



# CITIZEN ENGAGEMENT FOR **LARGE-SCALE** SOLAR DEVELOPMENT

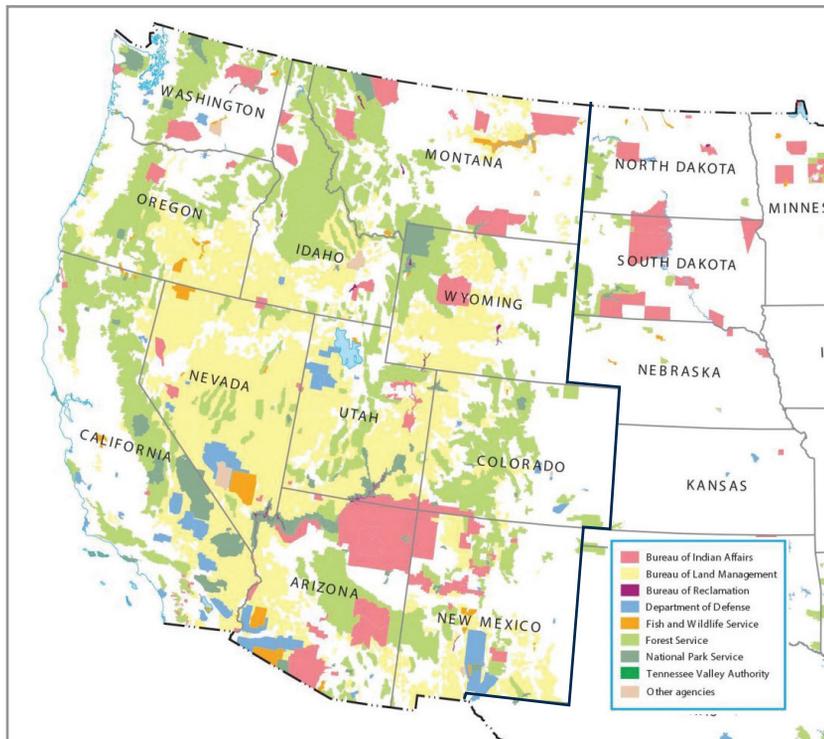
A game changer

**BY KEVIN PREISTER AND JIM KENT**

There are big changes afoot for the right of way profession given the proliferation of opportunities at our doorstep. In our last column for the Right of Way Magazine (“Reconnecting Communities,” Nov/Dec 2022), we discussed the new congressional bill, the Infrastructure Investment and Jobs Act (IIJA) and the numerous projects it will generate. We also highlighted the need for having a bottom-up citizen engagement process to ensure success when addressing the many infrastructure projects from highways to rails, waterways, harbors, utility, internet for rural areas and more. The scale of these projects requires a unique citizen engagement process in order to succeed.



On the horizon is another major project that will create opportunities and challenges for the right of way profession depending on the readiness of our energy sectors to engage in and provide leadership in a new situation of high stakes. The increasing demand for solar energy and the new legislation providing resources to address climate change contained in the Inflation Reduction Act have now prompted the Bureau of Land Management (BLM) in 2023 to begin a Programmatic Environmental Impact Statement (PEIS) for solar energy development that applies to all 11 western states. Note: The BLM lands make up more than 200 million acres. That means that the BLM for this PEIS has jurisdiction over one-eighth of the country’s landmass. The map below displays the BLM lands across the 11 western states.



Source: GISGeography.com

A programmatic EIS is one that addresses broad policy goals of an agency on behalf of the nation. Once completed, the programmatic EIS is used to evaluate individual solar projects through an “environmental review.” The individual projects must be “utility scale,” capable of producing at least 20 MW of electricity for distribution through the electrical transmission grid system.

We have previously written about an early phase of this project (July/August 2012, “Saving Fast Track: Alternative Energy Futures at Stake”). In that year, BLM began evaluating solar projects in the six states of the southwest. It was promoted as a “fast-track” approach to approvals. However, it was implemented in a manner that immediately created controversy. Officials responsible for the program underestimated the up-front citizen engagement necessary for the project to be successful. Active resistance was immediate due to the BLM bypassing the long-term relationships that they had developed with the communities over many years. BLM side-stepped its own management traditions for fast track. This action sidetracked the anticipated “fast-track” benefits of the BLM initiative.

Clearly, we have been down this road before. This new and ambitious program launched as a second phase by the current PEIS could be negatively impacted in a similar manner unless citizens are approached in new ways.

Rather than “design, propose and defend” (the old top-down model), ROW agents, as well as their project owners, will need to “learn, engage and benefit” (the new bottom-up model). President Biden expressed the new model in his statements, including his State of the Union address and more recently, in his speech in Selma, Alabama (March 5, 2023). He said: “And that is why we are building an economy...that grows the economy from the bottom up and the middle out, not from the top down... because when we do that—we build from the middle out and the bottom up—the poor have a ladder up, the middle class does very well, and the wealthy still do well.”

This bottom-up directive is the marching order for all his agency appointments. Therefore, the PEIS is following the president’s directive and has committed to use a bottom-up approach to decision making as expressed in BLM’s first two scoping sessions. This is a different decision-making environment than the one that prevailed in the conflict-riddled 2012 effort. It is therefore prudent for right of way professionals to demonstrate in their programs of work that they have the understanding and the skills to conduct bottom-up approaches, rather than continue using the “top-down” approach that has dominated project decisions for decades. For better or worse, the old model is no longer viable.

Taking the lead will require some adjustments to business as usual in project design, start up and implementation. As we have brought the Social Ecology Course 225 instruction to 19 Chapters (as of March 2023), we have discovered common themes reported by ROW professionals, that if addressed, will place IRWA in the leadership position that is needed to assist the BLM to succeed in their PEIS. However, as we have found in today’s decision-making environment, many right of way agents often do not have the “operating space” to be successful (July/August 2018, “Successful Project Implementation: Expanding the Operating Space of the Right of Way Professional”). In order to create more operating space, timelines for working within the community will need to be expanded at the front end of a project. Currently, the timelines are too short to give the agent time to learn

about community issues. Citizen issues, when discovered early, can be resolved in project design which is a cost- and time-efficient procedure.

What we have learned from ROW agents through delivering Course 225 is that social risk goes up to the extent that these factors are present:

- Surprise! to the people impacted by the project — the number one predictor of social risk
- The reluctance of client companies to seriously invest in citizen engagement
- Arbitrary or unrealistic project timelines that don't match community timelines
- Over-reliance on the power of company-generated facts — how many managers have you heard say, “We’ve got to get another fact sheet out there — this one is not working”
- Under-reliance on the power of trust — ROW agents know full well that trusting relationships with community members is critical for community and company health, as well as for project success
- Failure to incorporate local knowledge and citizen design ideas because the timeline forces reliance on formal methods
- Fragmented and often poor communication with top management that is predictably “too little, too late.”

Based on the above observations, it would appear that a committed effort to change the trajectory of these projects should be considered. The new BLM program will spawn hundreds of solar projects and will provide great opportunity but faces poor prospects because of how the contracting occurs between right of way professionals, contractor companies and the companies for which they work.

There is an opportunity for a new management approach that will be necessary if solar is to become available in a short time frame involving BLM lands. The central interest is to engage the public prior to the final design stage to allow community interests to be factored into the design process, while meeting the project owner’s budget and schedule needs. A management cultural change is on the horizon.

Therefore, we encourage IRWA members, whether contract companies, project owners or individual members, to be active in creating the necessary operating space for right of way agents to be effective in carrying out their mission. Such an effort would include, but not be limited to, the following suggestions:

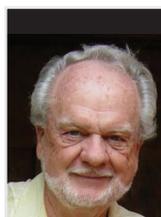
1. Conduct a fact-finding effort to determine how many right of way agents will be required to fulfill the obligations of the BLM projects that emerge from the PEIS. This gives us a quantitative base from which to plan for the project impacts on our profession.
2. Advocate with BLM now during the startup of the PEIS for an active “citizen engagement” approach that emphasizes methods that include direct contact with citizens in their own environment. Explicitly avoid the typical formal “public involvement” driven by formal meetings which are too often captured by special interests.
3. Convene a summit of the major “project owners,” which would hire ROW agents as well as experienced active and retired ROW agents who have been in the trenches, to discuss the current dynamic of infrastructure development, focusing on the new requirements necessary for ROW success.
4. Consider pilot efforts in various countries with IRWA Chapters that will demonstrate the effectiveness of bottom-up approaches advocated in this column.
5. Move beyond Course 225 (Social Ecology: Listening to Community) and develop a training program for the industry that prepares company personnel and ROW agents for success in these new and dynamic times of citizen power.

The solar program that will emerge from this PEIS presents a rare opportunity for IRWA and its members to take the lead in assisting the BLM decision making process to succeed. This BLM effort could pave the way for real dialogue within the industry to address the long-standing concerns presented in this article about how contracts and projects are developed.

IRWA has the mission, organization and talent in the right of way industry that the BLM needs to open new doors to meet the demands of this solar undertaking — it could be a natural partnership in the making. ✪



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