



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

California Energy Commission

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California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Via Email to: docket@energy.ca.gov

Re: DRECP NEPA/CEQA Comments

Thank you for the opportunity to offer comments on the Draft Renewable Energy Conservation Plan (DRECP). The National Trust for Historic Preservation is a private, nonprofit organization chartered by Congress in 1949 to promote public participation in the preservation of our nation's heritage, and to further the historic preservation policy of the United States. 16 U.S.C. §§ 461, 468. With the strong support of our members and supporters, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government.

The DRECP is an ambitious undertaking, providing a framework for the development of clean and renewable energy over 22.5 million acres of public and private land in the desert regions and adjacent lands of seven California counties - Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego.

The National Trust recognizes that climate change presents significant threats to cultural resources not only in the California deserts but also globally, and we support the State of California and the federal government's efforts to mitigate climate change through conservation and shifting from fossil fuels to renewable energy.

While we recognize the great potential for the development of renewable sources of energy in the California desert, we also recognize that the lands covered in the DRECP include places outstanding cultural and historic value that are worthy of preserving for future generations. These include ancient rock art and archaeological sites, Native American traditional cultural properties, National Historic Trails, World War II training camps, and historic sites that tell the story of the European settlement of the American West. A careful balance must be achieved so that we do not sacrifice irreplaceable resources in our effort to save others.

We offer the following specific comments on the DRECP:

1. Support for Programmatic Approach

We are pleased that the State of California and federal agencies involved in the DRECP have taken a programmatic approach to achieve the State's goals to produce 20,000 MB of renewable energy. The preferred alternative proposes to concentrate development within certain areas so that conflicts with natural and cultural resources of importance

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can be minimized. Importantly, the public can be assured that site specific review will occur and the preferred alternative does not sanction the destruction of any historic or cultural sites that may be identified as various projects are developed.

2. Support for Exclusion of Development Around National Historic Trails

We are pleased to see the preferred alternative excludes future energy development within five miles of either side of National Scenic and Historic Trail Management Corridors. We strongly oppose Alternative 1 which includes only ¼ mile buffer around trails, which would be inconsistent with Congress's mandate under the NLCS for federal agencies to "protect the values" for which trails are designated and "prohibit uses in conflict with those values." DOI Secretarial Order 3308, November 15 2010. Further, the National Trails System Act requires that efforts be made to "avoid activities incompatible with the purposes of which such trails were established." 16 U.S.C. §§ 1242, 1246(c). A ¼ mile buffer would be far too little to protect these cherished and iconic resources. We believe the five mile boundary is appropriate.

3. Need for Further Proactive Inventory of Cultural and Historic Sites

Because it is a programmatic document, the DRECP does not contain an exhaustive inventory of all historic and cultural sites that have the potential to be impacted by energy development. To minimize conflict, further collaboration among agencies will be essential to proactively inventory cultural and historic sites on all public lands in the project area. Federal land management agencies such as the Bureau of Land Management have a mandate to do such inventory under Section 110(a) of the National Historic Preservation Act. Without a comprehensive inventory of such sites, there is a higher potential for the discovery of resource conflicts during project planning, which can delay projects.

4. Need for Greater Survey of National Historic Trail Routes

There is a clear need for federal land management agencies to better research and document the historic trails which they are mandated to protect. The BLM has the responsibility to BLM has the responsibility of "identify and protect [each] historic route and its historic remnants and artifacts for public use and enjoyment." Id. §§ 1242, 1244(a)(3). However, the agency cannot effectively carry out this responsibility if it does not have proper historical documentation of a trail's features. We recommend that future project specific mitigation include more funding for documentation associated with historic trails, including National Register nominations and updates to existing nominations. This information will also assist applicants in understanding where resource conflicts may be present when there is insufficient public information related to a trail route.

5. Designation of ACECs Should Include Historic and Cultural Areas

We support the preferred alternative's proposal to designate more Areas of Critical Environmental Concern (ACEC) on BLM lands in affected areas. ACECs are a critical designation tool make prospective developers aware of the presence of important cultural resource values and avoid investments in projects that can cause damage to these sites. They can be very effectively used to designate the presence of traditional cultural properties which are identified in government to government consultation with tribes that maintain traditional lifeways in the affected area. ACECs are a particularly useful tool

for building better relationships with tribal communities because BLM has the authority to maintain the confidentiality of locations that have the potential for looting and desecration, and allow the agency to devote greater resources to assuring their protection. We strongly support the expansion of this tool to help focus more BLM resources on making sure these sites remain a high priority for conservation and protection.

6. Importance of Government to Government Consultation in Forthcoming Site Specific Reviews

The DRECP correctly recognizes the importance of consulting with tribes prior to making decisions on energy projects. We applaud the coordination between the State and federal agencies in recognizing that the California desert is deeply valued by these communities and that increased energy development in the region will have major impact on landscapes that are the homelands of many of these communities. Meaningful consultation on projects must occur early in the project planning phase and it must be robust. Adequate cultural training for BLM and other agency staff is critical for ensuring that communication is sensitive to cultural values.

Thank you for the opportunity to comment on the DRECP. Please contact Brian Turner at bturner@savingplaces.org or 415.947.0692 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Turner', with a long horizontal flourish extending to the right.

Brian Turner
Senior Field Officer/Attorney
San Francisco Field Office
National Trust for Historic Preservation