

Thank you for your comment, Mark Irwin.

The comment tracking number that has been assigned to your comment is SolarS50590.

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Solar Energy Development PEIS  
Comment ID: SolarS50590

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Attachment: PEIS Comment Letter 7.15.08.pdf

Comment Submitted:

[See Attachment.](#)

July 15, 2008

Linda Resseguie, Bureau of Land Management Project Manager  
Frank "Tex" Wilkins, Department of Energy Project Manager  
c/o Solar Energy PEIS Scoping  
Argonne National Laboratory  
9700 S. Cass Ave. – EVS/900  
Argonne IL 60439

**RE: Comments on the Scope of the Solar Energy Development Programmatic  
Environmental Impact Statement (PEIS)**

Dear Ms. Resseguie and Mr. Wilkins:

The successful completion of this PEIS is an essential element of the future of solar energy development in the United States. Edison Mission Energy fully supports the government's commitment to this program, which will guide future development of solar energy resources on public lands administered by the Bureau of Land Management (BLM). Below is a summary describing our primary comments and objectives, which is followed by our detailed comments.

**Summary**

- 1. Amendment of Solar Project Right-of-Way Application Process:** By evaluating the recommended alternatives to the current application process, the PEIS could determine whether increasing application fees and adjusting them for sites with conflicting land uses, such as critical habitat areas, could reduce or eliminate speculative and non-viable proposals. If such amendments are implemented, BLM resources would be available to more quickly process the most viable projects to meet US policy goals and support renewable portfolio objectives throughout the desert southwest.
- 2. Designing Process for Future Facility-Specific Analyses:** According to the *Federal Register* Notice of Intent to Prepare the PEIS, "Site-specific environmental reviews are expected to be tiered to the PEIS and to be more effective and efficient because of the PEIS". Using a prior successful BLM programmatic document as a model, recommendations should be designed to streamline and speed the evaluation and processing of future tiered projects.
- 3. Develop Best Management Practices:** Development and compilation of programmatic best management practices will guide development and expedite mitigation of future solar energy projects. Benefits include speed, streamlining, and consistency.
- 4. Land Use Designation Mapping:** The PEIS intends to define lands suitable for solar energy development and lands that would be excluded. We strongly support this approach and encourage the PEIS to make this mapping and information available in formats that are electronic, GIS based and interactive.

## Detailed Comments

### **1. Amendment of Solar Project Right-of-Way Application Process**

Of the 130+ solar development applications currently on file with BLM, many are speculative, unfunded, or non-viable proposals as evidenced by the lack of progress of many applications. These applications represent a non-productive use of BLM resources and preclude development by parties committed to funding, constructing and operating viable solar projects.

The PEIS should evaluate alternatives for charging substantially higher fees for initial solar development applications in order to encourage applicants to approach BLM only when they are fully prepared with the funding, technology and resources required for successful solar development. At a minimum, evaluation of a substantially higher flat rate and per acre scale should be considered for land in sensitive locations. In either case, the funds deposited would be used by BLM for cost recovery.

We believe this recommendation is entirely consistent with the BLM principle that solar energy projects pay for themselves per the following excerpt from the April 4, 2007 Solar Energy Development Policy Instruction Memorandum No. 2007-097 from the BLM Director to all Field Directors (pertinent text bolded for emphasis):

Right-of-way applications for solar energy development projects will be identified as a high priority Field Office workload and will be processed in a timely manner. This priority is consistent with the President's National Energy Policy of 2001 and the Energy Policy Act of 2005. Adequate resources should be provided to review and process the application. **The applicant must submit a complete and acceptable application and provide a cost recovery payment before the BLM will initiate processing of a right-of-way application.** It is anticipated that most right-of-way applications for solar energy development will be Category 6, full cost recovery applications. The BLM will apply sound business practices in expediting the application process. A bond will be required for solar energy development right-of-way grants to ensure compliance with the terms and conditions of the authorization and the requirements of the regulations including reclamation.

### **2. Designing Process for Future Facility-Specific Analyses**

Tiering of future site-specific assessments to the PEIS was presented in a public scoping meeting. The more the PEIS aids and expedites subsequent projects, the better will be the return on the time and energy invested in its preparation. To this end, the PEIS should include a detailed procedure that outlines the necessary steps to determine the appropriate level of National Environmental Policy Act (NEPA) documentation for all subsequent solar facilities. We recommend that this clearly distinguishes among solar projects based on environmental impacts such as groundwater use, impact to critical habitat areas, and impacts to conservation areas and wilderness areas.

The Council on Environmental Quality regulations (40 CFR 1508.28) define and encourage tiering as follows:

"Tiering" refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is: (a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

Developing specific tiering procedures would standardize the approach, make maximum utility of the work invested in the PEIS; and save time, money and staff resources during preparation of subsequent NEPA documentation. The PEIS should follow a process similar to the one previously approved by BLM in the *Clark County Regional Flood Control District Final Programmatic Supplemental Environmental Impact Statement* which is available electronically at: [http://breccia.ccrfcd.org/pdf\\_arch1/Environmental/Supplemental%20Programmatic%20Environmental%20Impact%20Statement%20-%20Final.pdf](http://breccia.ccrfcd.org/pdf_arch1/Environmental/Supplemental%20Programmatic%20Environmental%20Impact%20Statement%20-%20Final.pdf).

Section 8 of this program-level EIS presents the process by which each new facility will be reviewed to ensure full compliance with environmental regulatory requirements and to minimize potential environmental impacts during construction, operation and maintenance. Section 8 further details a project-specific procedure for determining the appropriate level of environmental analyses explicitly aligned with the NEPA process. The analytical process set forth in this procedure follows the general guidelines of the BLM for NEPA compliance (NEPA Handbook H-1790).

For example, an Environmental Assessment prepared under the Section 8 process includes specific recommendations regarding mitigation (discussed further in the Best Management Practices comments) to reduce impacts to below significant levels. If mitigation measures cannot be determined to reduce impacts, the recommendations to prepare a project-specific EIS will be made by BLM. This EIS would also be a tiered NEPA document focused on a more comprehensive analysis of impacts. In the event that a project-specific EIS is prepared, a Record of Decision would be prepared, which could result in either the approval or denial of the project. This approach provides for consistent and defensible evaluation and processing. It has allowed BLM to standardize the documents. Adopting a similar procedure for the PEIS would allow more efficient, but still very comprehensive, agency review to support near term development of solar resources.

### **3. Development of Best Management Practices**

Best Management Practices (BMPs) are innovative, dynamic and improved environmental protection practices that may be applied to help ensure that solar energy development is conducted in an environmentally responsible manner. BMPs protect wildlife, landscapes and other natural resources as BLM and Department of Energy comply with Executive Order 13212 and the Energy Policy Act of 2005 in developing vitally needed renewable domestic energy resources.

The PEIS should include a compilation of comprehensive and detailed catalogue of Best Management Practices. This approach would be consistent with that used by BLM in preparing its Wind Energy Final PEIS. In this document, BLM proposed to adopt a number of policies and BMPs as part of the proposed Wind Energy Development Program. These policies and BMPs were formulated based on a detailed, comprehensive analysis of the potential impacts of wind energy development and relevant mitigation measures. This was further informed by reviews of existing, relevant mitigation guidance, as well as, comments received during scoping and public review of the Draft PEIS. Based on these inputs, BLM identified programmatic policies and BMPs that would be applicable to all wind energy development projects on BLM-administered lands.

Further rationale for compiling BMPs at the program level is that these measures may be evaluated and vetted via the PEIS process which will again make maximum utility of the programmatic nature of the document and provide standardization. In the absence of this approach, each future project would be independently developing measures. With the program encompassing six states and many BLM Districts, it is predicted that there could be widely differing interpretations, varying requirements and dissimilar timing.

The recommendation is to compile a comprehensive list or catalog of BMPs from existing sources. For example, the Environmental Protection Agency has developed a menu of BMPs designed to reduce effects of stormwater runoff from construction sites. This is available electronically at: [http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min\\_measure&min\\_measure\\_id=4](http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=4). Similarly, BLM has already developed comparable BMP menus including the Oil and Gas BMPs which are available electronically at: [http://www.blm.gov/wo/st/en/prog/energy/oil\\_and\\_gas/best\\_management\\_practices.html](http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices.html). In addition, each of the affected states has Water and Air Resource Departments or Divisions with robust BMP programs that are readily accessible.

Effective BMPs are applied as a system of practices rather than a single discipline, and certainly, not all measures would be applicable to every site. BMPs would be selected from the catalog in PEIS, based on consideration of site-specific conditions that reflect natural background conditions and political, social, economic and technical feasibility. Important considerations such as scheduling and timing of BMP implementation would be designed and developed on a site-specific basis by qualified professionals in cooperation with the responsible BLM resources team.

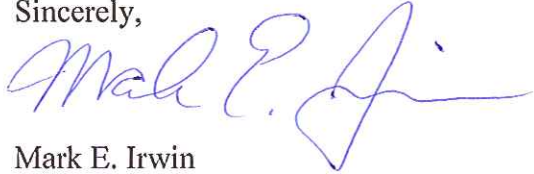
#### **4. Designated Land Use Mapping**

We fully support the concept that the BLM expects to identify BLM-administered land that may be environmentally suitable for solar energy development and land that would be excluded from such development. We understand the PEIS will also consider whether designation of additional electricity transmission corridors on BLM-administered lands is necessary to facilitate utility-scale solar energy development. This type of 'zoning' will be an invaluable tool and resource in planning and siting facilities. It is anticipated that Geographic Information Systems (GIS) based technology will be used. Rather than providing static copy in the public Draft PEIS, this information should be made available electronically and in an interactive format to best serve the public, governmental entities, Tribal organizations and other groups, enabling them to make

better informed comments. The information would also assist project proponents and resource managers in making better decisions.

Thank you for the opportunity to submit comments regarding the proposed PEIS. We look forward to reviewing the Draft EIS and your responses to our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark E. Irwin". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Mark E. Irwin  
Managing Director