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

April 14, 2025

Pantheon Solar

I. Summary

The Pantheon Solar Project (Project), sponsored by Pantheon Solar, 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 (DOI), Bureau of Land Management (BLM), has principal responsibility for an environmental review under the National Environmental Policy Act of 1969 (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 various completion dates on the Project's permitting timetable. BLM's request includes an extension of its NEPA action and right-of-way authorization. This is BLM's first request for modification of the Project's permitting timetable.

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 seeks authorization to modify the completion dates shown in the table below.

Action Agency	Action	Milestone	Current Target Date	Requested Date
BLM	EIS	Notice of Intent to Prepare an Environmental Impact Statement (EIS)	5/16/2025	6/13/2025
		Issuance of Draft EIS	3/17/2026	4/24/2026
		Issuance of Final EIS	10/28/2026	12/3/2026
		Issuance of Record of Decision (ROD)	1/8/2027	2/12/2027
	Right-of-Way	Final Decision / Agency Action	3/9/2027	4/2/2027

BLM is requesting to extend the Project’s permitting timetable due to a combination of factors attributable to both the Project Sponsor and agency. BLM requires the Project Sponsor to submit a Plan of Development prior to BLM developing and issuing a Notice of Intent (NOI) to prepare an EIS. After submitting the Plan of Development, the Project Sponsor considered making modifications and resubmitting an updated Plan of Development. However, the Project Sponsor ultimately decided not to make any changes but to instead maintain the original Plan of Development submission. BLM did not proceed with developing the NOI during the period of time the Project Sponsor was deciding whether to provide an updated Plan of Development. Subsequent to the Project Sponsor’s decision to submit its original Plan of Development, BLM needed additional time to complete and route the NOI based on internal Instruction Memoranda (BLM NV IMs 2024-019 and 2024-020). The Instruction Memoranda implement BLM’s



pre-NEPA process and provide for an internal 90-day review and routing of the Plan of Development and NOI. Therefore, to accommodate BLM's internal review and routing process as laid out in the Instruction Memoranda, BLM is requesting an extension of all NEPA-related completion dates. The completion date for BLM's right-of-way authorization is dependent on the timing of the NEPA action, so BLM is also requesting a corresponding extension for that completion date.

Consultation with Project Sponsor on Permitting Timetable Modifications

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 represents that the Project Sponsor has no objection to the proposed permitting timetable extension.

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 that the Project Sponsor does not object.

IV. Discussion

BLM's request for an extension underscores the value and importance of early, frequent, and candid communication between BLM and project sponsors. In considering the relevant factors, the purpose of FAST-41 is better served by granting this request for an extension and allowing the Project Sponsor and BLM to work together to adhere to the modified permitting timetable. Nonetheless, in consideration of other similar projects in the general geographic proximity, BLM should consider the impact of its Instruction Memoranda on the efficiency and effectiveness of its review and authorization processes and more proactively monitor and manage permitting timetables accordingly.

V. Determination

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



Manisha Patel
Executive Director (Acting)
Federal Permitting Improvement Steering Council

