Thank you for your comment, Edouard MacGuffie.

The comment tracking number that has been assigned to your comment is SolarS50566.

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Solar Energy Development PEIS
Comment ID: SolarS50566

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Attachment: Cogentrix Solar Services PEIS Comments.pdf

Comment Submitted:

See Attachment.

DEPARTMENT OF ENERGY
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Re: Notice of Intent to Prepare a Programmatic Environmental Impact Statement to Evaluate Solar Energy Development, Develop and Implement Agency-Specific Programs, Conduct Public Scoping Meetings, Amend Relevant Agency Land Use Plans, and Provide Notice of Proposed Planning Criteria

Comments filed by: Cogentrix Solar Services, LLC

Date: July 15, 2008

COGENTRIX SOLAR SERVICES, LLC appreciates the opportunity to comment on the Solar Energy Development Programmatic Environmental Impact Statement ("PEIS") that the Bureau of Land Management ("BLM") is developing on behalf of the U.S. Departments of Energy and the Interior. Cogentrix Solar Services supports BLM's efforts to develop a PEIS that will advance the understanding of, and streamline the process for establishing, utility-scale solar development in the western United States.

I. INTRODUCTION

Cogentrix Energy, LLC ("Cogentrix Energy") is a leading independent power producer headquartered in Charlotte, North Carolina. Cogentrix Energy owns and operates a growing number of electric generating facilities located throughout the United States, and has been in the power development business for over 25 years with an industry leading record in developing, building, financing and operating 4,800 MW of electricity-generating facilities.

Cogentrix Energy is an indirect wholly owned subsidiary of The Goldman Sachs Group, Inc. ("Goldman Sachs"). The Alternative Energy Investing Group at Goldman Sachs invests the firm's capital in renewable and alternative energy companies, including solar, wind, geothermal,

biofuels, and other green technology enterprises. Goldman Sachs' Alternative Energy Investing Group has over $2 billion invested in these sectors.

Cogentrix Solar Services is an indirect wholly owned subsidiary of Cogentrix Energy that is utilizing the complementary skills and resources of Cogentrix Energy and Goldman Sachs to develop numerous utility-scale solar energy projects in California and Nevada on lands administered by BLM. Applications for more than a dozen large projects on BLM lands in California and Nevada have been submitted by Cogentrix Solar Services-related entities.

II. COGENTRIX SOLAR SERVICES' COMMENTS

Cogentrix Solar Services supports BLM's initiative in developing a PEIS analyzing the impacts of utility-scale solar development in the western United States. In our view, this undertaking is required by statutory and executive mandates that obligate BLM and other federal agencies to facilitate and support renewable energy development. *See* Exec. Order 13212, Actions to Expedite Energy-Related Projects, 66 Fed. Reg. 28,357 (May 22, 2001) (ordering executive departments and agencies to take appropriate action "to expedite projects that will increase the production, transmission, or conservation of energy"); Energy Policy Act of 2005, Pub. L. No. 109-58, § 211 (directing the Secretary of the Interior to "seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity").

Cogentrix Solar Services believes that the legal obligations for expanding renewable energy resources on the public lands can *only* be achieved by developing solar power on a commercial scale. Utility-scale solar energy development will take advantage of one of the most readily-available, reliable and proven *domestic* energy supplies available and will directly and substantially reduce the U.S.'s dependence on fossil fuels for generating electricity. *See, e.g.*, L.

Stoddard, et al., *Economic, Energy, and Environmental Benefits of Concentrating Solar Power in California* 10-11, 56 (April 2006), *available at* http://www.nrel.gov/csp/pdfs/39291.pdf (noting that conservative estimates indicate that 4,000 MW of solar energy could reduce emissions by 300 tons of NO_x and 7.6 million tons of CO_2 per year as compared to the emissions from natural gas combined cycle plants—the "cleanest, most efficient fossil technology").

In addition to providing direct and substantial environmental benefits, solar energy also provides substantial public health, national security, and economic benefits. *See generally* U.S. Dep't of Energy, Energy Efficiency and Renewable Energy, Solar Energy Technologies Program, http://www1.eere.energy.gov/solar/about.html (last visited July 12, 2008) (discussing benefits of solar energy). Developing utility-scale solar energy projects will assist in meeting growing energy needs, particularly in areas like the desert southwest which have been identified as critically congested. *See* National Electric Transmission Congestion Report, Order, 72 Fed. Reg. 56,992 (Oct. 5, 2007) (designating Southwest Area National Interest Electric Transmission Corridor); National Electric Transmission Congestion Report; Order Denying Rehearing, 73 Fed. Reg. 12,959 (Mar. 11, 2008).

Solar energy has additional advantages as well. In particular, it is unique among renewable energy options in that electricity is provided during the peak electrical demand period of the day in desert regions which have a high air conditioning load. This makes solar energy production particularly suited and appropriate for the arid and desert portions of the western United States.

While offering tremendous benefits, utility-scale solar energy development is nevertheless expensive and will require a substantial investment of time, resources, and capital. It is critically important, therefore, that the solar PEIS be developed with an eye toward reducing

future delays in leasing and permitting for projects on public lands. Toward this end, Cogentrix Solar Services supports the integration of the PEIS process into a broader Bureau-wide solar energy development program and the use of the PEIS process to amend land use plans in the six-state study area to adopt the new program. Cogentrix Solar Services also notes that the successful development of some solar projects will require BLM assistance in approving the siting of new transmission lines, in accordance with congressional mandates. New and/or amended rights-of-way for transmission lines also will need to be accommodated in BLM land use plans. By taking these steps and coordinating these actions, BLM will materially advance the national priority of developing commercial scale solar projects on our public lands.

Evaluation of Land Suitability; Relationship of the PEIS and Pending Applications

Cogentrix Solar Services also supports use of the PEIS process to evaluate the suitability of lands for solar development, but the primary focus of this evaluation should be on lands for which applications have not been submitted. Site-specific evaluations for existing applicants should proceed forward; the PEIS process is not the appropriate forum for evaluating the suitability of the development of already-filed right-of-way applications. As a corollary, Cogentrix Solar Services supports BLM's view that the PEIS should not impede the processing of new and existing site-specific applications. The NEPA process for such applications should proceed as expeditiously as possible given the importance of bringing renewable energy sources online. The PEIS should complement these processes, but should not create any delays or uncertainties in reviewing and approving new and existing applications. We anticipate that site-specific environmental evaluations of proposed projects will be tiered off of the PEIS once it has been completed, enabling site-specific analyses to be prepared on a more timely and streamlined

basis. Accordingly, it is vitally important that the PEIS be completed on an expedited basis and within the 22 month period identified by BLM.

First-in-Time Application Rules

Cogentrix Solar Services strongly supports BLM's position that first-in-time application processing should continue to apply to applications received before the PEIS process was announced. Cogentrix Solar Services and other applicants have made major investments in developing and processing their applications based on assurances that the first-in-time rules will apply to their proposed projects. Any retroactive change in application rules would be severely prejudicial, triggering litigation and other delays that would create major setbacks for the solar development program.

Development of Alternatives for Evaluation in the PEIS

Cogentrix Solar Services supports the proposed analysis of the Facilitated Development Alternative identified in the PEIS's Notice of Intent. In that regard, it is essential that the PEIS maintain its focus on utility-scale development and large-scale solar projects as opposed to smaller solar developments—*e.g.*, rooftop photovoltaic units. The agencies' reasonably foreseeable development ("RFD") scenario should take a broad view of the types of solar technology likely to be used over the next twenty years on a utility-level scale, given that technological advances in the solar industry are extremely dynamic. Cogentrix Solar Services offers its expertise to assist BLM in identifying and evaluating technologies that should be included under the RFD scenario.

Amendment of BLM Resource Management and Land Use Plans

Cogentrix Solar Services supports the use of the PEIS process to amend applicable BLM Resource Management and Land Use Plans ("RMPs"). Indeed, this is one of the most important

features of the PEIS process. The adoption of a Bureau-wide solar energy program and amended RMPs should remove a potential impediment in the permitting process (*i.e.*, the fact that existing RMPs do not explicitly reference potential solar project land uses), while streamlining and providing greater consistency in the solar energy development process.

Cumulative Impacts Analysis

In assessing the cumulative, connected, and indirect impacts on potentially affected resources, Cogentrix Solar Services encourages the agencies to focus on reasonably foreseeable projects that are specifically related to solar development. Furthermore, any impact analysis must consider the numerous benefits that would arise from an established solar energy sector in the western United States. Such a focus would serve the important function of fully evaluating the impacts of utility-scale solar development on potentially affected resources while maintaining adherence to the specified objectives and purposes of the PEIS.

Mitigation Options/Strategies

Cogentrix Solar Services supports the development of a suite of potential mitigation options and strategies in the PEIS that may be considered, but which should not necessarily be required, at individual sites. Establishing a set of best management practices and flexible siting criteria has the potential to provide consistent control across numerous projects and mitigate potential impacts of solar sited power plants. With regard to mitigation issues, Cogentrix Solar Services recommends that BLM work with the U.S. Fish & Wildlife Service and identify potential mitigation strategies that applicants might utilize to address wildlife impacts. The identification of mitigation opportunities on both federal and private lands could facilitate early investments in these important activities.

III. CONCLUSION

Cogentrix Solar Services appreciates the opportunity to comment on the proposed PEIS process. Any follow-up questions about these comments should be directed to:

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