

WESTERN SLOPE  
CONSERVATION  
CENTER



The Western Slope Conservation Center  
204 Poplar Ave  
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**RE: *DOI-BLM-HQ-3000-2023-0001-RMP-EIS, Utility-Scale Solar Energy Development PEIS/RMPA***

Dear Jeremy Bluma,

The Western Slope Conservation Center (WSCC) is proud to offer the following comments on the Utility-Scale Solar Energy Development PEIS/RMPA. WSCC's mission is to build an informed and engaged community to protect the lands, air, water and wildlife of the Western Slope. Our membership of over 600 community members across Colorado, are deeply interested in solar power generation and the development of programs and national policies for the Bureau of Land Management (BLM). WSCC understands the role public lands will have in supporting current and future national clean energy goals, long-term energy security, climate resilience and improved conservation outcomes. WSCC is particularly interested in exclusion criteria for areas of high natural value and resource conservation.

WSCC supports an updated, comprehensive landscape level approach to balance resource management and conservation needs with the congressionally mandated goal of permitting 25 gigawatts of renewable energy on public lands by 2045. This Programmatic EIS examines five Action Alternatives, each of which involve the identification of BLM-administered lands available for, or excluded from utility-scale solar applications in the 11-state planning area, as well as presenting updated programmatic design features for solar development. The BLM may choose to adopt one of the alternatives or a combination of alternatives that can vary by region.

The BLM's preferred action alternative 3 is a positive stride toward the goal of balancing renewable power generation while protecting critical habitat, cultural resources and national conservation lands; but falls short of gaining WSCC's support over alternative 5. Alternative 5 combines the focus of Alternatives 3 and 4 and identifies lands as available for solar application if they are both near transmission infrastructure and located on previously disturbed lands. While we believe this can be applied throughout the 11 western states, WSCC takes a particular interest in the landscapes across western Colorado. WSCC believes that action alternative 5 provides the method best suited for updating land use allocations, permitting processes, programmatic design features, and evaluating the environmental, cultural, and economic impacts of those potential changes.

WSCC opposes action alternative 1 simply on the basis that it poses too great a threat to the expansive natural landscape and habitat surrounding the the lower North Fork of the Gunnison, the Dolores Canyon Country, the western Uncompahgre Valley, portions of the northern Bookcliffs, the White River corridor, below Douglas Mountain, Vermillion Mesa, and the Little Snake River Corridor. WSCC also opposes action alternative 2 as falling short of the ideal balance between variance lands and process, allowing an excess of acreage for development in close proximity to wild land values.

Our scoping comments focus on protecting critical habitat, cultural resources, and communities. WSCC supports a vision that prioritizes conservation and community needs in guiding resource management and planning solar development. WSCC supports a thoughtful approach that establishes and incentivises priority areas in Colorado, and all 11 western states; including updates and adding to the exclusion criteria for the planning area.

We believe alternative 5 meets the a Reasonably Foreseeable Development Scenario (RFDS) that can project the amount of land area and electricity-generating capacity (power) requirements needed to support utility-scale solar energy development in the 11-state planning area through the year 2045 all while guiding localized planning and solar development that protects wildlife connectivity throughout the Southern Rockies bioregion. Our comments outline and (McGlothlin, et al.) expand on particular areas of the Utility Scale Solar PEIS:

- Alternative 5 provides for renewable energy goals across the 11 western states
- Alternative 5 provides for fewer resource conflicts.
- Analyze cumulative impacts of adjacent energy projects to resources (wildlife).
- Maximize designation of priority areas (i.e., Solar Energy Zones), Incentivise use of priority areas.
- Update utility scale definition to include setting an acreage disturbance limit.
- The PEIS must consider the full lifecycle of a project
- Exclusion Criteria: Support and add to resource based exclusion areas. Particular emphasis on expanding to include all inventoried Lands with Wilderness Characteristics (LWC), including citizen-proposed LWC, and
- Support for existing exclusion of Areas of Critical Environmental Concern (ACECs)
- Add river sections found suitable, or eligible Wild and Scenic River status to the exclusion criteria.

### **1. Alternative 5 meets renewable energy development goals by 2045**

As the nation moves forward with a much needed transition to renewable energy, our public lands will be part of this solution, but we must ensure that the planning process is fair, inclusive, equitable. We recognize the process is complicated in balancing a wide array of potential impacts to cultural resources, critical habitats and communities. WSCC supports an updated, landscape level approach that equally manages for conservation resources, while meeting the congressionally mandated goal of permitting 25GW of renewable energy on public lands by 2045.

WSCC's primary management objective is the protection of intact landscapes and their inherent scenic and biological values. Due to the larger overall land area required for utility-scale solar power installations, and that solar energy facilities are located where conditions are most ideal for development are often sited in remote areas near BLM conservation lands, monuments, and national parks<sup>1</sup>. To maintain consistency across the 11 state planning area, and most importantly in Colorado, WSCC suggests the BLM continue using criteria developed by the National Park Service (NPS) for assessing high conflict lands<sup>2</sup>.

To strike this balance, WSCC believes action alternative 5 provides the maximum environmental protection for Colorado, and across the 11 state planning area, by limiting impacts from utility-scale solar energy projects by focusing development across 8 million acres in the planning area. WSCC understands that utility-scale solar facilities and infrastructure upgrades will increase development across the landscape and represent considerable potential for impacts on a variety of natural, visual, and cultural resources on the local level.

Focusing our attention on Colorado, action alternatives 3 and 5 appear to closely resemble one another, but Alternative 5 is necessary to avoid significant conflicts in high priority conservation areas. WSCC believes alternative 5 provides the proper alignment of resource based exclusion criteria, proximity to transmission infrastructure, and disturbed land criteria that fits the on the ground resources at local field office level, across Colorado.

For WSCC, some specific Colorado landscapes that provide this contrast between alternative 3 and 5 are stark terms. Alternative 3 allows for a concerning amount of lands available for application along the Dolores River corridor, Disappointment Valley, Big Gypsum Valley, Naturita Ridge and Sawtooth Ridge area, the Uncompahgre Plateau, the Roubideau Bench, Wells Gulch, Hatch Flats, Lower Wolf Creek, Petersen Draw, Calico Draw, Disappointment Draw, Browns Park, and the Powder Wash area. These areas represent some of Colorado's most iconic and ecologically intact wildlands, highly valued by the WSCC staff, board and membership.

## **2. The PEIS should analyze cumulative impacts to conservation values across the lifespan of a project.**

WSCC supports National Conservation Lands units being included in the exclusion criteria for development. A single solar facility adjacent to conservation lands can produce large, irreversible impacts to viewsheds, connected wildlife habitat and migration corridors. The typical footprint of a PV solar energy facility significantly alters the viewscape producing a range of alterations including the removal of vegetation and earthwork, the construction and connecting transmission lines, access roads, construction and maintenance noise, light emissions.

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<sup>1</sup> Glennon, Robert and Reeves, Andrew M., Solar Energy's Cloudy Future (December 8, 2010). Arizona Journal of Environmental Law & Policy, Vol. 1, p. 91, 2010, Arizona Legal Studies Discussion Paper No. 10-45, PERC Research Paper No. 12/15, Available at SSRN: <https://ssrn.com/abstract=1722241>

<sup>2</sup> (McGlothlin, et al.)

WSCC is concerned about the integrity of critical wildlife habitat and migration corridors. This includes numerous species such as large ungulates, Gunnison, and Greater Sage Grouse, migratory birds, and apex predators. This Solar PEIS analyzes reasonably foreseeable development across the next 20 years. Exclusion criteria and design features must include numerous considerations to protect conservation resources in Colorado and across the 11-state planning area. WSCC suggests the exclusion criteria and design features consider:

- Increased loading of particulate air pollutants and reduced visibility in Class I and sensitive Class II air quality areas.
- Vulnerability of sensitive cultural sites and landscapes and loss of historical interpretive value through destruction or vandalism.
- Altered water quality and quantity, including the frequency and magnitude of floods, and reduced levels of groundwater.
- Reduced habitat quality and integrity, and wildlife movement along migration corridors; increased isolation and mortality of key species.
- Fragmentation of natural landscapes
- Diminished wilderness, scenic viewsheds, and night sky qualities on landscapes.
- Compensatory mitigation to offset impacts and ensure viability of resources over time.
- Diminished cultural landscape qualities.

Considering the range of action alternatives, WSCC believes alternative 5 to be in the best reasonable alignment with our concerns. Alternative 5 also focuses on lands proximate to transmission and includes more available land than the reasonably foreseeable development scenario indicates will be needed for future solar development.

### **3. Utility Scale Solar Development impacts on wildlife.**

Utility-scale solar development poses multiple fatality risk factors to various wildlife. Birds have been documented to collide with photovoltaic (PV) panels because of the lake effect<sup>3</sup>, but also impacts on other wildlife caused by solar collectors, power block structures, project buildings, medium-voltage overhead lines, gen-tie lines (i.e., generator lead or transmission lines), fencing, and automobiles servicing the project.

WSCC recommends that protection of wildlife resources, habitat and migration routes be incorporated into action alternatives 1-5. This includes performing baseline studies that begin one year prior to project construction that quantify relative abundance, densities, and behavior patterns of resident and migratory wildlife species. Additionally, monitor all new utility-scale solar projects for fatalities, or sample projects from the available pool of projects to obtain region-wide fatality estimates. Improve broad scientific access, transparency, and wildlife data sharing, and methodological standardization. In summary, WSCC makes the following six recommendations towards low impact solar siting and design:

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<sup>3</sup> Hannah B. Vander Zanden, David M. Nelson, Tara J. Conkling, Taber D. Allison, Jay E. Diffendorfer, Thomas V. Dietsch, Amy L. Fesnock, Scott R. Loss, Patricia A. Ortiz, Robin Paulman, Krysta H. Rogers, Peter M. Sanzenbacher, Todd E. Katzner, The geographic extent of bird populations affected by renewable-energy development, *Conservation Biology*, 10.1111/cobi.14191, 38, 2, (2024).

- Avoid areas of high native biodiversity and high-quality natural communities
- Allow for wildlife connectivity
- Incorporate design features that avoid or minimize the construction of fencing with potential to impede wildlife movement
- Preferentially use disturbed or degraded lands
- Protect water quality and avoid erosion
- Restore native vegetation and grasslands
- Provide for wildlife habitat

Best management practices are site-specific<sup>4</sup>, and solar developers must adopt and advance the best possible outcomes for wildlife. The BLM should standardize implementing compensatory mitigation to offset impacts, with a goal of ensuring viability of resources over time, for action alternatives 1-5.

**4. BLM should add to resource based exclusion areas that include all LWC units, citizen proposed LWCs, ACECs, as well as river corridors considered suitable or eligible for Wild and Scenic designation.**

WSCC's members, board and staff have deep connections to the protected lands across Colorado's Western Slope. We enjoy these lands for a spectrum of recreational activities that include hiking, wildlife viewing, experiencing solitude and cultural sites, all of which provide a heightened quality of life, personal growth and bonding experiences between friends, family and community. WSCC believes that the Solar PEIS is a vital component of protecting and enhancing western landscape values and thus, a landscape level approach to planning that minimizes adverse impacts on wildlife, cultural sites, or lands with conservation and recreation values. The Solar PEIS must ensure that lands with conservation or recreation values are identified first, with subsequent siting of solar development focused toward Solar Energy Zones (SEZs).

The BLM must include all LWCs, including citizen inventory, in the exclusion criteria for the Solar PEIS. Currently this exclusion criteria is reliant on the local RMP level to identify LWCs. Local RMPs often utilize outdated science and data and should not be considered adequate unless all LWCs are included. The BLM must ensure that LWC and ACECs inventories are compliant with current policy and be respondent to citizen proposed inventories of both LWCs and ACECs. A major concern of WSCCs is the intersectionality and integration of the Solar PEIS process into local level RMPs.

The proposed Resource-Based Exclusion Criteria Common to All Action Alternatives should be expanded to include all river sections found to be suitable or eligible for inclusion in the Wild and Scenic Rivers System, not just designated rivers in the WSR system. This would also include any associated corridor and lands identified for protection through an applicable river corridor plan (or wild and scenic study report, relevant RMP, or comprehensive river management plan).

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<sup>4</sup> The Nature Conservancy et al. "Principles of Low-Impact Solar Siting and Design." The Nature Conservancy, <https://www.nature.org/content/dam/tnc/nature/en/documents/2023SolarGuidanceTNCNC.pdf>.

Absent a river plan, protection corridors are 1/4 mile to either side of the river from the ordinary high-water mark, unless otherwise provided by law.

The Solar PEIS should exclude all units of BLM National Conservation Lands System, National Conservation Areas, National Monuments, and other areas similarly designated for conservation. Guidance must establish the potential for future conservation land use, such as when the project would “invade the area or unreasonably diminish” an area pending an upgrade in conservation status. Specific areas of concern include the Roubideau Bench in Montrose County, and the Uncompahgre Plateau in Ouray and Montrose counties, the Dolores River Canyon landscape in Dolores, San Miguel, Montrose and Mesa counties, the Vermillion Basin, the Greater Dinosaur Area, and the Cherokee/Powder Wash area in Moffat County. These are critical and important landscapes for WSCC that sustain biodiversity, outdoor recreation and cultural identity in Colorado.

WSCC recommends alternative 5, with proposed modifications, for Colorado and across the 11-state planning area. Alternative 5 includes updating design features for a number of resource concerns, focusing development on previously disturbed lands, exposes the least amount of impacts to wildlife habitat, migration corridors, special status species, cultural resources, minority and/or low-income populations<sup>5</sup>.

#### **5. The PEIS should maximize the designation of priority areas with incentives, and minimize variance areas**

WSCC recognizes the need to improve the solar development and application process by providing development opportunities in specified solar application areas while maintaining sufficient flexibility to account for site-specific resource considerations on a case-by-case basis under subsequent project-specific NEPA analysis.

The BLM must identify and establish priority areas in our region of Colorado, and across the 11-state study area. WSCC supports the BLM management authority to designate SEZs for PV solar energy facility development, and incentivise industry to utilize those areas. The 2012 Western Solar Plan<sup>6</sup> identified 285,000 acres in 17 SEZs across Arizona, California, Colorado, Nevada, New Mexico, and Utah.

The BLM’s goal in prioritizing and incentivizing development in SEZs is to direct development of solar energy projects to locations on BLM-administered lands with high potential for solar energy generation and low potential for resource conflicts. WSCC recommends that priority areas be located in low-conflict areas that are near transmission infrastructure or on disturbed or degraded lands.

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<sup>5</sup> DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR UTILITY-SCALE SOLAR ENERGY DEVELOPMENT, DOI-BLM-HQ-3000-2023-0001-RMP-EIS

<sup>6</sup> (“Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States”)

## **6. Utility Scale Solar Development must involve all front line communities, Tribal communities.**

Action alternatives 1-5 should include robust public engagement across a range of impacted communities, with an emphasis on minority, low-income and Tribal communities. Tribes are, by definition, sovereign nations and not subject to state or local jurisdiction. Utilities are most often subject to state oversight, and their interconnection policies and regulations are designed for non-tribal entities. Regulatory barriers can also exist at local, state, regional, Tribal<sup>7</sup>, or federal levels. Robust Tribal and community engagement will support a more complete and thoughtful process to pursue solar development.

The BLM should consider a regulatory framework or mechanism for utilities that establishes a Tribal or rural community liaison that can assist in navigating the often large and opaque bureaucracy of utility organizations and projects. The BLM should standardize implementing compensatory mitigation to offset impacts, with a goal of ensuring viability of resources over time.

## **7. Conclusion**

We are pleased to submit these comments as the BLM considers updating the siting and permitting processes on public lands to increase renewable energy production while ensuring robust protection for biodiversity. WSCC encourages the BLM to ensure a smart from the start, landscape level, comprehensive, adaptable, and ecologically responsible approach to solar development on public lands.

By prioritizing these considerations, the BLM can lay the foundation for a resilient and harmonious coexistence of ecological, social, and economic interests of Colorado and the 11-state planning area setting a precedent for sustainable resource management practices for our society.

Sincerely,



Hannah Stevens,  
Executive Director  
Western Slope Conservation Center

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<sup>7</sup> Beshilas, Laura, Scott Belding, Karin Wadsack, Elizabeth Weber, M.J. Anderson, Kelsey Dillon, Sara Drescher, Jake Glavin, and Reuben Martinez. 2023. Addressing Regulatory Challenges to Tribal Solar Deployment. Golden, CO: National Renewable Energy Laboratory. NREL/TP-7A40-85741. <https://www.nrel.gov/docs/fy23osti/85741.pdf>.