1 INTRODUCTION

1.1 OVERVIEW

On December 17, 2010, the U.S. Department of the Interior Bureau of Land Management (BLM) and U.S. Department of Energy (DOE) working jointly as lead agencies published a *Draft Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States* (Solar PEIS [BLM and DOE 2010]). Public comments were accepted through May 2, 2011. More than 80,500 comments were received. The public, as well as many cooperating agencies and key stakeholders, offered suggestions on how the BLM and DOE could increase the utility of the document, strengthen elements of the proposed Solar Energy Program, and increase certainty regarding solar energy development on BLM-administered lands.

The lead agencies have made adjustments to the Solar PEIS to better meet the BLM and DOE's solar energy program objectives. The lead agencies have prepared this targeted Supplement to the Draft Solar PEIS (Supplement) that includes modified and new components of the BLM's proposed Solar Energy Program, DOE's proposed programmatic environmental guidance, and references to relevant portions of the Draft Solar PEIS. The Supplement also updates the environmental effects analysis associated with the BLM's modified action alternatives. Because of its programmatic nature, the Supplement analyzes environmental effects over a broad geographic and time horizon, focusing on major impacts in a qualitative manner (see Section 1.5).

The BLM and DOE have prepared this document in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality; the DOE and the U.S. Department of the Interior (DOI) regulations implementing NEPA; and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended.

Through this Supplement, the BLM has modified its preferred alternative to emphasize its commitment to the concept of solar energy zones (SEZs). Efforts have been made to ensure that SEZs are not located in high conflict areas; a protocol for identifying new SEZs has been provided; and incentives for projects within SEZs have been outlined. In addition, the BLM has revisited ongoing state-based planning efforts to ensure that such efforts could result in the identification of new SEZs. While the BLM's preferred alternative emphasizes the use and creation of SEZs for utility-scale solar energy development, it also includes a proposed process that will accommodate responsible development outside of SEZs.

As described in DOE's proposed action in the Draft Solar PEIS, DOE would develop and adopt programmatic environmental guidance which would be used by DOE to further integrate environmental considerations into its analysis and selection of proposed solar projects. DOE has used the information about environmental impacts provided in the Draft Solar PEIS and other information to develop draft programmatic guidance. DOE has included the draft programmatic guidance in this Supplement for public comment.

Release of this Supplement allows the public an opportunity to evaluate the modified and new components of the proposed program and provide input that will assist the BLM and DOE in their decision-making process. On the basis of input received on the Draft Solar PEIS and this Supplement, the lead agencies will prepare a Final Solar PEIS and Record(s) of Decision (ROD).

1.2 SUMMARY OF COMMENTS

There were several types of commentors on the Draft Solar PEIS representing a wide range of concerns: individual members of the public; federal, state, and local governmental agencies; Tribes; solar companies and solar industry organizations; environmental organizations; utilities; ranchers; water districts; and many other types of organizations.

The following paragraphs present the most prevalent concerns conveyed in the comments on the Draft Solar PEIS. In instances where this Supplement addresses these concerns, cross references to the associated sections of this Supplement are provided.

The largest number of comments on the Draft Solar PEIS came from members of environmental organizations (e.g., Defenders of Wildlife, National Resources Defense Council, Sierra Club, The Wilderness Society, and the Wildlife Federation Action Club). These environmental organizations and many individual commentors stated opposition to BLM's preferred solar energy development program alternative (referred to as the "program alternative") and favored a modified solar energy zone program alternative ("SEZ alternative"), under which several of the proposed SEZs would be dropped and the boundaries of others would be revised. Cooperating agencies, as well as state and local governments, also recommended deleting some proposed SEZs, reducing the size of some SEZs, restricting the type of development within some SEZs, and removing some of the lands from the program alternative. See Sections 2.2 and 2.3 of this Supplement for a discussion of the BLM's proposed modified action alternatives and its preferred alternative, and Appendices B and C for discussions of proposed changes to individual SEZs.

A broad range of commentors (industry, agencies, and environmental organizations) noted the need for an explicit process for identifying new SEZs to meet the projected future level of solar development. The BLM was urged to develop such a process as a part of the Final Solar PEIS. See Section 2.2.2.2.5 and Appendix D of this Supplement for discussion of a proposed new SEZ identification protocol. Some states have already initiated efforts to identify new SEZs, including the Restoration Design Energy Project (RDEP) in Arizona and the Desert Renewable Energy Conservation Plan (DRECP) in California. See Section 2.2.2.2.6 of this Supplement for discussion of ongoing state-level efforts to identify new SEZs.

In characterizing their concerns with the program alternative, some environmental organizations and agencies identified categories of land that they believe should have been excluded from application for development, for example, citizen-nominated wilderness, lands identified in proposed protective legislation, core habitat, wildlife migration corridors, and areas around National Parks. See Section 2.2.2.1 of this Supplement for information on proposed changes to exclusion areas.

Many written comments and individual speakers at the public meetings stated a preference for distributed generation and community-based energy solutions over utility-scale projects on public lands that would require long-distance transmission, adversely affect local communities and quality of life, and potentially result in higher future electricity costs for consumers. Concerns were expressed regarding conversion of public lands to a single, industrial-type use that would preclude other uses by the public. These concerns are not further addressed through this Supplement, but the Draft Solar PEIS did address these issues in Section 2.5.1 and Sections 2.5.4 through 2.5.8.

The primary concern expressed by the solar industry related to the BLM's commitment to continued processing of existing applications. See Section 1.7 of this Supplement for information on how the BLM will process new and pending applications. Comments from the solar industry also did not support the SEZ alternative. They stated that while the proposed SEZs theoretically contain sufficient acreage to accommodate projected levels of development, the identified SEZs might not be located in the right places for meeting market demand or maximizing transmission opportunities. Identification of a variance process to address proposals for development on lands outside of SEZs was requested. Industry comments also expressed concern that the proposed mitigation requirements for SEZs were too onerous. See Section 2.2.2.2.3 of this Supplement for information on incentives being proposed to make development in SEZs more attractive to industry, including transmission-related activities, and Section 2.2.2.3 for discussion of the proposed variance process for applications outside of SEZs.

Not all comments received are being addressed through this Supplement; for example, comments were received proposing specific changes to the adaptive management strategy and design features proposed in the Draft Solar PEIS. These comments will be addressed in the Final Solar PEIS, and any appropriate corresponding changes will be made to that document.

1.3 BLM'S PURPOSE AND NEED

As described in the Draft Solar PEIS, the BLM has identified a need to respond in a more efficient and effective manner to the high interest in siting utility-scale solar energy development on public lands and to ensure consistent application of measures to mitigate the adverse impacts of such development. The BLM is therefore considering replacing certain elements of its existing solar energy policies with a comprehensive Solar Energy Program that would allow the permitting of future solar energy development projects to proceed in a more efficient and standardized manner. While the proposed Solar Energy Program will further the BLM's ability to meet the mandates of Executive Order (E.O.) 13212 (~~–~~Actions to Expedite Energy-Related Projects," *Federal Register*, Volume 66, page 28357, May 22, 2001) and the Energy Policy Act of 2005, it also has been designed to meet the requirements of Secretarial Order 3285A1 (Secretary of the Interior 2010) related to identifying and prioritizing specific locations best suited for utility-scale solar energy development on public lands.

In order to delineate areas best suited for utility-scale solar energy development, through the Draft Solar PEIS the BLM identified and analyzed proposed SEZs to determine their

suitability for solar energy development. Based on further data collection, consultation with land and resource managers, and comment analysis, the BLM has eliminated some proposed SEZs from further analysis and refined the boundaries of other SEZs. These changes are reflected in this Supplement and will be carried forward into the Final Solar PEIS. See Section 2.2.2.2 for additional information about proposed changes to SEZs.

The objectives of BLM's proposed Solar Energy Program remain unchanged and include the following:

- Facilitating near-term utility-scale solar energy development on public lands;
- Minimizing potential negative environmental, social, and economic impacts;
- Providing flexibility to consider a variety of solar energy projects (location, facility size, technology, and so forth);
- Optimizing existing transmission infrastructure and corridors; and
- Standardizing and streamlining the authorization process for utility-scale solar energy development on BLM-administered lands.

The elements of the BLM's proposed Solar Energy Program have been expanded from the Draft Solar PEIS and include the following:

1. Continued processing of pending applications for utility-scale solar energy development;
2. Identification of lands to be excluded from utility-scale solar energy development in the six-state study area;
3. Identification of priority areas (i.e., SEZs) that are well suited for utility-scale production of solar energy in accordance with the requirements of Secretarial Order 3285A1 and the associated authorization procedures for applications in these areas;
4. Establishment of a process to identify new SEZs;
5. Establishment of a process that allows for responsible utility-scale solar energy development outside of SEZs (i.e., variance process);
6. Establishment of mitigation requirements for solar energy development on public lands to ensure the most environmentally responsible development and delivery of solar energy; and
7. Amendment of BLM land use plans in the six-state study area to adopt those elements of the new Solar Energy Program that pertain to planning.

1.4 BLM DECISIONS TO BE MADE

On the basis of the analyses presented in the Solar PEIS, the BLM anticipates making the following land use planning decisions that will establish the foundation for a comprehensive Solar Energy Program. Changes in these land use planning decisions in the future will require the BLM to complete land use plan amendments and associated NEPA analyses.

1. Land use plan amendments that identify exclusion areas for utility-scale solar energy development in the six-state study area;

2. Land use plan amendments that identify areas potentially available for utility-scale solar energy development outside of SEZs in the six-state study area (i.e., variance areas[1]);

3. Land use plan amendments that identify priority areas for solar energy development that are well suited for utility-scale production of solar energy (i.e., SEZs); and

4. Land use plan amendments that establish design features (i.e., mitigation requirements) for solar energy development on public lands to ensure the most environmentally responsible development and delivery of solar energy (some may be SEZ-specific, as necessary).

In addition to the planning-level decisions outlined above, the BLM's Solar Energy Program will include a number of policy components such as the variance process to address right-of-way (ROW) applications for utility-scale solar energy development outside of SEZs and the incentives for projects proposed in SEZs. These components will be part of the ROD for the Solar PEIS; the BLM will issue subsequent Instruction Memoranda to formally establish such policies. The BLM retains the ability to change policies associated with its Solar Energy Program through existing policy-making tools.

On the basis of the analysis in the Final Solar PEIS, the Secretary of the Interior may also decide to withdraw the public lands encompassed by SEZs from potentially conflicting uses through the issuance of a Public Land Order. The required withdrawal studies and analyses are being completed as part of the Solar PEIS (see Section 2.2.2.2.4 of this Supplement for an update). The Secretary of the Interior's final decision on the withdrawal of these lands will be made on the basis of the Final Solar PEIS; however, the Secretary's ROD for any withdrawal decision will likely be made separate from the BLM's ROD for the land use planning decisions analyzed by the Solar PEIS.

[1] A variance area is an area to be avoided that may be available for a solar energy right-of-way (ROW) with special stipulations or considerations; see the *Land Use Planning Handbook* (BLM 2005).

While the Solar PEIS provides analysis of the impacts of constructing, operating, and decommissioning the infrastructure needed to support utility-scale solar energy development, such as roads, transmission lines, and natural gas or water pipelines, the decisions to be made will be applicable only to the siting of utility-scale solar energy generation facilities (Draft Solar PEIS, Section 2.2.2.2). Management decisions for supporting infrastructure would continue to be made in accordance with existing land use plan decisions and current applicable policy. Siting of supporting infrastructure would be analyzed in project-specific environmental reviews.

1.5 SCOPE OF THE ANALYSIS

The scope of this Supplement remains unchanged from the Draft Solar PEIS—it includes analyses of the use of multiple solar energy technologies at utility scale over the next 20 years on lands within six southwestern states: Arizona, California, Colorado, Nevada, New Mexico, and Utah.

The scope of this Supplement is limited to utility-scale solar development, in part, because the Energy Policy Act of 2005 and Secretarial Order 3285A1 (Secretary of the Interior 2010) require that the BLM take steps to facilitate development at that scale. For the purposes of the Solar PEIS and associated decision making, utility-scale solar development is defined as any project capable of generating 20 megawatts (MW) or more. As a result, the BLM's new Solar Energy Program would apply only to projects of this scale; decisions on projects that are less than 20 MW would continue to be made in accordance with existing land use plan decisions, current applicable policy, and individual site-specific NEPA analyses.

Several technologies for the utility-scale capture of solar energy are currently in use and are being refined. Viable utility-scale solar technologies considered likely to be deployed over the next 20 years and analyzed as part of the Solar PEIS include parabolic trough, power tower, dish engine systems, and photovoltaic (PV) systems.

1.5.1 Program Analysis versus SEZ-Specific Analysis

NEPA dictates that federal agencies take a "hard look" at the environmental consequences of a proposed action. The requisite environmental analysis performed by an agency must be commensurate with the action in question. In the case of the Solar PEIS, it is important to make a distinction between the Solar Energy Program elements to be decided upon based on the Solar PEIS, and the additional data collection and analysis being completed for SEZs to inform future project decisions in those priority areas.

As outlined in Section 1.4 above, the BLM expects to make withdrawal- and planning-level decisions through the Solar PEIS, such as land use designations and design features. The program elements adopted via planning-level decisions will provide the basis for future project-specific utility-scale solar energy development decisions. The Solar PEIS appropriately evaluates the potential direct, indirect, and cumulative environmental, social, and economic effects of establishing broad Solar Energy Program elements and strategies across the six-state study area.

Because the proposed program involves environmental effects over a broad geographic and time horizon, the depth and detail of the impact analysis are fairly general, focusing on major impacts in a qualitative manner.

In addition to the programmatic analysis described above, the Solar PEIS also provides in-depth data collection and environmental analysis for proposed SEZs. The primary purpose of this more rigorous analysis is to provide documentation from which the BLM can tier future project authorizations, thereby limiting the required scope and effort of project-specific NEPA analyses. The BLM will complete a site-specific environmental review of all solar energy ROW applications in accordance with NEPA prior to issuing a ROW authorization. All future projects proposed in SEZs will tier to the analysis in the Solar PEIS. The extent of this tiering, however, will vary from project to project, as will the necessary level of NEPA documentation (see Section 2.2.2.2.2 on the SEZ authorization process).

1.6 STATUS OF REASONABLY FORESEEABLE DEVELOPMENT SCENARIO

The reasonably foreseeable development scenario (RFDS) developed for the Draft Solar PEIS to help define the potential magnitude of solar energy development that could occur within the six-state study area over the next 20 years is still considered to be valid to support analyses in this Supplement and the Final Solar PEIS.

As discussed in the Draft Solar PEIS (Section 2.4), the RFDS was calculated on the basis of the requirements for electricity generation from renewable energy resources established in the Renewable Portfolio Standards (RPSs) in each of the six states. To establish an upper bound, it was assumed that 50% of the RPS-based requirement for renewable energy production would be provided from solar energy and that 75% of the solar development would occur on BLM-administered lands within the specific state.

Table 1.6-1 presents the RFDS for each state in terms of projected MWs and estimated acres of land required to support that level of development. As shown, the estimated amount of solar energy generation on BLM-administered lands in the study area over the 20-year study period is about 24,000 MW, with a corresponding dedicated use of about 214,000 acres (866 km^2) of BLM-administered lands.

A number of comments on the Draft Solar PEIS pointed out that the RFDS calculations do not account for the import and export of solar-generated electricity between states and, as a result, the calculations could underestimate potential development in a given state. Specifically, it was pointed out that renewable energy generated in Arizona, Nevada, and even Utah might be exported to California as utilities try to meet the RPS established in that state. In such cases, the total level of development in these states would be greater than that projected by the RFDS. While these are valid considerations, the conditions assumed in the RFDS (i.e., that 50% of the renewable energy development would be from solar and that 75% of it would occur on BLM-administered lands) provide an upper bound on the potential solar development both within a state and on BLM-administered lands that might accommodate additional development for exported electricity.

TABLE 1.6-1 Projected Megawatts of Solar Power Development by 2030 and Corresponding Developed Acreage Estimates for Reasonably Foreseeable Development Scenario[a]

State	Landholding	Estimated MWs under RFDS	Estimated Acres under RFDS[b]
Arizona	BLM	2,424	21,816
	Non-BLM	808	7,272
California	BLM	15,421	138,789
	Non-BLM	5,140	46,260
Colorado	BLM	2,194	19,746
	Non-BLM	731	6,579
Nevada	BLM	1,701	15,309
	Non-BLM	567	5,103
New Mexico	BLM	833	7,497
	Non-BLM	278	2,502
Utah	BLM	1,219	10,971
	Non-BLM	406	3,654
Total	BLM	23,791	214,119
	Non-BLM	7,930	71,370

[a] See Appendix E of the Draft Solar PEIS for details on the methodologies used to calculate the RFDS.

[b] Acreage calculated assuming land use of 9 acres/MW. To convert acres to km^2, multiply by 0.004047.

Table 2.3-1 in this Supplement compares the amount of land needed to support the RFDS projects to the amount of land that would be made available for solar development in each state under the BLM's modified action alternatives. Because the SEZs proposed under the modified alternatives may not make enough land available to meet the RFDS requirements in some states (e.g., Arizona, California, and Colorado), the BLM has initiated efforts to identify new SEZs through ongoing state-based efforts (see Section 2.2.2.2.6 of this Supplement for more information). The BLM also anticipates that it will identify additional SEZs in other states in the near future using the protocol for identifying new SEZs presented in Appendix D of this Supplement. There is also the opportunity to develop projects outside of SEZs in variance areas in accordance with the variance process described in this Supplement (see Section 2.2.2.3.1).

1.7 DEFINITION AND PROCESSING APPROACH FOR NEW, PENDING, AND APPROVED SOLAR APPLICATIONS

Many individuals and organizations commenting on the Draft Solar PEIS wanted to know more about how the BLM intends to deal with solar applications filed before the Solar PEIS ROD. This section responds to those concerns by describing how the BLM will process individual applications. The BLM intends to continue to process all pending applications that meet due diligence and siting requirements under BLM's current policies. All new applications will be subject to the ROD for the Solar PEIS. The approach that the BLM will use for processing new and pending applications is summarized in Table 1.7-1.

1.7.1 New Applications

The BLM will define "new" applications as those applications filed within proposed SEZs[2] after June 30, 2009, and any application filed after the publication of this Supplement to the Draft Solar PEIS. The BLM will continue to accept applications both inside and outside of proposed SEZs after publication of this Supplement. All new applications will be subject to the decisions in the ROD and associated land use plan amendments, including a competitive process for projects in SEZs (see Section 2.2.2.2.1) and the variance process for projects proposed in variance areas (see Section 2.2.2.3).

TABLE 1.7-1 Processing Approach for New and Pending Applications

Application Location	Filing Date	Type	Processing Approach
Inside proposed SEZs	Before June 30, 2009	Pending	Continued processing under existing policies
	After June 30, 2009	New	Subject to Solar PEIS ROD including competitive process
Outside proposed SEZs	Before publication of Supplement	Pending	Continued processing under existing policies
	After publication of Supplement	New	Subject to Solar PEIS ROD including variance process

[2] In its June 30, 2009, *Federal Register* Notice, the BLM announced that applications for solar energy ROWs received *after* June 30, 2009, for lands inside a proposed Solar Energy Study Area (or proposed SEZ as described in the Draft PEIS) would not be processed until the signing of the Solar PEIS ROD and would be subject to the decisions in the ROD. Such projects are considered to be new even if they are no longer in a proposed SEZ per this Supplement.

1.7.2 Pending Applications

The BLM will define "pending" applications as all applications on file with the BLM before publication of this Supplement, including applications for lands within proposed SEZs filed before June 30, 2009.

In an effort to facilitate environmentally responsible solar energy development, the BLM will continue to process appropriately sited projects that have been put forward by qualified, diligent applicants. The BLM will process pending solar applications consistent with its existing regulations and policies (e.g., IM 2011-060 [BLM 2011a] and IM 2011-061 [BLM 2011b]), and with current interagency coordination practices with DOI agencies, such as the U.S. Fish and Wildlife Service (USFWS) and National Park Service (NPS). These applications will be treated as project-specific undertakings under Section 106 of the National Historical Preservation Act (NHPA) and the BLM's National Programmatic Agreement (PA).

The BLM has determined that, in appropriate circumstances, it can rely on the broad discretion it has under FLPMA to deny ROW applications prior to completing the NEPA process if such applications do not meet due diligence requirements and/or environmental criteria. Such decisions must be made with regard for the public interest and be supported by reasoned analysis and an adequate administrative record. Decisions to deny pending applications must be assessed on a case-by-case basis. BLM's denial of an application constitutes a "final agency action" and is therefore subject to administrative appeal to the Interior Board of Land Appeals (IBLA).

The BLM may decide to deny pending solar applications before completion of the Solar PEIS ROD if the BLM has a supportable, rational basis. The following guidelines will be used to inform the BLM's processing of pending applications:

- Pending applications on the DOI's "high priority" list shall continue to be given priority processing as long as the applicant continues to meet the due diligence provisions in IM 2011-060 (BLM 2011a).

- Pending applications that meet the criteria for "High Potential for Conflict" described in IM 2011-061 (BLM 2011b) are likely candidates for denial. High Potential for Conflict describes more complex projects that will require a greater level of consultation, analysis, and mitigation to resolve issues or that may not be feasible to authorize, including:
  - Lands near or adjacent to lands designated by Congress, the President, or the Secretary for the protection of sensitive viewsheds, resources, and values (e.g., units of the National Park System, Fish and Wildlife Service Refuge System, specially designated units of the National Forest System, and the BLM National Landscape Conservation System[3]), which may be adversely affected by development;

[3] National Historic and Scenic Trails are part of the BLM National Landscape Conservation System but, due to their linear nature, were described in IM 2011-061 as areas of "Medium Potential for Conflict."

  - Lands adjacent to Wild, Scenic, and Recreational Rivers and river segments determined eligible or suitable for Wild or Scenic River status, if project development may have significant adverse effects on sensitive viewsheds, resources, and values;
  - Designated critical habitat for federally threatened and endangered species if project development is likely to result in the destruction or adverse modification of that critical habitat;
  - Lands currently designated as Visual Resource Management (VRM) Class I or Class II in BLM land use plans;
  - ROW exclusion areas identified in BLM land use plans; and
  - Lands currently designated as no surface occupancy in BLM land use plans.

- Pending applications on lands proposed as exclusion areas for utility-scale solar energy development in the Final Solar PEIS are likely candidates for denial. Upon issuance of the Solar PEIS ROD, the BLM may deny pending applications to the extent such applications overlap with exclusion areas identified in the ROD for the protection of ecological, cultural, visual, or other specified resource values.

- Pending applications shall be processed in accordance with the due diligence provisions in IM 2011-060:
  - Applications shall be denied if the applicant cannot demonstrate financial and technical capability, for example,
    - International or domestic experience with solar projects on federal or nonfederal lands;
    - Sufficient capitalization to carry out development;
    - Conditional commitments of DOE loan guarantees;
    - Confirmed Power Purchase Agreements (PPAs);
    - Engineering, procurement and construction contracts; and
    - Supply contracts with credible third-party vendors for the manufacture and/or supply of key components for solar project facilities.
  - Applications shall be denied if the applicant cannot meet Plan of Development (POD) due diligence requirements:
    - The POD must be of sufficient detail to provide the basic information necessary to begin the environmental analysis and review process; and
    - Time lines established in IM 2011-060 will apply.

- Pending applications that meet due diligence requirements and have medium or low resource conflicts will be evaluated by the BLM in coordination with other DOI agencies. These evaluations will assist the BLM in identifying issues and developing appropriate strategies to resolve such issues (e.g., alternatives, mitigation, and so forth) and will occur before the BLM initiates the NEPA process.

The BLM, in coordination with other DOI agencies, will continue to identify priority projects. The BLM will apply the due diligence and screening criteria requirements of IM 2011-060 and IM 2011-061 to determine priority projects. Designation as a "priority project" means that the BLM and applicable partner agencies have agreed to prioritize processing and review of the application. Priority projects are subject to all regulatory and statutory requirements, including full NEPA review.

The efforts described above are expected to result in additional approvals and denials over the next several months.

As of August 15, 2011, there were 79 pending first-in-line solar applications: 31 in Arizona, 20 in California, 25 in Nevada, and 3 in New Mexico. A detailed list is included in Appendix A of this Supplement.

1.7.3 Approved Applications

The ROD for the Solar PEIS will recognize all previously approved solar projects. As of August 15, 2011, the BLM had approved 10 utility-scale solar projects on public land and the associated linear ROWs to enable the development of 2 projects on private land. Each approval was based on a site-specific EIS and announced through a *Federal Register* Notice and press release accompanied by a project fact sheet and map. These documents are available at http://www.blm.gov/wo/st/en/prog/energy/renewable_energy/priority_projects.html. A summary of the approved public land applications is provided in Table 1.7-2. Three of the approved public land projects in California will require additional case processing and environmental review to consider post-authorization requests to change technology.

Seven of the approved public land projects are located in the California Desert District planning boundary of the California Desert Conservation Area (CDCA) Plan, the applicable Resource Management Plan (RMP) for these project sites and the surrounding areas. The CDCA Plan requires that all sites associated with power generation or transmission not already identified in that Plan be considered through the BLM's land use plan amendment process. As a result, prior to approval of these seven projects, the BLM had to specifically amend the CDCA Plan to allow each solar project. The approved amendments revise the plan to allow for utility-scale solar energy development on the specified tracts of land. The BLM intends to again amend the CDCA Plan in the ROD for the Solar PEIS to designate SEZs as additional areas appropriate for solar energy generation and related transmission. This will help streamline future project approvals in SEZs in the CDCA planning area. Projects within the CDCA planning area that are subject to the variance process (see Section 2.2.2.3) would still require a plan amendment until further amended by a subsequent planning process (e.g., the DRECP; see Section 2.2.2.2.6).

TABLE 1.7-2 Approved Solar Projects on BLM-Administered Lands as of August 15, 2011

Serial Number	Customer Name (Project Name)	Application Filed	Total BLM Acres[a]	MW	Technology	BLM Field Office
CACA 048649	FIRST SOLAR (Desert Sunlight)	November 7, 2006	4,100	550	PV	Palm Springs–South Coast
CACA 047740	TESSERA SOLAR (Imperial Valley Solar)[b]	January 6, 2005	6,459	709	Dish engine	El Centro
CACA 048668	BRIGHT SOURCE (Ivanpah SEGS)[c]	November 17, 2006	3,501	370	Concentrating solar power (CSP)/tower	Needles
CACA 048811	SOLAR MILLENNIUM/ CHEVRON (Blythe)[d]	February 15, 2007	7,025	1,000	CSP/trough	Palm Springs–South Coast
CACA 048880	NextEra BOULEVARD ASSOCIATES LLC (Genesis)	January 31, 2007	1,950	250	CSP/trough	Palm Springs–South Coast
CACA 049537	TESSERA SOLAR (Calico Solar)[e]	March 14, 2007	4,604	664	Dish engine	Barstow
CACA 049561	CHEVRON ENERGY SOLUTIONS CO (Lucerne Valley)	December 7, 2007	422	45	PV	Barstow
NVN 084359	SOLAR MILLENNIUM (Amargosa Farm Road)	November 11, 2007	4,350	484	CSP/trough	Pahrump
NVN 085077	FIRST SOLAR (Silver State North)	March 21, 2008	618	50	PV	Las Vegas
NVN 086292	SOLAR RESERVE (Crescent Dunes)	November 5, 2008	2,250	110	CSP/tower	Tonopah
Total	10 projects		35,279	4,232		

[a] To convert acres to km^2, multiply by 0.004047.

[b] Acquired by AES Solar; proposed technology change to PV.

[c] Includes CACA 049502, 049503, and 049504.

[d] Proposed technology change for first phase to PV.

[e] Acquired by K Road Solar; proposed technology change to partial PV.

1.8 ONGOING RULEMAKING

1.8.1 Segregation Rule

On April 26, 2011, the BLM published an Interim Temporary Final Rulemaking (ITFR) and a Proposed Rule containing the same language as in the *Federal Register*. The rule is found in added Sections 2091.3-1(e) and 2804.25(e) in Title 43 of the *Code of Federal Regulations* (43 CFR 2091.3-1(e) and 2804.25(e)), which comprise regulations for segregations in general and ROW protection through segregations, respectively. The new segregation rule is intended to promote the orderly administration of public lands. The ITFR allows an authorized officer to close (segregate) public lands from operation of the public land laws. This includes the mining law, but not the mineral leasing or materials sale acts, for a period of up to two years. This segregation may not be extended under the ITFR. By protection of such lands, a solar or wind energy ROW applicant has assurances that the application will not be subject to adverse activities caused by either the filing of mining claims or impacts from other proposed land uses. The BLM is currently analyzing comments received as part of the final rulemaking process.

1.8.2 Competitive Process

As part of this Supplement, the BLM is confirming its intentions to offer lands in SEZs through a competitive process. Comments received on the Draft Solar PEIS expressed concern over how the BLM would implement a new competitive process, and commentors specifically requested that the BLM develop regulations to define a competitive process that would provide opportunity for public comment and input. In response, the BLM has decided to undertake rulemaking to establish a competitive process for offering public lands for solar as well as wind energy development. When established, the rule would supersede some of the authorization policies identified in this Supplement (see Section 2.2.1.1).

Rulemaking will involve publication of an Advanced Notice of Proposed Rulemaking, a Proposed Rule, and a Final Rule and could take up to two years to complete. The BLM is planning to publish an Advanced Notice of Proposed Rulemaking in October 2011 to accompany the release of this Supplement; the BLM intends to have a Proposed Rule available for public comment prior to the release of the Solar PEIS ROD (targeting late spring 2012).

Section 501 of FLPMA authorizes the Secretary of the Interior, with respect to public lands, to grant, issue, or renew ROWs over, upon, under, or through such lands for systems for the generation, transmission, and distribution of electric energy (*United States Code*, Title 43, Section 1761(4) [43 USC 1761(4)]). This authority includes the issuance of ROW lease authorizations for solar energy generation systems. The existing ROW regulations (43 CFR 2804.23(c)) currently provide authority for identifying public lands under competitive bidding procedures, but limit the competitive process to responding to ROW applications. The BLM may use competitive procedures under existing regulations to screen or select applications for lands outside SEZs, where appropriate. The purpose of a competitive process under existing regulations is to determine which application would be processed. Through rulemaking, the

BLM could provide broader authority and a different competitive process for making lands available for solar energy development within SEZs.

The proposed rule could include the following provisions for a competitive process for lands within SEZs:

- **Call for nominations.** A call for nominations could be published in the *Federal Register* to solicit expressions of interest for parcels of land within individual SEZs. A nomination of a specific parcel would require payment of a nomination fee to be determined by the regulations. (Section 504 of FLPMA provides authority to the BLM to establish reasonable filing fees.)

- **Review of nominations.** The BLM would review the nominations to determine parcels of land to offer in individual SEZs. The BLM would complete the work necessary to prepare the selected parcels for the competitive offer.

- **Notice of competitive offer.** A Notice would be published at least 30 days prior to the competitive offer. The Notice would include a legal description of the lands involved, the process for conducting the competitive offer, a minimum bid requirement, and the due diligence requirements for the successful bidder to submit a POD for the lands involved in the competitive offer.

- **Bonus bid competitive process or other competitive procedures.** A variety of competitive bid procedures could be defined by the new regulations. These other competitive procedures could include sealed bids, oral auctions or continuous bidding, two-stage bidding, or multiple factor bidding methods. Bonus bids would be handled as Treasury receipts. The accepted bonus bid would be nonrefundable.

- **Issuance of competitive ROW lease authorization.** A ROW lease authorization (lease) could be issued to the successful bidder. The lease would be a 30-year, fixed-term lease with a fixed rental fee. The holder of the lease would be required to submit a POD and cost-recovery fees within the time frames specified in the lease.

- **Administration of competitive ROW leases.** The leaseholder would submit a POD for authorization prior to the start of any construction. A NEPA review would be required prior to approval of the POD. The BLM would include a requirement in each competitive solar ROW lease that the holder begin construction within the time frames approved in the POD and comply with terms and conditions requiring the holder to maintain all facilities in accordance with the design standards in the approved POD. The BLM would require that a minimum performance bond be provided for all competitive solar ROW leases to ensure compliance with the provisions of the regulations and the terms and conditions of the lease.

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