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Solar Energy Development PEIS

Comment ID: SolarM60214

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Privacy Preference: Withhold name and address from public record

Attachment: bppt\_peis\_scoping.pdf

Comment Submitted:



**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**  
Environmental Department  
*Big Pine Indian Reservation*

September 14, 2009

Solar Energy PEIS  
Argonne National Laboratory  
9700 S. Cass Avenue  
EVS/900  
Argonne, IL 60439

Dear Preparers,

Subject: Comments on Solar Energy Development Programmatic EIS

The Big Pine Paiute Tribe of the Owens Valley (Tribe) is a federally recognized Tribe located in Owens Valley, California. The Tribe is committed to the preservation of American Indian cultural resources, religious practices, and sacred lands as well as the responsible stewardship of natural resources. Thank you for the opportunity to provide comments during this scoping process for the Solar Energy Programmatic Environmental Impact Statement concerning BLM lands in six southwestern states.

**Tribal Consultation Process**

A notice was released in the Federal Register on June 30, 2009. The Tribe's first formal notice was via letter received from the BLM California Desert District Manager, dated July 1, 2009. The Tribe requests a copy of the Draft EIS as soon as it is released.

**Comments on Scoping Maps**

The Tribe encourages the BLM to focus evaluations for possible solar development on lands recently disturbed and to avoid lands showing no evidence of recent disturbance. Although it was difficult to discern (from the documentation provided) the exact criteria used for identifying lands for further study, the level of previous disturbance does not appear to be a criterion, and this is unfortunate. Known restrictions (e.g. designated wilderness or critical habitat for an endangered species) were used to lower the land's suitability or even omit it from further consideration, but it appears an assumption was made along these lines: If the details of a particular resource on a given area of land are unknown, then we assume there may *not* be any noteworthy or valuable resources. In reality, the reverse should be the rationale. If there is no known history of disturbance for an area, then it should be presumed intact and the goal should be to preserve it intact. For BLM lands, therefore, recently disturbed areas not of historic significance, such as mined sites, abandoned farm fields, rail yards, towns, or airfields (etc.) should be given higher priority for development than undisturbed areas. If it is learned that BLM lands are generally minimally disturbed or undisturbed, then BLM lands are probably not the

priority desert lands for further study for solar development. Certainly, disturbed desert lands do exist, they simply may be on private or other lands (e.g. military).

One BLM Planning Criterion states, “**Environmental protection and energy production** are both desirable and necessary objectives of sound land management practices and are not to be considered mutually exclusive priorities” (quoted from <http://solareis.anl.gov/eis/rmps/index.cfm>). The statement is problematic, because it can invoke many interpretations, some undesirable and unnecessary. The Tribe and many in the public have trusted the Federal Government with protecting our public lands for the long term and not leasing them to private, for-profit corporations for activities that, while perhaps beneficial to the public in some ways over the relative short term, actually degrade landscapes and resources for hundreds to thousands of years. By protecting the environment, the BLM protects the ability of the natural landscape to provide goods and services to the earth and all living organisms. With global climate change, our reliance on those goods and services is likely to increase. The Tribe feels protection of most all public lands should be a higher priority.

The information provided during the scoping process for this PEIS gives the misleading impression that the lands presented in the maps are the complete extents of lands to be considered for solar development in the six-state area. However, it is known that other areas are currently being studied or have been studied and are further along in the process to construct solar power facilities. For example, a site known as Ivanpah, has been evaluated, but it does not appear on the maps for this PEIS. It is unclear whether new sites, not highlighted in these maps, may be considered for evaluation at a later date. Either everything should be included in this PEIS, or a long, clear description of what is and isn't included, and why, should be presented. This is important for the public to understand the implications of full solar development on BLM desert lands, thus the extent of potential cumulative impacts.

The areas shown on the map for this PEIS are generally located outside the areas considered our Tribal homelands. It is our understanding that all Native Americans throughout the regions presented on the maps will provide specific knowledge on cultural resources to be considered. Even though the maps do not include our region, an important issue in our area has been export of water to fuel distant economies and energy generation. Taking resources from one area to develop resources in another should be avoided. It is imperative that availability of sufficient water resources is evaluated very early in the process. In addition, access to and the availability of any and all other necessary resources beyond insolation and transmission lines should be considered and any impacts associated with use of water and other resources for future solar facilities should be thoroughly evaluated. It is probable that many of the lands identified on the current maps need to be removed due to lack of feasible water supply or for other resource limitations.

The PEIS should make it clear that second tier/ site specific cultural and environmental analyses will still need to be intense once specific areas are identified for further study. The PEIS provides an overview, and not necessarily many details; the details deserve systematic scrutiny and evaluation.

## General Comments

If utility-scale solar is developed on BLM lands throughout the west, there will be impacts. Priorities should be first to avoid as many adverse impacts as possible. Secondly, resource impacts should be minimized if they are deemed necessary and steps should be taken as soon as possible to restore areas and ameliorate impacts. Finally, if sites cannot be fully restored, plans should be in place to compensate for the lost resources, goods, services, and values. The Tribe recommends a fund for mitigation be established for each developed site, and that considerable thought be given to the long-term and currently unquantifiable impacts such development will cause.

The PEIS should perform a thorough evaluation of royalties. Here, a royalty should be defined as the share of the profit paid to the grantor. Because the grantor for public (BLM) lands is the public, decide which public most deserves royalties. It could easily be argued that Native Americans who used resources on these lands long before solar development was anticipated should be the first to be considered for royalty agreements. Many Tribes throughout the desert region are now recognized as sovereign nations.

Sincerely,

A handwritten signature in black ink that reads "Virgil D. Moose". The signature is written in a cursive style with a large, prominent initial "V".

Virgil Moose  
Tribal Chairperson