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DEPARTMENT OF ENERGY AND NATURAL RESOURCES

GUIDANCE MEMORANDUM ON ACT 279 PERMITS

Act 279 of the 2025 Regular Session states that “[n]o person shall construct, install, or operate a solar power generation facility with a footprint of seventy-five or more acres without holding a permit issued by the department pursuant to this Part.” *See* La. R.S. 30:1143(A). The “Part” referenced is Part III of Chapter 12, of Title 30 of the Louisiana Revised Statutes of 1950, which is comprised of Sections 1142-1145. The Act 279 permitting requirement took effect on August 1, 2025, and thus immediately precludes construction, installation, or operation of a solar power generation facility of seventy-five or more acres without a permit issued by the Department of Energy and Natural Resources (“Department”) pursuant to the provisions of Sections 1142 through 1145.¹

The Department acknowledges that Act 279 creates urgent compliance requirements for solar power generation facilities at variable stages of development and operation. Accordingly, the Department provides submission criteria and compliance procedures for the immediate permit requirement below. Importantly, compliance with siting, setback, and noise-level restrictions in Act 279, Section 1144 are not requisites for the immediate permit, as these requirements apply only to solar power generation facilities that begin construction after January 1, 2026. *See* Section 1144(D). The Department is developing compliance criteria for Section 1144 and will issue further guidance accordingly.

Compliance Criteria

I. Definitions

For purposes of this guidance memorandum, the following definitions apply:

“Subject Facility” means a solar power generation facility located in the State of Louisiana with a footprint of seventy-five acres or more that is currently operational, already constructed, under construction, or which will begin construction on or before January 1, 2026.

“Immediate Permit” means a permit administratively issued by the Department authorizing commencement or continuance of construction, installation, or operation of a Subject Facility in accordance with the requirements of Act 279. The Immediate Permit does not concern, and is not conditioned upon, the siting, setback, or ambient noise restrictions set forth in Section 1144, nor the decommissioning plan and financial security requirements set forth in Section 1154(D).

II. Applicability

¹ “All laws enacted during a regular session of the legislature shall take effect on August first of the calendar year in which the regular session is held . . . However, any bill may specify an earlier or later effective date.” La. Const. Art. III, Section 19.

In accordance with Act 279, an Immediate Permit is required to commence or continue any construction, installation, or operation of any Subject Facility. As such, owner(s) or operator(s) of any Subject Facility shall apply for and obtain a permit in order to commence or continue any construction, installation, or operation activity.

III. Application Requirements

A person or entity responsible for a Subject Facility shall submit an Immediate Permit application to the Department. The application requires submission of the following:

1. The name of the Subject Facility;
2. The location of the Subject Facility, including:
 - a. The Parish(es) in which the Subject Facility is located;
 - b. One of the following:
 - i. The Township, Range, and Section(s) where the Subject Facility located;
 - ii. The physical address of the Subject Facility; or
 - iii. The latitude and longitude coordinates of the Subject Facility; and
 - c. The zoning designation(s) of the site where the Subject Facility is or will be located.
3. The name, address, e-mail address, and phone number of the operator(s) of the Subject Facility, and a copy of the facility's registration form;
4. The name, address, e-mail address, and phone number of each person or entity with equity ownership of the Subject Facility at the time of application;
5. One or more plat, survey, or map of the property encumbered or to be encumbered by the Subject Facility, containing the following information to the extent practicable at the time of application:
 - a. The footprint of the Subject Facility;
 - b. The anticipated or actual location of all solar devices, equipment, and component parts used or planned to be used in the Subject Facility's operations; and
 - c. All property lines crossing or intersecting the Subject Facility.
6. A written description of the Subject Facility's development status at the time of application—whether currently in operation, under construction, or has not yet commenced construction but will begin construction on or before January 1, 2026.
 - a. For facilities that are not currently operating, the application shall include a written description of the remaining development stages and related timelines based upon the applicant's best information and belief.

- b. Facilities that are under construction or have not begun construction at the time of application shall update their status and timelines with the Department as they progress through the remaining development stages.
7. A copy of each permit application submitted to a local authority, or permit issued by a local authority, concerning construction, installation, or operation of the Subject Facility. Each permit application or permit submitted pursuant to this requirement should include all related attachments, exhibits, and supporting information. To the extent a local permit or permit application includes the information required in items 1 – 6, then its submission shall be deemed to satisfy those items as well; and
8. A written certification that chemical(s) not approved for agricultural application have not and will not be sprayed for maintenance of the Subject Facility.

IV. Application Review and Findings

If the Department determines that the application is complete and compliant with the applicable provisions of Act 279, then it will issue an Immediate Permit authorizing the construction, installation, or operation of the Subject Facility as described in the application effective as of August 1, 2025. The Department will post the Immediate Permit on its website and send a copy to the applicant. If the Department determines that the application is insufficient, then it will provide written notice of each deficiency to the applicant and suspend further review pending resolution. Notice of the Department's decision will include information on how the decision may be legally challenged.

V. Additional Information

Please direct all questions, comments, and requests for additional information to dnrsolarreg@la.gov.

For future updates, including permit applications and related materials, please visit our webpage [DENR Energy Solar Permitting](#).

Summary of Part III of Act 279

Immediate Permit	Future Permit
Applies to Subject Facilities in operation, constructed, under construction, or will begin construction <u>on or before January 1, 2026</u> .	Applies to facilities that begin construction <u>after January 1, 2026</u> .
Subject Facility must: <ul style="list-style-type: none">• Have permit (30:1143(A))• Comply with chemical prohibition (30:1145)	Facility must: <ul style="list-style-type: none">• Have permit (30:1143(A))• Meet siting requirements (30:1144)• Comply with chemical prohibition (30:1145)