

## **Q's & A's - Supplement to the Draft Solar Energy Programmatic EIS**

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

The Solar Programmatic Environmental Impact Statement (Solar PEIS) seeks to establish, for the first time, a solid foundation for long-term landscape level planning for solar energy development on public lands. The Solar PEIS will help facilitate better, smarter siting of utility-scale solar projects that avoids or minimizes conflicts with important wildlife, cultural and historic resources.

The Supplement to the Draft Solar PEIS proposes incentives for solar developers who site projects in solar energy zones -offering reduced permitting times - and a sufficiently flexible variance process to allow development of well-sited projects outside of zones. The Supplement also makes clear that the solar program will continue to incorporate other parallel planning efforts, including state level efforts, to establish additional solar energy zones to meet market demand.

### **Why is the BLM releasing a Supplement to the Draft Solar PEIS?**

The Supplement delivers on Secretary Salazar's promise to establish meaningful solar energy zones with transmission solutions and other incentives for solar energy development within those zones. The Supplement builds and improves upon the Draft Solar PEIS released on December 17, 2010. The BLM received more than 80,500 comments on the Draft PEIS through May 2, 2011, and many of those comments proposed helpful adjustments and additions for the agency to consider. The BLM determined that the most effective approach to addressing that feedback was to issue a Supplement to the Draft Solar PEIS (Supplement). Many cooperating agencies and key stakeholders offered suggestions on how the BLM could increase the utility of the document, strengthen the proposed solar program, and increase certainty regarding solar energy development on public lands. Development and release of a Supplement allows the public an additional opportunity to evaluate specific elements of the proposed solar program and provide input that will assist the BLM in its decision making process.

### **What is a Supplement?**

The Supplement to the Draft Solar PEIS is a stand-alone document that cross references the Draft Solar PEIS to the extent practicable. The Supplement provides a number of improvements to key components of the proposed solar program, including a revision of the preferred alternative, a clear process for identifying new Solar Energy Zones (SEZ) in the future, a refinement of which SEZs will be carried forward in the Final Solar PEIS, and a plan to augment biological and cultural resource information and transmission analysis for each of those SEZs. The Supplement also includes a well-defined variance process for those who wish to develop facilities outside of SEZs.

### **Will the public have an opportunity to provide additional comments?**

The BLM will provide the public a 90-day comment period on the Supplement beginning with the Environmental Protection Agency's publication of its Notice of Availability in the Federal Register. That notice will be published on Friday, October 28.

### **Will there be any additional public meetings or hearings?**

Yes, the BLM will hold four public meetings on the Supplement in the following locations:

- Las Vegas, Nevada – Wednesday, November 30, 2011 at 7:00PM: Ramada Las Vegas, 325 East Flamingo Road, Las Vegas, NV 89169
- Phoenix, Arizona – Thursday, December 1, 2011 at 7:00 PM: Sheraton Crescent Hotel, 2620 West Dunlap Avenue, Phoenix, AZ 85021
- El Centro, California – Wednesday, December 7, 2011 at 7:00 PM: Fairfield Inn, 503 East Danenberg Drive, El Centro, CA 92243
- Palm Desert, California – Thursday, December 8, 2011 at 7:00 PM: Best Western Hotel, 74695 Highway 111, Palm Desert, CA 92260

### **The Supplement includes a revision of the preferred alternative. Did the modified preferred alternative in the Supplement require additional NEPA analysis?**

Yes. In accordance with the provisions of NEPA, the Supplement includes additional analysis to assess the environmental effects associated with BLM's modified action alternatives.

### **Did the BLM identify any additional exclusion areas in the Supplement?**

Yes. Under the modified preferred alternative, the BLM proposes to exclude specific categories of land that are known or believed to be unsuitable for utility-scale solar development. On the basis of input received on the Draft Solar PEIS, the list of proposed exclusions has been modified and state-specific exclusions have been incorporated as appropriate in the Supplement. The BLM continues to work with cooperating agencies to refine the proposed exclusions to protect resources. The BLM also expects that comments received on the Supplement will lead to adjustments in the list of exclusions. A final proposal for exclusions will be presented in the Final Solar PEIS.

### **Will lands outside of Solar Energy Zones remain open to utility-scale solar applications?**

Yes. In order to accommodate the flexibility described in the BLM's program objectives, the BLM's modified program alternative allows for responsible utility-scale solar development outside of SEZs. The BLM proposes to identify lands outside of the proposed exclusions and SEZs as variance areas for utility-scale solar energy development. Variance areas would be open to application but would require developers to adhere to the variance process detailed in the Supplement.

## **How will the BLM address existing and new applications for solar energy rights-of-way while it prepares the Solar PEIS?**

In an effort to facilitate environmentally responsible solar energy development that is “smart from the start,” the BLM will continue to process appropriately sited projects that have been put forward by qualified, diligent applicants. The BLM will process pending solar applications consistent with existing regulations and policies in the BLM’s recent Instruction Memoranda (IM 2011-060 and 2011-061), and current interagency coordination practices with DOI agencies such as U.S. Fish and Wildlife Service and National Park Service. The BLM defines “pending” applications as applications on file with the BLM before publication of the Supplement, including applications for lands within proposed SEZs filed before June 30, 2009.

The BLM defines “new” applications as those applications filed within proposed SEZs after June 30, 2009, and any application filed after the publication of the Supplement. All new applications will be subject to the decisions in the ROD and associated land use plan amendments. The BLM will continue to accept applications both inside and outside of proposed SEZs after publication of the Supplement.

## **How have the Solar Energy Zones been modified in the Supplement?**

Based on the comments received on the Draft Solar PEIS and additional data collection that has taken place since the Draft Solar PEIS, some of the SEZs analyzed in the Draft Solar PEIS were found to have resource conflicts and/or development constraints that make them inappropriate locations to prioritize utility-scale solar energy development. The BLM therefore decided to remove some SEZs entirely from further consideration and adjust the boundaries of some SEZs that will be carried forward in the Solar PEIS. These modifications reflect the BLM’s commitment to a continued effort to identify and prioritize the areas best suited for utility-scale production of solar energy, in accordance with Secretarial Order 3285A1.

## **Which Solar Energy Zones have been modified?**

The BLM has decided to remove the following proposed SEZs: Bullard Wash in Arizona, Iron Mountain and Pisgah in California, Delamar Valley and East Mormon Mountain in Nevada, and Mason Draw and Red Sands in New Mexico. In addition, the following SEZs have been substantially reduced in size: Riverside East in California; De Tilla Gulch, Fourmile East, and Los Mogotes East in Colorado; Amargosa Valley, Dry Lake, and Dry Lake Valley North in Nevada; and Afton in New Mexico. The overall result of these changes has been to reduce the total number of SEZs from the 24 presented in the Draft Solar PEIS to 17 and reduce the total acreage potentially available for development in proposed SEZs from about 677,000 acres (2,740 km<sup>2</sup>) to about 285,000 acres (1,149 km<sup>2</sup>).

The Reasonably Foreseeable Development Scenario developed for the Solar PEIS estimated that 214,000 acres of public land will be needed over the next 20 years to meet expected solar demand.

### **Why is the BLM proposing to collect additional data for some Solar Energy Zones?**

Committing to collect additional SEZ-specific resource data responds to requests by commenters on the Draft Solar PEIS to more effectively facilitate future development in SEZs. The BLM has developed action plans for each of the SEZs that it has decided to carry forward in the Solar PEIS. Action plans describe data gaps for individual SEZs, and propose data sources and methods for the collection of additional data. The BLM will prioritize the collection of additional data in those SEZs that are most likely to be developed in the near future. The primary purpose of the SEZ-specific analysis provided in the Solar PEIS is to provide documentation from which the BLM can tier future project authorizations, thereby limiting the required scope and effort of project-specific NEPA analyses for projects proposed in the SEZs.

### **How will projects in Solar Energy Zones be authorized?**

The BLM has consistently indicated its interest in establishing a competitive process for offering public lands for solar and wind development. The BLM has decided to undertake a rulemaking to establish that process, and the Supplement provides information about that effort. The decision to address this issue through formal rulemaking is responsive to comments from the solar energy industry. The BLM is planning to publish an Advanced Notice of Proposed Rulemaking in November 2011 to accompany the release of the Supplement; the BLM intends to have a Proposed Rule available for public comment prior to the release of the Solar PEIS ROD (targeting late spring 2012).

Prior to authorization, utility-scale solar energy development projects proposed in SEZs will be required to comply with NEPA and other applicable laws, including, but not limited to the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA). The BLM has taken a number of important steps through the Solar PEIS to facilitate future development in SEZs in a streamlined and standardized manner. All future projects proposed in SEZs will tier to the analysis in the Solar PEIS. The extent of this tiering, however, will vary from project to project, as will the necessary level of NEPA documentation.

### **What kind of incentives will be offered to developers that apply in Solar Energy Zones?**

In addition to the extensive upfront work already underway in SEZs, the BLM is proposing to undertake a variety of additional activities that will help steer future utility-scale solar energy development to the SEZs. The incentives, which are described in the Supplement, fall into the following categories:

- Facilitate Faster and Easier Permitting
- Improve and Facilitate Mitigation
- Facilitate the Permitting of Needed Transmission to SEZs
- Provide Economic Incentives for Development in SEZs

### **Will new Solar Energy Zones be part of the PEIS?**

No additional SEZs are being analyzed through the Solar PEIS; however the BLM will provide opportunity for industry, the public, and interested stakeholders to propose additional zones for consideration on an on-going basis.

The BLM has identified an immediate need for additional SEZs in some states. As a result, the BLM has revisited ongoing state-based planning efforts to assure that such parallel efforts could result in the identification of new SEZs. These efforts are taking place outside of the Solar PEIS process but consistent with the principles outlined in the SEZ identification protocol proposed in the Supplement. The BLM believes that the future identification of new SEZs will most appropriately be managed at the BLM state and/or field office levels where there is a better understanding of need and potential resource conflicts.

Ongoing efforts that are likely to result in the identification of new SEZs include Arizona's Restoration Design Energy Project, California's Desert Renewable Energy Conservation Plan, and California's West Chocolate Mountains Renewable Energy Evaluation Area planning effort. In addition, the BLM will encourage local land use planning efforts to consider the need for, and identify as appropriate, new SEZs as part of ongoing land use plan revisions. Currently, plan revisions in Nevada and Colorado are pursuing this approach. Ongoing efforts to identify new SEZs and associated timelines are described in the Supplement.

### **What additional transmission analysis will be provided?**

The BLM plans to augment the transmission analysis presented in the Draft Solar PEIS. The BLM has worked closely with the Department of Energy, the National Renewable Energy Laboratory, and the Western Area Power Administration in developing a strategy for additional transmission analysis. It is expected that additional transmission analysis will include:

- an explanation of the inherent complexities and limitations associated with transmission planning and analysis;
- a more robust analysis of the transmission needs for individual SEZs;
- an overview of coordination opportunities/needs with other transmission analytical and planning efforts such as those carried out by Western Electricity Coordinating Council's Transmission Expansion Planning Policy Committee; and
- an approach for incorporating transmission considerations into the BLM's new SEZ identification protocol.

### **Will a strategy for monitoring and adaptive management be part of the BLM's Solar Program?**

Yes, the BLM has begun to work with key stakeholders and local, state and federal agencies to develop an appropriate monitoring and adaptive management strategy as part of its Solar Energy Program. Work on this critical aspect of the program will take additional time to complete. A monitoring and adaptive management strategy will be presented in the Final Solar PEIS.

Individual projects will be required to incorporate the monitoring plan, developer assurances to implement the plan, adaptive management thresholds, and additional project-specific monitoring requirements to be identified on an individual project basis.

### **What is the BLM's plan for addressing mitigation?**

As part of its incentives outlined in the Supplement, the BLM will work to improve and facilitate mitigation for projects in SEZs. The BLM will work with appropriate federal, state, and local agencies and Tribes to develop initial regional mitigation plans that will be presented in the Final Solar PEIS. Regional mitigation plans will be comprised of goals and objectives applicable to individual SEZs that both simplify and improve the mitigation process for future projects. Regional mitigation plans will address mitigation for resources such as biological resources, ecological resources, cultural resources, scenic resources, and socioeconomic factors, as appropriate.

The BLM believes that regional mitigation plans can increase permit efficiencies and financial predictability for developers. Regional mitigation plans can also enhance the ability of state and federal agencies to invest in landscape-scale conservation efforts that benefit sensitive species through higher-quality habitat, improved connectivity between habitat areas, and better long-term protection.

### **What is the status of consultation under the Endangered Species Act (ESA) for the Solar PEIS?**

The BLM is conducting consultation on the Solar PEIS with the U.S. Fish and Wildlife Service (USFWS) under Sections 7(a)(1) and 7(a)(2) of the ESA. The BLM is engaged in a conservation review under Section 7(a)(1) of the ESA on the overall solar program, including the amendment of applicable land use plans and associated conservation measures. This consultation on the overarching program will provide guidance for subsequent solar projects by ensuring that the appropriate conservation measures for listed species are incorporated into project-level actions. The BLM will submit a Biological Assessment to USFWS under Section 7(a)(2) for each proposed SEZ that will include appropriate mitigation, minimization, and avoidance measures intended to address effects to listed species and designated critical habitat.

### **What is the status of consultation under Section 106 of the National Historic Preservation Act (NHPA) for the Solar PEIS?**

The BLM has taken numerous actions to comply with requirements of the NHPA in relation to the Solar PEIS. The BLM consulted with Indian Tribes, the State Historic Preservation Offices (SHPOs) from the six states, the Advisory Council on Historic Preservation (ACHP), and the National Trust for Historic Preservation (NTHP). A programmatic agreement (PA) among the BLM, the six SHPOs, and the ACHP will be executed prior to signing of the ROD and will define steps the BLM will follow to take into account the effects of the Solar Energy Development Program on historic properties under Section 106 of the NHPA.

The first draft of the PA was sent to all Tribes for their input in February 2011. A revised draft PA and the Supplement have been mailed to all Tribes. The BLM has requested their comments on both documents by January 27, 2012. Tribes will be invited to sign the agreement as Concurring Parties and will play an active role in its execution.

A tiered approach to the identification and consideration of effects on historic properties is being followed. Existing site record and surveyed space geographic information system (GIS) data bases were utilized to identify potential areas of conflict and define SEZ boundaries. A Class II sample survey contract is expected to be awarded in the fall of 2011 to provide a minimum SEZ survey coverage of 5% within Arizona, California, and Nevada with results available before the ROD is signed. This effort will help guide future development toward areas with the fewest conflicts with historic resources.

### **What is the status of Tribal consultation for the Solar PEIS?**

As part of the Solar PEIS process, the BLM has consulted and engaged with Tribes through various means in order to meet the agency's affirmative responsibilities under the NHPA, NEPA, E.O. 13007 ("Indian Sacred Sites" [Federal Register, Volume 61, page 26771, May 24, 1996]), the American Indian Religious Freedom Information Act, and other statutes. Beginning in 2008 and continuing through the Final PEIS, the BLM has written to Tribes, provided complete documentation, maps, and current information, and requested government-to-government consultation. Tribes were invited and participated in public meetings on the Draft Solar PEIS. Tribal comments regarding the Draft Solar PEIS affected decisions to drop certain SEZs and to reduce and reconfigure the boundaries of those carried forward.

The BLM contracted with SWCA Environmental Consultants to produce an ethnographic overview of six Tribes within the Great Basin region with cultural and historic ties to SEZs in Nevada and Utah. Detailed interviews with Tribal members and an ethnographic overview have identified traditional cultural properties, significant ethnobotanical resources, visual resource concerns, and Tribal perspectives on direct and indirect effects of solar development on Tribal interests. These tribally approved ethnographic overviews are available through the Solar PEIS project Web site ([solareis.anl.gov](http://solareis.anl.gov)) and are summarized in SEZ-specific sections of the Supplement.

The BLM has summarized the type of concerns identified through the ethnographic overviews in correspondence sent to all Tribes. The BLM will contact all other Tribes with cultural and/or historical ties to the SEZs and lands available for development to explore if they share similar concerns or issues as those revealed in the study. Field Offices in California and Nevada will consult with those Tribes who provided written comments on the Draft Solar PEIS to explain how their concerns will be taken into account and how Tribal consultation will continue under project-specific applications. A written explanation of how the BLM utilized Tribal input in making Final Solar PEIS decisions will be mailed to all Tribes with the signing of the ROD.

**When and how will comments submitted to the BLM on the Solar PEIS be addressed?**

Based on input received on the Draft Solar PEIS and the Supplement, the lead agencies will prepare a Final PEIS and Record(s) of Decision. The agencies will respond to comments received on both documents in the Final Solar PEIS.

**What are the next steps for the Solar PEIS?**

The BLM will hold public meetings in late November and early December to solicit public input on the Supplement. The public comment period for the Supplement will be open until January 27, 2012. The BLM will continue to work with cooperating agencies to refine exclusion areas, the variance process, monitoring and adaptive management plans, and mitigation strategies prior to the release of the Final PEIS. The BLM will also continue data collection and refinement of SEZs through the spring of 2012. The BLM anticipates releasing a Final Solar PEIS in July 2012 and expects to sign a Record of Decision about 60 days after the Final PEIS is issued.