



**WESTERN RESOURCE  
ADVOCATES**

March 2, 2009

Madeline West  
Program Associate  
Western Governor's Association

**Re: Comments on the Western Governors' Association Western Renewable Energy Zones Qualified Resource Areas maps and tables**

Dear Ms. West,

Please accept and fully consider these comments on the Western Governors' Association Western Renewable Energy Zones Qualified Resource Areas maps and tables on behalf of The Wilderness Society, Western Resource Advocates, Center for Native Ecosystems, Oregon Wild, Oregon Natural Desert Association, San Luis Valley Ecosystem Council, Idaho Conservation League, San Luis Valley Water Protection Coalition, Defenders of Wildlife, Natural Resources Defense Council, Arizona Wilderness Coalition, California Wilderness Coalition, New Mexico Wilderness Alliance, and Southern Utah Wilderness Alliance.

The mission of The Wilderness Society is to protect wilderness and inspire Americans to care for our wild places. We have worked for more than 70 years to maintain the integrity of America's wilderness and public lands and ensure that land management practices are sustainable and based on sound science to ensure that the ecological integrity of the land is maintained. With over 300,000 members and supporters nation-wide, TWS represents a diverse range of citizens.

Founded in 1989, Western Resources Advocates (WRA) is a non-profit environmental law and policy organization dedicated to restoring and protecting the land, air, water and wildlife resources within the interior Western United States. Specifically, our team of lawyers, policy analysts and economists works to: (1) promote a clean energy future for the Interior West that reduces pollution and the threat of global warming; (2) restore degraded river systems and to encourage urban water providers to use existing water supplies more efficiently; and (3) protect public lands and wildlife throughout the region.

It is clear that the nation's continued reliance fossil fuels in the transportation and electricity sectors, imperil the integrity of our wildlands as never before. To sustain both our wildlands and our human communities, we believe the nation must transition away from fossil fuels as quickly as possible. To do this, we must eliminate energy waste, moderate demand through energy efficiency, conservation, and demand-side management practices, and rapidly develop and deploy clean, renewable energy technologies, including at the utility-scale.

The west harbors abundant wind, solar, biomass and geothermal resources, including substantial resources on public lands. Developing some of these resources will be important to creating a sustainable energy economy and combating climate change, and we support such responsible development of renewable energy. Renewable resource development including transmission is

not appropriate everywhere on the public lands, however, and development that does occur on the public lands should take place in a responsible manner.

The Western Governors' Association (WGA) Western Renewable Energy Zones (WREZ) initiative is an extremely important process for facilitating responsible renewable energy and transmission development, and we support the goals of the WREZ. As discussed below, responsible renewable energy development entails protecting lands, wildlife, and natural resource values, prioritizes development on already degraded lands close to load and existing transmission, and ensures transparent, stakeholder driven planning. The recommendations below aim to improve the WREZ process and help ensure that the final products of the initiative are as helpful as possible in facilitating truly responsible renewable energy development.

## **1. Additions to Exclusion and Avoid Areas**

There are several additional categories of land which should be included in the Exclude and Avoid lists.<sup>1</sup> The Exclude and Avoid lists also contain some categories of land which should be included, but for which the WGA does not yet have data. It is critical that the WGA gather data for these areas and include it in subsequent maps and tables in the WREZ process.

### a. Exclusion Areas

The following areas should be added to the Exclude list:

- Forest Service lands, including citations to Forest Service Manual (FSM):
  - National Monuments, National Recreation Areas, National Scenic Areas [FSM 2371]
  - National Trails [FSM 2353.4]
  - Wild and Scenic Rivers [FSM 1924 & 2354 FSH 1909.12 Chapter 80]
  - Wilderness Study Areas [FSM 1923 & 2320, FSH 2409.19]
  - Inventoried Roadless Areas [In a 9/22/06 national directive, the Forest Service was instructed: “Do not approve any further management activities in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule.” As written, the Roadless Rule prohibits road construction in identified roadless areas and the Forest Service has specifically acknowledged that development and construction of transmission lines and pipelines requiring roads would be prohibited. *See*, 66 Fed. Reg. 3243, 3270 (January 12, 2001).]
- The Trapper’s Point ACEC designated through the Pinedale RMP should be added to the list of exclusion areas, similar to the “Jackson Pronghorn Migration Corridor (WY)” that is already included.

### b. Avoidance Areas

The following areas should be added to the Avoid list:

- Administratively designated Forest Service “Special Areas”:
  - Scenic, Geologic, Botanical, Zoological, Paleontological, and Historical Areas [FSM 2372, 36 CFR 294.1 (a)]

---

<sup>1</sup> Some of these areas have also been recommended for inclusion on the exclude and avoid lists by the Western Environmental Law Center in their January 14<sup>th</sup>, 2009 letter (*attachment 1*).

- National Natural Landmark and National Historic Landmark [FSM 2373, FSM 2363.1]
  - Research Natural Areas [FSM 4063]
- Forest Service special wildlife “Management Areas”, similar to “Jackson Pronghorn Migration Corridor (WY)”:
  - Such as the Elkhorn Wildlife Management Area on the Helena National Forest
  - Because of their sensitivity, these areas should be mapped as Avoid. Though similar sensitivities exist with these areas and the “Jackson Pronghorn Migration Corridor (WY)”, these areas do not enjoy the same level of administrative recognition and protection as the “Jackson Pronghorn Migration Corridor (WY)”, so Avoid is more appropriate than Exclude.
- Other important lands that have been recently identified in Forest Plans via regional wildlife assessments, for example:
  - Southern Rockies Lynx Amendment in Forest Service Region 2 where connectivity was identified as critical and 38 “Lynx Linkage Areas” were identified
  - Greater Yellowstone Grizzly Bear Forest Plan Amendment that applied to Forest Plans in 3 different Forest Service Regions surrounding Yellowstone National Park
- Citizens’ Wilderness Inventory Areas, Citizens’ Proposed Wilderness and Citizen’s Conservation Proposals, as well as lands proposed for Wilderness or other protective designations in pending legislation
  - The Wilderness Society submitted extensive information regarding the importance of avoiding wilderness quality lands and the legal and regulatory requirements supporting such protection. In our letter of October 28<sup>th</sup>, 2008, (*attachment 2*) we described such lands as Congressionally Proposed Wilderness Included in 2008 Omnibus Bill, BLM-Inventoried Lands with Wilderness Characteristics, Citizens’ Wilderness Inventory Areas and Citizens’ Proposed Wilderness. We have already made available to the WGA any such data which we have; for your convenience, this data is included again here in a CD, along with an explanatory excel spreadsheet (*attachment 3*).
  - The Avoid list already includes Congressionally Proposed Wilderness included in Omnibus Public lands Management Act of 2009 (S22, as passed by the Senate), as well as lands inventoried by BLM and found to have wilderness characteristics and BLM land managed for wilderness characteristics. We support the inclusion of these areas on the Avoid list. We have already made available to the WGA any such data which we have; for your convenience, this data is included again here in a CD, along with an explanatory excel spreadsheet (*same as attachment 3*).
  - Citizens’ Wilderness Inventory Areas, Citizens’ Proposed Wilderness, and other Citizens’ Conservation Proposal areas (such as proposed National Conservation Areas) should be added to the Avoid list.
  - Other lands proposed for conservation designation by Congress, such as National Monuments and National Conservation Areas, should also be added to the Avoid list.

## 2. Additional information to inform Qualified Resource Areas

The QRAs open for comment are helpful in identifying areas with high resource potential which have undergone some environmental screens. However, additional screens are necessary before QRAs can become Renewable Energy Zones (REZs). Some of these screens, such as the Environmental Protection Agency's (EPA) data on Brownfields sites with renewable energy development potential, will enhance the usefulness of the eventually designated REZs by identifying already degraded lands with minimal conflicts with development. Other screens will enhance the usefulness of the REZs by identifying additional areas of conflict which should be avoided.

Further, analysis of the QRAs indicates that some QRAs have limited conflict with protected areas and areas proposed for protection, while others have significant conflict. QRAs with significant conflict will require additional adjustment for them to be useful as REZs. Where serious conflict exists with a QRA and resolution of the conflicts would substantially reduce the size (such that it would no longer be useful for large-scale development), the designation of the QRA as a REZ will be counterproductive for both focused, responsible renewable energy and transmission development and for environmental and resource protections. In such cases, WGA should consider removing the QRA.

### QRA Recommendations:

- **Incorporate EPA data on Brownfields renewable energy development potential** – EPA has mapped Brownfields, Superfund, and Resource Conservation Recovery Act areas to identify sites with high renewable energy development potential<sup>2</sup>. WGA should incorporate this data (*included in attachment 3*) into the QRAs to help guide development to already degraded lands.
- **Incorporate wildlife data** - it is critical that WGA gather and incorporate wildlife data as planned in the WREZ process.
- **Obtain and incorporate data on significant historical and cultural resources**
- **Refine QRAs to exclude all areas on the Exclude list** - the current QRA boundaries intersect with designated Wilderness, National Monuments, and other areas on the Exclude list.
- **Avoid conflicts with Citizens' Wilderness Inventory Areas and Citizens' Proposed Wilderness** – GIS analysis of the QRAs indicates varying levels of conflict with Citizens' Wilderness Inventory Areas and Citizens' Proposed Wilderness. As shown in the map "Intersection of Citizens' Proposed Wilderness and Qualified Resource Areas – New Mexico" (*attachment 4*), QRAs can have:
  - No conflict with Citizens' Wilderness Proposals (NM\_EA\_11977)
  - Very little conflict (NM\_CT\_2811 and NM\_WE\_1803)
  - Some conflict (NM\_SC\_6161 and NM\_SO\_6155)
  - Serious conflict (NM\_SW\_9724 and NM\_SE\_2086)
- **Re-evaluate QRAs with serious conflicts** - if a QRA has serious conflicts with protected areas and areas proposed for protection, water resources, and other environmental considerations, WGA should consider removing the QRA.

---

<sup>2</sup> Maps, data and additional information available at <http://www.epa.gov/renewableenergyland/>

### **3. Public comment should be provided as maps and data are updated and revised**

We understand that WGA will be providing another comment period in April for WREZ maps and data after wildlife data and additional Exclude and Avoid data have been included. We fully support WGA providing this additional comment period - though the timeline for finalizing the WREZs is short, the inclusion of these data will have significant impact on the QRAs as they are finalized into WREZs, and it is critical that the public be provided the opportunity to comment on these changes and for WGA to fully consider any issues identified or recommendations made. Once the WREZ working groups obtain and apply the wildlife and other missing data and take a second cut at modify the existing QRAs, we suggest at least twenty-one (21) days of additional public comment at this stage. Finalizing the WREZs without providing for adequate public involvement at this stage will limit the usefulness and effectiveness of the WREZ process and could limit the amount of stakeholder buy-in for the final WREZs.

### **4. Additional issues for future analysis**

#### Riparian areas and water quality and quantity

Throughout much of the Western U.S., water is a scarce resource. Our growing population, cities, and energy needs, combined with impacts from climate change, require careful planning to conserve and protect our water resources. On a regional scale, responsible renewable energy development can help protect water resources by replacing fossil fuel-based electricity generation and its attendant greenhouse gas emissions and heavy water use requirements. However, renewable energy development can have negative impacts to water resources on a local scale. Some types of renewable energy development require large amounts of water for production, and improperly sited development can cause serious impacts to riparian areas and water quality and quantity.

We have outlined a process for “Consideration of Impacts on Water Quality and Quantity in the WREZ Process,” (*attachment 5*). Among the recommendations:

- Overlay the QRAs with a database/map of fully- or over-allocated groundwater and surface water supplies, as well as sensitive wetlands and riparian areas, so that both WGA and the public can understand the relationship of the QRAs to water sources
- Evaluate the Qualified Resource Areas (QRAs) in terms of both:
  - Legal and physical availability of water (ground or surface); and
  - Environmental impacts of new surface water diversions or groundwater pumping
- Identify and evaluate potential mitigation measures to protect water sources.
- Map sensitive riparian/wetland areas and categorize them as Exclusion or Avoidance areas.
- Map areas with serious water quality and quantity concerns and categorize them as Exclusion or Avoidance areas.

We understand that the timeline for completion of the WREZ process may preclude WGA from fully integrating water and riparian data into the WREZ process. At a minimum, however, we recommend overlaying the QRAs with USGS groundwater data (<http://pubs.usgs.gov/ha/ha730/gwa.html>) to begin the process of addressing water quality and quantity concerns. In addition, we hope that the WGA Wildlife Council process for identifying

crucial wildlife habitat and corridors will identify sensitive riparian and wetland areas for exclusion and avoidance.

## **Conclusion**

Identification of appropriate priority areas for renewable energy and transmission development is critical in ensuring protection of our wildlands and wildlife while meeting our energy needs and combating global warming. Development planning should be a transparent, public process which brings all affected stakeholders to the table and takes into account the socioeconomic and cumulative impacts of development. Development should be prioritized in already degraded areas which are close to existing transmission and load and have minimal environmental conflicts. Prioritizing development on these types of lands will protect natural resources and allow for faster permitting and development because conflicts will be avoided as much as possible.

Our comments are intended to assist the WGA WREZ initiative in prioritizing development of renewable energy in a manner that values our public lands, wildlife areas and other natural resources. Thank you for your consideration of these recommendations that we hope will improve the process and help ensure a smooth and timely transition to a new energy economy in the West.

Sincerely,

Alex Daue  
Renewable Energy Coordinator  
BLM Action Center  
**The Wilderness Society**  
1660 Wynkoop St. Suite 850  
Denver, CO 80202

Tom Darin  
Staff Attorney, Energy Transmission  
**Western Resource Advocates**  
2260 Baseline Rd., Suite 200  
Boulder, CO 80302

And on behalf of:

Josh Pollock  
Acting Executive Director  
**Center for Native Ecosystems**  
1536 Wynkoop Street, Suite 303  
Denver, CO 80202

Brent Fenty  
Executive Director  
**Oregon Natural Desert Association**  
33 NW Irving Ave.  
Bend, OR 97701

Erik Fernandez  
Wilderness Coordinator  
**Oregon Wild**  
5825 North Greeley,  
Portland, OR 97217

Christine Canaly  
Director  
**San Luis Valley Ecosystem Council**  
P.O. Box 223  
Alamosa, CO 81101

John Robison  
Public Lands Director  
**Idaho Conservation League**  
710 North Sixth Street  
PO Box 844  
Boise, ID 83701

Ceal Smith  
Acting Director  
**San Luis Valley**  
**Water Protection Coalition**  
P.O. Box 351  
Alamosa, CO 81101

Peter Nelson  
Director, Federal Lands Program  
**Defenders of Wildlife**  
1130 17th Street N.W.  
Washington D.C. 20036

Johanna Wald  
Senior Attorney  
**Natural Resources Defense Council**  
111 Sutter Street, 20<sup>th</sup> floor  
San Francisco, CA 94104

Kevin Gaither-Banchoff  
Executive Director  
**Arizona Wilderness Coalition**  
P.O. Box 40340  
Tucson, AZ 85717

Ryan Henson  
Policy Director  
**California Wilderness Coalition**  
P.O. Box 993323  
Redding, CA 96099

Nathan Newcomer  
Associate Director  
**New Mexico Wilderness Alliance**  
P.O. Box 25464  
Albuquerque, NM 87125

Liz Thomas  
Field Attorney  
**Southern Utah Wilderness Alliance**  
PO Box 968  
Moab, UT 84532