



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

July 15, 2026

Seminole Pumped Storage Project

I. Summary

The Seminole Pumped Storage Project (Project), sponsored by rPlus Hydro (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 Federal Energy Regulatory Commission (FERC), 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 FERC the lead agency for both NEPA and FAST-41. The cooperating agencies are the Bureau of Land Management (BLM), the Bureau of Reclamation (BOR), the United States Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers (USACE) and the Department of Energy, Western Area Power Administration (WAPA).

FERC submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the 'Permitting Council') to extend the completion dates for two Federal actions on the Project's permitting timetable.¹ The request includes extensions for the following actions: 1) 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); and 2) BOR's Lease of Power Privilege.

For the following reasons, FERC'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

¹ Pursuant to the FAST-41 savings and limitations clauses at 42 U.S.C. §§ 4370m-6(d)(1) and 4370m-6(e)(2), respectively, in light of FERC's regulations preventing disclosure of the nature and timing of proposed actions by the Commission (18 C.F.R. § 3c.2(b)), FERC is not required to obtain Executive Director authorization to modify its own completion dates on a FAST-41 permitting timetable. However, cooperating agency completion dates that are affected by FERC's permitting timetable changes remain subject to the FAST-41 completion date modification provisions. Accordingly, pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(iv), FERC requests Executive Director authorization of proposed modifications to cooperating agencies' completion dates on projects for which FERC is the facilitating or lead agency.

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), (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

FERC seeks authorization to modify the completion dates shown in the table below:

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
BOR	Lease of Power Privilege	Issuance of the Lease of Power Privilege Contract	8/20/2025	1/15/2027	3/19/2027
USACE	Section 10/404	Final verification / permit decision	12/23/2024	8/17/2026	10/19/2026

On September 26, 2025, FERC issued a draft EIS and accompanying Notice of Availability that set a deadline of January 2, 2026, for filing comments on the draft EIS. During the draft EIS comment period, the Project Sponsor filed a proposal through the FERC Docket, on December 15, 2025, to relocate a proposed batch plant, spoil pile, and construction area for the inlet-outlet structure to land owned and managed by BOR. The filing also included supplemental study reports, an alternative spoil site analysis technical memorandum, a visual resource management conformance supplemental design technical memorandum, a Preliminary Traffic Management Plan, a Wildlife Seasonal Restrictions Management Plan, and a Bighorn Sheep Management Plan. Additionally, on December 30, 2025, the Project Sponsor filed an updated Preliminary Weed and Vegetation Management Plan, a Preliminary Draft Aquatic Invasive Species Plan, and an updated Habitat Management Plan.

To account for the additional time needed for FERC staff to evaluate the Project Sponsor’s revised proposal and updated plans, and to review and respond to comments submitted during the extended comment period for the draft EIS, FERC issued a Notice of Revised Schedule on March 10, 2026. The revised schedule extended FERC’s target dates for issuance of the final EIS and final order by approximately two months. Consistent with the revised schedule, FERC staff have

revised milestone target dates for FERC's Non-Federal Hydropower License, Environmental Impact Statement, and Section 106 Review actions in the permitting timetable. The permitting timetable includes revised target dates for, among other things, the issuance of the final EIS (revised from April 13, 2026, to June 12, 2026) and final order (revised from July 16, 2026, to September 17, 2026).

Based on FERC staff's consultation with BOR and USACE, their final completion dates are dependent on FERC's completion of the final EIS and final order. As noted above, the target date for issuance of the final order was extended by 63 days; therefore, BOR and USACE propose a proportionate extension to their final completion dates.

Consultation with Project Sponsor on Permitting Timetable Modifications

FERC 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. FERC consulted with the Project Sponsor on the revised schedule and affirms 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

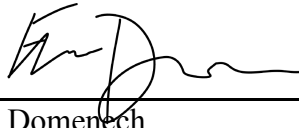
The circumstances surrounding this project justify FERC's requested timetable modifications, and the request will be granted. Pursuant to 42 U.S.C. § 4370m-2(c)(2)(B)(i) & (iv), two of the relevant factors to consider for modifications under the FAST Act are the size and complexity of the Project and the sensitivity of the natural or historic resources that may be affected by the Project.

The modifications to the project plan are directly linked to the complexity and consideration of natural resources within the project area. In order to limit the environmental impacts of the Project, the Project Sponsor made adjustments to the project plan. Specifically, the Project Sponsor, after the initial scoping period and through continued consultation with relevant state and federal agencies throughout last summer, responded to concerns raised about temporary construction impacts. The Project Sponsor developed and submitted, in late 2025, its proposed Alternative D to relocate a proposed batch plant, spoil pile, and construction area for the inlet-outlet structure to land managed by BOR. The alternative was designed to further mitigate the Project's environmental impacts, particularly those affecting bighorn sheep and recreational resources. The Project Sponsor also provided updated studies and field work related to the redesigned emergency spillway, as requested by BOR. The submissions resulted in FERC's extension of the EIS comment period to February 13, 2026, which in turn necessitated movement of the cooperating agency milestones.

Given these circumstances, the completion date modifications are warranted.

V. Determination

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

A handwritten signature in black ink, appearing to read 'Emily Domenech', positioned above a horizontal line.

Emily Domenech
Executive Director
Permitting Council