

**Understanding & Planning for Renewable Energy Development
Through Programmatic NEPA Analysis:
A BLM Case Study on Solar Energy**

**Shannon C. Stewart, Senior NEPA Program Lead
Bureau of Land Management
Washington D.C. Office**

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The Bureau of Land Management (BLM), an agency within the Department of the Interior (DOI), is responsible for carrying out a variety of programs for the management and conservation of resources on approximately 245 million acres of public lands, as well as 700 million acres of subsurface mineral estate. In recent years, the BLM has received over 120 applications for right-of-way authorizations to construct utility-scale solar energy development on public lands (with a total estimated capacity of approximately 74,000 MW of electrical generation). Solar energy development is a land use that is not fully considered by the BLM's existing land use plans or fully understood by BLM staff that need to analyze the environmental impacts of such activities through the National Environmental Policy Act (NEPA) process. In response to this emerging pressure for solar energy development, the BLM has partnered with the Department of Energy (DOE) to develop a programmatic environmental impact statement that addresses solar energy development in six southwestern states (Solar PEIS).

The objectives of this programmatic effort are to better understand solar energy technologies, determine resources and resource uses that are incompatible with such technologies, establish appropriate mitigation measures for utility-scale solar energy development on public lands, and build those elements into BLM's existing land use plans. Added to these objectives is the Secretary of the Interior's directive through Secretarial Order 3285¹ to identify and prioritize areas best-suited to utility-scale solar energy development in the six state area. "Best suited" is defined as those areas with a high solar resource value and low resource conflict. The expected outcome of the Solar

¹ Secretary of the Interior, Order No. 3285, March 11, 2009, Renewable Energy Development by the Department of the Interior

PEIS is better sited and better designed solar energy projects that can be approved with a reduced level of NEPA analysis.

While the BLM anticipated and planned for many of the typical difficulties associated with conducting programmatic NEPA, some unexpected issues arose during the Solar PEIS process. This paper highlights some of the challenges associated with using programmatic NEPA analysis to plan for the siting and development of utility-scale renewable energy projects and makes suggestions for addressing such challenges. Specifically this paper examines:

- Understanding technology and impacts ahead of the NEPA process;
- Identifying areas best-suited to siting a specific land use;
- Addressing the limitations of programmatic analysis and the contrasting desire for certainty;
- Dealing with ongoing operations while developing a strategic program; and
- Providing flexibility to meet future needs.

The Solar PEIS

Programmatic NEPA analyses are broadly scoped analyses that assess the environmental impacts of federal actions across a span of conditions, such as facilities, geographic regions, or multi-project programs. Although the Council on Environmental Quality (CEQ) regulations on implementing the procedural requirements of NEPA² do not define the term “programmatic analyses,” the regulations do address analyses of “broad actions” and address tiering, the linkage between the broad action and subsequent more focused or specific proposed actions (40 CFR 1502.4(b); 40 CFR 1502.4(d)). In cases where a broad policy, plan, program, or project will later be translated into site-specific projects, subsequent analyses are appropriate and are referred to as “tiered” analyses (40 CFR 1502.20).

In the case of the Solar PEIS, the joint lead agencies are evaluating the potential effects of establishing broad program elements and strategies for solar energy development across a six-state study area. The programmatic analysis will lay the foundation for future utility-scale solar energy development decisions that will be tiered to the Solar PEIS; it will not make any project specific decisions. The agencies believe that a programmatic analysis will provide sound, integrated, and sustainable policy and planning frameworks to support future decisions on solar energy development. By identifying potential

² 40 CFR parts 1500-1508

adverse impacts early, the Solar PEIS provides an opportunity to design program components to avoid or mitigate those impacts.

The draft Solar PEIS³ was released in December 2010 for a 90-day public comment period (which was extended for an additional 30 days per public request). The draft consists of 11,000 pages of text in 16 chapters and 14 appendices. The PEIS contains two levels of analysis. First, it evaluates at a broad, programmatic level the potential environmental impacts of utility-scale solar energy technologies considered to be viable for deployment over the next 20 years and proposes program elements to address these impacts. The agency's proposed program elements under each alternative are then evaluated against the agency's defined objectives. Second, the Solar PEIS provides in-depth environmental analyses of the BLM's 24 proposed solar energy zones (SEZs). These SEZs are areas that the BLM preliminarily identified as best-suited to utility-scale solar energy development. This analysis will be used by the BLM to designate areas as priority development zones for solar energy (per Secretarial Order 3285). The depth of the analysis in the SEZs is also expected to help streamline future project approvals in these areas.

Programmatic NEPA Good Practices

In designing the Solar PEIS NEPA framework, the BLM fully considered the typical difficulties that are associated with programmatic analyses⁴ and strived to address them early in the process. Examples of some of those good practices are described below.

Given the sheer size of the draft Solar PEIS and complexity of the two levels of analysis, the agencies worked hard to create clarity in the NEPA document itself. This included a chapter-by-chapter and appendix-by-appendix description of the document in chapter one, a comprehensive Reader's Guide to assist the public's review, and extensive information on the project website⁵. The agencies also used the public meetings to direct readers' to key sections of the document.

The draft Solar PEIS includes a clear and consistent description of the broad federal action being proposed and analyzed in the PEIS and the expected nature of the programmatic decisions versus the future approval of actual solar energy projects⁶. This

³ Draft Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States, BLM and DOE, December 17, 2011. See <http://solareis.anl.gov/> for the Solar Energy Development Programmatic EIS Information Center.

⁴ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007

⁵ See <http://solareis.anl.gov/documents/dpeis/index.cfm> for more information.

⁶ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, pages 9-10

distinction is reflected in the statement of purpose and need for the PEIS. In addition, the Solar PEIS outlines a process for maintaining the programmatic decisions including how future changes in BLM land use plans would be recognized by the solar program elements. The BLM also committed to developing an adaptive management plan as part of the final program elements to ensure that new data and lessons learned about the impacts of solar energy will be reviewed and, as appropriate, incorporated into the agency's solar energy program⁷. The adaptive management plan will be coordinated with potentially affected natural resource management agencies and will identify how the impacts will be evaluated; types of monitoring that would be responsive to the data needs; thresholds for modification to policy or individual project management based upon monitoring results; and a description of the process by which changes will be incorporated into the program. Changes to the BLM's solar energy program would be subject to appropriate environmental analysis and land use planning.

The draft Solar PEIS discusses at length the process that future projects will need to go through prior to approval and how future projects would be expected to tier to the PEIS⁸. The BLM anticipates conducting training sessions with field office NEPA staff once the Solar PEIS Record of Decision (ROD) is signed to ensure effective and consistent implementation. The draft Solar PEIS calls out those resources for which additional site-specific NEPA analysis will likely be required to supplement the analysis in the PEIS. This includes resources such as water and cultural resource where analysis assumptions were difficult to establish without site-specific proposals (e.g., water could come from surface or groundwater sources, be trucked in or pumped through pipes from distant locations). However, by establishing siting, design, operational, or other required protocols through the alternatives in the PEIS (e.g., restricts water intensive technologies in over appropriated hydrologic basins), the BLM was able to narrow the range of possible impacts, making some level of analysis possible to support tiering.

As a programmatic NEPA document, the BLM knew there would be questions from some readers regarding the lack of specificity in the impact analysis⁹. Added to that however was the additional level of analysis that became necessary in the PEIS to identify areas best suited to solar energy development. The BLM had to establish an adequate scope and degree of detail for both of these levels of analysis separately based on the decisions they were intended to support¹⁰. The Solar PEIS contains broad,

⁷ Draft Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States, BLM and DOE, December 17, 2011; Appendix A

⁸ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, page 13

⁹ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, page 12

¹⁰ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, page 9

programmatic analysis to support decisions on program elements, as well as site-specific analysis for the 24 SEZs (totaling >700,000 acres) to support decisions on priority areas. There is a stark contrast in how environmental impacts are addressed between these two levels. It was critical that the BLM continually describe to the public why there were two levels of analysis in a single document and how they differed.

Because of the limitations in available information and uncertainty regarding the timing and location of the subsequent actions that will result from the larger solar program elements, environmental effects are described over a broad geographic and time horizon and a fairly general level of detail. With the SEZs on the other hand, the location of these areas are known and the BLM was able to establish more specific affected environment information and development scenarios/assumptions, and was able to analyze the expected environmental effects at a finer level of detail. The BLM developed cumulative effects analysis for each level separately, and each SEZ individually. The BLM found this to be the most appropriate way to examine how solar energy could impact the larger landscape in the six state area, as well as the impacts development in the SEZs would have on specific resources, ecosystems and communities locally. It is expected that project specific NEPA documents will be able to tier to these cumulative impact analyses, avoiding the need to reanalyze those cumulative impacts in each subsequent NEPA analysis.

The public involvement strategy developed by the agencies for the draft Solar PEIS took into consideration the interested parties for both the broad program components and the site-specific SEZs and tailored outreach to them individually. Two scoping periods were held, one for the initial project kick-off and a one later one when the effort was expanded to include the SEZs. As part of the release of the draft PEIS, 13 public meetings were held in the six southwestern states including in small communities located near proposed SEZs. Because the Solar PEIS will not result in any project approvals, the agencies informed the public at every occasion what their opportunities would be for further public participation for site-specific projects.

Unexpected Challenges

The BLM has undertaken multiple programmatic EISs to establish consistent management prescriptions for specific types of development including wind energy development¹¹ and geothermal energy development¹². The Solar PEIS however is the

¹¹ Record of Decision and Associated Land Use Plan Amendments Wind Energy Development Programmatic Environmental Impact, January 11, 2006

first attempt by the BLM to include a siting component to its programmatic analysis (in the form of areas best suited to solar energy development). This added component created some unique challenges for the BLM. The lessons learned by the BLM in using programmatic NEPA to make siting decision may help educate other agencies who may be contemplating undertaking a similar effort.

Understanding technology and impacts ahead of the NEPA Process

The BLM used the NEPA process as a means to explore the nature of utility-scale solar energy development, its potential impacts, and the means to mitigate such impacts. As a result, there are chapters and appendices in the Solar PEIS that simply lay the foundation for the alternatives, program elements and resulting impacts that are being analyzed through the NEPA process. Not only has this approach significantly increased the size of the NEPA document, it has also created confusion among some reviewers. As an alternative, the BLM believes a better approach may be to develop a preliminary and separate “environmental report” that fully examines the technology being considered ahead of initiating a NEPA process (if one is warranted, see below).

As recognized by CEQ in their draft guidance on programmatic NEPA¹³, programmatic analyses conducted outside the NEPA context play an important role in assessing existing conditions, and that they may later be used in the preparation of NEPA analyses and documents. Programmatic analyses prepared when the agency is not making decisions are not NEPA analyses. The results of such a report can be incorporated by reference into NEPA documents prepared for specific Federal actions so long as the programmatic study is reasonably available to the interested public (40 CFR 1502.21).

Developing a separate environmental report could be an effective mechanism to involve stakeholders, industry, state agencies, tribes, and others in a discussion about the technology and its impacts, as well as what’s on the horizon in terms of technological advances, transmission planning, etc. This information and public process can help shape the scope of any subsequent NEPA process by aiding in the definition of program objectives, screening criteria for suitability and mitigation requirements.

Following the development of an environmental report, agencies should ask themselves if a subsequent programmatic NEPA document is truly needed. Is there programmatic decision to be made or does the environmental report itself meet the agency’s need? As

¹² Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States, December 2008

¹³ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, pages 5-6

stated in CEQ's draft guidance on programmatic NEPA¹⁴, if an agency simply needs "to understand current conditions, cumulative effects for subsequent decisions, or scope of regional issues to be considered in project decisions, consider alternative agency research methods for gathering this information. Such analyses may include ecosystem assessments, watershed analyses, cumulative effects analyses, and others."

Environmental reports conducted at a programmatic level can provide information on a broad range of topics that can be used in later NEPA analyses through incorporation by reference (40 CFR 1502.21).

The answer to the above question will vary depending on many circumstances. For example, in the case of the Solar PEIS, the BLM intended to use the PEIS to make decisions that would amend their existing land use plans. BLM's planning regulations require NEPA analysis to support all planning decisions¹⁵. Also, because the BLM plans to tier future site-specific NEPA analyses to the Solar PEIS, a NEPA document was necessary at the programmatic level (40 CFR 1508.28; 40 CFR 1502.20).

Identifying areas best-suited to siting a specific land use

The logical steps in locating areas best suited to a specific land use, such as utility-scale solar energy development, include understanding the technology and its needs (now and in the future), and identifying those resources and resource uses that are incompatible with the technology. This information is then used to develop criteria that can be used to screen lands and/or to establish mitigation requirements to address unacceptable impacts. It is the BLM's experience that finding areas best suited to a specific land use is a very difficult undertaking. There are key actions however that can be taken in the process to help improve the chances for success.

Systematic, ongoing work needs to take place with stakeholders including industry, tribes, federal agencies (National Park Service, U.S. Fish and Wildlife Service, Department of Defense, Department of Energy, etc), and state agencies (energy siting commissions, fish and wildlife agencies, etc) to determine what constitutes "best suited" for a given technology (or on the flip side, what is not acceptable in terms of impacts). This could be part of, or based on, the environmental report described above. The resulting screening criteria must be well vetted with all parties. It is also important to apply the screening criteria on a trial basis to be sure the resulting locations are what were

¹⁴ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, pages 5-6

¹⁵ BLM land use planning requirements are established by Sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711-1712) and the regulations in 43 Code of Federal Regulations (CFR) 1600.

expected or needed. This should be an iterative process; refinement in the criteria may be needed. Further, this process should be flexible enough to accommodate regional differences.

The value stakeholder involvement can bring to the process of finding areas best suited to a specific land use cannot be stressed enough. For example, the BLM as a land management agency learned that it did not have the necessary expertise in solar energy markets, technology and/or electrical transmission systems (capacity, upgrades, etc) to independently identify solar priority areas. With the goal of providing for the environmentally responsible development of solar energy on public lands, best suited had to be more than simply those areas with least resource conflict. These locations must also be places where industry is willing and/or able to go. Industry leaders and agencies with relevant expertise such as the National Renewable Energy Laboratory became vital stakeholders in helping the BLM to identify areas best suited to solar energy development.

Although it may go without saying, data is needed to apply screening criteria. In some cases the essential data may not exist or may be out of date. This will result in the need for a data collection effort. For example, in the case of the Solar PEIS, the BLM was lacking complete information on visual resources (a major concern for solar energy development) and hired contractors to go out and reinventory visual resources in the six state area. In identifying areas best suited to a specific land use, agencies should develop project schedules and budgets that will allow for any necessary data collection. Moving forward without good data is not advised.

As part of identifying best suited areas, it is also important for agencies to consider the ultimate goals for siting the subject technology. For example, is there a megawatt or acreage goal driving the establishment of priority areas? Will this be an exhaustive exercise or are a few priority areas in each state or region being sought, and if so, how many? These goals will ultimately influence the screening criteria and how they are applied.

Agencies must also fully recognize and integrate ongoing planning and policy efforts into the identification of best suited areas such as transmission planning initiatives and emerging resource protection strategies (e.g., bald and golden eagle guidelines). The environmental report and ongoing work with stakeholders, both describe above, provide excellent opportunities to discover what else is going on and how it may impact the agency's siting efforts.

Finally, even with a comprehensive attempt to find areas best suited to a specific land use it is possible, and based on the BLM's experience probable, that the areas determined to be best suited will have significant resource conflicts. This results primarily from incomplete or inaccurate information, but can also result from an inadequate stakeholder and/or public involvement process. In the case of the Solar PEIS, the BLM conducted site-specific analysis for all of their SEZs including site visits by contractors. Based on that analysis the BLM discovered substantial issues with some of their SEZs and may decide not to carry them forward as priority areas. For other SEZs, the BLM has developed an additional layer of mitigation requirements that would become part of the management prescription for these priority areas.

Addressing the limitations of programmatic analysis and the contrasting desire for certainty

One of the obvious goals of completing a programmatic EIS and identifying areas best suited to a specific land use is to create certainty. Certainty in impacts for resource managers and environmental stakeholders, and certainty in the outcome of the approval process for industry and government. Unfortunately as the BLM realized through its Solar PEIS efforts it is extremely difficult, if not impossible, to adequately analyze all impacts through a programmatic NEPA document and create that desired certainty. As discussed previously in this paper, resources where impact analysis are difficult to develop without a specific plan of development or proposal include, but are not limited to, water and cultural resources.

This is by no means a deal breaker with respect to the NEPA process but it does necessitate a strategy. Based on the BLM's experience with the Solar PEIS, there are numerous ways that such lack of information can be dealt with in the NEPA process¹⁶. Some of these strategies can create more certainty than others. Most of the strategies rely heavily on the tiering process (40 CFR 1508.28; 40 CFR 1502.20). Note, the suggested strategies below can be used in combination and are not intended to be an exhaustive list of options.

First, an agency can create very specific, stringent mitigation requirements that limit the potential impacts to resources such as water or cultural resources and therefore allow for an adequate assessment of expected impacts. For example, a provision could be included in a programmatic EIS that states if cultural resources are present in an area proposed for surface disturbance, they would be avoided; therefore no impacts to cultural resources

¹⁶ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, pages 12-13

would be anticipated. This approach has the potential to create fairly certain outcomes assuming the provisions are reasonable and can be implemented. This approach also puts developers on notice regarding what will be required to approve future projects.

Second, an agency may create extensive development assumptions and ranges of possible impacts as part of their programmatic NEPA analysis which future project impacts would be expected to fall within. Future site-specific evaluations would have to include a finding that the conditions and environmental effects described in the broader NEPA document adequately addressed the proposed project and that those are still valid in light of any changed circumstances (40 CFR 1502.9(c)(1)). If this finding cannot be made, supplemental analysis would be needed as part of the tiered site-specific NEPA (40 CFR 1508.28). The key to the success of this approach is to anticipate and adequately analyze all potentially significant impacts in the programmatic analysis.

The DOI has added a new subsection in their NEPA regulations (43 CFR 46.140) clarifying that an environmental assessment (EA) may be prepared, and a finding of no significant impact reached, for a proposed action with significant effects, whether direct, indirect, or cumulative, if the EA is tiered to a broader EIS which fully analyzed those significant effects. Tiering to the programmatic EIS would allow the preparation of an EA and a finding of no significant impact for the individual proposed action, so long as any previously unanalyzed effects are not significant. The finding of no significant impact, in such circumstances, would be, in effect, a finding of no significant impact other than those already disclosed and analyzed in the EIS to which the EA is tiered. The finding of no significant impact in these circumstances may also be called a “finding of no new significant impact.” This approach is consistent with CEQ regulations at 40 CFR 1508.28.

Third, an agency may simply defer the detailed analysis of such impacts to a future NEPA process that would take place prior to project approval¹⁷. The site-specific NEPA could tier to the programmatic EIS but would need to supplement the analysis for certain resources. The programmatic EIS should highlight for the reader the process that will be undertaken to obtain the necessary analysis that is lacking. This option would likely provide the least certainty since impacts and mitigation for some resources would be determined at a future time and could result in a project being denied by the federal agency or no longer viable to industry. This strategy also has a greater likelihood of resulting in a site-specific EIS tiered to the programmatic EIS rather than an EA.

¹⁷ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, page 13

In the case of the Solar PEIS, the BLM used all of the strategies outlined above to some degree. The BLM created required design features to limit potential impacts, established some level of analysis based on development assumptions where those were achievable, and outlined a process for addressing inadequate analysis through site-specific NEPA analyses. The nature of site-specific NEPA documents in the case of solar energy will therefore vary depending on the resources impacted and level of analysis in the Solar PEIS.

Dealing with ongoing operations while developing a strategic program

In their draft guidance on programmatic NEPA, CEQ states that an agency does not need to suspend operations only because it has elected to prepare a programmatic NEPA document¹⁸. In the BLM's experience it is very unpopular to put energy development on hold for any reason (renewable and non-renewable). On the flip side, it is difficult to explain to stakeholders why the agency has decided to move forward with operations in light of their valuable programmatic efforts. Given this conundrum, agencies are faced with the question of how to deal with applications for a given technology while they are engaging in a programmatic effort.

BLM recommends that agencies find ways to incorporate what they are learning through the programmatic effort into ongoing operations and take credit for this integration. The information generated through an environmental report and stakeholder processes (as described above) can inform the processing of existing applications. The draft programmatic EIS can also provide a well synthesized body of information to rely on ahead of a ROD. A worst case scenario for agencies is to move in one direction on a project and move in a conflicting direction in their programmatic effort; stakeholders are likely active participants in both efforts. Of course if there are needed inconsistencies, they should be called out and an appropriate rationale provided.

It is also important for an agency to be explicit with applicants about the ongoing programmatic effort and the eventual effect those decisions will have on their project(s). In the case of the Solar PEIS, the BLM has used the Federal Register Notice of Intent¹⁹ and Notice of Availability²⁰ as a means to inform applicants about their intentions. For example, the BLM declared it would continue to accept applications in the SEZs while the programmatic effort was ongoing however they would not process those applications until the ROD was signed; all pending applications would be subject to the ROD.

¹⁸ Council on Environmental Quality Draft NEPA Programmatic Guidance, September, 2007, pages 15-16

¹⁹ Federal Register: May 29, 2008, Volume 73, Number 104, page 30908-30912

²⁰ Federal Register: June 30, 2009, Volume 74, Number 124, page 31307-31307

Although controversial, the BLM believes that there has been a tremendous benefit to proceeding with the processing of a limited number of prospective solar energy applications while preparing the Solar PEIS. The processing of applications has allowed the BLM to better understand the technology, industry/applicants, tribal concerns, resource conflicts and effective mitigation, public concerns, etc. The BLM has been able to refine their authorization processes and build those effective principals into the elements of the Solar PEIS. They have also been able to test ideas and concepts on a very limited scale to again inform the direction for the larger solar program.

Providing flexibility to meet future needs

An inherent difficulty in using programmatic NEPA to make siting decisions, is knowing an agency has truly found the best locations to site a given land use. And that these locations will continue to be the best suited overtime as technology evolves, energy markets shift (e.g., new state Renewable Portfolio Standards), and resource conflicts change. The ultimate decision an agency faces in this process is where to allow development; only in best suited areas or in the best suited areas plus other areas.

The BLM evaluated two alternatives through the Solar PEIS, one that would allow development only in the priority areas and one that would allow development outside the priority areas (but still prioritized development in the best suited areas). The land base supplied by the 24 SEZs in the BLM's example was more than enough to meet the projected demand for solar energy development on public lands estimated through the PEIS. As would be expected, most comments on the draft Solar PEIS have been strongly in favor of limiting solar development to the priority areas and not allowing it anywhere else. Industry however has expressed concern that the priority areas are too limiting. They contend there are good locations outside the priority areas that can support environmentally responsible, utility-scale solar energy development.

If an agency is inclined to allow development only in the best suited areas, they need to be fairly confident that they have found the best places. The BLM believes that a thorough and comprehensive process to identify best suited areas (as described in previous sections of this paper) can help create confidence in the identified areas. Stakeholder involvement, including industry, is critical to understanding the technology and what's on the horizon, and building that information into the identification process. Agencies should also strongly consider establishing a process as part of their programmatic effort to allow for the identification of additional priority areas as markets and environmental conditions evolve overtime. Environmental stakeholders and industry

both identified the need to grow the SEZs overtime as a critical component of a successful program in their comments on the BLM's draft Solar PEIS.

Agencies that have less confidence in the areas identified as best suited or simply prefer a more flexible program may choose to develop in both priority areas and outside of priority areas concurrently. Such flexibility could allow for consideration of a project proposed on a model piece of land that was overlooked by the programmatic effort or a new technology that could be constructed with limited impacts in an area not previously identified as best suited. The goal would still be to direct development where it is known to be a good fit but not to close the door completely in other areas. Agencies should give serious consideration to how to deal with projects outside of priority areas. A possible strategy may be to develop a rigorous set of authorization processes or policies regarding development outside of priority areas. Based on the BLM's experience, it is very important that agencies proceed carefully outside of priority areas and that they stress to the public the diligence that would be applied in analyzing proposals outside of priority areas. Otherwise the criticism will be (trust me from experience), what have you accomplished with identify best suited areas if you are allowing applications everywhere else.

Applying Lessons Learned: DOI's Offshore Wind Energy Efforts

The concept of finding those locations best suited to a specific type of energy development has become very popular since the Solar PEIS effort was initiated. The public, environmental groups and industry have embraced the idea of smart development and the certainty that can come along with it if it's done right. DOI is currently undertaking similar efforts to support both onshore and offshore wind energy development. The lessons learned through the Solar PEIS are helping to guide these new initiatives. I have highlighted some of the messages on the DOI offshore wind energy initiative for the purposes of showing how the lessons learned from the Solar PEIS have been applied²¹.

The Secretary of the U.S. Department of Energy Steven Chu and Secretary of the U.S. Department of the Interior Ken Salazar unveiled a coordinated strategic plan for offshore wind energy production on Monday, February 7, 2011. Secretary of the Interior Ken Salazar today launched a 'Smart from the Start' wind energy initiative for the Atlantic Outer Continental Shelf to facilitate siting, leasing and construction of

²¹ See <http://www.doi.gov/news/pressreleases/Salazar-Chu-Announce-Major-Offshore-Wind-Initiatives.cfm> for more information.

new projects, spurring the rapid and responsible development of this abundant renewable resource.

“Our ‘Smart from the Start’ Initiative for Atlantic wind will allow us to identify priority Wind Energy Areas for potential development, improve our coordination with local, state, and federal partners, and accelerate the leasing process,” Salazar noted. “If we are wise with our planning, we can help build a robust and environmentally responsible offshore renewable energy program that creates jobs here at home.”

“This coordinated initiative will help to capture the great potential that offshore wind power offers our country and our economy,” said Deputy Secretary David J. Hayes. “Smart planning and early environmental reviews will pay great dividends in spurring responsible renewable wind energy development.”

“This accelerated and focused approach to developing the nation’s Atlantic wind resources will encourage investment while ensuring projects are built in the right way and in the right places,” said Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Director Michael R. Bromwich.

Wind Energy Areas (WEA) are offshore locations that appear most suitable for wind energy development. Data would continue to be collected for these high priority areas to inform government and industry assessments and planning, allowing a more efficient process for permitting and siting responsible development [*data collection and analysis ahead of NEPA*].

Under the ‘Smart from the Start’ initiative, BOEMRE will work with state partners to identify WEAs off the coasts of a number of Atlantic states, including Maryland, Delaware, New Jersey, Virginia, Rhode Island and Massachusetts within the next 60 days. The state-federal task forces set up in eight of these states are identifying areas with generally bountiful wind energy and relatively fewer potential environmental and use conflicts than other offshore areas. Salazar also established the Atlantic Offshore Wind Energy Consortium with 11 coastal state governors earlier this year [*robust, upfront stakeholder involvement*].

By January 2011, Requests for Interest and Calls for Information will be issued for these new WEAs to support lease sale environmental assessments. Maryland’s Request for Information has already been issued and those for New Jersey, Virginia, Rhode Island, and Massachusetts are being developed. Additional WEAs will be

identified in 2011 for other Atlantic States, which may include areas offshore New York, Maine, North Carolina, South Carolina, and Georgia [*staged process*].

BOEMRE will assist in developing site assessment data and evaluating potential WEA leasing. In January 2011, BOEMRE will initiate a NEPA environmental assessment to evaluate the potential impacts associated with site assessment activities in identified WEAs [*NEPA is not initiated until it is necessary*]. In addition, there will be rapid and close coordination with other federal agencies to compile existing site assessment data.

If no significant impacts are identified in WEAs, BOEMRE would offer leases in these areas by the end of 2011/early 2012. Developers will still need appropriate and comprehensive site-specific NEPA review of individual projects [*recognizes the limitation of programmatic NEPA analysis and the need for future site-specific analysis*]. BOEMRE will work directly with project proponents to ensure that those reviews take place on aggressive schedules with frequent interagency communications and dedicated staff.

To address the need for transmission infrastructure to bring this offshore power ashore, BOEMRE will move forward aggressively, on a parallel track, to process applications to build offshore transmission lines. The identification of wind energy areas should assist the siting and feasibility reviews associated with potential offshore transmission lines [*recognizes ongoing efforts and the need for coordinated efforts*].