

In Reply Refer To:
1610 (301)

First, Last, Suffix, Title
Organization
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City, State, Zip

Dear (Tribal Leader):

This letter continues the Bureau of Land Management's (BLM) government-to-government consultation with you regarding the establishment of a national solar energy program. Information about this effort, its legislative underpinnings, geographic scope, and the environmental analysis underway was included in several previous letters to Indian tribes beginning in June 2008. A Question and Answer Fact Sheet explaining the BLM-Tribal consultation procedures being followed for this program is enclosed.

The main purpose of this letter is to request tribal review and input on three key components prepared by the BLM to fully assess the effects of solar development on the environment, cultural resources, and Indian tribes within six southwestern states. The BLM would appreciate written tribal comments on the Supplement to the Draft Solar Programmatic Environmental Impact Statement (PEIS); the revised Programmatic Agreement governing compliance with Section 106 of the National Historic Preservation Act; and ethnographic studies carried out to inform decisions within the PEIS. This letter provides you with mailing addresses, e-mail addresses, and telephone numbers of key points of contact to facilitate your input. Face-to-face meetings with tribes and public meetings are being scheduled. Contact information is provided so that you can check on the scheduling of these events.

The BLM is evaluating the effects of solar energy development on the public lands in Arizona, California, Colorado, New Mexico, Nevada, and Utah in the PEIS. In February 2011, we sent you a copy of the Draft PEIS describing 24 proposed Solar Energy Zones (SEZ) where solar energy development could be prioritized. The Final PEIS is expected to be released in the summer of 2012. As a result of tribal and public input and additional environmental analyses, a number of SEZs proposed for consideration in the Draft PEIS have been eliminated while others have been reduced in size. These and other changes are described in the Supplement to the Draft PEIS enclosed with this letter. The Supplement is also available online through the project Web site: <http://solareis.anl.gov>.

The BLM developed this Supplement in response to extensive public and tribal comments regarding the Draft PEIS. The additional analyses contained within this document address:

- Modifications of the action alternatives
- Refinement of which SEZs will be carried forward
- A description of additional information that will be collected and analyzed for each SEZ to be carried forward
- A process for identifying new SEZs in the future
- A variance process for applicants seeking to develop projects outside of SEZs

The BLM is also working on a Programmatic Agreement (PA) describing the process by which the BLM will take into account the effect of the solar energy program on historic properties as required by Section 106 of the National Historic Preservation Act. In our February 2011 mailing, we included the draft PA for your consideration. We received a number of suggestions on how to improve that document, and the revised draft is included for your further review.

In the fall of 2010, the BLM awarded a contract to develop an ethnographic overview of select SEZs in the Great Basin region in Nevada and Utah to SWCA Environmental Consultants. The objective of the contract was to obtain tribal input on sacred landscapes and traditional cultural properties for consideration when solar applications are submitted in the future within designated SEZs in those two states. Cooperating tribes included the Timbasha Shoshone, Pahrump Paiute, Paiute Indian Tribe of Utah, Duckwater Shoshone, the Moapa Band of Paiute Indians, and the Confederated Tribes of the Goshute Reservation. The overview includes a literature review and field visits with tribal members as well as tribal interviews. All documentation released to the BLM was first reviewed and approved by tribal governments. The Tribes and their appointed cultural representatives provided this input into the PEIS in order to explain the meaning and cultural centrality of the plants, animals, spiritual trails, healing places, and sites of historic encounters that exist in and around the proposed SEZs.

Tribes attested that numerous landscape features, locations, sites, and resources were culturally significant. These included:

- Volcanic boulders used to hold the prayers of travelers
- “Doctor” rocks used in healing ceremonies and prayer
- Mountain tops used for vision questing and power acquisition
- Topographic features tied to Creation stories and songs
- Culturally significant plants and animals
- Physical and spiritual trails
- Volcanic features considered sacred and powerful
- Rock peckings and rock paintings (petroglyphs and pictographs)
- Viewscapes needed for ceremonial activities, including vision questing
- Hot springs, fresh water springs, and sulfur springs
- Archeological and historical sites
- Landscapes of origin
- Regions of refuge
- Locations used for round dances, balancing ceremonies, Ghost dances, or other ceremonies

Tribal input received as a result of this effort is summarized in Appendices B and C of the Supplement. The full tribally approved text is also available through the project Web site at: <http://solareis.anl.gov>.

The BLM would like to know if your tribe shares similar concerns to those expressed in the ethnographic study. For those areas of cultural and historical importance to your tribe, are there landscape features, sites, or resources that you feel are of cultural, historical, or sacred importance that the BLM should consider at this stage of the environmental review process? Would you be willing to identify traditional cultural properties similar to those mentioned above? Are there other types of traditional use sites, ethnobotanical resources, or landscape features that the BLM should be aware of when considering solar development proposals? Are there published or unpublished ethnographic accounts or other studies your tribe would recommend the BLM review when evaluating sacred landscapes or traditional cultural properties in areas subject to solar development? The confidentiality of any information your tribe would care to share with us would be respected to the full extent allowed by law.

The BLM recognizes that its national solar energy program is currently very broadly defined and, perhaps, somewhat abstract. Whether you choose to share any information now, please be assured that the BLM views its obligations to carry out government-to-government consultation regarding the solar energy program as an ongoing process. The BLM, through its line officers, will contact tribes in the future as specific applications are submitted and will provide opportunities for tribes to identify sacred sites and traditional cultural properties as the specific details of development projects become known.

When site-specific applications for solar development are received, whether within the SEZs or on other lands available for application through a variance process described in the Supplement, the BLM line officers will continue cultural resources consultation with affected tribes. We will seek information and insight on a site-specific basis that will be used to evaluate historic properties and landscapes. Tribal consultation results will be fully considered when the BLM line officer decides whether a proposed project may or may not be allowed to proceed. The agency will consult with tribes regarding programs of mitigation, monitoring, and eventual plans for remediation and retirement of solar facilities.

Solar companies must submit a complete and acceptable application before the BLM line officer will initiate processing of the right-of-way grant. Line officers will schedule a number of pre-application meetings with the proponent in which required cultural resource studies will be identified. Decisions regarding any required ethnographic studies will be made following tribal consultation. All cultural resource inventories and ethnographic studies will be completed and referenced in a final application before consideration of the request can proceed.

Commenting on the Supplement to the Draft PEIS. Please submit your comments on the Supplement to the Draft PEIS electronically by using the online comment form available at the project Web site: <http://solareis.anl.gov>. To facilitate analysis of comments and information submitted, we strongly encourage you to submit comments in an electronic format. You may also send your comments by mail to: Solar Energy Draft PEIS, Argonne National Laboratory, 9700 S. Cass Avenue – EVS/240, Argonne, Illinois 60439. Public meetings on the Supplement are being held in Las Vegas, Nevada, November 30; Phoenix, Arizona, December 1; El Centro, California, December 7; and Palm Desert, California, December 8. More information about

these meetings can be found on the project Web site. The public comment period for the Supplement will end 90 days after the Notice of Availability has been published in the *Federal Register* or on January 23, 2012, whichever date is later. Our contact person for the status of the Supplement to the Draft PEIS is Shannon Stewart, and she can be reached by telephone at 202-912-7219 or by e-mail at scstewar@blm.gov.

Commenting on the Proposed PA and Ethnographic Issues. Please submit your comments on the proposed PA or any concerns or input regarding traditional cultural properties or sacred sites by mail to Solar Energy Draft PEIS/PA, Argonne National Laboratory, 9700 S. Cass Avenue – EVS/240, Argonne, Illinois 60439. We would like to receive your comments on the proposed PA or any ethnographic issues by January 23, 2012. Oral or written comments on the proposed PA will also be accepted at the Solar PEIS meetings discussed above. If you would like more information about the PA or the manner in which ethnographic information will be taken into account in the consideration of future solar undertakings, feel free to contact Stephen Fosberg, Solar PEIS Project Archeologist, by telephone at 828-693-9310 or by e-mail at sfosberg@blm.gov.

Government-to-Government Consultation. The BLM's tribal consultation policy requires BLM officials to consult with tribes in government-to-government meetings to identify and consider the concerns of tribes in land use planning and decision making. Through this letter, we are requesting tribal participation and inviting tribes to engage in government-to-government consultation on the Supplement, the proposed PA, and ethnographic issues so that the decisions we make about solar energy development can be appropriately informed. BLM officials within each of the six solar states will be telephoning those tribes that have provided detailed written comments about the draft PEIS and those tribes with cultural and/or historical ties to the proposed SEZs to determine if tribes wish to meet face-to-face to discuss the solar energy program and the issues mentioned above. For information regarding such meetings, you may contact the BLM State Archeologist within each of the six solar states. These contacts are:

Arizona—Michael Johnson, 602-417-9236, or mdjohnso@blm.gov
California—Charlotte Hunter, 916-978-4648, or cahunter@blm.gov
Colorado—Daniel Haas, 303-239-3647, or dhaas@blm.gov
Nevada—Tom Burke, 775-861-6415, or t1burke@blm.gov
New Mexico—Signa Larralde, 505-954-2179, or slarrald@blm.gov
Utah—Byron Loosle, 801-539-4074, or bloosle@blm.gov

Thank you for your consideration. We appreciate tribal participation in this government-to-government consultation and look forward to future discussions with you.

Sincerely,



Michael D. Nedd
Assistant Director, Minerals and Realty Management

Enclosures

Attachment 3-4