

Thank you for your comment, John Tull.

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Comment Submitted:

Please accept the attached comments on behalf of the Nevada Wilderness Project. Thank you.

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September 16, 2009

Solar Energy PEIS
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To whom it may concern:

On behalf of the Nevada Wilderness Project (NWP), I wish to provide scoping comments for the Bureau of Land Management's (BLM) Solar Programmatic Environmental Impact Statement (PEIS). Several issues merit consideration during the development of an PEIS, especially with respect to mitigating the impacts of the loss of key wildlife habitat in the Mojave Desert and other regions. I will provide brief, general comments on the PEIS first, then detail site-specific issues related to the Solar Energy Study Areas (SESA) located in Nevada, and, lastly, provide some summary comments. I can make maps of each SESA available to agency staff. I respectfully request that you fully consider the following points in the development of the PEIS.

GENERAL PEIS COMMENTS

First, it is NWP's position that immediate steps are required to combat global climate change, and that a transition to renewable energy production is key to meeting this critical need. Moreover, NWP recognizes that this transition needs to happen rapidly or we will be unable to reverse the catastrophic consequences of climate change. With this in mind, we are committed to making sure that this renewable energy transition occurs in a fashion that is smart from the start. To do this, mitigation must occur to offset the damage to Nevada's wildlife habitats that will occur from accelerated development of renewable energy projects. This mitigation must be accomplished with both a) funding mechanisms and b) additional landscape designations.

It is unclear how the SESAs would be an incentive to solar developers to plan projects within SESAs, since each project will still require an EIS to meet NEPA requirements. It is not clear how this is intended to streamline the current solar application review process, unless certain measures are taken; NWP requests that the BLM:

- Only allow development of solar energy projects within these SESAs once the PEIS has been completed. (Any permits that will be approved under the current administrative review process prior to the PEIS should not be denied, but no new applications outside of the SESAs should be allowed after the PEIS has been finalized.)
- The PEIS should address the cumulative impacts of utility-scale solar projects in SESAs across the Great Basin and Mojave Deserts. Without this, the

conservation benefit of the PEIS process will be dubious and will prevent the PEIS from providing a clear pathway for fast-tracking worthy projects.

- Other permittees who have not developed site plans should be moved to these areas. In conjunction, NWP encourages the BLM to develop a clear, administrative policy to identify and implement strong, well-managed landscape level protections that would offset the loss of wildlife habitat from development of renewable energy. Specific administrative procedures are needed to identify conservation mitigation opportunities that include fiscal mechanisms for landscape-scale restoration along with off-site landscape designations such as Areas of Critical Environmental Concern with mineral withdrawals.
- NWP encourages the BLM to develop a specific policy to deal with concerns about water use in support of utility scale solar in desert environments. We would like to see a means to assure that water resource depletion is not allowed to effect wildlife and their habitats well beyond the development sites for solar.

NWP recognizes that many of the BLM managed lands in Nevada have seen negative cumulative impacts from various land uses that have fragmented, degraded or destroyed wildlife habitats, especially in southern Nevada. NWP values the designation of areas dedicated to solar development to help reduce global climate change and to improve our country's national security. But we also recognize these designations are single-use management activities because utility-scale solar projects are not compatible with many other uses, such as primitive recreation or wildlife management.

Because fencing and clearing of the ground surface is typically required, these actions will alter the fragile Mojave and Great Basin Desert landscapes in Nevada in ways that cannot be restored to their native condition. As noted above, appropriate mitigation through landscape protections will best be achieved by administratively designating Areas of Critical Environmental Concern (ACEC) unless the agency develops other administrative designations that could better provide permanent habitat conservation of valuable landscapes. These ACECs would need strong, permanent mineral withdrawals and management language that clearly specifies the value of wildlife habitat as the priority purpose of these set-asides.

SITE-SPECIFIC ISSUES

In this section, I provide some information about conservation concerns that I have identified for each of the SESAs. I also provide suggestions for how some of the SESAs might be improved and ways that impacts on the ground might be lessened or addressed with further research into the on-the-ground conditions at the SESA. I have organized these by Field Office.

Briefly, NWP filtered the sites against available biological data including Nevada Natural Heritage Program (NNHP) data, Nevada Department of Wildlife (NDOW) data, and data from other conservation groups using a Geographic Information System. The biological information from this filtering process provides valuable baseline information for each SESA and is useful in identifying potential wildlife conflicts. Only species that have some conservation concern within the state (e.g., NDOW species of concern or species where limited information is available on their overall state). NWP also examined SESAs against a composite model of species diversity for Nevada that we produced using Southwest Regional GAP Analysis Project 30-m wildlife habitat models. This model included all models available for profiled species in Nevada's Wildlife Action Plan and species that were in the NNHP dataset but not in the Wildlife Action Plan. Overall, 96 species were used after removing several problematic species or models (e.g., no bat species were included

because their habitat models were too general to be informative). This will be referred to as the biodiversity model below.

Battle Mountain Field Office

Gold Point: There were no records in the NNHP dataset. The long-nosed leopard lizard is listed in the NDOW data. Overall, there are very few apparent conflicts from the data. The biodiversity model shows low overall diversity for the site relative to other study areas.

Millers: There were no NNHP records, but desert horned lizard and long-nosed leopard lizard are present from NDOW data. This solar study area lies north of Hwy 6/95 and northwest of the Miller's rest stop, an important bird migration stop and birding location; consideration of possible impacts on migratory birds should be included. This a site that has already sustained a fair amount of developmental impacts from mineral exploration and roads. The northeast portion is comprised of stabilized dunes, habitat rich in small mammal diversity and worth trying to avoid due to the preponderance of important vertebrate and invertebrate species often found in these sites (e.g., pallid kangaroo mice, desert kangaroo rat, dune beetles, etc.). Although there are no records present in the available datasets, this is likely an unstudied area that would benefit from investigation. NWP recommends that the stabilized sand dunes be explicitly excluded from the Millers SESA.

Ely Field Office

Dry Lake Valley North: Eastwood milkweed appears in the NNHP dataset for the area and should be avoided. The dark kangaroo mouse, desert horned lizard and burrowing owl are present based on the NDOW data. Burrowing owl colonies and dark kangaroo mice areas should also be avoided. We can assist in defining these exclusions by providing maps under separate cover. Overall, this site has numerous roads and a relatively high incidence of annual grass invasion along the east based on modeling of annual grasses for Nevada by NNHP. The prevalence of several rare or important species warrants careful monitoring of impacts from development.

East Mormon Mountain: A small population of Las Vegas buckwheat has been identified at this site, and measures to avoid this species should be made. A model of desert tortoise habitat indicates that this area is good habitat for the species. Recent fires to the north and west of the SESA might be worth consideration for development if site suitability for solar exists. It might be possible to adjust the site so desert tortoise habitat that has not already burned is removed and replaced with areas that are burned. Additionally, this site falls within The Nature Conservancy's "Meadow Valley Wash - Muddy River - Mormon Mesa" priority landscape. Transmission already exists at the site, so it could provide utility-scale solar to the grid with minimal development of transmission.

Delamar Valley: There are no obvious conflicts from the available data. The site is placed along the planned SWIP corridor, so transmission has to be developed before the site can be available for solar development. Much of the SESA is on a dry lakebed. It should be noted that bighorn migration corridors to the south between the Desert Refuge and the Delamar and Meadow Valley Ranges may be negatively affected by future transmission development associated with this site. NWP would like to work with NDOW, USFWS, the BLM and other appropriate agencies to ensure landscape permeability for bighorn sheep as transmission development proceeds.

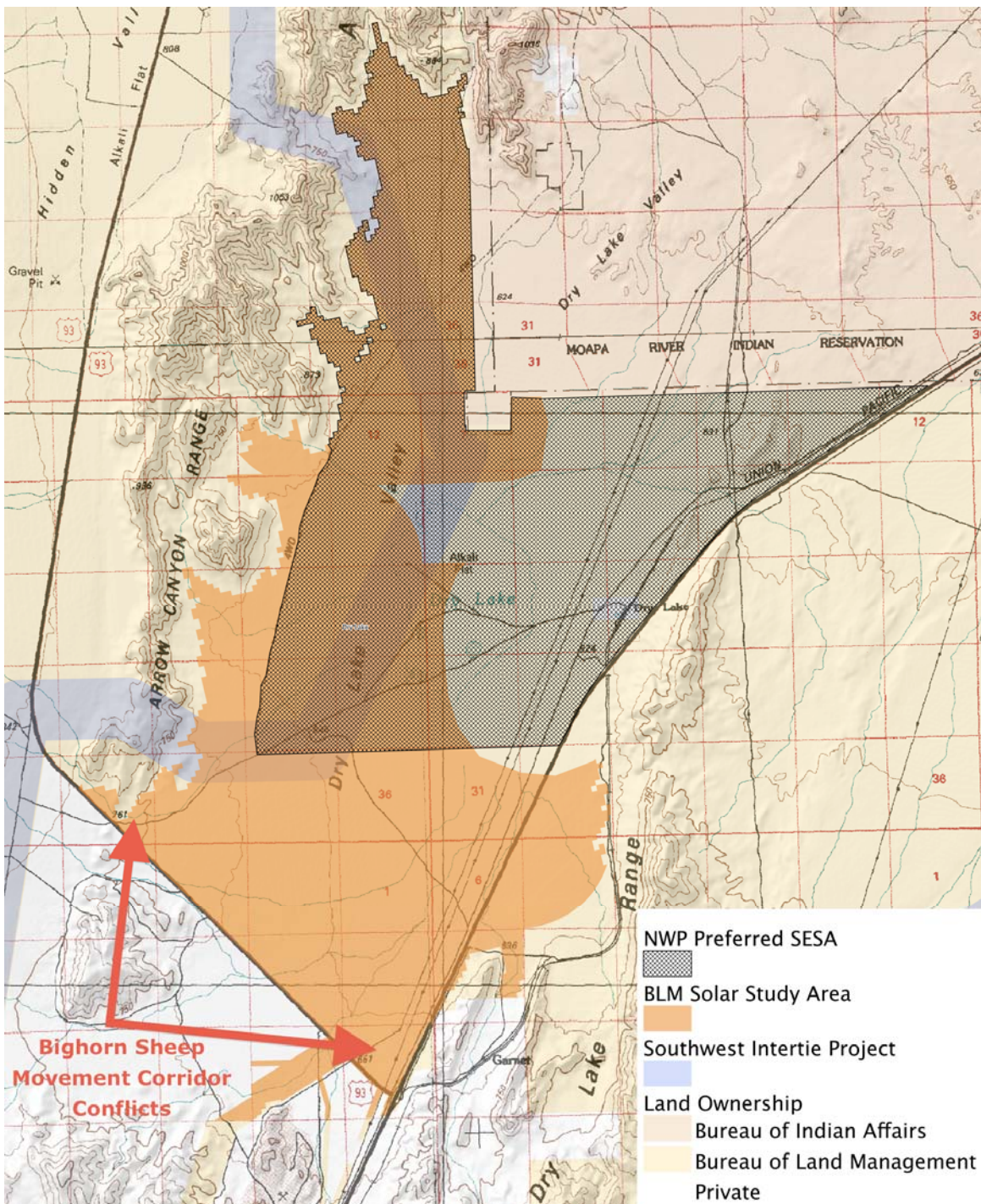


Figure 1. Dry Lake proposed alternative Solar Energy Study Area, Nevada. Cross-hatched area represents the NWP proposed SESA.

Dry Lake: This SESA has desert tortoise and rosy two-tone beardtongue from the NNHP data. Several intersections occur with NDOW mapped movement corridors for desert bighorn sheep, but wildlife corridors are supposed to be excluded in SESA designation. Adjustments should be made to exclude those corridors. The NDOW data shows the presence of the banded Gila monster, common chuckwalla, desert banded gecko, desert horned lizard, desert night lizard, LeConte's thrasher, long-nosed leopard lizard, sage sparrow and western banded gecko. The proximity to Las Vegas and existing transmission development in the area make this one of the more heavily inventoried SESAs in Nevada; it also makes this an area that has seen

impacts from exurban activities that are damaging to the quality of wildlife habitats (an example of cumulative impacts). Because rocky outcrops are high-quality habitat for many of the lizard species of conservation concern and because solar energy construction may require the removal these large boulders, NWP recommends the BLM explicitly exclude rock outcrops from the SESA. The area also shows high biodiversity potential, typical of much of the Mojave Desert. Because of the many species showing up in the southern portion of this SESA, it would seem more feasible to limit the site to the northern portion of the current SESA. A preferred alternative SESA is depicted above where the northern portion is kept and the SESA is extended to the east following I-15 and the Moapa Valley Indian Reservation, shown as black cross-hatching (figure 1). This configuration would avoid bighorn movement corridors and not press up against bighorn habitat in the Arrow Canyon Range. Additionally, some of the more sensitive species found in the south of the current SESA are excluded. The alternative SESA is approximately 13,500 acres.

Amargosa Valley: Desert tortoise (NNHP), desert horned lizard, desert iguana and long-nosed leopard lizard (NDOW) are recorded on the site. The SESA is well outside of the buffer zone established by the Nevada State Water Engineer to protect the endangered Devil's Hole pupfish, although there is still considerable controversy over the biological meaning of that buffer. There are several disturbances on-site, including a railway grade and roads that bisect the site making it a relatively fragmented area. There are no other identifiable conflicts from our filtering, and the site shows only moderate biodiversity in the biodiversity model.

SUMMARY COMMENTS

The Nevada Wilderness Project appreciates the opportunity to provide our comments on the sites selected for the PEIS. We recognize the scope of the challenge faced by both the general public and the BLM to adequately address these issues in an effective and expeditious manner. However, it is our belief that with great challenges come great opportunities. We urge the BLM to think creatively on how to maximize conservation mitigation opportunities within the development process, and think "outside the box" on how cumulative impacts from energy development on public lands might also yield cumulative benefits from creative conservation mitigation. Seizing this opportunity to make energy development "smart from the start" is critical in this early stage of the renewables boom that is coming to Nevada.

Myself or other NWP staff are happy to meet, discuss or further develop any of the information we have provided on behalf of the Nevada Wilderness Project.

Sincerely yours,



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