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

July 9, 2025

Silver Star Solar I Project – Right-of-Way Authorization (BLM); NEPA (BLM); Section 106 (BLM); ESA (FWS)

I. SUMMARY

The Silver Star Solar I Project (Project), sponsored by Silver Star Solar I, 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, Bureau of Land Management (BLM), has principal responsibility for environmental review for the Project under the National Environmental Policy Act (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 completion dates for most actions on the project's permitting timetable.¹ This includes BLM's NEPA action and right-of-way authorization. BLM additionally asks to extend the consultation completion dates with the United States Department of the Interior, Fish and Wildlife Service (FWS) under the ESA, 16 U.S.C. §§ 1531. This is BLM's second request for modification of the Project's permitting timetable.²

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

¹ BLM also will be modifying the posted date for completion of consultation under Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. § 306108. The Section 106 date is not one of the modifications being approved by the Executive Director because BLM is already in nonconformance for the Section 106 action. Specifically, BLM neither timely modified nor met the posted completion dates for the Section 106 action. Therefore, BLM established an alternative completion date and is adhering to the statutory procedures required by 42 U.S.C. § 4370m-2(c)(2)(F) for the Section 106 action.

² The previous Executive Director Determination approving permitting timetable modifications are available here: [2024-12-20 Silver Star Solar I Exec Dir Determination](#)

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 submitted a request to change the completion dates shown in the table immediately below.

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
BLM	Right-of-Way	Completed Application Received	1/27/2025	8/11/2025	12/17/2025
		Final decision / agency action	1/16/2026	7/17/2026	1/27/2027
BLM	NEPA	Determination to prepare an Environmental Assessment (EA)	2/14/2025	8/11/2025	12/17/2025
		Issuance of a Draft EA / Release for Public Review	8/15/2025	2/25/2026	7/17/2026
		Issuance of a Final EA	10/31/2025	4/24/2026	11/16/2026

		EA Process Concluded	11/30/2025	6/8/2026	12/16/2026
FWS	ESA	ESA Consultation Request Package Submitted	4/14/2025	10/14/2025	4/13/2026
		FWS determines ESA Consultation Package is Complete	7/28/2025	2/26/2026	7/12/2026
		ESA Consultation Concludes	10/30/2025	5/8/2026	11/16/2026

BLM's justification for this permitting timetable extension is based on the timing of the Project Sponsor's submission of a cultural resource survey and Bald and Golden Eagle survey, which BLM requires prior to proceeding with the NEPA process for the Project. To account for the additional time needed for the Project Sponsor to complete these surveys and BLM to subsequently review the Project Sponsor's submissions, BLM is requesting an extension of approximately six months for issuance of the final NEPA document and the right-of-way authorization.

The intermediate and final completion dates for the ESA consultation are dependent on the NEPA action because information and analysis contained in the draft EA is pertinent to development of the ESA consultation package. Accordingly, BLM will not submit a consultation request to FWS until issuance of the draft EA, and therefore, requests an extension of the ESA consultation completion dates proportionate to the extension of the NEPA completion dates.

Consultation with Project Sponsor on Extension Requests

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). In fact, BLM collaborated with the Project Sponsor to identify the requested date changes, and BLM has indicated that the Project Sponsor understands the need for the requested completion date extension and does not object.

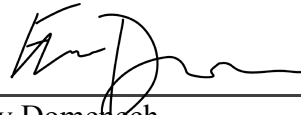
The Executive Director also has consulted with the Project Sponsor, as required by 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), and the Executive Director has confirmed the Project Sponsor does not object to the requested permitting timetable modification.

IV. DISCUSSION

BLM, as part of its standard process for solar projects, requires several baseline studies before beginning NEPA. This is BLM's second request to extend the permitting timetable based on the timing of submissions of surveys BLM requires prior to initiating the NEPA process. In recent months, the Project Sponsor and BLM have been collaborating productively and BLM has provided increased project management support to maintain progress. Given these circumstances, the Executive Director concludes that the requested extension is warranted.

V. DETERMINATION

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



Emily Domenech
Executive Director
Federal Permitting Improvement Steering Council