

1           **14 CONSULTATION AND COORDINATION UNDERTAKEN TO SUPPORT**  
2           **PREPARATION OF THE PEIS**

5           **14.1 PUBLIC SCOPING**

7           The U.S. Department of the Interior Bureau of Land Management (BLM) and  
8           U.S. Department of Energy (DOE) sponsored two separate public scoping periods to support  
9           preparation of this programmatic environmental impact statement (PEIS). The first scoping  
10          period solicited comments on the development of the PEIS, including its overall scope and  
11          objectives, as well as issues and concerns regarding solar energy development in the six-state  
12          study area. The second scoping period solicited comments on the 24 solar energy study areas that  
13          were identified by the BLM for in-depth study.

16           **14.1.1 Initial PEIS Scoping**

18           The BLM and DOE published a Notice of Intent (NOI) to prepare a PEIS to evaluate  
19          solar energy development in six western states in the *Federal Register* (Volume 73, page 30908)  
20          on May 29, 2008. The NOI invited interested members of the public to provide comments on the  
21          scope and objectives of the PEIS, including identification of issues and alternatives that should  
22          be considered in the PEIS analyses. The agencies conducted the initial scoping from May 29,  
23          2008, through July 15, 2008.

25           The public was offered three methods for submitting scoping comments or suggestions  
26          about the PEIS:

- 28           • The online comment form on the project Web site,  
29  
30           • Mail, and  
31  
32           • Open public scoping meetings.

34           Public scoping meetings were held at 11 locations during the scoping period: Riverside,  
35          California (June 16); Barstow, California (June 17); Las Vegas, Nevada (June 18); Sacramento,  
36          California (June 19); Denver, Colorado (June 23); Phoenix, Arizona (June 24); Salt Lake City,  
37          Utah (June 25); Albuquerque, New Mexico (June 26); Tucson, Arizona (July 8); San Luis  
38          Obispo, California (July 9); and El Centro, California (July 10). The scoping meetings drew  
39          595 registered participants.

41           Nearly 15,900 individuals, organizations, and government agencies provided comments  
42          on the scope of the PEIS by testifying at public scoping meetings or submitting comments via the  
43          project Web site or mail; some people used more than one method to submit comments. Nearly  
44          12,700 comment documents were received through the Wilderness Society as part of a comment  
45          campaign. Similarly, the Defenders of Wildlife sent approximately 2,280 comment documents.  
46          The BLM and DOE considered the comments in developing the alternatives and analytical issues

1 contained in this PEIS; all comments received equal consideration regardless of their mode of  
2 delivery.

3

4 Comments were received from 9 federal agencies, 13 state agencies (within the states of  
5 Arizona, California, Colorado, and New Mexico), and 14 local government agencies (within the  
6 states of Arizona, California, Nevada, New Mexico, and Utah). Several elected officials, more  
7 than 50 environmental groups, and approximately 40 industry groups provided comments.

8

9 Comments were received from all 50 states and the District of Columbia; approximately  
10 40% originated from the six states within the study area, with California ( $n = 3,430$ ) and  
11 Colorado ( $n = 1,200$ ) providing the most comments. Comments were also received from Canada,  
12 American Samoa, Guam, and Puerto Rico.

13

14 Comments received during the initial scoping period largely fell into several key  
15 categories: environmental, socioeconomic, siting and technology, stakeholder involvement,  
16 cumulative impact analyses, impact mitigation, policy, land use planning, alternatives to be  
17 analyzed, and coordination with ongoing regional and state planning efforts. The agencies  
18 prepared a report that summarized and categorized all comments received during this initial  
19 scoping period (DOE and BLM 2008). The scoping summary report and copies of all written  
20 comments submitted by mail, via an online comment form, or in person at public meetings are  
21 available on the Solar Energy Development Programmatic Environmental Impact Statement  
22 project Web site (<http://solareis.anl.gov>). Transcripts from the public meetings are also available  
23 on the Web site.

#### 24

#### 25

#### 26 **14.1.2 Solar Energy Study Areas Scoping**

#### 27

28 The second scoping period was announced by the BLM and DOE through a NOI  
29 published on June 30, 2009, in the *Federal Register* (Volume 74, page 31307). This scoping  
30 period was initiated to solicit public comments on 24 specific tracts of BLM-administered land—  
31 the solar energy study areas—to receive in-depth study for solar development in the PEIS.  
32 Specifically, the agencies solicited comments about environmental issues, existing resource data,  
33 and industry interest with respect to the study areas. The 24 solar energy study areas were  
34 identified in response to Order 3285A1, first issued in March 2009 and amended in February  
35 2010 (Secretary of the Interior 2010), which announced a policy goal of identifying and  
36 prioritizing specific locations best suited for large-scale production of solar energy.

37

38 The June 30 NOI also announced the availability of maps of the solar energy study areas  
39 through the project Web site (<http://solareis.anl.gov>) and at BLM offices in the six states hosting  
40 the study areas. The solar energy study areas scoping period was from June 30 to September 14,  
41 2009. Comments could be submitted electronically or through the mail.

42

43 Nearly 300 comments were received during the scoping period; about 20% of the  
44 comments contained items specific to the individual study areas. About 75% of the comments  
45 came from individuals or organizations in the six-state area containing the solar energy study  
46 areas, with the most comments from California ( $n = 130$ ). Comments were received from

1       4 federal agencies, 7 state agencies (within the states of California, New Mexico, and Nevada),  
2       7 Tribal governments, and 11 industry/ranching groups.  
3

4              Comments received during the second scoping period are contained in a searchable  
5       database, available through the project Web site (<http://solareis.anl.gov>). A summary of the  
6       comments specific to solar energy study areas is provided in the following subsections. The  
7       U.S. Department of Defense raised concerns for almost every study area regarding the possible  
8       height limitations that may be required.  
9

10           **14.1.2.1 Arizona Study Areas**  
11

12           A commentor observed that the use of Arizona Fish and Game Department data may  
13       have overstated the amount of wildlife habitat that is needed, and therefore the boundaries of all  
14       areas may require alteration. Others suggested reconfiguring the boundaries to preserve wash and  
15       drainage areas and to include trust lands.  
16

17           One commentor recommended that impacts on sacred landscapes and historic trails be  
18       considered in the analysis of all three study areas but did not suggest altering the study areas. A  
19       commentor recommended closing the existing grazing allotment in the Brenda study area  
20       because the soil in that area was compacted and over-utilized. Resource conflicts in the Bullard  
21       Wash area, including three grazing allotments and the presence of tortoise and bighorn sheep,  
22       were noted by commentors. Similar resource conflicts were noted for the Gillespie study area,  
23       which also hosts a Sonoran Desert viewshed. No recommendations for alteration of the study  
24       areas were made on the basis of these concerns.  
25

26           **14.1.2.2 California Study Areas**  
27

28           The presence of cultural sites, wetlands and riparian areas, and threatened and  
29       endangered species and habitats and the potential for visual impacts in areas surrounding the  
30       study areas prompted some commentors to note that all four study areas should be either deleted  
31       from future study or reduced in size. However, other commentors suggested that the Imperial  
32       East study area should be expanded to the northwest and doubled in size, and that the Pisgah area  
33       be expanded to the west and north to include private, disturbed lands.  
34

35           Other commentors expressed concerns regarding the four study areas but did not suggest  
36       that they be eliminated from the PEIS or modified. The presence of the flat-tailed horned lizard  
37       in the Imperial East study area was an issue of interest for one commentor, and another  
38       expressed concern that consideration be given to the area's cultural properties and the impacts of  
39       water use on Tribal water rights. The protection of sacred landscapes and cultural areas and the  
40       presence of tortoise and threatened and endangered species in the Iron Mountain study area were  
41       of concern to several commentors.  
42

43           A commentor pointed out the need for a cultural inventory of the Pisgah study area and  
44       others expressed concern about the presence of tortoise habitat, migratory birds, and cultural  
45       resources.  
46

1 resources in the area. Cultural resource and tourism concerns were raised in relation to the  
2 Riverside East study area.

3

4

5 **14.1.2.3 Colorado Study Areas**

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7 A commentor recommended that all four study areas be eliminated from consideration  
8 because they are located with the Sangre de Cristo National Heritage Area. Other commentors  
9 suggested altering all the study areas to exclude prairie dog colonies with a 0.5-mi (0.8-km)  
10 buffer and to give consideration to the Los Caminos Antiguos scenic byway. Alteration of the  
11 De Tilla Gulch study area was recommended to take into account elk severe winter range and  
12 pronghorn winter concentration areas. Alteration of the boundaries of the Fourmile East and  
13 Los Mogotes East study areas was recommended to protect the Old Spanish National Historic  
14 Trail.

15

16 While not advocating study area boundary alteration, some commentors made  
17 observations regarding the four study areas. They suggested that development in the Antonito  
18 Southeast and Los Mogotes East study areas will require plans for transmission access and power  
19 purchase agreements. A commentor favored developing solar and wind projects in the Antonito  
20 Southeast area. Developing mitigations for Paleoindian sites that have not been evaluated for  
21 *National Register of Historic Places* eligibility and collecting baseline data and monitoring  
22 performance were suggested for the De Tilla Gulch and Fourmile East study areas.

23

24

25 **14.1.2.4 Nevada Study Areas**

26

27 Commentors suggested that the Amargosa Valley study area be eliminated from review  
28 in the PEIS because of potential impacts on the Ash Meadow National Wildlife Refuge and  
29 Death Valley National Park. They also added that the study area is home to many sensitive  
30 biological resources including tortoise.

31 Commentors advised altering the Dry Lake study area by excluding the southern portion  
32 of the area to preserve the high biodiversity there and extending the northern portion eastward to  
33 protect tortoise and beardtongue and avoid impacts on the Old Spanish Trail and migratory bird  
34 habitat.

35

36 Without stating a recommendation for study area size adjustment, commentors suggested  
37 that assessments should be conducted in the Dry Lake study area regarding impacts on numerous  
38 sensitive species, as well as impacts from groundwater use on the Lake Mead National  
39 Recreation Area (NRA). Similarly, comments submitted regarding the Amargosa Valley study  
40 area stated that wet cooling should not be allowed, a no-net-water-drawdown stipulation should  
41 be implemented, and a detailed water impact analysis should be conducted. A commentor urged  
42 that assessments be conducted regarding impacts on sensitive species, and another stated that a  
43 full biological inventory was needed for the Amargosa Valley study area.

1 Commentors noted that the East Mormon Mountain study area should be eliminated from  
2 PEIS review because of the presence of tortoise habitat, concerns over grazing, and proximity to  
3 the Toquap Conservation site. They also stated that the Delamar Valley and Dry Lake Valley  
4 North study areas should be removed from review because groundwater is fully appropriated,  
5 thereby precluding development due to lack of groundwater.

6  
7 Other commentors suggested limiting the East Mormon Mountain study area to  
8 3,780 acres (15 km<sup>2</sup>) to accommodate needs of the livestock industry and to avoid conflicts with  
9 tortoise and plant habitat, but they also suggested adding fire-disturbed areas. Suggestions were  
10 also made to limit the Delamar Valley study area to 5,760 acres (23 km<sup>2</sup>) north and northwest of  
11 Delamar Lake. Commentors suggested reducing the Dry Lake Valley North study area because  
12 of conflicts with grazing and water rights and socioeconomic issues. Another commentor advised  
13 reducing the size of the study area to exclude sensitive habitat.

14  
15 Without recommending specific boundary modifications, commentors raised concerns  
16 about the East Mormon Mountain, Delamar Valley, and Dry Lake Valley North study areas.  
17 They suggested studying impacts on numerous species, including tortoise and buckwheat, and on  
18 the Lake Mead NRA from groundwater use in the East Mormon Mountain study area. Regarding  
19 the Delamar Valley study area, commentors raised concerns about impacts on bighorn migration,  
20 water, eagles, rock art, tortoise, and White River fish. Concerns about the impacts on water,  
21 bighorn sheep, milkvetch, and Heritage Program species (e.g., fishhook cactus, milkweed, and  
22 the kangaroo mouse) were also raised for the Dry Lake Valley North study area. Concerns about  
23 impacts on the livestock industry in all three study areas were also raised.

24  
25 A commentor suggested altering the Millers study area to exclude the sand dunes in the  
26 northeast portion of the area because of diverse small mammal habitat and to avoid impacts on  
27 lizards and birds. The Millers study area was also the subject of concerns regarding water use,  
28 wildlife, and impacts on milkvetch, bighorn sheep, and prairie falcons; however, no  
29 recommendations were made regarding alteration of the study area. A commentor also raised a  
30 social justice issue—the economic benefits of projects would go to a county that did not host the  
31 solar projects. Another commentor suggested that projects be restricted to photovoltaic  
32 technologies that require little water.

33  
34 A commentor observed that water use and transmission line access could be of concern at  
35 the Gold Point study area but did not recommend a change to the study area.

#### 36 37 38 14.1.2.5 New Mexico Study Areas 39

40 Several commentors suggested eliminating the Mason Draw and Red Sands study areas  
41 because they contain good grassland and wildlife habitat. Other commentors recommended  
42 reducing the size of Mason Draw to avoid sensitive areas and exclude roadless and wilderness  
43 quality lands. Suggestions were offered to reduce the Red Sands study area by dropping the  
44 southern and northwestern portions because of grassland quality and excluding BLM habitat  
45 restoration areas.

1 Redrawing the Afton study area was suggested to avoid an area of high reptilian diversity  
2 in the eastern part of the study area, but it also was suggested that new areas to the east could be  
3 considered.

4  
5 Although no recommendations regarding perimeter alteration of the Afton study area  
6 were made, the following concerns were raised: potential air quality issues (dust), negative visual  
7 impacts, potential impacts on the Aden Lava Flow Area of Critical Environmental Concern and  
8 wilderness inventory unit, and proximity to infrastructure and Las Cruces. For the Red Sands  
9 study area, visual impact, air quality, and impacts of development and water use were concerns  
10 mentioned, but boundary modification was not suggested.  
11  
12

#### 13       **14.1.2.6 Utah Study Areas**

14

15 Commentors recommended that all three study areas be altered to avoid adverse direct  
16 and indirect impacts on the Old Spanish National Historic Trail. Additional recommendations  
17 were to avoid occupied or historic prairie dog colonies, pygmy rabbit population areas, and past  
18 or currently occupied owl dens in the Escalante Valley study area and to avoid sage grouse leks  
19 and brood areas in the Milford Flats South study area.  
20

21 While not recommending alterations to study area size, commentors made several  
22 recommendations regarding the Milford Flats South and Wah Wah Valley study areas. Concerns  
23 were raised about the sage grouse, pygmy rabbit, and potential prairie dog populations in the  
24 Milford Flats South study area. One commentor mentioned that the southern part of the study  
25 area overlaps the Utah watershed restoration initiative and that five sensitive species were  
26 present on-site.  
27

28 The Wah Wah Valley study area was described as being too close to proposed wilderness  
29 areas and wild undisturbed lands; concerns about visual and recreation impacts were raised. Five  
30 species were identified as being in the study area, and a sage grouse impact assessment was  
31 recommended.  
32

33 A commentor mentioned that raptor management guidelines should be followed at all  
34 three study areas.  
35  
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### 37       **14.2 GOVERNMENT-TO-GOVERNMENT CONSULTATION**

38

39 The Federal Government works on a government-to-government basis with Native  
40 American Tribes. The government-to-government relationship was formally recognized on  
41 November 6, 2000, with Executive Order 13175 (*Federal Register*, Volume 65, page 67249). As  
42 a matter of practice, the BLM coordinates with all Tribal governments, associated Native  
43 communities and Native organizations, and Tribal individuals whose interests might be directly  
44 and substantially affected by activities on public lands. In addition, Section 106 of the National  
45 Historic Preservation Act (NHPA) requires federal agencies to consult with Indian Tribes for  
46 undertakings on Tribal lands and for historic properties of significance to the Tribes that may be

1 affected by an undertaking (Title 36, Part 800.2 (c)(2) of the *Code of Federal Regulations*). BLM  
2 Manual 8120 (BLM 2004a) and BLM Handbook H-8120-1 (BLM 2004b) provide guidance for  
3 Native American consultations. The BLM has given substantial consideration to the proper  
4 conduct of government-to-government consultations for this project in order to provide for  
5 multiple opportunities for Tribal consultation.

6  
7 Executive Order 13175 stipulates that Tribes identified as “directly and substantially  
8 affected” be consulted by federal agencies during the National Environmental Policy Act  
9 (NEPA) process. In June 2008, letters originating from the BLM state offices in the six-state  
10 study area were sent to 253 Tribes, Chapters, and Bands identified by the state offices, inviting  
11 those Tribes to be cooperating parties and offering government-to-government consultation. On  
12 July 1, 2009, with the expansion of the PEIS to include 24 specific solar energy study areas, a  
13 second letter was sent to 316 Tribes, Chapters, and Bands identified by the BLM, seeking  
14 comments on the proposed action and solar energy study areas and indicating that the  
15 Section 106 consultation process of the NHPA would be conducted concurrently with the NEPA  
16 process and government-to-government consultation requirements. The BLM followed up with  
17 additional letters, phone calls, e-mails, and meetings for Tribes whose traditional use areas are  
18 closest to the proposed study areas. These communications were sent to a broad range of Tribes  
19 to determine levels of interest in further discussions regarding the Solar PEIS.  
20

21 As of August 2010, 36 Tribes had responded by letter, e-mail, or telephone or had  
22 met with local BLM personnel. Written responses were received from 15 Tribes or Tribal  
23 organizations either directly in response to the BLM letters or through the NEPA scoping process  
24 for the PEIS. Three Tribes contacted the BLM Washington Office directly by telephone. Five  
25 Tribes (Quechan, Soboba Band of Luiseño Indians, Pueblo of Zuni, Cheyenne-Arapaho Tribes of  
26 Oklahoma, and Paiute Indian Tribes of Utah) requested either consultation or further information  
27 on the PEIS. The Agua Caliente Band of Cahuilla Indians, Cabazon Band of Cahuilla Mission  
28 Indians, and the Cheyenne-Arapaho Tribes of Oklahoma also made inquiries about becoming a  
29 cooperating agency or party for the PEIS. A list of Tribes contacted and a summary of the  
30 responses as of August 2010 are provided in Appendix K, along with copies of correspondence  
31 with Native American Tribes.  
32

33 Government-to-government consultation for the Solar PEIS is ongoing. The BLM will  
34 continue to consult with interested Tribes and will continue to keep all Tribal entities informed  
35 about the NEPA process for the PEIS. In addition, the BLM will continue to implement  
36 government-to-government consultation on a case-by-case basis for site-specific solar energy  
37 development projects on BLM-administered lands.  
38  
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#### 40 **14.3 COORDINATION OF BLM STATE AND FIELD OFFICES**

41

42 This PEIS was prepared by the BLM Washington Office to evaluate a program that will  
43 determine how solar energy development is administered in each of the six states in the study  
44 area. Regular conference calls and other communications were held with BLM state and field  
45 office staff to share information about the Solar PEIS. State and field office staff provided much  
46 of the geographic information system data that allowed mapping of the BLM-administered lands

1 and special status areas. The PEIS team visited each of the states to tour the 24 proposed solar  
2 energy zones (SEZs), collect field data, interact with state and field office staff, and facilitate  
3 other data sharing. In addition, BLM state and field office staff were involved in reviews of  
4 preliminary, internal draft sections of text.

5  
6 Coordination with the state and field office staff will continue throughout the preparation  
7 of the Final PEIS to ensure that the analysis adequately reflects state- and local-level concerns  
8 and issues regarding solar energy development. In addition, BLM Washington Office staff will  
9 work with state and field office staff following the release of the Record of Decision (ROD) to  
10 support implementation of the new Solar Energy Program.

11  
12  
13 **14.4 AGENCY COOPERATION, CONSULTATION, AND COORDINATION**

14  
15 The BLM and DOE invited federal, Tribal, state, and local government agencies to  
16 participate in preparation of the Solar PEIS as cooperating agencies. A total of 19 agencies, listed  
17 in Section 1.5, are working with the BLM and/or DOE as cooperating agencies. These agencies  
18 include six federal agencies, six state agencies, and seven counties. In addition, the State of  
19 California has established an Interagency Working Group as a means of coordinating federal,  
20 state, and county agency participation in the PEIS process for that state; this working group  
21 includes additional state agencies and counties beyond those that have signed Memorandums of  
22 Understanding. Interactions with the cooperating agencies have included periodic briefings and  
23 reviews of preliminary, internal draft sections of text. The BLM and DOE will continue to  
24 engage these cooperating agencies throughout the preparation of the PEIS.

25  
26 In accordance with the requirements of Section 106 of the NHPA, the BLM is  
27 coordinating with and soliciting input from the State Historic Preservation Offices (SHPOs) in  
28 each of the six states in the study area and from the Advisory Council on Historic Preservation.  
29 In addition, the National Council of SHPOs, the National Trust for Historic Preservation, and  
30 Tribal Governments (also see Section 14.2) have been invited to consult on the PEIS and the  
31 preparation of a National Programmatic Agreement (PA) regarding solar energy development.  
32 The PA will provide for a phased consultation process related to historic, traditional, and cultural  
33 resources for the PEIS and subsequent activities that could tier from the PEIS ROD. Details  
34 regarding the consultation process, including correspondence, are presented in Appendix K; the  
35 PA will also be provided in Appendix K when it becomes available.

36  
37 In accordance with the requirements of Section 7 of the Endangered Species Act, the  
38 BLM would consult with the U.S. Fish and Wildlife Service to ensure that the BLM's proposed  
39 action would not jeopardize the continued existence of any listed threatened or endangered  
40 species. These consultations are ongoing and are anticipated to result in programmatic biological  
41 assessments and biological opinions for each of the proposed SEZs. Ongoing coordination  
42 regarding the consultation approach for the programmatic component of the PEIS continues to  
43 occur.

44  
45 In addition, the BLM has initiated activities to coordinate and consult with the governors  
46 in each of the six states and with state agencies. Additional coordination will be conducted

1 during review of the Draft PEIS. Prior to approval of the proposed plan amendments, the  
2 governor of each state will be given the opportunity to identify any inconsistencies between the  
3 proposed plan amendments and state or local plans and to provide recommendations in writing  
4 (during the 60-day consistency review period).

5

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7 **14.5 REFERENCES**

8

9 *Note to Reader:* This list of references identifies Web pages and associated URLs where  
10 reference data were obtained for the analyses presented in this PEIS. It is likely that at the time  
11 of publication of this PEIS, some of these Web pages may no longer be available or their URL  
12 addresses may have changed. The original information has been retained and is available through  
13 the Public Information Docket for this PEIS.

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15 BLM (Bureau of Land Management), 2004a, *Manual 8120—Tribal Consultation under Cultural*  
16 *Resources*, Release 8-74, U.S. Department of the Interior. Available at [http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_manual.Par.80216.File.dat/8120.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.80216.File.dat/8120.pdf).

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20 BLM, 2004b, *Handbook H-8120-1—General Procedural Guidance for Native American*  
21 *Consultation*, Release 8-75, U.S. Department of the Interior. Available at [http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_handbook.Par.86923.File.dat/h8120-1.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.86923.File.dat/h8120-1.pdf).

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25 DOE (U.S. Department of Energy) and BLM (Bureau of Land Management), 2008, *Summary of*  
26 *Public Scoping Comments Received during the Scoping Period for the Solar Energy*  
27 *Development Programmatic Environmental Impact Statement*, Washington, D.C., Oct.

28

29 Secretary of the Interior, 2010, “Renewable Energy Development by the Department of the  
30 Interior,” Amendment No. 1 to Secretarial Order 3285, Feb. 22. Available at [http://elips.doi.gov/app\\_so/act\\_getfiles.cfm?order\\_number=3285A1](http://elips.doi.gov/app_so/act_getfiles.cfm?order_number=3285A1).

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