

Thank you for your comment, Richard Orr.

The comment tracking number that has been assigned to your comment is SolarM60181.

Comment Date: September 10, 2009 16:29:22PM
Solar Energy Development PEIS
Comment ID: SolarM60181

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Comment Submitted:

Additional information to add to comment SOLARM60148

SUSTAINABLE GRAZING COALITION

*Nevada State Board of Agriculture • Nevada Rangeland Resources Commission •
Nevada Cattlemen's Association • Nevada Farm Bureau •
Nevada Central Grazing Committee
P.O. Box 310, Elko NV 89803*

September 5, 2009

SCOPING COMMENT POINTS FOR THE PROPOSED SOLAR POWER PROJECT:

1. There is no mention of actual surface acres of coverage of the collectors. How many surface acres of occupation will there be at maximum development of the site? This question is critical in evaluating extent of potential impact to vegetation, soils, and pre-existing permitted activity in the identified areas. The extent of impact to existing permitted activities increases exponentially in effect as the area of inaccessible area increases.
2. Will the area of surface occupation be closed to access? We assume this would be required for protection of the collectors.
3. How many years long is the build out phase? This is important to know to access the effect on pre-permitted activities.
4. The sites are all located in valley bottoms which are on silt and course-silt textured soils that are highly subject to wind erosion once disturbed. Any increase in traffic on roads or the area in general will result in increased disturbance and heavily eroded soils. This area is in an area with a preponderance of wind out of the south west during late winter and spring months and all of the valley areas classify as highly erodible under Natural Resources Conservation Service Highly Erodible Lands (HEL) identification procedures. What are you proposing to reduce or eliminate this impact.
5. These silt textured soils are principally dominated by the shrub Winterfat (*Krascheninnikovia lanata*) which is a very significant and desired forage plant but is also very difficult to successfully re-establish if it has been damaged due to excessive traffic or trampling or it has been lost from the site. This is exacerbated if the damage to the plant also broke up the soil's structure resulting in compaction and erosion of the surface layers of soil which contains the majority of available soil organic matter which is crucial for plant re-establishment and growth.
6. Livestock operations in the potential construction areas identified rely on these large valley areas for winter livestock grazing (winter forage) on their permits. The protected collector sites are likely to be fenced and will have a system of access routes all of which remove or disturb surface vegetation resulting in less forage available for the already existing permitted (tenured permit) livestock grazing. Grazing permits can only run as many livestock as the most limiting portion of the permit. For example, if the winter

portion of the permit is only capable of supporting 500 head of livestock but the summer portion of the allotment is capable of sustaining 1500 head, then the permit would likely only run a total of 500 head of cattle on a year round grazing operation. A permittee cannot successfully work with fluctuating livestock numbers over the long term on a seasonal basis like this in any economical manner. The disproportionate loss of access to forage on one portion of the allotment may render it uneconomical to run any of the permits. The only choice to cover for a disproportionate loss like this is to purchase other permits covering the period of forage that was lost if any such permits are even available, or to purchase private land or feed to cover the lost period. All of these are unlikely without some level of compensation for the part that was lost. This could make the entire operation unfeasible.

7. In the court case “The Estate of E. Wayne Hage and The Estate of Jean N. Hage vs. The United States”, the Hage permits were canceled by the federal agency for failure to abide by permit stipulations and terms and conditions as the agency had the authority to regulate this permit. The judge ruled in favor of the federal agency on this point but also ruled (abbreviated version) that all the improvements and water owned or held by the Hage’s were, in essence, personal property that had value and were considered a taking as they were no longer useable by the Hage’s without their holding the permit to graze. As a result, the Hage’s estate was awarded a substantial amount of monetary award from the government to compensate for the fact that by the agency canceling the permit they were denied use of their other properties. Several of the valleys in question hold numerous springs, wells and other water sources with water rights held by the permittees, and other range improvements such as corrals, fences, etc., that are owned by the permittees. If this action makes continued use and access to the permit unfeasible, will the permittees be adequately compensated for the value of their other property being rendered useless due to a federal action as in the Hage case? In addition, there is a cumulative effect of the disproportionate loss of a particular part of the permit making it uneconomic as stated in issue 6 above.

Sincerely;

Richard A. Orr
Certified Professional in Range Management