

## **Os & As: BLM Solar Programmatic Environmental Impact Statement (PEIS)**

### **1. What is the Solar PEIS?**

The Solar PEIS is one of several on-going DOI initiatives in support of the President's New Energy for America Plan that sets a target of ensuring that 10 percent of U.S. electricity is generated from renewable sources by 2010, rising to 25 percent by 2025. The Solar PEIS is a thoughtful process that will examine landscapes within the BLM-managed National System of Public Lands that have high solar energy potential, analyzing alternatives that could facilitate environmentally responsible solar energy development. The Solar PEIS also will examine the environmental effects of all solar energy technologies that are ready for deployment at utility-scale. A utility-scale project is that which is capable of producing 10 or more megawatts of electricity for distribution to customers through the electricity transmission grid system.

### **2. Who is preparing the Solar PEIS?**

The Solar PEIS is an environmental impact statement being prepared jointly by the Department of Energy (DOE) and the Bureau of Land Management (BLM) (the Agencies) and would analyze solar energy development on public lands.

### **3. What areas will the Solar PEIS cover?**

The Solar PEIS will cover BLM-managed lands with high solar energy potential in six western states—Arizona, California, Colorado, New Mexico, Nevada, and Utah. Approximately 24 tracts of land, referred to as Solar Energy Study Areas, will be studied in-depth.

### **4. Where can I get more information about the Solar PEIS?**

The PEIS Web site is the best source of information: <http://solareis.anl.gov>. You may also contact the BLM's Solar PEIS project manager, Linda Resseguie, by telephone at 202-452-7774 or by email at [linda\\_resseguie@blm.gov](mailto:linda_resseguie@blm.gov); or, the DOE's Lisa Jorgensen by telephone at 303-275-4906 or by email at [lisa.jorgensen@go.doe.gov](mailto:lisa.jorgensen@go.doe.gov).

### **5. Will the Solar PEIS web site contain more information about the solar energy study areas such as legal descriptions and GIS data?**

The Web site will contain land descriptions for each solar energy study area. The Web site will also contain the boundaries of the solar energy study areas in Geographical Information System data files that can be downloaded and used for mapping purposes. The solar energy study areas only involve BLM-administered public lands.

### **6. How can I comment on the solar energy study areas and what type of information is the BLM seeking?**

The best way to comment on the PEIS is through the project Web site. The most helpful information includes any specific data about resources in the solar energy study areas that would assist the Agencies in evaluating the suitability of these areas for solar energy development.

**7. What will the agencies do with my comment?**

All comments will be considered as the Agencies continue to evaluate the solar energy study areas. The Agencies will not respond individually to each comment. However, comments will become part of the administrative record for the Solar PEIS and will be posted on the project Web site.

**8. Will the Agencies withhold my personal identifying information if I ask them to do so?**

When you submit your comment, you may request that your personal identifying information be withheld from public review; however, the Agencies cannot guarantee that they will be able to do so.

**9. My organization/office has previously told the BLM about concerns with solar energy development in places that are now identified as solar energy study areas.**

The Agencies ask that you include this information in a written comment and provide specific data that shows why these areas are inconsistent with solar energy development. If you do not have supporting data to submit with your comments, please provide as much detail as possible.

**10. Will the Agencies hold additional public scoping meetings to discuss the solar energy study areas?**

The Agencies are not currently planning to hold public meetings, but are encouraging the public to provide written comments through the project Web site.

**11. How will the BLM engage tribes and cultural resource specialists in the Solar PEIS process, especially now that specific solar energy study areas have been identified?**

The Agencies will consult with Native American tribes and State Historic Preservation Offices in order to evaluate and refine the solar energy study areas.

**12. When will the draft PEIS be available to the public?**

The Agencies do not plan to issue a revised schedule until the additional scoping period has ended and public comments are preliminarily assessed. At that point, the Agencies will be better able to predict how much additional time is needed to complete the draft PEIS. For general planning purposes, the draft PEIS is not expected to be available to the public before late fall 2009.

**13. What alternatives is the BLM analyzing?**

The BLM is considering adopting a new solar energy program to facilitate development of utility-scale solar energy facilities on BLM-managed National System of Public Lands. A program of this type would identify lands available for or excluded from solar energy development and establish standard mitigation standards for solar energy development on BLM public lands. In addition, the BLM could designate some, all, or none of the solar energy study areas as solar energy zones within that program.

#### **14. What is BLM's preferred alternative?**

The BLM's preferred alternative will be identified as we move forward with the EIS process.

### **Solar Energy Study Areas**

#### **15. What criteria did the BLM use to identify the solar energy study areas?**

The solar energy study areas were selected based on a high solar energy potential and a low potential for known resource conflicts. They were based on ongoing state-wide/regional studies, including California's Renewable Energy Transmission Initiative (RETI) and the Western Governors' Association's Western Renewable Energy Zone (WREZ) and Transmission Study.

Only those lands with excellent solar resources (greater than 6.5 solar insolation), suitable slope (less than 5%), proximity to existing roads, transmission lines or designated corridors, and containing at least 2,000 acres of BLM-administered public lands were considered for solar energy study areas. Solar insolation values are rated by kWh/m<sup>2</sup>/day. Values of 6.5 and above are used as a value that may be considered as potential for development.

The lands within the solar energy study areas are intended to exclude the following categories of lands:

1. National Landscape Conservation System (NLCS) lands with the exception of lands in the California Desert Conservation area that do not have a separate NLCS designation;
2. Threatened and endangered species designated critical habitat;
3. BLM-designated Areas of Critical Environmental Concern (ACECs) and Desert Wildlife Management Areas (DWMAs);
4. Areas designated as Visual Resource Management Classes I and II;
5. Special Recreation Management Areas;
6. Areas allocated in existing Land Use Plans to maintain wilderness characteristics;
7. Wildlife movement corridors;
8. Areas where the BLM has made a commitment to take certain actions with respect to sensitive species habitat;
9. Back-country byways;
10. Areas of known Tribal concerns;
11. Areas with a known high density of cultural sites; and
12. Areas designated in existing Land Use Plans for right-of-way avoidance or exclusion.

#### **16. Did the BLM coordinate with stakeholders in identifying the solar energy study areas?**

Both the BLM and DOE are active participants in the collaborative processes of California's Renewable Energy Transmission Initiative (RETI) and the Western Governors' Association's Western Renewable Energy Zone (WREZ), and the solar

energy study areas are a natural extension of those efforts with a concentrated focus on BLM-administered lands. Much of the resource-related information came from existing BLM Land Use Plans, prior planning documents developed through an open, public process. Some early outreach with State and local government has occurred; additional outreach is ongoing.

**17. How many acres are included in the solar energy study areas?**

The 24 solar energy study areas include approximately 676,048 acres. Acreage estimates and potential megawatt (MW) capacity by State/Study Area are included in the table below.

<b>SOLAR ENERGY STUDY AREAS</b>			
<b>STUDY AREA NAME</b>	<b>State</b>	<b>Acres</b>	<b>MW Capacity if Fully Developed</b>
Brenda	AZ	4,321	480 - 864
Bullard Wash	AZ	8,201	911 - 1,640
Gillespie	AZ	3,970	441 - 794
Total Arizona		16,492	1,832 - 3,298
Imperial East	CA	12,830	1,426 - 2,566
Iron Mountain	CA	109,642	12,182 - 21,928
Pisgah	CA	26,282	2,920 - 5,256
Riverside East	CA	202,295	22,477 - 40,459
Total California		351,048	39,005 - 70,210
Antonito Southeast	CO	9,598	1,066 - 1,920
DeTilla Gulch	CO	1,522	169 - 304
Fourmile East	CO	3,882	431 - 776
Los Mogotes East	CO	5,909	657 - 1,182
Total Colorado		20,910	2,323 - 4,182
Amargosa Valley	NV	32,699	3,633 - 6,540
Delamar Valley	NV	17,932	1,192 - 3,586
Dry Lake	NV	16,516	1,835 - 3,303
Dry Lake Valley North	NV	49,775	5,531 - 9,955
East Mormon Mountain	NV	7,418	824 - 1,484
Gold Point	NV	5,830	648 - 1,166
Millers	NV	19,205	2,134 - 3,841
Total Nevada		149,375	16,597 - 29,875
Afton	NM	55,810	6,201 - 11,162
Mason Draw	NM	17,984	1,998 - 3,597
Red Sand	NM	47,666	5,296 - 9,533
Total New Mexico		121,459	13,495 - 24,292
Escalante Valley	UT	6,648	739 - 1,330
Milford Flats South	UT	6,440	716 - 1,288
Wah Wah Valley	UT	3,676	408 - 735
Total Utah		16,763	1,863 - 3,353
<b>Totals for all Study Areas</b>		<b>676,048</b>	<b>75,116 - 135,210</b>

**18. Do the solar energy study areas include existing applications?**

All of the solar energy study areas in California include existing applications. Two of the solar energy study areas in Nevada include existing applications (Dry Lake and Amargosa Valley). Two of the solar energy study areas, one in Colorado (De Tilla Gulch) and one in New Mexico (Afton), each have an existing application. The solar energy study areas in Arizona or Utah do not include any existing applications. Altogether there are 35 existing solar applications within the solar energy study areas.

**19. What will happen to existing applications within solar energy study areas?**

Solar energy companies with existing solar applications that were filed prior to the date of the Federal Register publication on BLM-managed public lands will continue to have their applications processed by the BLM non-competitively. Processing an application will continue to include following the appropriate NEPA process independent of the Solar PEIS. If a project is approved before the BLM issues a Record of Decision (ROD) for the Solar PEIS, that project will not be subject to the requirements in the ROD. If the application is approved non-competitively after the ROD, it may be subject to additional mitigation requirements in the ROD.

**20. What is the difference between a solar energy study area and a solar energy zone?**

A solar energy study area is simply a tract of land identified for additional, in-depth environmental analysis in the Solar PEIS. As a result of that analysis, the BLM could decide to designate some or all of the study areas as solar energy zones. Solar projects within solar energy zones may receive priority processing, and the BLM may decide to use alternative competitive or non-competitive procedures in processing new solar applications within solar energy zones.

**21. How will the BLM address new solar energy applications in the solar energy study areas?**

The BLM will acknowledge receipt of new applications; however, it will not process the applications until the Record of Decision (ROD) has been issued for the Solar PEIS. In the interim, the BLM will not ask for or accept cost recovery funds or detailed Plans of Development for these applications or initiate a site specific environmental impact statement for the proposed project. When the ROD for the Solar PEIS is signed, the BLM will expeditiously process applications potentially utilizing competitive or non-competitive procedures that differ from the current process.

**22. What alternative procedures are under consideration for new applications in solar energy study areas?**

Through the Solar PEIS, the BLM will be doing much of the necessary environmental clearances in the solar energy study areas in advance of processing new solar energy applications. This means that future projects should be permitted more quickly and at a lower cost. The BLM believes that this will be a benefit to industry and that many companies will be interested in placing projects in solar energy study areas. The BLM

wants to be better prepared to address a high level of industry interest in these areas. One approach could be to develop procedures that include a competitive process.

**23. Will solar energy companies and the public have an opportunity to comment on the “competitive or non-competitive” procedures that the BLM will apply to new applications in the solar energy study areas?**

It depends. The public will not have an opportunity to comment on the procedures that the BLM will use to process applications if the BLM decides to use the existing procedures for the competitive issuance of rights-of-way described in 43 CFR 2803.1-3. However, if the BLM decides to use new procedures it will issue the new procedures as new regulations. The public would be able to comment on any new BLM regulations for competitive processing of rights-of-way.

**24. What type of authorization does the BLM give for construction of a solar energy development facility?**

The BLM issues a right-of-way grant under Title V of the Federal Land Policy and Management Act (FLPMA) and associated regulations found in Title 43 of the Code of Federal Regulations beginning at section 2800 for systems for generating electricity, including systems that generate electricity from solar (and wind) resources. Applicants must file a standard right-of-way application form, sign an agreement to reimburse the BLM for its costs in processing the application, and provide a detailed Plan of Development for the proposed project. The BLM must then identify and assess the environmental impacts of the project under the National Environmental Policy Act (NEPA) process before making a decision about whether to grant the right-of-way. If the proposed project is not consistent with the BLM’s existing land use plan for the area, the BLM must also decide whether to amend the land use plan to allow the project to be constructed.

The companies typically hire a contractor to prepare the NEPA document for a site-specific project. The NEPA document is reviewed by the BLM to ensure it complies with the Federal requirements for compliance with CEQ guidelines and the National Environmental Policy Act.

**25. What kinds of fees must companies pay in order to construct a solar energy development project on public lands? Where do those fees go?**

Under current procedures, the BLM collects a fair market value rental on the land on which the project is located. In addition, the applicant must reimburse BLM for costs in processing the application as well as provide a bond that protects the Federal government from having to use taxpayer money to restore or reclaim lands if the project is started, but not completed, or after the project has been terminated. Money collected for BLM costs and from bonding is used to reimburse the BLM for expenses associated with the project; money collected for rent goes to the Federal Treasury.

**26. Does the BLM’s existing authority include offering rights-of-way for solar energy development on a competitive basis?**

The BLM has the authority and may apply competitive procedures if the BLM determines that one or more right-of-way applications are competing for the same lands. To date, the BLM has not applied such procedures to solar energy applications.

**27. Does the BLM’s existing authority allow it to collect fair market value for solar energy rights-of-ways?**

The Federal Land Policy and Management Act requires that the BLM receive fair market value of the use of the public lands. The rental rates for solar energy rights-of-way are currently determined based on site specific appraisals. However, a fee schedule for solar energy rights-of-way may be developed in the future.

**28. Does the BLM’s existing authority allow it to collect royalties from the electricity produced on public lands?**

There is no existing authority for the BLM to collect royalties from the electricity produced on public lands.

**29. What is the total number of pending solar energy applications?**

The BLM currently has 225 pending right-of-way applications related to solar energy development. About 158 of these are considered “active” applications, because they were the first solar development application to be filed for a specific tract of land. There are also second and third-in-line solar applications filed by companies after the lands were already applied for by another company. The BLM also has a small number of site testing applications.

**30. What is an “active” application?**

An “active” application is one that can be processed. It is the first solar application filed for a specific tract of land. The BLM requires due diligence from these applicants. They must enter into cost recovery agreements, submit an initial cost-recovery deposit (\$50,000), and submit detailed Plans of Development before the BLM will initiate the NEPA process. Under current procedures, subsequent applications for the same lands are set aside until the BLM makes a decision to either approve or reject the first application.

**31. What is an “existing” application?**

An existing application is any solar energy application on file with the BLM prior to June 30, 2009.

**32. How many applications are currently being reviewed under NEPA?**

All applications must comply with NEPA. Currently, the BLM has issued a Notice of Intent to Prepare an Environmental Impact Statement for three solar projects:

- Stirling Energy Systems SES I: (2 applications) 850 MW, vicinity of Barstow, CA, dish engine technology
- Stirling Solar SES II: (1 application) 750 MW, vicinity of El Centro, CA, dish engine technology
- Ivanpah/ Bright Source: (4 applications) 400 MW, located in CA, along the border with Nevada, near Primm, NV, power tower technology



A Notice of Intent to Prepare an Environmental Impact Statement for the Proposed NextLight Renewable Power, LLC, Silver State North Solar Project and Silver State South Solar Project, Primm, Nevada will be published in the *Federal Register* on June 30, 2009.

**33. How will the decisions made as a result of the Solar PEIS process affect those active applications with issued Notices of Intent?**

The BLM will continue to process all existing applications, including those where a Notice of Intent has already been issued. Decisions on these applications are likely to be issued before the Record of Decision (ROD) for the Solar PEIS. Under that scenario, these projects would not be subject to the requirements of the ROD.

**34. How much money did BLM receive under ARRA to promote renewable energy?**

The BLM received \$305 million from the American Recovery and Reinvestment Act of 2009. \$41 million dollars of that total will be used to advance the nation's development and transmission of renewable energy on public lands. Sixty-two specific projects are identified at [www.interior.gov/recovery](http://www.interior.gov/recovery) under the heading "Renewable Energy Authorizations and Permits." These projects are listed by benefitting State and can be grouped into two main categories: (1) ecological assessments and studies that will inform BLM regional planning and decision making regarding location and mitigation for renewable energy projects on public lands and (2) case and land record improvements to facilitate processing and tracking of individual renewable energy projects.

A portion of the funds allocated to regional planning (flagged as "Programmatic EIS" line entries) will be used to conduct the in-depth environmental assessment of the approximately 24 solar energy study areas in the Solar PEIS. In addition, some BLM offices will be conducting regional ecological assessments and other resource-related studies outside of the solar energy study areas in advance of specific project applications. The data gathered from these efforts will allow BLM to develop comprehensive avoidance and mitigation strategies that will protect specific resources and promote renewable energy. Both the Solar PEIS and the ecological assessments will be coordinated by the BLM Washington Office.

**35. Why is it taking the BLM so long to process solar energy development applications?**

The solar applications received by the BLM are for large- scale, commercial facilities. These facilities propose to have a large foot print and are likely to be an exclusive use of the land. They will also require occupancy of the surface for a long period of time, as much as thirty years. These characteristics generally require the BLM to amend the land use plan and will require the BLM to conduct a detailed environmental review under NEPA. Adequate time will also be needed to conduct any environmental studies needed

and to coordinate with a wide variety of concerned organizations. There is also a need to consult with tribal and state governments and to conduct cultural and historic clearances.

## **Notice of Proposed Withdrawal**

### **36. What is a withdrawal?**

The term “withdrawal” means withholding an area of Federal land from settlement, sale, location, or entry under some or all of the general land laws for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program.

### **37. What is the effect of the Notice of Proposed Withdrawal?**

The Notice of Proposed Withdrawal segregates the lands within the solar energy study areas for a period of two years. This segregation precludes the initiation of actions by third parties, such as the location of new mining claims, which could complicate future designation of some or all of the study areas as solar energy zones. A segregation is an interim step that has the same effect as a withdrawal and gives the BLM the opportunity to consider whether a permanent withdrawal for solar energy development would be an effective tool to promote and facilitate utility-scale solar projects on public lands.

The Notice of Proposed Withdrawal is an important part of the BLM’s effort in the Solar PEIS to look across the landscape and evaluate the potential for solar development in an environmentally responsible way. The segregation/proposed withdrawal preserves the ability to fully implement decisions that result from the Solar PEIS effort.

### **38. How long will the lands be segregated?**

The temporary segregative effect of the Notice of Proposed Withdrawal is 2 years from the date of publication in the Federal Register.

### **39. What happens during that 2-year period?**

The BLM will study these areas as part of the Solar PEIS to determine whether it is appropriate to request a long-term withdrawal (up to 20 years) to preserve these lands for solar energy development.

### **40. Will BLM continue to accept new right-of-way applications in the study areas during the 2-year period of temporary segregation?**

New solar applications will be accepted but will be subject to the requirements in the Record of Decision for the Solar PEIS. Other types of right-of-way applications will continue to be accepted and considered on a case-by-case basis.

**41. How can I comment on the proposed withdrawal?**

You may send written comments to the BLM Director at 1849 C Street NW, Washington, DC, 20240.

**42. Will BLM hold any public meetings about the withdrawal proposal?**

The BLM is required to hold at least one public meeting on any withdrawal action that affects more than 5,000 acres. The BLM plans to hold public meetings concerning this Notice of Proposed Withdrawal in conjunction with public meetings that will be held following the release of the draft Solar PEIS.

**43. How can I keep up to date with actions pertaining to the solar energy study areas, including action on the Notice of Proposed Withdrawal?**

The Notice of Proposed Withdrawal was issued to support the ongoing analysis of the solar energy study areas in the Solar PEIS. The Solar PEIS project Web site <http://solareis.anl.gov> provides information on that effort including maps and project status. Members of the public are encouraged to subscribe to the email notification service provided through the Web site to receive news and announcements related to the project.

**44. Do any of the solar energy study areas include mining claims?**

The BLM records show mining claims have been previously located in some of the solar energy study areas. Six of the solar energy study areas include mining claims. There are 205 mining claims located in these six areas.

**45. Is there any indication that the solar energy study areas include valuable mineral deposits?**

Most of the solar energy study areas are located in alluvial valleys and are unlikely to contain significant mineral values.

**Talking Point:**

The notice of proposed withdrawal protects the solar energy study areas from new third-party claims while the Solar PEIS is underway. The temporary 2-year segregation afforded by the proposed withdrawal gives BLM time to complete its environmental review and decide whether these lands should be allocated to solar energy development. The segregation does not affect any rights established prior to the withdrawal. The BLM

can continue to authorize temporary uses within the solar energy study area. The BLM may also permit other long term uses within the solar study areas, but these use authorizations are discretionary to the BLM. The BLM intends to delay authorizing any long term uses that would be incompatible with solar energy development in the solar study areas until the PEIS is completed. Existing right-of-way applications within the solar energy study areas, including solar energy right-of-way applications, can be processed during the period of segregation.