



U.S. Department of the Interior  
Bureau of Land Management

August 2021

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# Tribal Consultation - Rights-of-Way, Leasing and Operations for Renewable Energy and Transmission Lines 43 CFR Parts 2800, 2880, 3200

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# Agenda:

- Welcome and Introductions
- Rulemaking Process Overview
- Purpose of Proposed Rule
- Need for Proposed Rule
- Timeline and Feedback



# Government-to-Government Consultation:

- The BLM takes its consultation responsibilities seriously and we believe it is vital that Native American governments be afforded opportunities for ongoing, meaningful dialogue on the proposed rule changes as required by law.
- We recognize that rule changes may have potential impacts and opportunities to sovereign tribes, and as such, your input on this proposed rule is valuable.
- BLM welcomes Tribal input and comment on the proposed rule throughout the process.



# Rulemaking Process

1. Initiate process
2. Stakeholder engagement
3. Draft a Proposed Rule
4. Office of Management and Budget (OMB) review
5. Publication of Proposed Rule
6. Receive, analyze, and respond to stakeholder comments
7. Draft Final Rule – *explains the provisions and reasoning, discuss and respond to public comments, update analyses, and set effective date*
8. OMB review
9. Final Rule Federal Register publication



## Purpose of Proposed Rule:

- Update rent schedules and fees for linear, solar, and wind energy rights-of-way (ROWs)
- Identify scenarios or criteria when reduced rents/fees are appropriate for wind and solar ROWs
- Contemplate updating:
  - competitive processes for wind and solar ROWs and the duration for which wind and solar ROWs can be authorized
  - prioritization and screening process for wind and solar applications
  - updating application processing standards
- Assess other suggested improvements to the BLM's administration of renewable energy and linear ROWs, including considerations related to environmental justice



# Need for Proposed Rule

- The proposed rule will revise the Bureau of Land Management's (BLM) regulations for rights-of-way, leasing, and operations related to all activities associated with renewable energy and linear ROWs
- The Energy Act of 2020 (Act) and section 207 of Executive Order 14008 prioritized the Department of the Interior's need to improve all permitting activities and processes to facilitate increased renewable energy production on public lands



## Timeline and Feedback:

- The BLM is targeting publication of the proposed rule in the Federal Register during the spring of 2022; however, the exact date is dependent upon final review and approval from the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA)
- Opportunities for Feedback:
  - Ongoing Government-to-Government consultation will be coordinated upon request



# Point of Contact

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