Testimony of

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Before

**House Select Committee on Energy Independence and Global Warming**

**Hearing on Solar Energy Development**

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Chairman Markey, members of the Committee and members of the House, my name is Nada Culver. I am Senior Counsel in the Public Lands Campaign of The Wilderness Society. The Wilderness Society's mission is to protect wilderness and inspire Americans to protect our wild places. For more than 70 years, and on behalf of our more than 500,000 members and supporters, we have worked to ensure that land management practices are sustainable and based on sound science so that the ecological integrity of the land is maintained. I direct the BLM Action Center, which tracks land use planning and policy, and is dedicated to helping the public effectively engage and participate in the processes that determine how our public lands are managed. We appreciate the leadership that Chairman Markey has already demonstrated in seeking solutions to the impacts of climate change through recently-passed legislation and through the ongoing efforts of this committee, including spotlighting the potential that solar energy represents for helping us to transition away from our dependence on fossil fuels.

Our wildlands and our human communities are threatened by global warming and our reliance on fossil fuels. We see solar energy development, and other sources of renewable energy, as an important part of responding to these threats, moving us toward energy independence and cleaner sources of energy. In order to make real progress, though, we also need to engage in other critical efforts to eliminate energy waste; to moderate demand through energy efficiency, conservation, and demand-side management practices; and to develop renewable energy technologies at a smaller scale, while keeping habitats and ecological connectivity intact.

Similarly, our public lands can play an important role in supporting renewable energy development, creating a sustainable energy economy and combating climate change. Renewable resource development is not appropriate everywhere on the public lands, however, and development that does occur on the public lands must take place in a responsible manner. This testimony will focus on some of the key considerations for The Wilderness Society related to solar energy development, including identifying appropriate locations and management strategies.

Secretarial Order 3285, issued by Secretary of the Interior Salazar on March 11, 2009 set the stage for a new approach to energy development on the public lands, focusing on development and transmission of renewable energy "from appropriate areas" – a thoughtful approach that we see reflected in the Department of the Interior's approach to solar energy development and hope to see applied to other types of energy development on the public lands. Accordingly, this written statement will refer to elements of the Secretarial Order on Renewable Energy Development as references for discussing:

- Identifying and prioritizing locations for large-scale production, including already disturbed or damaged lands;
- Identifying transmission needs;
- Environmentally responsible development, including mitigation measures;
- Developing policy direction, adequate agency resources and funding initiatives needed to support a robust solar energy program;
- Cooperating with other agencies, governments and stakeholders.

Before proceeding to address these issues, however, it must be noted that good national energy policy in a warming world should include a discussion of other issues that DOI cannot be expected to tackle alone. The centerpiece of a national policy must be an economy-wide cap on global warming pollution that results in rapid and dramatic emissions reductions. Additionally, alternative energy resources such as energy efficiency measures, energy storage, demand response and distributed generation technologies must be evaluated as part of a region-wide integrated resource planning process. These resources should be considered and weighed equally with new generation in making a determination of need to ensure demand for low-carbon generation cannot be satisfied otherwise. This careful look would ensure that the nation does not miss other superior energy opportunities, sacrifice our nation's precious lands and wildlife, or undermine critical efforts to rid the nation of dangerous dirty air and global warming pollution.

***Prioritizing locations for large-scale solar development and protecting sensitive resource areas:***

Secretary Salazar has committed the Department of the Interior to "identifying and prioritizing the specific locations in the United States best suited for large-scale production." For the public lands, the Department has commenced a Programmatic Environmental Impact Statement (PEIS) to develop and implement a program for solar energy development, and has recently concluded a second round of scoping on Solar Energy Study Areas (SESAs) that will be considered for designation as Solar Energy Zones (SEZs) to be prioritized for large-scale development. The SESAs were developed based on energy potential, minimum size, proximity to existing

transmission, and suitability of terrain.[1] Further, the agency excluded from evaluation those lands considered to house "sensitive resources," such as lands in the Bureau of Land Management's (BLM) National Landscape Conservation System[2], critical habitat for threatened and endangered species, areas with high known densities of cultural sites, visual resources, special recreation management areas, wildlife movement corridors, areas of critical environmental concern and areas managed to maintain wilderness characteristics.

The Wilderness Society supports this approach to identifying appropriate locations for development, which also acknowledges the many other values of the public lands and would recommend that the protection of the categories of sensitive resource areas identified above be required and expanded to include similar categories on lands managed by other agencies or states. Solar energy development involves long-term use of land, damage to natural resources, and precludes other uses, and so should be directed to lands that do not have other sensitive resources. Lands with wilderness characteristics, such as citizen-proposed wilderness, are an example of irreplaceable resources that should not be available for development of solar energy. These "sensitive resource areas" provide other economic, scientific, ecological and spiritual benefits such as recreation, habitats for vulnerable and endangered species, carbon sinks, and unique natural or cultural resources.

Further, the approach under consideration in the Solar PEIS is not only to identify lands to be prioritized for development as SEZs, but also to then limit development to these SEZs. This approach, when adopted, will evidence a commitment to responsible land management and give the Department of the Interior the tools needed to actively manage our public lands and ensure their ongoing ecological integrity. The Federal Land Policy and Management Act (FLPMA), directs the BLM to manage the public lands "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values." 43 U.S.C. § 1701(a)(8). Further, the BLM's multiple use mandate for management of the public lands is defined as:

> a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

43 U.S.C. § 1702(c). FLPMA further clarifies that multiple use encompasses the idea that not all uses are appropriate in all places. *Id*. The SESAs are an accurate and common sense interpretation of applying the BLM's multiple use mandate to a high-impact use such as large-scale energy development. In contrast, the Department's approach to managing oil and gas development has relied on simply making lands available for leasing without considering other

[1] Suitable terrain was defined by areas with a slope of less than 5%.
[2] The "crown jewels" of the BLM lands, including Wilderness, Wilderness Study Areas, National Monuments, National Conservation Areas, Wild and Scenic Rivers, National Trails.

uses or strategically prioritizing lands for development. This lack of consideration has led to significant controversy and precluded thoughtful management of the public lands. Focusing on lands that do not have sensitive resources and are close to transmission will minimize the environmental damage and loss of other uses from large-scale solar energy development.

The Wilderness Society supports guiding large-scale solar energy development to disturbed lands, which may be on private or public lands. Abandoned mines, developed oil and gas fields, fallow agricultural lands, undeveloped real estate parcels, and other brownfields, which are not being restored to ecological function, provide opportunities for solar energy development without loss of other uses and values. In addition, revitalizing brownfields with renewable energy can create jobs, improve community health, remove blight, and increase local property values. These sites are often close to population centers and/or transmission, reducing the need for related development, and are already zoned for industrial uses.

Many private land owners and developers have seen the benefits of siting solar power on brownfields, as seen in the myriad of success stories. In Colorado, for example, the city of Fort Carson recently built 2 megawatts of photovoltaic panels on 12 acres of a former landfill. The project generates about 2.3% of Fort Carson's energy needs and won the Governor's Excellence in Renewable Energy Award for 2007.

Both the Environmental Protection Agency (EPA) and the BLM have begun to promote this idea. The EPA's "RE-Powering America's Lands Initiative" used National Renewable Energy Laboratory data to determine the renewable energy potential of every contaminated site that the EPA tracks. Every state in the nation has disturbed lands with high, developable renewable energy potential, and over 2 million acres of the tracked sites have utility-scale PV potential, while 3 million acres have Concentrated Solar Power potential. In fact, EPA/NREL estimate that as much as 970,000 megawatts of utility-scale potential are found on these sites.[3]
The Arizona BLM is also conducting a specific process to identify lands that are both suitable for renewable energy development and require remediation or do not have other high resource values. The Restoration Energy Design Project is seeking to identify lands such as:

- hazardous material sites;
- brownfields;
- abandoned mines;
- former landfills, mineral sites or gravel pits;
- sites damaged or disturbed to the extent that restoration potential is limited; and
- sites that otherwise have very limited productivity due to a disruption of natural processes.

In other states, information could be gathered by seeking information from industry and the public, as well as from other federal and state agencies, to identify more of these lands for solar energy development. Further, these categories could also permit coordination with adjacent landowners, to establish coordinated management of lands so that there would be sufficient

[3] Rob Lawrence, U.S. Environmental Protection Agency, *Renewable Energy on Previously Contaminated Lands*, Presentation to Energy in the Southwest Conference, July 13, 2009, Santa Fe, New Mexico.

acreage to support large-scale solar energy development and to ensure the opportunities on private land are fully considered. While the public lands provide an important location for energy development, they are not the only location and incentives for renewable energy development, including on brownfields, should encompass all land ownership.

The Wilderness Society has been promoting reuse of these sites for some time now. For example, the U.S. Conference of Mayors joined us in signing an open letter to the Congress calling for these opportunities to be incentivized.[4] We believe it would be particularly helpful to provide such an incentive in the Renewable Electricity Standard, so that utilities would be knocking on the door of our local municipal and county governments asking to invest their resources in revitalizing the local tax base by siting a renewable electricity project on an idle brownfield site. "Recycling" these types of lands would take pressure off development of undisturbed land, both public and private.

***Identifying transmission needs and locations***

Secretary Salazar's Order notes the need to identify corridors for delivering renewable energy "in cooperation with other agencies of the United States and appropriate state agencies" and also to prioritize "appropriate environmental review." Transmission lines and associated infrastructure have substantial environmental consequences, from direct destruction of habitat and wildlife mortality to habitat fragmentation and increased invasive species, as well as ruining scenic values. New lines can also indirectly facilitate an expansion in carbon-heavy electric generation by alleviating congestion on existing lines that serve coal-fired generation. *Importing Pollution: Coal's Threat to Climate Policy in the Northeast.*[5] Consequently, locating solar energy development in proximity to existing transmission is most desirable, and is another strong argument for favoring the re-use of brownfield sites where much of the infrastructure for getting the electricity to market is already in place. New transmission lines, with their extensive footprint, should only be sited where they are truly needed, where they can support renewable energy and avoid sensitive resources as we detailed in a letter to Council on Environmental Quality Chair Nancy Sutley in March.[6]

***Mitigation measures***

Development of utility-scale solar power generation facilities will transform the lands upon which they are located and preclude most—if not all—other uses. As noted by the BLM, other uses of these sites "are unlikely due to the intensive use of the site for PV [photovoltaic] or CSP [concentrating solar power] facility equipment." BLM Instruction Memorandum 2007-097. Thus, the paramount consideration should be siting large-scale solar in the right places.

BLM is obligated to manage the public lands to protect their varied natural and cultural resources. FLPMA requires the BLM to "minimize adverse impacts on the natural,

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[4] Available at http://wilderness.org/files/letter-to-Congress.pdf.

[5] Available at http://www.ucsusa.org/clean_energy/technology_and_impacts/impacts/importing-pollution.html. The study found that new policies or transmission construction that facilitates "[u]se of the excess capacity of existing coal plants to the west and south of the [Regional Greenhouse Gas Initiative] region—the equivalent of 15 new coal plants—could produce heat-trapping pollution three and a half times the cuts expected under the initiative."(Pg. 1) Although similar analysis has not been conducted for the Western Interconnection, where much of the nation's utility-scale solar potential is located, results would be similar in nature but not in magnitude.

[6] Available at http://wilderness.org/files/Browner-transmission-letter_0.pdf.

environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved." 43 U.S.C. §1732(d)(2)(a). Further, NEPA requires consideration of measures to mitigate potential environmental consequences. 40 C.F.R. §1502.16. Therefore, in order for the BLM or other agencies to rely on mitigation to reduce potentially significant impacts, NEPA requires that environmental documents incorporate a firm commitment to the mitigation and discussion of the mitigation measures "in sufficient detail to ensure that environmental consequences have been fairly evaluated…**"**[7] NEPA defines "mitigation" of impacts (at 40 C.F.R. § 1508.20) to include:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- Compensating for the impact by replacing or providing substitute resources or environments.

NEPA also recognizes that the best way to mitigate impacts is to avoid them altogether, which in the context of solar energy comes down to siting. Further, where mitigation is being developed, simply identifying mitigation measures, without analyzing the effectiveness of the measures violates NEPA. BLM must "analyze the mitigation measures in detail [and] explain how effective the measures would be . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA."[8] NEPA also directs that the "possibility of mitigation" should not be relied upon as a means to avoid further environmental analysis. *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*.[9]

Consequently, for large-scale solar energy development, mitigation measures:

1. Must be **mandatory**, such that they are required to be included in each and every permit as long as certain circumstances are present.
2. Must be **based on credible science** to show they will be effective - NEPA's hard look at environmental consequences must be based on "accurate scientific information" of "high quality." 40 C.F.R. § 1500.1(b). Essentially, NEPA "ensures that the agency, in reaching its decision, will have available and will carefully consider detailed information concerning significant environmental impacts."[10] The Data Quality Act and BLM's interpreting guidance expands on this obligation, requiring that influential scientific

[7] *Communities, Inc. v. Busey*, 956 F.2d 619, 626 (6th Cir. 1992).
[8] *Northwest Indian Cemetery Protective Association v. Peterson*, 764 F.2d 581, 588 (9th Cir. 1985), *rev'd on other grounds*, 485 U.S. 439 (1988).
[9] Available on-line at: http://www.nepa.gov/nepa/regs/40/40p3.htm ; the U.S. Court of Appeals for the Tenth Circuit has found that the "Forty Questions" are "persuasive authority offering interpretive guidance" on NEPA from CEQ. *Davis v. Mineta*, 302 F.3d 1104,1125 (10th Cir. 2002).
[10] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

information use "best available science and supporting studies conducted in accordance with sound and objective scientific practices."[11]

3. **Any proposed monitoring and adaptive management approaches must include specific standards and commitments** – Definitive standards, timing and details for actions that will be taken based on the results of monitoring and a discussion of BLM's basis for relying on their success, including likely funding, must be set out. Further, such mitigation programs should also identify the existing condition of resources, standards for when management change will be triggered and the use of a "fallback prescription" where adaptive management is not suitable or funding for necessary monitoring is not sufficient.

4. Address the **loss of availability for multiple-use** – Since solar development preempts any other activities or uses, the BLM should address the effective loss of any lands approved for solar development from the public domain, including through both on-site and off-site mitigation. This mitigation should also compensate for the loss of other resources, values and uses of those lands, such as recreation, scenic vistas, wildlife migration corridors and habitat for other plants and animals.

   IM 2008-204, which sets out BLM's current policy for off-site mitigation, defines off-site mitigation as "compensating for resource impacts by replacing or providing substitute resources or habitat at a different location than the project area." The guidance also acknowledges the priority of onsite mitigation, such that "[o]ffsite mitigation is supplemental to onsite mitigation and is used to enhance the BLM's ability to fulfill its mission of providing multiple uses on the public lands, while ensuring its resource management objectives are met." Further, like other mitigation measures, the agency must be able to show the mitigation will be effective. The guidance reiterates: "[w]hen proposed offsite mitigation is geographically distant from the project area, and particularly when it occurs on non-Federal land, the connection to resources for which the BLM is responsible should be clear."

Key considerations for off-site mitigation should include:

- **Identification of uses, resources and values associated with the project site.**

Establishing the connection between off-site mitigation and the resources of the public lands will require detailed understanding and knowledge of the values and uses present on the project site before development occurs, such as wildlife habitat, various recreational uses (ranging from hunting to birdwatching to all terrain vehicle use) and scenic values. BLM should require that necessary inventory of the project site be completed prior to developing off-site mitigation measures.

- **A "no net loss" or a "net gain" requirement for resources and values.**

BLM should ensure that any loss of resources or values on a solar development site is compensated with the addition and protection of equivalent or better resources and values

[11] Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub.L. No. 106-554, § 515. *See also* Bureau of Land Management, Information Quality Guidelines, *available at* http://www.blm.gov/nhp/efoia/data_ quality/guidelines.pdf .

off-site. For instance, backcountry hunting experiences would be re-established by identifying lands with suitable big game habitat and ensuring those lands are managed to maintain wildlife populations and protect a non-motorized experience. These lands might also be able to replace scenic values and hiking or horseback riding opportunities, depending on management. BLM should also make a determination about the value of the habitat to be impacted and adopt direction for mitigation requirements for the specific habitat types impacted. For example, for high quality habitat which is relatively scarce or becoming scarce on a national basis or in an ecoregion, BLM policy should ensure no net loss of in-kind habitat value.

Additions of lands and resources should equal or exceed the value of any resources or values which are lost. Additions could be gained through some combination of three primary mechanisms; however, requirements should ensure that the majority of mitigation efforts be focused on the first two mechanisms, with the highest priority given to the first mechanism:

1) Purchase of additional private lands to be put in the federal estate under conservation management to guarantee the maintenance of the equivalent or better values and resources lost on the project site, or
2) Additional conservation designations on existing federal lands which would protect the equivalent or better resources and values lost on the project site, or
3) Restoration and research efforts to improve the quality and quantity of equivalent resources and values off-site.

Mitigation for impacts to water resources could be addressed by purchase and retirement of water rights to offset groundwater pumping by the project.

- **Requirements for project developers to fund mitigation efforts based on the amount and value of the land impacted from development.**

Project developers should be required to make deposits to a mitigation fund based on the amount of land used for the project and the fair market value of that land. The funds should be required to be spent on the three mechanisms outlined above.

- **Requirements for project developers to mitigate the ongoing pressure for energy development on the public lands.**

Since project developers will profit from the development of solar energy on the public lands, they can also be obligated to lessen the future demands to be made upon these lands. Project developers can present proposals to achieve these goals by providing financial support for specific distributed generation efforts, energy efficiency measures, demand reduction programs, or equipment upgrades in the region. We recommend that developers be required to identify megawatts of demand mitigation that equate to a percentage of the megawatts they expect to generate.

- **A centralized body should be established to oversee the funds and maximize the effectiveness of their use.**

BLM should establish a centralized body comprised of BLM staff, and other federal and state agencies with expertise and interest to oversee the distribution of funds and maximize

the effectiveness of their use. This body should be required to take into consideration recommendations from the public in the distribution of funds.

- **Off-site mitigation should be required to take place in the same ecoregion as the project site.**

The World Wildlife Fund defines an ecoregion as a "large unit of land or water containing a geographically distinct assemblage of species, natural communities, and environmental conditions".[12] Ecoregional health is critical for maintaining the health of individual ecosystems within the ecoregion. In addition to ensuring that off-site mitigation meets a "no net loss" requirement for resources and values lost on the project site, BLM should require that mitigation take place in the same ecoregion as the project site, to ensure the continued health of the overall ecoregion. In situations where availability of private lands for purchase and addition to the federal estate under conservation protection is limited (in Nevada, for example, where the vast majority of lands are already in the federal domain), additional conservation designations on existing BLM land, as well as restoration, research, and other mitigation measures, will be necessary.

***Developing policy direction, adequate agency resources and funding initiatives needed to support a robust and environmentally responsible solar energy program:***

Secretarial Order 3285 also directs the Department of the Interior to "establish clear policy direction for authorizing the development of solar energy on public lands." As evidenced by the Solar PEIS, the Department and the BLM do not currently have a robust program, but are in the process of developing a program that reflects both their goals to support renewable energy development and the multiple uses and values of the public lands. Policy direction such as identifying and prioritizing zones that are appropriate for large-scale solar energy development and then limiting projects to those SEZs is a central tenet of this policy and should be actively supported. Further, based on the agencies own regulations, uses like large-scale solar energy are better suited to a lease ("authorization to possess and use public lands for a fixed period of time." 43 C.F.R. § 2920.0-5(c)), and policy is still needed to develop a program and incentivize transition of right-of-way projects to lease forms once the program is developed.

We understand that the Department is endeavoring to simultaneously develop policy direction, identify SEZs, and analyze pending applications. We are truly impressed with the breadth and depth that has been achieved to date and encouraged by the direction in which it is proceeding.

In order to fulfill the vision that is set out in the Department's PEIS to date and in our recommendations, we also see a need for the agencies to have sufficient resources to manage large-scale solar energy projects through their life cycle – from environmental analysis, development of mitigation measures and permitting, through ongoing monitoring and adaptive management, and then restoration and reclamation. While federal agencies were provided with additional resources to permit oil and gas drilling on the public lands during the last administration, the solar energy program was not given similar attention. As such, the Department has the unique opportunity—and the significant challenge—of developing it from the ground-up. Additional resources will unquestionably be needed to extend the commitment of the federal agencies through the entirety of development projects and to empower the agencies to

[12] http://www.panda.org/about_our_earth/ecoregions/about/what_is_an_ecoregion/

conduct thorough review and oversight as stewards of our public lands. We have been supportive of ensuring that the agencies have adequate resources in the past and will continue to do so.[13]

We also see the funding mechanisms of programs like the Loan Guarantee Program administered by the Department of Energy and the American Recovery and Reinvestment Act 1603 program administered by the Department of the Treasury as critical to jumpstarting our transition to clean energy. These programs have an important role to play in ensuring that good projects have the capital they need to start construction and begin delivering benefits of green jobs and low-carbon, renewable energy.[14] Renewable energy projects that have favorably completed environmental reviews and have shown a commitment to working with local communities, environmental groups, and other stakeholders to address issues should be prioritized to receive these monies. Similar incentives can and should be used to encourage development on brownfields and other disturbed lands. Recently-announced grants heavily favor wind projects; however, we hope to see more solar applicants receiving grants in future rounds.

***Cooperating with governments and stakeholders***:
Secretary Salazar's Order sets out a policy requiring agencies within the Department of Interior to work collaboratively with one another and with other "agencies, departments, states, local communities, and private landowners" and also directs the agencies to work with "individual states, tribes, local governments, and other interested stakeholders, including renewable generators and transmission and distribution utilities to identify appropriate areas for generation and necessary transmission." NEPA requires agencies "to consider environmentally significant aspects of a proposed action, and, in so doing, let the public know that the agency's decisionmaking process includes environmental concerns."[15] NEPA's requirements also highlight the interest in understanding environmental consequences and having the opportunity to submit meaningful comments. Seeking input from the wide range of interested and knowledgeable parties identified in the Order will assist agencies with gathering critical information, identifying areas of concern early on and addressing them, and improving projects, so that projects are more likely to be supported by a wider range of stakeholders. Two keys to achieving timely permitting and successful construction of solar energy and transmission projects are open and inclusive stakeholder participation and early consideration of siting opportunities and challenges. As we detailed recently in a letter to CEQ, prioritizing these strategies will offer the best chance of protecting the many resources and values on our public lands while getting desirable projects built.[16]

***Projects on the right path:***
There are several projects currently involved in the permitting process in the West that can serve as examples of opportunities to proactively seek solutions to potential concerns. Thorough environmental review will ultimately determine whether these projects are appropriately sited,

[13] E.g., Letter from Bill Meadows, President of The Wilderness Society, to House Appropriations Committee, July 8, 2008.
[14] For additional details of our support for these efforts, see Letter from Bill Meadows, President of The Wilderness Society, to Secretaries Chu and Geithner, September 23, 2009.
[15] *Utahns for Better Transportation v. United States Dep't of Transportation*, 305 F.3d 1152, 1162 (10th Cir. 2002).
[16] Letter from Bill Meadows, President of The Wilderness Society, *et al*. to Council on Environmental Quality Chair Nancy Sutley, September 21, 2009. Available at http://wilderness.org/content/sign-letter-ceq-renewable-energy-nepa.

but the positive elements of their approach will certainly improve the likelihood of their success. We wanted to highlight some of the positive aspects of pending large-scale solar projects.

**Sonoran Solar Project, Arizona:** A 375 MW solar thermal project proposed by NextEra Energy for development on public lands southwest of Phoenix, Arizona. NextEra has chosen a site with proximity to existing transmission, roads and other infrastructure. The site does not overlap with sensitive areas like BLM Areas of Critical Environmental Concern or lands proposed by citizens for wilderness protection. NextEra has maintained an open discussion with members of the environmental community, including participating in meetings to address issues.

**SunZia Transmission Project, New Mexico and Arizona:** Proposed by SunZia LLC as a dual-circuit, 500 kV transmission line intended to access wind resources in central New Mexico on its eastern terminus and electricity needs in the Tucson-Phoenix area on its western terminus. SunZia has been extremely proactive in reaching out to the environmental community to identify and address issues. SunZia initiated contact with the environmental community nearly a year before the official start of BLM's public scoping process, traveled to attend several meetings with the community, engaged in open discussion of issues and potential solutions, and made changes to their proposal to address some of the issues raised.

**NextLight Silver State North and South Projects, Nevada:** Two adjacent photovoltaic solar plants with a total capacity of 400 MW proposed by NextLight Renewable Power LLC on BLM lands southwest of Las Vegas, near the California border. NextLight has chosen a site that does not overlap with sensitive areas like BLM Areas of Critical Environmental Concern or lands proposed by citizens for wilderness protection. NextLight has maintained an open discussion with members of the environmental community, including participating in meetings to address issues.

**Solana Generating Station, Arizona:** A partnership between Abengoa Solar and Arizona Public Service (APS), Solana is a proposed 280-megawatt (MW) solar-trough generation plant. It will be built on privately-owned, previously disturbed land 70 miles west of Phoenix. The project has been embraced by the state, local communities, and environmentalists. The company has secured site approval from the state corporation commission and secured most of the permits necessary from the county. Yet the project's future is still uncertain. As the power purchaser, APS, has testified in the past, "If a long-term extension of the ITC is not granted, Solana will not be completed." Abengoa has indicated that it needs the investment tax credit—or the new federal treasury grant—to move this project forward. Abengoa is now in the process of applying for a treasury grant.

***Conclusion:***

The Department of the Interior has committed to an approach to managing large-scale energy development that will help the nation move away from its reliance on fossil fuels and ongoing contributions to global warming, and toward a clean energy economy, while truly valuing the many uses and resources of our public lands. The key elements of this strategy are identifying places that are most appropriate for large-scale solar energy development while simultaneously protecting the places that are not appropriate or needed for development, providing financial tools to incentivize responsible development, and proactive involvement of other interested and

knowledgeable parties. By adding mandates for strong mitigation measures, staff and other resources, full-cycle monitoring and management, and incentives for using disturbed lands and cooperating with non-federal land owners, the approach can be most successful. A robust program in this model would be able to increase the likelihood of timely approval of projects and decrease unacceptable environmental impacts and resulting controversy and opposition.

We would also note that the Secretarial Order provides for identifying additional policies and/or revisions to existing policies or practices needed, including possible revisions to the Geothermal, Wind, and West-Wide Corridors Programmatic Environmental Impact Statements and their respective Records of Decisions. We would strongly encourage the Committee to recommend that the Department take the opportunity to improve these policies and decisions, as well as those applicable to oil and natural gas development, to incorporate similar concepts that would provide for prioritized and strategic development, responsible mitigation, and cooperation and coordination with other governments and stakeholders. It is time we learn from our nation's past mistakes in managing energy development on our public lands.

The Wilderness Society appreciates the Committee's interest in responsible solar energy development and hopes to be of assistance in encouraging similar interest and action from the Congress and the agencies that manage our public lands.