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2011 SOLAR PEIS MEETING

Hilton Garden Inn

Georgetown Ballroom

815 14th Street, N.W.

Washington, D.C.

Wednesday,

February 2, 2011

Reported by: Natasha Kornilova

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P R O C E E D I N G S

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MR. KIRBY: Good afternoon. My name is Matt Kirby, and I'm here to speak on behalf of the Sierra Club and our 1.3 million members and supporters across the country.

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I want to first both thank the Bureau of Land Management as well as the Department of Energy for their work preparing this PEIS and holding this public meeting to hear from the public and various stakeholders, such as our group.

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I hope this format is replicated for the 13 other sessions. The Sierra Club strongly supports the direction that the BLM is moving in terms of renewable energy development. Identifying these proper zones where renewable energy can be prioritized at the outset is a much better way to approach solar development than on a project-by-project basis.

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Such a program guided from the start will help avoid the problems endemic to the agency's oil and gas program where we've ended up with projects scattered

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1 throughout the West in areas that are often severely
2 damaging to our wild lands and our wildlife.

3 The Sierra Club's top priority is confronting
4 climate change and shifting from a dirty, polluting
5 energy source to a clean energy future, and we
6 recognize that our public lands can and should play a
7 role in that transition.

8 That being said, these are lands owned by all
9 Americans and must be managed for the best interest of
10 everyone. Unfortunately, the BLM's preferred
11 alternative falls short in this regard, jeopardizing
12 both our clean energy future and many of our Western
13 wild lands.

14 This alternative would open well over 21
15 million acres outside of the priority zones to possible
16 solar development. This proposed acreage includes many
17 lands that in our view are simply unacceptable places
18 to develop solar energy, thus defeating the purpose of
19 the zoned approach in the first place. These include
20 many areas that should be protected for clean air, for
21 clean water, for recreation, and for wildlife. They
22 include proposed wilderness areas, big game migration

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1 routes, wildlife habitat, and beloved fishing and
2 hunting spots.

3 This additional acreage vastly exceeds your
4 agency's own analysis of what is truly needed. Opening
5 this additional acreage won't create a significant
6 change from what's happening now. We can predict that
7 this approach will involve higher resource conflicts,
8 more public opposition, continued uncertainty both for
9 wildlife managers and developers and, unfortunately,
10 more litigation. It will slow down rather than speed
11 up our clean energy transition.

12 The solar industry is still getting its feet
13 off the ground, and to reach its full potential in and
14 attract investment, there must be some security that
15 projects can be built and completed efficiently and
16 timely. The preferred alternative will impede this
17 critical goal.

18 What our country needs is a program that
19 protects the values that our public lands have always
20 provided to Americans. We need a program that protects
21 water and air, preserves natural habitat for
22 recreation, and protects wildlife and natural systems.

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1 It is for this reason that the BLM should select the
2 solar energy zones alternative.

3 The proposed zones that you have identified
4 allow for more than enough room for the solar industry
5 to grow rapidly and responsibly over the next five
6 years, and will keep you on track of meeting your goal
7 of 24,000 megawatts. We cannot emphasize this point
8 enough. There is no immediate need to develop solar
9 energy beyond these already identified, low conflict
10 zones.

11 There should be no projects developed outside
12 these zones, and if the need should arise, the BLM must
13 clearly lay out the process it will use to designate
14 appropriate additional zones in the future.

15 Again, thank you for the opportunity to
16 comment. This issue is very dear to many millions of
17 Americans who live, work and play in the West. Many of
18 these folks care deeply about climate change and want
19 to do everything they can to stop it.

20 These same people, however, care for their
21 land, and many have fought to protect and preserve it
22 for the good of their communities and for the good of

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1 the country. These two desires do not have to be
2 conflicting, but can work in unity toward achieving the
3 same end, but the BLM must facilitate that unity by
4 choosing the solar energy zones alternative.

5 The preferred alternative would not create
6 this unity but only exacerbate a very deep tension and
7 uncertainty that has developed in the region.

8 Again, thank you.

9 MS. HARTMANN: Thank you, Matt.

10 The next speaker is Bob McEnaney with the
11 NRDC.

12 MR. McENANEY: Good afternoon. My name is
13 Bobby McEnaney. Today I'm speaking on behalf of the
14 Natural Resources Defense Council.

15 NRDC is an international, nonprofit
16 organization of scientists, lawyers, and environmental
17 specialists dedicated to protecting public health and
18 environment for more than 1.3 million members and
19 online activists.

20 I first want to thank the BLM and DOE for
21 their considerable efforts in producing this EIS. I
22 also want to express my appreciation to BLM for

1 providing this opportunity to publicly speak today.
2 There is hope that as the BLM holds additional hearings
3 that this particular hearing format is replicated to
4 insure that interested citizens and stakeholders will
5 have a similar opportunity to orally submit comments.

6 NRDC has a long history of efforts to protect
7 and conserve the nation's federal lands and resources,
8 including those managed by --

9 MS. HARTMANN: Is the light on?

10 MR. McENANEY: It's not on. Sorry about that.
11 Just turn it off. Sorry. Shall I just go ahead?

12 Okay. NRDC has a long history of efforts to
13 protect and conserve the nation's federal lands and
14 resources, including those managed by the BLM.

15 In addition, we have an extensive history of
16 advocacy promoting the use of energy efficiency and
17 renewable energy to meet the nation's energy needs
18 while also responding to threats posed by global
19 warming.

20 We believe that the draft solar PEIS under
21 consideration will have an instrumental role in
22 achieving these critical goals. In that respect, I

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1 will address one particular issue that needs to be
2 addressed that would greatly improve the final outcome
3 of this PEIS.

4 As Secretaries Salazar and Chu have expressed
5 in their visions for deploying renewable energy, some
6 of the best solar resources are found on BLM lands,
7 and, in order to see those resources developed, the
8 processes are necessary to properly balance
9 environmental considerations while also providing a
10 blueprint for certainty that rewards responsible
11 investments. Within such a frame, NRDC is convinced
12 that a solar zone approach is the superior method. A
13 zone process, if designed correctly, will select areas
14 with sufficient solar potential to limit conflict with
15 other sensitive resources and favor lands whose
16 proximity to existing transmission and other
17 infrastructure will facilitate successful development.

18 These principles were reinforced by Secretary
19 Salazar's comments in the PEIS roll-out last December
20 when he exclusively emphasized the solar zone approach,
21 but that vision is not reflected in the BLM preferred
22 alternative.

1 We recommend that the BLM adopt alternative
2 number two that prescribes zone development as the
3 preferred method. While there are a number of
4 compelling reasons for a zone approach, I'll elaborate
5 on two.

6 One, the preferred zone alternative will avoid
7 the most sensitive areas, lands that are wholly
8 inappropriate for utility-scale solar energy
9 development. Despite the best of intentions, the
10 preferred alternative exposes too many sensitive
11 resources to inappropriate development.

12 For instance, NRDC's own initial GIS analysis
13 of the preferred alternative determined that lands with
14 wilderness characteristics will be considerably
15 impacted, over 1.5 million acres, to be exact, or
16 nearly seven percent of the lands open to development
17 within the preferred alternative.

18 Given that DOE has recently reaffirmed BLM's
19 regulatory responsibility to manage wilderness lands to
20 insure that such resources are not unduly impaired, it
21 makes the most sense to select an alternative that is
22 consistent with BLM's obligations to preserve these

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1 sensitive resources.

2 Number two, BLM's preferred process will lead
3 to uncertainty and conflict. By not narrowing the
4 scope of development, BLM has nominated a process that
5 will not provide economic certainty needed for
6 successful utility scale solar development. The scale
7 and complexity of these projects are substantial, and a
8 process that does not provide for the necessities that
9 are already inherent within the zones will encourage
10 development as haphazard.

11 We do not need to open up 22 million acres of
12 federal lands as proposed by the preferred alternative
13 to see solar developments. This point is supported by
14 DOE's reasonable foreseeable development scenario that
15 projects the demand need for solar development will
16 require a little over 200,000 acres. NRDC strongly
17 believes that an open ended process associated with the
18 preferred alternative will have the opposite effect and
19 will undermine efforts to deploy solar.

20 In conclusion, NRDC commends the Department of
21 Interior and Department of Energy for having the
22 foresight to initiate a process that will ideally

1 provide opportunities for our nation to develop solar
2 energy in an environmentally responsible manner.

3 NRDC supports that vision but believes that a
4 zone-based approach as the preferred alternative is
5 necessary in order to see that goal become a reality.

6 I appreciate your time.

7 MS. HARTMANN: Thank you, Bobby.

8 And now I'd like to call Chase Huntley of the
9 Wilderness Society.

10 MR. HUNTLEY: Hi. My name is Chase Huntley.

11 Thank you for the opportunity to provide
12 comments today.

13 I'm speaking today on behalf of the Wilderness
14 Society.

15 PARTICIPANTS: We can't hear you.

16 MR. HUNTLEY: Sorry?

17 PARTICIPANT: We can't hear you.

18 MR. HUNTLEY: Oh. How about that? No? Whoa,
19 that's better. Try again.

20 Hello. My name is Chase Huntley, and thank
21 you for the opportunity to speak again today.

22 I'm speaking on behalf of the Wilderness

1 Society whose mission is to protect wilderness and
2 inspire Americans to care for our wild places. We work
3 on behalf of more than 500,000 members and supporters
4 to insure that commercial energy development is
5 compatible with the ecological integrity of landscapes.

6 Solar energy, along with energy efficiency and
7 conservation and other sources of truly renewable
8 energy, is a critically important component of a
9 comprehensive approach to enhance our energy security.
10 Our public lands can and will play an important role in
11 supporting solar energy development.

12 But as Secretary Salazar himself has said, it
13 is not appropriate everywhere, and development that
14 does occur must take place in a responsible manner.

15 The PEIS is critical to striking this balance,
16 and we applaud the Bureau for working to update its
17 approach to solar energy in this draft, and we support
18 the Energy Department's proposal to minimize the
19 potential for damage to natural and cultural resources
20 for projects it supports.

21 However, we believe that the preferred
22 alternative, and this is a critical opportunity to

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1 establish an orderly process for solar energy on our
2 public lands.

3 In the final PEIS, the BLM should adopt the
4 second action alternative modified to include a
5 predictable process for designating needed new zones.
6 BLM must also clearly lay out policies that provide
7 certainty for how development will proceed in these
8 places.

9 We will be providing detailed written comments
10 supporting these views, but today I want to raise three
11 points. First, guiding projects to solar energy zones
12 will result in better, faster, and cheaper decisions
13 that support needed development. Identifying zones
14 where the solar resource is of high quality,
15 transmission is accessible, water resources are
16 adequate, and where lands have already been degraded or
17 have limited other uses will insure projects will
18 succeed quickly.

19 Zones provide lower potential for conflict
20 with environmental resources which, in turn, reduces
21 the opposition to projects.

22 Alternative 2, which would focus development

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1 in zones, can satisfy the BLM's estimates of solar
2 energy on public lands over the next 20 years, 24
3 gigawatts on 215,000 acres, which is just one-third of
4 the lands identified in the 24 zones.

5 But zone-based development must be an ongoing
6 process, and the BLM must strengthen Alternative 2 by
7 clearly spelling out how new zones will be designated
8 in the future, which will provide the agency greater
9 flexibility to address future conditions.

10 There is simply no need to undermine the
11 certainty a zone-based approach can provide by opening
12 an additional 21 million acres as proposed. A zone-
13 based approach, if done right, will not impede, but
14 rather accelerate development of needed new solar
15 energy in the region.

16 Second, the zone-based alternative will avoid
17 sensitive lands that are simply too wild to develop.
18 Lands with wilderness characteristics, such as Citizens
19 Proposed Wilderness, and sensitive wildlife habitat are
20 irreplaceable resources that should not be available
21 for any form of energy development.

22 BLM has made a commendable effort to screen

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1 out inappropriate lands in this draft, but
2 unfortunately the preferred alternative would make
3 available significant wild lands for solar energy
4 development. These are missions that are significant
5 both in size and consequences.

6 For example, in Arizona, about half a million
7 acres identified in the preferred alternative overlap
8 with Citizens Proposed Wilderness, and that would
9 impact more than 50 units, including Red Rock Mountain
10 Unit within the proposed Gila River National
11 Conservation Area.

12 In Nevada, nearly 1.3 million acres of core
13 breeding habitat for sage grouse overlap with the
14 preferred alternative.

15 If BLM is not choosing to avoid conflicts with
16 sensitive areas like this in their solar energy
17 program, what exactly are they seeking to accomplish?

18 Finally, the BLM must establish policies that
19 lay out how solar developments should proceed. The BLM
20 must set forth guidelines for how development in the
21 zones will be prioritized and incentivized. Zone-based
22 development promises better outcomes, but only if the

1 agency takes steps to steer development there in a
2 manner that is attractive to industry and other
3 stakeholders.

4 In conclusion, the Wilderness Society applauds
5 the Departments of Interior and Energy for moving
6 forward with this important review, but to avoid the
7 conflict that has plagued oil and gas development on
8 the public lands, the BLM should select Alternative 2
9 with complementary policies and a clear process for
10 designating more areas as needed.

11 In the final EIS, we urge the BLM to seize
12 this unique opportunity and shape an enduring program
13 that is fit for the 21st Century.

14 Thank you.

15 MS. HARTMANN: Thank you, Chase.

16 And next I'd like to call Katherine Gensler
17 with the Solar Energy Industry Association.

18 MS. GENSLER: Well, good afternoon and thank
19 you for taking public comment today. My name is
20 Katherine Gensler. I'm the Senior Manager for
21 Government Affairs of the Solar Energy Industries
22 Association.

1 SEIA is the national trade association of the
2 U.S. solar energy industry. Its 1,000 member companies
3 come from all parts of the solar value chain, including
4 manufacturers, installers, project developers, and
5 financiers.

6 SEIA members are building a strong solar
7 industry to power America through a variety of
8 technologies: solar water heating, photovoltaics, and
9 concentrating solar power.

10 For more than two decades utility scale solar
11 power plants have reliably generated clean, safe energy
12 with an abundant, no cost fuel source. Utility scale
13 solar power is creating American jobs along a vast
14 supply chain across the country now and can quickly
15 diversify our energy portfolio. We need the right
16 federal policies in place to build on last year's
17 significant achievements, to accelerate development,
18 and to really scale up a U.S. industry.

19 America has some of the best solar resources
20 in the world, and solar companies are developing
21 utility scale solar power plants on private land across
22 the country. But we can't harness the full potential

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1 of solar to generate clean energy without using some of
2 the vast amounts of sun-baked public lands in the West.

3 We are grateful for the amazing efforts of BLM
4 staff and Interior officials which resulted in permits
5 for the first nine utility scale solar power plants in
6 2010, and we look forward to continued success this
7 year.

8 BLM's draft PEIS makes great strides toward
9 creating a predictable, repeatable process for
10 permitting utility scale solar power plants on public
11 lands. Unlike other uses of our public lands, many of
12 which have been going on for decades, last year was the
13 first time utility scale solar power was permitted for
14 development by BLM.

15 To put this in perspective, BLM issues three
16 to 7,000 permits for oil and gas drilling annually.
17 BLM's detailed analysis of the environmental and other
18 characteristics of the 24 proposed solar energy zones
19 should aid developers, stakeholders, and BLM staff when
20 assessing solar projects proposed within those
21 boundaries.

22 However, the solar energy zones must not

1 become the only place where solar development is
2 permissible. We support the BLM's preferred
3 alternative, the solar energy development program, with
4 certain modifications.

5 As stated in previous comments, the solar
6 industry also supports development of a clear process
7 for identifying and designating additional solar energy
8 zones.

9 Finally, BLM must establish a consistent
10 process for determining how solar developers will apply
11 for and receive permits for development within the
12 current and future solar energy zones. We must insure
13 that these lands identified as well suited for solar
14 energy development are also well utilized and help
15 reach Secretary Salazar's goals for increasing
16 renewable generation on public land.

17 The solar industry is committed to solving our
18 most pressing energy and environmental challenges in a
19 thoughtful manner. Utility scale solar power plants
20 can be developed in a way that balances environmental
21 protection with our energy demands. The Southwest's
22 world class solar resources can be harnessed in a way

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1 that safeguards water resources, habitat and wildlife,
2 and BLM's draft PEIS will help all of us achieve this
3 goal.

4 Thank you.

5 MS. HARTMANN: Okay. Thank you, Katherine.

6 Next we have Nancy Brown from ASLA. Are you
7 Nancy?

8 MS. BROWN: I am. ASLA is my professional
9 organization, and if I put it down there, I apologize.

10 MS. HARTMANN: No problem.

11 MS. BROWN: My name is Nancy Brown, and I'm a
12 program analyst at the Advisory Council on Historic
13 Preservation, the ACHP. This independent federal
14 agency was created through the National Historic
15 Preservation Act, or the NHPA, in 1966.

16 The NHPA charges the ACHP with advising the
17 President and Congress on historic preservation matters
18 and entrusts the ACHP with the unique mission of
19 advancing historic preservation within the federal
20 government and the National Historic Preservation
21 Program.

22 The ACHP's authority and responsibilities are

1 principally derived from the NHPA.

2 The ACHP derives many of these objectives
3 through its oversight of the Section 106 process within
4 the NHPA, which requires federal agencies to consider
5 the effects of their actions on historic properties and
6 provide the ACHP an opportunity to comment on those
7 actions. The regulations implementing Section 106 also
8 afford the ACHP the opportunity to participate directly
9 in consultation to resolve effects to historic
10 properties.

11 The Bureau of Land Management has initiated
12 its Section 106 process for the solar programmatic
13 environmental impact statement, and the ACHP has agreed
14 to participate in that process. The BLM Washington
15 Office has also been working with the BLM Deputy
16 Preservation Officers of the six affected states, the
17 State Historic Preservation Officers of those states,
18 the National Council of State Historic Preservation
19 Officers, and the National Trust for Historic
20 Preservation.

21 An important component of the Section 106
22 process is the opportunity it provides for state and

1 local governments, Indian tribes, project proponents,
2 and private citizens to participate in federal project
3 planning affecting historic properties. We encourage
4 the BLM to provide ample opportunity for such
5 participation in this initiative.

6 A critical component of this consultation will
7 necessarily be government-to-government consultation
8 with Indian tribes to insure that they have had an
9 adequate opportunity for input into this process.

10 Through early consultation efforts, the BLM
11 has begun drafting a programmatic agreement to address
12 how the agency will take historic properties into
13 account in future undertakings to develop solar energy
14 that arise from this PEIS. We agree that a
15 programmatic agreement is the appropriate way to
16 document decisions about addressing future impacts.

17 The Section 106 process also provides
18 information that will assist the BLM in analyzing
19 impacts to historic properties within the PEIS. The
20 regulations implementing Section 106 require that the
21 Section 106 process be completed, quote, "prior to the
22 approval of the expenditure of any federal funds on the

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1 undertaking or prior to the issuance of any license,"
2 end quote.

3 As a result of this, the BLM must complete the
4 Section 106 process and execute the agreement before
5 the Record of Decision is signed for the PEIS. We are
6 pleased that the BLM is making progress toward
7 concluding Section 106 in a timely manner.

8 Through our administration of Section 106, the
9 ACHP works with federal agencies like the BLM, states,
10 tribes, local governments, applicants for federal
11 assistance, and other affected parties to insure that
12 their interests are considered in the process. With
13 this solar PEIS and in other agency undertakings,
14 Section 106 provides a means to insure public input on
15 historic preservation concerns regarding federal
16 undertakings.

17 We look forward to continuing our consultation
18 with the BLM on this undertaking.

19 Thank you.

20 MS. HARTMANN: Thank you, Nancy.

21 Tom Barrett is the next speaker. Tom is here?

22 (No response.)

1 MS. HARTMANN: All right. I will come back to
2 those who aren't here initially.

3 Is Jim Lyons here now? Okay. Jim is with the
4 Defenders of Wildlife.

5 MR. LYONS: Thanks very much.

6 Hi, Jane. How are you?

7 Well, I apologize for being late, since I
8 assumed it was a standing room only crowd. We're
9 interested. So we're here.

10 Here's a copy of my statement.

11 MS. HARTMANN: Thank you.

12 MR. LYONS: Thank you very much.

13 Again, my name is Jim Lyons, and I'm Senior
14 Director for Renewable Energy at the Defenders of
15 Wildlife, and I certainly want to thank you for this
16 opportunity to offer initial thoughts about the solar
17 PEIS.

18 First of all, I want to compliment you, and my
19 condolences, Linda, for all the work that was
20 associated with putting this together. Having been
21 through this process myself in a former life, it's not
22 easy and quite challenging.

1 And I also want to compliment you for
2 scheduling these public hearings. I think it's an
3 important opportunity for people to participate, and
4 most importantly we have members throughout the
5 country, in particular, in the states that are the
6 focus of this analysis. So I'm sure we'll capitalize
7 on the opportunity to offer their particular views in
8 an important local perspective.

9 I want to summarize up front our views on the
10 solar PEIS. First of all, I believe that the
11 experiences associated with utility scale solar project
12 siting in 2010 provide the valuable lessons that should
13 guide both project siting this year and the permitting
14 process as it moves forward. These lessons certainly
15 should help frame and inform this longer term strategy
16 to be implemented by the BLM in guiding future solar
17 energy development.

18 The solar PEIS represents a huge effort and an
19 important step forward, particularly as it proposes to
20 focus solar energy development in fewer places with
21 fewer wildlife impacts, and hopefully focusing limited
22 public and private resources on projects with a higher

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1 likelihood of success.

2 However, the document falls short in a number
3 of areas, and I would suggest the preferred alternative
4 seems inconsistent with the Smart from the Start
5 concept that Secretary Salazar and BLM Director Abbey
6 have publicly supported.

7 We believe that working together we think this
8 can be remedied. We hope the Administration's
9 renewable energy conference next week, in fact, begins
10 a dialogue to improve the permitting process and the
11 solar PEIS overall.

12 To focus today on the draft PEIS, we believe
13 that the document presents a clear and unambiguous
14 assessment of the consequences of utility scale solar
15 development for wildlife. In fact, in it the BLM
16 acknowledges that utility scale solar development can
17 have a significant impact on wildlife, habitat, plant
18 and aquatic systems, and that, quote, "habitat
19 disturbance could result in major impacts on wildlife,"
20 end quote.

21 The BLM specifically notes that utility scale
22 solar development under the action alternatives and

1 under the no action alternative would result in some
2 unavoidable adverse impacts.

3 The draft EIS identifies, of course, a subset
4 of BLM administered lands as solar energy zones.

5 Although the preferred alternative would encourage
6 development in these identified zones, it does not
7 limit development outside the zones. The preferred
8 alternative would continue to permit 22 million acres
9 to remain available for solar energy right-of-way
10 applications, despite the fact that the BLM projects
11 the need to build out only approximately 214,000 acres
12 to produce nearly 24,000 megawatts of power over the
13 next 20 years.

14 We question why the preferred alternative
15 needs to allow rights-of-ways to be proposed across 22
16 million acres, but given the potential impact of solar
17 development on wildlife that's documented in the PEIS
18 and the cost and complexity associated with reviewing
19 each project's environmental impacts, as well as the
20 costs associated with the permitting process, wouldn't
21 a more precise, focused and expedited process for
22 permitting on fewer acres where projects are more

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1 likely to be successfully developed be a more efficient
2 and effective alternative?

3 While Defenders supports the concept of zones
4 to focus utility scale solar development, we do not
5 necessarily support the zones designated in the
6 preferred alternative to make that clear, and I won't
7 go into that, but you'll certainly hear that from folks
8 from Defenders in the regional hearings that you
9 convene.

10 In addition, we believe that BLM should
11 develop a strategy to provide for the designation of
12 alternative zones to give the agency and other
13 stakeholders an opportunity to work together to
14 identify future options for solar development as new
15 information is available and experiences with these
16 initially designated zones help guide improvements in
17 the process through adaptive management.

18 Now, a serious flaw in the current draft
19 document is that it fails to assess the potential
20 effects of solar energy development on wildlife on all
21 lands designated as available for right-of-way
22 applications under the preferred alternative, and I

1 know you're aware of this. Unfortunately though, the
2 document simply assesses the anticipated impacts on
3 wildlife of utility scale developments in the solar
4 zones.

5 Now, we understand that this, in fact, will be
6 remedied and that additional information will be
7 provided, but we think that a discussion of all species
8 impacted under each alternative is essential and that
9 any information that's generated should be made
10 available for public comment before it is incorporated
11 in a final document.

12 The PEIS also fails to adequately frame a
13 strategy for avoiding, minimizing, and mitigating the
14 impacts of utility scale solar development on wildlife.
15 The document states that, quote, "data regarding actual
16 impacts of solar energy development on various
17 resources are still limited." And the draft notes that
18 the ability to mitigate potential impacts on wildlife
19 species associated with utility scale energy facilities
20 is relatively difficult.

21 While clearly the BLM has identified a number
22 of strategies to avoid, reduce or mitigate project

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1 impacts, the preferred alternative fails to clearly
2 spell out how these will be used to address the
3 significant impacts to wildlife habitat and related
4 resources. How these strategies are to be used, what
5 is required and where and when project developers
6 should engage wildlife expertise or seek consultation
7 needs to be clearly articulated for the benefit of
8 developers, conservationists and obviously for the
9 agencies that are going to be involved.

10 Finally, the draft solar PEIS fails to
11 consider the effects of climate change as part of the
12 reasonable foreseeable impacts and to include
13 adaptation measures as part of their strategy for
14 addressing the consequences of utility scale solar
15 development on wildlife and associated natural
16 resources, even though the agency is required to do so
17 in accordance with CEQ guidance and Secretarial Order
18 3289, and obviously that needs to be remedied as well.

19 I want to close by reiterating that we think
20 recent experiences we know have informed the
21 development of this document, but more can be done to
22 insure that those valuable lessons are put to good use.

1 Most importantly, we hope that the meeting
2 next week will begin to frame and inform the longer
3 term strategy to be implemented by the BLM guiding
4 future solar energy development, not just those
5 projects in the short term.

6 I think the lessons learned from recent
7 experience and the lessons learned from energy
8 development overall, not just renewable energy
9 development, are fairly simple and can be summed up in
10 the concept that Secretary Salazar and BLM Director
11 Abbey have advocated, and that is Smart from the Start.
12 And many of us in the conservation community continue
13 to support this concept, provided that it includes
14 identifying zones in which utility scale development is
15 encouraged or even perhaps required; that the
16 requirement for thorough site specific and cumulative
17 effects analysis that projects impacts on wildlife,
18 water, wild lands and other important resources occurs
19 in an ecologically appropriate landscape scale; and
20 that it mandates appropriate mitigation measures that
21 are developed and taken to try to offset any
22 unavoidable adverse impacts.

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1 Significantly more work needs to be done to
2 improve the document and to make clear how it will
3 guide an efficient and effective process for utility
4 scale development that will provide greater certainty
5 for developers, investors, conservationists and all of
6 us who care about public lands.

7 We firmly believe that done right, we can
8 capitalize on the potential for public lands to produce
9 renewable energy to help build the new clean energy
10 economy, to produce the jobs that would result, and
11 preserve the rich natural heritage that our public
12 lands provide, and we can do it more efficiently and
13 more effectively, I'd suggest, and with greater
14 certainty for project developers, their investors,
15 conservationists and other stakeholders if we address
16 some of the issues that we raised in our statement.

17 We certainly look forward to continuing to
18 work with you toward this goal, and I want to tell you
19 how much we appreciate your access and your willingness
20 to help us both understand the document and to discuss
21 some of the issues and concerns that remain. We look
22 forward to maintaining that partnership.

1 Thank you very much.

2 MS. HARTMANN: There were a few people that I
3 called earlier that weren't here at the time. Is James
4 Thompson here now?

5 (No response.)

6 MS. HARTMANN: Or Tom Price?

7 (No response.)

8 MS. HARTMANN: And the last, Tom Barrett?

9 (No response.)

10 MS. HARTMANN: Is there anyone else who wanted
11 to come up and make a comment? Yes. Make sure you
12 tell us your name.

13 MR. GONZALES: Okay. My name is Shaun
14 Gonzales. I'm here as a concerned citizen. I'm a
15 resident of the District of Columbia.

16 I'll start out by saying that I'm not paid
17 full time to review the programmatic EIS like a lot of
18 other folks in the room. So bear with me and then my
19 comments.

20 Before I go into detail I'd also like to
21 request that the public comment period be extended
22 beyond the current March deadline. Again, since this

1 isn't a full-time job for me and for a lot of other
2 folks that probably share some of my concerns, it will
3 probably take more time to understand and digest the
4 impacts of the proposed policies in the programmatic
5 EIS.

6 I also plan to submit more written comments
7 beyond the comments that I'm making here today.

8 But I'd just like to begin by registering my
9 initial concern. Well, first let me say thank you
10 again for this opportunity to comment, and thank you
11 also for your efforts to increase renewable energy
12 generation. Absolutely no qualms with that policy
13 goal.

14 But I'd like to begin by registering my
15 initial concerns that the action alternatives presented
16 in the programmatic EIS do not seem to be clearly
17 linked to the purpose and needs statement. I think the
18 authorities from which the purpose and needs statement
19 has been crafted do not clearly, in my view, do not
20 clearly justify the action alternatives, and I think
21 some of the other comments seem to be touching on this
22 same point in the sense that the preferred alternative

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1 plans to open up 21 million acres of public land for
2 industrial development, but yet the only specific
3 target laid out in the authorities from which the
4 purpose and need is drawn is 10,000 megawatts that's
5 suggested by the Energy Policy Act of 2005.

6 The Secretary's Order 3285, Amendment 1, is
7 probably the most specific in terms of opening, I
8 think, or at least is unspecific in terms of how much
9 energy to be generated on public lands, but clearly,
10 provides that justification.

11 But at the same time I would say that one of
12 the most, from my perspective, important aspects of
13 that order was that the Secretary asked that this
14 policy should be done while protecting and enhancing
15 the nation's water, wildlife, and other natural
16 resources, which I think should be applauded.

17 I'm a bit concerned that neither of the action
18 alternatives will be able to adhere to this portion of
19 the Secretary's order given the amount of land that is
20 proposed for development.

21 Again, turning to the reasonably foreseeable
22 development scenario which suggests that 214,000 acres,

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1 a maximum of 214,000 acres would be developed on public
2 land. I am concerned that some of that development is
3 unmitigable and that the habitat compensation and other
4 mitigation measures proposed in the draft document have
5 not been evaluated for their actual effectiveness.

6 Just to zero in on one example, in California
7 alone you propose an RFDS of 138,000 acres. That's 215
8 square miles of development. Already, given the
9 current examples of projects that BLM has approved
10 through the fast track process, we've already seen the
11 biological resource impacts there would be devastating,
12 and I think it would be difficult for the Department of
13 Interior to reduce those impacts to less than
14 significant, even through the mitigation or the
15 mitigation measures proposed in the current
16 programmatic EIS.

17 I'd also just like to comment on a couple of
18 things. The draft EIS, I think, rightly underscores
19 the need for distributed generation as a critical
20 component within our energy policy. However, I am a
21 bit concerned that the draft EIS proceeds to make a
22 couple of false statements regarding the viability of

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1 distributed generation as an alternative.

2 As an example, in Section 2.5.1, the statement
3 is made that the level of renewable energy development
4 recommended by the authorities from which the purpose
5 and needs statement has been crafted would be difficult
6 to achieve or would be impossible to achieve through
7 distributed generation.

8 I'd just like to point to the California Solar
9 Initiative, which current projections suggest that
10 California will be able to develop up to 6,000
11 megawatts of distributed generation by 2016. I think
12 I'm looking at other similar initiatives in other
13 southwestern states. I think, you know, the 10,000
14 megawatt, which is the objective laid out in EPA 2005,
15 again, the only specific objective in the authorities,
16 I think that could actually, you know, feasibly and
17 plausibly be reached through distributed generation.

18 So that statement should be corrected or
19 removed from the draft EIS.

20 In the same section, the draft EIS suggests
21 that the current transmission group cannot accommodate
22 distributed generation. Again, I'm not an energy

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1 expert, but I have reviewed other documents that
2 suggest that this is a misleading statement. I would
3 point you to testimony by an expert, but I have
4 reviewed other documents that suggest that this is a
5 misleading statement.

6 I would point you to testimony by an energy
7 expert, Bill Powers, during a 14 January 2010
8 California Energy Commission hearing regarding one of
9 BLM's fast track solar power projects in which an
10 assessment was laid out that suggests that California's
11 grid anyway could actually accommodate a lot more
12 distributed generation than it was previously thought.

13 And I already expressed some of my concerns
14 regarding the shortcomings of mitigation. To turn back
15 to that briefly, again, going to the California
16 example, California's own laws and regulations from
17 what I'm aware of anyway from the examples in 2010,
18 most of those projects that were considered under the
19 fast track process required compensatory mitigation of
20 at least one-to-one ratio. So every acre developed
21 would require another acre conserved, purchased or, you
22 know, private land purchased and set aside for

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1 conservation.

2 Under the RFDS, we're talking about 138,000
3 acres developed in California. I'm very skeptical
4 about the plausibility of finding at least 138,000
5 acres of private land that is of decent habitat quality
6 or restorable, which I think also I'm a bit skeptical
7 about the ability to restore desert habitat.

8 So I think there are some shortcomings in the
9 programmatic EIS' forecast of an ability to develop on
10 the scale proposed even under the RFDS numbers in
11 California, and I'm just speaking to what I'm familiar
12 with.

13 But those are my comments that I just wanted
14 to register at this venue, and I'll submit written
15 comments later. Again, I appreciate you opening up the
16 forum and allowing public comments.

17 MS. RESSEGUIE: Thank you.

18 MR. GONZALES: Thank you.

19 MS. HARTMANN: Thank you, Shaun.

20 Again, is there anyone else who wanted to
21 submit an oral comment today?

22 (No response.)

1 MS. HARTMANN: We thank you all for coming,
2 and as we said at the beginning, Linda, Jane and myself
3 and the other BLM and Argonne staff that are here can
4 stay and can talk with you for longer.

5 We do have complimentary cookies and coffee at
6 the back. So feel free to help yourself to that, and
7 thank you all again for coming.

8 (Whereupon, at 2:14 p.m., the meeting was
9 concluded.)

10

* * * * *

1 CERTIFICATE OF TRANSCRIBER

2

3 I, NATALIA KORNILOVA, the officer before whom the
4 foregoing deposition was taken, do hereby certify that
5 the witness whose testimony appears in the foregoing
6 deposition was duly sworn; that the testimony of said
7 witness was taken by me in steontype and thereafter
8 reduced to typewriting by me; that said deposition is a
9 true record of the testimony given by said witness;
10 that I am neither counsel for, related to, nor employed
11 by any of the parties to the action in which this
12 deposition was taken; and, further, that I am not a
13 relative of employee of any counsel or attorney
14 employed by the parties hereto, nor financially or
15 otherwise interested in the outcome of this action.

16

17

NATALIA KORNILOVA

18

NOTARY/COURT REPORTER

19

IN AND FOR THE DISTRICT OF COLUMBIA

20

21 My commission expires: April 14, 2012

22