

RIGHTS-OF-WAY (ROW) COMPLIANCE INSERT FOR MEGA PROJECT - FULL VERSION

1. GOVERNING LAW

All rights-of-way on BLM-managed public lands are governed by:

- Federal Land Policy and Management Act (FLPMA)
- 43 CFR Part 2800: Non-pipeline rights-of-way
- 43 CFR Part 2880: Pipeline rights-of-way

These govern eligibility, application procedures, cost recovery, compliance, modification, bonding, and enforcement.

2. FILING FEES (INITIAL STAGE)

BLM requires non-refundable filing fees to open any ROW application.

Typical levels:

- 2 USD per acre for temporary or low-impact use
- 15 USD per acre for solar, wind, or long-term/high-impact use

These fees initiate processing but do not grant any rights or priority.

3. COST RECOVERY FEES - FULL DETAIL

Under 43 CFR 2804.14, applicants must reimburse BLM for the federal labor involved in processing and monitoring a ROW.

Fee categories:

Category 1: Minimal complexity, flat fee

Category 2: Simple applications, flat fee

Category 3: Moderate complexity, flat fee

Category 4: Higher complexity, flat fee

Category 5: Master cost-recovery agreements for multiple or recurring projects

Category 6: High-complexity, billed to actual federal hours; used for NEPA EAs, EISs, major transmission, pipelines, energy corridors, or anything multi-year.

Coverage includes:

- NEPA environmental review
- Cultural resource surveys
- Tribal consultation
- Wildlife and biological assessments
- Engineering review and safety evaluation
- Public engagement requirements
- Ongoing construction and operations monitoring

4. ANNUAL RENT + CAPACITY FEE STRUCTURE - FULL DETAIL

The 2024 Renewable Energy Rule redefined BLM's fee model.

Major shifts:

- Fee reductions of about 80 percent through 2035 for solar and wind.
- Instead of paying acreage rent plus capacity fees, applicants now pay the higher of the two.
- Construction phase typically triggers acreage rent.
- Operations phase typically triggers capacity fee.
- This significantly improves renewable project economics and stabilizes long-term modeling.

Capacity fee inputs include:

- Nameplate capacity
- Regional multipliers
- Market valuation factors

Rent is tied to:

- County land value
- Authorized acreage
- Land use classification

5. REVIEW PROCESS REQUIREMENTS - EXPANDED

A complete ROW package typically requires:

- Full site plan with dimensions and layout
- Survey plats meeting BLM mapping standards

- Engineering drawings with component specifications
- Environmental baseline datasets
- NEPA impact documentation (EA or EIS)
- Tribal consultation logs
- Section 106 cultural resource compliance
- Endangered species documentation
- Biological surveys (flora, fauna, critical habitat maps)
- Public outreach records when applicable
- Proof of financial capability
- Safety plans, access plans, emergency response
- Bonding and insurance evidence
- Lifecycle decommissioning plan

BLM will not proceed without a fully complete application.

6. COMPLIANCE OBLIGATIONS FOR ROW HOLDERS - FULL DETAIL

Once granted, ROW holders must:

- Maintain all improvements per the approved plan
- Pay all recurring rent, monitoring fees, and assessments
- Allow BLM site inspections at any time
- Maintain required bonding and insurance levels
- Protect cultural, biological, and geological resources
- Implement all environmental mitigation measures
- Avoid unauthorized use or expansion of facilities
- Submit modification requests for any design or operational changes
- Restore or reclaim the site at end-of-life

Failure to comply may result in penalties, suspension, or termination.

7. SPECIAL NOTES FOR THE MEGA PROJECT - FULL CONTEXT

Integration points across the enterprise:

OSY-E and OSY-M:

- Any ground-based infrastructure (power feeds, access roads, communication towers) touching BLM land triggers the full ROW process.

Heber Campus:

- The main footprint is private land, but any external transmission, pipeline, or fiber line crossing public land requires ROW authorization.

Autonomous House:

- Prototype is private-land based; scaling into public deployments would require ROW review for hydrogen or power distribution lines.

Multi-Planetary Logistics Chain:

- Remote launch or recovery sites on federal land could require ROW for staging, telemetry towers, or energy infrastructure.

All ROW exposure should enter the ATB Compliance Gate and be included in the Master Risk Ledger.

8. STRATEGIC INSIGHT - EXPANDED

For any infrastructure on BLM land:

- Assume 24-36 months for a full NEPA + ROW approval cycle.
- Early coordination with BLM is essential to avoid timeline shocks.
- Begin wildlife and cultural surveys early; these are often bottlenecks.
- Capacity fee reductions significantly improve renewable expansion strategy.
- Master Agreements (Category 5) may be beneficial for multi-site operations.
- Category 6 NEPA-heavy work should be treated as a critical path item.
- Schedule buffers must be included to avoid cascading project delays.