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

September 5, 2025

Santa Fe Indian School Broadband Project—Right-of-Way (BIA Ramah Agency); Right-of-Way (BIA Southern Pueblos Agency); Right-of-Way (BIA Zuni Agency)

I. Summary

The Santa Fe Indian School Broadband Project (Project), sponsored by Santa Fe Indian School, Inc. (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 Commerce, National Telecommunications and Information Administration (NTIA), has principal responsibility for an environmental review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, which makes NTIA the lead agency for both NEPA and FAST-41.

NTIA, at the request of the Bureau of Indian Affairs (BIA), submitted a request to the Federal Permitting Improvement Steering Council (Permitting Council) Executive Director to extend completion dates for three Federal actions on the Project's permitting timetable. The request includes extensions for the BIA Ramah Agency, BIA Southern Pueblos Agency, and BIA Zuni Agency rights-of-way. This is NTIA's sixth request for modification of the Project's permitting timetable.¹

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

II. Legal Standard

¹ The previous Executive Director Determinations approving permitting timetable modifications are available here: <https://www.permits.performance.gov/permitting-projects/santa-fe-indian-school-executive-director-determination-12-12-2024>; <https://www.permits.performance.gov/fpisc-content/santa-fe-indian-school-executive-director-determination-nepa-section-106-404-right>; <https://www.permits.performance.gov/sites/permits.dot.gov/files/2024-03/2024-3-28%20Santa%20Fe%20Indian%20School%20ED%20Determination.pdf>; <https://www.permits.performance.gov/sites/permits.dot.gov/files/2024-06/2024-06-26%20Santa%20Fe%20Indian%20School%20ED%20Determination.pdf>; and <https://www.permits.performance.gov/sites/permits.dot.gov/files/2024-07/2024-7-15%20Santa%20Fe%20Indian%20School%20Executive%20Director%20Determination.pdf>.

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

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

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
BIA Ramah Agency	Right-of-Way	Initial Application Submitted	10/15/2025	10/15/2025	7/13/2026
		Majority Interest Consent	11/1/2025	11/1/2025	7/30/2026
		Application Deemed Complete	12/31/2025	12/31/2025	9/28/2026

		Final decision / agency action	1/31/2026	1/31/2026	10/29/2026
BIA Southern Pueblos Agency	Right-of-Way	Application Deemed Complete	7/31/2024	10/15/2025	7/14/2026
		Final decision / agency action	8/30/2024	11/15/2025	8/14/2026
BIA Zuni Agency	Right-of-Way	Application deemed complete	7/31/2024	10/15/2025	4/13/2026
		Final decision / Agency Action	11/30/2024	11/15/2025	5/14/2026

NTIA is seeking to extend the Project's permitting timetable for the proposed actions and their associated milestones in order to allow for the Project Sponsor to submit complete applications for rights-of-way. Complete application submissions must include the appropriate application form, consent from landowners including Tribal resolutions for Trust lands and signed majority consent forms for any individual landowners or allottees, proof of appropriate insurance/bonding, appraisal valuation and compensation as necessary, and any waivers requested. To date, BIA has not received a complete application for any of the requested rights-of-way for the project.

NTIA is requesting to extend the completion date for the Zuni Agency ROW (where construction is intended to begin first) by 6 months, and the completion dates for the Ramah Agency and Southern Pueblos Agency by 9 months. The extensions will provide sufficient time for the Project Sponsor to work through the necessary consent process with landowners and submit a complete application to BIA.

Consultation with Project Sponsor on Permitting Timetable Modifications

Prior to submitting its extension request to the Executive Director, NTIA 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 to these permitting timetable modifications.

IV. Discussion

The Santa Fe Indian School Broadband Project is proposed to cross lands of numerous landowners, Pueblos, and Tribes. Therefore, the additional time for the project sponsor to compile the necessary information for the BIA ROW applications is reasonable and necessary to properly complete the right-of-way process. Given these circumstances, the requested completion date modifications are warranted.

V. Determination

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



Emily Domenech
Executive Director
Permitting Council