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

November 13, 2026

**Seminoe Pumped Storage Project**

## I. Summary

The Seminoe Pumped Storage Project (the "Project"), sponsored by rPlus Hydro[1] (the "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 Federal Energy Regulatory Commission ("FERC") has principal responsibility for the environmental review under the National Environmental Policy Act ("NEPA"), which makes it the lead agency for both NEPA and FAST-41. The cooperating agencies are the U.S. Department of the Interior's Bureau of Land Management ("BLM"), Bureau of Reclamation ("BOR"), and U.S. Fish and Wildlife Service ("USFWS"), the U.S. Army Corps of Engineers ("USACE"), and the Department of Energy's Western Area Power Administration ("WAPA").

On November 9, 2026, FERC submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the "Permitting Council") to extend the Project's current permitting timetable completion dates for: (1) BLM's final-decision milestone on the right-of-way ("ROW") authorization; and (2) BOR's issuance milestone for the lease of power privilege contract. The particular details of each requested modification are shown in the table in Section III.

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

## II. Legal Standard

Under 42 U.S.C. § 4370m-2(c)(2)(D)(i), once a permitting timetable is established under 42 U.S.C. § 4370m-2(c)(2)(A), the facilitating or lead agency may modify it only if the conditions set forth in subclauses (I) through (IV) are satisfied. 42 U.S.C. § 4370m-2(c)(2)(D)(i). First, the facilitating or lead agency must consult with the Executive Director about the potential modification at least fifteen (15) days before it consults the other stakeholders under subclause (II). *Id.* § 4370m-2(c)(2)(D)(i)(I). Second, after consultation with any participating agencies, the Executive Director, and the project sponsor, the facilitating or lead agency and any affected cooperating agencies must agree to a different completion date. *Id.* § 4370m-2(c)(2)(D)(i)(II). Third, the facilitating or lead agency must provide a written justification for the modification. *Id.* § 4370m-2(c)(2)(D)(i)(III). Fourth, where a modification would extend a final completion date by

[1] While rPlus Hydro is listed as the FAST-41 Project Sponsor, Black Canyon Hydro, LLC serves as the formal license applicant with FERC. Black Canyon Hydro LLC is a subsidiary of rPlus Hydro.

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 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

The Project Sponsor seeks to build and operate a nearly 1,000 megawatt energy storage project using the existing Seminoe Reservoir on the North Platte River in Carbon County, Wyoming. To build the Project, the Project Sponsor plans to construct a new upper reservoir, water conveyance and maintenance tunnel system, underground powerhouse, access bridge, and two overhead transmission lines. Project construction would take about five years to complete and permanently disturb approximately 283 acres of land and temporarily disturb another 296 acres. Upon the commencement of operations, the Project would cycle water back-and-forth between the upper and lower reservoirs, pump water from the lower reservoir during off-peak hours and, when demand is high, generate electricity by discharging water from the upper reservoir through pump-turbines located in the underground powerhouse. The turbines have a generating capacity of 972 MW for each cycle, making the Project capable of generating 2,916 gigawatt-hours per year.

FERC issued a final environmental impact statement ("FEIS") for the Project on June 12, 2026.[2] On September 11, 2026, it issued a notice of intent ("NOI") to prepare a supplemental EIS, which included a revised review schedule for FERC's final order.[3] Because USACE's Section 404

[2] *Final Environmental Impact Statement for Hydropower License*, Seminoe Pumped Storage Project, Dkt. No. 14787-004, FERC/EISX-019-20-000-1742297464 (issued June 12, 2026).

[3] *Notice of Availability of the Final Environmental Impact Statement for the Seminoe Pumped Storage Project*, Project No.

Final Verification/Permit Decision depends on that order, FERC, on behalf of USACE, requested the Executive Director to extend its final completion date by 30 days to align with FERC's final order.[4] On September 18, 2026, the Executive Director granted the request.[5]

As described in the NOI, BLM staff informed FERC that it requires additional environmental analysis to support BLM's own decision on the ROW authorization, and, consequently, needs to prepare a supplemental EIS. After consulting with BLM and BOR, FERC set a revised environmental review schedule in the NOI with target dates for a draft supplemental EIS (January 14, 2027), a final supplemental EIS (July 16, 2027), and a FERC final order (October 21, 2027). Because BOR's lease of power privilege action is dependent on FERC's final order, it has requested to extend its final completion date until 30 days after the target date of the final order (November 22, 2027).

On behalf of BLM and BOR, FERC submitted the request for this extension on November 9, 2026, asking the Executive Director to modify the final completion dates for the Right-of-Way Authorization and Lease of Power Privilege actions, as shown in the timetable below.

| Action Agency | Action | Milestone | Original Date | Current Date | Proposed Date |
|---|---|---|---|---|---|
| BLM | Right-of-Way Authorization | Final decision/agency action | 07/21/2025 | 12/16/2026 | 9/14/2027 |
| BOR | Lease of Power Privilege | Issuance of the Lease of Power Privilege Contract | 08/20/2025 | 3/19/2027 | 11/22/2027 |

## IV. Discussion

### A. The procedural requirements are satisfied

Pursuant to 42 U.S.C. § 4370m-2(c)(2)(A), the Project's original permitting timetable was established on April 2, 2023. Each procedural step required by 42 U.S.C. § 4370m-2(c)(2)(D)(i) to modify the permitting timetable has been taken. First, FERC consulted with the Executive Director about FERC's potential modification request on October 6, 2026. FERC then consulted with the affected cooperating agencies and the Project Sponsor on October 27, 2026, at least 15 days later. *See* U.S.C. § 4370m-2(c)(2)(D)(i)(I). Second, FERC

14787-004, Dkt. No. P-14787-004 (issued June 12, 2026).

[4] *FERC Request to Extend FAST-41 Final Completion Date by More Than 30 Days*, Seminoe Pumped Storage Project (September 16, 2026).

[5] *Executive Director Determination of Request to Extend FAST-41 Final Completion Date by More Than 30 Days*, Seminoe Pumped Storage Project (September 18, 2026).

and the affected cooperating agencies agree on the proposed completion dates. BLM and BOR each requested the date proposed for its own action, and FERC submitted the request on their behalf. *See id.* § 4370m-2(c)(2)(D)(i)(II). Third, FERC provided a written justification for the modification on November 9, 2026. *See id.* § 4370m-2(c)(2)(D)(i)(III). Fourth, the proposed dates fall more than 30 days after the final completion dates originally established for the BLM and BOR actions (July 21, 2025, and August 20, 2025), so a determination by the Executive Director is required. *See id.* § 4370m-2(c)(2)(D)(i)(IV). The Executive Director consulted with the Project Sponsor on November 10, 2026. The Project Sponsor confirmed that it does not object to the requested modification, although it did convey to the Executive Director that it remains opposed to the supplemental EIS that led to the need for modification of the BLM and BOR milestones.

Finally, the modification requested does not exceed the statutory limit on the total length of modifications. *See id.* § 4370m-2(c)(2)(D)(iii)(I). Earlier modifications to the Project's permitting timetable were made for reasons outside the control of the Federal government, and therefore do not count toward that limit. Furthermore, the extension authorized here does not by itself exceed the statutory limit.

### B. The relevant factors support the modification

As discussed in Section III above, FERC requests authorization to modify the FAST-41 milestones for: (1) BLM's final decision on the BLM ROW; and (2) BOR's issuance of the lease of power privilege contract. In evaluating this request, the Executive Director has considered the relevant factors set forth in 42 U.S.C. § 4370m-2(c)(2)(B). The factor that bears most directly on this request is "the size and complexity of the covered project." *Id.* § 4370m-2(c)(2)(B)(i).[6]

The Project's complexity lies not only in its physical scale but in the number of federal decisions it requires. FERC, BLM, BOR, and USACE must each act, and each relies on the same environmental review. FERC completed that review and issued the final EIS on June 12, 2026, with BLM participating as a cooperating agency. After the final EIS was issued, BLM determined that it required additional environmental analysis before it can decide on the ROW authorization, which covers resource areas that include visual resource management, crucial big game habitats, socioeconomic resources, aquatic resources, and recreation.[7] As the lead agency, FERC accommodated that need by working with BLM to prepare a supplemental EIS. It issued an NOI on September 11, 2026, revised the environmental review schedule, and committed its staff to assist BLM in preparing the supplemental EIS. FERC's response kept the federal decision on a single environmental record and limited the additional time to what BLM's analysis requires. That is the coordination FAST-41 expects of a lead agency. Given these circumstances, FERC's requested modifications to the permitting timetable are warranted.

[6] In its request, FERC also cites the sensitivity of the affected resources, *id.* § 4370m-2(c)(2)(B)(iv). The Executive Director finds the complexity factor sufficient and does not reach it.

[7] *Notice of Availability of the Final Environmental Impact Statement for the Seminoe Pumped Storage Project*, Project No. 14787-004, Dkt. No. P-14787-004 (issued June 12, 2026).

## V. Determination

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

Emily Domenech
Executive Director
Permitting Council