

111TH CONGRESS
2D SESSION

H. R. 5508

To provide for the development of solar pilot project areas on public land
in Lincoln County, Nevada.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2010

Mr. HELLER introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To provide for the development of solar pilot project areas
on public land in Lincoln County, Nevada.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Solar En-
5 ergy Pilot Leasing Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNTY.—The term “County” means Lin-
9 coln County, Nevada.

1 (2) FEDERAL LAND.—The term “Federal land”
 2 means any of the Federal land in the State under
 3 the administrative jurisdiction of the Bureau of
 4 Land Management that is identified as a “solar de-
 5 velopment zone” on the maps.

6 (3) FUND.—The term “Fund” means the Re-
 7 newable Energy Mitigation and Fish and Wildlife
 8 Fund established by section 3(d)(5)(A).

9 (4) MAP.—The term “map” means each of—

10 (A) the map entitled “Dry Lake Valley
 11 Solar Development Zone” and dated May 25,
 12 2010; and

13 (B) the map entitled “Delamar Valley
 14 Solar Development Zone” and dated May 25,
 15 2010.

16 (5) SECRETARY.—The term “Secretary” means
 17 the Secretary of the Interior, acting through the Di-
 18 rector of the Bureau of Land Management.

19 (6) STATE.—The term “State” means the State
 20 of Nevada.

21 **SEC. 3. DEVELOPMENT OF SOLAR PILOT PROJECT AREAS**
 22 **ON PUBLIC LAND IN LINCOLN COUNTY, NE-**
 23 **VADA.**

24 (a) DESIGNATION.—In accordance with sections 201
 25 and 202 of the Federal Land Policy and Management Act

1 of 1976 (43 U.S.C. 1711, 1712) and subject to valid exist-
2 ing rights, the Secretary shall designate the Federal land
3 as a solar pilot project area.

4 (b) APPLICABLE LAW.—The designation of the solar
5 pilot project area under subsection (a) shall be subject to
6 the requirements of—

7 (1) this Act;

8 (2) the Federal Land Policy and Management
9 Act of 1976 (43 U.S.C. 1701 et seq.); and

10 (3) any other applicable law (including regula-
11 tions).

12 (c) SOLAR LEASE SALES.—

13 (1) IN GENERAL.—The Secretary shall conduct
14 lease sales and issue leases for commercial solar en-
15 ergy development on the Federal land, in accordance
16 with this subsection.

17 (2) DEADLINE FOR LEASE SALES.—Not later
18 than 60 days after the date of enactment of this
19 Act, the Secretary, after consulting with affected
20 governments and other stakeholders, shall conduct
21 lease sales for the Federal land.

22 (3) EASEMENTS, SPECIAL-USE PERMITS, AND
23 RIGHTS-OF-WAY.—Except for the temporary place-
24 ment and operation of testing or data collection de-
25 vices, as the Secretary determines to be appropriate,

1 and the rights-of-way granted under section
2 301(b)(1) of the Lincoln County Conservation,
3 Recreation, and Development Act of 2004 (Public
4 Law 108–424; 118 Stat. 2413) and BLM Case File
5 N–78803, no new easements, special-use permits, or
6 rights-of-way shall be allowed on the Federal land
7 during the period beginning on the date of enact-
8 ment of this Act and ending on the date of the
9 issuance of a lease for the Federal land.

10 (4) DILIGENT DEVELOPMENT REQUIRE-
11 MENTS.—In issuing a lease under this subsection,
12 the Secretary shall include work requirements and
13 mandatory milestones—

14 (A) to ensure that diligent development is
15 carried out under the lease; and

16 (B) to reduce speculative behavior.

17 (5) LAND MANAGEMENT.—The Secretary
18 shall—

19 (A) establish the duration of leases issued
20 under this subsection;

21 (B) include provisions in the lease requir-
22 ing the holder of a lease granted under this
23 subsection—

1 (i) to furnish a reclamation bond or
2 other form of security determined to be ap-
3 propriate by the Secretary;

4 (ii) on completion of the activities au-
5 thorized by the lease—

6 (I) to restore the Federal land
7 that is subject to the lease to the con-
8 dition in which the Federal land ex-
9 isted before the lease was granted; or

10 (II) to conduct mitigation activi-
11 ties if restoration of the land to the
12 condition described in subclause (I) is
13 impracticable; and

14 (iii) to comply with such other re-
15 quirements as the Secretary considers nec-
16 essary to protect the interests of the public
17 and the United States; and

18 (C)(i) establish best management practices
19 to ensure the sound, efficient, and environ-
20 mentally responsible development of solar re-
21 sources on the Federal land in a manner that
22 would avoid, minimize, and mitigate actual and
23 anticipated impacts to habitat and ecosystem
24 function resulting from the development; and

1 (ii) include provisions in the lease requiring
2 renewable energy operators to comply with the
3 practices established under clause (i).

4 (d) ROYALTIES.—

5 (1) IN GENERAL.—The Secretary shall establish
6 royalties, fees, rentals, bonuses, and any other pay-
7 ments the Secretary determines to be appropriate to
8 ensure a fair return to the United States for any
9 lease issued under this section.

10 (2) RATE.—Any lease issued under this section
11 shall require the payment of a royalty established by
12 the Secretary by regulation in an amount that is
13 equal to a percentage of the gross proceeds from the
14 sale of electricity at a rate that—

15 (A) encourages production of solar energy;

16 (B) ensures a fair return to the public
17 comparable to the return that would be ob-
18 tained on State and private land; and

19 (C) encourages the maximum energy gen-
20 eration practicable using the least amount of
21 land and other natural resources, including
22 water.

23 (3) ROYALTY RELIEF.—To promote the max-
24 imum generation of renewable energy, the Secretary
25 may provide that no royalty or a reduced royalty is

1 required under a lease for a period not to exceed 5
2 years beginning on the date on which generation is
3 initially commenced on the Federal land subject to
4 the lease.

5 (4) DISPOSITION OF PROCEEDS.—

6 (A) IN GENERAL.—Of the amounts col-
7 lected as royalties, fees, rentals, bonuses, or
8 other payments under a lease issued under this
9 section—

10 (i) 25 percent shall be paid by the
11 Secretary of the Treasury to the State
12 within the boundaries of which the income
13 is derived;

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

18 (iii) 15 percent shall—

19 (I) for the period beginning on
20 the date of enactment of this Act and
21 ending on the date specified in sub-
22 clause (II), be deposited in the Treas-
23 ury of the United States to help facili-
24 tate the processing of renewable en-
25 ergy permits by the Bureau of Land

1 Management in the State, subject to
2 subparagraph (B)(i)(I); and

3 (II) beginning on the date that is
4 10 years after the date of enactment
5 of this Act, be deposited in the Fund;
6 and

7 (iv) 35 percent shall be deposited in
8 the Fund.

9 (B) LIMITATIONS.—

10 (i) RENEWABLE ENERGY PERMITS.—
11 For purposes of subclause (I) of subpara-
12 graph (A)(iii)—

13 (I) not more than \$10,000,000
14 shall be deposited in the Treasury at
15 any 1 time under that subclause; and

16 (II) the following shall be depos-
17 ited in the Fund:

18 (aa) Any amounts collected
19 under that subclause that are not
20 obligated by the date specified in
21 subparagraph (A)(iii)(II).

22 (bb) Any amounts that ex-
23 ceed the \$10,000,000 deposit
24 limit under subclause (I).

1 (ii) FUND.—Any amounts deposited
2 in the Fund under clause (i)(II) or sub-
3 paragraph (A)(iii)(II) shall be in addition
4 to amounts deposited in the Fund under
5 subparagraph (A)(iv).

6 (5) RENEWABLE ENERGY MITIGATION AND
7 FISH AND WILDLIFE FUND.—

8 (A) ESTABLISHMENT.—There is estab-
9 lished in the Treasury of the United States a
10 fund, to be known as the “Renewable Energy
11 Mitigation and Fish and Wildlife Fund”, to be
12 administered by the Secretary, for use in the
13 State.

14 (B) USE OF FUNDS.—Amounts in the
15 Fund shall be available to the Secretary, who
16 may make the amounts available to the State or
17 other interested parties for the purposes of—

18 (i) mitigating impacts of renewable
19 energy on public land, with priority given
20 to land affected by the solar development
21 zones designated under this Act, includ-
22 ing—

23 (I) protecting wildlife corridors
24 and other sensitive land; and

1 (II) fish and wildlife habitat res-
2 toration; and

3 (ii) carrying out activities authorized
4 under the Land and Water Conservation
5 Fund Act of 1965 (16 U.S.C. 4601–4 et
6 seq.) in the State.

7 (C) AVAILABILITY OF AMOUNTS.—
8 Amounts in the Fund shall be available for ex-
9 penditure, in accordance with this paragraph,
10 without further appropriation, and without fis-
11 cal year limitation.

12 (D) INVESTMENT OF FUND.—

13 (i) IN GENERAL.—Any amounts de-
14 posited in the Fund shall earn interest in
15 an amount determined by the Secretary of
16 the Treasury on the basis of the current
17 average market yield on outstanding mar-
18 ketable obligations of the United States of
19 comparable maturities.

20 (ii) USE.—Any interest earned under
21 clause (i) may be expended in accordance
22 with this paragraph.

23 (e) PRIORITY DEVELOPMENT.—

24 (1) IN GENERAL.—Within the County, the Sec-
25 retary shall give highest priority consideration to im-

1 plementation of the solar lease sales provided for
2 under this Act.

3 (2) EVALUATION.—The Secretary shall evaluate
4 other solar development proposals in the County not
5 provided for under this Act in consultation with the
6 State, County, and other interested stakeholders.

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