



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
2800 (HQ-330)

Memorandum

To: (Requesting Deputy State Director)
(Title and Office)

From: (Name Determining Official)
(Titles and Name of HQ Division or Office)

Subject: Inflation Reduction Act Compliance Determination

The BLM Headquarters has coordinated with the [Requesting Office – State] to verify the appropriate day to perform Inflation Reduction Act (IRA) compliance as described in IM 2023-006, *Implementation of Section 50265 in the Inflation Reduction Act for Expressions of Interest for Oil and Gas Lease Sales*. As requested, and per continuing coordination between [Requesting Office – State], the right-of-way is to be issued and the Division of Fluid Minerals has completed analytics on onshore lease sales per the requirements of the IRA for today, [DATE].

The BLM intends to issue a right-of-way [GRANT or LEASE] to [PROPONENT NAME] to construct, operate, maintain, and decommission the [PROJECT NAME] project, a [PROJECT MEGAWATTS] [WIND or SOLAR] energy generation project, on [PROJECT ACRES] of BLM-administered land within the [NAME OF DLA OR VARIANCE LANDS]. The BLM has complied with the regulations at 43 CFR subpart Part 2800 and completed an environmental analysis under the National Environmental Policy Act to permit this project. As described further below, the BLM is authorized to issue this right-of-way under Section 50265 of the IRA.

Section 50265 of the IRA, Pub. L. No. 117-169, 136 Stat. 1818 (2022), limits the issuance of rights-of-way for wind and solar energy development on public lands by tying the issuance of such rights-of-way to recent onshore oil and gas lease sale activity. Specifically, Section 50265(b) states:

During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period[.]

The BLM has met both prerequisites in Section 50265.

First, BLM held an onshore lease sale on [DATE OF MOST RECENT ONSHORE LEASE SALE] where it received acceptable high bids for XX leases, XX of which have been issued. Thus, the BLM has held “an onshore lease sale,” as that term is used in the IRA, within the prior 120 days.

Second, BLM has satisfied the acreage requirements of Section 50265(b)(1)(B).

OPTION 1: IF BLM DID NOT OFFER FOR LEASE 2,000,000 OR MORE ACRES IN THE YEAR PRECEDING THE DATE OF THIS MEMO

In the one-year period preceding this ROW, the BLM received expressions of interest that satisfied the eligibility criteria set forth in BLM Instruction Memorandum 2023-006 in the amount of [TOTAL NUMBER OF ACRES IN EXPRESSIONS OF INTEREST RECEIVED BY THE BLM IN THE YEAR PRECEDING THE DATE OF THE MEMO]. Fifty percent of the EOIs received is XXX,XXX.XX acres. As of the date of this memorandum, the BLM has “offered for lease” [TOTAL NUMBER OF ACRES OFFERED FOR LEASE IN THE YEAR PRECEDING THE DATE OF THE MEMO] within the preceding year. Therefore, the BLM has exceeded the fifty percent threshold established by the IRA based on the quantity of acreage within expressions of interest received during the past year. Accordingly, BLM’s approval of this ROW satisfies the IRA’s conditions for prior onshore lease sales.

OPTION 2: IF BLM OFFERED FOR LEASE 2,000,000 OR MORE ACRES IN THE YEAR PRECEDING THE DATE OF THIS MEMO

As of this memorandum, the BLM has “offered for lease” [TOTAL NUMBER OF ACRES OF 2,000,000 OR MORE OFFERED FOR LEASE IN THE YEAR PRECEDING THE DATE OF THE MEMO] within the preceding year, which exceeds the 2,000,000-acre threshold established by Section 50265(1)(B)(i). Accordingly, BLM’s approval of this ROW satisfies the IRA’s conditions for prior onshore lease sales.