

[Insert Office Letter Head]

The Bureau of Land Management (BLM) recently published a final rule, *Revisions to Regulations Regarding Intermittent Energy*, 90 Fed. Reg. 36111 (Aug. 1, 2025), which updates how acreage rents and capacity fees are calculated for solar and wind energy rights-of-way (ROWs) on public lands. These updates were required by Section 50302 of Public Law 119-21, enacted on July 4, 2025 (the Act), and supersede BLM's previous rate methods.

This letter is to inform you about the new rent and fee requirements of Section 50302 and the resulting changes to the BLM's regulations that are found at 43 CFR 2806.52. These changes apply to all solar and wind energy development acreage rents and capacity fees on public lands. However, they do not apply to energy site-specific or energy project-area testing ROWs (see 43 CFR 2806.58).

Pursuant to the Act, holders of a solar or wind energy generation ROWs are now required to pay the greater of an acreage rent or a capacity fee where: (1) the acreage rent is calculated using the per-acre rate from the time the ROW was issued, and (2) the capacity fee is calculated as 3.9% of the project's annual gross proceeds from the sale of electricity. Holders may receive two bills based on the project's annual gross proceeds.

When implementing these new rates, the BLM will prorate your 2025 ROW payment based on full calendar months. The acreage rent and capacity fee under your prior method will be applied January through July, and the new, statutorily required acreage rent and capacity fee of Public Law 119-21 will be applied August through December. The BLM will issue a revised bill for 2025. You will not need to calculate and submit payment until your revised bill has been issued. Beginning in 2026, acreage rent and capacity fee will only follow the new statutory method. For calendar year 2026, your acreage rent will be due on January 1, 2026.

To accurately calculate the capacity fee for your ROW for calendar year 2025, please submit to the BLM in writing the gross proceeds generated from the sale of electricity from your facility before Friday, March 13, 2026. Your submission should indicate whether you are reporting gross proceeds for the full calendar year or for the partial year (August through December). The gross proceeds should include all proceeds from the sale of electricity based on the volume of electricity sold at the price per unit of electricity at which it was sold. "Gross proceeds" means the total monetary or other consideration received from the sale of electricity.

When reporting your gross proceeds, please validate your information with a signed affidavit from an individual who is authorized to sign on behalf of the Holder, affirming that the reported gross proceeds provided to the BLM are true and accurate. Please submit your report of gross proceeds with the original signed affidavit to this office and send a copy by email to [BLM\\_CUBT@BLM.gov](mailto:BLM_CUBT@BLM.gov).

**Please note:** The BLM may review your project records in the future to verify the reported gross proceeds. If discrepancies are found, you may receive a corrected bill or a refund.

**Do not pre-pay your 2025 capacity fee.** Wait until you receive a revised 2025 bill from the BLM. As long as your payment is made by the due date on the bill, no late fees or penalties will

## Attachment 2 – Template Notice

apply. Your capacity fee will be calculated after the completion of the calendar year, and gross proceeds are reported, at which time you will be billed.

The BLM understands that your project revenues may include confidential or proprietary information that may give a competitive advantage to others. When reporting your gross proceeds, if appropriate, please mark any such information as “confidential” or “proprietary,” and the BLM will keep it confidential to the extent allowed by law.

Failure to comply with the BLM’s requirements may result in the BLM undertaking enforcement actions against you. Holders that fail to timely comply with this notice and its subsequent billing steps may be subject to late payment fees, penalties, and even termination of a ROW.