



United States Department of the Interior

NATIONAL PARK SERVICE
National Trails –Intermountain Region
P.O. Box 728
Santa Fe, New Mexico 87504-0728



IN REPLY REFER TO:
NPS-NTIR Hidden Hills Solar Energy Generating Station Comments

July 23, 2012

Mr. Mike Monasmith
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

California Energy Commission

DOCKETED

11-AFC-2

TN # 66318

JUL 25 2012

Dear Mr. Monasmith:

Please accept the following comments from the National Park Service National Trails Intermountain Region office regarding the Hidden Hills Solar Energy Generating Station Application for Certification.

Thank you,

Michael L. Elliott
Cultural Resources Specialist

Introduction

The National Park Service National Trails Intermountain Region office in Santa Fe, New Mexico co-administers the Old Spanish National Historic Trail (NHT) with the Bureau of Land Management. Our office has reviewed documents and other material associated with the proposed Hidden Hills Solar Energy Generating Station (HHSEGS) project in the Pahrump Valley in California on the Nevada border. The project as proposed will consist of two 750-foot tall power tower concentrating solar collectors surrounded by thousands of heliostat mirrors over about 3,277 acres of private land in the Pahrump Valley at the California-Nevada border. The California Energy Commission is reviewing the application from the project proponent since the project area is on private land. We have been on the mailing list from the Commission for some time, and have received the updates from the proponent, the staff

assessments, and through agreement with the Commission, the cultural resources inventory and associated documents for review. We are concerned about the effects of the project on the cultural corridor that constitutes the Old Spanish NHT. The Old Spanish NHT is not just a line on the ground. It is a corridor of varying width that may not contain visible archaeological features. Moreover, the cultural resources investigations conducted for the project do not appear adequate in terms of level of effort, methodology, or assumptions to assess adequately the impacts of the project. Even given the limitations of the cultural resources work, it appears to us that there will be significant impacts to the Old Spanish NHT setting and possibly features. We believe that the results of our review, as documented below, justify our conclusions.

The Cultural Resources Investigations

The Cultural Resources Technical Report

The body of the report itself is very brief, containing only about 50 pages of text (most of the pages are not numbered), with attached appendices containing maps, site forms, isolate descriptions, consultation letters, and a few photos. Fifty pages do not seem adequate to discuss the results of a 3,499 acre survey, particularly when much of the material is boilerplate cultural resources background material. We request that the report be greatly expanded to cover all aspects of the project area in greater detail, particularly in regard to Old Spanish NHT resources.

The area surveyed for this report has been inadequately defined to encompass just slightly more than the actual lease area. Impacts from this project will extend far beyond the lease boundaries. The pair of 750-foot tall towers will be highly visible from as far away as 20 miles. Within five miles, the towers will loom over the currently nearly uncluttered landscape. We request that cultural resources inventory be expanded by at least five miles in all directions from the lease boundaries to include potential impacts from associated activities, visual impacts to National and State Register eligible sites, and all impacts to the nationally significant Old Spanish National Historic Trail.

The preparers do not specify the number of hours they spent in the field. It appears that the survey occurred over a period of about 19 field days. The number of people working each of those days is not identified. We ask that the total number of person-hours spent in the various phases of the project (background research, field work, report preparation) be specified so that we can evaluate the level of effort, intensity, adequacy of the work.

The preparers did not really describe their goals for the survey, or interpret their results in terms of archaeological or historical implications. They describe walking transects at a 10-15 meter interval. While these are standard transect intervals for general archaeological surveys, they are not adequate to identify subtle trail features that may be just a meter wide. We request that when additional on the ground survey is conducted, that it be conducted at an intensive survey interval of 3 meters or less.

The references cited do not include many important Old Spanish Trail references, including the National Park Service's feasibility study (2001), Elizabeth Warren's thesis on the Armijo Route (1974), Leroy and

Ann Hafen's standard Old Spanish Trail reference (1954), and Hal Steiner's book on the Mojave Road section of the trail (1999). These should be incorporated into the report and discussed.

Historic Trails and Roads Technical Report

The project proponent and their cultural resources contractor prepared a specific study related to historic trails and roads in response to CEC staff information requests. This report shares some of the same shortcomings as the more generic cultural resources inventory report. The contractor primarily conducted a narrowly defined remote sensing study. They did not conduct additional field survey, only reconnaissance and reanalysis of "pre-existing data" (p. 3-1). Our chief argument with the findings of this report are that they clearly state that they did not consider the presence of segments of the Old Spanish NHT that are neither visible on the ground nor in satellite imagery. They further state that "The principal criterion selected for the identification of potentially historic roads and trails within 1 mile of the PAA has an archaeological foundation: In order to be included in this inventory the road or trail *must be identifiable on the ground* (emphasis added by authors, p. 3-2). This statement dooms the utility of this study in our opinion. Cultural resources include more than just tangible archaeological features or artifacts. Cultural landscapes, traditional cultural properties, and historic trails are all examples of such resources.

It is our contention that segments of the Old Spanish NHT may well lie within the project survey area, and certainly lie within the area of potential visual impacts of the project. The Old Spanish Trail Association has been working in the vicinity for years, and has identified possible traces of the trail that they documented as intervenors on this project. These may or not be visible using the methods employed by contractor, however, that does not mean they are not there and are not potentially detectable by finer-grained remote sensing techniques such as lidar, ground-penetrating radar, magnetometry/gradiometry, metal detecting, or electrical resistivity studies. Moreover, the presence of on-the-ground features is not required for eligibility of a property under National Register Criterion A.

The contractor also did not consider recent roads as later manifestations of older trail corridors if they did not appear on old maps. We believe this is an artificial distinction. We administer thousands of miles of National Historic Trails that lie under current roadways or railroads. Old maps often do not show old trails or road accurately.

The study actually identified several historic trails or roads that they did not investigate further and which may be part of the Old Spanish NHT. These resources may be eligible and will almost certainly be subject to adverse setting impacts if the HHSEGS is built. This is why we request survey of a much larger area. We do not agree with the contractor's recommendations eligibility recommendations.

On a positive note, we did see the standard Old Spanish Trail references missing from the original survey report in the bibliography for this report.

The Staff Assessment

We have reviewed the supplemental CEC staff cultural resources assessment. We think the staff did an excellent job in evaluating the impacts of the HHSEGS on cultural resources, including the Old Spanish NHT. The staff assessment was over 100 pages in length. The summary of their assessment of impacts to the Old Spanish NHT was: “At least one historical built-environment resource, the Old Spanish Trail-Mormon Road, has been identified in the HHSEGS PAA thus far. Substantial information, including the National Register of Historic Places nomination of the Nevada segments of the Old Spanish Trail, has led staff to conclude that, within the PAA, this resource is not represented by a single route, but as a corridor of converging and intermingled tracks and trails. The project site is located within this corridor, with traces running throughout the project site. Staff has concluded that the impacts of the proposed HHSGS project to this Old Spanish Trail-Mormon Road Northern Corridor (Corridor) would be significant and, even with full implementation of [mitigation measures] CUL-9 and CUL-12, would not be mitigated to a less than significant level.” We agree with these findings.

Conclusions

Many historic sites exhibit no currently visible surface archaeological manifestations. These include trails, battle sites, cultural water routes, traditional cultural properties, cultural landscapes, shipwrecks, treaty trees, and others. All these sites can have great historical significance, often under Criterion A, so the question of their eligibility revolves around integrity. The seven aspects of integrity are location, design, setting, feeling, association, materials, and workmanship. With no tangible surface remains, non-feature sites must exhibit a high degree of integrity in location, setting, feeling, and location. Any undertaking that diminishes the integrity of a property along any of these aspects must be considered an adverse effect.

The National Register Bulletin 15 states: “All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance).”

Designation of a National Historic Trail is a rigorous process. The National Park Service conducted exhaustive research—both documentary and in the field—to document the significance, integrity, and location of the Old Spanish NHT as part of the feasibility study for its designation. The language of the National Trails System Act of 1968 (as amended) states: (To be designated as a National Historic Trail...) “It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential.” The trail was determined to be nationally significant (NPS 2001:23) in terms of National Historic Trail criteria—a much more restrictive standard than National Register evaluation. Congress agreed, designating the Old Spanish NHT in 2002.

The Old Spanish NHT is a nationally significant cultural and historic resource. We do not believe that the nature and extent of the impacts of this project on the Old Spanish NHT have been adequately documented and evaluated because of the limited extent of the cultural resources investigations. But even given these limitations, it is reasonable and foreseeable to assume that the direct, indirect, and cumulative impacts from this project and associated activities upon the trail will be great.

For all of these reasons, it is our professional opinion that the Old Spanish National Historic Trail is present in the area of potential effects for the HHSEGS, that it has been proven to be significant, and that the project will adversely affect trail resources and the setting of the trail, and destroy its association, feeling, and location. We do not believe that these effects can be mitigated. We ask that the application for certification as currently configured be rejected in this location. Thank you for considering our comments. The National Park Service National Trails Intermountain Region office stands ready to consult with the project proponent and agency officials to choose a different and less damaging location, or a revised project with shorter and less visible towers.