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BUREAU OF LAND MANAGEMENT AND DEPARTMENT OF ENERGY ANNOUNCE AVAILABILITY OF SOLAR STUDY AREAS

By [Robert J. Uram](#) and Leah Cohen

On June 30, 2009, the Bureau of Land Management ("BLM") and the Department of Energy ("DOE") published a [Notice of Availability](#) in the Federal Register announcing the availability of maps that identify 24 tracts of BLM-administered land for in-depth study for solar development. These areas will become the focus of a Programmatic Solar Environmental Impact Statement ("Solar PEIS") for large-scale solar development on public lands. For those interested in participating in the Solar PEIS, BLM and DOE are accepting public comment on the Solar Energy Study Areas through July 30, 2009. The comment period will be followed by publication of a draft Solar PEIS and another opportunity to comment on the proposed program. The BLM and DOE will then prepare a final EIS and decide on the scope and details of the program. The BLM and DOE optimistically project that the entire process will be completed by the end of 2010. More information on the timeline and process for preparing the Solar PEIS can be found [here](#).

The Enhanced Solar PEIS

The Federal Register Notice is the latest step in the federal government's efforts to promote the use of public lands for renewable energy development. As announced by Secretary of the Interior Salazar, the Solar PEIS will include an in-depth analysis of solar development potential on 24 tracts of BLM-administered land - known as Solar Energy Study Areas - in six western states of Nevada, Arizona, California, Colorado, New Mexico, and Utah. (Maps of the Solar Energy Study Areas can be found on [BLM's website](#)). Four study areas have been identified in California. These areas are located near the Imperial Valley in Southern California and include: Imperial East (12,830 acres), Iron Mountain (109,642 acres), Pisgah (26,282 acres), and Riverside East (202,295 acres). (A map of these areas is located [here](#)). The Solar Energy Study Areas were selected through ongoing studies conducted by the California Renewable Energy Transmission Initiative, the Western Governors' Association Western Renewable Energy Zone and Transmission Study, and existing BLM resource information. Sensitive lands, such as those in the National Landscape Conservation System, were categorically excluded from consideration. In addition, BLM also used criteria such as proximity to existing roads and existing or designated transmission corridors, a land slope of less than 5%, and a minimum size of

2,000 acres to select the tracts.

Through the Solar PEIS, the BLM will consider whether to establish a Bureau-wide solar energy development program to supplement or replace the existing policy, and to amend land use plans in the six-state study area to adopt the new program. The BLM also expects to identify BLM-administered land within the study areas that may be environmentally suitable for solar energy development and land that would be excluded from such development. The Solar PEIS will also consider whether designation of additional electricity transmission corridors on BLM-administered lands is necessary to facilitate utility-scale solar energy development. Under the Solar PEIS, BLM is considering both non-competitive and competitive processes, as well as additional application fees and diligent development requirements.

Similarly, through this PEIS the DOE is considering developing a solar energy deployment program of environmental policies and mitigation strategies that would provide guidance applicable to the deployment of all solar energy projects that are DOE-funded. Policies and mitigation measures adopted as part of the proposed solar energy deployment program would identify for the DOE, industry, and stakeholders the best practices for deploying solar energy and ensuring minimal impact to natural and cultural resources on BLM-administered lands or other Federal, State, tribal, or private lands.

Preliminary issues and management concerns have been identified by BLM and DOE personnel, other agencies, and in meetings with individuals and user groups as significant issues associated with utility-scale solar energy development.

As currently envisioned, the PEIS will evaluate direct, indirect, and cumulative impacts to:

- Land Use (such as proximity to wilderness or other special management areas)
- Soil and Geological Resources
- Water Resources
- Air Quality and Climate
- Acoustic Environment
- Ecological Resources (including threatened, endangered, and sensitive species)
- Visual Resources

- Paleontological and Cultural Resources
- Socioeconomic Resources
- Environmental Justice
- Transportation
- Hazardous Materials and Waste Management
- Health and Safety

If the program is adopted in its current form after completion of the Solar PEIS, the BLM will designate the Solar Energy Study Areas identified as suitable for development as Solar Energy Zones. Applications for solar development in these zones would be eligible for priority processing and project-specific EIS's for solar projects in these areas would be able to "tier off" of the Solar PEIS analysis. BLM says it will also continue to accept applications for solar development projects outside of the Solar Energy Study Areas. However, these projects would not be eligible for the same benefits and would be required to conduct a full and more time-consuming environmental review.

Implications

To date, the BLM has made only limited progress on allowing solar on public lands, with a reported backlog of pending applications for 158 commercial solar projects. At present, no permits have been approved. Progress has been impeded by concerns over species protection, availability of water (primarily for the cooling cycles of the power plants), and a maze of approval processes in multiple government agencies with overlapping jurisdictions.

If the BLM is able to successfully complete the Solar PEIS, it would have large implications for realizing the potential of using public lands for solar energy production. The BLM hopes that its efforts will facilitate a more efficient process for solar energy development on public lands by standardizing the processing of applications, optimizing existing transmission corridors, minimizing environmental impacts and clearly identifying suitable areas for solar development. Applications for 10 MW or larger plants would be fast-tracked under the new program, which will radically streamline the permitting and development process and assume responsibility for one of the most burdensome aspects of getting utility scale solar plants built: environmental reviews. Given the limits of BLM funding and staff, solar development outside of the study zones is likely to be limited. For those interested in developing solar on public lands, one potentially important change would be the introduction of competitive bidding procedures, a common practice for other

energy resources on public lands.

For a further perspective on the use of public lands for Solar and Wind Development, R. Uram, "[An Update on Wind, Solar Energy on Public Lands](#)" published in Law360 on July 10, 2009.

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