

112th CONGRESS

2d Session

**H. R. 5991**

To promote the development of renewable energy on public lands, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**June 21, 2012**

Mr. HECK (for himself and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Armed Services and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

**A BILL**

To promote the development of renewable energy on public lands, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) Short Title- This Act may be cited as the 'Public Lands Renewable Energy Development Act of 2012'.

(1) TABLE OF CONTENTS- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I--GEOTHERMAL ENERGY**

Sec. 101. Extension of funding for implementation of Geothermal Steam Act of 1970.

**TITLE II--DEVELOPMENT OF SOLAR AND WIND ENERGY ON PUBLIC LAND**

Sec. 201. Definitions.

Sec. 202. Programmatic environmental impact statements and land use planning.

Sec. 203. Development of solar and wind energy on public land.

Sec. 204. Disposition of revenues.

Sec. 205. Royalties.

Sec. 206. Enforcement of royalty and payment provisions.

Sec. 207. Enforcement.

Sec. 208. Segregation from appropriation under mining and Federal land laws.

Sec. 209. Report.

Sec. 210. Applicability of law.

## **TITLE I--GEOTHERMAL ENERGY**

### **SEC. 101. EXTENSION OF FUNDING FOR IMPLEMENTATION OF GEOTHERMAL STEAM ACT OF 1970.**

(a) In General- Section 234(a) of the Energy Policy Act of 2005 (42 U.S.C. 15873(a)) is amended by striking `in the first 5 fiscal years beginning after the date of enactment of this Act' and inserting `through fiscal year 2020'.

(b) Authorization- Section 234(b) of the Energy Policy Act of 2005 (42 U.S.C. 15873(b)) is amended--

(1) by striking `Amounts' and inserting the following:

`(1) IN GENERAL- Amounts'; and

(2) by adding at the end the following:

`(2) AUTHORIZATION- Effective for fiscal year 2012 and each fiscal year thereafter, amounts deposited under subsection (a) shall be available to the Secretary of the Interior for expenditure, subject to appropriation and without fiscal year limitation, to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and this Act.'.

## **TITLE II--DEVELOPMENT OF SOLAR AND WIND ENERGY ON PUBLIC LAND**

### **SEC. 201. DEFINITIONS.**

In this title:

(1) COVERED LAND- The term `covered land' means land that is--

(A)(i) public land administered by the Secretary; or

(ii) National Forest System land administered by the Secretary of Agriculture; and

(B) not excluded from the development of solar or wind energy under--

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) a land use plan established under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); or

(iii) other law.

(2) PILOT PROGRAM- The term `pilot program' means the wind and solar leasing pilot program established under section 204(a).

(3) PUBLIC LAND- The term `public land' has the meaning given the term `public lands' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(4) SECRETARIES- The term `Secretaries' means--

(A) in the case of public land administered by the Secretary, the Secretary; and

(B) in the case of National Forest System land administered by the Secretary of Agriculture, the Secretary of Agriculture.

(5) SECRETARY- The term `Secretary' means the Secretary of the Interior.

## **SEC. 202. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS AND LAND USE PLANNING.**

(a) Public Land- Not later than 1 year after the date of enactment of this Act, the Secretary shall--

(1) complete and finalize the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (BLM/DES 10-59; DOE/EIS-0403) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the potential impacts of--

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

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

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

(b) National Forest System Land- As soon as practicable but not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall--

(1) prepare and publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the potential impacts of--

(A) a program to develop solar and wind energy on National Forest System land administered by the Secretary of Agriculture; and

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

(2) amend any land use plans as appropriate to provide for the development of renewable energy in areas considered appropriate by the Secretary of Agriculture immediately on completion of the programmatic environmental impact statement.

(c) Effect on Processing Applications- The requirement for completion of programmatic environmental impact statements under this section shall not result in any delay in processing or approving applications for wind or solar development on public land administered by the Secretary or on National Forest System land.

(d) Military Installations-

(1) REPORT-

(A) IN GENERAL- Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Interior, shall conduct a study, and prepare a report, that--

(i) identifies locations on land withdrawn from the public domain and reserved for military purposes that--

(I) exhibit a high potential for solar, wind, geothermal, or other renewable energy production;

(II) are disturbed or otherwise have comparatively low value for other resources; and

(III) could be developed for renewable energy production in a manner consistent with all present and reasonably foreseeable military training and operational missions and research, development, testing, and evaluation requirements; and

(ii) describes the administration of public land withdrawn for military purposes for the development of commercial-scale renewable energy projects, including the legal authorities governing authorization for that use.

(B) RECOMMENDATIONS- The report shall include recommendations on--

(i) necessary changes in any law (including regulations);

(ii) whether the authorization for the use of the land for development of renewable energy projects should be pursuant to lease, contract, right-of-way, permit, or other form of authorization;

(iii) methods of improving coordination among the Federal, State, and local agencies, if any, involved in authorizing the projects; and

(iv) disposition of revenues resulting from the development of renewable energy projects on the land.

(2) ENVIRONMENTAL IMPACT ANALYSIS- Not later than 1 year after the completion of the study required by paragraph (1), the Secretary of Defense, in consultation with the Secretary of the Interior, shall prepare and publish in the Federal Register a notice of intent to prepare an environmental impact analysis document to support a program to develop renewable energy on withdrawn military land identified in the study as suitable for the production.

(3) REPORTS- On completion of the report, the Secretary and the Secretary of Defense shall jointly submit the report required by paragraph (1) to--

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on Natural Resources of the House of Representatives.

## **SEC. 203. DEVELOPMENT OF SOLAR AND WIND ENERGY ON PUBLIC LAND.**

(a) Pilot Program-

(1) IN GENERAL- Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a wind and solar leasing pilot program on covered land administered by the Secretary.

(2) SELECTION OF SITES-

(A) IN GENERAL- Not later than 90 days after the date the pilot program is established under this subsection, the Secretary shall (taking into consideration the multiple resource values of the land) select 2 sites that are appropriate for the development of a solar energy project, and 2 sites that are appropriate for the development of a wind energy project, on covered land administered by the Secretary as part of the pilot program.

(B) SITE SELECTION- In carrying out subparagraph (A), the Secretary shall seek to select sites--

(i) for which there is likely to be a high level of industry interest;

(ii) that have a comparatively low value for other resources; and

(iii) that are representative of sites on which solar or wind energy is likely to be developed on covered land.

(C) INELIGIBLE SITES- The Secretary shall not select as part of the pilot program any site for which a right-of way for site testing or construction has been issued.

(3) QUALIFICATIONS- Prior to any lease sale, the Secretary shall establish qualifications for bidders that ensure bidders--

(A) are able to expeditiously develop a wind or solar energy project on the site for lease;

(B) possess--

(i) financial resources necessary to complete a project;

(ii) knowledge of the applicable technology; and

(iii) such other qualifications as are determined appropriate by the Secretary; and

(C) meet the eligibility requirements for leasing under the first section of the Mineral Leasing Act (30 U.S.C. 181).

(4) LEASE SALES-

(A) IN GENERAL- Except as provided in subparagraph (D)(ii), not later than 180 days after the date sites are selected under paragraph (2), the Secretary shall offer each site for competitive leasing to qualified bidders under such terms and conditions as are required by the Secretary.

(B) BIDDING SYSTEMS-

(i) IN GENERAL- In offering the sites for lease, the Secretary may vary the bidding systems to be used at each lease sale, including--

(I) cash bonus bids with a requirement for payment of the royalty established under this Act;

(II) variable royalty bids based on a percentage of the gross proceeds from the sale of electricity produced from the lease, except that the royalty shall not be less than the royalty required under this Act, together with a fixed cash bonus; and

(III) such other bidding system as ensures a fair return to the public consistent with the royalty established under this Act.

(ii) ROUND- The Secretary shall limit bidding to 1 round in any lease sale.

(iii) EXPENDITURES- In any case in which the land that is subject to lease has 1 or more pending applications for the development of wind or solar energy at the time of the lease sale, the Secretary shall give credit toward any bid submitted by the applicant for expenditures of the applicant considered by the Secretary to be qualified and necessary for the preparation of the application.

(C) REVENUES- Bonus bids, royalties, rentals, fees, or other payments collected by the Secretary under this section shall be subject to section 5.

(D) LEASE TERMS-

(i) IN GENERAL- As part of the pilot program, the Secretary may vary the length of the lease terms and establish such other lease terms and conditions as the Secretary considers appropriate.

(ii) DATA COLLECTION- As part of the pilot program, the Secretary shall--

(I) offer on a noncompetitive basis on at least 1 site a short-term lease for data collection; and

(II) on the expiration of the short-term lease, offer on a competitive basis a long-term lease, giving credit toward the bonus bid to the holder of the short-term lease for any qualified expenditures to collect data to develop the site during the short-term lease.

(5) COMPLIANCE WITH LAWS- In offering for lease the selected sites under paragraph (4), the Secretary shall comply with all applicable environmental and other laws.

(6) REPORT- The Secretary shall--

(A) compile a report of the results of each lease sale under the pilot program, including--

(i) the level of competitive interest;

(ii) a summary of bids and revenues received; and

(iii) any other factors that may have impacted the lease sale process; and

(B) not later than 90 days after the final lease sale, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the report described in subparagraph (A).

(7) RIGHTS-OF-WAY- During the pendency of the pilot program, the Secretary shall continue to issue rights-of-way, in compliance with authority in effect on the date of enactment of this Act, for available sites not selected for the pilot program.

(b) Secretarial Determination-

(1) IN GENERAL- Not later than 2 years after the date of enactment of this Act, the Secretaries shall make a joint determination on whether to establish a leasing program under this section for wind or solar energy, or both, on all covered land.

(2) SYSTEM- If the Secretaries determine that a leasing program should be established, the program shall apply to all covered land in accordance with this Act and other provisions of law applicable to public land or National Forest System land.

(3) ESTABLISHMENT- The Secretaries shall establish a leasing program unless the Secretaries determine that the program--

(A) is not in the public interest; and

(B) does not provide an effective means of developing wind or solar energy.

(4) CONSULTATION- In making the determinations required under this subsection, the Secretaries shall consult with--

(A) the heads of other relevant Federal agencies;

(B) interested States, Indian tribes, and local governments;

(C) representatives of the solar and wind industries;

(D) representatives of the environment, conservation, and outdoor sporting communities;

(E) other users of the covered land; and

(F) the public.

(5) CONSIDERATIONS- In making the determinations required under this subsection, the Secretaries shall consider the results of the pilot program.

(6) REGULATIONS- Not later than 1 year after the date on which any determination is made to establish a leasing program, the Secretaries shall jointly promulgate final regulations to implement the program.

(7) REPORT- If the Secretaries determine that a leasing program should not be established, not later than 60 days after the date of the determination, the Secretaries shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the basis and findings for the determination.

(c) Transition-

(1) IN GENERAL- If the Secretaries determine under subsection (b) that a leasing program should be established for covered land, until the program is established and final regulations for the program are issued--

(A) the Secretary shall continue to accept applications for rights-of-way on covered land, and provide for the issuance of rights-of-way on covered land within the jurisdiction of the Secretary for the development of wind or solar energy pursuant to each requirement described in title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and other applicable law; and

(B) the Secretary of Agriculture shall continue to accept applications for authorizations, and provide for the issuance of the authorizations, for the development of wind or solar energy on covered land within the jurisdiction of the Secretary pursuant to applicable law.

(2) EXISTING RIGHTS-OF-WAY AND AUTHORIZATIONS-

(A) IN GENERAL- Effective beginning on the date on which the wind or solar leasing programs are established and final regulations are issued, the Secretaries shall not renew an existing right-of-way or other authorization for wind or solar energy development at the end of the term of the right-of-way or authorization.

(B) LEASE-

(i) IN GENERAL- Subject to clause (ii), at the end of the term of the right-of-way or other authorization for the wind or solar energy project, the Secretary or, in the case of National Forest System land, the Secretary of Agriculture, shall grant, without a competitive process, a lease to the holder of the right-of-way or other authorization for the same covered land as was authorized under the right-of-way or other authorization if (as determined by the Secretary concerned)--

(I) the holder of the right-of-way or other authorization has met the requirements of diligent development; and



(II) issuance of the lease is in the public interest and consistent with applicable law.

(ii) TERMS AND CONDITIONS- Any lease described in clause (i) shall be subject to--

(I) terms and conditions that are consistent with this Act and the regulations issued under this Act; and

(II) the regulations in effect on the date of renewal and any other terms and conditions that the Secretary considers necessary to protect the public interest.

(3) PENDING RIGHTS-OF-WAY- Effective beginning on the date on which the wind or solar leasing programs are established and final regulations for the programs are issued, the Secretary or, with respect to National Forest System land, the Secretary of Agriculture shall provide any applicant that has filed a plan of development for a right-of-way or, in the case of National Forest System land, for an applicable authorization, for a wind or solar energy project with an option to acquire a lease on a noncompetitive basis, under such terms and conditions as are required by this Act, applicable regulations, and the Secretary concerned, for the same covered land included in the plan of development if--

(A) the plan of development has been determined by the Secretary concerned to be adequate for the initiation of environmental review;

(B) granting the lease is consistent with all applicable land use planning, environmental, and other laws;

(C) the applicant has made a good faith effort to obtain a right-of-way or, in the case of National Forest System land, other authorization, for the project; and

(D) issuance of the lease is in the public interest.

(d) Leasing Program- If the Secretaries determine under subsection (b) that a leasing program should be established, the program shall be established in accordance with subsections (e) through (k).

(e) Competitive Leases-

(1) IN GENERAL- Except as provided in paragraph (2), leases for wind or solar energy development under this section shall be issued on a competitive basis with a single round of bidding in any lease sale.

(2) EXCEPTIONS- Paragraph (1) shall not apply if the Secretary or, with respect to National Forest System land, the Secretary of Agriculture determines that--

(A) no competitive interest exists for the covered land;

(B) the public interest would not be served by the competitive issuance of a lease;

(C) the lease is for the placement and operation of a meteorological or data collection facility or for the development or demonstration of a new wind or solar technology and has a term of not more than 5 years; or

(D) the covered land is eligible to be granted a noncompetitive lease under subsection (c).

(f) Payments-

(1) IN GENERAL- The Secretaries shall jointly establish--

(A) fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease issued under this section; and

(B) royalties pursuant to section 6 that apply to all leases issued under this section.

(2) BONUS BIDS- The Secretaries may grant credit toward any bonus bid for a qualified expenditure by the holder of a lease described in subsection (e)(2)(C) in any competitive lease sale held for a long-term lease covering the same land covered by the lease described in subsection (e)(2)(C).

(g) Qualifications- Prior to any lease sale, the Secretary shall establish qualifications for bidders that ensure bidders meet the requirements described in section 4(a)(3).

(h) Requirements- The Secretaries shall ensure that any activity under a leasing program is carried out in a manner that--

(1) is consistent with all applicable land use planning, environmental, and other laws; and

(2) provides for--

(A) safety;

(B) protection of the environment and fish and wildlife habitat;

(C) mitigation of impacts;

(D) prevention of waste;

(E) diligent development of the resource, with specific milestones to be met by the lessee as determined by the Secretaries;

(F) coordination with applicable Federal agencies;

(G) a fair return to the United States for any lease;

(H) use of best management practices, including planning and practices for mitigation of impacts;

(I) public notice and comment on any proposal submitted for a lease under this section;

(J) oversight, inspection, research, monitoring, and enforcement relating to a lease under this section;

(K) the quantity of acreage to be commensurate with the size of the project covered by a lease; and

(L) efficient use of water resources.

(i) Lease Duration, Suspension, and Cancellation-

(1) DURATION- A lease under this section shall be for--

(A) an initial term of 25 years; and

(B) any additional period after the initial term during which electricity is being produced annually in commercial quantities from the lease.

(2) ADMINISTRATION- The Secretary shall establish terms and conditions for the issuance, transfer, renewal, suspension, and cancellation of a lease under this section.

(3) READJUSTMENT-

(A) IN GENERAL- Royalties, rentals, and other terms and conditions of a lease under this section shall be subject to readjustment--

(i) on the date that is 15 years after the date on which the lease is issued; and

(ii) every 10 years thereafter.

(B) LEASE- Each lease issued under this Act shall provide for readjustment in accordance with subparagraph (A).

(j) Surface-Disturbing Activities- The Secretaries shall--

(1) regulate all surface-disturbing activities conducted pursuant to any lease issued under this section; and

(2) require any necessary reclamation and other actions under the lease as are required in the interest of conservation of surface resources.

(k) Security- The Secretaries shall require the holder of a lease issued under this section--

(1) to furnish a surety bond or other form of security, as prescribed by the Secretaries;

(2) to provide for the reclamation and restoration of the area covered by the lease; and

(3) to comply with such other requirements as the Secretaries consider necessary to protect the interests of the public and the United States.

(l) Periodic Review- Not less frequently than once every 5 years, the Secretary shall conduct a review of the adequacy of the surety bond or other form of security provided by the holder of a lease issued under this section.

## **SEC. 204. DISPOSITION OF REVENUES.**

(a) Disposition of Revenues- Of the amounts collected as bonus bids, royalties, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization for the development of wind or solar energy on covered land--

(1) 25 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the income is derived;

(2) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the income is derived;

(3) 15 percent shall--

(A) for the period beginning on the date of enactment of this Act and ending on the date that is 15 years after the date of enactment of this Act, be deposited in the Treasury of the United States to help facilitate the processing of renewable energy permits by the Bureau of Land Management, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land; and

(B) beginning on the date that is 15 years after the date of enactment of this Act, be deposited in the Fund; and

(4) 35 percent shall be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c).

(b) Payments to States and Counties--

(1) IN GENERAL- Except as provided in paragraph (2), amounts paid to States and counties under subsection (a) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) IMPACTS ON FEDERAL LAND- Not less than 33 percent of the amount paid to a State shall be used on an annual basis for the purposes described in subsection (c)(2)(A).

(c) Renewable Energy Resource Conservation Fund--

(1) IN GENERAL- There is established in the Treasury a fund, to be known as the 'Renewable Energy Resource Conservation Fund', to be administered by the Secretary for use in regions impacted by the development of wind or solar energy.

(2) USE--

(A) IN GENERAL- Amounts in the Fund shall be available to the Secretary, who may make amounts available to the Secretary of Agriculture and to other Federal or State agencies, as appropriate, for the purposes of--

(i) addressing and offsetting the impacts of wind or solar development on Federal land, including restoring and protecting--

(I) fish and wildlife habitat for affected species;

(II) fish and wildlife corridors for affected species; and

(III) water resources in areas impacted by wind or solar energy development;

(ii) securing recreational access to Federal land through an easement, right-of-way, or fee title acquisition from willing sellers for the purpose of providing enhanced public access to existing Federal land that is inaccessible or significantly restricted; and

(iii) carrying out activities authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) in the State.

(B) **ADVISORY BOARD-** The Secretary shall establish an independent advisory board composed of key stakeholders and technical experts to provide recommendations and guidance on the disposition of any amounts expended from the Fund.

(3) **MITIGATION REQUIREMENTS-** The expenditure of funds under this subsection shall be in addition to any mitigation requirements imposed pursuant to any law, regulation, or term or condition of any lease, right-of-way, or other authorization.

(4) **INVESTMENT OF FUND-**

(A) **IN GENERAL-** Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) **USE-** Any interest earned under subparagraph (A) may be expended in accordance with this subsection.

## **SEC. 205. ROYALTIES.**

(a) **In General-** The Secretaries shall require as a term and condition of any lease, right-of-way, permit, or other authorization for the development of wind or solar energy on covered land the payment of a royalty established by the Secretaries pursuant to a joint rulemaking that shall be a percentage of the gross proceeds from the sale of electricity at a rate that--

(1) encourages production of solar or wind energy;

(2) ensures a fair return to the public comparable to the return that would be obtained on State and private land; and

(3) encourages the maximum energy generation while disturbing the least quantity of covered land and other natural resources, including water.

(b) **Amount-** The royalty on electricity produced using wind or solar resources shall be--

(1) not less than 1 percent, and not more than 2.5 percent, of the gross proceeds from the sale of electricity produced from the resources during the first 10 years of production; and

(2) not less than 2 percent, and not more than 5 percent, of the gross proceeds from the sale of electricity produced from the resources during each year after that initial 10-year period.

(c) **Different Royalty Rates-** The Secretaries may establish--

(1) a different royalty rate for wind or solar energy generation; and

(2) a reduced royalty rate for projects located within a zone identified for development of solar or wind energy.

(d) Royalty in Lieu of Rent- During the period of production, a royalty shall be collected in lieu of any rent for the land from which the electricity is produced.

(e) Royalty Relief- To promote the generation of renewable energy, the Secretaries may reduce any royalty otherwise required on a showing by clear and convincing evidence by the person holding a lease, right-of-way, permit, or other authorization for the development of wind or solar energy on covered land under which the generation of energy is or will be produced in commercial quantities that--

(1) collection of the full royalty would unreasonably burden energy generation; and

(2) the royalty reduction is in the public interest.

(f) Periodic Review and Report-

(1) IN GENERAL- Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall--

(A) complete a review of collections and impacts of the royalty and fees provided under this Act; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the review.

(2) TOPICS- The report shall address--

(A) the total revenues received (by category) on an annual basis as royalties from wind, solar, and geothermal development and production (specified by energy source) on covered land;

(B) whether the revenues received for the development of wind, solar, and geothermal development are comparable to the revenues received for similar development on State and private land;

(C) any impact on the development of wind, solar, and geothermal development and production on covered land as a result of the royalties; and

(D) any recommendations with respect to changes in Federal law (including regulations) relating to the amount or method of collection (including auditing, compliance, and enforcement) of the royalties.

(g) Regulations- Not later than 1 year after the date of enactment of this Act, the Secretaries shall jointly issue final regulations to carry out this section.

## **SEC. 206. ENFORCEMENT OF ROYALTY AND PAYMENT PROVISIONS.**

(a) Duties of the Secretary- The Secretary shall establish a comprehensive inspection, collection, fiscal, and production accounting and auditing system--

(1) to accurately determine royalties, rentals, interest, fines, penalties, fees, deposits, and other payments owed under this Act; and

(2) to collect and account for the payments in a timely manner.

(b) Applicability of Other Law- The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) (including the civil and criminal enforcement provisions of that Act) shall apply to leases, permits, rights-of-way, or other authorizations issued for the development of solar or wind energy on covered land and the holders and operators of the leases, permits, rights-of-way, or other authorizations (and designees) under this title, except that in applying that Act--

(1) `wind or solar leases, permits, rights-of-way, or other authorizations' shall be substituted for `oil and gas leases';

(2) `electricity generated from wind or solar resources' shall be substituted for `oil and gas' (when used as nouns);

(3) `lease, permit, right-of-way, or other authorization for the development of wind or solar energy' shall be substituted for `lease' and `lease for oil and gas' (when used as nouns); and

(4) `lessee, permittee, right-of-way holder, or holder of an authorization for the development of wind or solar energy' shall be substituted for `lessee'.

## **SEC. 207. ENFORCEMENT.**

(a) In General- Sections 302(c) and 303 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c), 1733) shall apply to activities conducted on covered land under this title.

(b) Applicability of Other Enforcement Provisions- Nothing in this title reduces or limits the enforcement authority vested in the Secretary or the Attorney General by any other law.

## **SEC. 208. SEGREGATION FROM APPROPRIATION UNDER MINING AND FEDERAL LAND LAWS.**

(a) In General- On covered land identified by the Secretary or the Secretary of Agriculture for the development of solar or wind power under this title or other applicable law, the Secretary or the Secretary of Agriculture may temporarily segregate the identified land from appropriation under the mining and public land laws.

(b) Administration- Segregation of covered land under this section--

(1) may only be made for a period not to exceed 10 years; and

(2) shall be subject to valid existing rights as of the date of the segregation.

## **SEC. 209. REPORT.**

### **(a) Study-**

(1) **IN GENERAL-** Not later than 180 days after the date of enactment of this Act, the Secretaries shall carry out a study on the siting, development, and management of projects to determine the feasibility of carrying out a conservation banking program on land administered by the Secretaries.

(2) **CONTENTS-** The study under paragraph (1) shall--

(A) identify areas in which--

(i) privately owned land is not available to offset the impacts of solar or wind energy development on federally administered land; or

(ii) mitigation investments on federally administered land are likely to provide greater conservation value for impacts of solar or wind energy development on federally administered land; and

(B) examine--

(i) the effectiveness of laws (including regulations) and policies in effect on the date of enactment of this Act in facilitating the development of conservation banks;

(ii) the advantages and disadvantages of using conservation banks on Federal land to mitigate impacts to natural resources on private land; and

(iii) any changes in Federal law (including regulations) or policy necessary to further develop a Federal conservation banking program.

(b) **Report to Congress-** Not later than 18 months after the date of enactment of this Act, the Secretaries shall jointly submit to Congress a report that includes--

(1) the recommendations of the Secretaries relating to--

(A) the most effective system for Federal land described in subsection (a)(2)(A) to meet the goals of facilitating the development of a conservation banking program on Federal land; and

(B) any change to Federal law (including regulations) or policy necessary to address more effectively the siting, development, and management of conservation banking programs on Federal land to mitigate impacts to natural resources on private land; and

(2) any administrative action to be taken by the Secretaries in response to the recommendations.

(c) **Availability to the Public-** Not later than 30 days after the date on which the report described in subsection (b) is submitted to Congress, the Secretaries shall make the results of the study available to the public.



## **SEC. 210. APPLICABILITY OF LAW.**

(a) Rental Fee Exemption- Wind or solar generation projects with a capacity of 20 megawatts or more that are issued a lease, right-of-way, permit, or other authorization under applicable law shall not be subject to the rental fee exemption for rights-of-way under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)).

(b) Fees, Charges, and Commissions- Section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734) shall apply to an application made under section 4.

*END*