

Federal Government Approves Streamlined Permitting For Large Solar Developments

NOVEMBER 2, 2012

Permit streamlining for large scale solar projects is finally here, sort of. Secretary of the Interior Ken Salazar recently signed a Resource Management Plan ("Plan") covering federally owned lands in Arizona, California, Colorado, Nevada, New Mexico and Utah. The plan establishes 17 Solar Energy Zones (SEZ), spread out over approximately 285,000 acres of public lands that are now more readily available for development of solar facilities of 20 megawatts or greater. In California the plan designates 183,627 acres within two SEZ's (5,717 acres in Imperial County and 147,910 acres in Riverside County).

So, why do we say that this is only "sort of" permit streamlining? Projects within a SEZ will still require environmental review, but that review will not have to repeat the review already covered by the Plan's Environmental Impact Statement. Therefore, future federal environmental review should only have to focus on project specific issues. However, some projects will still need to comply with state environmental review requirements. For example, a project in California that requires a road or transmission line off of federal lands may still require state or local agency discretionary approvals and it will have to comply with the California Environmental Quality Act. In addition, the Plan does little to assist projects located on private or state owned lands, it prohibits development on approximately 79 million acres of federal lands that host sensitive natural or cultural resources and it requires projects on an additional 19 million acres to proceed through a variance procedure that must include at least one public hearing.

In sum, the adoption of the Plan is an important and long awaited step towards expanding the production of domestic renewable energy in the Southwest. Project proponents that want to develop within an SEZ now have a much clearer understanding of where large solar facilities can be located and the scope of environmental review that will be required. Nonetheless, the Plan does not eliminate all permitting risk for solar projects and one needs to strategically develop within a SEZ to take full advantage of the Plan's benefits. Finally, even these streamlined projects need to prepare for the prospect of delay and litigation as opportunities still exist for opposition by environmentalists, tribal, state and local governments and other potentially hostile groups.

McKenna Long and Aldridge LLP's Climate, Energy and Sustainability practice group is experienced in all aspects of the alternative energy industry. Please feel free to contact [Jennifer Chavez](#), [Brian Fish](#) or any other attorneys in the practice group with questions about the Resource Management Plan, permitting and development of alternative energy projects or any other related topic.

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