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Expires: 09/30/2012

To: Montana Dakotas Leadership

From: State Director

Subject: State Director Guidance on Addressing Renewable Energy in RMPs

Program Area: All Programs Involved in Resource Management Plan (RMP) Revisions

Purpose: This Instruction Memorandum (IM) provides guidance to Montana, North Dakota and South Dakota BLM field offices on preparation of renewable energy sections and analysis for inclusion in Resource Management Plans (RMPs) to provide consistency in approach.

Policy/Action: The BLM Land Use Planning Handbook (H-1601-1) requires that land use planning efforts address existing and potential development areas for renewable energy projects (see H-1601-1, Appendix C, II. Resource Uses, Section E. Lands and Realty). All land use planning efforts must address resource potential, public concerns, and opportunities for renewable energy development. Wind and solar projects on BLM-administered lands are processed in accordance with FLPMA right-of-way regulations overseen by the lands and realty program. Therefore, designations of lands to be excluded or avoided in relation to wind energy right-of-ways is a decision to be made in land use planning documents.

In the Montana/Dakotas, RMPs will contain a Renewable Energy section in addition to the Lands and Realty section in order to highlight the resources and allocations related to renewable energy in the planning area. Wind development should be the focus of the discussion and analysis given that it is the most likely source of renewable energy generation from BLM-administered lands in the Montana/Dakotas. Solar, geothermal, biomass and hydropower developments may be discussed if appropriate, and in particular referenced to other sections, such as the Minerals section for geothermal development and the Forest and Woodlands/Forest Products sections for biomass. It should be recognized that wind energy development is different from oil and gas development, and that while oil and gas stipulations may be useful in assigning allocations for wind energy, there may not be a direct correlation.

Attachment 1

Renewable Energy Allocations

Land use planning allocations for Renewable Energy in the Montana/Dakotas will focus on wind, along with geothermal. Geothermal allocations made in the Bureauwide geothermal ROD should be included in the Minerals section in accordance with Appendix C land use planning handbook guidance. Wind energy allocations will require consideration by the planning team as described below.

Wind Allocations

Using an interdisciplinary team and defensible rationales regarding the need for resource protections based on impacts from wind energy, planning teams in the Montana/Dakotas will place lands within the planning unit into one of three categories—(1) Exclusion, (2) Avoidance or (3) Open—and disclose acreage and percent of planning unit by allocation. This terminology is consistent with the terminology and definitions outlined in the Lands and Realty program section in Appendix C of the Land Use Planning Handbook (H-1601-1) and will be used in lieu of terminology from other programs (ie. “no lease” or “NSO” in the Oil and Gas program, “available/unavailable” in the Grazing program, etc.). RMPs should specify that these allocations apply to wind energy right-of-ways. Wind energy allocations may or may not be different than the avoidance and exclusion areas designated in the Lands and Realty section for other types of right-of-ways based on the resource reasons necessitating restrictions and the differences in wind farm development from other right-of-way infrastructure.

The definitions of these categories are:

Exclusion Areas

Exclusion areas are areas that are not available for location of right-of-ways under any conditions. Programmatic exclusion areas are identified in the Wind Energy PEIS ROD issued in April 2005, which amended several land use plans in the Montana/Dakotas. Planning units may identify other areas to be excluded based on analysis contained in the land use planning document. Factors to consider when proposing exclusion areas are outlined in Attachment 1.

Avoidance Areas

Avoidance areas may be available for location of right-of-ways with special stipulations. Special stipulations go beyond the standard terms and conditions applied to right-of-way grants (usually those found in the *Guide Stipulations for ROW Administration*) and best management practices (for wind, those outlined in the 2005 Wind PEIS ROD). The Avoidance category includes resource-based or area wide stipulations that restrict operations during certain timeframes or seasons, as well as other types of restrictions related to distance (setbacks). Unlike areas designated as “open”, Avoidance areas contain constraints that may result in substantial restrictions or mitigation measures in order for an applicant to proceed with a wind energy development. Factors to consider when proposing avoidance areas are outlined in Attachment 2.

Open Areas

Open areas are available for location of renewable energy right-of-ways with standard right-of-way terms and conditions and general best management practices which can be found in the

2005 Wind PEIS ROD. It is expected the number of acres considered truly “open” could be quite limited given the number of resource concerns and special provisions identified for lands in the Montana/Dakotas (of particular note, wide ranging sage grouse and eagle habitats, visual resources, Areas of Critical Environmental Concern, etc.).

Potential Wind Development Areas

The H-1601-1 Land Use Planning Handbook requires offices to identify potential renewable energy development areas. It is suggested that offices consider open areas that exhibit Class 4-7 wind potential based on NREL mapping (currently available at 50 meters) as “potential wind development areas” to meet this guidance. These areas should be displayed on a map in the RMP, with acres outlined in table format. This would serve to identify areas in the planning unit that have the fewest known resource conflicts. Planning teams should also consider where there may be previously disturbed lands that have wind development potential.

Reasonable Foreseeable Development (RFD)

No formal protocols exist requiring preparation of a formal RFD document for renewable energy development as is the case in the oil and gas program. However, a review should be conducted to identify operating and proposed utility-scale renewable energy developments in the planning area, with the information included as part of the Chapter 3 Affected Environment information. Again, for the Montana/Dakotas, this review should be focused on wind energy. Consideration of transmission factors should also be explored, but should not unduly limit consideration of wind energy based solely on a lack of current transmission. Based on this information and planning unit specific knowledge regarding past and current interest and inquiries, **assumptions** should be developed and provided in Chapter 4 outlining the potential for future development on BLM-administered land in the planning area, including the number of potential projects, number and size of turbines, anticipated megawatt production, and projected acres of disturbance based on known construction and maintenance at existing project developments. This information can then be used by other specialists on the planning team to address potential impacts.

Other Suggestions

Chapter 3 should contain a table outlining the acreages and percent of all ownerships within the planning areas as well as BLM surface ownership within each of the seven wind power classes (Class 1-7) derived from the NREL 50 meter wind class maps. Class 1 and 2 are considered low potential, Class 3 moderate, and Class 4 through 7 are high potential development areas. Information on previous or existing authorizations within the planning area on both BLM-administered and other land ownerships should be described.

The impact analysis for renewable energy should focus on the amount of high potential wind development areas that are open as well as restricted from development in each alternative. Tables outlining the acres and percent, and a description of the type of restriction, are more useful than extensive narrative explanation.

A map of the Renewable Energy allocations showing open, avoidance, and exclusion areas, as well the proposed Potential Wind Development Areas should be included.

Timeframe: This IM is effective immediately. All ongoing land use planning efforts will use the protocols outlined in this guidance to provide consistency in addressing renewable energy allocation allocations and decisions across the Montana/Dakotas organization.

Budget Impact: Budget impact is expected to be minor, though additional time to ensure a consistent approach may be needed; RMP teams have been provided information included in this IM via informal discussions, but at times lack expertise or resources to implement the guidance.

Background: Washington Office planning guidance contained in the H-1610-1 Land Use Planning Handbook and other WO directives provide general direction but no specific guidance to assist field offices in review of renewable energy allocations. Formal direction is needed to provide for a consistent approach within the Montana/Dakotas organization given that four (4) RMPs are in development with Drafts yet to be submitted for WO review. State Director review and monthly RMP briefings have identified some inconsistencies in approach.

Manual/Handbook Sections Affected: Guidance would supplement H-1610-1 with specifics.

Coordination: Various Montana/Dakotas BLM field offices and the BLM Washington Office were contacted for input.

Contacts: Renee Johnson, Renewable Energy Lead, at (406) 896-5028, or Cynthia Staszak, Chief, Branch of Land Resources, at (406) 896-5039.

Exclusion Areas

Exclusion areas are areas that are not available for location of right-of-ways under any conditions. Programmatic exclusion areas identified in the Wind Energy PEIS ROD issued in April 2005, which amended several land use plans in the Montana/Dakotas, include the following:

- Wilderness Areas
- Wilderness Study Areas (WSAs)
- National Monuments
- National Conservation Areas (NCAs)
- Wild and Scenic Rivers
- National Historic Trails
- National Scenic Trails

For consistency, lands with any of these designations listed above should be excluded from wind energy development.

- ACECs

ACECs were originally included by policy as exclusion areas, but are now to be managed as exclusion areas only if their relevant and important values warrant exclusion. The RMP analysis should review the values associated with the ACEC and make a determination if the ACEC can be managed as an avoidance area rather than as an exclusion area and still protect the relevant and important values leading to the ACEC designation.

Planning units may identify other areas as exclusion areas based on analysis contained in the land use planning document. Suggested areas that may be unsuitable for wind energy may vary across the alternatives, and may include:

- VRM I
- Bald and Golden Eagle Migration Areas or Concentrations
- Sage Grouse Priority Protection Areas
- Sage Grouse Restoration Priority Areas

Avoidance Areas

Avoidance areas are areas to be avoided but may be available for location of right-of-ways with special stipulations. The special stipulations would be required to reduce or mitigate impacts to the values for which the area is being avoided. These kinds of stipulations go beyond those normally contained in a right-of-way grant, and may result in special design, limitations on energy generation during specific time periods, or changes in standard industry standards of turbine color, design and layout.

Again, avoidance areas may vary across the alternatives. Areas that appear prudent to consider as such include:

- ACECs
- VRM II
- VRM III
- Bald and Golden Eagle Migration Areas or Concentrations
- Sage Grouse Protection Priority Areas
- Sage Grouse Restoration Priority Areas

Planning units may identify other areas as avoidance areas, but should ensure that analysis and rationale contained in the land use planning document.

Lands stipulated with timing limitations (usually to protect certain wildlife species) or lands where surface use or occupancy would be restricted if certain conditions apply should be included in the avoidance category **if there is evidence that wind energy activities impact species or the resources of concern.**

Wind farm developments include turbines and associated access roads, buried powerlines, transmission interconnections, and operational buildings. Wind turbines are large, and arrays can be visually intrusive. While development of a wind farm may result in substantial short-term surface disturbance related to foundation construction and placement, access roads and laydown areas, reclamation practices can downsize disturbance footprints to a great degree in the long-term. Technology allows for turbine speeds and operations to be adjusted and/or shutdown during specific periods to address resource concerns. However, restriction of operations during specific timeframes may be problematic if they are imposed when generation potential is greatest (ie. best wind/generation potential is during three months in the spring, but BLM suggests shutdown during that period for a particular reason). These types of timing limitations or constraints may result in making an operation unfeasible, dependent upon the wind resource, the size of the farm, the power purchase agreement, etc. Thus, it is important to identify in the land use planning document if these types of constraints would be required to inform the public and potential applicants of challenges and resource concerns.