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# PUBLIC LAND WIND AND SOLAR: LESSONS LEARNED AND NEW GUIDANCE



Moderator: Rebecca W. Watson
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#### 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

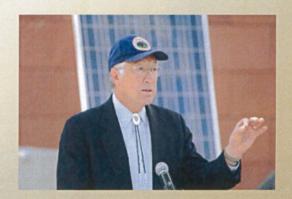
2009: Interior Secretary Salazar Ramps up Role of Public Lands for New Energy

- 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



# **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.

# 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



# 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

# 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