Renewable Energy/Livestock Operator FAQs

1. **What happens when an application for renewable energy right-of-way (ROW) is submitted for an area on my allotment?**
    - An application does not mean the project will be approved.
    - The BLM discloses existing land use authorizations, including grazing permits/leases, to the ROW applicant and initiates the solar variance process.
2. **What happens during the solar variance process?**
    - The BLM examines the feasibility of the application and considers how the conflicting uses may be impacted by the project.
    - The BLM informs the permittee/lessee a project application has been received and provides the ROW applicant's name and address to the operator.
    - Grazing permittees are invited to share their perspectives on the proposed ROW and its likely impacts via attendance at a public meeting and/or written comments.
    - Permittees/lessees are also invited to a site visit with the BLM and ROW applicant to discuss alternatives to minimize impacts to grazing operations.
    - Information collection through the solar variance process is compiled and submitted to BLM leadership for concurrence on whether an application will proceed to a rigorous environmental analysis (NEPA).
3. **What happens after the variance process?**
    - A solar variance allows an application to proceed to NEPA analysis, through which BLM will take a "hard look" at the proposed project and potential alternatives. The process ends with a decision on the proposed project, and it often takes 2-3 years to reach a decision.
    - Baseline studies, including a preliminary review of affected AUMs and range improvements, are collected for inclusion in the NEPA process.
    - The BLM will prepare an Environmental Analysis (EA). For larger, more complicated projects, the BLM will prepare an Environmental Impact Statement (EIS).
    - A 2-year prior notification to cancel preference, in part or in whole, is often issued at this time.
    - The 2-year prior notification does not mean preference will be canceled and if so, it may be more than 2-years before the permit/lease is cancelled or modified.
    - The 2-year prior notification does provide the opportunity to waive any right to continue grazing if the ROW is approved within 2 years.
4. **How can affected permittees/lessees participate in the NEPA process?**
    - The permittee/lessee are automatically considered an interested party and are consulted throughout the process.
    - The first opportunity to participate will be during "scoping," when BLM solicits information from interested parties to help shape project alternatives. It's important to be involved in this phase of analysis because permittees/lessees have unique perspectives of the landscape and likely impacts. For example, an operator may be able to suggest an alternative that avoids important pastures or water sources.
    - EAs and EISs typically include public comment periods on draft versions of the documents. Permittees/lessees are encouraged to submit comments that will help BLM

refine its analysis. For example, an operator may be able to comment specifically on the methods used to quantify the economic impacts one may experience due to reduced AUMs or loss of forage, water, etc.

5. **How do I know the BLM will consider my operation during this process?**
    - The BLM is required to consult with the permittees/lessees.
    - Comments collected during the scoping period will be summarized in a publicly available Scoping Report and included in the project record. Substantive comments collected during a public comment period are addressed in final versions of the EA/EIS.
6. **How is the ROW approved, and can I protest the decision?**
    - Two decisions will be issued; one approving/denying the ROW application, and one to modify the grazing permit/lease and provide reimbursement for interest in range improvements if an agreement is not reached between the ROW applicant and the permittee/lessee.
    - A proposed grazing decision would be issued first, which may be protested.
    - If protested, a final grazing decision would be issued, including responses to the protests. This final grazing decision is appealable.
    - The approved ROW grant is not issued until all decision protest and appeal periods have ended or been resolved, and the 2-year prior notification period has ended (if not waived by the permittee/lessee).
7. **If the project is approved, will I be compensated for my interest in the allotment?**
    - The grazing regulations entitle the permittee/lessee the right to reasonable compensation for his or her interest in the authorized permanent range improvements, on public lands, that may be impacted by the ROW.
    - Where a range improvement is authorized by a range improvement permit, the permittee/lessee may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value. Often, the ROW applicant will seek to negotiate an agreement with a permittee/lessee to waive the 2-year notice in exchange for compensation of range improvements and other financial considerations. The BLM will provide the ROW applicant with the publicly available permit information and baseline data. However, BLM neither encourages nor discourages private negotiations.
    - While BLM is not a party to these negotiations, compensation received by the permittee/lessee for range improvements must be disclosed to BLM.
    - If an agreement between the applicant and permittee/lessee is not reached, the BLM will conduct an appraisal and provide reasonable compensation for the adjusted value, but not to exceed the fair market value, of his or her interest in the authorized permanent range improvements located on public lands.
8. **What happens if the notice to proceed or construction does not begin immediately following the issuance of the ROW grant?**
    - Grazing may continue as currently authorized until the end of the 2-year prior notification <u>and</u> the grazing decision to cancel preference, in whole or in part, has been implemented.

- The ROW grant dedicates the subject land to a purpose that precludes livestock grazing. However, these lands may remain unfenced for some time following the issuance of the grant.
- Where preference is canceled in part, permittees/lessees will be notified once the notice to proceed is issued and construction is anticipated to begin.