

potential. A POD is also required before the end of the 3-year ROW grant and the developer is assessed an annual fee of \$1,000 or \$1 per acre, whichever is larger.⁶⁷ If the developer determines that a site has sufficient wind energy potential, they must submit another 2800-14 ROW form and POD for a long-term utility-scale wind project.⁶⁸ This development application also has a broader NEPA scope to determine compliance with the ESA, the Migratory Bird Act, and the NHPA. This environmental review can utilize information gathered in the Wind PEIS. Therefore, an Environmental Assessment (EA) may be sufficient rather than a full EIS.⁶⁹ An EA is a less detailed environmental impact analysis to determine if a full EIS is needed for a project. The annual rent assessed to developers is \$4,155 per MW of total anticipated installed capacity.⁷⁰ Both of these processes are subject to cost-recovery bonding with the BLM.

Included in the Wind PEIS is a set of policies and BMPs that provide information and action requirements for developers and application processing instructions for land managers. Specifically, the policies require BLM staff to consider visual resource impacts and to consult with the DOD, the SHPO, tribes, and the FWS regarding conflicts and concerns.⁷¹ A policy also requires developers to include all BMPs in their POD. BMPs are adopted for each step in a project’s life span: site monitoring and testing, POD preparation, construction, operation, and decommissioning. They attempt to mitigate a wide spectrum of concerns including land-use conflicts, obstruction or disruption of visual resources, creation of roads, generation of harmful air emissions, increased ground transportation, disturbance of cultural and historic resources, noise creation, and harm to wildlife and ecological resources.

Implications for Solar Facilities

The process for wind energy facilities is similar to the current process for solar in that they both cause surface disturbance and utilize ROW grants and the NEPA process. However, the Wind PEIS instituted positive changes to the standard ROW process that the Solar PEIS may incorporate (Table 10.4). While wind energy projects need large amounts of land, 17 acres per MW on average, it allows for multiple land uses whereas solar facilities necessitate large scale surface disturbance and do not allow for other land uses within the facility boundary.⁷²

Table 10.4. Process Evaluation of Positive Implications for Solar in the Wind ROW Process.

<p>Efficiency</p> <ul style="list-style-type: none"> • Processing Instructions for BLM • ROW process familiarity
<p>Clarity of Process</p> <ul style="list-style-type: none"> • Information Requirements for POD • Developer Guidance through BMPs • Processing Instructions for BLM • Royalty Fee Based on Energy Production
<p>Robust Set of Options</p> <ul style="list-style-type: none"> • Use of the NEPA process
<p>Environmental Protection</p> <ul style="list-style-type: none"> • Developer Guidance through BMPs • Use of the NEPA process
<p>Public Engagement</p> <ul style="list-style-type: none"> • Use of the NEPA process

The Wind PEIS provides information requirements for PODs, which developers must follow, adding to the clarity of the process. This provides detailed guidance to developers and a checklist of information for BLM staff to use to analyze the completeness of an application, increasing efficiency of processing. In addition to the POD requirements, the Wind PEIS established a set of BMPs, which provide further guidance to developers on information needs and expected conduct throughout the life span of a facility. These BMPs are a management tool for the BLM to enforce standards of on-site environmental mitigation.

Wind developments are not subject to the regular ROW land rental assessment, which is based off of fair market value for the land. Instead, the Wind PEIS introduced a royalty fee for annual energy production. The BLM uses an equation to assess the fee which includes the nameplate capacity of the facility, the capacity factor, the federal rate of return, and the average price of electricity. A similar equation could be used for future solar facilities instead of assessing a lease fee based on acreage. A final change made to the standard ROW process by the Wind PEIS was the inclusion of policies which dictate necessary consultations between the BLM and other agencies, including DOD, SHPO, and tribes. This provides a framework to ensure affected stakeholders have input during the process of analyzing each application.

While the Wind PEIS provided many positive changes, it did not solve the issue of land speculation. The solar process is first-come, first-served, which prevents the BLM from choosing the best proposed project in terms of megawatts produced, size of ecological footprint, and socioeconomic impacts. This concern also applies to the wind process since once an application has been received for a tract of land, a second application will be rejected without consideration.

Integration with Other Processes

An application of the Wind PEIS to solar facilities would not require significant changes in other agency's processes. There is not a parallel CEC process for new wind facilities. However, as the wind utilizes ROW grants, an integration framework has already been established for the BLM and CEC processes. Wind energy projects already complete CallSO required studies for integration with the electric grid and sign PPAs with a utility, identical to solar energy projects.

CITATIONS

Chapter 10

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