



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

June 25, 2026

Black Bear Natural Gas Development Project

I. Summary

The Black Bear Natural Gas Development Project (Project), sponsored by Revenant Energy Operating, 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 Bureau of Land Management (BLM), has principal responsibility for the environmental review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.*, which makes BLM the lead agency for both NEPA and FAST-41. The cooperating agencies are the United States Forest Service (USFS), the United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).

BLM submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the 'Permitting Council') to extend the completion dates for four Federal actions on the Project's permitting timetable. The request includes extensions for the following actions: 1) BLM's environmental review under NEPA; 2) BLM's consultation under Section 106 of the National Historic Preservation Act (Section 106); 3) BLM's consultation under the Endangered Species Act (ESA) with the USFWS; 4) a permit decision by USACE under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, (together, Section 10/404).

For the following reasons, BLM's extension request is **GRANTED**, and the Project's 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 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

- (v) 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), (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	Original Date	Current Date	Requested Date
BLM	NEPA	Determination to prepare an Environmental Assessment (EA)	04/07/2026	04/07/2026	08/11/2026
		Issuance of Final EA	09/01/2026	09/01/2026	01/11/2027
		EA Process Concluded	12/18/2026	12/18/2026	03/11/2027
	Section 106	Consultation initiated with SHPO/THPO	06/15/2026	07/13/2026	08/25/2026
		Section 106 consultation concluded	09/01/2026	09/01/2026	01/11/2027
FWS	ESA	ESA consultation package is submitted	06/01/2026	06/01/2026	08/11/2026
		FWS determines ESA package is complete	07/01/2026	07/01/2026	09/10/2026
		ESA consultation concludes	11/13/2026	11/13/2026	01/23/2027
USACE	Section 10/404	PCN/application received	09/01/2026	09/01/2026	09/01/2026
		Complete PCN/application received	10/01/2026	10/01/2026	10/01/2026
		Final verification / permit decision	11/16/2026	11/16/2026	02/26/2027

Section 28 of the Mineral Leasing Act requires BLM to take the lead in granting the right-of-way (ROW) when a proposed oil or gas pipeline ROW involves lands managed by two or more Federal agencies. Through agency coordination, it was determined that the proposed ROW involved lands managed by both USACE and USFS within the proposed ROW. Therefore, the lead agency for the Black Bear Natural Gas Development project transitioned from USFS to BLM for NEPA and the ROW on May 19, 2026.

The lead agency transition required the submission of ROW applications to BLM and USACE. The implementation of additional review time is necessary for BLM to conduct the NEPA analysis and the interagency coordination needed for ESA consultation, Section 106

consultation, and the right-of-way authorization for the entire scope of the project. Additional time is also needed to include any terms and conditions into the authorization documents from the EA, allow the Project Sponsor time to review and sign the offered authorization documents, and the agency to countersign the authorization. These contributing factors have resulted in a 3 month delay to the overall project schedule.

Consultation with Project Sponsor on Permitting Timetable Modifications

BLM appropriately consulted with the Project Sponsor pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I) prior to submitting its extension request to the Executive Director. On June 10, 2026, BLM shared the revised schedule with the Project Sponsor, and the Project Sponsor responded accepting the revised schedule.

The Executive Director also 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.

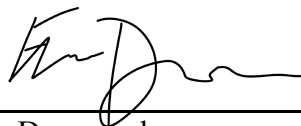
IV. Discussion

The circumstances surrounding this project justify BLM's requested timetable modifications, and the request will be granted. One of the relevant factors to consider for modifications under the FAST Act is the size and complexity of the project. 42 U.S.C. § 4370m-2(c)(2)(B)(i). The Project is both large and complex, involving multiple natural gas production well pads and pipelines on lands managed by multiple federal agencies and private landowners, associated access roads, a 36-inch diameter main trunk pipeline, and secondary gathering pipelines connecting the well pads to the main trunk line. Upon reviewing the project scope, the government determined that the Project implicated land managed by agencies other than BLM. Accordingly, changing the lead agency and adjusting the overall project timeline were necessary to ensure a coordinated and comprehensive review.

BLM's requested timetable modifications will allow the necessary analysis and coordinated development of the federal agencies' decisions to occur, and afford the project sponsor meaningful time to review the decisions. All proposed date shifts were mutually agreed upon by all impacted agencies and the Project Sponsor. Given these circumstances, the completion date modifications are warranted.

V. Determination

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



Emily Domenech
Executive Director
Permitting Council