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

April 28, 2025

### Perkins Renewable Energy Project

#### I. Summary

The Perkins Renewable Energy Project (Project), sponsored by Intersect Power (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 right-of-way authorization and for consultation under Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. § 306108. BLM also seeks extensions for a use authorization from the DOI, Bureau of Reclamation.<sup>1</sup> 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.

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<sup>1</sup> This Executive Director Determination does not address modification of BLM's consultation under the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, with the DOI, Fish and Wildlife Service (FWS) because the Executive Director did not receive BLM's request with enough time to make a decision more than 30 days in advance of the completion date for those actions. *See* 42 U.S.C. § 4370m-2(c)(2)(D)(ii) (a completion date may not be modified within 30 days of the completion date). BLM and FWS will be establishing alternative completion dates and adhering to the statutory procedures required by 42 U.S.C. § 4370m-2(c)(2)(F) until ESA consultation concludes.



## 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	NEPA	Determination to Prepare an Environmental Assessment (EA)	6/27/2025	12/22/2025
		Issuance of a Draft EA / Release for Public Review	10/31/2025	4/10/2026
		Issuance of a Final EA	1/2/2026	12/11/2026
		EA Process Concluded	2/6/2026	1/15/2027



	<b>Right-of-Way</b>	Completed application received	5/30/2025	11/14/2025
		Final Decision / Agency Action	3/6/2026	3/15/2027
	<b>Section 106</b>	Section 106 Consultation Concluded	1/9/2026	12/18/2026
<b>BOR</b>	<b>Use Authorization</b>	Application Deemed Complete	5/30/2025	11/14/2025
		Final Decision / Agency Action	4/3/2026	3/15/2027

BLM is requesting to extend the Project's permitting timetable because additional ESA species surveys are needed and cultural resource surveys need to be re-performed. After the original permitting timetable was established, FWS proposed listing the Monarch Butterfly as threatened pursuant to the ESA. Additionally, the federal agencies recently reviewed the Biological Resources Technical Report results and the Project Sponsor's updated Biological Work Plan, and BLM conducted site visits to gain more information. Additionally, the Project Sponsor only recently finalized the transmission corridor boundaries. Based on this new information, BLM and FWS have requested the Project Sponsor to provide additional surveys for the Monarch Butterfly, the Yuma Ridgway Rail, and the CA Black Rail. The Project Sponsor will complete the surveys during the spring and summer months and will subsequently submit an updated Biological Resources Technical Report for inclusion in the ESA consultation request package.

Also after the original permitting timetable was established, BLM determined that the cultural surveys for Section 106 consultation need to be re-performed because the peer review of the cultural resources field survey found significant discrepancies in the field work. The Project Sponsor will have a new consultant re-do the cultural resources survey and complete the associated cultural resource technical report. Given that the Project size exceeds 6,000 acres the resurvey effort will take two to three months to complete.

Both the information prepared for the ESA consultation request package and the draft cultural resources technical report are required to advance the NEPA process, and the right-of-way and use authorization actions are dependent on the timing of the NEPA review. Accordingly, BLM is asking to extend all relevant actions based on the shift in the ESA consultation and Section 106 actions.

#### 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 recognizes the need to modify the permitting timetable. The Project Sponsor requested agencies prioritize prompt completion of reviews and emphasized the importance of timely progress for the success of the project.

#### **IV. Discussion**

In seeking this permitting timetable modification, BLM is responding to new information that came to light only recently, well after the Project's permitting timetable was originally established. One of the aims of FAST-41 is to encourage federal agencies to actively manage the permitting process, and allowing a lead agency to modify the permitting timetable when new information is discovered is one of the key features of the statute. Moreover, the FAST-41 statute expressly identifies the sensitivity of the natural or historic resources that may be affected by the Project as a relevant factor to consider when modifying the permitting timetable. Given these circumstances, the requested completion date modifications are warranted.

#### **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

