



MEMORANDUM OF UNDERSTANDING

between

UNITED STATES DEPARTMENT OF THE INTERIOR

and

UNITED STATES DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF DEFENSE

UNITED STATES DEPARTMENT OF ENERGY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

to

IMPROVE PUBLIC LAND RENEWABLE ENERGY PROJECT PERMIT COORDINATION

I. FEDERAL AGENCIES

A. This Memorandum of Understanding (MOU) is entered into among:

1. The United States Department of the Interior (DOI), through the:
 - Bureau of Land Management (BLM);
 - United States Fish and Wildlife Service (FWS);
 - Bureau of Indian Affairs (BIA);
 - National Park Service (NPS);
 - Bureau of Reclamation (Reclamation); and
 - United States Geological Survey (USGS);
2. The United States Department of Agriculture (USDA) through the Forest Service (Forest Service);
3. The United States Department of Defense (DoD), through:
 - Military Aviation and Installation Assurance Siting Clearinghouse (DoD Clearinghouse);
 - United States Army Corps of Engineers (USACE);
4. The United States Department of Energy (DOE); and
5. The United States Environmental Protection Agency (EPA)

II. DEFINITIONS

For purposes of this MOU, the following definitions apply.

A. FEDERAL LAND: The term “Federal land” means:

1. Public land as defined by section 103(e) of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. §1702(e)); or
2. National Forest System (NFS) land as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (FRRRPA) (16 U.S.C. §1609(a).

B. COVERED LAND: The term “covered land” means land that is:

1. Federal land administered by the Secretary concerned; and
2. Not excluded from the development of geothermal, solar, or wind energy under:
 - a. A land use plan; or
 - b. Other Federal law.

C. LAND USE PLAN: The term “land use plan” means:

1. For public land, a land use plan established under FLPMA (43 U.S.C. §1701 et seq.); and
2. For NFS land, a land management plan approved, amended, or revised under section 6 of the FRRRPA (16 U.S.C. §1604).

D. ELIGIBLE PROJECT: The term “eligible project” means a project proposed on covered land that uses wind, solar, or geothermal energy to generate electric energy.

E. SECRETARY: The term “Secretary” means the Secretary of the Interior, unless otherwise indicated.

F. PARTICIPATING AGENCIES: The term “Participating Agencies” means the Federal agencies (DOI, USDA, DoD, DOE, and EPA) that are signatories to this MOU.

G. STATE SIGNATORY: The term “State Signatory” means any State government that enters into this MOU.

H. TRIBAL SIGNATORY: The term “Tribal Signatory” means the authorized representative of the government of a Tribal entity recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as an Indian Tribe that enters into this MOU in addition to the Federal agencies.

I. FEDERAL AGENCY REVIEWS: The term “Federal Agency Reviews” includes review, consultation, and coordination processes among Federal agencies whose jurisdiction and expertise are relevant to planning, development authorizations (leases, rights-of way, *etc.*), eligible project permitting processes and evaluation, and other applicable regulatory compliance and decision making.

J. RENEWABLE ENERGY COORDINATION OFFICE (RECO): The term RECO refers to the interagency offices established pursuant to the Energy Act of 2020 (43 U.S.C. 3002) with responsibility to establish and implement a program to improve Federal permitting coordination for eligible projects proposed on covered lands and other such activities the Secretary determines necessary. Hereinafter, “BLM RECOs” refers to those RECOs established at the field-level and housed within the BLM organization, even if they include staff from other agencies, and “National RECO” refers to the interagency working group made up of representatives from the headquarters of each Participating Agency.

III. PURPOSE

The Participating Agencies enter into this MOU to prioritize and expedite Federal Agency Reviews and permitting decisions for eligible projects and such other activities as the Secretary determines necessary.

This MOU implements the direction in 43 U.S.C. §§ 3001-3005, Pub. L. No. 116-260 (December 27, 2020), hereinafter “Energy Act of 2020.” Pursuant to the Energy Act of 2020, the Secretary established a National Renewable Energy Coordination Office (National RECO) within BLM Headquarters and five RECOs in the western States with responsibility to implement a program to improve Federal permit coordination for eligible projects. To carry out this program, the Participating Agencies resolve to establish interagency coordination teams that will include qualified staff with particular subject matter expertise and that will, subject to available funding, facilitate preparation of environmental reviews, consultation, coordination and documentation to accelerate renewable energy decision making for eligible projects on covered lands, and to coordinate all environmental and other agency reviews necessary for planning, siting and authorization—if appropriate—of eligible projects in accordance with FLPMA, the FRRRPA, and the Geothermal Steam Act (30 U.S.C. §§ 1001 *et seq.*) (GSA), including coordination and reviews required for compliance with the Bald and Golden Eagle Protection Act (BGEPA), Clean Air Act (CAA), Clean Water Act (CWA), Coastal Zone Management Act (CZMA), Endangered Species Act (ESA), Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), Marine Mammal Protection Act (MMPA), National Marine Sanctuaries Act (NMSA), Fish and Wildlife Coordination Act (FWCA), Migratory Bird Treaty Act (MBTA), Rivers and Harbors Act (RHA), National Environmental Policy Act (NEPA), and National Historic Preservation Act (NHPA), as specified in section IV.

Among other goals and objectives, this MOU was developed pursuant to 43 U.S.C. § 3002(b), and aims to improve Participating Agency coordination and streamline Federal Agency Reviews and permitting decisions on eligible projects to facilitate the national goal of authorizing at least 25 gigawatts of renewable energy on covered lands administered by DOI and USDA by December 31, 2025 (43 U.S.C. § 3004), with additional potential authorization of eligible projects on covered lands between 2025 and 2030, while continuing to manage Federal lands under principles of multiple use and sustained yield in accordance with FLPMA and the FRRRPA (43 U.S.C. § 3005). In the course of conducting the Federal Agency Reviews, consideration will be given to the protection for cultural resources and sacred sites as well as the Nation’s land, water, and biodiversity, and fostering creation of jobs to support local communities. The goals of improved Federal permit coordination and expedited permitting decisions under this MOU also apply to relevant aspects of Participating Agency coordination related to supporting activities for eligible projects—such as land use planning, electric transmission, energy storage (e.g., battery storage and pumped storage), research and development of new technologies—and any other associated Participating Agency responsibilities and activities promoting achievement of onshore renewable energy goals on covered lands.

IV. AUTHORITIES

The Energy Act of 2020 (43 U.S.C. § 3002(b)) directs the Secretary of the Interior to enter into this MOU with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Defense. The Secretary of the Interior has also included the Secretary of Energy in this MOU due to that Department’s responsibilities and relevant expertise that will aid in improving coordination for renewable energy permitting in the United States. In addition to the Energy Act of 2020, the participating agencies and signatories have special expertise, jurisdiction, or responsibilities to contribute to the goals of the Energy Act of 2020 in conducting Federal Agency Reviews pursuant to the following authorities, respectively:

- A. The BLM enters this MOU based on the authority in section 307(b) of FLPMA, (43 U.S.C. § 1737(b));
- B. FWS enters this MOU pursuant to its authority in the ESA of 1973 (16 U.S.C. §§ 1531-1544); NEPA (42 U.S.C. §§ 4321 *et seq.*); the MBTA (16 U.S.C. §§ 701 *et seq.*) and BGEPA (16 U.S.C. § 668);

- C. The BIA enters this MOU pursuant to the authority in 25 CFR parts 162, 169, and 175 to assist in the appropriate coordination of requirements for rights-of-way related to renewable energy projects;
- D. The NPS enters this MOU pursuant to the authority in the National Park Service Organic Act of 1916, as amended and supplemented (54 U.S.C. §§ 100101(b) *et seq.*);
- E. Reclamation enters this MOU pursuant to the authority in the Reclamation Act of 1902 (Ch. 1093, 32 Stat 388; 43 U.S.C. §§ 391 *et seq.*) as amended and supplemented; the Interior Department Appropriations Act for 1928 (Act of January 12, 1927; 44 Stat. 957; 43 U.S.C. § 397a); Reclamation Project Act, August 4, 1939 (53 Stat. 1196; 43 U.S.C. § 387); Use of Bureau of Reclamation Land, Facilities, and Waterbodies (43 CFR 429); NHPA (54 U.S.C. §§ 300101 *et seq.*); and NEPA;
- F. The USGS enters this MOU pursuant to the authority in the Organic Act of March 3, 1879, as amended (43 U.S.C. 31 *et seq.*);
- G. The Forest Service enters this MOU pursuant to the authority in the Organic Administration Act (16 U.S.C. § 551); Multiple Use–Sustained Yield Act (16 U.S.C. §§ 528 *et seq.*); NEPA; ESA; and NHPA;
- H. USACE enters this MOU pursuant to the authority in section 404 of the CWA (33 U.S.C. § 1344); sections 9 and 10 of the RHA of 1899 (33 U.S.C. §§ 401 and 403); and section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. § 1413);
- I. EPA enters this MOU pursuant to NEPA, the CAA, section 309 (42 U.S.C. § 7609); and the Council on Environmental Quality’s (CEQ) regulations for implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508); CWA, section 401, 402, and 404; CAA sections 102(b) and 103(a) and (g) (42 U.S.C. § 7403(a) and (g)); and the underground injection control permitting provisions of the Safe Drinking Water Act (42 U.S.C. §§ 300(h) *et seq.*); and
- J. DOE enters this MOU pursuant to section 646 of the DOE Organization Act (Pub. L. No. 95-91), as amended (42 U.S.C. § 7256).

V. PRINCIPLES, IMPLEMENTING GUIDELINES, DESIGNATION OF QUALIFIED STAFF

A. Principles for implementing this MOU apply to all Participating Agencies, and include:

1. This MOU acknowledges that each of the Participating Agencies play a particular and discrete role in the Federal Agency Reviews and permitting process for eligible projects on covered lands and contributes specialized expertise (see sections IV and V(C) herein); thus, this MOU in no way modifies existing jurisdiction for applicable management, planning, consent, permit authorizations, consultations, or other relevant delegated authority for any of the Participating Agencies;
2. The National RECO, with representatives from the headquarters of each Participating Agency, will work together to identify potential improvements to the Federal Agency Reviews and permitting decisions associated with eligible projects and determine appropriate methods for implementing any changes. The Participating Agencies agree to execute a subsequent charter to govern the roles and responsibilities of the National RECO;
3. Where established, pursuant to the Energy Act of 2020, the BLM RECOs will include interagency staff, as appropriate, and will support existing management structure by operating as the controlling project management office to facilitate enhanced interagency permitting coordination for the expedited processing of wind, solar, and geothermal energy applications on covered lands as well as other activities critical to eligible projects on covered lands, associated supporting facilities on non-Federal lands, such as transmission lines or access routes, or broad achievement of renewable

energy goals;

4. The BLM will be the lead agency for NEPA, NHPA, and ESA compliance for eligible projects on public lands and minerals managed by the BLM. The Forest Service will serve as the lead agency for NEPA, NHPA and ESA compliance for eligible projects on NFS lands, except for certain post-consent geothermal lease issuance and authorizations per section V(A)(19);
5. The Participating Agencies intend that eligible projects will be prioritized for permitting coordination by all appropriate Participating Agencies, consistent with applicable laws, regulation, Executive Orders (EOs), Participating Agency missions, and availability of funds, to support the Nation's climate and energy needs and to contribute to achieving national renewable energy goals (43 U.S.C. § 3004);
6. The Participating Agencies will consistently apply efforts to streamline and improve efficiencies in interagency coordination associated with eligible projects to resolve issues, build consistency, and eliminate duplication wherever possible;
7. The Participating Agencies resolve to coordinate timely information sharing, and clarify agency roles and responsibilities as needed;
8. The Participating Agencies will work together to identify applicable mitigation strategies to aid analyses and facilitate accelerated permitting coordination and decision making for eligible projects, as appropriate;
9. The Participating Agencies resolve to build and maintain partnerships and coordinate to increase certainty in timeframes and enhance consistency within and among the Agencies in conducting Federal Agency Reviews;
10. The Participating Agencies will ensure that Federal Agency Reviews for eligible projects include an appropriate public engagement process that seeks input from all appropriate stakeholders, as applicable;
11. The Participating Agencies will prioritize and coordinate Government-to-Government consultation and consultation under 54 U.S.C. §§ 306018 *et seq.*, and the implementing regulations at 36 CFR Part 800;
12. Evaluation of eligible projects will be consistent with the principles and policies concerning environmental justice to underserved communities as a commitment to strong protection from environmental and health hazards for all Americans;
13. The Participating Agencies resolve to ensure that the preservation of national security is given appropriate consideration in the evaluation and decision making for eligible projects;
14. The Participating Agencies resolve to provide for flexibility to adapt to changing technologies, resources, and demands through interagency coordination mechanisms established through RECOs;
15. The Participating Agencies will provide opportunities for States and federally recognized Tribes with, or without, Renewable Energy Portfolio Standards (RPS) to expand utilization or development of renewable energy and/or job creation. Coordination with State and Tribal governments is an important component of a successful RECO, and the BLM will engage with interested States and federally recognized Tribes on behalf of the Participating Agencies to provide opportunities to collaborate. This coordination may include amending this MOU to add interested States and federally recognized Tribes as signatories or developing MOUs between States and federally recognized Tribes and the appropriate RECOs;

16. Where eligible projects on covered lands are also subject to title XLI of Fixing America's Surface Transportation Act (FAST-41) (42 U.S.C. §§ 4370 *et seq.*), and there are conflicts between FAST-41 and its implementing guidance and this MOU, FAST-41 will take precedence;
17. Where eligible projects are also subject to the October 2009 MOU among USDA, Department of Commerce, DoD, DOE, EPA, the CEQ, the Federal Energy Regulatory Commission, the Advisory Council on Historic Preservation, and DOI regarding coordination in Federal Agency Reviews of electric transmission facilities on Federal land (2009 MOU), and there are conflicts between the 2009 MOU and this MOU, the 2009 MOU will take precedence;
18. For eligible projects associated with transmission development and upgrades, the Participating Agencies will coordinate with DOE in prioritizing and conducting Federal Agency Reviews; and
19. As an aid to best achieve the policy goals in the Energy Act of 2020, the BLM and the Forest Service also have developed guidance in their respective jurisdiction, roles, and procedures to coordinate NEPA and decision making regarding geothermal leasing and operational proposals in the form of an MOU. BLM and the Forest Service agree that proceeding in accordance with the draft *Memorandum of Understanding Between the United States Department of the Interior Bureau of Land Management and the United States Department of Agriculture Forest Service Implementation of section 225 of the Energy Policy Act of 2005: Coordination of Geothermal Leasing and Permitting on Federal Lands*, in addition to this MOU, will result in improved efficiency and coordination at each stage.

B. Implementing Guidelines Common to all Participating Agencies

1. Foster cooperative staff relationships among the Participating Agencies to improve the review of eligible projects.
2. Identify opportunities to improve meaningful Government-to-Government consultation with federally recognized Tribes.
3. Identify State or Tribal government coordination opportunities that could result in improved processing of eligible projects.
4. Assess impacts from eligible projects and develop alternatives as needed to site these facilities appropriately. Pursuant to their respective laws and regulations, the Participating Agencies have different roles, responsibilities, and authority in the Federal review, and siting of eligible projects.
5. Assess lessons learned from the past decade of analyzing and permitting eligible projects for future analyses and possible future policy development.
6. Track information on eligible project accomplishments, issues, obstacles, schedule impacts, and challenges to increase efficiency in Federal Agency Reviews and decision making on eligible projects. This information will be provided to the National RECO for preparation of a comprehensive annual report to Congress, as described in section IX, that clearly identifies the lessons learned from RECOs.

C. Designation of Qualified Staff. Authority: 43 U.S.C. § 3002(c)

1. Within 30 days of the date this MOU is fully executed, the Participating Agencies, as appropriate, intend to identify a primary point of contact for each of the BLM RECOs

(including the National RECO), who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, expertise in:

- a. Consultation and preparation of biological opinions under section 7 of the ESA (16 U.S.C. § 1536);
- b. Department of Army authorizations under section 404 of the CWA (33 U.S.C. § 1344); sections 9 and 10 of the RHA of 1899 (33 U.S.C. §§ 401 and 403, respectively); and section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1413).;
- c. Regulatory matters under the CAA (42 U.S.C. §§ 7401 *et seq.*);
- d. Land Use Planning (including geothermal resources) and issuance of leases, rights-of-way and permit authorizations for wind and solar development under FLPMA of 1976 (43 U.S.C. §§ 1701 *et seq.*);
- e. The MBTA (16 U.S.C. §§ 703 *et seq.*);
- f. The preparation of environmental reviews and other compliance activities under NEPA (42 U.S.C. §§ 4321 *et seq.*);
- g. Implementation of NHPA (54 U.S.C. § 306108);
- h. Land management planning and wind and solar development authorizations under the FRRRPA (16 U.S.C. § 1604);
- i. Developing geothermal resources under the GSA (30 U.S.C. §§ 1001 *et seq.*);
- j. BGEPA (16 U.S.C. § 668 *et seq.*); and
- k. The National Park Service Organic Act (54 U.S.C. §§ 100101(a); chapters 1003, 100751(a), 100752, 100753, and 102101).

2. **Duties:** The Participating Agencies intend that each employee assigned under paragraph (1) will:

- a. Be responsible for addressing all issues relating to the jurisdiction of the employee's home office or agency; and
- b. Participate as part of the team of personnel working on land management planning and Federal Agency Reviews of eligible projects, as appropriate.

3. **Succession:** The Participating Agencies intend that each employee assigned under paragraph 1 will be promptly replaced in the event that they are no longer able to serve as part of the RECO staff.

D. Anticipated Resource Needs

1. For coordination purposes each Participating Agency will provide one headquarters-level point of contact for the National RECO and at least one appropriate field-level point of contact for each of the five field RECOs.

E. Delegated Authority

1. For all Participating Agencies, except for the BLM:
 - a. Any staff supporting or assigned to a BLM RECO will remain under the direct supervision of their home agency;
 - b. Any staff supporting or assigned to a BLM RECO will have decision-making authority or have direct access to relevant decision makers in their home

office, as appropriate; and

- c. This MOU in no way affects other Participating Agency jurisdiction, signature authority, or permitting requirements legally required by said agency.

VI. ROLES AND RESPONSIBILITIES

A. In accordance with the Energy Act of 2020, all Participating Agencies agree to prioritize Federal Agency Reviews and expedite decision making for eligible projects under this MOU, including:

1. Providing each BLM RECO (including the National RECO) with an appropriate Participating Agency staff point of contact for coordination of eligible projects;
2. Participating in recurrent, project-specific meetings on eligible projects with the other Participating Agencies and coordinate eligible project status updates to address issues, needs, and related activities;
3. Assisting the BLM as needed to expedite renewable energy decision making on covered lands;
4. Providing baseline environmental data to evaluate eligible projects;
5. Prioritizing and expediting application review and decision making for activities associated with eligible projects;
6. Working with the appropriate RECO to facilitate productive and efficient interagency coordination for eligible projects;
7. Working with the Participating Agencies to resolve issues and identify potential efficiencies in Federal Agency Reviews and permitting decisions for eligible projects; and
8. Contributing to the Secretary's annual report to Congress (see section IX) on implementation of this MOU. The Participating Agencies will document achievements, coordination, and environmental review efficiency improvements, and summarize expenditures. The report will also identify any recommendations for improving consultation and coordination among the Participating Agencies. If appropriate, agencies may reference pertinent portions of the FAST-41 annual Report to Congress in lieu of a separate submittal when it covers the necessary information.

B. DOI

1. Engage with Governors of any interested State or leader of any interested federally recognized Tribe in connection with implementation of this MOU and development of future MOUs. These roles and responsibilities may be delegated to the BLM;
2. Direct the implementation of this MOU and facilitate amendments, as needed;
3. Seek to achieve the goals in the Energy Act of 2020; and
4. Remit an annual report to Congress as described in section IX of this MOU.

C. BLM

1. The BLM serves as the Secretary of the Interior's designee and lead for implementing the Energy Act of 2020 for actions relating to BLM-administered public lands and resources. The Chief of the BLM's National RECO, through the Assistant Director of the Energy, Minerals, and Realty Management Directorate, (AD-300) is responsible for program oversight and guidance for all eligible projects and supporting activities

on BLM-administered lands associated with renewable energy project development. The RECO Chief, working through the AD-300, will organize and staff the National RECO with subject matter program expertise to support efficient and durable national interagency coordination improvements to resolve issues and promote consistency in implementation of this MOU by the BLM RECOs.

2. The National RECO will provide national level permitting coordination with other Participating Agency leadership in connection with Federal Agency Reviews and permitting decisions for eligible projects and will maintain a comprehensive and current database for tracking the status of eligible projects; and provide national support to and maintain productive collaboration with each BLM RECO, as needed.
3. The BLM is the lead agency for wind, solar, and geothermal projects sited on BLM-administered public lands. The BLM is also the lead agency for issuing geothermal leases when the Forest Service has consented to geothermal leasing on NFS lands and for authorizing most permits for eligible geothermal projects on NFS lands. See the MOU described in section V(A)(19).
4. The BLM RECOs will support each BLM Office with jurisdiction to issue permits and authorizations by providing staff with specialized technical expertise to facilitate reviews and to coordinate Federal Agency Reviews for eligible projects, including compliance with NEPA, NHPA, ESA, and Government-to-Government consultation with federally recognized Tribes.
5. Each BLM RECO will initiate outreach coordination with Participating Agencies for each eligible project at the earliest opportunity (e.g., pre-scoping meetings) to facilitate early project evaluation.
6. To effectuate relevant information sharing and workload planning among the Participating Agencies, the BLM will:
 - a. Administer this MOU, oversee its implementation, provide revisions and amendments, as appropriate, and ensure that its principles and goals are achieved;
 - b. Coordinate recurring project-specific interagency meetings concerning eligible projects among the Participating Agencies to collaboratively assess eligible project status and resolve obstacles, issues, or delays;
 - c. Chair and coordinate the National RECO;
 - d. Participate in the BLM RECO's processing of applications for, and Federal Agency Reviews and decision making for eligible projects;
 - e. Provide information on the status of existing land use plans, and associated NEPA documents, identify land use plans that may need to be amended as part of the decision-making process to consider eligible projects, and to incorporate such amendments as necessary and appropriate;
 - f. Invite all appropriate Participating Agencies to be cooperating agencies, and to review and comment on environmental documents before they are finalized. The Lead Agency will work with cooperating agencies to develop and use milestone concurrence points during the NEPA process to ensure deliberative consideration of comments and recommendations provided by the Participating Agencies. If appropriate, the Lead Agency may convene discussions with the Participating Agency to ensure an accurate reading/interpretation of the comments/recommendations, particularly where

the Participating Agency's comments and recommendations are not accepted by the Lead Agency in advance of publications to the public;

- g. Coordinate with proponents of eligible projects and Participating Agencies to ensure that applications are sufficiently complete for internal processing and Federal Agency Reviews to commence;
 - h. Provide access to and make available relevant data and other necessary information to facilitate Federal Agency Reviews and permitting decisions for eligible projects;
 - i. Maintain lists of eligible project contacts in BLM State Offices, offices in other BLM management units, and federally recognized Tribes, and will provide those lists to the other Participating Agencies, and assist in making those contacts available as needed;
 - j. Support Participating Agency staff review of eligible projects by providing technology-specific subject matter expertise at both the programmatic and project-level, as appropriate;
 - k. Coordinate and consult with other DOI, DoD, USDA, or other appropriate surface management agencies (SMAs) and Tribal entities, as appropriate, with respect to eligible projects that may involve other Federal or Tribal land;
 - l. Provide effective protection and mitigation measures for Federal lands and waters, biodiversity, climate, cultural resources, and other important resource values, and to consider socioeconomic impacts in Federal Agency Reviews for eligible projects; and
 - m. Prepare an annual report to Congress, with coordination and input from the other Participating Agencies, that reviews the level of efficiency of the BLM RECOs in improving Federal permit coordination and expediting decision making for eligible projects. The report will include a summary of achievements, expenditures, and recommendations for improving consultation and coordination among the Participating Agencies of the MOU.
7. Responsibilities: The appropriate BLM authorized officer is responsible for decisions related to wind, solar, geothermal, and transmission grants, leases, and project authorizations on BLM-administered public lands. BLM also manages the mineral estate underlying other Federal lands; therefore, BLM issues all geothermal leases and most post-leasing permit authorizations on NFS lands following Forest Service consent to lease (or consultation at the project level) as appropriate, pursuant to the underlying regulatory authorities for each program (see the MOU described in section V(A)(19)).
8. Anticipated Resource Needs: The BLM will provide additional staff expertise as necessary to meet the specific needs of BLM RECOs in meeting the requirements of the Energy Act of 2020. Such expertise may include physical, biological, historic, cultural, and other resource specialists or technical engineering (e.g., downhole drilling) support positions added as contract, temporary, term, or permanent positions, plus resources provided by the other Participating Agencies.

D. FWS

1. General regulatory and management responsibilities: The FWS is responsible for assisting the other Participating Agencies and the public in the conservation, protection, and enhancement of fish, wildlife, plants, and their habitats; and
2. In accordance with the Energy Act of 2020 and subject to the availability of funds and budget priorities, FWS agrees to prioritize review and permitting coordination under this MOU as outlined in section V(A)(1 to 19) and;
 - a. FWS will work with the National RECO and each BLM RECOs to expedite coordination of Federal Agency Reviews, including those required pursuant to section 7 of the ESA, the MBTA, the BGEPA, the FWCA, and NEPA, and authorization of eligible projects.

E. BIA

1. In accordance with the Energy Act of 2020 and subject to the availability of appropriated funds and budget priorities, the BIA agrees to:
 - a. Assign an appropriate point of contact for each BLM RECO and the National RECO to maintain interagency coordination for any wind, solar, or geothermal project(s) on any lands, the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States, that require engagement and prioritization from any Participating Agencies to this MOU for infrastructure, such as a transmission line, extending onto other Federal lands; and
 - b. Participate in biweekly meetings on all active renewable energy project priorities with the other Federal agencies and coordinate project status updates to address issues, needs or other activities.

F. NPS

1. General regulatory and management responsibilities: The NPS administers the National Park System. The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of current and future generations. The NPS also has administrative responsibilities over other areas, including components of the National Wild and Scenic Rivers System, components of the National Trails System, and NPS affiliated areas that are closely linked in importance and purpose to those areas directly managed by the NPS, such as National Heritage Areas, National Natural Landmarks, and certain lands protected through the Land and Water Conservation Fund.
2. In accordance with the Energy Act of 2020 and subject to the availability of appropriated funds and budget priorities, the NPS agrees to prioritize and expedite Federal Agency Reviews and coordination of permitting decisions for eligible projects under this MOU as outlined in section V(A)(1-19); and
3. The NPS agrees to identify any potential conflicts with applicable NPS land management plans and impacts on NPS lands, resources, and values for NPS lands and program areas as early as possible as described above.

G. Reclamation

1. General regulatory and management responsibilities: The Bureau of Reclamation administers Federal water projects and associated lands in 17 western States. Reclamation oversees water resource management, specifically as it applies to the oversight and operation of the diversion, delivery, and storage projects. Reclamation has built irrigation, water supply, and associated hydroelectric power generation projects. Reclamation is the largest wholesaler of water in the United States and the second largest producer of hydroelectric power in the United States.
2. In accordance with the Energy Act of 2020, and subject to the availability of appropriated funds and budget priorities, Reclamation agrees to coordinate with the BLM RECOs to facilitate expedited Federal Agency Reviews and decision making for eligible projects, as appropriate.

H. USGS

1. The USGS's mission is to monitor, analyze, and predict current and evolving dynamics of complex human and natural Earth-system interactions and to deliver actionable intelligence at scales and timeframes relevant to decision makers. The USGS collects, monitors, analyzes, and provides scientific assessments and data about natural resource conditions, inventories, and issues.
2. In accordance with the Energy Act of 2020, and subject to the availability of appropriated funds and budget priorities, USGS agrees to provide such services and expertise and to coordinate with the BLM RECOs to facilitate expedited Federal Agency Reviews and decision making for eligible projects, as appropriate.

I. Forest Service

1. General regulatory and management responsibilities: The Forest Service is responsible for the surface management of 193 million acres of NFS lands. The Forest Service authorizes wind, solar and related activities under the agency's special use regulations at 36 C.F.R. Part 251, Subpart B. The Geothermal Steam Act of 1970 established that the Forest Service has authority to consent, or deny consent, to the leasing of NFS lands for development of geothermal resources. The Forest Service fulfills the roles and responsibilities of the surface management agency in the BLM's regulations at 43 C.F.R. Part 3200 for managing geothermal resource use and development. The Forest Service cooperates with the BLM to ensure that management goals and objectives for renewable energy and development activities are achieved, that operations are conducted to minimize effects on surface resources, and that the lands affected by operations are rehabilitated consistent with the Forest Service's regulations.
2. In accordance with the Energy Act of 2020 and subject to the availability of appropriated funds and budget priorities, the Forest Service agrees to prioritize and expedite coordination for authorization of eligible projects under this MOU as outlined in section V(A)(1-19). The Forest Service will:
 - a. Serve as lead agency for eligible projects and associated decisions and authorizations on NFS lands, including geothermal leasing analyses and consent decisions. The Forest Service has full responsibility and authority to approve and regulate all surface-disturbing activities on NFS lands associated with wind or solar energy development, including issuance of grants and project authorizations, as well as providing analysis and approval of authorizations for ancillary transmission lines, roads, and other projects

required for the development of renewable energy on adjacent lands or that may be managed by other agencies;

- b. Provide access to Forest Service personnel and provide relevant data and other necessary information to evaluate eligible projects: and
- c. Serve as the signatory authority for approval of actions for eligible projects on NFS lands through the appropriate Forest Service line office or responsible official where the eligible project will be located.

J. DoD

1. DoD Clearinghouse

General Regulatory and Management Responsibilities: The DoD Clearinghouse is DoD's designated organization regarding the mission compatibility evaluation process and identification of the impacts of eligible projects on BLM-administered lands on military operations and readiness, including testing, training, research, development, and special use airspace (military mission).

Subject to the availability of appropriated funds and budget priorities, the DoD Clearinghouse agrees to prioritize and expedite coordination of Federal Agency Reviews and decision making for eligible projects under this MOU as outlined in section V(A)(1-19). The DoD Clearinghouse will:

- a. Provide information relevant to eligible projects concerning current and projected military use of lands under DoD jurisdiction or control; or within testing, training, or maneuver areas on adjacent military lands, or Federal lands;
- b. Coordinate and provide early evaluations to identify conflicts with the military's mission and potential degradation of national security during the preliminary phase of eligible projects; identify issues with statutory or other legal requirements on public lands withdrawn for military purposes, and to ensure a comprehensive review and comments on draft and final NEPA documents to foster compatibility, as appropriate between Federal land use and military needs;
- c. Provide baseline environmental data as needed, to evaluate eligible projects, provided the DoD determines that those eligible projects may be designated on lands under DoD jurisdiction or control without compromising safety, security, or DoD's use of its lands, ranges, and training routes as it deems necessary for military testing, training, and operations and DoD determines such eligible project is consistent with the statutory or other legal requirements on public lands withdrawn for military purposes; and
- d. Identify any recommendations for improving consultation and coordination among the Participating Agencies, including an estimate of pending lease applications on DoD lands.

2. USACE

General Regulatory and Management Responsibilities: USACE is responsible for administering laws that protect aquatic resources and navigation while allowing for reasonable development. These laws include section 10 of the RHA of 1899, section 404 of the CWA of 1972, and section 103 of the MPRSA. Under section 10 of the RHA, the USACE may authorize work and or structures in, over, or under, or affecting the course, condition, location, or capacity of navigable waters of the United States. Under section 404

of the CWA, the USACE may authorize the discharge of dredged or fill material into waters of the United States, including wetlands. Under section 103 of the MPRSA, USACE may authorize the transportation of dredged material for disposal for ocean disposal.

In accordance with the Energy Act of 2020 and subject to the availability of funds from DOI, USACE resolves to prioritize and expedite Federal Agency Reviews and coordination of permitting decisions for eligible projects under this MOU as outlined in section V(A)(1-19).

Responsibilities: The District Engineer is the final decision maker for USACE section 10.404 and 103 actions necessary for eligible projects on covered land but may delegate signature authority.

Anticipated Resource Needs: A dedicated point(s) of contact at USACE to assist the BLM in the identification of a USACE district project manager, who will be assigned to work with the BLM RECO on a specific eligible project or set of eligible projects and a dedicated point of contact at USACE HQ to engage with the National RECO.

K. DOE

1. General Regulatory and Management Responsibilities: The mission of the DOE is to ensure America's security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions. Separate program offices within DOE (e.g., Loan Programs Office (LPO), Office of Electricity (OE), Office of Energy Efficiency and Renewable Energy (EERE), and Office of Indian Energy Policy and Programs (IE)) and the Power Marketing Administrations (PMAs) (Bonneville Power Administration (BPA), Western Area Power Administration (WAPA) (and specifically its Transmission Infrastructure Program), Southeastern Power Administration (SEPA), and Southwestern Power Administration (SWPA)) may need to interact with the RECOs to provide technical expertise and/or facilitate DOE's Federal Agency Reviews as they relate to eligible projects.
2. **LPO** - LPO has more than \$40 billion in loans and loan guarantees available to help deploy large-scale energy infrastructure projects in the United States. Over the past decade, LPO has closed more than \$30 billion in transactions across a variety of energy sectors.
 - a. Subject to the availability of appropriated funds and budget priorities, LPO will provide each BLM RECO with an appropriate LPO point of contact for coordination of eligible projects;
3. **OE** – OE provides leadership to ensure that the United States energy delivery system is secure, resilient, and reliable. OE has three divisions. Advanced Grid Research and Development, Energy Resilience, and Grid Operations Technology, each of which works closely with the private and public sectors to ensure that the United States critical energy infrastructure can recover rapidly from disruptions. OE has extensive technical capabilities both in-house and through national laboratory partners in electrical transmission, that can be leveraged in coordination with the BLM RECOs to provide subject matter expertise, advice, and counsel in support of Federal Agency Reviews and permitting decisions for eligible projects.
 - a. Subject to the availability of appropriated funds and budget priorities, OE, in consultation as appropriate with the applicable PMA involved in an eligible project, will provide subject matter expertise to support technical review, advice, and assistance for powerlines and associated facilities on covered land associated with eligible projects.

4. **PMAs** - The PMAs are Federal electric wholesale utilities. For projects in a respective PMA's service territory, the PMA would coordinate with the BLM RECOs to provide subject matter expertise, advice, and counsel in support of Federal Agency Reviews and potential interconnection or transmission requests of eligible projects.
5. **EERE** - EERE's mission is to accelerate the research, development, demonstration, and deployment of technologies and solutions to equitably transition America to net-zero greenhouse gas emissions economy-wide by no later than 2050, and ensure the clean energy economy benefits all Americans, creating good paying jobs for the American people—especially workers and communities impacted by the energy transition and those historically underserved by the energy system and overburdened by pollution. EERE has extensive technical capabilities both in-house and through its national laboratory partners in wind, solar, and geothermal energy that can be leveraged in coordination with the BLM RECOs to assist in Federal Agency Reviews and permitting decisions for eligible projects. EERE may provide technology-specific program subject matter expertise, advice, and counsel as requested by the BLM RECOs in support of Federal Agency Reviews and permitting decisions for eligible projects.
 - a. Subject to the availability of appropriated funds and budget priorities, EERE may provide staff and subject matter expertise in the form of technical review, advice, and assistance in support of eligible projects along with its national laboratory partner, the National Renewable Energy Laboratory (NREL).
6. **IE** – IE partners with federally recognized Tribes and Alaska Native communities to help develop and deploy energy solutions.
 - a. Subject to the availability of appropriated funds and budget priorities, as needed, IE will provide advice and counsel on eligible projects, as requested by BLM's National RECO.

L. EPA

1. **General Regulatory and Management Responsibilities:** The EPA is responsible for administering a wide range of environmental laws. EPA responsibilities relevant to Federal Agency Reviews for the eligible projects include commenting on NEPA documents, particularly Environmental Impact Statements, under section 309 of the CAA. EPA also participates in section 404 of the CWA permitting process or reviews State-issued National Pollution Discharge Elimination System permits for discharges of pollutants into waters of the United States pursuant to section 402 of the CWA; and issues, or reviews State-issued, water quality certifications under CWA section 401. EPA administers the programmatic and regulatory aspects of the CAA and the National Ambient Air Quality Standards, develops, and promulgates regulations implementing the CAA, oversees State and Tribal CAA regulatory programs, and issues CAA permits, where appropriate. Another potentially applicable EPA responsibility is Underground Injection Control permitting under the Safe Drinking Water Act.
2. In accordance with the Energy Act of 2020 and subject to the availability of appropriated funds and budget priorities, EPA resolves to prioritize and expedite Federal Agency Reviews and coordination of permitting decisions for eligible projects under this MOU as outlined in section V(A)(1-19). EPA will:
 - a. Engage in early coordination with each BLM RECO as appropriate during development of NEPA documents for eligible projects to identify potential

siting and environmental and project siting challenges and solutions. When BLM RECOs invite EPA to engage in early coordination, per section IV(C)(6), EPA will review preliminary NEPA documents and technical reports as appropriate; and

- b. Prioritize Federal Agency Reviews of eligible projects and associated transmission lines and facilities on covered lands and work in an integrated manner with each BLM RECO to expedite necessary consultation and coordination involving EPA responsibilities for eligible projects.

VII. PRINCIPAL CONTACTS

The principal contacts for this MOU are:

A. DOI

Bureau of Land Management

Assistant Director
Energy, Minerals, and Realty Management Directorate
U.S. Department of the Interior
760 Horizon Drive
Grand Junction, CO 81506

U.S. Fish and Wildlife Service

Assistant Director
Ecological Services
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Bureau of Indian Affairs

Deputy Bureau Director, Trust Services
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

National Park Service

Associate Director
National Resource Stewardship and Science
U.S. Department of the Interior
1849 C Street NW
Washington, DC, 20240

Bureau of Reclamation

Deputy Commissioner
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240-0001

U.S. Geological Survey
Director
U.S. Department of the Interior
12201 Sunrise Valley Drive,
Reston, VA 20192

B. USDA

Forest Service
Director of Minerals and Geology Management and,
Director of Lands and Realty Management
1400 Independence Avenue SW
Washington, DC 20250

DoD

Military Aviation and Installation Assurance Siting Clearinghouse
Office of the Assistant Secretary of Defense (Sustainment)
Executive Director
3400 Defense Pentagon
Room 5C646
Washington, DC 20301 – 3400

U.S. Army Corps of Engineers
Headquarters
Chief
Regulatory Program 441 G Street NW
Washington, DC 20314

C. EPA

Office of Federal Activities
Director
1200 Pennsylvania Avenue NW
Washington, DC 20460

D. DOE

Office of Energy Efficiency and Renewable Energy
Acting Assistant Secretary, Principal Deputy Assistant Secretary
1000 Independence Ave, SW
Washington, DC 20585

VIII. TRANSFER OR EXPENDITURE OF FUNDS

- A.** The Energy Act of 2020 (43 U.S.C. § 3002(e)) provides the Secretary of the Interior with the authority to transfer funds to: FWS, BIA, Forest Service, USACE, NPS, EPA, and DoD, if necessary, to facilitate Federal Agency Reviews of eligible projects. Funds will be made available at the discretion of the Secretary and will generally not be used to displace existing, available appropriations. Agreements to transfer funds will be executed separately from this MOU.

IX. REPORT TO CONGRESS.

- A.** The Energy Act of 2020 (43 U.S.C. § 3002(f)) requires that, not later than February 1 of the first fiscal year after this MOU is fully executed, and each February 1 thereafter, the Secretary of the Interior will submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made under the program to improve Federal permit coordination with respect to eligible projects during the preceding year in improving interagency coordination of eligible projects under this MOU.
- B.** Each report prepared under paragraph IX(A) of this MOU should include:
1. Projections for renewable energy production and capacity installations on covered lands; and
 2. A description of any problems relating to leasing, permitting, siting, or production of eligible projects, including, but not limited to:
 - a. Problems with staffing expertise, capacity, and competing workload priorities;
 - b. Proponent delays in providing necessary information;
 - c. Out-dated land use plans;
 - d. Problems with the variance process approval;
 - e. Federal Agency Reviews; and
 - f. Incomplete resource data.

X. IMPLEMENTATION, AMENDMENTS, LIMITATIONS, AND TERMINATION

This MOU will become effective on the date it is fully executed by all parties to it and will remain in effect for an initial period of 10 years.

- A.** Nothing in this MOU obligates the Participating Agencies to expend appropriations or enter any contract or other financial obligation. All commitments made by the Participating Agencies in implementing this MOU are subject to the availability of appropriated funds and budget priorities. Nothing in this MOU, in and of itself, obligates the Participating Agencies to expend appropriations or to enter any contract, assistance agreement, interagency agreement, or incur other financial obligations. Any transaction involving transfers of funds between the Participating Agencies to this MOU, including those described in section VIII above, will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.
- B.** Pursuant to 41 U.S.C. § 22, no member of or delegate to Congress may benefit from this MOU, either directly or indirectly.
- C.** Nothing in this MOU is intended to or will be construed to alter, limit, or expand in any way the statutory or regulatory authority or legal responsibilities of the Participating Agencies.
- D.** This MOU may be amended or renewed upon written request of any Participating Agency and the subsequent written concurrence of all Participating Agencies.
- E.** This MOU does not imply endorsement of or make any decision with respect to approval of any eligible project proposal or of any preferred alternatives identified in consideration of eligible projects coordinated under this MOU; and shall not abridge the independent review of any Environmental Impact Statement by the EPA, pursuant to NEPA and section 309 of the CAA (42 U.S.C. § 7609).
- F.** This MOU does not limit the ability of any of the Participating Agencies to review and respond to

proposals and applications for eligible projects in accordance with applicable law and Federal agency policy.

- G.** Any records shared by the Participating Agencies under this MOU may be subject to release under the Freedom of Information Act (FOIA) (5 U.S.C. §§ 552 *et seq.*). In response to a FOIA request, when an agency locates documents shared under this MOU that originated with another agency, the Participating Agencies agree to refer those documents to their originator so that agency can make a direct response to the requester for those documents; some documents may potentially be privileged or otherwise exempt from disclosure. The Participating Agencies acknowledge that nothing in this MOU will prevent the disclosure of shared documents shared under it from disclosure to the extent the FOIA requires their release, unless FOIA exemptions apply.
- H.** A Participating Agency may terminate its participation in this MOU sixty (60) days after providing written notice to the other Participating Agencies. After a Participating Agency terminates its participation, this MOU will remain in effect unless all remaining Participating Agencies agree to terminate.
- I.** All press releases and public statements issued by the Participating Agencies concerning or characterizing this MOU or the BLM RECOs will be jointly reviewed and agreed to by delegated staff representing each of the Participating Agencies.
- J.** The mission requirements, funding, personnel, and other priorities of the Participating Agencies may affect their ability to fully implement all the provisions of this MOU.
- K.** The Participating Agencies may periodically review this MOU and will do so before renewing it.
- L.** Tribal and State governments may be added to this MOU as appropriate to support improved coordination related to eligible projects on covered lands. All existing Participating Agencies to the MOU must agree to the addition of new signatories.

XI. DISPUTE RESOLUTION

If a dispute arises under this MOU that is not resolved informally by the Participating Agencies involved in the dispute, any of those Participating Agencies may pursue the following dispute resolution procedure:

- A.** Each Participating Agency seeking resolution will provide a written statement (an email with an attached letter or a letter) of its dispute to the BLM National Renewable Energy Coordination Office, and to the other Participating Agencies involved in the dispute. The Participating Agencies involved in the dispute will engage in discussions to arrive at a consensus and resolve the dispute;
- B.** If no resolution is reached within thirty (30) calendar days of receipt of the statement of dispute, the dispute may be elevated to the headquarters level officials for the Participating Agencies involved in the dispute or their designees. The headquarters level officials or their designees will engage in discussions to resolve the dispute. If the headquarters level officials or their designees do not resolve the dispute within thirty (30) calendar days of their receipt of the statement of dispute, they will promptly elevate the dispute to the principal policy makers for the Participating Agencies involved in the dispute who will resolve it; and
- C.** The time limits in the preceding paragraph may be extended with the written agreement of all the Participating Agencies involved in the dispute.

XII. SUPPLEMENTAL AGREEMENTS

After execution of this MOU, additional Federal or State interagency agreements may be required for the purposes establishing additional interagency relationships or for transferring funds from the BLM to Federal Agencies.

XIII. NO PRIVATE RIGHT OF ACTION AND LIMITED APPLICABILITY

This MOU is not intended to and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any person against the United States, its agencies, its officers, or any person. This MOU does not direct or apply to any person or entity outside of the signatory Parties.

Accordingly, the Parties have signed this MOU on the dates set forth below, to be effective for all purposes that are described in this MOU as of the date last signed. The signatures may be executed using counterpart original documents.

XIV. AUTHORIZED REPRESENTATIVES

The Participating Agencies to this MOU acknowledge that each of the Participating Agencies and their principal contacts listed in section VIII of this MOU is authorized to act on behalf of their respective Agency on matters pertaining to this MOU.

XV. SIGNATORIES

The Participating Agencies may execute this MOU in counterparts.

APPROVED:

For the UNITED STATES DEPARTMENT OF THE INTERIOR

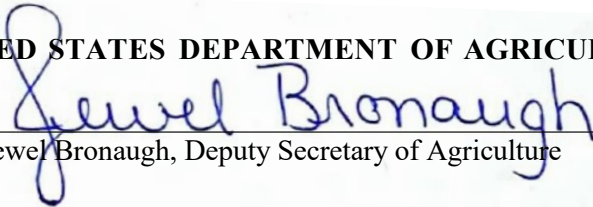


Honorable Tommy Beaudreau, Deputy Secretary of the Interior

Date: January 6, 2022

APPROVED:

For the UNITED STATES DEPARTMENT OF AGRICULTURE



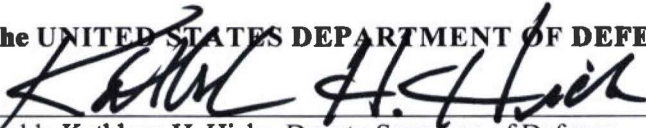
Jewel Bronaugh

Honorable Dr. Jewel Bronaugh, Deputy Secretary of Agriculture

Date: November 9, 2021

APPROVED:

For the UNITED STATES DEPARTMENT OF DEFENSE

A handwritten signature in black ink, appearing to read "Kathleen H. Hicks", written over a horizontal line.

Honorable Kathleen H. Hicks, Deputy Secretary of Defense

Date: NOV 12 2021

APPROVED:

For the UNITED STATES DEPARTMENT OF ENERGY

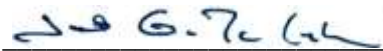
A handwritten signature in cursive script that reads "David M. Turk". The signature is written in black ink and is positioned above a horizontal line.

Honorable David M. Turk, Deputy Secretary of Energy

Date: 11/10/2021

APPROVED:

For the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



Honorable Janet McCabe, Deputy Administrator

Date: NOV - 5 2021