

Subtitle E—Public Land Renewable Energy Deployment

Sec. 351. Short title.

Sec. 352. Renewable energy Federal permit coordination.

Sec. 353. Extension of funding for implementation of Geothermal Steam Act of 1970.

Sec. 354. Programmatic environmental impact statements and land use planning.

Sec. 355. Report.

1 **Subtitle E—Public Land**
2 **Renewable Energy Deployment**

3 **SEC. 351. SHORT TITLE.**

4 This subtitle may be cited as the “Public Land Re-
5 newable Energy Deployment and Adjustment Act of
6 2009”.

7 **SEC. 352. RENEWABLE ENERGY FEDERAL PERMIT COORDI-**
8 **NATION.**

9 Section 365 of the Energy Policy Act of 2005 (42
10 U.S.C. 15924) is amended by adding at the end the fol-
11 lowing:

12 “(k) PILOT PROJECT OFFICES TO IMPROVE FED-
13 ERAL PERMIT COORDINATION FOR RENEWABLE EN-
14 ERGY.—

15 “(1) DEFINITION OF RENEWABLE ENERGY.—In
16 this subsection, the term ‘renewable energy’ means
17 energy derived from a wind, solar, or geothermal
18 source.

1 “(2) FIELD OFFICES.—As part of the Pilot
2 Project, the Secretary shall designate 1 field office
3 of the Bureau of Land Management in each of the
4 following States to serve as Renewable Energy Per-
5 mit Coordination Offices for coordination of Federal
6 permits for renewable energy projects and trans-
7 mission involving Federal land facilitating the devel-
8 opment of renewable energy:

9 “(A) Alaska.

10 “(B) Arizona.

11 “(C) California.

12 “(D) Oregon.

13 “(E) New Mexico.

14 “(F) Nevada.

15 “(G) Montana.

16 “(H) Washington.

17 “(I) Wyoming.

18 “(3) MEMORANDUM OF UNDERSTANDING.—

19 “(A) IN GENERAL.—Not later than 90
20 days after the date of enactment of this sub-
21 section, the Secretary shall enter into an
22 amended memorandum of understanding under
23 subsection (b) to provide for the inclusion of the
24 additional Renewable Energy Pilot Project Of-
25 fices in the Pilot Project.

1 “(B) SIGNATURE OF SECRETARY.—The
2 Secretary shall be a signatory of the amended
3 memorandum of understanding.

4 “(C) SIGNATURES BY GOVERNORS.—The
5 Secretary shall request that the Governors of
6 each of the States described in paragraph (2)
7 be signatories to the amended memorandum of
8 understanding.

9 “(4) DESIGNATION OF QUALIFIED STAFF.—Not
10 later than 30 days after the date of the signing of
11 the amended memorandum of understanding, all
12 Federal signatory parties shall, if appropriate, as-
13 sign to each Renewable Energy Pilot Project Office
14 designated under paragraph (2) an employee de-
15 scribed in subsection (c) to carry out duties de-
16 scribed in that subsection.

17 “(5) ADDITIONAL PERSONNEL.—The Secretary
18 shall assign to each Renewable Energy Pilot Project
19 Office additional personnel under subsection (f).

20 “(6) TRANSFER OF FUNDS.—To coordinate and
21 process renewable energy authorizations on Federal
22 land under the jurisdiction of a Pilot Project Office
23 designated under paragraph (2), the Secretary may
24 authorize the expenditure or transfer of such funds
25 as are necessary to—

1 “(A) any Federal agency described in sub-
2 section (h); and

3 “(B) any State described in paragraph (2).

4 “(7) FUNDING.—

5 “(A) IN GENERAL.—The Federal share of
6 any royalties, fees, rentals, bonus bids, or other
7 payments from wind or solar development on
8 land administered by the Secretary shall be de-
9 posited in a special fund in the Treasury to be
10 known as the ‘BLM Wind and Solar Energy
11 Permit Processing Improvement Fund’ (re-
12 ferred to in this subsection as ‘Fund’).

13 “(B) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There is authorized to be appropriated
15 from the Fund or, to the extent amounts are
16 not available in the Fund, from the Treasury
17 for the costs of administering program oper-
18 ations for wind and solar development under
19 the Public Land Renewable Energy Deployment
20 and Adjustment Act of 2009 and the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1701 et seq.) \$10,000,000 for each of
23 fiscal years 2009 through 2019, to remain
24 available without fiscal year limitation until ex-
25 pended.”.

1 **SEC. 353. EXTENSION OF FUNDING FOR IMPLEMENTATION**
2 **OF GEOTHERMAL STEAM ACT OF 1970.**

3 (a) IN GENERAL.—Section 234(a) of the Energy Pol-
4 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-
5 ing “in the first 5 fiscal years beginning after the date
6 of enactment of this Act” and inserting “for each fiscal
7 year through fiscal year 2020”.

8 (b) AUTHORIZATION.—Section 234(b) of the Energy
9 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

10 (1) by striking “Amounts” and inserting the
11 following:

12 “(1) IN GENERAL.—Amounts”; and

13 (2) by adding at the end the following:

14 “(2) AUTHORIZATION.—Effective for fiscal year
15 2011 and each fiscal year thereafter, amounts de-
16 posited under subsection (a) shall be available to the
17 Secretary of the Interior for expenditure, subject to
18 appropriation and without fiscal year limitation, to
19 implement the Geothermal Steam Act of 1970 (30
20 U.S.C. 1001 et seq.) and this Act.”.

21 **SEC. 354. PROGRAMMATIC ENVIRONMENTAL IMPACT**
22 **STATEMENTS AND LAND USE PLANNING.**

23 (a) PUBLIC LAND.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary of the Interior
25 shall—

1 (1) complete a programmatic environmental im-
2 pact statement in accordance with the National En-
3 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
4 seq.) to analyze the potential impacts of—

5 (A) a program to develop solar energy on
6 land administered by the Secretary, acting
7 through the Bureau of Land Management; and

8 (B) any necessary amendments to land use
9 plans for the land; and

10 (2) amend any land use plans as appropriate to
11 provide for the development of renewable energy in
12 areas considered appropriate by the Secretary.

13 (b) NATIONAL FOREST SYSTEM LAND.—As soon as
14 practicable but not later than 18 months after the date
15 of enactment of this Act, the Secretary of Agriculture
16 shall—

17 (1) complete a programmatic environmental im-
18 pact statement in accordance with the National En-
19 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.) to analyze the potential impacts of—

21 (A) a program to develop solar and wind
22 energy on National Forest System land admin-
23 istered by the Secretary; and

24 (B) any necessary amendments to land use
25 plans for the land; and

1 (2) amend any land use plans as appropriate to
2 provide for the development of renewable energy in
3 areas considered appropriate by the Secretary imme-
4 diately on completion of the programmatic environ-
5 mental impact statement.

6 (c) EFFECT ON PROCESSING APPLICATIONS.—The
7 requirement for completion of programmatic environ-
8 mental impact statements under this section shall not re-
9 sult in any delay in processing applications for wind or
10 solar development on land administered by the Secretary
11 of the Interior, acting through the Bureau of Land Man-
12 agement, or on National Forest System land.

13 **SEC. 355. REPORT.**

14 (a) STUDY.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary of the Interior, in consultation with the Sec-
18 retary of Agriculture, shall enter into an arrange-
19 ment with the National Academy of Sciences under
20 which the Academy shall conduct a study on the
21 siting, development, and management of projects for
22 the production of wind and solar energy on—

23 (A) land available for energy development
24 that is administered by the Secretary of the In-

1 terior, acting through the Bureau of Land Man-
2 agement; and

3 (B) National Forest System land adminis-
4 tered by the Secretary of Agriculture that is
5 available for energy development.

6 (2) MATTERS TO BE ADDRESSED.—The study
7 shall address—

8 (A) the effectiveness of—

9 (i) laws (including regulations) and
10 policies in effect on the date of enactment
11 of this Act in—

12 (I) facilitating the development of
13 wind and solar energy projects on the
14 land; and

15 (II) ensuring the public receives
16 a fair return for the use of the land;

17 (ii) policies designed to discourage
18 speculation in the development of wind and
19 solar projects on the land;

20 (iii) the land use planning process in
21 siting wind and solar facilities;

22 (iv) mitigation planning for wind and
23 solar projects on the land, particularly with
24 respect to fish and wildlife and water re-
25 sources;

1 (v) best management practices devel-
2 oped by the Secretary of the Interior and
3 the Secretary of Agriculture for wind and
4 solar projects; and

5 (vi) adaptive management of the im-
6 pacts associated with wind and solar
7 projects on the land; and

8 (B) the advantages and disadvantages of
9 using—

10 (i) rights-of-way as a means of au-
11 thorizing the use of the Federal land de-
12 scribed in paragraph (1) for wind and
13 solar energy development; and

14 (ii) a competitive or noncompetitive
15 leasing system as a means of authorizing
16 the use of the Federal land described in
17 paragraph (1) for wind and solar energy
18 development.

19 (b) RECOMMENDATIONS.—The study shall—

20 (1) analyze the matters described in subsection
21 (a)(2); and

22 (2) make recommendations as to—

23 (A) whether a competitive or noncompeti-
24 tive leasing system would be a more effective
25 means than the system in effect on the date of

1 enactment of this Act to authorize the use of
2 Federal land described in subsection (a)(1) to
3 meet the goals of facilitating the development of
4 wind and solar energy projects while achieving
5 a fair return to the public;

6 (B) the most effective system to authorize
7 the use of Federal land described in subsection
8 (a)(1) to meet the goals of facilitating the de-
9 velopment of wind and solar energy projects
10 while achieving a fair return to the public; and

11 (C) changes, if any, to Federal law (includ-
12 ing regulations) or policy necessary to address
13 more effectively the siting, development, and
14 management of solar and wind projects on the
15 land.

16 (c) COMPLETION OF STUDY.—Not later than 18
17 months after the date of enactment of this Act, the Na-
18 tional Academy of Sciences shall—

19 (1) submit to the Secretary of the Interior and
20 the Secretary of Agriculture the findings and rec-
21 ommendations of the study required under sub-
22 sections (a) and (b); and

23 (2) on completion of the study, make the results
24 of the study available to the public.

1 (d) REPORT TO CONGRESS.—Not later than 180 days
2 after the date of receipt of the findings and recommenda-
3 tions of the study under subsection (c)(1), the Secretary
4 of the Interior, in consultation with the Secretary of Agri-
5 culture, shall submit to Congress a report on—

6 (1) the findings and recommendations of the
7 study;

8 (2) the agreement or disagreement of the Secre-
9 taries with respect to each of the findings and rec-
10 ommendations of the National Academy of Sciences;

11 (3) the administrative actions to be taken by
12 each of the Secretaries in response to the findings
13 and recommendations; and

14 (4) any recommended changes in law.