

ATTACHMENT 2

INITIAL SCREENING AND PRIORITIZATION CHECKLIST  
APPLICATIONS FOR RIGHTS-OF-WAY GRANTS

## Step 1 – Initial Screening

43 CFR § 2803.10 – Qualifications for holding a right-of-way (ROW) – An applicant for a ROW Grant must meet the below qualifications. Under 43 CFR 2803.10 an applicant must be:	
	(a) – An individual, association, corporation, partnership, or similar business entity, or a Federal agency or state, tribal, or local government.
	(b) – Technically and financially able to construct, operate, maintain, and terminate the use of the public lands. An Authorized Officer may request the following to demonstrate financial and technical capability, if the SF-299 does not provide sufficient detail, under 43 CFR 2804.26(a)(5)(i): <ul style="list-style-type: none"> <li>• (A) – “Provide documentation to any successful experience in construction, operation, and maintenance of a similar facility on either public or non-public lands.”</li> <li>• (B) – “Provide information on the availability of sufficient capitalization to carry out development, including the preliminary study stage of the project and the environmental review and clearance process.”</li> <li>• (C) – “Provide written copies of conditional commitments of Federal and other loan guarantees; confirmed power purchase agreements; engineering, procurement, and construction contracts; and supply contracts with credible third-party vendors for the manufacture or supply of key components for the project facilities.”</li> </ul>
	2803.10(c) – Of legal age and authorized to do business in the state the ROW would be located.

Under 43 CFR 2804.12(a) ROW Grant applications <sup>1</sup> , must include:	
	(1) – A description of the project and the scope of the facilities;
	(2) – The estimated schedule for constructing, operating, maintaining, and terminating the project;
	(3) – The estimated life of the project and the proposed construction and reclamation techniques;
	(4) – A map of the project, showing its proposed location and existing facilities adjacent to the proposal;
	(5) – A statement of your financial and technical capability to construct, operate, maintain, and terminate the project;
	(6) – Any plans, contracts, agreements, or other information concerning the applicant’s use of the right-of-way and its effect on competition;
	(7) – A statement certifying that you are of legal age and authorized to do business in the State(s) where the right-of-way would be located and that you have submitted correct information to the best of your knowledge; and

<sup>1</sup> File a ROW Grant application on [Standard Form 299](#) (SF-299) available at any BLM office or [www.blm.gov](http://www.blm.gov).

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	(8) – A schedule for the submission of a plan of development (POD) conforming to the POD template at <a href="http://www.blm.gov">www.blm.gov</a> , should the BLM require you to submit a POD under 43 CFR 2804.25(c).
Under 43 CFR 2804.12(b) – ROW Grant applications for Solar or Wind Energy Development projects, in addition to the information above, application must:	
	(1) – Include a general description of the proposed project and a schedule for the submission of a POD conforming to the POD templates at: <a href="https://www.blm.gov/sites/blm.gov/files/energy_Windplanofdevelopment.pdf">https://www.blm.gov/sites/blm.gov/files/energy_Windplanofdevelopment.pdf</a> <a href="https://www.blm.gov/sites/blm.gov/files/Energy_solarenergyplanofdevelopment.pdf">https://www.blm.gov/sites/blm.gov/files/Energy_solarenergyplanofdevelopment.pdf</a>
	(2) – Address all known potential resource conflicts with sensitive resources and values, including special designations or protections, and include applicant-proposed measures to avoid, minimize, and compensate for such resource conflicts, if any;
	(3) – Initiate early discussions with any grazing permittees that may be affected by the proposed project in accordance with 43 CFR 4110.4-2(b); and
	(4) – Within 6 months from the time the BLM receives the cost recovery fee under 2804.14, schedule and hold two preliminary application review meetings as follows: <ul style="list-style-type: none"> <li>• (i) – The first meeting will be with the BLM to discuss the general project proposal, the status of BLM land use planning for the lands involved, potential siting issues or concerns, potential environmental issues or concerns, potential alternative site locations and the right-of-way application process;</li> <li>• (ii) – The second meeting will be with appropriate Federal and State agencies and tribal and local governments to facilitate coordination of potential environmental and siting issues and concerns; and</li> <li>• (iii) – Applicant and the BLM may agree to hold additional preliminary application review meetings.</li> </ul>
Under 43 CFR 2804.12(c) ROW Grant Applications for a solar or wind energy projects, must:	
	(1) – Propose a project sited on lands outside a designated leasing area, except as provided for by 2809.19; and
	(2) – Pay an application filing fee of \$15 per acre for solar or wind energy development applications and \$2 per acre for energy project-area testing applications.

When considering a ROW Grant application for a solar and wind energy project, an Authorized Officer should be aware of additional requirements outlined in 43 CFR 2804.12(d), (e), and (i). These additional requirements include submitting requirements for business entities, requesting additional information, and coordinating with inter-agencies.

## Step 2 – Prioritization

43 CFR 2804.35 – The BLM will prioritize your application by placing it into one of three categories and may re-categorize your application based on new information received through surveys, public meetings, or other data collection, or after any changes to the application. The

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BLM will generally prioritize the processing of leases awarded under subpart 2809 before applications submitted under subpart 2804. For applications submitted under subpart 2804, the BLM will categorize your application based on the following screening criteria.

Under 43 CFR 2804.35(a) – High-priority applications are given processing priority over medium and low-priority applications. High-priority applications may include lands that meet the following criteria:	
	(1) – Lands specifically identified as appropriate for solar or wind energy development, other than designated leasing areas;
	(2) – Previously disturbed sites or areas adjacent to previously disturbed or developed sites;
	(3) – Lands currently designated as Visual Resource Management Class IV; or
	(4) – Lands identified as suitable for disposal in BLM land use plans.

Under 43 CFR 2804.35(b) – Medium-priority applications are given priority over Low-priority applications and may include lands that meet the following criteria:	
	(1) – BLM special management areas that provide for limited development, including recreation sites and facilities;
	(2) – Areas where a project may adversely affect conservation lands, including lands with wilderness characteristics that have been identified in an updated wilderness characteristics inventory;
	(3) – ROW avoidance areas;
	(4) – Areas where project development may adversely affect resources and properties listed nationally such as the National Register of Historic Places, National Natural Landmarks, or National Historic Landmarks;
	(5) – Sensitive habitat areas, including important species use areas, riparian areas, or areas of importance for Federal or State sensitive species;
	(6) – Lands currently designated as Visual Resource Management Class III;
	(7) – Department of Defense operating areas with land use or operational mission conflicts; or
	(8) – Projects with proposed groundwater uses within groundwater basins that have been allocated by State water resource agencies.

Under 43 CFR 2804.35(c) – Low-priority applications may not be feasible to authorize. These applications may include lands that meet the following criteria:	
	(1) – Lands near or adjacent to lands designated by Congress, the President, or the Secretary for the protection of sensitive viewsheds, resources, and values (e.g., units of the National Park System, Fish and Wildlife Service Refuge System, some National Forest System units, and the BLM National Landscape Conservation System), which may be adversely affected by development;
	(2) – Lands near or adjacent to Wild, Scenic, and Recreational Rivers and river segments determined suitable for Wild or Scenic River status, if project

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	development may have significant adverse effects on sensitive viewsheds, resources, and values;
	(3) – Designated critical habitat for federally threatened or endangered species, if project development may result in the destruction or adverse modification of that critical habitat;
	(4) – Lands currently designated as Visual Resource Management Class I or Class II;
	(5) – ROW exclusion areas; or
	(6) – Lands currently designated as no surface occupancy for oil and gas development in BLM land use plans.

## Step 3 – Project Specific Advancements

Below is a list of optional Project Specific Advancements for solar or wind energy ROW Grant applications. In addition to the prioritization screening criteria listed above in Step 2, the BLM may use these additional project-specific advancement considerations to differentiate between projects in the high-, medium-, and low-priority categories. These Advancement considerations only apply when an application documents these items such as, but not limited to:

	Allocated State water right for proposed groundwater uses
	Best Management Practices (BMPs) if project is nearby or adjacent to <a href="#">National Park Service Areas of High Potential for Resource Conflicts</a> (AHPRC).
	BMPs if potential project is near or adjacent to listed and/or sensitive BLM Sensitive Status plants and animals.
	Class I – Cultural Resources – A study or report that includes a compilation and analysis of all reasonably available cultural resource data and literature.
	Conditional Use Permit from County in which the project is located.
	Description of how the project would support the Department of the Interior and BLM priorities.
	Early coordination or outreach with State, local, and/or tribal governments and/or public to identify resources-related issues, concerns, and needs. Could be in the form of a letter, e-mail, or BMP.
	Efficient use of public lands (increased MW per acre).
	Holds a ROW Lease or ROW Grant adjacent to the filed location that would result in an efficient use of public lands by minimizing ground disturbance for utility development or interconnect.
	Information for Planning and Consultation (IPaC) report from United States Fish and Wildlife Service (USFWS) with documentation showing how species list and how suggested conversation measures for the project would be applied.
	Mitigation Plans or other similar plans such as, but not limited to: Bird and Bat Conservation Strategy, Decommissioning and Site Reclamation Plan, Dust Abatement Plan, Spill Prevention and Emergency Response Plan, Groundwater Monitoring and Reporting Plan, Fire Management Plan, Lightning Management

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	Plan, Integrated Weed Management Plan, Site Drainage Plan, Storm Water Pollution Prevention Plan, Surface Water Quality Management Plan, etc.
	Preferred Energy Technology (i.e., photovoltaic solar system) that support efficient use of public lands in the area filed.