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April 16, 2024

Jeremy Bluma, Acting Division Chief
National Renewable Energy
Coordination Office (NRECO)
Bureau of Land Management
1849 C Street NW, Washington, DC 20006

Comments to be submitted via eplanning portal: <https://eplanning.blm.gov/eplanning-ui/project/2022371/510>

RE: DOI-BLM-HQ-3000-2023-0001-RMP-EIS Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development

Dear Acting Division Chief Bluma:

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development (“PEIS”). Pursuant to Memorandum of Understanding (“MOU”) No. CO-076-97-001 between Mesa County and the Bureau of Land Management (“BLM”), we offer the following comments.

Helium Reserves in western Mesa and Garfield Counties

The Colorado River Valley Field Office (“CRVFO”) and Grand Junction Field Office (“GJFO”) have been in process of a Resource Management Plan Amendment (“RMPA”) and Supplemental Environmental Impact Statement (“SEIS”) in response to lawsuits related to cumulative effects of oil and gas production. Mesa and Garfield counties have strongly advocated for keeping the helium-rich area in the western part of both counties open for future exploration and production. There is an area, comprising approximately 6,300 acres in western Colorado, that is designated as “lands available for application” in all alternatives of the Utility-Scale Solar Energy Development PEIS that also overlays this important helium area. Helium plays a critical role in various industries, including medicine, aerospace, national security, and scientific research. Given the importance of this resource, it is essential to ensure that this helium is available for future needs.

Valid Existing Rights Must be Honored

There are dozens of subsurface mineral leases in the northern portion of Mesa County. As with the Helium potential area, these leased areas coincide with “lands available for application” in the PEIS. Further it appears that the same areas’ surface is seemingly fully leased by grazing leases.

As the PEIS proclaims that utility solar projects typically “preclude other land uses within the project footprint”, we strongly believe that any proposals for solar development in this area should prioritize honoring the existing leases before allowing a right-of-way (“ROW”) lease that could harm these rights. Should a project proposal allow for continued multi-use of the land, it is crucial to establish early and consistent communication with these lessees. This communication should

aim to create an efficient process that benefits all stakeholders and respects all existing uses without compromising valid existing rights.

For projects that could potentially preclude future grazing leases, reduce Animal Unit Months (“AUMs”), or impact access for trailing, maintenance of water infrastructure, or fencing, the BLM must ensure there is no disruption to the continuity of producer’s operations. We advocate for thorough and continuous communication with all stakeholders involved.

Resource Exclusion Areas

It is our understanding that due to the number of federal land processes currently underway, there may be additions to the exclusion areas as the in-process reviews are finalized. To this, Mesa County recommends the planning team for the PEIS correspond with the Grand Junction Field Office RMPA planning team to ensure the areas identified as “lands available for application” corresponds with the proposals for Areas of Critical Environmental Concern, Lands with Wilderness Characteristics, and other management designations proposed in the RMPA that are exclusion areas under this plan.

Local Involvement in Planning

We appreciate the provision in the PEIS that requires conducting a National Environmental Policy Act (“NEPA”) evaluation at the project level prior to the BLM issuing a ROW notice to proceed. While this overarching plan offers a high-level review of land use, it is crucial that local governments, area stakeholders, and adjacent property owners are informed early about project applications and given an opportunity to review and provide comments during the stages of planning.

As mentioned on page F-197 “Primary impacts on transportation are expected on local road networks near a solar energy facility, potentially resulting in degradation in the level of service.” Given these facilities have the potential to have a considerable impact on multiple local government resources, Mesa County again stresses the importance of early involvement of local community development, road and bridge, sheriff, fire, and emergency response departments. As these facilities on BLM lands will be accessed via Mesa County roadways, consideration must be given to potential fiscal impacts to the County’s resources and dialogue early in the siting process is the best way to mitigate and plan for those impacts. Additionally, these departments are able to provide direction regarding dust suppression, stormwater management, fire mitigation, and permit requirements.

As previously mentioned, Mesa County is responsible for ensuring structures meet property line setbacks, have appropriate access, and are constructed to meet all applicable building safety codes. Any solar facility applicant in Mesa County should be directed to Mesa County Community Development early in the process to determine site plan and permit requirements. Early communication will also ensure that our staff are adequately prepared to safely conduct inspections, assist in firefighting efforts, and transportation issues related to the various utility solar sites.

Military and Civilian Aviation

The Grand Junction Regional Airport is approximately five miles from an area identified as available for applications. Given the close proximity, Mesa County requests the BLM correspond with airport officials to ensure projects proposed in this area do not create a safety concern for flights utilizing the airport.

Planning Flexibility for Future Need

It is crucial that the plan allows for flexibility to address on the ground conditions and unforeseen needs. For instance, the PEIS provides the BLM with the authority to consider projects in an exclusion zone and may authorize the project pending an update to the PEIS. It is our belief that this process should be directed by local land managers, where there is a deep understanding of the area, wildlife requirements, and community preferences. A localized decision-making process holds the promise of more effectively balancing the development of renewable energy projects with the conservation of natural resources and the preservation of community values.

Water Usage

Section 3.2.3 of the document discusses the possibility of purchasing water from a nearby municipality and transporting it daily to the site for construction purposes. In cases where this option is not viable, the document suggests using water from nearby surface water features or onsite wells. Considering the limited availability of water in the arid southwest, it is imperative to ensure that the inclusion of a large solar facility does not negatively impact water rights and availability in the region.

Update to Mesa County Land Development Code

In January 2024, the Mesa County Board of Commissioners implemented a temporary moratorium on new solar development within the county. A proposed Land Development Code amendment related to this moratorium is scheduled for review by the Board on April 24, 2024. Mesa County requests that this information be considered in the consistency review for the PEIS.¹

Document Additions

Colorado should be included in Section 4.4.3.3 Mammals as a state that is home to the gray wolf. The gray wolf was introduced into Colorado on December 19, 2023. Additionally, the US Fish and Wildlife's EIS for the Colorado 10(j) Rule noted that the wolf population in the northern Rocky Mountain region, including Montana, Wyoming, Idaho, the eastern portions of Washington and Oregon, and a small portion of north-central Utah, has been delisted from the ESA.²

For clarification, a statement should be added to page F-189, F.16.2 Supplemental Material for Affected Environment that explains the special designations in this section are only on BLM lands.

¹ Mesa County. (2020). Land Development Code. January 14, 2020, Amended October 17, 2023. Retrieved from https://www.mesacounty.us/sites/default/files/2023-12/Land%20Development%20code%20-%202020%20%28Amended%2010-17-23%29_4_0.pdf

² U.S. Fish and Wildlife Service. (September 2023). Final Environmental Impact Statement Colorado Gray Wolf 10(j) Rulemaking. Page 1-1.

As written they appear contradictory to Table F.3.2-8 through F.3.2-10. As an example, Table F.3.2-10 identifies eleven national monuments in Colorado. However, Table F.16.2-2. National Monuments (NMs), 11-state Planning Area on page F-190 shows only two national monuments in Colorado.

In Appendix F, Table F.16.2-5. National Historic and Scenic Trails (NHTs and NSTs) identifies only one historic and scenic trail in Colorado. However, there are two listed on the BLM's website: <https://www.blm.gov/programs/national-conservation-lands/colorado>. These two trails include:

- Continental Divide Scenic Trail
- Old Spanish National Historic Trail

It also appears that Table F.16.2-4. Wilderness Study Areas (WSAs) is missing a WSA in Colorado.

Conclusion

Thank you for your consideration of the above comments. We look forward to continued engagement in this process.

Sincerely,

Bobbie Daniel, Chair
Board of Commissioners

Cody Davis
Commissioner

Janet Rowland
Commissioner

CC: Mesa County Board of County Commissioners
Mesa County Administration
Todd Starr, Mesa County Attorney