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*Permitting Solar Projects on  
Federal Lands*

**Presented at the Infocast Webinar**

**Permitting Solar and Wind Projects  
on Federal Lands**

**August 18, 2009**



**WESTERN RESOURCE**  
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## BLM Rights-of-Way Introduction

- Each year, thousands of individuals and companies apply to the Bureau of Land Management (BLM) to obtain a right-of-way (ROW) on public land.
- A ROW grant is an authorization to use a specific piece of public land for a certain project, such as roads, pipelines, transmission lines, and communication sites. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project.

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## BLM Rights-of-Way Cont'd

- The vast majority of the ROWs granted are authorized by Title V of FLPMA (43 U.S.C. 1761-1771) and the Mineral Leasing Act (Section 28 of the Mineral Leasing Act of 1920, as amended , 43 U.S.C. 185). It is the policy of the BLM to authorize all ROW applications at the discretion of the authorized officer in the most efficient and economical manner possible.
- **FLPMA Rights-of-Way:** As authorized by the Federal Land Policy and Management Act (FLPMA), BLM will issue ROW grants for electrical power generation, transmission and distribution systems, systems for the transmission and reception of electronic signals and other means of communications, highways, railroads, pipelines (other than oil and gas pipelines) and other facilities or systems which are in the public interest.

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## Laws & Policies

NEPA - Prior to approving an action, federal agencies must take a “**hard look**” at the “**environmental consequences**”

- consideration of direct, indirect and cumulative **impacts of “major federal actions** significantly affecting the quality of the human environment”
- consider **alternatives**
- consider how to **avoid/mitigate** impacts
- use high quality **data**
- ensure meaningful **public participation**

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## Laws & Policies Cont'd

- **Endangered Species Act** – consult and identify mitigation measures
- **National Historic Preservation Act** – consult, identify and protect cultural resources
- **Conservation Lands** – in addition to NEPA, ESA, NHPA
  - **NPS** – Organic Act requires “conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”
  - **BLM National Monuments** - Antiquities Act and Presidential Proclamation identify values/”objects” - ecosystems, cultural; managed to protect these
  - **National Conservation Areas** – legislation identifies priority values; usually wildlife, naturalness

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## Laws & Policies Cont'd

- **Conservation Lands – cont'd**
  - **National Wildlife Refuges** – “conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats”; only “compatible” uses permitted
  - **Wild & Scenic Rivers** – Act requires management of designated and eligible river segments for various outstandingly remarkable values (wild, scenic, recreational)
  - **Historic/Scenic Trails** – protect experience
  - **Wilderness/WSAs/Proposed Wilderness** – protect natural condition
  
- Seek **consistency** with federal, state, local plans and policies – wildlife, renewable energy

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## Solar Energy & the BLM (Section 211 of Energy Policy Act)

- Solar radiation levels in the Southwest are some of the best in the world, and the BLM manages 30 million acres of public lands with solar potential. By the Spring of 2008 the BLM had received more than 220 applications for utility-scale solar energy projects in California, Nevada, Arizona, New Mexico, Colorado and Utah that covered more than 2.3 million acres of land.
- The BLM initiated a joint Programmatic Environmental Impact Statement (PEIS) in May 2008 for solar energy development with the Department of Energy. The PEIS was designed to evaluate a number of alternatives to determine which presents the best management approach for the agencies to adopt in terms of mitigating potential impacts and facilitating solar energy development while carrying out their respective missions. The measures adopted as a result of this PEIS were to provide consistency and certainty for solar energy development and will help expedite environmental analysis for site-specific projects in the future.

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## Solar Energy & the BLM Cont'd

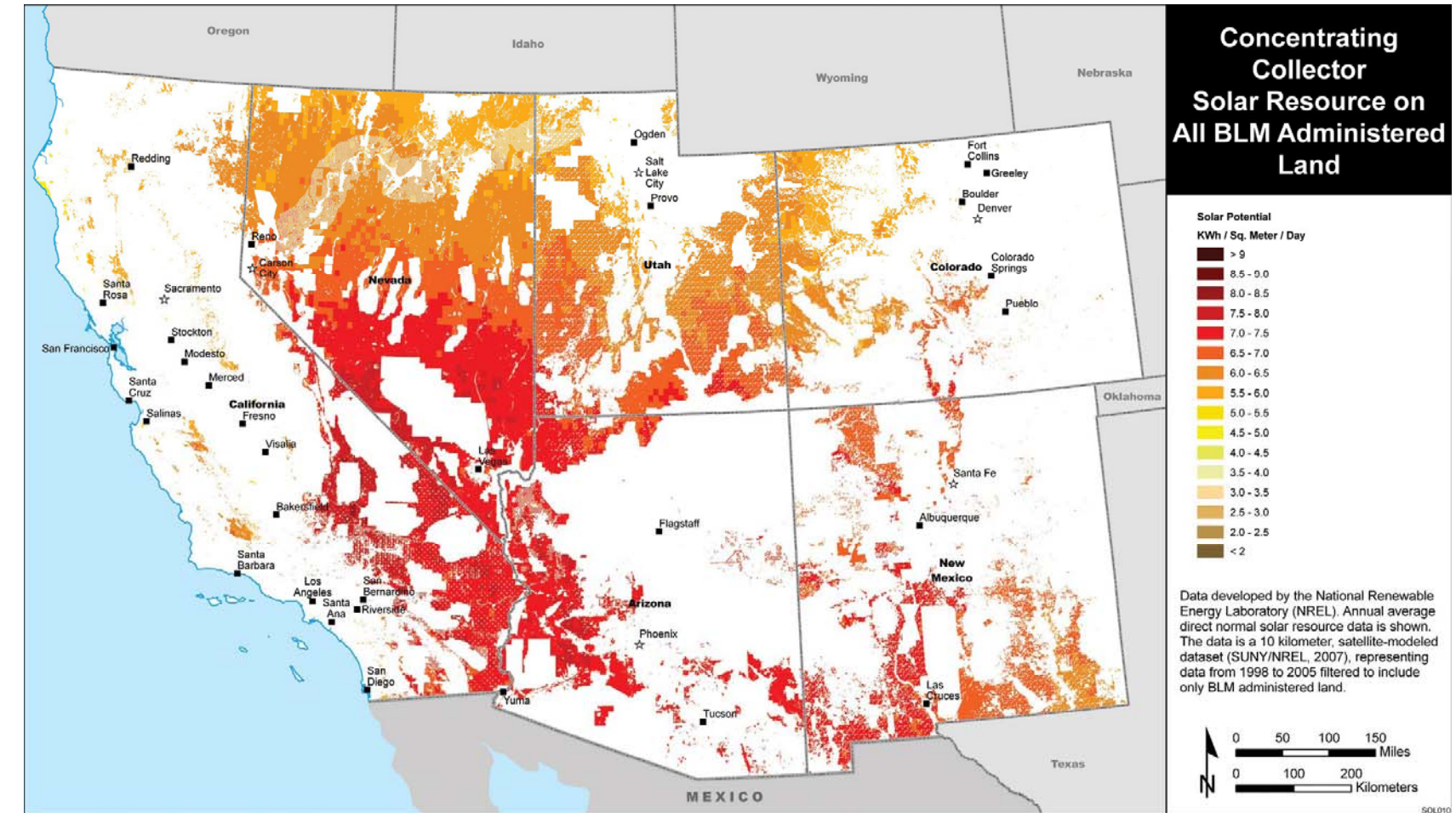
- Although the BLM initially announced that it would not accept new solar applications while the PEIS was underway, it resumed accepting new applications on July 2, 2008. The BLM continued to process site-specific applications under its existing policy for solar energy development while the BLM and the DOE continue work on the PEIS. The Draft PEIS was expected to be available for public review and comment in June 2009.
- The recent extension of federal tax incentives for solar energy and States' renewable energy portfolio standards are driving the interest in utility-scale solar energy development that can generate large amounts of electricity to be distributed to consumers through the electric power transmission grid. An average utility-scale solar facility can generate up to 250 megawatts (MW) of electricity and would occupy about 1,250 acres of land, roughly 2 square miles.

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## Solar Energy & the BLM Cont'd

- Solar energy development on BLM-administered lands can be approved under Title V of the Federal Land Policy and Management Act if the Proposed Project is consistent with BLM's land use planning. The applicant is required to pay the BLM's costs in processing the application, and all projects require an environmental review under the National environmental Policy Act. If the project is approved, the BLM issues a right-of-way to the applicant for a specified term (likely 20 to 30 years), and the applicant pays fair market value to rent the property from the Federal government.
- Just as with oil and gas production, not all BLM-administered lands are available for alternative energy production. Lands designated as Wilderness Areas and Wilderness Study Areas, National Monuments, National Conservation Areas (with the notable exception of the California Desert Conservation Area), National Wild and Scenic Rivers, and National Historic and Scenic Trails, are categories of land not open to solar energy development. In addition, some special management areas such as Areas of Critical Environmental Concern may not be suitable for development.

# Solar Resources on BLM Lands in Six Southwestern States



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## Interior Secretary Salazar Order 3285 – 3/11/09

### Renewable Energy Development by the Department of the Interior

- **Purpose.** Establishes the development of renewable energy as a priority for the Department of the Interior; establishes a Department Task Force on Energy and Climate Change; and amends and clarifies Departmental roles and responsibilities to accomplish this goal.
  
- **Background.** The Nation faces significant challenges to meeting its current and future energy needs. Meeting these challenges will require strategic planning and a thoughtful, balanced approach to domestic resource development that calls upon the coordinated development of renewable resources, as well as the development of traditional energy resources. Many of our public lands possess substantial renewable resources that will help meet our Nation's future energy needs while also providing significant benefits to our environment and sustainable alternative to traditional energy resources, and enhance the energy security of the U.S. by adding

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## Salazar Order Cont'd

to the domestic energy supply. As the steward of more than one-fifth of our Nation's lands, and neighbor to other land managers, the Department of the Interior has a significant role in coordinating and ensuring environmentally responsible renewable energy production and development of associated infrastructure needed to deliver renewable energy to the consumer.

- **Authority.** Order issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and pursuant to the provisions of Section 211 of the Energy Policy Act of 2005 (P.L. 109-58).
- **Policy.** Encouraging the production, development, and delivery of renewable energy is one of the Department's highest priorities. Agencies and bureaus within the Department will work collaboratively with each other, and with other Federal agencies, departments,

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## Salazar Order Cont'd

states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources.

- **Energy and Climate Change Task Force.** A Task Force on Energy and Climate Change was established in the Department. The Deputy Secretary and the Counselor to the Secretary serve as Co-Chairs. The Task Force on Energy and Climate Change shall:
  - Develop a strategy that is designed to increase the development and transmission of renewable energy from appropriate areas on public lands and the Outer Continental Shelf, including the following:

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## Salazar Order Cont'd

- Quantifying potential contributions of solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass energy;
- Identifying and prioritizing the specific locations in the U.S. best suited for large-scale production of solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass energy (e.g., renewable energy zones);
- Identifying, in cooperation with other agencies of the U.S. and appropriate state agencies, the electric transmission infrastructure and transmission corridors needed to deliver these renewable resources to major population centers;

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## Salazar Order Cont'd

prioritizing the permitting and appropriate environmental review of transmission rights-of-way applications that are necessary to deliver renewable energy generation to consumers;

- Establishing clear roles and processes for each bureau/office;
- Tracking bureau/office progress and working to identify and resolve obstacles to renewable energy permitting, siting, development, and production;
- Identifying additional policies and/or revisions to existing policies or practices that are needed, including possible revisions to the Geothermal, Wind, and West-Wide Corridors Programmatic Environmental Impact Statements and their respective Records of Decisions; and

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## Salazar Order Cont'd

- Working with individual states, tribes, local governments, and other interested stakeholders, including renewable generators and transmission and distribution utilities, to identify appropriate areas for generation and necessary transmission;
- ❑ Develop best management practices for renewable energy and transmission projects on the public lands to ensure the most environmentally responsible development and delivery of renewable energy;
- ❑ Establish clear policy direction for authorizing the development of solar energy on public lands; and
- ❑ Recommend such other actions as may be necessary to fulfill the goals of this Order.

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## Interior Department “Fast Tracks” Solar Development – June 29, 2009

- Secretary Salazar signs directive setting aside 676,048 acres for solar study zones with land to be divided into 24 “solar energy study areas” in Arizona, California, Colorado, Nevada, New Mexico and Utah.
- Lands in solar energy study areas will be preserved for future solar development for 2 years while studies and analyses are done to support a final decision on setting it aside for 20 years.
- Interior Department will fast-track environmental analyses to determine the most appropriate areas within the zones for solar project siting. Interior Department will spend \$22 million conducting studies.
- BLM announced they have 155 solar applications on BLM lands including 34 solar project applications within the solar energy study areas.

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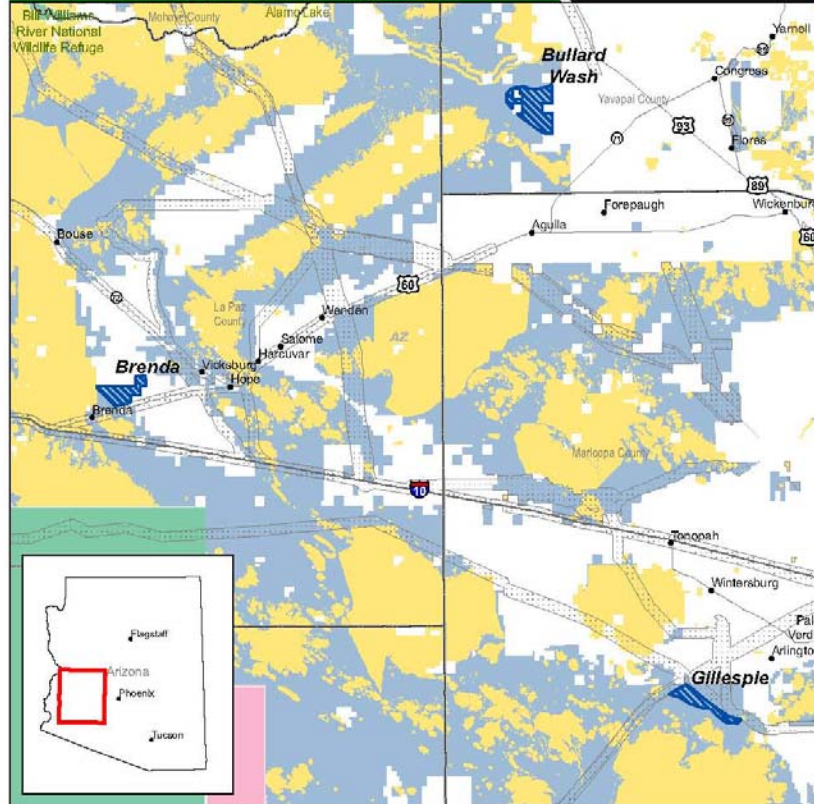
## Interior Department “Fast Tracks” cont’d

- BLM will continue processing existing renewable energy applications within and outside the zones while the broader environmental analyses take place. BLM will continue accepting applications but any filed after June 30, 2009 will be subject to any decisions made from the environmental analyses.
- Interior Department will open four renewable energy offices to help process and expedite renewable energy project applications. Offices to be in Nevada, Arizona, California and Wyoming.
- Interior Department filed two notices of intent to begin site specific environmental impact statements for two solar energy permits for NextLight Renewable Power on public lands in Clark County, NV. The projects would be located on 7,840 acres of land and could produce about 400 MW of power.

# Solar Energy Study Areas in Arizona

Map Prepared June 5, 2009

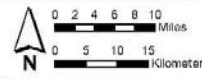
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for Use in Preparation of their Programmatic Environmental Impact Statement  
to Develop and Implement Agency-Specific Programs for Solar Energy Development



**Surface Management Agency**  
As of 3/26/2009

Tribal Lands	DOD	NPS
BLM	DOE	OTHER
BOR	FWS	USFS

State Line
County Boundary
Solar Energy Study Area (As of 6/5/2009)
Existing Designated Corridor (See Note 2) (As of 6/5/2009)
BLM Lands Being Analyzed for Solar Development in PEIS (As of 6/5/2009)



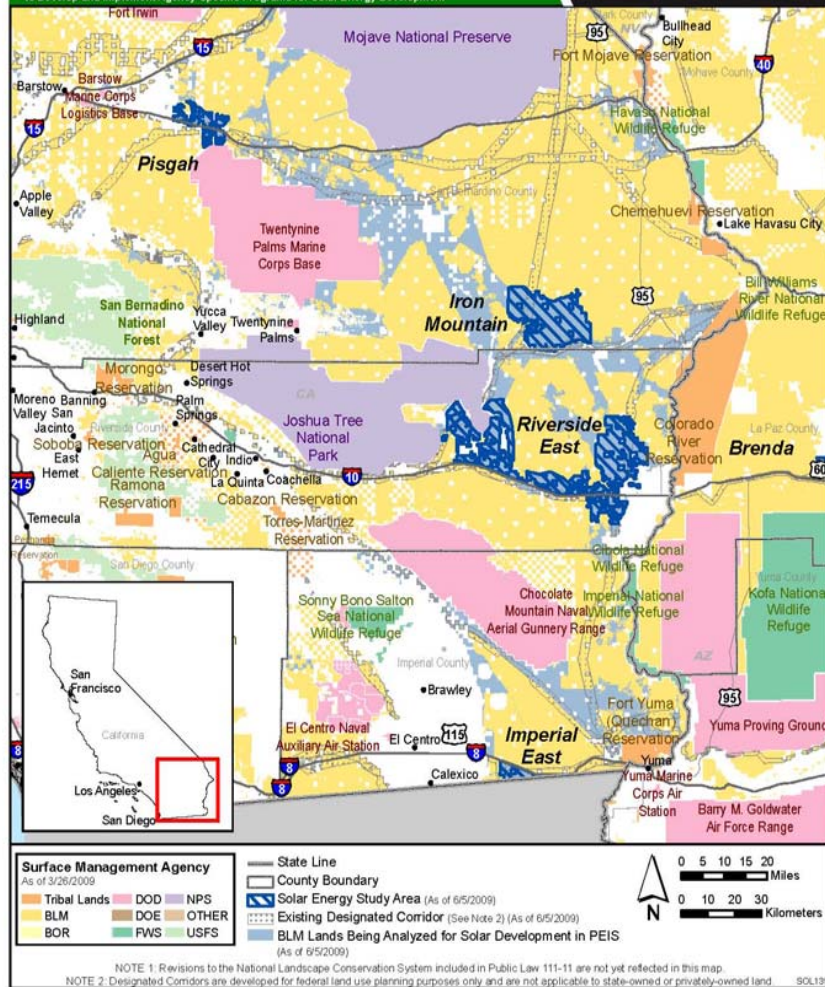
NOTE 1: Revisions to the National Landscape Conservation System included in Public Law 111-11 are not yet reflected in this map.  
NOTE 2: Designated Corridors are developed for federal land use planning purposes only and are not applicable to state-owned or privately-owned land. SOL142

# Solar Energy Study Areas in California

Map Prepared June 5, 2009



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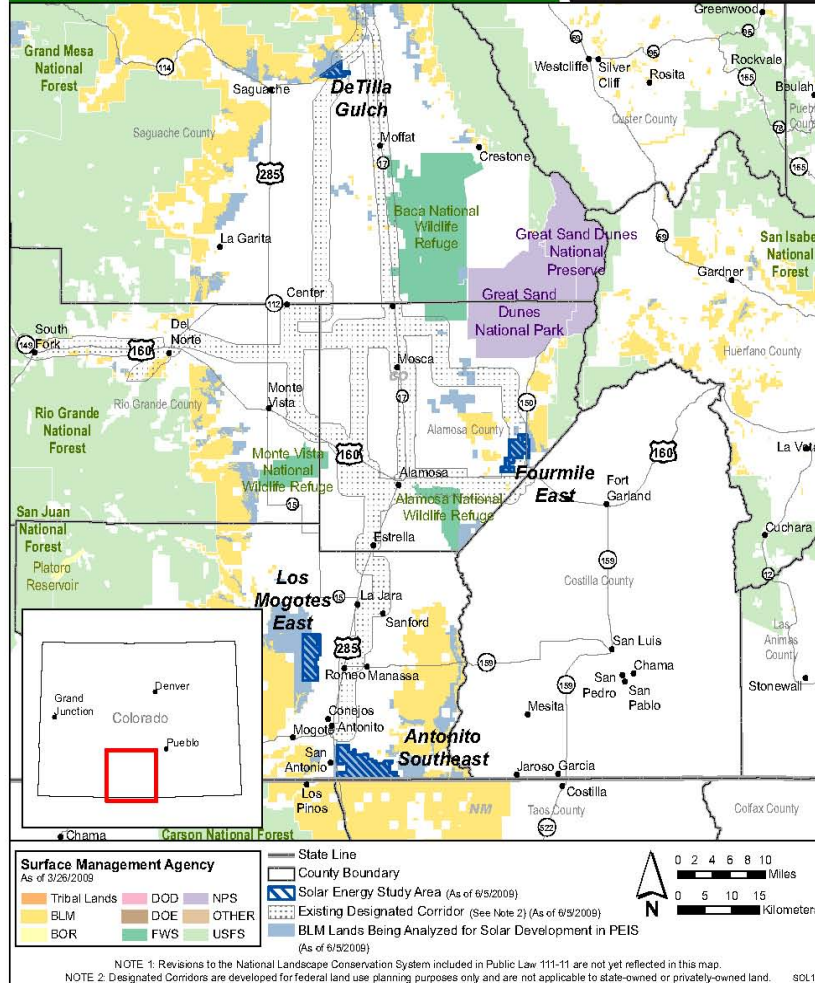


# Solar Energy Study Areas in Colorado

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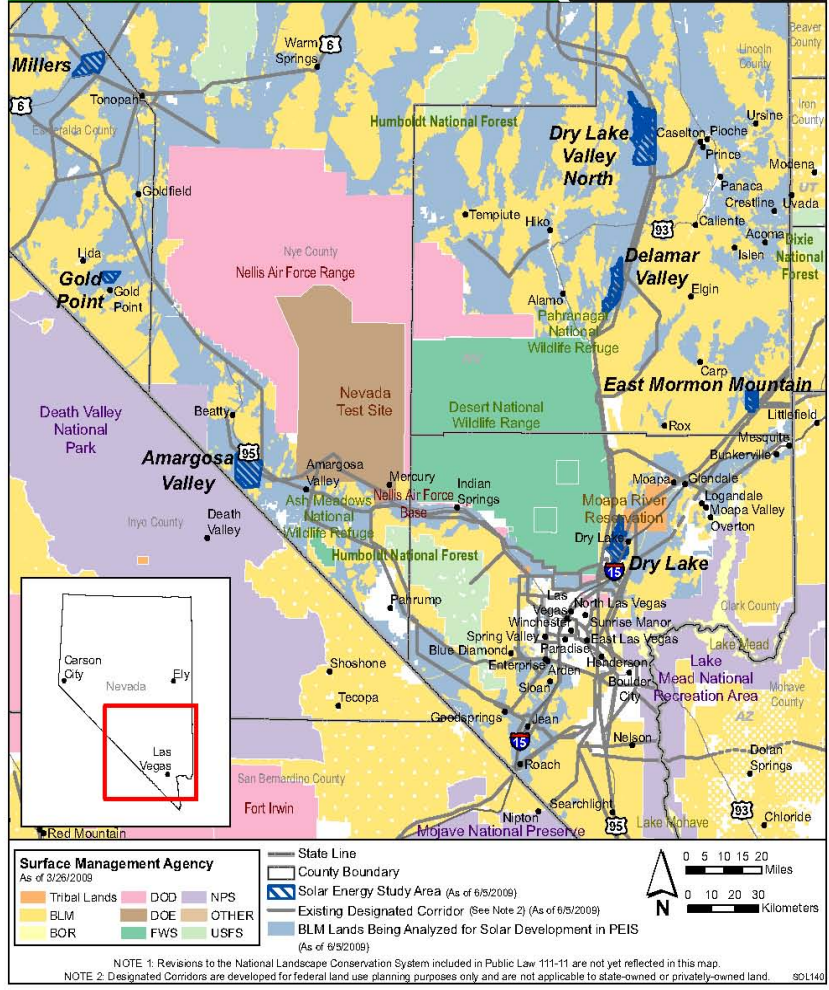


# Solar Energy Study Areas in Nevada

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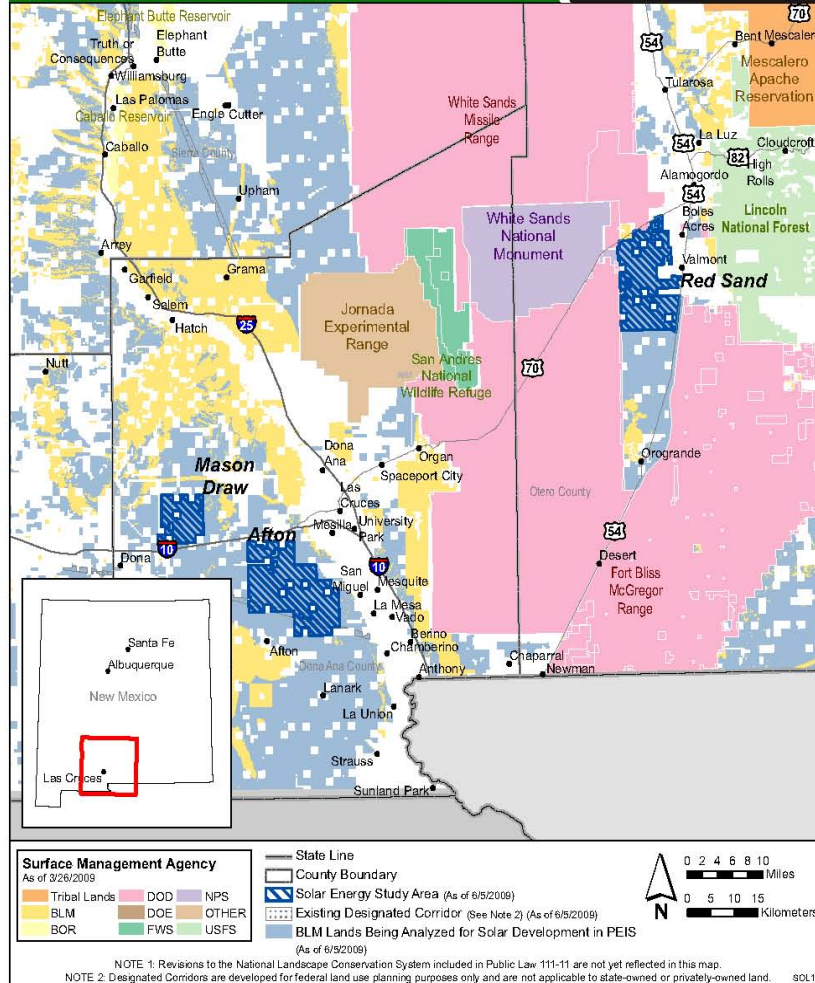


# Solar Energy Study Areas in New Mexico

Map Prepared June 5, 2009



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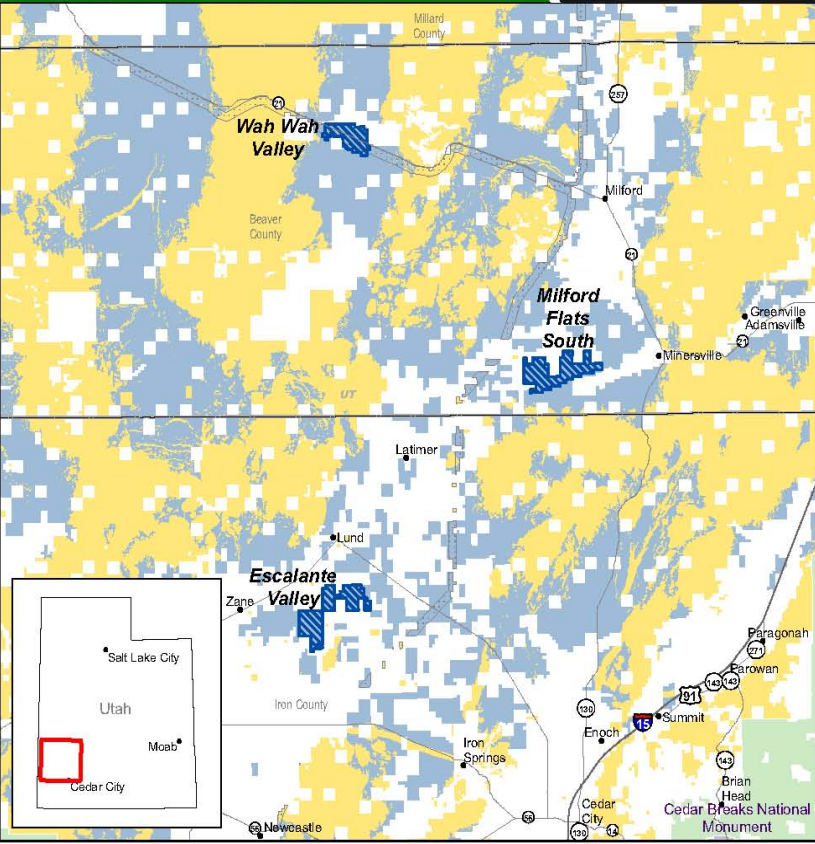


# Solar Energy Study Areas in Utah

Map Prepared June 5, 2009



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<b>Surface Management Agency</b> As of 3/26/2009			State Line County Boundary
Tribal Lands BLM BOR	NPS DOE FWS	OTHER USFS	Solar Energy Study Area (As of 6/5/2009) Existing Designated Corridor (See Note 2) (As of 6/5/2009) BLM Lands Being Analyzed for Solar Development in PEIS (As of 6/5/2009)

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