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Feinstein Desert Bill Attempts to Reconcile Landscape Protection, Clean Energy

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When Sen. Dianne Feinstein (D-Calif.) announced a sweeping desert preservation bill last month, it garnered national attention for placing nearly 1 million acres of Mojave Desert off-limits to development -- a move that some believe would derail a dozen proposed solar-power projects.

But a close reading of the "California Desert Protection Act" reveals a nuanced piece of legislation that includes several proposals to encourage renewable energy in the Mojave Desert and across the Southwest.

Among them is a mandate that the Defense Department review several million acres of military lands in California, Arizona and Nevada, and identify suitable sites where wind farms, solar arrays and other renewable resources could be developed. The Pentagon would then conduct environmental impact statements to ensure projects move quickly through the permitting process.

The bill would also require the Bureau of Land Management, the largest federal land management agency with 253 million acres in its portfolio, to locate parcels suitable for renewable energy development, giving the agency 12 months from the date the bill is enacted to complete the task. The Forest Service, which oversees 193 million acres, must complete a similar effort in 18 months.

The bill would also attempt to break up the logjam of pending renewable-energy project permits, particularly in California, by setting firm deadlines for project applicants to conduct feasibility and environmental studies or risk having their lease thrown out.

The aim is to not only speed up renewable energy development but place projects in locations that do not create environmental harm or disrupt recreational activities, officials familiar with the legislation said.

In a strongly worded statement announcing the bill's introduction Dec. 21, Feinstein said the federal government "has failed to focus wind and solar development on appropriate lands where it can be readily permitted," and she criticized BLM for being "slow to direct development towards disturbed lands or to discourage proposals on lands acquired for the purpose of conservation."

Feinstein added, "Bottom line: the permitting process is broken. It is not facilitating solar and wind development where it belongs. This legislation intends to fix that."

Yet the bill has been widely perceived as having a chilling effect on solar-power development in the California desert, which contains some of the best solar resources in the nation. BLM is currently reviewing applications for 120 solar and wind-power projects in the region. About a dozen of those projects would be scrapped under Feinstein's bill.

The Solar Energy Industries Association declined to comment on the legislation, saying officials still had not fully evaluated the sprawling bill. But Robert F. Kennedy Jr., a national environmental activist and partner with a venture capital firm that has invested in solar energy, told *The New York Times* last month that the Mojave Desert area in question "is arguably the best solar land in the world" and that Feinstein "shouldn't be allowed to take this land off the table without a proper and scientific environmental review."

One project in the cross hairs of Feinstein's bill was a proposal by Houston-based Tessera Solar on roughly 12,000 acres of the Mojave that would be placed off limits to development. The company cancelled the project early last month, "partially in response in what we anticipated the senator might do," said Sean Gallagher, Tessera's vice president for market strategy and regulatory affairs.

However, the company has two other solar projects planned for sites outside Feinstein's proposed conservation area totaling 1,600 megawatts -- enough to power nearly 500,000 homes. Construction on those projects could begin later this year, according to Gallagher.

And even though Tessera opted to ditch one piece of its Mojave development plan as a result of the bill's protected area requirements, Gallagher said his firm remains optimistic about other aspects of the bill. "We do think some of the provisions ... that are intended to speed renewables development do look promising," he said.

BLM has conducted inventories of suitable sites for wind and geothermal power projects and is in the middle of a detailed study of 24 "solar study zones" in six Western states that should help identify the best locations for industrial-scale solar plants, said John Dearing, a BLM spokesman in Sacramento.

Carl Zichella, director of Western renewable programs for the Sierra Club in Sacramento, said Feinstein's bill is another example of the federal government pushing to develop renewable energy the right way.

"Fusing the conservation and renewable energy development together makes it a little awkward, but this is a real attempt at balance," Zichella said.

Vast potential on military lands

One priority of the Feinstein bill is to identify the renewable energy potential on the 25 million acres overseen by the Defense Department, including significant desert acreage in California, Nevada and Arizona. DOD would then conduct a blanket environmental impact statement (EIS) for parcels in those three states.

The overall goal is to identify "zones where renewable energy production is in the public interest and where environmental approval of renewable energy projects can be expedited," according to the bill summary.

Jerry Hansen, the Army's senior energy executive, said last month that the Army has already issued a directive that each base perform surveys to identify areas that are suitable to support renewable energy projects. And the Defense Department has a goal to produce 25 percent of its power needs from renewable energy sources by 2025 ([Land Letter](#), Dec. 3, 2009).

To meet that goal, the Pentagon has embarked on several recent major renewables projects, including a 500-megawatt concentrated solar facility at Fort Irwin, near Barstow, Calif., in the high Mojave Desert. The \$1.5 billion project is a joint venture with Clark Energy Group and Acciona Solar Power and could be producing at full capacity by 2022, according to the Army.

Industry observers and government regulators regard the use of military land as critical to achieving the dramatic expansion of renewable energy being pushed by the Obama administration. The reason is simple: Military sites, particularly in California and Nevada, "have thousands of disturbed acres which cannot be used for training and may be good places for renewable energy development," according to the bill summary.

As a result, the Pentagon could help resolve what has become the leading obstacle to expanding renewable energy -- opposition to the siting of power plants in sensitive or pristine landscapes.

"By requiring the military to evaluate the impacts of a program to develop its solar resource, the legislation ensures that all available public lands are properly considered for renewable energy development," Feinstein told Congress last month.

Responsible renewable development

The Feinstein bill also calls for expanding transmission infrastructure needed to move electricity from remote wind farms and solar arrays to population centers where the power is needed.

The bill calls for establishing loan guarantees and grants to develop "new technologies" that allow for the expansion of electric transmission capacity "without requiring the permitting and construction of massive new towers," according to the bill summary.

The Obama administration has made the upgrade and expansion of tens of thousands of miles of transmission lines a centerpiece of its plans to expand the use of renewable energy. Six-and-a-half billion dollars provided under the American Recovery and Reinvestment Act is aimed at providing tax breaks and other incentives to build out the infrastructure necessary to move that "green power" from rural production areas to market.

Most of the nation's high-voltage transmission lines have operated for decades with relatively little maintenance or upgrades, and many were never designed to transport electricity over great distances. Federal officials and industry experts say that transmission projects currently in the development pipeline will carry an additional 13,000 megawatts of electricity across the region by 2018, enough to power more than 10 million homes.

But, as with the siting of the renewable energy projects themselves, finding suitable places to build transmission lines has been a major problem.

The grants and guaranteed loans referenced in Feinstein's bill would aid in the development of underground transmission lines, reducing impacts to sensitive species like the greater sage grouse and alleviating the visual punch of large transmission projects in certain pristine locations.

One problem is that underground transmission technology remains very expensive. An alternative approach -- developing high-tech power lines that could carry additional electricity along existing rights-of-way -- also needs more development, officials close to the legislation said.

According to the bill summary: "By providing support for these innovations, grants and loan guarantees would help prove these emerging technologies in a cost effective public-private partnership."

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