

Frequently Asked Questions for Solar and Wind Outside Designated Leasing Areas or Inside Designated Leasing Areas made available through the non-competitive application process

Application Filing Fees

What is an Application Filing Fee?

As defined in 43 Code of Federal Regulations (CFR) 2801.5, the **Application Filing Fee** is a filing fee specific to solar and wind energy development rights-of-way (ROWs) and project-area testing ROW applications. **This fee is an initial payment for the reasonable costs for processing, inspecting, and monitoring a ROW.** Application filing fees only apply to outside of Designated Leasing Areas (DLAs) in accordance with 43 CFR 2804.12(c)(2) and are intended to put Cost Recovery Agreement (CRA) money in BLM hands immediately to use in processing an application instead of waiting for a CRA to be established.

Does a CRA need to be prepared for an Application Filing Fee?

No. A CRA is not required for the regulatory filing fee for a wind or solar application. In situations where an applicant subsequently amends their pending application to add additional acres, the applicant must also submit the additional application filing fee.

When is the Application Filing Fee Due?

The Application Filing Fee is a regulatory requirement and **must** be submitted at the same time the application is filed to have a completed application. ***Do not bill for the Application Filing Fee.***

Is the Application Filing Fee applicable for an existing application or authorization?

No. The Application Filing Fee is not applicable for completely filed applications or wind/solar ROW authorizations issued prior to January 18, 2017, except in cases of a new location (i.e., amending an authorization) or adding new acreage. The Application Filing Fee will only apply to the new acres.

Should staff start processing an application without the receipt of an Application Filing Fee?

Staff time beyond the bare minimum is not advised on any application that is incomplete. Preliminary application meetings and coordination should not be initiated prior to receipt of the application filing fees.

How much is the Application Filing Fee?

The fees are \$15 per acre for solar or wind energy development ROW applications and \$2 per acre for energy project-area testing ROW applications.

What is the purpose of the Application Filing Fee?

The BLM uses the Application Filing Fee as the initial payment for cost recovery. The Application Filing Fee funds must be managed in a L51010000 account.

Does it matter what Cost Center is used in CBS?

Yes, when completing any new transactions or transfers in CBS be sure to use the appropriate Cost Center for the Lead Office where the project resides. To make corrections, you can update the Cost Center to the Lead Office where the project resides by doing a transfer in CBS.

Where are the Funds Receipted for Depositing?

Initially, the funds are receipted in CBS in a Suspense Account as applicable:

Task 1.1	*Application Filing Fee
	Casefile # needed for CBS entry
CSA	Description (Select Appropriate Action)
Commodity	Renewable Energy Management
Subject	Application Filing Fee
Action	Initial Solar Energy Dev (5101) (XL6500DP)
Action	Initial Solar Energy Project Area Test (5101) (XL6500DP)
Action	Initial Wind Energy Dev (5101) (XL6500DP)
Action	Initial Wind Energy Project Area Test (5101) (XL6500DP)

Note: FBMS Fund *XL6500DP is a Suspense Account. (FYI: A Suspense Account is a holding account so we can deposit the funds while waiting for the L51010000 WBS to be set up).

How is a L51010000 WBS Requested?

A 1310-20 (PROJECT/SUBPROJECT NUMBER ASSIGNMENT AND INFORMATION FORM) must be filled out and sent to your District or State Office Budget staff, who will submit it via a Share-point site to the National Operations Center (NOC) Project staff to set up the WBS in FBMS.

Does the Indirect Cost Rate apply to the Application Filing Fees?

Yes. The current Indirect Cost Rate is assessed on obligation/expense transactions for Program Subactivity L51010000. Be sure to check current Headquarters Fiscal Year Indirect Cost Rate Information Bulletin for current rates and any exceptions/adjustments that may apply for Program Subactivity L51010000.

What do I need to remember when completing the 1310-20 Form?

- Box 2 – List Program Subactivity (Functional Area) as L51010000. Do not list a Program Element (PE) code with the Program Subactivity. A list of valid PE codes provided in separate FAQ below.
- Box 12 – Enter the Organization Code of Lead Office where the project resides (i.e., Field Office)
- Box 13 – Enter the Organization Code for other offices charging to the project (i.e., State/District Office)

What is required by NOC (OC612) to set up the L51010000 WBS?

- A copy of the applicable CBS Receipt (The one put into Suspense)
- The SF-299 (Right of Way Application)
- The 1310-20 Form with this notation: this is an Application Filing Fee for an “Energy Development” or “Project Area Testing” ROW application (whichever is applicable), and, if applicable, the CRA will be submitted when signed.

What happens after the WBS is set up?

Contact your District or State Office Budget staff to find out if the WBS has been set up by the NOC. Once the WBS has been set up, the fee must be transferred from Suspense to the appropriate CSA in CBS. This transfer in CBS can be performed at the State Office or the applicable Field/District Office. It is critical that the entire process is coordinated between the Project Manager/Realty Staff and Budget/Collections staffs, so fees are receipted correctly in CBS, the 1310-20 is submitted/set up timely and the fees are transferred from the Suspense account to the applicable CSA in CBS:

What is the CBS CSA to transfer the funds to the L51010000 WBS?

Tasks 3.0/8.1	**Transfer in CBS to Established L5101 WBS
	WBS # and Casefile # needed for CBS entry
CSA	Description (Select Appropriate Action)
Commodity	Renewable Energy Management
Subject	Application Filing Fee
Action	Solar Energy Dev (XL5017AP) (5101)
Action	Solar Energy Project Area Test (XL5017AP) (5101)
Action	Wind Energy Dev (XL5017AP) (5101)
Action	Wind Energy Project Area Test (XL5017AP) (5101)

Note: *XL5107AP is the FBMS Fund for FBMS Functional Area L51010000.

What Program Elements (PE) codes can I use for Renewable Energy projects?

- **FX** – Process Right-of-Way Grants for Renewable Energy (Wind/Solar) Authorizations – including site-specific and project-area testing
- **KH** – Prepare/Conduct Competitive Renewable Energy (Wind/Solar) Actions
When using the competitive process under 43 CFR 2804.30
- **NH** – Conduct Realty Compliance Inspections Compliance or monitoring inspections made for renewable energy (Wind/Solar) – including site-specific and project-area testing

Can these funds be refunded?

Yes. These funds can be refunded following the same criteria as any other funds in a L51010000 account.

Does the Authorized Officer need to make a Cost Recovery Category Determination Decision?

Yes.

Does a CRA need to be established beyond the Application Filing Fee?

- No – Determination made states Application Filing Fee adequate
- No – Determination made was to rejected/withdraw application
- No – Determination made as a Category 1-4
- Yes – Determination made as a Category 6 – Yes CRA required

Do we bill for additional subsequent funds?

Funds beyond the initial application filing fee are to be billed as an Advance Bill (AB) to the WBS setup for the application filing fee. An Accounts Receivable (AR) bill is only created when additional funds are needed to process a withdrawal of an application or to process a relinquishment of an authorization. Under a scenario where the AO has been determined that additional funding (beyond the application filing fee) is unnecessary, a CRA shall not be required.