



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Nevada State Office
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December 19, 2011

In Reply Refer To:
2800, 8160 (NV933) P

EMS TRANSMISSION 12/19/11
Instruction Memorandum No. NV-2012-015
Expires: 9/30/2013

To: District Managers, Nevada

From: State Director, Nevada

Subject: Native American Consultation and Section 106 Compliance for the Solar Energy Program Described in the Solar Programmatic Environmental Impact Statement

DD: January 6, 2012; January 20, 2012; February 6, 2012; March 1, 2012

Washington Office 310 issued Instruction Memorandum 2012-032, Native American Consultation and Section 106 Compliance for the Solar Energy Program Described in the Solar Programmatic Environmental Impact Statement (PEIS), with a transmission date of December 6, 2011. Washington Office identified several tasks, some of which require near-term actions by specific BLM Nevada district offices.

1. Initiating Contact with Tribes that Provided Written Comments DD: January 6, 2012

IM 2012-032 identifies four tribes headquartered in Nevada which responded with extensive written comments on the Draft Solar PEIS—Washoe Tribe of Nevada and California, Duckwater Shoshone Tribe, Summit Lake Paiute Tribe, and Pahrump Paiute Tribe; the tribes' comments are attached (Attachments 1-5). The appropriate managers in Carson City, Ely, Winnemucca and Southern Nevada must take steps to initiate contact with elected or appointed tribal representatives on or before January 6, 2012, for the purposes of requesting a face-to-face meeting to review the tribe's comments and concerns, explaining the purpose and content of the Supplement to the Draft Solar PEIS (<http://solareis.anl.gov/news/index.cfm#supptodraft>) (Supplement), discussing procedures in the Question and Answer Fact Sheet (Attachment 6), explaining projected time frames and procedures for finalization of the Solar PEIS, and reviewing the proposed Section 106 consultation procedures under the National Historic Preservation Act as presented in the revised Draft Programmatic Agreement (Attachment 7), or PA.

2. Contacting Tribes with the Closest Historical and/or Cultural Ties to Solar Energy Zones (SEZs),
DD: February 6, 2012

Based on the SEZs carried forward in the Supplement, appropriate managers should contact tribes with the closest historical and/or cultural ties to the SEZs carried forward in the Supplement. Tribes with such ties may be in BLM Nevada districts that do not have SEZs within their administrative areas; coordination between districts is encouraged to minimize duplicate contacts to tribes, thereby reducing workload. The BLM should offer to meet with tribes that desire to do so. Where multiple tribes have connections to a single SEZ, the BLM may propose that a multi-tribe meeting occur at a central location. Meeting topics will include contents of the Supplement, consultation procedures outlined in the Question and Answer Fact Sheet (Attachment 6), explaining projected time frames and procedures for finalization of the Solar PEIS, and reviewing the proposed Section 106 consultation procedures under the National Historic Preservation Act as presented in the revised Draft PA (Attachment 7), and procedures for tribal consultation when BLM considers project-specific solar applications under provisions of the Solar PEIS.

3. Providing Comments on the revised Draft Programmatic Agreement DD: January 20, 2012

The BLM Nevada State Office (NSO) is reviewing and commenting on the draft PA (Attachment 7) and will comment to WO-301. District managers may provide comments to NSO regarding the draft PA concerning its adequacy, clarity and the efficiency of the proposed Section 106 process. District comments must be received by January 20, 2012, in order to allow sufficient time for NSO to incorporate those comments. District comments should be directed in writing to Tom Burke at t1burke@blm.gov; please refer to line numbers in making comments.

4. Providing Copies of the Administrative Record Documenting All Written Contacts, Telephone Calls, Meetings, and Presentations to Tribes Made in Response to This Instruction Memorandum
DD: March 1, 2012

The administrative record must be complete and should provide copies of correspondence to or from tribes, as well as written documentation of contacts, telephone calls, meetings and presentations to tribes made as a result of this Instruction Memorandum. Please be sure to include documentation of tribal participants by name, tribal affiliation, tribal position or role (e.g., elected tribal chair or appointed tribal representative), along with a brief summary of issues discussed, tribal requests or recommendations concerning identification, evaluation, possible effects to historic properties, proposed mitigation measures, and suggested consultation procedures as appropriate. Please include summaries of any BLM responses made during these contacts.

Additional information is available at the project website, including recent tribal ethnographic summaries (<http://solareis.anl.gov/documents/ethnographic/index.cfm>).

Questions concerning this IM concerning tribal consultation and the PA should be directed to Tom Burke, Cultural Resources Program Lead, 775 861-6415, tburke@blm.gov. Technical questions about the Solar PEIS, SEZs, etc. may be directed to Victor Lozano, Renewable Energy Program Lead, 775 861-6532, vlozano@blm.gov.

Signed By:
Amy Lueders
State Director, Nevada

Authenticated By:
Ellyn Darrah
Administrative Assistant

Attachments

- 1-Washoe Tribe of Nevada and California, comments on the Draft Solar PEIS
- 2-Summit Lake Paiute Tribe, comments on the Draft Solar PEIS
- 3-Duckwater Shoshone Tribe (May 3, 2011), comments on the Draft Solar PEIS
- 4-Duckwater Shoshone Tribe (February 15, 2011), comments on the Draft Solar PEIS
- 5-Pahrump Paiute Tribe, comments on the Draft Solar PEIS
- 6-Question and Answer Fact Sheet
- 7-Revised Draft Programmatic Agreement for Compliance with Section 106 under the National Historic Preservation Act