Segregation Rule Briefing Paper

1. <u>State Offices</u>

   All

2. <u>What is the title of this notice?</u>

   This will be a notice that would segregate lands contained in renewable energy rights-of-way (wind and solar only) from operation of the mining laws and public land laws for a period of up to 2 years. The title would be "Notice of Segregation of Public Lands in the State of _____."

3. <u>What are the key issues raised by the underlying decision documents for this notice?</u>

   Resource conflicts, legal, land and resource management, or other issues of concern to the Bureau of Land Management (BLM), the public, interested groups, cooperators, and partners would depend on the particular issues involved in the area being segregated.

4. <u>Who are the primary users affected by or parties interested in the underlying decisions or actions? What are their concerns?</u>

   Mining claimants who have filed claims, or wish to file claims, on areas having value for wind or solar energy development would have an interest. Concerns include that the temporary segregation will prevent them from filing mining claims for the short term.

5. <u>Is tribal consultation appropriate under E.O. 13175, or other authorities? Will the proposed action potentially impact tribes or generate their interest? If so, what consultation or other communication/outreach are you planning?</u>

   No. Tribal consultation is not required.

6. <u>Will this notice be controversial?</u>

   Maybe. Some of these notices may be controversial if segregations to protect renewable energy development are located within areas having value for locatable minerals. However, every attempt is made to prevent or not identify areas having renewable energy potential in areas having high mineral values.

7. <u>What will the underlying decision or action change? (Summarize changes to policy, management practices, allowable uses, differences between draft and final, etc.)</u>

   If a segregation is put into place, the area segregated will not be open to the filing of mining claims and will not be subject to any of the general land laws. The reason for

such segregations is to protect those who have filed right-of-way applications for renewable energy use. Allowing the filing of mining claims in such areas could prevent development of energy supplies because financing may not be available as a result of the claims being filed.

8. Will this notice need communications materials, e.g., a press release or a Communications Plan? If so, enclose these materials with the notice package submitted.

   Yes.

9. What are the reasons for the timing of the notice and the consequence, if any, of delaying or canceling the release?

   The notices of segregation are published only in areas where it is thought that mining claims could be filed, which might prevent the development of renewable energy projects. Publication of these notices should be done promptly, because if they are delayed, there is a greater chance of mining claims being filed.

10. How has this been analyzed under the National Environmental Policy Act (NEPA)?

    NEPA will be done, where feasible, as part of the environmental work being done to support the renewable energy development proposal.

11. Is there any additional pertinent, descriptive information that reviewers need to know or would increase understanding?

    The segregation of areas where right-of-way applications have been filed is a means of protecting such areas from other improvements that are not consistent with the development of renewable energy. At times several areas being segregated may be submitted as one notice. Much of the information pertaining to wind or solar development may be found in the environmental impact statements that have been prepared for each renewable energy type.

12. List the names and positions of the people who have prepared, reviewed, and approved the notice and the underlying decisions and documents.

    This will depend upon which state or field office is submitting the notice of segregation for review and eventual publication in the *Federal Register*.