

**Statement of
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**Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 528, the La Paz County Solar Energy and Job Creation Act**

October 19, 2021

Thank you for the opportunity to testify on S. 528, the La Paz County Solar Energy and Job Creation Act. The bill proposes to convey to La Paz County, Arizona, at fair market value, approximately 4,800 acres of public lands managed by the Bureau of Land Management (BLM). According to the bill's sponsors, La Paz County intends to use the lands for additional solar opportunities in the county.

Recognizing the urgency of the climate crisis, the Biden Administration has set a goal to achieve a carbon pollution-free power sector by 2035 and the Energy Act of 2020 has set a goal of permitting 25 gigawatts of renewable energy projects on public lands by 2025. The BLM is engaging our Tribal partners, industry, stakeholders, and the states to increase opportunities for renewable energy development on public lands. The BLM supports the sponsors' stated goals of promoting solar energy development, but has some concerns with the approach of the bill as discussed below.

Background

La Paz County, located in western Arizona, is home to approximately 20,000 people. The county is home to significant recreational opportunities due to its close proximity to the Colorado River; three National Wildlife Refuges; and a number of cultural and historic sites, including old mines and ghost towns.

The John D. Dingell Jr. Conservation, Management, and Recreation Act (P.L. 116-9) included provisions directing the conveyance to La Paz County of approximately 5,900 acres of BLM-managed public lands for economic development and renewable energy generation. The BLM announced the successful conveyance of this land to La Paz County on May 22, 2020. The approximately 4,800 acres of BLM-managed public land to be conveyed under S. 528 are adjacent to the lands conveyed to La Paz County under the Dingell Act.

Currently, the lands proposed for conveyance are primarily utilized for livestock grazing and include range improvements to facilitate grazing. The BLM is in the midst of processing a photovoltaic solar energy application on 4,654 acres within the 4,800 acres proposed to be conveyed, with a proposed capacity of 800 megawatts, and has nearly completed the initial variance process as identified in the BLM's Western Solar Plan (2012). There is also a BLM-designated energy transmission right-of-way corridor in the proposed conveyance

parcel. The lands have not been identified as potentially suitable for disposal in the Yuma Resource Management Plan, which the BLM completed in 2010.

S. 528

S. 528 directs the Secretary of the Interior to convey approximately 4,800 acres of BLM-managed land to La Paz County as soon as practicable after receiving a request from the county to convey the land. Under the bill, the conveyance would be subject to valid existing rights and such terms and conditions as the Secretary determines to be necessary, and the subsurface would be withdrawn from mineral entry. Any Federal lands with significant cultural, environmental, wildlife, or recreational resources would be excluded from the conveyance. La Paz County would be required to pay fair market value for the land based on an appraisal conducted using uniform appraisal standards, as well as all costs related to the conveyance, including all surveys, appraisals, and other administrative costs.

S. 528 also specifies that as a condition of conveyance, La Paz County and any subsequent owner of the conveyed land are required to make good faith efforts to avoid disturbing tribal artifacts. If tribal artifacts are disturbed, La Paz County would be required to minimize impacts to the artifacts and allow tribal representatives to rebury artifacts at or near where they were discovered. La Paz County is also required to coordinate with the Colorado River Indian Tribes Tribal Historic Preservation Office to identify artifacts of cultural and historic significance. Other than these conditions, the bill does not impose any further use, development, or disposal restrictions for the surface acres conveyed to the county.

Analysis

The BLM recognizes the importance of efficiently deploying renewable energy projects on both public and private lands to meet the urgent demands of the climate crisis while empowering American workers and businesses to lead a clean energy revolution. We also recognize the sponsors' effort in the bill to protect cultural and tribal resources, and the BLM is aware of public support for using these lands for solar energy development.

The BLM notes that it is currently reviewing a solar energy project within the proposed conveyance area through a process that will ensure full protection for sensitive resources, including cultural resources, and gives full consideration to the cumulative impacts of the multiple solar projects in the area.

Given the BLM's pending review of this project, we question whether the proposed land conveyance is necessary to advance responsible renewable energy development while protecting environmental and cultural resources and the interests of American taxpayers. Furthermore, as currently written, the bill does not guarantee that once the lands are conveyed, those lands would be used for renewable energy development. Should Congress decide to pursue the conveyance, the BLM would like to work with the sponsors on modifications that would solidify the intended use of these lands for renewable energy development and ensure appropriate environmental reviews.

We appreciate the sponsors' inclusion of the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice provision and would

welcome an opportunity to work with the bill sponsors to ensure the responsibilities of each party to the conveyance are clear. The BLM notes that there are several actions that may be required before the BLM can convey public lands, such as environmental assessments and cultural, biological, and cadastral surveys. The BLM is also aware of possible range improvements in the proposed area that may need to be compensated for, in compliance with grazing laws and regulations, in addition to the assessment and survey work required for conveyance. In addition, the BLM would like to work with the sponsors to develop a new official legislative map of the proposed conveyance to La Paz County, including land status, to be referenced in S. 528.

The BLM notes that if this legislation is enacted and some or all of the lands are conveyed, the BLM will not be able to approve the pending photovoltaic solar energy application that the bureau is currently processing. Additionally, the BLM would like to work with the sponsor to exclude from the proposal an important electric transmission corridor. Approximately 1,100 acres of the proposal overlap a BLM-designated right-of-way corridor providing critical east-west capacity for electric transmission and infrastructure between the Phoenix area and Southern California, including the existing Palo Verde to Devers 500 kilovolt transmission line. The BLM recommends this corridor is maintained to facilitate the orderly administration of other proposed renewable energy projects in this region and advance the goal of 25,000 megawatts on public land as required under the Energy Act of 2020.

Conclusion

Thank you for the opportunity to testify on S. 528. We look forward to continuing to work with the Sponsors and the Subcommittee on this important issue.