

00001

1

2

PUBLIC SCOPING MEETING

3

UNITED STATES DEPARTMENT OF ENERGY

4

BUREAU OF LAND MANAGEMENT

5

SOLAR ENERGY DEVELOPMENT

6

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

7

(PEIS)

8

9

10

HAMPTON INN

11

307 NORTH ADMIRAL BYRD ROAD

12

SALT LAKE CITY, UTAH

13

14

THURSDAY, MARCH 10, 2011

15

7:00 P.M.

16

17

18

19

20

21

22

23

24

00002

1 A P P E A R A N C E S

2

3 Karen P. Smith, Argonne National Laboratory

4 Linda Resseguie, United States Bureau of Land

5 Management

6 Jane Summerson, United States Department of Energy

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

00003

C O N T E N T S		
		PAGE
1		
2	PUBLIC COMMENTS	
3	Gary Togstad	4
4	Jerald Anderson	8
5	Jim Catlin	16
6	Ed Firmage	23
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

00004

1 P R O C E E D I N G S

2 GARY TOGSTAD: I was asked to speak on
3 behalf of the Theodore Roosevelt Conservation
4 Partnership. And it's a -- the mission of the
5 organization is to, above all, guarantee a place to
6 hunt and fish and for public access, quality of
7 hunting and fishing.

8 Bill Geer from the organization in Montana
9 asked me to speak on behalf of Bill Burbidge and he
10 made a comment to the Salt Lake City Tribune and I'll
11 read it as follows.

12 The harsh climate and unforgiving
13 landscapes found in the American West spur a can-do
14 attitude among its residents, particularly the
15 sportsmen who revel in the dramatic extremes of which
16 the region is capable.

17 In the spirit of pragmatism, many
18 sportsmen support harnessing the wind and sun to help
19 our country transition to clean energy sources as
20 long as this development is pursued in a careful
21 consideration of our other shared natural resources.

22 The Interior Department recently released
23 analysis of the public lands in Utah, California,
24 Nevada, Arizona, New Mexico and in Colorado are most
25 appropriate for solar energy development.

00005

1 One of the proposed alternative calls is
2 for siting all projects in 24 potential development
3 areas known as Solar Energy Zones, SEZs, the places
4 with the highest solar potential and minimum impacts
5 to water and wildlife.

6 From the sportsmen's perspective this is a
7 common-sense solution that will allow a rapid
8 transition to clean energy while protecting our
9 treasured game species and avoiding the problems of
10 haphazard sitings that have plagued the oil and gas
11 development of the West.

12 In fact, by siting projects only in with
13 the SEZs we can achieve the development levels
14 predicted by the Interior Department for the 20 years
15 of powering over 7,000,000 homes on less than one
16 percent of the public land in six states. It's a
17 good return on the investment.

18 The fact is that even clean energy like
19 solar requires significant infrastructure, including
20 roads, transmission lines, massive arrays of
21 photovoltaic panels or mirrors.

22 Fortunately, the Interior Department
23 understands the Western way of life and the
24 importance of sustaining America's hunting and
25 fishing traditions.

00006

1 Here are several ideas on how the
2 Secretary of Interior can lead our transition to
3 clean energy and protect our sporting heritage for
4 the next generation.

5 One is to give sportsmen a voice in
6 decision-making. Transparent processes that
7 encourage public input on input decisions such as
8 where to locate energy projects, distribution
9 facilities, transmission lines are essential.

10 Two. Conserve roadless back-country,
11 national parks, national wildlife refuges, local and
12 state public lands. Prioritize renewable energy
13 development on disturbed or occupied lands where
14 energy infrastructure already might -- already exist.

15 Three. Conserve important fish and
16 wildlife habitat, habitat for game birds such as
17 quail, trout streams, deer and elk winter range,
18 migration corridors, fragile wetland and riparian
19 habitats should be conserved.

20 Four. In developing renewable energy on
21 federal public lands, formally consult with state
22 fish and wildlife officials, basing decisions upon
23 renewable energy development projects on the best
24 available scientific information on local fish and
25 wildlife -- and wildlife.

00007

1 Five. Strengthen the permitting and
2 leasing process to conserve public land, recognize
3 the value of fish and wildlife, recreation and
4 consider the cumulative effects of development and
5 balance of multiple use on these lands.

6 Monitor impacts to fish and wildlife,
7 water and make adjustments when effects on these
8 resources exceed predetermined thresholds.

9 Six. Establish a fund to mitigate damage
10 and reclaim affected land and water.

11 Seven. Comply with all relevant
12 environmental laws such as the National Environmental
13 Policy Act, Federal Land Policy and Management Act.

14 Eight. Hold industry accountable for
15 developmental costs related to the permitting
16 process, including the time of state and federal
17 wildlife professionals.

18 Lastly. With the leadership of the
19 Department of Interior, collaboration and
20 consideration of wildlife habitat, we can forge a new
21 path that realizes the tremendous clean energy
22 potential on our public lands and sustains the high
23 quality of life, the majestic landscapes, waterways,
24 where families have hunted and fished for
25 generations.

00008

1 These are the places we have
2 responsibility to protect for our children and
3 grandchildren. Working together we can ensure that
4 we enjoy them today -- or we will enjoy them someday
5 as much as we do now.

6 JERALD ANDERSON: My name is Jerald
7 Anderson and I'm a resident of Snake Valley, which is
8 approximately 50 miles north of the wildlife SEZ
9 that's been defined as one of the three areas in
10 Utah.

11 My comments are primarily oriented towards
12 the impact of the PEIS on the BLM processes and how
13 they would affect equity for local residents in the
14 area to have access for land use and equal
15 opportunity in terms of application for BLM lands.
16 And I'll give you my summary comment first and then
17 go into the reasons why I believe it's the
18 appropriate choice.

19 Like the previous speaker, I would
20 recommend that we do the Zone Only Alternatives, at
21 least for the state of Utah. As a resident of the
22 west desert in Utah and also in cooperation with the
23 areas in eastern Nevada that are also under
24 consideration for some of these areas, we recognize
25 that the extensively rural nature of this area and

00009

1 the environmental habitat options, the national parks
2 in the area, the wilderness area, the Utah Test and
3 Training Range, all of these things combine together
4 to make this part of Utah a very difficult place not
5 only to develop a solar project, even though the
6 resource may be there, but particularly to make the
7 kinds of decisions that are necessary to support the
8 transfer of that area -- energy into other areas.

9 A couple of the issues related to land
10 use. I would have a concern that the conditions that
11 might come out of the PEIS in terms of determining
12 which projects would be acceptable or selected might
13 preempt other local land use options.

14 I recognize there is a mitigation comment
15 in the PEIS draft about the impact on grazing rights
16 in the two-year cancelation portion but for people
17 who -- who graze animals in that area, two years is
18 a -- is not a long enough period of time to resolve
19 those kinds of issues.

20 This is an area that requires a large
21 amount of land per animal for grazing. And if
22 drought conditions occur, which they have been over
23 the last several years, there needs to be some
24 greater flexibility than that. There is a great
25 amount of land to be had.

00010

1 Also, for other agricultural purposes and
2 if that's permitted to be used, there may be better
3 uses than solar energy development. The prime solar
4 energy resources within that valley area would also
5 be the prime agricultural area if the soils are good
6 and the water is available.

7 I also have significant questions about
8 whether the PEIS can even be effective in terms of
9 the requirements for archeological surveys and other
10 environmental impact surveys.

11 Our local electrical cooperative has been
12 trying to permit a line in Nevada for approximately
13 30 miles along a previous highway route and we've
14 been over two years trying to get the architectural
15 surveys lined out to -- to accomplish this. I don't
16 see how a Programmatic EIS can be functional over
17 such a large area when it still has to overcome the
18 local hurdles of establishing the requirements -- or
19 meeting the requirements for archeological and other
20 kinds of studies.

21 I'm also concerned about the right-of-way
22 issues that would be attached to a solar energy
23 development. The only high-voltage power line that
24 comes across our area are two 230 kV lines that cross
25 our valley from east to west between the IPP plant

00011

1 and the Gonder substation in Ely. I was noticing in
2 the draft that they were talking about being
3 within -- I believe it was 25 to 40 miles of a road.

4 Some of these prime solar areas are far
5 beyond that distance and -- and those two lines that
6 come across that valley don't have additional
7 capacity to support multiple projects in excess of 20
8 megawatts.

9 I have some concerns also about -- and
10 this probably isn't -- isn't BLM's responsibility.
11 It might hinge on -- or apply to some of DOE's
12 responsibilities. But as we look at the national
13 scene, talking about renewable energy credits,
14 renewable energy mandates or some sort of a standard,
15 we've noticed in Utah in particular that the small
16 amount of renewable energy that we have available to
17 us is typically attracted by the California market.
18 And we see not only our energy but potentially our
19 renewable energy credits leaving the area. And if
20 they are not available to us to meet any sort of a
21 standard, voluntary or otherwise, that's a
22 difficulty.

23 And I would not want to see BLM be
24 involved in making the decision about resources that
25 would be affected by a renewable energy standard if

00012

1 and when it comes out of Congress.

2 I also wonder about coordinating this PEIS
3 with other EISs in the area. Certainly there is wind
4 energy being planned both in -- in Spring Valley,
5 Nevada, just to the west of us. There is the
6 existing Milford Flats wind development which is
7 going into phase two and phase three.

8 So, there are considerable questions about
9 coordinating this. So doing this in a stand-alone
10 environment may be a nice exercise and it may be
11 required of these agencies but it can't stand on its
12 own. So there is another phase of coordination that
13 has to go on with this document.

14 In particular, we need to be looking at
15 the impact of concentrated solar technologies on
16 groundwater. CSP is a nice idea but it has high
17 consumptive rates, depending on the technology that's
18 used. So that coordinating is going to be essential.

19 And for those of you who don't live in
20 Snake Valley, we are currently wrapped up in an EIS
21 about pumping groundwater out of Snake Valley and
22 Spring Valley to southern Nevada just to drink, much
23 less generate power.

24 In our particular valley and in related
25 areas, the Utah Test and Training Range has already

00013

1 exerted a great deal of restriction over land use in
2 our area. I don't know what coordination has already
3 happened with DOD over this potential PEIS but that's
4 been an insurmountable obstacle for us in trying to
5 acquire additional land through BLM processes, that
6 UTTR designation trumps everything else. And until
7 that gets relaxed I don't see how this can be
8 effective in our area.

9 If it is allowed -- or if the option is
10 selected to do the zone plus, I would like to see
11 that relaxed. Also, the BLM restrictions on any
12 other land transaction in our area.

13 And there would also be the leases, how
14 those would happen. I didn't run across the 30-year
15 lease term as I was quickly reviewing some of -- some
16 of the document.

17 I would be interested also in what BLM's
18 oversight of operations is. It's always good to say
19 that you'll do this and that but it's been one of the
20 questions we have in the groundwater EIS, as to what
21 role BLM would actually play in the -- in the
22 operation of the facility. Granted, solar facilities
23 are typically much cleaner and don't involve the kind
24 of environmental impacts that some other kinds of
25 projects might.

00014

1 As I stated before, there should be some
2 sort of state or local preference in the use of the
3 lands in these areas. I understand they are federal
4 lands and they are administered by the BLM but the
5 energy that impacts those areas is as much a state
6 resource as anything else is and there should be some
7 preference given to local access and availability for
8 that resource.

9 If -- if it's going to be transferred to
10 other places, there needs to be some mechanism for
11 value to return back to its place of origin. And
12 particularly in -- in the case of local economic
13 development. Solar is a difficult thing to justify
14 by cost anyway and so I don't expect to see a lot of
15 it. But there needs to be some role, some method for
16 the local economy to benefit from any sort of
17 development like this.

18 One of the things that concerns me in
19 terms of an RES, if we get a renewable standard that
20 specifies a short timeframe, BLM could be faced with
21 a gold rush of sorts in terms of applications to
22 generate projects in any area that has a solar
23 resource. And so there needs to be something in the
24 PEIS that talks to how priorities would be
25 established, the quality of the proposal that's

00015

1 required.

2 And then the issue of public access is
3 always there. We get a lot of pressure to restrict
4 public access. And this PEIS would actually
5 encourage public access in terms of energy
6 development. That seems inconsistent to me with the
7 rest of the policies that we've talked about and
8 reviewed and the actions of BLM in these areas.

9 I would also like to -- to know for sure
10 that this PEIS would not restrict projects under 20
11 megawatts. If someone in the local area wanted to
12 generate solar energy at a local distribution voltage
13 and feed it into the existing distribution system,
14 this PEIS should not inhibit people who are -- who
15 are wanting to do that at the local level.

16 If you can develop energy at nine -- at
17 nine acres per megawatt, then somebody on a smaller
18 site might be interested in generating a quarter of a
19 megawatt on a smaller piece of ground.

20 So I would like the BLM to keep in
21 consideration that it's not just large-scale projects
22 that require BLM's actions, there are local ideas,
23 there are local proposals and there will be smaller
24 scale projects that will come along.

25 So from that standpoint, as I say, my area

00016

1 of western Utah I don't believe is an affected part
2 of this. I believe that the zones that have been
3 defined and I know those areas that were being talked
4 about -- with a certain amount of transmission, given
5 what's already gone on with Milford Wind and some of
6 the other geothermal resources in the area, it seems
7 like the Zone Only Alternative is the most practical
8 and has the least impact on all of the other areas of
9 Utah, so long as it doesn't preclude someone with a
10 good idea of justifying it on its own grounds.

11 Thank you.

12 JIM CATLIN: My name is Jim Catlin and I'm
13 the Executive Director of the Wild Utah Project. And
14 I'm one of perhaps 30 other conservation
15 organizations across the West which coordinate our --
16 our work on this. We've conducted fieldwork in the
17 areas in question. We've visited and talked with the
18 agencies who are working in this area. We've
19 collected data that they've produced. And we've also
20 benefited from the exceptional data analysis that you
21 produced in this process.

22 And we are going to be submitting formal
23 written comments when the deadline comes. And when I
24 noticed the deadline was renewed I cringed because we
25 were on schedule and now you've given me another

00017

1 month and so you made more work for me.

2 But most of the conservation community,
3 including the Wild Utah Project, is in support of
4 promoting renewable energy and including some of it
5 coming from public lands and doing it right, in the
6 right places.

7 And we think that parts of this decision
8 process form a good first step in doing that. We
9 think that the SEZs that have been selected have been
10 analyzed in what I think is some of the best and most
11 thorough analysis I've seen for large site situations
12 like this. And it's probably the best bedding I've
13 seen for projects of this kind.

14 And looking over -- looking over the data
15 from the two -- the three sites in Utah, we find that
16 they are not all equal. We find that the Milford
17 site stands out in front of the other site as being
18 the place to go first to promote.

19 And one of the reasons is something that's
20 not really that well discussed. It's in the middle
21 of industrial development all around it. It's got a
22 CAFO, confined animal feed organiza -- org units
23 around it. It has power lines on most of the sides
24 of it. And it's already more developed in many ways.

25 The next site that seems appropriate is

00018

1 the Escalante desert site. Now, both of these two
2 sites benefit additionally because there is an equal
3 amount of private land next to it that also could be
4 incorporated in expanding this operation in the
5 nearby area. So there is an opportunity for growth
6 in that site with private lands around it.

7 Now, the third site, the Wah Wah Valley,
8 is one that I suggest you not authorize in this
9 particular decision document. And there are several
10 reasons for that. One is that it's the wildest place
11 of still and if we are looking at bringing back the
12 native wildlife to that area at their potential --
13 ferruginous hawks being a good example -- putting
14 this industrial site in that area will lead to major
15 changes in that area.

16 It now does -- the -- the two sites I
17 listed, the Escalante desert site and the Milford
18 site, they are close to existing utility power lines
19 and they also have a natural gas pipeline that goes
20 near them as well. And it turns out that this isn't
21 also -- for this particular technology is actually a
22 necessary component of the site to have.

23 Wah Wah Valley doesn't have a power line
24 at this time. It doesn't have the -- it doesn't have
25 a gas line going out there.

00019

1 It does have a -- a designated
2 right-of-way that's -- that's put through the valley.
3 However, we think it's going to be problematic
4 populating that because it's going to -- it enters a
5 conflict area that we haven't resolved in the
6 mountainous range that goes through candidate
7 wilderness areas to the west of the Wah Wah Valley.

8 So, again, congratulations on the
9 incredible knowledge. I have been reading through
10 the details in each of these sites. I had difficulty
11 adding much to it or criticizing much of what was
12 there on what was written about it.

13 That's not to say that it's all complete.
14 And I think that one of the missing elements of this
15 is the water need. These particular facilities,
16 unlike the photovoltaic facilities, need water. You
17 need water in fairly large quantities. We haven't
18 discussed where that's going to come from. If it's
19 going to come from groundwater it's going to be a
20 very serious problem.

21 Snake Valley example is -- comes to mind,
22 where the ecosystem is today at the edge of what
23 it -- of what it can support using today's needs and
24 today's use in the area. We don't know anything
25 about where the water is going to come from. And if

00020

1 it's going to be groundwater, then that's a very
2 serious problem, particularly in the Wah Wah Valley.
3 It's likely it's going to have to be piped in from
4 some long distance source. Who is going to lose
5 water for this to have water?

6 So these -- all the water is spoken for in
7 the West and so to solve the water problem is going
8 to be key.

9 So, having said that, attached to the
10 analysis of these SEZs, which is very good, is an
11 additional decision which will open for leasing
12 nearly 2,000,000 acres in Utah. This EIS offers you
13 a really good example of how there is inadequate
14 analysis on that decision and how it's likely to be
15 found to be faulty.

16 Many of these lands are hot-button issue
17 areas in the state and they are going to lead to
18 polarized contests over them. So by bundling
19 highly-contentious areas with areas where we agree,
20 you are placing at risk the whole decision process.

21 So my recommendation is you separate the
22 SEZs and you make a decision on those and you hold
23 till later these other acres that you are looking at.

24 I'm going to give one example of why these
25 additional lands open for leasing are problematic.

00021

1 In Utah, 18 percent of them are in lands with
2 wilderness character. Now, this isn't my opinion,
3 this is the Agency's opinion. And it's bolstered by
4 decades of field work and analysis that we've put
5 together.

6 More than a decade ago we spent 70,000
7 hours inventorying ten million acres. We visited
8 every human impact in candidate wilderness areas
9 across the state of Utah, photographing them, mapping
10 them, producing GIS layers on them. It involved 500
11 people and -- and it was an extensive process. And
12 we still use that data set today.

13 So, by siting -- choosing in this EIS
14 those lands that have been identified also as -- as
15 deserving this special protection, you are making a
16 mistake, leading to unnecessary contention in a
17 decision we hope to see move forward.

18 One of the problems I see in this I don't
19 know how to address and that is the problem of what
20 is the public energy policy for public lands? And I
21 could be reading your notes you gave earlier but it
22 seemed to me that two-thirds of renewable energy for
23 the West is slated to come from public lands. Public
24 lands are seemingly first.

25 I think that's a policy decision we need

00022

1 to look at. And one of the things that I was
2 interested in is the NREL, which is involved in this
3 process, has worked with EPA and has a competing
4 energy proposal for renewable energy in the West.

5 This is not being moved forward with the
6 same promotion. The EPA has identified 15,000,000
7 acres nationally in lands that have already become
8 industrialized, where they've lost their wild
9 character. These are old mining areas. These are
10 lands that have toxic chemical deposits. These are
11 lands that are no longer suitable for many other
12 uses.

13 In Utah, for the kinds of solar energy
14 that this PEIS talks about, there is 60,000 acres
15 available in Utah. We can more than meet the needs
16 promoted for -- as the demand for this project by
17 putting it on these damaged lands.

18 And I think that there is an imbalance of
19 talking about the opportunities of all the different
20 forms of energy in the larger picture of what we are
21 needing. And I think that's something that we need
22 to look at.

23 The other -- another big missing area is
24 the opportunity for dispersed power. Now, in
25 southern California this is getting a much bigger

00023

1 play through the public utility commission and
2 through -- in discussions about these projects. It
3 isn't in Utah. It's something we are just beginning
4 to talk about. Is there potential for it?

5 Well, in Germany, which produces enough
6 power -- power -- electrical power produced in
7 Germany is about equal to the western United States.
8 In the winter, in the northern climate, in the dark
9 area, ten percent of their power comes from
10 distributed power rooftop photovoltaics --
11 photovoltaics.

12 I think there is big opportunity. I think
13 the economics are changing radically on this and I
14 think that there is -- dispersed power has the
15 ability to bring more jobs to local communities for
16 more time for a longer time than many of these
17 centralized projects are.

18 So I look forward to submitting more
19 detail on this. Thank you.

20 ED FIRMAGE: Thank you. I didn't really
21 plan on saying anything tonight but I wanted to just
22 make a couple of quick comments and I will try and
23 make some written comments.

24 I make my living as an outdoor
25 photographer and I'm going to kind of speak from that

00024

1 perspective. I'm also a board member of HEAL Utah,
2 though I don't speak for HEAL in this capacity.

3 First of all, I'd like to echo a lot of
4 what Jim said and also the previous speaker, in part.
5 I, too, would strongly favor the Zone Only Option and
6 would also favor, as Jim mentioned, not developing
7 the Wah Wah Valley, which is a time -- an area that I
8 spend time in.

9 In looking at your map, one thing that
10 struck me that I wanted to call out particularly is
11 the way that some of the wilderness areas are -- are
12 sort of islands that actually don't represent the
13 geographical reality on the ground.

14 One area where this is especially true is
15 the San Rafael Swell, the area that straddles I-70
16 south of Price. The fringe, the outer boundary, of
17 the San Rafael Swell is marked as wilderness study
18 area. The central part of the swell is not, it's
19 part of the No Action Zone, and I think that
20 bifurcation in this particular case destroys the
21 integrity of the area.

22 The center of the swell today is used for
23 animal grazing, leasing, and I think that activity
24 and also the scenic integrity of the area would be
25 greatly compromised if it were allowed to be

00025

1 developed. So I have a specific suggestion that the
2 No Action Area in the center of the San Rafael Swell
3 be changed to match that of the wilderness study area
4 around it.

5 And, similarly, I would urge you to extend
6 that no development area, that yellow area, to create
7 contiguous space, that development space, for areas
8 adjoining the swell next to Capital Reef National
9 Park.

10 These are areas that have an integrity to
11 them. You don't see that on the map. But that needs
12 to be protected. The San Rafael Swell will very
13 likely be one of our next national monuments or
14 national parks. As I'm sure you are aware, there
15 have been efforts recently to create a monument in
16 the swell and I think the idea of developing solar
17 there, ever, is incompatible with that potential.

18 Like Jim, I, too, would favor a kind of
19 go-slow policy as regards the development of solar,
20 whether it's concentrated solar or PV solar on public
21 lands. And I, too, agree that dispersed power
22 generation is something we need to consider more
23 seriously. Not least of its benefits is the fact
24 that it helps us to develop resilient communities.
25 Having homes and businesses and communities that

00026

1 generate their own power is a way to free ourselves
2 from dependence on central power and all of the
3 problems that that brings with it.

4 So I'll submit some specific written
5 comments but I'd appreciate your taking note of those
6 concerns. Thanks.

7 (The hearing adjourned at 8:17 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

00027

1 CERTIFICATE OF REPORTER

2

3 I, DAWN M. PERRY, a Certified Shorthand

4 Reporter of the State of Utah, do hereby certify:

5 That I am a disinterested person herein;

6 that the foregoing public hearing was reported in

7 shorthand by me, Dawn M. Perry, a Certified Shorthand

8 Reporter of the State of Utah;

9 That the said proceedings were taken

10 before me, in shorthand writing, and was thereafter

11 transcribed, under my direction, by computer-assisted

12 transcription.

13 I further certify that I am not of

14 counsel or attorney for any of the parties to said

15 hearing nor in any way interested in the outcome of

16 said hearing.

17 IN WITNESS WHEREOF, I have hereunto set

18 my hand this 12th day of March, 2011.

19

20

21

22 _____
DAWN M. PERRY, CSR

23 Residing in Salt Lake County

24

25