



THE WILDERNESS SOCIETY

California/Nevada Regional Office

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August 27, 2008

Dear Johanna and Carl,

RE: Comments on the “Environmental Working Group Interim Draft Phase 1B Report”

Please accept and fully consider these scoping comments on behalf of The Wilderness Society. The Wilderness Society’s more than 300,000 members and supporters nationwide care deeply about the management of our public lands. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places.

Thank you for your efforts to ensure that environmental issues are given equal consideration with economic (and other) issues in California’s Renewable Energy Transmission Initiative. If the goals of this effort are to be achieved, environmental considerations must be fully integrated and the environment cannot be “an add on.”

The Environmental Working Group (EWG) has taken steps to ensure that more stringent screening criteria will be utilized to determine available renewable resources as well as appropriate sites for generation and transmission. EWG’s development of the list of Category 1 and 2 lands is critical to understand important land use limitations as determined by law or policy. Also important is the ranking of California Renewable Energy Zones (CREZs) using environmental factors. It is a good outcome that environmental factors are being considered equally with economic and other factors.

I am writing to comment on several concerns with the Environmental Working Group Interim Draft Phase 1B Report.

A. Restricted Areas, Category 2 Lands, and Proxy Projects

The EWG Interim Draft Phase 1B Report states that “For Category 2 Lands, Black & Veatch has limited potential development to pre-identified projects which are assumed not to conflict with the policies governing these areas.”

This statement is not accurate. The EWG conducted no analysis on whether pre-identified projects within Category 2 Lands conflict with restrictions on development within Areas of Critical Environmental Concern (ACECs) and Desert Wildlife Management Areas (DWMAs). Nor did the EWG analyze whether pre-identified projects would exceed the 1% development cap within some of these areas. Because this type of analysis was not performed, including all pre-identified projects in Category 2 areas is almost certainly over estimating the renewable energy potential of CREZs and sub-CREZs that include these areas. The BLM should provide specific guidance on the development limits and guidelines for these sensitive areas so that Black & Veatch can produce a more sophisticated analysis and accurately represent the limits to development in these areas.

In addition, the BLM has consistently requested that renewable energy developers avoid both ACECs and DWMAs. The BLM's Solar Programmatic Environmental Impact Statement (Solar PEIS) is currently being developed. The Solar PEIS will identify BLM-administered land that may be environmentally suitable for solar development and land that would be excluded from such development. The Solar PEIS will not include lands within the National Landscape Conservation System (NLCS) nor any lands that BLM has previously identified in its RMPs as environmentally sensitive, such as ACECs or other special management areas, that are inappropriate for or inconsistent with extensive, surface-disturbing uses.

In addition, the Wind Programmatic Environmental Impact Statement (Wind PEIS) excluded ACECs from consideration for wind development. The BLM Record of Decision (ROD) for the Wind PEIS, states that "existing land use plans will be amended, as appropriate, to (1) adopt provisions from the BLM's Wind Energy Development Program, (2) identify land considered to be available for wind energy development, and (3) identify land that will not be available for wind energy development." This should happen whenever plans are being updated in accordance with the BLM Land Use Planning Handbook or when a project requires it. Some plans in California that have been updated since the ROD have already adopted the management guidance and Best Management Practices (BMPs) for wind development included in the ROD (See Alturas and Eagle Lake Resource Management Plans). In addition, the Wind Energy Development Program developed by the Wind PEIS and the subsequent policy guidance on implementing the ROD (IM 2006-216) both say that "The proposed program establishes policies and BMPs to mitigate impacts that will apply to all wind energy development projects on BLM-administered lands." The BLM should not develop any new projects in ACECs – "new" meaning at least since the passage of the policy guidance on August 24, 2006.

A clarification of the policy could potentially allow wind development in ACECs subject to their individual constraints. However, since ACECs were excluded from the Wind PEIS, the BLM could not tier future projects to the Wind PEIS and would have to perform a new NEPA analysis before this could occur.

B. Land Disturbance

Although the EWG agreed in principle that development on "disturbed lands" was preferable to development on non-disturbed lands, there is no criterion involving such lands because we were unable to agree on what lands were "disturbed." In particular, we could not agree on whether agricultural lands qualified as "disturbed."

The rating process should include a criterion that would reward renewable energy development on "disturbed lands" – disturbed lands should include land that have undergone intensive human activity such as brownfield sites, industrial sites, and agricultural lands. The lack of such a criterion in the rating process will skew development towards public lands managed by the BLM and the pressure to site renewable energy projects on the public lands (and undisturbed lands) will increase.

One of the reasons advanced for excluding this criterion is that we cannot know whether individual landowners will decide to allow renewable development on their lands. However, there is also no way to know how many of the pre-identified projects the BLM will permit to go forward. Despite this uncertainty, Black & Veatch's analysis includes all pre-identified projects for BLM land. It is notable how few projects have been identified on private lands in this analysis.

In addition, submitting a right of way application for solar or wind development on BLM land requires significantly less effort and diligence from potential developers than siting a project on private land, which requires much more time and capital on the part of the developer to have what Black & Veatch's analysis considers a valid project. Many of the projects on BLM land represented in Black & Veatch's analysis may not, in fact, be credible projects. Projects included in Black & Veatch's analysis greatly over-estimate the renewable energy potential on public land and underestimate the potential on private land.

Development on lands that have already been subjected to intensive human activity -- i.e., that are already disturbed -- is preferable to development on lands that are not. Agricultural lands certainly meet this definition. The disturbed land criterion is essential to prevent public lands from being targeted for development even more than they already are. Finally, relying excessively on public lands for renewable energy development could mean that we will not get the renewable energy that we need. The BLM is highly unlikely to approve, and the public is highly unlikely to accept, all of the projects that have already been proposed, let alone additional projects, on BLM lands.

Thank you for your consideration and for the opportunity to provide comments. Please contact me if you have any questions about my comments.

Sincerely,

Alice Bond
Public Lands Associate