Where a modification would extend a final completion date by more than thirty (30) days beyond the final completion date originally established, the lead agency must submit a request to modify the permitting timetable to the Executive Director, who must consult with the project sponsor and make a determination on the record as to whether to grant the authority to make the modification. In making that determination, the Executive Director considers the “relevant factors” set forth in 42 U.S.C. § 4370m-2(c)(2)(B), 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

- (v) 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.

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 seeks authorization from the Executive Director to modify the final completion dates shown in the table below:

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
BLM	Section 106 Review	Section 106 consultation concluded	08/28/26	11/13/2026	2/26/2027
BLM	EIS	Notice of Availability of a Final Environmental Impact Statement	08/28/26	11/13/2026	2/26/2027
BLM	EIS	Issuance of Lead Agency Record of Decision	10/15/26	12/30/2026	2/26/2027
BLM	Plan of Operations	Final decision/agency action	10/15/26	12/30/2026	2/26/2027
BLM	Right-of-Way Authorization	Final decision/agency action	12/14/26	1/29/2027	3/30/2027

BLM initiated consultation under Section 106 with the California and Nevada State Historic Preservation Offices (“SHPOs”) on June 13, 2025. In August 2026, the California SHPO raised procedural and documentation concerns, noting specifically that the Visual, Auditory, and Atmospheric (“VAA”) analysis evaluated only the utility right-of-way and omitted the mine site area. BLM’s third-party contractor had originally assumed the mine site was adequately covered under the EIS analysis, an assumption that did not account for the distinct procedural requirements that separate NEPA and Section 106. In response, BLM directed the contractor to expand the VAA analysis to include the mine site and to address gaps in key eligibility determinations. BLM represents that corrections to the VAA mapping are nearly complete. In the course of making these corrections, BLM identified two additional historic properties that have the potential to be adversely affected, one of which is located on lands managed by the U.S. National Park Service.

BLM is updating the Section 106 Memorandum of Agreement (“MOA”) to reflect these sites through a phased identification framework, along with appropriate treatment and mitigation

protocols. Finalizing the Section 106 process will require formal concurrence from both the California and Nevada SHPOs, who will rely on input from interested Tribes before executing the MOA. Once the VAA is finalized and the MOA updated, BLM will re-send the Finding of Effect to the California and Nevada SHPOs and concurrently notify consulting parties, initiating the required 30-day review period. *See* 36 C.F.R. § 800.5(c). BLM intends to complete these steps on or before October 23, 2026.

Consulting party responses may necessitate further government-to-government consultation and field visits to the newly identified cultural sites. Additional time is therefore needed to address any Tribal or SHPO concerns raised during the review period and to ensure the administrative record remains accurate and legally defensible. The outcome of the Section 106 consultation will be incorporated into the Final EIS and Record of Decision (“ROD”), as appropriate. BLM has also requested modifications to the final completion dates for its other agency actions that depend on the outcome of the Section 106 process. BLM has fully coordinated its extension request with USFWS and USACE.

Consultation with Project Sponsor on Permitting Timetable Modifications

On September 29, 2026, before submitting its extension request to the Executive Director, BLM consulted with the Project Sponsor pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I).

On October 2, 2026, the Executive Director consulted with the Project Sponsor, as required by 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV). On October 8, 2026, the Executive Director confirmed that the Project Sponsor does not object to these permitting timetable modifications because they will allow BLM to fulfill its legal obligations under Section 106.

IV. Discussion

BLM requests authorization to modify the permitting timetable to extend the final completion dates for its Section 106 review and the agency actions that depend on it. In evaluating this request, the Executive Director has considered the relevant factors set forth in 42 U.S.C. § 4370m-2(c)(2)(B). Among those factors is “the sensitivity of the natural or historic resources that may be affected by the project.” *Id.* § 4370m-2(c)(2)(B)(iv). That factor weighs in favor of the requested extension. The additional time will allow BLM to: (1) complete corrections to VAA mapping; (2) resolve site-coverage discrepancies identified during consultation; (3) update the associated cultural resources analysis; (4) transmit the Finding of Effect and complete the required 30-day review period initiated by BLM’s final Section 106 consultation letter (*see* 36 C.F.R. § 800.5(c)); (5) transmit the finalized MOA to the California and Nevada SHPOs for execution; and (6) incorporate the outcome of the Section 106 process into the Final EIS and ROD.

Each of these steps is necessary for BLM to meet its obligations under Section 106, which requires federal agencies to take into account the effects of their undertakings on historic properties. The corrections BLM is making to the VAA analysis respond directly to the California SHPO’s concern that the analysis assessed only the utility right-of-way and omitted the mine site. Completing these steps will ensure that the consulting parties have the opportunity to review the revised cultural resources analysis, two newly identified sites, and the final MOA before BLM concludes the Section 106 process. Proceeding on the current timetable would not

provide interested Tribes and the SHPOs sufficient time to respond to BLM's consultation letter, to the detriment of the historic resources Section 106 is designed to protect. Given the sensitivity of the historic resources that may be affected by the Project, the complexity of the Section 106 consultation, and the steps necessary to complete a thorough Section 106 review, the relevant factors support BLM's request. *See* 42 U.S.C. § 4370m-2(c)(2)(B)(i), (iv).

V. Determination

Based on the foregoing, and after consultation with the Project Sponsor, the Executive Director determines, pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), that BLM's request to modify the Project's permitting timetable is **GRANTED**. The permitting timetable on the Permitting Dashboard will be revised accordingly.



Emily Domenech
Executive Director
Permitting Council