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May 15, 2024

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Director Stone-Manning:

We write regarding our concerns with the Bureau of Land Management's (BLM) proposed revamp of the 2012¹ Western Solar Plan originally conceived under the Obama Administration. Your attention to this matter is appreciated.

The plan will include eleven different states across the Western United States covering more than 162 million acres of federal estate under a Programmatic Environmental Impact Statement (PEIS). Of primary concern is the clear conflict this plan presents with the Federal Land Policy and Management Act's (FLPMA) multiple-use mandate. While the BLM has acknowledged multiple resource-based exclusion areas, it has not explained how conflicts between resources will be managed. Despite both volumes of the Programmatic Environmental Impact Statement documents accounting for well over 1,000 pages, only one page is dedicated to mineral resources and livestock grazing, respectively. The cumulative impacts section under mineral resources claims "Numerous existing mining interests that represent prior existing rights lie within areas available for solar ROW application; these areas would either have to be avoided during PV solar project siting, or new rights negotiated... Solar energy facilities would be incompatible with most types of mineral production because of the intensive land coverage required (pg. 5-135)." There is no explanation as to how mineral resources conflicts will be managed or prioritized and there is no cumulative impact section for livestock grazing.

On April 30, 2013, the BLM published a final rule, "Segregation of Lands—Renewable Energy" (78 FR 25204), that allows the agency to segregate public lands within a solar or wind application area from the operation of the public land laws, including the Mining Law. The BLM has used this tool at least ten times in the last year, showing clear favoritism for solar energy and should be an indicator of what we can expect from the Western Solar Plan.

¹ Bureau of Land Management, Updates to the Western Solar Plan (2024).

https://eplanning.blm.gov/public_projects/2022371/200538533/20103672/251003672/Draft%20Solar%20PEIS%20Virtual%20Public%20Meeting%20_1_Slides%20-%2020252024%20FINAL.pdf.

This plan, unsurprisingly, is biased against more reliable sources of energy generation. The BLM has been openly hostile to fossil fuel generation by refusing to hold lease sales for oil and gas, attempting to lock up millions of acres of land under Areas of Critical Concern designations, increasing royalty and bond rates for traditional energy, establishing preference criteria for leasing, and elevating ‘conservation’ as a multiple-use qualification for BLM land in spite of Congressional intent under FLPMA. This is in stark contrast to how BLM treats solar energy.

Comparatively, the BLM has opted to slash megawatt-hour capacity fees for wind and solar on federal land by a shocking 80 percent². Additionally, the administration seemingly takes no issue with the destruction of desert tortoise habitat to place solar panels in Nevada, as it did for the Yellow Pine³ and Ivanpah solar projects⁴. While we support commonsense laws that mitigate unnecessary environmental harm without impeding on the rights of private landowners, showing favoritism towards certain types of energy generation on federal lands should be replaced with an “all of the above” energy strategy that prioritizes reliability and multiple use.

The permitting and construction of transmission lines, necessary for the transmission of the energy generated by solar panels, is a concern as well. The BLM’s preferred alternative contains a requirement for solar installations to be placed within ten miles of a 100 kilovolt (kV) line, but the diagram used includes routes for proposed transmission lines (which have not begun construction or are not finished) are shown, which artificially increases the proposed amount of land available for solar construction under the ten-mile restriction. Additionally, due to extensive litigation from environmental groups, it is difficult to build large-scale, interregional transmission lines. Environmental litigation temporarily halted the construction of the SunZia line⁵ which was originally approved almost ten years ago. Likewise, permitting delays have stopped the Cardinal-Hickory Creek Transmission Line⁶ and the TransWest power line, which has been stalled for a staggering 18 years⁷.

² 88 FR 39726, RIN: 1004-AE78

³ Castillo, S. (2021, July 30). *Desert tortoise deaths raise concerns as solar farms solve energy need*. Las Vegas Review-Journal. <https://www.reviewjournal.com/news/science-and-technology/desert-tortoise-deaths-raise-concerns-as-solar-farms-solve-energy-need-2408456/>

⁴ Cart, J. (2012, March 4). *Saving desert tortoises is a costly hurdle for solar projects*. Los Angeles Times. <https://www.latimes.com/archives/la-xpm-2012-mar-04-la-me-solar-tortoise-20120304-story.html>

⁵ Brean, H. (2024, January 22). *Tribes sue to stop work on SunZia power line through San Pedro Valley*. Tucson.com. https://tucson.com/news/local/tribes-lawsuit-sunzia-transmission-line-arizona-san-pedro-river-wind-energy/article_8205227c-b949-11ee-8d8b-fbdc4b7ee822.html

⁶ Tomich, J. (2023, August 3). *What’s next after legal win for contentious Midwest Power Line*. E&E News by POLITICO. <https://www.eenews.net/articles/whats-next-after-legal-win-for-contentious-midwest-power-line/>

⁷ Angueira, G. A. (2023, April 17). *Massive transmission line will send wind power from Wyoming to California*. Grist. <https://grist.org/energy/massive-transmission-line-will-send-wind-power-from-wyoming-to-california/>

Lastly, we are concerned with the number of acres that will be needed to produce solar energy when other energy sources are more reliable on smaller parcels. It takes roughly eight acres of land to produce one megawatt of energy using solar, but only less than three and a half acres using natural gas⁸. The Gemini solar plant in Nevada takes up over 7,000 acres of land to produce less than 700 MW of energy. To produce 1,000 MW, a wind farm needs an incredible 23,000 acres. For comparison, a nuclear power plant requires just 1.3 square miles (832 acres) to produce the same amount of energy⁹. The BLM's preferred alternative would utilize 22.2 million acres for solar generation, but the planning area in total encompasses over 162 million acres. Solar panels limit grazing, minimize recreation, and prevent fracking and other energy generation sources. By excluding these uses from the PEIS, the BLM is not putting all multiple-uses on equal footing, effectively picking winners and losers despite a large disparity in efficiency per acre.

Therefore, we request that the Bureau of Land Management respond to the following questions:

1. How has the BLM concluded that the Western Solar Plan is compatible with FLPMA's multiple-use designation?
2. How will this Western Solar Plan's PEIS survive environmentalist litigation similar to that which prevented the 2005 Section 368 corridor designations?
3. Will the Western Solar Plan be successful without an expansion of high voltage transmission lines?
4. Why should this PEIS not be expanded to include all energy generation?
5. Does the BLM believe it is appropriate to relocate or depredate animals listed as 'threatened' or 'endangered' under section 4 of the Endangered Species Act to pursue renewable energy expansion?
6. Does the BLM believe that this plan maximizes the beneficial use of available surface acres?
7. What consultation has BLM taken with solar industry stakeholders that make them believe that areas identified in this plan are also where developers want to build?
8. Solar energy development is already permitted on BLM land. Why does this industry need a special carve out?

We request that you answer these important questions in writing by Friday, May 24, 2024.

⁸ Stevens, L. (2017). (publication). *The Footprint of Energy: Land Use of U.S. Electricity Production*. Strata. <https://docs.wind-watch.org/US-footprints-Strata-2017.pdf>.

⁹ *Land needs for wind, Solar Dwarf Nuclear Plant's footprint*. Nuclear Energy Institute. (2015, July 9). <https://www.nei.org/news/2015/land-needs-for-wind-solar-dwarf-nuclear-plants>

Sincerely,



Harriet M. Hageman
Member of Congress



Lauren Boebert
Member of Congress



Pete Stauber
Member of Congress



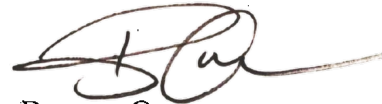
Cliff Bentz
Member of Congress



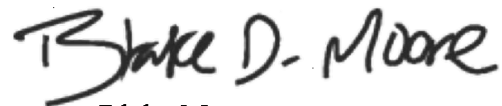
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Celeste Maloy
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Burgess Owens
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Blake Moore
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