

NOTICE OF INTENT

Department of Conservation and Energy Office of the Secretary

Regulation of Solar Power Generation Facilities (LAC 43:I.5301-5309)

The Department of Conservation and Energy, Office of the Secretary, in accordance with the Administrative Procedure Act, R.S. 49:950 *et seq.*, and under the authority of R.S. 30:1142-1145 and Act 279 of the 2025 Regular Legislative Session, proposes to adopt LAC 43:I.5301-5309 to require permits to construct, install, or operate certain solar power generation facilities and regulations governing siting standards for said facilities.

Title 43 NATURAL RESOURCES Part I. Office of the Secretary Subpart 5. Renewable Energy

Chapter 53. Siting Requirements for Solar Facilities

§ 5301. Definitions

The definitions provided in this Section shall have the following meanings within this Chapter.

Department—the Department of Conservation and Energy, or its successor.

Designated Operator—any person who controls or manages a solar power generation facility and is responsible for complying with the requirements of this Chapter.

Existing Vegetation—vegetation present on the land where a facility will be located at the time of application.

Facility Footprint—the area within the perimeter of a solar power generation facility utilized by solar devices and integrated equipment up to, but not including, any fencing, setback, buffer, vegetative barrier or similar requirements under state law or regulation, local ordinance, or contractual agreement(s).

Natural Plant Material—existing vegetation that will be retained and will naturally regenerate or may be supplemented with new plant material to satisfy the siting standards set forth in this Chapter.

New Plant Material—vegetation that will be planted on a facility's site to satisfy the siting standards set forth in this Chapter.

Residential Property—all or a portion of a tract of land on which there is an occupied residence or is zoned as residential land at the time of application.

Secretary—the secretary of the department.

Solar Device—any photovoltaic, thermal, or other technology associated with the collection of solar energy to generate electricity, including but not limited to panels, arrays, and integrated wiring.

Solar Power Generation Facility (or “Facility”)—all solar devices and the integrated equipment and other materials necessary for or incidental to the operation of solar devices located within the facility footprint to distribute, transfer, or store electricity, including but not limited to concrete or metal foundations and structures; electrical transformers, inverters, and controllers; above- and underground wires and conduit; energy storage mediums; telecommunications equipment; roads; meteorological stations; switchyards; maintenance yards; and security fencing.

Vegetation—grasses, trees, shrubs, and other non-invasive species of plants that are native to Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1142-1145.

HISTORICAL NOTE: Promulgated by the Department of Conservation and Energy, Office of the Secretary, LR 52:

§ 5303. Applicability

A. The rules in this Chapter apply to ground-mounted solar power generation facilities in Louisiana with a footprint of seventy-five or more acres. The facility footprint may be comprised of a single contiguous tract or multiple non-contiguous tracts.

B. The siting standards set forth in Section 5307 shall not apply to any facility with a footprint of seventy-five or more acres if the facility:

1. is located within an industrial-zoned area;
2. is located within a Louisiana Economic Development certified site;
3. is located in a parish that has adopted solar ordinances and has opted out of the siting standards by resolution; or

4. began construction on or before January 1, 2026, and holds a permit from the department.

C. As set forth in Paragraph 3 above, the governing authority of a parish may opt out of the siting standards in this Chapter. To opt out, the parish shall submit a copy of the resolution and a copy of the solar ordinances in effect to the department. The effective date of the parish opt out shall be the date of the resolution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1142-1145.

HISTORICAL NOTE: Promulgated by the Department of Conservation and Energy, Office of the Secretary, LR 52:

§ 5305. Permit Requirement

A. No 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 Chapter. The permit pertains to the siting standards set forth in Section 5307 where applicable and the prohibition against the use of certain maintenance chemicals in Section 5309(A). When feasible and upon request, the department may combine the permit application and requirements of this Chapter into a singular application and permitting process to streamline regulatory compliance under this Subpart.

B. The designated operator of the facility must be registered with the department to apply for a permit under this Chapter.

C. To apply for a permit, the designated operator shall submit an administratively complete permit application. An administratively complete permit application shall include:

1. the name of the facility;
2. the location of the facility, including:
 - a. the Parish(es) in which the facility is located;
 - b. one of the following:
 - i. the Township, Range, and Section(s) where the facility located;
 - ii. the physical address of the facility; or
 - iii. the latitude and longitude coordinates of the facility; and

- c. the zoning designation(s) of the site where the facility is or will be located, if applicable.
3. the name, address, e-mail address, and phone number of the operator(s) of the facility, and a copy of the owner/operator's registration form;
4. the name, address, e-mail address, and phone number of each person or entity with equity ownership of the facility at the time of application;
5. one or more plat, survey, or map of the property to be encumbered by the facility, prepared, signed, and sealed by a Louisiana licensed engineer, that provides the following information, to the extent practicable, at the time of application:
 - a. the anticipated or actual footprint of the facility;
 - b. the anticipated or actual location of all solar devices, equipment, and component parts used or planned to be used in the facility's operations;
 - c. all property lines crossing or intersecting the facility; and
 - d. all applicable setbacks; and
6. a written description of the facility's development status at the time of application;
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 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 Paragraphs (1) through (6), then its submission shall be deemed to satisfy those items for purposes of this Section;
8. a stamped landscape plan prepared in accordance with Section 5307(C);
9. if applicable, a copy of the resolution from each parish where the facility is located that affirms the adoption of solar ordinances and documents the parish's decision to opt out of the siting requirements set forth in R.S. 30:1144, and a copy of the solar ordinances;
10. a written certification that noise levels at the property line shall not exceed 10 A-weighted decibels (dbA) above the ambient noise level prior to operation of the facility; and

11. a written certification that chemical(s) not approved for agricultural application have not and will not be sprayed for maintenance of the facility.

D. The department shall review each permit application to determine if the application meets all requirements of this Chapter. If the department determines an application is administratively complete, it shall notify the designated operator certifying that the application is administratively complete and that the application was submitted for agency comment pursuant to Subsection (E). If the department finds the application is not administratively complete, it shall notify the designated operator identifying all missing or deficient information required. Failure to address and remedy each deficiency within the timeframe provided in the notice shall constitute abandonment of the application process, but said abandonment shall not prejudice the right of a designated operator to reapply for a permit under this Chapter or Subpart.

E. After the department determines an application is administratively complete, it shall provide a copy of the application to the Department of Agriculture and Forestry and the Department of Wildlife and Fisheries for review and comment. The agencies may submit comments to the department addressing matters within their jurisdiction impacted by the construction, installation, and operation of the facility. Comments shall identify site-specific impacts, information or material within the application that gives rise to the impact, the agency's authority, and any recommended reasonable mitigation measures to address the impact. For purposes of the administrative record, failure of an agency to comment during the agency review period will be considered a determination that there are no recommended mitigation measures for potential impacts within the agency's jurisdiction.

F. Agency comments received as provided for in Subsection (E) will become part of the permit application's file and copies will be provided to the designated operator. The designated operator may respond to agency comments, or notify the department of its decision not to respond, within 30 days of receipt. The department will consider all timely agency comments and applicant responses and may consult with the commenting agency before making a final decision on the application. The department may issue a permit subject to conditions that address the identified impacts.

G. A permit issued pursuant to this Chapter shall expire within five years of the date of issuance, unless construction of the facility has commenced. The designated operator may request an extension of the expiration date by providing the department with written notice that explains the circumstances for the delay and shows good cause for granting the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1142-1145.
HISTORICAL NOTE: Promulgated by the Department of Conservation and Energy, Office of the Secretary, LR 52:

§ 5307. Siting Standards

A. A solar power generation facility that begins construction after January 1, 2026, shall comply with the following siting standards for setbacks, vegetative barriers, and noise as set forth in R.S. 30:1144 and this Chapter, unless the facility is exempt as provided in Section 5303(B).

1. For residential property, a 300-foot setback from the adjoining residential property line to the nearest solar device, unless provided otherwise by written agreement between the property owner and the designated operator, with either:

a. a 35-foot vegetative barrier composed of new plant material where there is no existing vegetation on the facility's site at the time of application; or

b. a 50-foot vegetative barrier composed of natural plant material.

2. For natural and navigable water bodies, a 100-foot setback from the ordinary low water mark to the nearest solar device.

3. For public roads, a 50-foot setback from the edge of the paved road surface to the nearest solar device with a 35-foot vegetative barrier.

B. All vegetative barriers shall be composed of vegetation that provides an opaque visual barrier year-round, and be designed to conceal the facility from view from adjoining residential properties. Existing vegetation that independently meets these general requirements and will be preserved and remain undisturbed during a facility's construction, installation, and operational life may be used to satisfy the barrier standards in Subsection (A). Vegetative barriers established using new plant material shall be installed in accordance with the applicable specifications set forth in Subsection (A) and designed to provide an opaque visual barrier within three years after installation.

C. As part of a facility's permit application, the designated operator must submit a stamped landscape plan. The plan must be prepared by a Louisiana-licensed landscape architect or landscape horticulturalist and include the following:

1. a detailed site map depicting the proposed location of all solar devices and integrated equipment necessary for facility operations and the dimensions of the facility footprint, setbacks, and vegetative barriers. The map shall also identify the location of all public roads, natural and navigable water bodies, easements, rights-of-way, flood zones, and the zoning classification or land use of adjacent properties;

2. a description of the land where the facility will be located and all existing conditions, features, and uses before the facility is developed;
3. a landscape design plan that identifies and illustrates the species, locations, and placements of all existing and proposed vegetation that will compose the vegetative barrier, along with detailed information on each species growth characteristics, such as expected height ranges and spacing requirements;
4. a statement of efforts to conserve and protect existing vegetation, habitats, landscapes, and resources during the development and operational life of the facility;
5. a certification that the vegetative barrier will comply with Subsections (A) and (B);
6. a maintenance plan detailing how vegetation within the facility footprint and vegetative barrier will be maintained to ensure its long-term health, sustainability, and visual screen through trimming, pruning, and the application of herbicides, pesticides, and fertilizer, and other relevant practices and methods;
7. a statement certifying that all setbacks and vegetative barriers are designed to consider and comply with other applicable laws, regulations, and policies, such as LAC 70:I.313; and
8. any other information relevant to issue permits under this Subpart.

D. The noise level of a facility shall not exceed ten A-weighted decibels (dbA) above the ambient noise level present at the adjoining residential property line prior to operation of the facility. As part of a facility's permit application, the designated operator shall submit a certification that the facility will meet this requirement and include a detailed explanation of how it will ensure compliance with this standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1142-1145.

HISTORICAL NOTE: Promulgated by the Department of Conservation and Energy, Office of the Secretary, LR 52:

§ 5309. Maintenance of Vegetation and Chemical Application

A. Any chemical that is not approved for agricultural application by the Department of Agriculture and Forestry shall not be sprayed for the maintenance of a solar power generation facility site.

B. The vegetative barrier shall be maintained to satisfy the applicable siting standards and general barrier requirements set forth in Section 5307. Vegetation within the barrier that is dead, diseased, or damaged by a force majeure event to the extent it is not reasonably expected to regenerate within three years to meet the screening requirements shall be removed within a reasonable amount of time and replaced with new plant material that is the same or similar to the existing vegetation and will provide the required screen within three years. All maintenance activities shall be carried out in accordance with good management practices and applicable state and local law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1142-1145.
HISTORICAL NOTE: Promulgated by the Department of Conservation and Energy, Office of the Secretary, LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. The department anticipates that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972(B). In particular, the proposed Rule has no known or foreseeable impact on:

1. The effect on the stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

The department anticipates that this proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:974.5, the Regulatory Flexibility Act, have been considered by the department. The proposed Rule is not expected to have a significant adverse impact on the health, safety, environmental or economic welfare of small businesses; therefore, a Small Business Economic Impact Statement as required by R.S. 49:974.4 has not been prepared.

Provider Impact Statement

The department anticipates that the proposed Rule should not have any known or foreseeable impact on providers as defined by House Concurrent Resolution No. 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule no later than Friday, April 10, 2026, by 4:30 p.m. Written comments should be addressed to Elizabeth Ferrier, Attorney, Office of Legal Services, Department of Conservation and Energy, 617 North Third Street, 12th Floor, Baton Rouge, LA 70802 or via email to DCE-Renewables@la.gov. Please reference “Solar Siting Regulations” in your comments and include your name and who you represent, if someone other than yourself.

Public Hearing

Interested persons may submit a written request for a public hearing no later than Friday, April 10, 2026, by 4:30 p.m. Requests may be submitted either by mail, addressed to Elizabeth Ferrier, Attorney, Office of Legal Services, Department of Conservation and Energy, 617 North Third Street, 12th Floor, Baton Rouge, LA 70802 or via email to DCE-Renewables@la.gov. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, a public hearing will be held on Friday, April 24, 2026, at 9:00 a.m. in the Griffon Room, located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, for all interested persons to attend and submit oral or written comments. Please visit C&E’s website at <https://www.dce.louisiana.gov/page/hearing->

comment-calendar or email DCE-Renewables@la.gov after the request deadline to confirm if the public hearing is scheduled. In accordance with the Americans with Disabilities Act, please contact C&E's ADA Coordinator, Maranda Rispono, at (225) 342-9088 or by email at Maranda.Rispono@la.gov within 10 working days of the hearing if you need assistance or accommodation.

Dustin Davidson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Siting Requirements for Solar Facilities**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule implements Act 279 of the 2025 Regular Session and is estimated to cost the Department of Conservation and Energy (C&E) approximately \$300,000 a year, beginning in FY 27, primarily for salaries and related benefits of two additional positions (Statewide Program Manager 2 & Surveyor 3), travel, and supplies. C&E anticipates needing additional personnel over time to implement the rule's permitting program and ensure compliance with Act 279 as more solar facilities are established in the state. The proposed rule is not anticipated to have any fiscal or administrative impact on local governmental units. Local governmental units that opt out of the statutory statewide siting standards will continue operating under their existing local siting standards without changes to their workload or paperwork requirements. The proposed rule provides a state-administered permitting and siting standards framework for utility-scale solar facilities without imposing new costs or administrative duties on local governmental units that do not opt out.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Act 279 does not provide for or authorize any funding mechanism, such as application fees or permit fees, for C&E to implement and administer the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule directly affects solar power generation facility developers, operators,

and other persons with ownership or control interests in such facilities. The designated operator must submit an application for a state siting permit under the proposed rule, in addition to any other applicable permitting requirements. Costs associated with the preparation of the required landscape plan and compliance with the siting requirements will be incurred; however the cost of the engineering survey or similar documentation cannot be determined, as it varies based on facility size and complexity.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to have a neutral to positive effect on competition in the public and private sectors; however, impacts cannot be quantified at this time due to limited publicly available data regarding the number and timing of qualifying solar facilities subject to the rule. Employment effects are anticipated to increase demand for licensed engineers and landscape professionals due to required permitting documentation. The rule does not impose staffing requirements on local governmental units; any additional staffing at the local level would result from a parish's independent decision to administer or enforce its own local siting standards.

Dustin Davidson
Secretary

Legislative Fiscal Officer
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