

June 21, 2011 | Webinar



PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED AND NEW GUIDANCE



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PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED

BACKGROUND

2009: President Obama focus on “New” Energy

- Climate Change
- Economic Recovery

“... make the investments that would allow us to become the world’s leading exporter of renewable energy.” [March 31, 2009](#)

New Energy to “win the future” “Blueprint for a Secure Energy Future”
[March 30, 2011](#)



American Recovery and Reinvestment Act (Stimulus Bill) new energy grants and loans sets goal – [December 31, 2010](#)

PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED

2009: Interior Secretary Salazar Ramps up Role of Public Lands for New Energy

- Secretarial Order March 11, 2009
- ARRA \$\$ for Permitting

“I can see the economic opportunity presented by the New Energy economy.” [July 7, 2009](#)

2010: Interior “Fast Track” Renewable Projects

- 13 Solar projects: 9 (3,600 MW) Approved
- 7 Wind projects: 1 (150MW) Approved



PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED

Permitting Solar/Wind Projects: Overview

Federal Land Policy Management Act (FLPMA)

- Governs the use of Public lands
 - 43 USC § 1701 et seq.; 43 C.F.R. § 2800 et seq. (regulations)
- Land use plan (43 USC § 1712): “zoning” for public land uses
- Right-of-way grant (43 USC § 1761): “permit” to use public land

National Environmental Policy Act (NEPA)

- Environmental analysis for public land uses
 - 42 USC § 4321 et seq.

Federal Environmental Laws

- Endangered Species Act, Migratory Bird Treaty Act, Bald & Golden Eagle Protection Act
- National Historic Preservation Act
- Clean Water Act
- Etc., etc.

PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED

Permitting Solar/Wind Projects: Getting Started



Solar Energy Development Policy – IM 2011-003
Solar Plan of Development (January 31, 2011)

Wind Energy Development Policy – Instruction
Memorandum (IM) 2009-043
Wind Energy Plan of Development (January 31, 2011)

See BLM “New Energy for America”

www.blm.gov/wo/st/en/prog/energy/renewable_energy.html



PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED

Permitting Solar/Wind Projects: Digging Deeper

- “Lessons Learned” Guidance for Wind and Solar:
 - Reclamation of Solar Energy Facilities (IM 2011-003)
 - Pre-Application Screening Wind and Solar (IM 2011-061)
 - Due diligence for Utility-Scale Renewable (IM 2011-060)
 - NEPA Compliance for Utility-Scale Renewables (IM 2011-059)
 - Mining Segregation Rule for Renewables (April 11, 2011)

Tough Issues: 2011 “Priority Projects”

- U.S. FWS Bald and Golden Eagle Draft Guidelines
- Solar PEIS – What do the zones mean?
- Action on the Hill – “Cutting Red Tape to Facilitate Renewable Energy”
- Wildlife Mitigation, Visibility Challenge, Cultural Resources

PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED

Panel

Ray Brady, Manager, Energy Team Leader, BLM

Connie Rogers, former Interior Deputy Solicitor for
Energy and Mineral Resources,
Partner, Davis Graham & Stubbs LLP

Sandi Snodgrass, Of Counsel, Holland & Hart, LLP

Alex Daue, Renewable Energy Coordinator,
The Wilderness Society