



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
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In Reply Refer To:  
2800 (HQ-310/HQ-330)  
NVN-099846

Memorandum

To: Justin Abernathy  
Deputy State Director, Energy and Minerals

From: John Ajak  
Acting Division Chief, Fluid Minerals

Subject: Inflation Reduction Act Compliance Determination

The BLM Headquarters has coordinated with the Nevada State Office to verify the appropriate day to perform Inflation Reduction Act (IRA) compliance as described in IM 2023-006, *Implementation of Section 50265 in the Inflation Reduction Act for Expressions of Interest for Oil and Gas Lease Sales*. As requested, and per continuing coordination between Nevada State Office, the right-of-way is to be issued and the Division of Fluid Minerals has completed analytics on onshore lease sales per the requirements of the IRA for today, November 8, 2024.

The BLM Nevada's Stillwater Field Office intends to issue a right-of-way (NVN-099846) for solar energy development to Libra Solar, LLC, a subsidiary of Arevia Power, to construct, operate, maintain, and decommission a solar energy generation project (Libra Solar Project) on BLM-administered land located in Lyon and Mineral Counties, Nevada. As described further below, the BLM is authorized to issue this right-of-way under Section 50265 of the IRA.

Section 50265 of the IRA, Pub. L. No. 117-169, 136 Stat. 1818 (2022), limits the issuance of rights-of-way for wind and solar energy development on public lands by tying the issuance of such rights-of-way to recent onshore oil and gas lease sale activity. Specifically, Section 50265(b) states:

During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy

development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period[.]

The BLM has met both prerequisites in Section 50265.

First, BLM held an onshore lease sale on September 24, 2024, in Colorado where it received an acceptable high bid for a lease which has been issued. Thus, the BLM has held “an onshore lease sale,” as that term is used in the IRA, within the prior 120 days.

Second, BLM has satisfied the acreage requirements of Section 50265(b)(1)(B).

In the one-year period preceding this ROW, the BLM received expressions of interest that satisfied the eligibility criteria set forth in BLM Instruction Memorandum 2023-006 in the amount of 156,898.41 acres. Fifty percent of the EOIs received is 78,449.20 acres. As of the date of this memorandum, the BLM has “offered for lease” 96,557.99 acres within the preceding year. Therefore, the BLM has exceeded the fifty percent threshold established by the IRA based on the quantity of acreage within expressions of interest received during the past year. Accordingly, BLM’s approval of this ROW meets the IRA’s conditions for prior onshore lease sales.