



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

November 13, 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 *et seq.* 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 *et seq.*, 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 all actions on the project's permitting timetable. This includes BLM's NEPA action and right-of-way authorization. BLM additionally asks to extend the completion dates for the consultations with the Nevada State Historic Preservation Office and Tribes, under Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. § 306108 and the United States Department of the Interior, Fish and Wildlife Service (FWS) under the Endangered Species Act (ESA), 16 U.S.C. § 1531 *et seq.* This is BLM's third request for modification of the Project's permitting timetable.¹

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) and (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

¹ The previous Executive Director Determination approving permitting timetable modifications are available here:
[2024-12-20 Silver Star Solar I Exec Dir Determination](#)
[2025-07-09 Silver Star Solar I Exec Dir Determination](#)

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	12/17/2025	9/30/2026
		Final decision / agency action	1/16/2026	1/27/2027	12/6/2027
BLM	106 Consultation with SHPO/ Tribes	Section 106 Consultation concluded	10/30/2025	11/15/2026* *Alternative completion date	12/6/2027
BLM	NEPA	Determination to prepare an Environmental Assessment (EA)	2/14/2025	12/17/2025	9/30/2026
		Issuance of a Draft EA / Release for Public Review	8/15/2025	7/17/2026	N/A



		Issuance of a Final EA	10/31/2025	11/16/2026	7/29/2027
		EA Process Concluded	11/30/2025	12/16/2026	8/30/2027
FWS	ESA	ESA Consultation Request Package Submitted	4/14/2025	4/13/2026	10/30/2026
		FWS determines ESA Consultation Package is Complete	7/28/2025	7/12/2026	12/29/2026
		ESA Consultation Concludes	10/30/2025	11/16/2026	7/29/2027

BLM's justification for this permitting timetable extension is based on BLM's effort to align with the Department of the Interior's July 15, 2025 memorandum,² which requires that all wind and solar energy project decisions, actions, consultations, and other undertakings be routed through the Office of the Secretary for final review prior to the agency taking action. These internal reviews will require additional time during several stages of the environmental review and right-of-way process, thus requiring updates to the Project schedule, including updating the milestone dates on the FAST-41 Dashboard. BLM is, therefore, requesting an extension of approximately nine months for issuance of the final NEPA document and approximately ten months for the right-of-way authorization and Section 106 Consultation.

In addition, as part of BLM's permitting processes for solar projects, the project sponsor was required to develop specific baseline studies to support BLM's review of the proposed project. BLM's analysis of the baseline studies is still in progress and will, in part, be used to support its determination of effects to Endangered Species. The intermediate and final completion dates for the ESA consultation are dependent on BLM's analysis of the baseline studies. Accordingly, BLM will not submit a consultation request to FWS until approximately 30-days after their determination to prepare an EA, and therefore, requests an extension of the ESA consultation 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.

² Available at:
<https://www.doi.gov/media/document/departamental-review-procedures-decisions-actions-consultations-and-other>.



BLM provided the updated milestone schedule to cooperating agencies, however, due to the current lapse in appropriations for Federal agencies, BLM did not receive any responses. BLM has committed that it will continue to coordinate with cooperating agencies and provide updates once the lapse in appropriations has concluded.

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

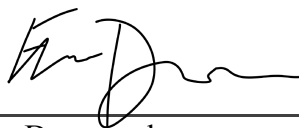
BLM, as part of its new review process for solar projects, requires additional time to complete the NEPA milestones, Section 106 consultation, ESA consultation, and right-of-way authorizations. The additional review time resulting from the DOI Secretarial memo justifies an extension to the affected milestones.

The original target date for the Section 106 action was missed by BLM, and the agency remains in nonconformance status. However, the agency continues to properly adhere to the statutory procedures required by 42 U.S.C. § 4370m-2(c)(2)(F) for the Section 106 action by identifying an alternative completion date and reporting on the action monthly. In order to keep the Section 106 action aligned with the rest of the actions in this request, the Executive Director is approving the request to further modify the Section 106 alternative completion date. BLM will remain in nonconformance status with regard to this action and continue monthly reporting until final action is taken.

This is BLM's third request to extend the permitting timetable. In recent months, the Project Sponsor and BLM have been collaborating productively. Given these circumstances, the Executive Director concludes that the requested extension is warranted, in part, as described above.

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

