Renewable Energy/Secretary of Interior Elevated Review Memorandum: Bentonville & Russellville, Arkansas and 141 Other Solar Companies Letter to Senate/House Staff Expressing Concern

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143 solar companies transmitted a December 4th letter to the United States Senate and House of Representatives leadership addressing a July 15th Memorandum from the Secretary of Interior related to review of wind and solar energy projects.

Two Arkansas companies, Good Faith Solar of Bentonville and Helmer Technical Services of Russellville, joined the various companies signing the letter.

The letter was addressed to the following:

- The Honorable Mike Johnson Speaker of the House
- U.S. House of Representatives
- The Honorable John Thune Majority Leader
- U.S. Senate
- The Honorable Hakeem Jeffries Minority Leader
- U.S. House of Representatives
- The Honorable Chuck Schumer Minority Leader
- U.S. Senate

The July 15th Department of Interior Memorandum announced what it characterized as the “cessation of preferential treatment” for “unreliable, subsidy-dependent wind and solar energy projects”.

The Memorandum is titled:

Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities.

The Memorandum was intended to apply to all decisions, actions, consultations, and other undertakings related to wind and solar energy facilities and require submission to the Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary.

The solar companies in the December 4th letter characterized the Memorandum as requiring "elevated review" for solar energy permits. They further argue that:

… federal agencies are implementing this directive in a way that amounts to a nearly complete moratorium on permitting for any project in which the Department of Interior may play a role, on both federal and private land, no matter how minor.

Examples provided include:

- Permits and consultations that occur under any DOI agency for projects on federal lands or any other project with a clear federal nexus.
- Permits and consultations for projects primarily on private lands that involve easements, rights-of-way or gen-ties crossing public land.
- Permits and consultations for projects on private lands that occur under DOI agencies including those requiring compliance with Endangered Species Act, Migratory Bird Act and Bald and Golden Eagle Protection Act.
- Permits from non-DOI federal agencies (e.g. Army Corps of Engineers) for private land projects where the DOI has a consultative role such as wetland impacts, water crossings, or tree removal.
- Projects on private land utilize DOI resources, such as IPaC, to determine species impacts.

The solar companies ask that leadership work with the Department of Interior to address what they argue is "unduly discriminatory and unprecedented government overreach, by revoking the July 15th Memorandum."

A copy of the December 4th letter can be found here.