

RENEWABLE ENERGY:

Amid protests, BLM could finalize solar plan this month

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The Interior Department by the end of the month expects to finalize its plan to fast-track solar development across more than a quarter-million acres of hot spots in six Southwestern states, the agency said today.

The decision would mark the end of a three-year Obama administration effort to more quickly tap the area's abundant sunshine while safeguarding public lands important to wildlife, hikers and other users.

But its current task is to sift through 16 formal protests filed by environmentalists, industry groups, counties, tribes and ranchers who oppose various aspects of the Bureau of Land Management's final plan announced in July, which allows commercial facilities across nearly 20 million acres in Arizona, California, Colorado, Nevada, New Mexico and Utah ([E&ENews PM](#), July 24).

While widely praised by conservationists, the agency's plan drew protests from groups that have supported the overall planning effort, including Defenders of Wildlife and the Sierra Club.

The BLM plan also drew a joint protest from the Solar Energy Industries Association and Large-scale Solar Association, though the groups characterized their concerns as "very narrow" and said the Obama administration's success developing solar on public lands has been "historic."

Other groups submitting protests included NextEra Energy Resources; the Center for Biological Diversity; the Western Watersheds Project; Inyo County, Calif.; Lincoln County, Nev.; the Quechan Indian Tribe; and the Colorado River Indian Tribes, BLM said.

The Western Lands Project, Basin and Range Watch, and Solar Done Right publicized their [protest](#) late last month, arguing the agency failed to explore less damaging alternatives such as siting panels on houses, businesses or disturbed lands ([Greenwire](#), Sept. 5).

Ray Brady, manager of BLM's national renewable energy coordination office in Washington, D.C., said the agency plans to publish a response to the protests by Sept. 27, and a record of decision finalizing the plan is expected to be signed by Interior Secretary Ken Salazar by the end of the month.

"The BLM will respond to each protest letter and determine if actions are necessary to address the issues raised, including addressing the issue in the record of decision as appropriate," he said today in an email.

Details on the protests

The agency does not make the protests public, though a handful were obtained by *E&ENews PM*.

The solar industry groups in their [protest](#) said BLM "arbitrarily and capriciously" decided to exclude certain lands from solar development based on the availability of sunlight, a determination that has no bearing on potential environmental conflicts and incorrectly assumes where solar development is commercially viable.

"While we appreciate BLM's concern that utility-scale solar development occur where it is most economically viable, it is solar market conditions and the evolution of solar technology that determine what level of solar insolation is needed to make a solar project economically viable," the groups wrote.

The Center for Biological Diversity in its [protest](#) called BLM's plan a "step in the right direction" but warned that some of the 19 million acres of so-called variance areas -- where projects may be developed, albeit at a slower permitting pace -- are too sensitive for industrial development.

The BLM plan also removed roughly 78 million acres from future solar development.

"Moreover, both the preferred alternative and the solar zone alternative provide too broad an exception for the so-called 'pending' or 'existing applications' sited outside of the solar energy zones or variance areas," said Lisa Belenky, senior attorney for the group.

The [protest](#) by the Western Watersheds Project, a Hailey, Idaho-based group, argues the BLM plan would violate the Endangered Species Act, the National Environmental Policy Act, and the Federal Land Policy and Management Act, strongly hinting that the agency's final decision will be met with a federal lawsuit.

Similar to comments by the Western Lands Project, Basin and Range Watch, and Solar Done Right, WWP said BLM should consider alternatives allowing development only on disturbed lands or by placing solar panels on homes, businesses and other private properties. The group also raised concerns about impacts to desert tortoises, rare plants and other sensitive resources.

Defenders of Wildlife also filed a [protest](#) warning that the BLM plan fails to prohibit development on 1.2 million acres of priority areas for the federally threatened desert tortoise, a violation of agency policy and ESA, the group argued.

Steve Stengel, a spokesman for NextEra, said that the company is "overall supportive" of the BLM proposal and that its protest raised only a "minor technical issue" with the plan.