# IV.9 NATIVE AMERICAN INTERESTS

The analysis in this chapter addresses potential impacts to tribal interests from implementing the Desert Renewable Energy Conservation Plan (DRECP or Plan) and its Covered Activities. These activities include renewable energy and transmission development, the reserve design, Bureau of Land Management (BLM) Land Use Plan Amendments (LUPA), the U.S. Fish and Wildlife Service (USFWS) General Conservation Plan (GCP), and the California Department of Fish and Wildlife Natural Community Conservation Plan (NCCP). Each of these is defined for each alternative (see Volume II for descriptions of Development Focus Areas [DFAs], Reserve Design Lands, and Study Area Lands). The primary consideration in quantifying tribal impacts at this programmatic level of analysis is the extent to which the tribal concerns described in Volume III, Chapter III.9, Native American Interests, intersect with, and are affected by, the proposed DFAs, transmission, and conservation lands within the reserve design.

Appendix R2.9 includes 41 tables supporting this chapter. The tables present data that estimate the number the number of acres of the California Desert Conservation Area (CDCA)-designated Native American Elements (NAEs) and of cultural resources (data available only for archaeological and built-environment resources) that might be impacted by the different components and technology types for each alternative. These tables present these numbers by ecoregion subarea per alternative and by technology type (solar, wind, geothermal, and transmission). The number of NAE acres and estimated resources in DRECP component lands (conservation lands, DFAs [Available Development Areas for No Action Alternative], and BLM LUPA areas) are also represented. Specific tables are referenced in each section of the analysis that follows.

## IV.9.1 Approach to Impact Analysis

Tribal interests are associated with (1) the process of environmental review, permitting, and mitigation under the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Order 12898 (Environmental Justice), Executive Order 13007 (Indian Sacred Sites), Endangered Species Act, Bald and Golden Eagle Protection Act, and California Environmental Quality Act (CEQA) and (2) impacts to the physical world. Process concerns include consultation, ethnography, document review, confidentiality, monitoring, repatriation, access, and environmental justice. Physical-world concerns focus on physical resources, items, or places of concern to tribes, including cultural and natural resources. See Chapters III.8 and III.9 for more details.

These broad interests share a perspective where the whole of the landscape is interconnected and imbued with a life force. Large-scale, landscape-focused analyses for tribal concerns

have been supported by recent federal and state policies. The Solar Programmatic Environmental Impact Statement (PEIS) published by BLM in 2012 included chapters on California tribal concerns, with a section describing traditional cultural properties and a landscape perspective for the analysis of cultural resources in a manner consistent with tribal perspectives (BLM 2012, Volume 3, Part 1, Section 9.1.18, Native American Concerns).

Department of the Interior Secretary Sally Jewell issued Secretarial Order No. 3330 on October 31, 2013, in which Department of the Interior agencies were directed to "avoid potential environmental impacts from projects through steps such as advanced landscape-level planning that identifies areas suitable for development because of relatively low natural or cultural resource conflicts" (Secretarial Order 3330 2013). In April of 2014, the Energy and Climate Change Task Force issued its report *A Strategy for Improving the Mitigation Policies and Practices of The Department of the Interior* (Department of the Interior 2014). This report highlights the challenges and opportunities associated with developing and implementing an effective mitigation policy. It also describes the key principles and actions necessary to successfully shift from project-by-project management to consistent, landscape-scale, science-based management of Department of the Interior lands and resources. Similarly, the California Office of Historic Preservation has specifically called out a need for cultural resources professionals working on renewable energy projects to shift focus from the site level to the landscape level of assessment (Office of Historic Preservation 2013).

### IV.9.1.1 General Methods

As discussed in Section III.9.4, two broad areas of concern to those tribes potentially affected by decisions in DRECP have been identified: physical world concerns and process concerns. Physical world concerns include impacts to cultural resources (including traditional cultural properties and landscapes), human remains, and natural resources. Section III.9.4.2 discusses physical concerns in more detail. Process concerns include environmental review, permitting, and mitigation under the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), Section 106 of the National Historic Preservation Act (NHPA) and the role of Native Americans in that process. Process concerns are discussed in more detail in Section III.9.4.1. In analyzing potential impacts of concern to tribes, this section uses a combination of several quantitative and qualitative techniques. This approach combines methods developed specifically for the Plan Area, cultural resources methods, and environmental justice methods. This section also discusses the limitations of these methods.

First, Native American Elements (NAEs) were identified as "concentrated, sensitive areas of traditional Native American secular and religious uses." BLM originally developed maps representing NAEs and their locations within and in relation to traditional tribal territories,

traditional use areas, and Areas of Critical Environmental Concern (ACEC) in 1980 as part of the CDCA Plan. These sensitive locations are relevant to both the contemporary and traditional concerns of Native Americans and organized tribal governments (BLM 1980a). This chapter presents maps based on these original NAE maps, but the new maps add the DRECP boundaries, the CDCA, and DRECP elements (e.g., ecoregion subareas, DFAs, and Conservation Lands).The NAEs are considered to especially sensitive to impacts associated with renewable energy development in the Plan Area. As such, an alternative where DFAs overlap with a larger number of NAE acres is considered to have a greater impact than an alternative that overlaps with a smaller number of NAE acres.

Tables in Appendix R2.9 present details on the number of acres of the CDCA-designated NAEs that could be impacted by the different components and technology types for each alternative. These tables present the acres of NAEs by ecoregion subarea per alternative and number of acres impacted by technology type (solar, wind, geothermal, and transmission). Acres of NAE in DRECP component lands (conservation lands, DFAs [Available Development Areas for No Action Alternative], and BLM LUPA areas) are also represented. Each section in the analysis references specific tables.

Second, this analysis assumes that tribal communities are also interested in cultural resources, which may or may not have been included in NAEs. Therefore, in addition to NAE acres this analysis also considers estimates of the numbers of cultural resources within DFAs and the Conservation Planning Areas, which were central to the Cultural Resources (IV.8) impact analysis. The methods used to calculate these estimates are described in detail in Section IV.8.1.1. Tables in Appendix R2.8 present the estimated number of resource that could be impacted by the different components and technology types for each alternative. In this quantitative analysis, an alternative which impacts a larger estimated number of resources is considered to have a greater impact than an alternative that impacts a smaller number of estimated resources. It should be noted that based on how the data was collected, resources that are likely to be more of interest to tribes, such as prehistoric archaeological sites, cannot be distinguished from other resources, such as historic archaeological sites and built-environment resources. In addition, these calculations do not include other kinds of resources that are especially of interest to tribes—traditional cultural properties and cultural landscapes.

The two methods described above attempt to identify potential physical world impacts. The identification of impacts associated with process concerns uses cultural resources concepts and an adaptation of environmental justice methods. As discussed in Section III.9.2, developing methods for environmental justice analyses has been challenging. The key issue is the concept of "disproportionate impact." Despite years of effort, a nationally consistent definition of disproportionate impact and variables that should be measured, have not been identified. The utility of a single definition has been challenged because not

all disproportionately impacted communities share one singular experience of injustice. Standard tools tend to focus on impacts to health due to air pollution and overlook other environmental concerns. Of particular relevance for the current analysis, standard tools do not accommodate qualitative data or the distinctive concerns on traditional tribal territories (Holifield 2014).

Environmental justice concerns of minorities and low-income populations living in the Plan Area, including Native Americans, are analyzed in Section IV.23 using census tract demographic data provided in Appendices R1.23 and R2.23. The analysis seeks to identify if these populations are distributed disproportionately within the Plan Area or if the Plan would introduce any proposed land use designations whose negative impacts could be disproportionately borne by minority or low-income populations. See Section IV.23.3 for more information regarding the results of this analysis.

This analysis is more focused. It attempts to address some of the concerns identified by Holifield (2014). As discussed in Section III.9.2, communities that could be impacted by the DRECP are defined in the current analysis as all tribes and Native American organizations with traditional affiliations in the Plan Area, regardless of the residence of each member. The analysis is focused on types of disproportionate impacts: damage to cultural connections to landscapes, damage to the perpetuation of the generations, and financial stress on tribal government services. Therefore, renewable energy development within NAEs and cultural landscapes could be considered an adverse impact from environmental justice perspective. As a result of their historical ties to the Plan Area and unique legal relationship with both federal and state governments, some tribal communities may be disproportionately impacted through their participation in the NEPA, CEQA, and Section 106 process. The inability of a tribal community to participate in the environmental review of all proposed projects of interest to their members because of stress on community services would be considered an adverse impact.

The methods described above have limitations. First, the CDCA-designated NAE areas and estimates about the number of cultural resources that might be impacted, while important, do not represent a complete list of places or areas important to tribes or the total impacts anticipated. It would be necessary to conduct additional research, consultation, and meaningful engagement with affected tribal communities on a project-specific level to identify additional areas of concern and importance. Second, NAEs may or may not contain cultural resources of interest to tribes, resulting in an overlap between these analytical categories. Third, there may be a distinction in terms of the perception of impacts to resources important to tribal communities. Typically, analysis in environmental documents is undertaken on a primarily quantitative level (i.e., the preferred alternative is usually the one that affects the fewest resources). However, this method may not account for tribal concerns and perspectives. The traditional tribal world-view may consider the cultural and

spiritual value of the resource and not the total number of impacted resources. For example, some tribes may consider that an adverse impact to two resources is as severe as an impact to 40 resources. As a result, a distinction between alternatives based on a standard metric may not be relevant for resources of concern to tribes because any potential development that would impact resources is considered equally negative.

The accurate evaluation of potential impacts on tribal values can only be made within the cultural context from which those values are derived (BLM 1980, NAE). The thresholds for identifying resources of interest to tribes and impacts to those resources depend on close coordination, communication, collaboration and formal consultation with tribes. With the participation of tribal governments and individuals, agency staff can make better determinations.

### IV.9.1.2 CEQA Standards of Significance

There are no specific CEQA standards of significance for tribal concerns or environmental justice concerns; however, some of the standards of significance for cultural resources apply. CEQA has established the following significance standards for use in determining the significance of impacts to cultural resources from a proposed action or project. Impacts would be considered significant if the project would:

- Cause a substantial adverse change in the significance of a historical resource or unique archaeological resources, as defined in Title 14, California Code of Regulations, Section 15064.a5, and California Public Resources Code, Section 21083.2.
- Disturb any human remains, including those interred outside of formal cemeteries.

Tribes are also concerned with other resources that have their own CEQA standards of significance. Some of these include paleontological resources, mineral resources, noise, water quality and supply, erosion, plants, animals, air, and traffic.

## IV.9.2 Typical Impacts Common to All Action Alternatives

Impacts to resources of tribal concern would be addressed on a project-specific basis in supplemental CEQA and NEPA processes for evaluation of renewable energy and transmission projects. These projects would require project-specific environmental review that would address site-specific impacts to resources of tribal concern as part of the approval process. These impacts would be discussed in government-to-government consultation between the lead agency(ies) and the tribal government(s). Consideration of resources of tribal concern is based on typical impacts from renewable energy development. Impacts to resources of tribal concern are similar to those of cultural resources and environmental justice. Therefore, impact analysis for resources of tribal

concerns is based on typical cultural resources impacts from renewable energy developments. However, environmental justice impacts in this analysis are focused on the cultural and spiritual concerns of Native Americans as they relate to the study area environment and to the cost burden, which tribal governments and organizations bear during the NEPA, Section 106, and CEQA process. Tribes affiliated with project areas through ancestral or traditional-use claims constitute environmental justice populations. Tribal people maintain long-standing ancestral and traditional-use practices and concepts connected to the environment and to their identities as Indian people. Other environmental justice concerns, such as health, are addressed in Section IV.23.

Impacts to resources of tribal concern are considered actions that result in:

- Physical destruction, damage, or alteration to all or part of the significant cultural resource.
- Isolation of the cultural resource or alteration of the character of the resource's setting when that character contributes to the resource's qualifications for the National Register of Historic Places (NRHP), CRHR, or significance under CEQA.
- Introduction of visual, audible, olfactory, or atmospheric elements that are out of character with the resource or changes that may alter its setting.
- Disproportionate impacts to places that are linked to tribal collective identities.
- Disproportionate impacts to places that play an essential role in the perpetuation of the generations.

While impacts to resources of tribal concern would be discussed on a project-specific basis, development for solar, wind, and geothermal projects and their associated transmission lines share many of the same types of impacts. Certain activities associated with energy development have a greater potential for adversely affecting resources of tribal concern than others. Earthmoving activities (e.g., grading and digging) may have the highest potential for disturbing or destroying these resources; however, pedestrian and vehicular traffic and indirect impacts of earthmoving activities, such as soil erosion, may also have an effect. Visual, auditory, and olfactory impacts on resources of tribal concern may also occur. Many resources of tribal concern are nonrenewable and, once damaged or destroyed, may not be recoverable.

Impacts associated with tribal process concerns include those that place disproportionate stress upon services offered by tribal governments and organizations to their members. In particular, this includes stress on those individuals and departments that participate in the NEPA, Section 106, and CEQA process.

## IV.9.2.1 Impacts of Renewable Energy and Transmission Development

This section describes the potential effects of all plan components on resources of cultural and spiritual importance to tribes, including site characterization, construction and decommissioning, and operation and maintenance.

### *IV.9.2.1.1 Impacts of Site Characterization*

Activities associated with preconstruction site characterization for renewable energy development generally require relatively little ground disturbance when compared with what might actually be constructed on a proposed project site, so these activities are unlikely to result in destruction of or physical damage to resources of tribal concern. However, site characterization activities could include geotechnical borings, installation of temporary meteorological towers, installation of security measures and fencing, access roads, and staging areas. These activities could impact resources of tribal concern.

### *IV.9.2.1.2 Impacts of Construction and Decommissioning*

Site construction activities have the greatest potential to impact resources of tribal concern because of the increased ground disturbance during this phase. Resources of tribal concern could be impacted in several ways, including the following:

- Disturbance or degradation could result from the vegetation clearing, boring, grading, trenching, and excavation of a project-specific area. Disturbance or degradation could also result from construction of solar panels, wind turbines, geothermal production and injection wells, well field pipelines, meteorological stations, facilities and associated infrastructure, including generator tie-lines, access roads, spur roads, transmission lines, temporary staging and construction areas, and temporary access routes. Revegetation activities after construction can also impact resources of tribal concern, particularly sacred areas or areas used for harvesting traditional resources.
- Degradation and/or destruction could result from the alteration of topography, alteration of hydrologic patterns, removal of soils, erosion of soils, runoff into and sedimentation of adjacent areas, and oil or other contaminant spills if resources are on or near a project-specific area. Such degradation could occur both within the project footprint and in areas downslope or downstream. Agents of erosion and sedimentation include wind, water, downslope movements, and human and wildlife activities.
- Increases in human access and subsequent disturbance of resources of tribal concern could result from the establishment of corridors or facilities in otherwise intact and inaccessible areas. Increased human access exposes these resources to a greater

probability of impacts. These impacts include off-highway vehicle tracks, looting, unauthorized collection of artifacts, vandalism, trampling, and inadvertent destruction of unrecognized resources.

- Visual degradation of settings associated with resources of tribal concern could result from the presence of a renewable energy development and associated land disturbances and ancillary facilities. Large areas of exposed ground surface, increased dust, and the presence of large-scale machinery, equipment, and vehicles could contribute to an adverse impact.

Differences in water use and discharge among the solar technologies are not likely to be a factor in determining levels of impact of surface runoff and possible effects on resources of tribal concern. However, depending on the source of water for solar technologies using cooling towers or steam generators, drawdown of surface water levels could increase the potential for erosion in some localities and inadvertently expose resources of tribal concern along stream banks or lakeshores. Changes in water levels could result in changes to native vegetation (see Chapter IV.7, Biological Resources, and Chapter IV.5, Flood, Hydrology and Drainage), which could affect traditional gathering locations or traditional cultural properties (including golden eagle nesting and foraging habitat). Land subsidence as a result of withdrawing groundwater could also impact resources of tribal concern.

Impacts specific to geothermal energy development are related to visual and sensory issues. If hot springs of tribal significance are near the geothermal wells, the temperature and water level of the hot springs may be affected by drilling operations. If the pipelines required from wells are constructed above ground on steel supports, they could result in a visual impact to tribal resources. In addition, as wells are depleted, replacement wells may need to be drilled to supply enough geothermal fluid and sufficient temperature to maintain the power capacity.

Site decommissioning, reclamation, and abandonment would have the fewest impacts if ground disturbance is confined to the original disturbance during construction. If additional work areas were needed beyond those disturbed during construction, new impacts could be similar to those that would occur during construction. Visual impacts on tribal resources would be mostly removed after decommissioning, as long as the site was restored to its preconstruction state. However, despite the physical removal of equipment and facilities, the impact of a scarred environment would remain in an area sacred or important to tribes or important to other Native American communities. If access roads are left in place, the potential for looting and vandalism would also remain and might even increase because the area may no longer be periodically monitored by an operator.

#### *IV.9.2.1.3 Impacts of Operations and Maintenance*

Fewer physical impacts to tribal resources would occur from the operation and maintenance of renewable energy developments, although the duration of visual, auditory, and olfactory effects can be long-lasting but may be limited to the length of project operations. Visual degradation of settings associated with tribal resources could result from the presence of a renewable energy development and associated land disturbances and ancillary facilities. Golden eagles, which some tribes consider sacred, may be killed by operation of wind energy and solar thermal facilities.

### IV.9.2.2 Impacts of the Reserve Design

No renewable energy development is allowed in Reserve Design Lands. Therefore, impacts on tribal resources resulting from Reserve Design Lands would be primarily beneficial. However, allowable activities that require ground-disturbing activities, such as habitat restoration that might involve digging holes for plants, could adversely impact tribal resources.

### IV.9.2.3 Impacts of BLM Land Use Plan Decisions

#### *IV.9.2.3.1 Impacts of Renewable Energy Development and Transmission on BLM Lands*

The typical impacts from the various renewable energy and transmission technologies on BLM lands would be the same as those described in Section IV.9.2.1, Impacts of Renewable Energy and Transmission Development. However, the specific locations in which energy and transmission development would be allowed would be driven by LUPA decisions, which may encourage or restrict development in some areas with high sensitivity for tribal resources.

#### *IV.9.2.3.2 Impacts of BLM Land Designations and Management Actions*

Because the BLM LUPA land designations would be managed to protect ecological, historic, cultural, scenic, scientific, and recreation resources and values, they would also confer general protection for tribal resources. While other land uses are allowed within these areas, those other uses must be compatible with the resources and values that the land designation is intended to protect.

Impacts on tribal resources resulting from designations of ACECs, National Landscape Conservation System (NLCS) lands, and wildlife allocations would likely be beneficial as a result of disturbance caps in these areas designed to conserve and protect the resource values. These disturbance caps and other management actions would minimize soil disturbance, erosion, etc., and thereby provide protection for tribal resources. However,

some habitat restoration activities could result in ground disturbance and damage to tribal resources.

Details on allowable uses and management within NLCS lands are presented in the proposed LUPA description in Volume II. Details on the goals, objectives, allowable uses, and management actions for each ACEC and Special Recreation Management Area (SRMA) unit are presented in the LUPA worksheets in Appendix H.

### IV.9.2.4 Impacts of Natural Community Conservation Plan and General Conservation Plan

The NCCP would be administered by the California Department of Fish and Wildlife and would apply to the entire Plan Area. The GCP would be administered by the USFWS and would apply to nonfederal lands, a subset of the entire Plan Area; however, renewable energy impacts under the GCP would be limited to nonfederal lands within the DFAs.

#### *IV.9.2.4.1 Natural Community Conservation Plan*

The impacts of renewable energy development permitted under the NCCP would be the same as those defined for the Plan-wide impacts, including the typical impacts described in Section IV.9.2, Typical Impacts Common to All Action Alternatives, and for each alternative described in the following sections.

#### *IV.9.2.4.2 General Conservation Plan*

The types of impacts resulting from renewable energy development for which incidental take would be permitted on nonfederal lands under the GCP would be the same as those defined for the Plan-wide impacts, including the typical impacts described in Section IV.9.2. However, the locations where these impacts would occur would vary by alternative. Any differences in these impacts that result from the locational differences are described for each alternative.

## IV.9.3 Impact Analysis by Alternative

The following sections present impact analysis for the No Action Alternative, the Preferred Alternative, and Alternatives 1 through 4. Each alternative is compared with the Preferred Alternative. The differences among alternatives include:

- The number of NAE acres conserved or potentially impacted by development.
- The number of estimated cultural resources conserved or potentially impacted by development.

- The cultural resources Conservation and Management Actions (CMAs) tied to Section 106 of the National Historic Preservation Act (NHPA) and specifically associated with National Landscape Conservation System land.
- The width of National Scenic and Historic Trail (NSHT) corridors within National Landscape Conservation System land as defined by CMAs.

The number of cultural resources estimated for the entire Plan Area does not change per alternative but rather the boundaries and acreages change. Therefore, the higher the acreage, the more cultural resources are estimated to be impacted or conserved.

## IV.9.3.1 No Action Alternative

The No Action Alternative assumes the state's renewable energy goals would be achieved without the DRECP and that renewable energy, transmission development, and mitigation for such projects in the Plan Area would occur on a project-by-project basis in a pattern consistent with past and ongoing renewable energy and transmission projects.

Any areas currently excluded from development by statute, regulation, or proclamation would retain those exclusions. On BLM land, any areas that are administratively excluded would continue to be assessed based on management guidance within BLM local field office land use plans. Without the DRECP, renewable energy development would likely continue without overarching guidance, ultimately resulting in the increased likelihood of cumulative impacts to resources of concern to tribes within the Plan Area.

Under the No Action Alternative, the USFWS would not propose to develop a GCP to streamline future permitting of incidental take of Endangered Species Act-listed species on nonfederal lands resulting from renewable energy projects and associated transmission in the California deserts. In the absence of a federal nexus, project proponents desiring incidental take authorization from USFWS would need to develop Habitat Conservation Plans for their individual permit applications. Similarly, under the No Action Alternative, the USFWS would not propose to issue incidental take permits to the California Energy Commission (CEC) or California State Lands Commission under the GCP.

### *IV.9.3.1.1 Impacts within the Entire Plan Area in No Action Alternative*

#### IV.9.3.1.1.1 Impacts and Mitigation for Renewable Energy and Transmission Development in No Action Alternative

**Impact Assessment**

Under the No Action Alternative, there are approximately 9,781,700 acres that could be developed. This figure includes both federal and nonfederal lands and represents nearly

half of the entire Plan Area. Impacts to resources of concern to tribes from this scale of development would be substantial and would be distributed across the Plan Area.

The impacts to resources of concern to tribes in various areas under the No Action Alternative are discussed in the following paragraphs.

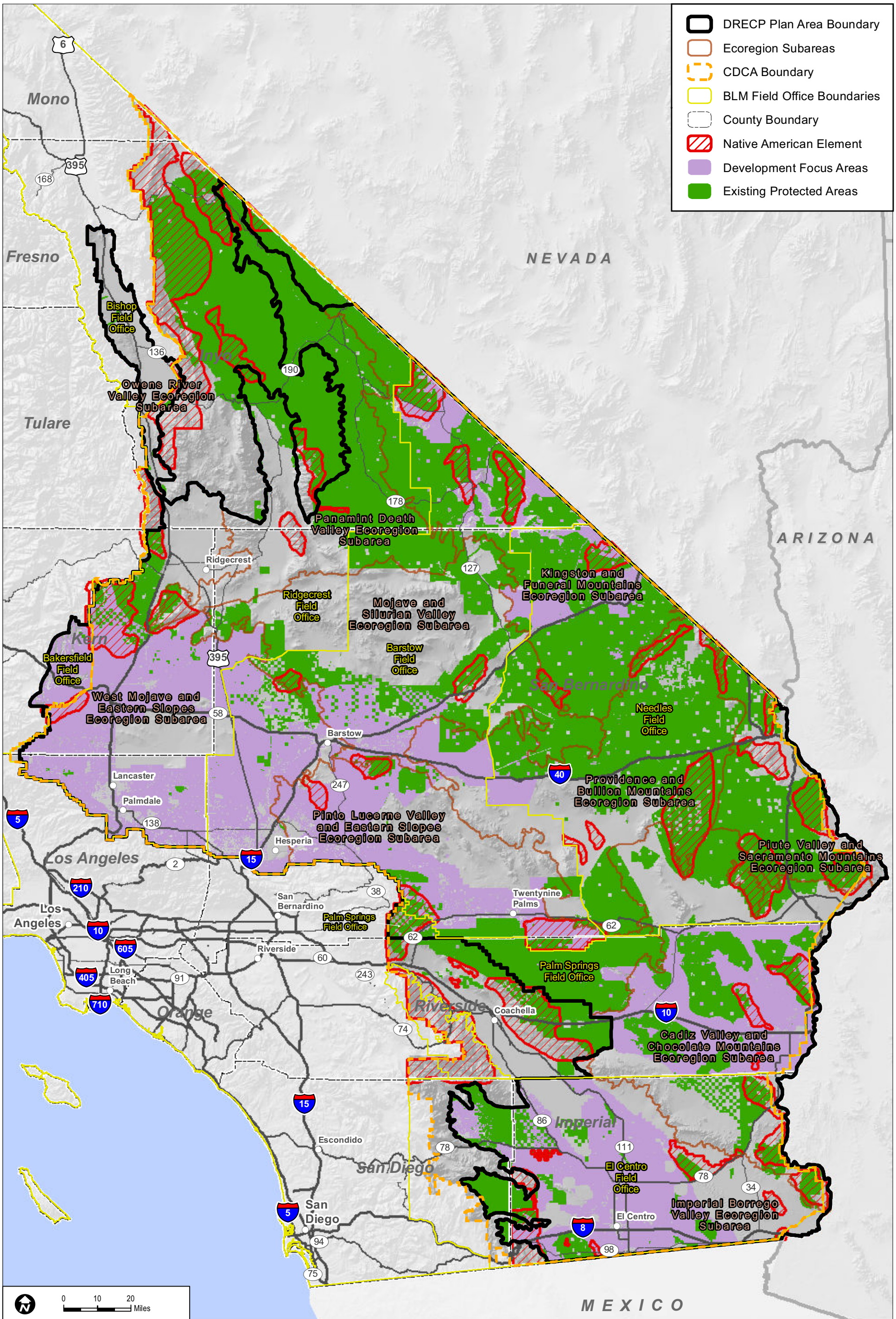
Issues of concern to tribes related to renewable energy development can be separated into two broad categories, physical-world resources and concerns related to the process of the development of renewable energy projects, as defined in Volume III, Section III.9.4.1. The distinction between resources of cultural importance as opposed to ones that are spiritual in nature is not one typically made by tribal people, and therefore no distinction is made here.

***Impact TL-1: Plan components could disproportionately affect resources of cultural and spiritual importance to tribes.***

**Physical-World Resources.** All phases of development activities under the No Action Alternative could impact physical-world resources important to tribes (i.e., cultural resources, natural resources, and tribal gathering areas).

Figure IV.9-1, Native American Element (Identified in the 1980 CDCA Plan), No Action Alternative, illustrates the location of NAEs and the components of the No Action Alternative. As described in Section IV.9.1.1, General Methods, the NAE maps were originally developed by BLM in 1980 as part of the CDCA Plan to show "concentrated, sensitive areas of traditional Native American secular and religious uses" (BLM 1980b: NAE). While important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes. The No Action Alternative could impact culturally important resources on approximately 8,131 acres of NAE designated lands if renewable energy development were to occur in these designated areas or in locations close enough to indirectly affect NAE areas.

As discussed in Archival Methodology in Section III.8.3, cultural resource density was calculated from the number of known cultural resources divided by the number of acres surveyed within each ecoregion subarea. Because only a fraction of the Plan Area has been surveyed, the actual number of cultural resources is most likely underrepresented. These density calculations suggest that approximately 11,689 cultural resource sites may be present and could be impacted (Appendix R2; Section R2.8, Cultural Resources; Table R2.8-1). While NAE designated lands and cultural resource sites are important, the metrics listed above do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account.




Sources: ESRI (2014); CEC (2013); BLM (2013); CDFW (2013); USFWS (2013)

**FIGURE IV.9-1**

**Native American Element (Identified in the 1980 CDCAP), No Action Alternative**

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***Impact TL-2: Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations.***

- **Process-Related Concerns**. Section III.9.4.1 identifies issues of concern to tribes as they relate to the process of renewable energy development and environmental review. These issues include consultation, ethnography, document review, confidentiality, monitoring, repatriation, access, and environmental justice. The DRECP identifies methods and best practices for consulting with and engaging tribes in meaningful dialogue in an effort to reach mutually agreeable outcomes regarding all phases of project development and potential impacts and treatment of resources important to tribes. Under the No Action Alternative, these methods and best practices may not be identified, thus increasing the potential for greater impacts from future projects.

***Laws and Regulations***

- Existing laws and regulations may reduce the impacts of renewable energy development projects in the absence of the DRECP. Relevant regulations are described in Section IV.9.1, Approach to Impact Analysis. These laws may aid in reducing impacts of renewable energy development projects in the absence of the DRECP but are not mitigation measures. Additionally, in no case do they provide a governing body the right to prohibit actions, so long as those actions are taken into account and treatment options are developed among consulting parties to resolve those adverse effects that would result from renewable energy development. Note that because this Environmental Impact Report/Environmental Impact Statement addresses amendments to BLM's land use plans, these plans are addressed separately and are not included in this section.

**Design Features from the Solar Programmatic Environmental Impact Statement**

In addition to the regulations described previously, several design features identified in BLM's Solar PEIS are in effect now within the Plan Area on BLM managed land for solar projects. These design features help avoid or minimize impacts to cultural resources and tribal concerns prior to the development of project specific mitigation measures. These design features would help avoid, minimize, or mitigate potential impacts on cultural resources and tribal concerns. They are presented by project phase or activity: (1) general design features; (2) site characterization, siting and design, and construction; (3) operations and maintenance; and (4) reclamation and decommissioning (Appendix W). These are identified and discussed in Sections 5.16.1 and 5.16.2 of the Draft and Final Solar PEIS and are presented as direct quotes in this document in Section IV.9.3.1.1, Impacts

Within the Entire Plan Area in No Action Alternative. Design features related to cultural resources may also be relevant to Native American concerns. These were identified and discussed in Sections 5.15.1 and 5.15.2 of the Draft and Final Solar PEIS.

### *General*

**NA1-1** BLM shall consult with federally recognized Indian tribes early in the planning process to identify issues and areas of concern regarding any proposed solar energy project as required by the National Historic Preservation Act (NHPA) and other authorities to determine whether construction and operation of a project is likely to disturb traditional cultural properties or sacred sites, impede access to culturally important locations, disrupt traditional cultural practices, affect movements of animals important to tribes, or visually affect culturally important landscapes.

a) Identifying issues and areas of concern to federally recognized Indian tribes shall include, but is not limited to, the following:

- Covering planning, construction, operation, and reclamation activities during consultation. Agreements or understandings reached with affected tribes shall be carried out in accordance with the terms of MOAs or State Specific Procedures as defined within the Solar PA [Programmatic Agreement].
- BLM consulting with affected Indian tribes during the Section 106 process at the points specified in the Solar PA.
- BLM consulting with Indian tribes under the terms of the Native American Graves Protection and Repatriation Act (NAGRA). Any planning for treatment of historic properties or mitigation will take such consultations into account.
- BLM seeking, during consultation, to develop agreements with affected tribes on how to appropriately respond to input and concerns in advance to save time and avoid confusion.

b) Methods to minimize issues and areas of concern to federally recognized Indian tribes may include, but are not limited to, the following:

- Employing standard noise design features for solar facilities located near sacred sites to minimize the impacts of noise on culturally significant areas.
- Employing health and safety design features for the general public for solar facilities located near Native American traditional use

areas in order to minimize potential health and safety impacts on Native Americans.

- Avoiding known human burial sites. Where there is a reasonable probability of encountering undetected human remains and associated funerary objects by a solar energy project, BLM will carry out discussions with Indian tribes before the project is authorized, in order to provide general guidance on the treatment of any cultural items (as defined by NAGPRA) that might be exposed.
- Avoiding visual intrusion on sacred sites through the selection of the solar facility location and solar technology. When complete avoidance is not practicable or economically feasible, BLM shall engage in timely and meaningful consultation with the affected tribe(s) and shall attempt to formulate a mutually acceptable plan to mitigate or reduce the adverse effects.
- Avoiding rock art (panels of petroglyphs and/or pictographs). These panels may be just one component of a larger sacred landscape, in which avoidance of all impacts may not be possible. Mitigation plans for eliminating or reducing potential impacts on rock art shall be formulated in consultation with the appropriate tribal cultural authorities.
- Avoiding springs and other water sources that are or may be sacred or culturally important. If it is necessary for construction, maintenance, or operational activities to take place in proximity to springs or other water sources, appropriate measures, such as the use of geotextiles or silt fencing, shall be taken to prevent silt from degrading water sources. The effectiveness of these mitigating barriers shall be monitored. Measures for preventing water depletion impacts on springs shall also be employed. Particular mitigations shall be determined in consultation with the appropriate Indian tribe(s).
- Avoiding culturally important plant species. When it is not possible to avoid affecting these plant resources, consultations shall be undertaken with the affected Indian tribe(s). If the species is available elsewhere on agency-managed lands, guaranteed access may suffice. For rare or less-common species, establishing (transplanting) or propagating an equal amount of the plant resource elsewhere on agency-managed land accessible to the affected tribe may be acceptable (e.g., for mesquite groves and rice grass fields, identified as tribally important plant species in the ethnographic studies).

- Avoiding culturally important wildlife species and their habitats. When it is not possible to avoid these habitats, solar facilities shall be designed to minimize impacts on game trails, migration routes, and nesting and breeding areas of tribally important species. Mitigation and monitoring procedures shall be developed in consultation with the affected tribe(s).
- Securing a performance and reclamation bond for all solar energy generation facilities to ensure compliance with the terms and conditions of the ROW authorization. When establishing bond amounts and conditions, the BLM authorized officer shall require coverage of all expenses tied to identification, protection, and mitigation of cultural resources of concern to Indian tribes. These may include, but are not limited to, costs for ethnographic studies, inventory, testing, geomorphological studies, data recovery, curation, monitoring, treatment of damaged sites, and generation and submission of reports (see ROW authorization policies, Section 2.2.1.1 of the Final Solar PEIS).

***Site Characterization, Siting and Design, Construction***

**NA2-1** Prior to construction, the project developer shall provide training to contractor personnel whose activities or responsibilities could affect issues and areas of concern to federally recognized Indian tribes.

***Operations and Maintenance***

**NA3-1** Consultation with affected federally recognized Indian tribes shall be ongoing during the life of the project.

**NA3-2** The project developer shall train facility personnel regarding their responsibilities to protect any known resources of importance to federally recognized Indian tribes.

***Reclamation and Decommissioning***

**NA4-1** The project developer shall confine reclamation and decommissioning activities to previously disturbed areas and existing access roads to the extent practicable.

**NA4-2** The project developer shall return the site to its pre-construction condition, to the extent practicable and approved by BLM.

### *Mitigation*

Effective and comprehensive mitigation measures for impacts to resources of tribal concern can only be accomplished on a project-specific level through formal consultation and engagement with affected tribal communities. Under the No Action Alternative, these project-specific consultation efforts would occur as they have in the past but without the guidance provided regarding consultation in the DRECP. Examples of mitigation measures applicable to any project implemented in the absence of a Plan approval include:

- Employing mitigation measures to reduce impacts as a result of noise, health and safety concerns, traffic, and air quality.
- Complying with federal laws and regulations to produce an agreement document (e.g., Memorandum of Agreement) that would include mitigation measures for the treatment of any NRHP-eligible cultural resources identified.
- Developing a treatment plan for the unanticipated discovery of cultural resources during *all* phases of project development, including procedures for uncovering human remains or suspected human remains.
- Training project personnel to educate them regarding the importance of cultural resources, as well as procedures for avoiding cultural resources and reporting any culturally sensitive resources.
- Using tribal monitors during surveys and ground-disturbing activities.
- Providing training for tribal personnel in the field of cultural resource management and environmental science, such as NHPA Section 106, NEPA, and CEQA training.
- Issuing educational scholarships for tribal communities.
- Conducting archaeological or other cultural resource analyses.
- Conducting biological and hydrologic studies.
- Developing educational curricula to be used in local school settings.
- Conducting public educational outreach, such as kiosks or museums, regarding impacted tribal concerns.
- Offering land exchanges that can provide valuable assets, both cultural and financial, for a tribe to mitigate the loss of assets.
- Establishing conservation easements where individual resources could be preserved.
- Treating the surfaces of introduced materials to reduce the visual impact of such materials.
- Using specific lighting design and operations to reduce impacts to night-sky viewing.

- Avoiding and buffering critical habitat areas, vegetation stands, and nesting areas.
- Restricting the introduction and disposal of any non-native species into areas of native habitat, suitable habitat, and natural or artificial bodies of water.
- Directing nighttime lighting away from animal habitats and shield light downward.
- Implementing construction standards that would prevent toxic chemicals from entering waterways, minimizing the chance of hazardous spills, and implementing measures to prevent excessive and man-made soil deposition and erosion.
- Addressing impacts to cultural resources at a landscape scale following the guidance in *A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior* (Department of the Interior 2014), including:
    - Compensatory mitigation.
    - Coordination with other agencies.
    - Measures to monitor and evaluate the progress of long-term mitigation.
    - Development and maintenance of geospatial information systems for use in identifying existing and potential conservation strategies and development opportunities.

#### IV.9.3.1.1.2 Impacts from Reserve Design in the No Action Alternative

The No Action Alternative has no reserve design. Without approval of an action alternative, protection of existing Legislatively and Legally Protected Areas, such as wilderness areas, would continue. In addition, under the No Action Alternative, renewable energy projects would continue to be evaluated and approved with project-specific mitigation requirements.

Under the No Action Alternative, approximately 63% of the NAEs (1,043,601 acres) identified in the 1980 CDCA are within existing BLM-protected lands or BLM land designations (such as ACECs) (Table R2.9-2 Appendix R2). While these do not represent a complete list of places or areas important to tribes, renewable resource developments within these lands would be reviewed on a project-by-project basis.

### *IV.9.3.1.2 Impacts on BLM Lands of Existing BLM Land Use Plans in No Action Alternative*

Under the No Action Alternative, the existing land management plans within the Plan Area would continue to allow for renewable energy and transmission development within acceptable land designations, including Solar Energy Zones and Solar Variance Lands. Each of these projects would require LUPAs prior to BLM approval if they are sited outside the Solar Energy Zones and Solar Variance Lands.

Table R2.9-3 presents the NAE acres with the available development areas on BLM Lands under the No Action Alternative. Of the 2,069,755 NAE acres, 5,816 acres would be impacted by future projects. The majority of the NAE acres (4,872) would be in solar energy.

Table R2.9-4 presents the NAE acres within existing ACECs and SRMAs. There are 1,756 NAE acres within existing SRMAs and 515,272 NAE acres within existing ACECs. Renewable energy development within existing ACECs, wildlife allocations, and SRMAs would continue to be reviewed on a project-by-project basis.

### *IV.9.3.1.3 Impacts of Natural Community Conservation Plan in No Action Alternative*

The NCCP would apply to all lands within the Plan Area. In the absence of Plan implementation, the NCCP would not be approved; and no incidental take permits would be issued under the NCCP. Projects would continue to be considered by the appropriate lead agency on an individual basis. The impacts that would occur in the absence of the NCCP would be the same as those described in Section IV.9.3.1.1.1, Impacts and Mitigation for Renewable Energy and Transmission Development in No Action Alternative (Plan-wide analysis).

### *IV.9.3.1.4 Impacts of General Conservation Plan in No Action Alternative*

As described in Appendix M, the GCP would apply to nonfederal lands in the Plan Area. In the absence of Plan implementation, the GCP would not be approved; and no incidental take permits would be issued under the GCP. Projects would continue to be considered by the USFWS on an individual basis. The impacts that would occur in the absence of the GCP would be the same as those described in Section IV.9.3.1.1.1 (Plan-wide analysis) but would be specific to nonfederal lands within the Plan Area.

### *IV.9.3.1.5 Impacts Outside the Plan Area in No Action Alternative*

Outside the Plan Area, additional transmission lines would be needed to deliver the additional renewable energy to load centers (areas of high demand). It is assumed that new transmission lines outside the Plan Area would use existing transmission corridors between the Plan Area and existing substations in the more populated coastal areas of the state. The areas outside the Plan Area through which new transmission lines might be constructed are San Diego, Los Angeles, North Palm Springs–Riverside, and the Central Valley.

#### IV.9.3.1.5.1 Impacts of Transmission Outside the Plan Area

The application of mitigation measures developed under NHPA Section 106 and the CEC siting process would avoid, reduce, or mitigate the potential for adverse impacts of transmission line development on resources of interest to tribes. Section 106 and CEC

siting process consultations between BLM, CEC, the State Historic Preservation Officer, appropriate tribes, and other consulting parties would be required. Ongoing tribal consultation, in accordance with NHPA/CEQA and other relevant state legislation, would help determine areas of sensitivity, appropriate survey and mitigation needs, and other issues of concern such as access rights or disruption of cultural practices.

***Impact TL-1: Plan components could disproportionately affect resources of cultural and spiritual importance to tribes.***

Resources of concern to tribes relate to both process and the physical world, as outlined in Volume III, Section III.9.3. Damage or alteration of resources of interest to tribes could result from all phases of transmission line development outside the Plan Area. Resources identified as those related to the physical world could be impacted by the alteration, movement, or destruction of traditionally important cultural resources, including both direct and indirect effects. Natural resources with important cultural values for tribes could be disturbed, removed, displaced, or destroyed. Resources identified as those related to process could be affected by a lack of meaningful consultation, which could result from inadequate information exchange between parties, not consulting with the appropriate group or groups, not allotting enough time for adequate consultation, and holding consultation meetings in locations that make it difficult for all parties to attend.

***Impact TL-2: Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations.***

The development of renewable energy projects could impose burdens on tribal governments and other organizations related to their participation in the NEPA or CEQA processes or in NHPA Section 106 consultation.

#### IV.9.3.1.5.2 Impacts of Existing BLM Land Use Plans Outside the Plan Area

Under the No Action Alternative, the existing BLM CDCA land use plans would continue to be implemented on CDCA lands. Renewable energy projects would continue to be developed through BLM's existing policies. Impacts on tribal resources would be of the types described in Section IV.9.2.1, with similar mitigation measures being included in NEPA and CEQA documents on a case-by-case basis.

### *IV.9.3.1.6 CEQA Significance Determination: No Action Alternative*

**TL-1: Plan components could disproportionately affect resources of cultural and spiritual importance to tribes.**

Resources of concern to tribes relate to both process and the physical world, as outlined in Volume III, Section III.9.3. In the No Action Alternative, impacts could result from all phases of renewable energy development including site characterization, construction and decommissioning, and operation and maintenance.

Resources identified as those related to the physical world could be impacted by the alteration, movement, or destruction of traditionally important cultural resources, including both direct and indirect effects. Natural resources with important cultural values for tribes could be disturbed, removed, displaced, or destroyed.

Resources identified as those related to process could be affected by a lack of meaningful consultation, which could result from inadequate information exchange between parties, not consulting with the appropriate group or groups, not allotting enough time for adequate consultation, and holding consultation meetings in locations that make it difficult for all parties to attend. Other examples of impacts to process concerns could include breaches of confidentiality, providing inadequate time for the review of environmental documents, not including cultural resource monitors during survey work and ground-disturbing activities, impeding access to culturally important areas, and not repatriating culturally important resources such as human remains and associated grave goods.

The No Action Alternative incorporates no new conservation actions, but there would be continued avoidance of existing Legislatively and Legally Protected Areas.

Mitigation measures, such as those identified in Section IV.9.3.1.1.1, would lessen the effects of renewable energy development on resources of concern to tribes. However, even with the implementation of these mitigation measures, the impacts to resources of concern to tribes would be significant and unavoidable.

Despite the conservation of some resources of concern to tribes through the continued protection of Legislatively and Legally Protected Areas, the traditional tribal world view considers the cultural and spiritual value of the resource and not the total number of impacted resources. Thus, the conservation of some significant resources of concern to tribes does not alleviate the significant and adverse effects on other resources.

***Impact TL-2: Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations.***

In addition to the impacts described above, the No Action Alternative would create disproportionate impacts to tribal communities such as air quality, traffic, or noise. Impact TL-2 would be lessened with implementation of mitigation measures for control of air emissions, traffic, and noise; but the specific financial impacts associated with participating in CEQA, NEPA, and consultation processes would remain significant and unmitigated.

## IV.9.3.2 Preferred Alternative

### *IV.9.3.2.1 Plan-wide Impacts of Implementing the DRECP: Preferred Alternative*

#### IV.9.3.2.1.1 Plan-wide Impacts and Mitigation Measures from Renewable Energy and Transmission Development

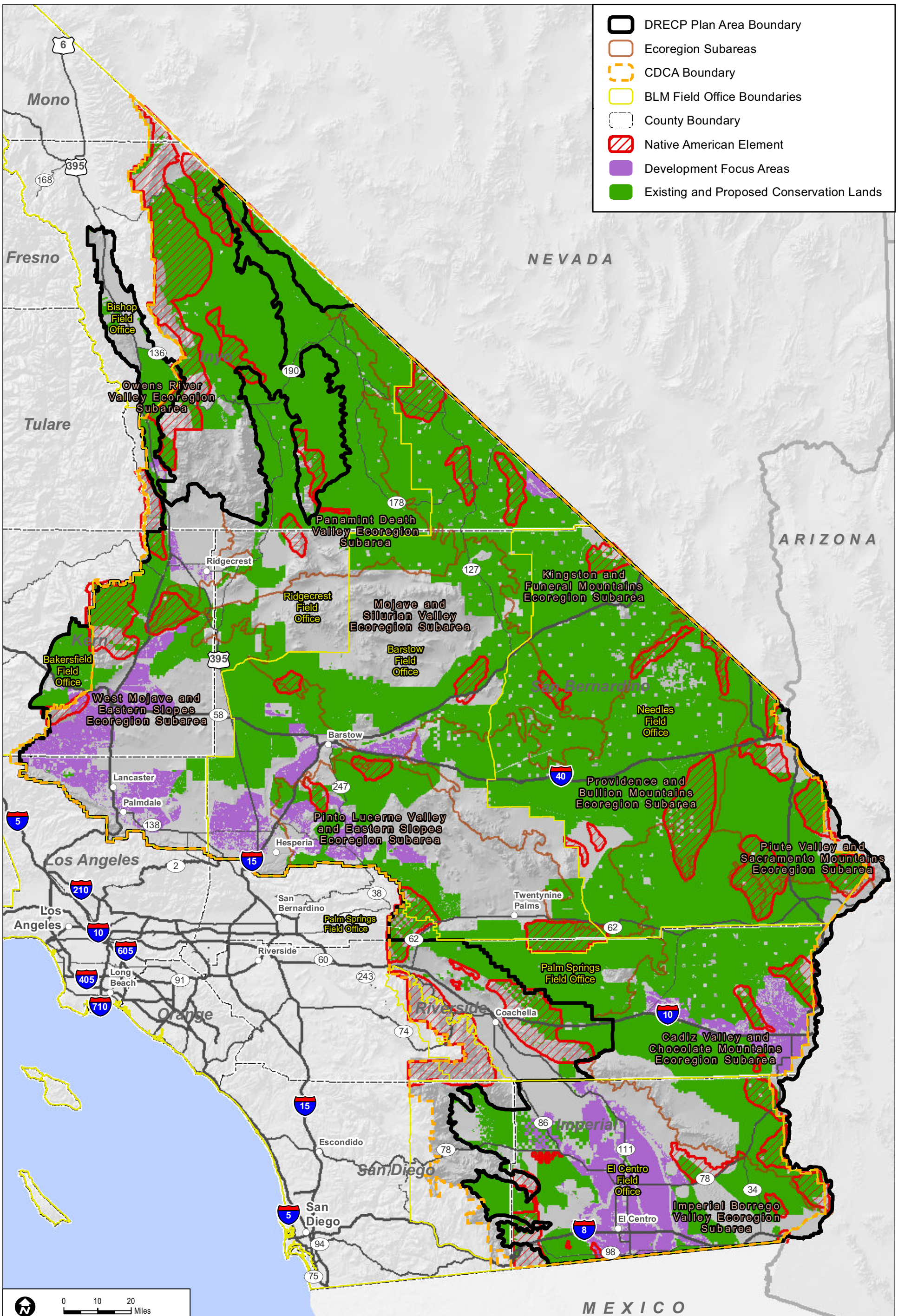
**Impact Assessment**

Renewable energy development activities covered by the DRECP would be confined to DFAs. The Preferred Alternative could directly impact culturally important resources on 1,994 acres of lands classified as NAEs and an estimated 87,881 archaeological and built-environment resources (see Tables R2.9-6 and R2.8-4). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Figure IV.9 2, Native American Element (Identified in the 1980 CDCA Plan), Preferred Alternative, illustrates the location of NAEs and the components of the Preferred Alternative.

While NAE-designated lands and cultural resource sites are important, the metrics listed above do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are identified and appropriate mitigation is developed.

***Impact TL-1: Plan components could disproportionately affect resources of cultural and spiritual importance to tribes.***

As described in more detail in Section IV.9.2, all phases of renewable energy development under all of the alternatives could affect resources of cultural and spiritual importance to tribes.




Sources: ESRI (2014); CEC (2013); BLM (2013); CDFW (2013); USFWS (2013)

**FIGURE IV.9-2**

**Native American Element (Identified in the 1980 CDCAP), Preferred Alternative**

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***Impact TL-2: Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations.***

The processes required to develop renewable energy projects can disproportionately affect tribal governments and organizations due the cost of participation.

**Impacts in Study Area Lands**

Study Area Lands refer to three categories of lands: Future Assessment Areas (FAAs), Special Analysis Areas (SAAs), and DRECP Variance Lands. Development in any of the Study Area Lands could adversely impact resources important to tribes.

**Future Assessment Areas.** Lands within FAAs are neither reserve lands nor DFAs; they are simply areas that are deferred for future assessment. The future assessment will determine their suitability for renewable energy development or ecological conservation. If renewable energy development occurs on FAA lands, a LUPA would not be required. FAAs for each alternative are included and located as shown in Table IV.1-2 and Figure II.3-1 in Volume II. The FAAs represent areas where renewable energy development or inclusion in the reserve design could be implemented through an amendment to the DRECP, but additional assessment would be needed.

Because most of the FAAs are presented as "undesignated areas" in the action alternatives, there would be no difference between the FAAs in the Preferred Alternative except that renewable development in an FAA would not require a BLM LUPA; so the environmental review process would be somewhat simpler than if the location were left undesignated.

There are 128,000 acres of FAAs in the Preferred Alternative (Table IV.1-2). Of these, 49,934 acres are also NAE acres. The majority of these (41,923 acres) are within the West Mojave and Eastern Slopes ecoregion subarea, and another 8,011 acres are in the Providence and Bullion Mountains ecoregion subarea. These areas also are estimated to contain 999 archaeological and built-environment resources. While important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes within the FAAs. Under the Preferred Alternative, 2,560 archaeological and built-environment resources are estimated to be within FAAs. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

**Special Analysis Areas (SAAs)**. There are two areas defined as SAAs in the Preferred Alternative, representing areas subject to ongoing analysis. These areas (in the Silurian Valley and just west of U.S. Route 395 in Kern County) cover 42,000 acres (Table IV.1-3),

have high value for renewable energy development, and have high value for ecological and cultural conservation and recreation. SAA lands are expected to be designated in the Final Environmental Impact Report/Environmental Impact Statement as either DFAs or included in the reserve design/Conservation Designation. No NAEs are present within SAA lands in the Preferred Alternative. While important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes within the SAAs. Under the Preferred Alternative, 840 archaeological and built-environment resources are estimated to be within SAAs. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

**DRECP Variance Lands.** These lands represent the BLM Solar PEIS Variance Lands as screened for the DRECP and Environmental Impact Report/Environmental Impact Statement based on BLM screening criteria. Covered Activities could be permitted for NCCP purposes only through an NCCP plan amendment. However, development of renewable energy on Variance Lands would not require a BLM LUPA; so the environmental review process would be somewhat simpler than if the location were left undesignated.

Under the Preferred Alternative, there would be 13,000 acres of Variance Lands (Table IV.1-4). An estimated 260 archaeological and built-environment resources are present. These overlap with 53,781 NAE acres: 3,745 acres in the Kingston and Funeral Mountains ecoregion subarea, 8,113 acres in the Providence and Bullion Mountains ecoregion subarea, and 41,923 acres in the Western Mojave and the Eastern Slopes ecoregion subarea. An estimated 1,076 archaeological and built-environment resources are in this area. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### Impact Reduction Strategies and Mitigation

The implementation of the Plan under the Preferred Alternative would result in conservation of some desert lands as well as the development of renewable energy generation and transmission facilities on other lands. The impacts of the renewable energy development covered by the Plan would be lessened in several ways. The Plan incorporates CMAs for each alternative (defined in this section for the Preferred Alternative), as well as specific biological reserve design components and LUPA components. In addition, the implementation of existing laws, orders, regulations, and standards would reduce the impacts of project development.

Despite the fact that land would be conserved under the Preferred Alternative, and some of these conserved lands would contain known NAE areas and cultural resources, there would

still be damage, destruction, or alteration to unknown NAE areas and cultural resources. Because the traditional tribal world-view typically values cultural and spiritual resources as a whole, the conservation of some NAE areas and cultural resources would not alleviate the damage, destruction, or alteration of others in DFAs.

### *Conservation and Management Actions*

The conservation strategy for the Preferred Alternative (presented in Volume II, Section II.3.1.1) defines a large number of specific actions that would reduce the impacts of the Preferred Alternative related to tribal resource values. The conservation strategy includes a definition of the reserve design and specific CMAs for the Preferred Alternative. While the CMAs were developed for BLM lands only, this analysis assumes that all CMAs would be applied also to nonfederal lands.

While CMAs would help reduce impacts to resources of concern to tribes, these measures would be most effective when developed during consultation and meaningful engagement with tribal communities. As described in Chapter III.9, this consultation regarding the DRECP has been under way for some time and would continue throughout the CEQA/NEPA process.

CMAs designed specifically for tribal concerns do not vary considerably by alternative. However, some cultural resources CMAs would conserve resources of interest to tribes, and are therefore relevant here.

Following are CMAs developed specifically for BLM lands that could reduce impacts to resources of Native American concern (Section III.9.2). These CMAs would also be applied to nonfederal lands but modified to meet the requirements of state law and CEC or other state lead agencies. Unless otherwise noted, all the CMAs for the Preferred Alternative also apply to Alternatives 1 through 4. However, NSHT CMAs associated with NLCS lands and ACECs vary by alternative.

<u>Planning Area–Wide National Conservation Land Management Direction</u>

- **Cultural Resources** – With the exception of research, no actions that would result in adverse effects to historic properties, as defined under Section 106 of National Historic Preservation Act and the implementing regulations at 36 CFR Part 800, will be authorized.

National Trails

DRECP will make decisions for three National Trails (Pacific Crest National Scenic Trail, Old Spanish National Historic Trail and the Juan Bautista de Anza National Historic Trail) to designate the National Trail Management Corridors and management actions

Conservation and Management Actions for National Trails

- **Management Corridor Width** (see also maps): Establish a National Trail Management Corridor width generally 5 miles from the centerline of the trail.
- **Management of Trail Corridors** – Manage National Trails as components of BLM's NLCS. Where National Trails overlap other National Conservation Lands, the more protective CMAs or land use allocations will apply.
- **Lands and Realty**
  - **Land Use Authorizations**
    - **Site Authorization –** NSHT Management Corridors would be avoidance areas. Sites authorizations would require mitigation/compensation resulting in net benefit to the NSHT.
    - **Linear Rights-of-Way –** NSHT Management Corridors would be avoidance areas except in designated transmission corridors. Exclude cultural landscapes, high potential historic sites, and high potential route segments identified along historic trails corridors from transmission except in approved transmission corridors. Where development affects trail management corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
    - **Renewable Energy Rights-of-Way** – Exclude cultural landscapes, high potential historic sites, and high potential route segments identified along historic trails corridors from transmission except in approved DFAs and transmission corridors. Where development affects trail management corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
  - **Land Tenure**
    - Exchange would be permitted if it results in net benefit to NSHT values.
    - Purchase and donations would be also be permitted to acquire lands within NSHT.

- **Minerals**
  - **Locatable Minerals** – For the purposes of locatable minerals, National Trail corridors would be treated as "controlled" or "limited" use areas in the CDCA, requiring a Plan of Operations for greater than casual use under 43 CFR 3809.11.
  - **Saleable Minerals** – NSHT Management Corridors would be available for saleable mineral development if it does not substantially interfere with nature and purpose of NSHT, and would require mitigation/compensation must result in net benefit to NSHT values
  - **Leasable Minerals** – NSHT Management Corridors would be available for leasing with a No Surface Occupancy stipulation. Surface coal mining would not be allowed within the NSHT Management Corridors.
- **Recreation and Visitor Services –** Commercial and competitive Special Recreation Permits would be considered on a case-by –case basis for activities consistent with the values of the National Conservation lands unit.
- **Cultural Resources**
  - Undertakings that result in adverse effects to NHTs and NSTs that are historic properties as defined under Section 106 of National Historic Preservation Act and the implementing regulations at 36 CFR Part 800 will not be authorized.
  - All NHT segments will be assumed to contain remnants, artifacts and other properties eligible for the National Register of Historic Places, pending evaluation.
- **Visual Resources Management –** All NSHT Management Corridors will be designated as VRM class II, except within approved transmission corridors (VRM Class III) and DFAs (VRM Class IV). However, state of the art VRM BMPs for renewable energy will be employed commensurate with the protection of nationally significant scenic resources and cultural landscapes to minimize the level of intrusion and protect trail settings.
- **Mitigation Requirements –** If a segment of a National Trail or proposed NHT traverses a DFA, it will be subject to mitigation for impacts to trail features, including, but not limited to, and not in priority order: avoidance, the cost of trail relocation, on-site mitigation and off-site mitigation. Compensation can include acquisition or restoration of corridor features and landscapes will be at a minimum of 2:1, and must result in a net benefit to the overall trail corridor. Development of high potential route segments must not substantially interfere with the nature and purposes of the National Trail.

### *BLM-Specific Conservation and Management Actions*

Cultural and Tribal CMAs for the Entire Planning Area

- Continue working with the California Office of Historic Preservation to develop and implement a program for record keeping and tracking agency actions that meets the needs of BLM and OHP organizations pursuant to existing State and National agreements and regulation (BLM State Protocol Agreement; BLM National Programmatic Agreement).
- Using relevant archaeological and environmental data, identify priority geographic areas for new field inventory, based upon a probability for unrecorded significant resources and other considerations.
- Identify places of traditional cultural and religious importance to federally recognized tribes and maintain access to these locations for traditional use.
- Design BLM actions and authorizations to minimize impacts on cultural resources including places of traditional cultural and religious importance to federally recognized tribes.
- Develop interpretive material to correspond with recreational uses to educate the public about protecting cultural resources and avoiding disturbance of archaeological sites.
- Develop partnerships to assist in the training of groups and individuals to participate in site stewardship programs.
- Coordinate with visual resources staff to ensure VRM classes consider cultural resources and tribal consultation to include landmarks of cultural significance to Native Americans (TCPs, trails, etc.).
- Conduct regular contact and consultation with federally recognized Tribes and individuals, consistent with statute, regulation and policy.
- Promote desert vegetation communities by compensatory mitigation, off-site mitigation, and other means for Native American vegetation collection.
- Promote and protect desert fan palm oasis communities by compensatory mitigation, off-site mitigation, and other means for Native American cultural values.
- Promote and protect desert microphyll woodland communities by compensatory mitigation, off-site mitigation, and other means for Native American cultural values.

Other CMAs for the Entire Planning Area

- **Biological Resources.** CMAs developed for biological resources could reduce impacts to Native American resources from soil erosion, project runoff, oil or other contaminant spill, and the introduction of invasive species during restoration and revegetation. The CMAs would apply to all action alternatives (Preferred, Alternatives 1 through 4).
- **Golden Eagles.** Based on the 2013 data, no more than 15 golden eagles would be allowed to be taken in 2014 by any activities within the Plan Area. On an annual basis, the USFWS will evaluate the population status and new information on the amount of ongoing take of eagles within the local-area population of golden eagles. This information will be used to update the amount of take that will be authorized each year. CMAs would be implemented to avoid and minimize the take of golden eagles from the siting, construction, operations, and decommissioning of Covered Activities under the DRECP. The approach to determining golden eagle coverage in the DRECP is described in further detail in Appendix H.
- **Air Resources.** Implementation of CMAs related to air quality could reduce temporary impacts to the visual setting of resources of Native American concern, such as traditional cultural properties and cultural landscapes, from fugitive dust by requiring that air quality standards for fugitive dust exceed local standards and apply seven days a week. In addition, these CMAs would require the development of a fugitive dust control plan (Section II.3.2.3.1.2).
- **Comprehensive Trails and Travel Management.** Implementation of CMAs related to maintaining and managing adequate roads and trails could reduce impacts to trails and trail segments important to Native Americans by prohibiting large-scale disturbance within 0.5 mile of the centerline of Tier 2 roads/primitive roads and 300 feet from the centerline of Tier 3 primitive roads/trails. In addition, this would require the management of road, primitive road, and trail access to and within SRMAs, Extensive Recreation Management Areas, Off-Highway Vehicle Open Areas, and Tier 1, 2, and 3 roads.
- **Mineral Resources.** Implementation of CMAs related to mineral resources would reduce the loss of availability and access to mineral resources of importance to Native Americans by requiring agencies to analyze and consider the mineral resource value in High Potential Mineral Areas in the renewable energy project analysis.
- **Paleontological Resources**. Implementation of CMAs related to paleontological resources would protect unique paleontological resources important to Native Americans by requiring the applicant to prepare paleontological sensitivity maps consistent with the Potential Fossil Yield Classification for ROW prior to NEPA

analysis. These CMAs would also ensure proper data recovery of significant paleontological resources where impacts cannot be avoided or mitigated and require the presence of paleontological surveys and construction monitors for large-scale projects in the Chuckwalla Valley.

- **Soil, Water, and Water-Dependent Resources.** Implementation of CMAs related to soil, water, and water-dependent resources would reduce impacts to water resources important to Native American tribes by providing appropriate protective measures to protect the quantity and quality of all water resources (including ephemeral, intermittent, and perennial water bodies) and any associated riparian habitat. In addition, these CMAs, require the preparation of a Water Monitoring, Management, and Mitigation Plan that shall be approved by the authorizing officer prior to the development, extraction, injection, or consumptive use of any water resource.
- **Visual Resources.** Implementation of CMAs related to visual resources would reduce impacts to the visual setting of resources of Native American concern, including traditional cultural properties and sacred sites, landscapes, and archaeological resources, by ensuring that (1) development within each VRM Class polygon meets the VRM objectives as measured through a visual contrast rating process and (2) transmission facilities are designed to create the least amount of visual contrast.

### *Cultural and Tribal CMAs in Development Focus Areas and DRECP Study Areas, and Transmission Corridors*

The following CMAs will apply to renewable energy and transmission ROWs:

BLM developed and maintains a geodatabase for Cultural Resources and Cultural Resources investigations in a Geographic Information System (GIS). The geodatabase is regularly updated with newly recorded and re-recorded resource and investigation data. However, while the geodatabase includes location information (feature classes or shapefiles), the associated information about each resource or investigation (attribute data) is limited or inconsistent. As it exists now, the geodatabase cannot be used for predictive analyses like those recommended in *A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior* (Interior 2014). However, with some updates, the geodatabase would be a powerful tool for identifying potential conservation priorities as well as development opportunities. Many of the CMAs below are intended to facilitate the update of BLMs geodatabase, and require its use when the updates are complete.

- Require the applicant to pay all appropriate costs associated with the following processes, through the appropriate BLM funding mechanism:
    - All appropriate costs associated with BLM's analysis of the DRECP geodatabase and other sources for cultural resources sensitivity;

  - All appropriate costs associated with preliminary sensitivity analysis;
  - All appropriate costs associated with the Section 106 process including the identification and defining of cultural resources. These costs may also include logistical, travel, and other support costs incurred by tribes in the consultation process.
  - All appropriate costs associated with updating the DRECP cultural resources geodatabase with project specific results.
- A management fee, defined at a per acre rate and annual escalation provision for the life of the grant, will paid to BLM as partial mitigation for the cumulative effects on cultural resources across the DRECP area and may be used to develop regional research designs and other forms of off-site and compensatory mitigation.
- The management fee rate will be determined through the programmatic Section 106 consultation process that will be completed as part of the DRECP land use plan amendment.
- Demonstrate that results of cultural resources sensitivity, based on the DRECP geodatabase, and other sources, are used as part of the initial planning pre-application process and to select of specific footprints for further consideration.
- Provide a statistically significant sample survey as part of the pre-application process, unless BLM determines the DRECP geodatabase and other sources are adequate to assess cultural resources sensitivity of specific footprints.
- Provide justification in the application why the project considerations merit moving forward if the specific footprint lies within an area identified or forecast as sensitive for cultural resources by BLM.
- Complete the Section 106 Process as specified in 36 CFR Part 800, or via an alternate procedure, allowed for under 36 CFR Part 800.14 prior to issuing a ROD or ROW grant on any utility-scale renewable energy or transmission project. For utility-scale solar energy developments, BLM may follow the Solar PA.
- The Ford Dry Lake Basin and surrounding shoreline up to the 380 foot contour comprises mitigation agreed upon earlier by the Genesis project owners, BLM, CEC, the Colorado River Indian Tribes, and the Ft. Mojave tribe as the proposed Ford Dry Lake National Register Archaeological District and may not be developed.

***Cultural and Tribal CMAs for National Conservation Lands and Areas of Critical Environmental Concern***

- Survey, identify and record new cultural resources within ACEC boundaries.
- Update records for existing cultural resources within ACECs.

- Develop baseline assessment of specific natural and man-made threats to cultural resources in ACECs (i.e., erosion, looting and vandalism, grazing, OHV).
- Provide on-going monitoring for cultural resources based on the threat assessment.
- Identify, develop or incorporate standard protection measures and best management practices to address threats.
- Where specific threats are identified, implement protection measures consistent with agency Section 106 responsibilities.

***Laws and Regulations***

Similar to the No Action Alternative, existing laws and regulations would reduce certain impacts of Plan implementation. Relevant regulations are presented in the Regulatory Setting in Volume III. The requirements of relevant laws and regulations are summarized for the No Action Alternative in Section IV.9.3.1.1.1.

***Mitigation Measures***

After implementation of the CMAs and existing laws and regulations, mitigation measures are recommended to further reduce some of the DRECP's adverse impacts to resources of concern to tribes, as outlined in this section. Some of these mitigation measures may be included in NHPA Section 106 agreement documents (such as programmatic agreements) for specific resources impacted by specific projects or for the Plan Area as a whole. Differences between state and federal legal requirements may result in differences between mitigation measures for resources located on federal land as opposed to those located on other lands and may require close coordination between state and federal lead agencies.

***Mitigation Measures for Impact TL-1: Plan components could disproportionately affect resources of cultural and spiritual importance to tribes.***

**TL-1a** **Protect Tribal Resources.** The following actions shall be taken to define and protect resources of value to tribes, including:

- Develop a treatment plan for the unanticipated discovery of cultural resources during all phases of project development, including procedures for uncovering human remains or suspected human remains.
- Train project personnel to avoid cultural resources and report any culturally sensitive resources.
- Employ tribal monitors during cultural resource surveys and ground-disturbing activities.

- Conduct archaeological or other cultural resource analyses.
- Conduct biological or hydrologic analyses.
- Avoid and buffer critical habitat areas, vegetation stands, and nesting areas.
- Restrict the introduction and disposal of non-native species into areas of native habitat, suitable habitat, and natural or artificial bodies of water.
- Direct nighttime lighting away from animal habitats and shield light to focus only downward.
- Implement construction standards that would prevent toxic chemicals from entering waterways, minimize the chance of hazardous spills, and implement measures to prevent excessive and man-made soil deposition and erosion.
- Develop educational curricula to be used in local school settings.
- Conduct public outreach, such as educational kiosks or museums, regarding tribal concerns to educate the public.
- Issue educational scholarships for tribal communities.
- Implement land exchanges.
- Provide training for tribal personnel in historic preservation, such as NHPA Section 106 training.
- Establish conservation easements where individual resources could be preserved.

***Mitigation Measures for Impact TL-2: Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations.***

**TL-2a** **Provide Support to Tribal Governments**. Project proponents shall provide support tribal participation in the CEQA and NEPA process (consultation, ethnography, document review, monitoring, repatriation, access of sacred sites) including:

- Fees for ethnographic interview and consultation.
- Travel costs.
- NEPA, CEQA, and NHPA Section 106 training for tribal personnel.
- Funds to hire and train additional environmental staff to review documents.

- Equipment such as computers and relevant training for tribal personnel in their use.
- High-speed Internet access and relevant training for tribal personnel in its use and maintenance.

#### IV.9.3.2.1.2 Impacts of the Reserve Design

Under the Preferred Alternative, tribal resources would likely benefit from increased protection of natural resources within conservation areas as well as from the CMAs defined in Section IV.9.2.3.1.1. Proposed ACEC and NLCS designations could provide protection for tribal resources: Disturbance caps in these areas are designed to conserve and protect the resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions would minimize surface disturbance and thereby provide protection for cultural resources.

Under the Preferred Alternative, the NAE acres that would fall within Reserve Design Lands are shown in Table R2.9-8 (Appendix R2). With the Preferred Alternative, 80% of NAE acres (1,655,877) would fall within the reserve design and would not be subject to renewable energy development. While important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

Under the Preferred Alternative, an estimated 576,735 (or 45% of all known archaeological and built-environment resources) resources would fall within Reserve Design Lands (see Table R2.8-8 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Due to their location within the conservation lands, resources in these areas would not be subject to impacts from renewable energy development.

### *IV.9.3.2.2 Impacts of DRECP Land Use Plan Amendment on BLM Land: Preferred Alternative*

This section addresses two components of effects of the BLM LUPA: the streamlined development of renewable energy and transmission on BLM land under the LUPA and the impacts of the amended land use plans themselves.

#### IV.9.3.2.2.1 Impacts from Renewable Energy and Transmission Development on BLM Land

Under the Preferred Alternative, 991 NAE acres are within DFA footprints on BLM land (as shown in Table R2.9-9 of Appendix R2). Renewable energy and transmission development could impact this land. This represents less than 0.05% of the NAE acres identified in the 1980 CDCA assessment. NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

#### IV.9.3.2.2.2 Impacts of Changes to BLM Land Designations

The proposed changes to BLM land designations would have both beneficial and adverse effects on tribal resources. Proposed ACEC and NLCS designations would establish disturbance caps in areas designed to conserve and protect resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions, including the CMAs listed above, would minimize surface disturbance and thereby provide protection for tribal resources.

Under the Preferred Alternative, NAE acres found within BLM land designations on BLM LUPA lands are shown in Table R2.9-10 (Appendix R2). These designations include NLCS, ACEC, wildlife allocation, SRMA, land with wilderness characteristics, and NSHT Management Corridor. The majority of the NAE acres (433,447) are within the existing and proposed NLCS lands. About 319,952 NAE acres are on existing and proposed ACEC lands. In the Preferred Alternative, the NSHT Management Corridor is 5 miles on either side of the centerline. As a result, an estimated 28,437 cultural resources would be protected. Although important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

### *IV.9.3.2.3 Impacts of Natural Community Conservation Plan: Preferred Alternative*

The analysis of Covered Activities under the NCCP is equivalent to the Plan-wide analysis of the interagency alternatives. Reserve design features and other conservation actions under the NCCP alternatives represent more detailed categories of the reserve design under the interagency Plan-wide alternatives. These NCCP differences in reserve design features do not affect nonbiological resources analyzed in this document, and the analysis of reserve design and conservation and management actions under the NCCP is therefore equivalent to the Plan-wide analysis of the interagency alternatives, as described in Section IV.9.3.2.1.

### *IV.9.3.2.4 Impacts of General Conservation Plan*

The impacts of the GCP for the Preferred Alternative would be similar to the impacts defined in Section IV.9.3.2.1 for the Plan-wide analysis, but they would occur on nonfederal lands only.

For the Preferred Alternative, 1,004 NAE acres fall within the DFA footprints (see Table R2.9-11 in Appendix R2). This is 0.3% of the 302,795 NAE acres within the GCP lands. Of the GCP lands, approximately 25% (76,654 NAE acres) would be within conservation lands (see Table R2.9-12).

Under the Preferred Alternative, cultural resources found within DFA footprints on GCP lands are shown in Table R.8-11 (Appendix R2). For GCP lands under the Preferred Alternative, an estimated 5,662 archaeological and built-environment resources could fall within the technology footprints in the DFAs. This is 1% of the archaeological and built-environment resources within the GCP lands. Under the Preferred Alternative, archaeological and built-environment resources found within GCP Reserve Design Lands are shown in Table R2.8-12. Of the GCP lands, approximately 13% would be within conservation areas. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.2.5 Impacts Outside the Plan Area*

#### IV.9.3.2.5.1 Impacts of Transmission Outside the Plan Area

The impacts of transmission outside the Plan Area on tribal interests would be the same under all alternatives. These impacts are as described for the No Action Alternative in Section IV.9.3.1.5, Impacts of Transmission Outside the Plan Area in No Action Alternative.

#### IV.9.3.2.5.2 Impacts of BLM LUPA Decisions Outside the Plan Area

Under the Preferred Alternative, NAE acres within BLM land designations outside the Plan Area are shown in Table R2.9-13 (Appendix R2). There are 122,734 NAE acres on proposed NLCS lands, with 108,202 NAE acres on existing and proposed ACEC lands, and 49,393 NAE acres within NSHT Management Corridors. Impacts of BLM land designations outside the Plan Area to NAE acres would be the same as those described in Section IV.9.3.2.1.2.

Under the Preferred Alternative, cultural resources within BLM land designations outside the Plan Area are shown in Table R2.8-13 (Appendix R2). Based on site density, there are 21,920 archaeological and built-environment resources on BLM LUPA lands outside the Plan Area. Of those resources, 4,635 are on proposed NLCS lands, with 5,758 on existing

and proposed ACEC lands and 1,843 within NSHT Management Corridors. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Impacts of BLM land designations outside the Plan Area on cultural resources would be the same as those described in Section IV.8.3.2.1.2.

#### *IV.9.3.2.6 CEQA Significance Determination for the Preferred Alternative*

The Preferred Alternative incorporates a list of conservation actions, and about 80% of NAE acres (1,655,877) would be protected within Reserve Design Lands (Table R2.9-8). The conservation of some resources of concern to tribes through the implementation of CMAs and Reserve Design Lands could reduce the overall impacts of renewable energy development. However, since NAE designated lands do not represent the entirety of places or areas important to tribes in the Plan Area, the identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account. In addition to the CMAs and reserve design for the Preferred Alternative, Mitigation Measures TL-1a and TL-2a present a range of measures that could reduce impacts to resources of interest to tribes.

An estimated 1,526 archaeological and built-environment resources are within the DFA footprints of the Preferred Alternative. Under the Preferred Alternative, an estimated 1,293,507 archaeological and built-environment resources on Reserve Design Lands would be conserved. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Conservation actions in the Plan would protect all kinds of cultural resources by setting aside land for conservation.

The assessment of impacts TL-1 and TL-2 addresses resources of concern to tribes under both process and the physical world, as outlined in Section III.9.3. In the Preferred Alternative, impacts could result from all phases of renewable energy development: site characterization, construction and decommissioning, and operation and maintenance. See Section IV.9.3.1.6, CEQA Significance for No Action Alternative, for additional details. Even with the implementation of Mitigation Measures TL-1a and TL-2a, the impacts to resources of concern to tribes would be significant and unavoidable.

### *IV.9.3.2.7 Comparison of the Preferred Alternative with No Action Alternative*

Chapter IV.27 presents a comparison of all action alternatives and the No Action Alternative across all disciplines. This section summarizes the comparison of the Preferred Alternative with the No Action Alternative.

#### IV.9.3.2.7.1 Preferred Alternative Compared with No Action Alternative for Plan-wide DRECP

Table IV.9-1 compares the acres of NAE within DFAs and the reserve design for the Preferred Alternative and the No Action Alternative.

**Table IV.9-1**
**Comparison of Preferred Alternative with the No Action Alternative for Plan-Wide DRECP**

| | Preferred Alternative | No Action |
|---|---|---|
| NAE acres within DFA | 1,994 | 8,131 |
| NAE acres within the reserve design | 1,655,877 | 1,310,098 |

The Preferred Alternative would impact a fewer number of NAE acres within the DFA footprints than the No Action Alternative. Furthermore, more resources would be conserved in Reserve Design Lands under the Preferred Alternative.

**Table IV.9-2**
**Comparison of Preferred Alternative with the No Action Alternative for Plan-Wide DRECP**

| | Preferred Alternative | No Action |
|---|---|---|
| Number of resources in DFAs | 12,543 | 11,689 |
| Number of resources conserved in Reserve Design Lands or BLM protected lands | 576,735 | 543,265 |
| Plan-wide CMAs (general) | Reduce impacts to cultural resources | Adverse effects will be addressed only through existing laws, regulations, and typical mitigation |
| Cultural resources CMAs for NCLS lands only | With exception of research, no adverse effects to historic properties authorized. | Adverse effects to historic properties addressed through NHPA Section 106. |

**Table IV.9-2**
**Comparison of Preferred Alternative with the No Action Alternative for Plan-Wide DRECP**

| | Preferred Alternative | No Action |
|---|---|---|
| CMAs for National Historic Trails | No adverse effects to NHT and NHT historic properties authorized. All NHT segments assumed to be eligible for NRHP pending evaluation. | Adverse effects to NSHT addressed through NEPA or NHPA Section 106 process as appropriate. |
| NSHT Management Corridor width and number of resources conserved | 5 miles on either side of centerline: 28,437 | None |

The Preferred Alternative would impact slightly more cultural resources in the DFA footprints than the No Action Alternative. However, significantly more resources would be conserved in Reserve Design Lands and in NSHT Management Corridors. In addition, the CMAs for these resources are significantly more protective than for the No Action Alternative.

Overall, the Preferred Alternative is more protective to NAE lands and cultural resources than the No Action Alternative.

### Geographic Distinctions

In this comparison, alternatives are described with regard to (a) the presence or absence of NAE acres in the geographic areas of interest and potential impacts there, and (b) the potential impacts to archaeological and built-environment resources in these same locations.

Under the Preferred Alternative, the Silurian Valley would be an SAA. Under the No Action Alternative, this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. Overall, for each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources of interest to tribes in this location.

Under the Preferred Alternative, the Hidden Hills area in Inyo County near the Nevada state line would be a DFA. Under the No Action Alternative, this location would be undesignated. Based on previous studies associated with proposed solar project in this location, the Hidden Hills area is known to be very culturally sensitive because of the presence of a segment of the Salt Song Trail, Route 66, and an NSHT. In addition, there are NAE acres in this location (Figure III.9-1). Overall, under the No Action Alternative, this location might

be conserved, therefore the No Action Alternative would be more protective for resources of interest to tribes than the Preferred Alternative.

Under the Preferred Alternative, the Notch in the Park (south of Ivanpah near Mountain Pass) would be an FAA. Under the No Action Alternative, this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources of interest to tribes.

Under the Preferred Alternative, the area north of Tehachapi would be an FAA. Under the No Action Alternative, this location would be undesignated. The majority of this area consists of NAE acres (Figure III.9-1). Overall, for each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources of interest to tribes.

Under the Preferred Alternative, the area east of Twentynine Palms would be an FAA. Under the No Action Alternative, this location would be undesignated. There are NAE acres in this location (Figure III.9-1). Overall, for each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources of interest to tribes.

Under the Preferred Alternative, the Owens Lake would be a BLM conservation allocation. Under the No Action Alternative, this location would be undesignated. There are NAE acres in this location (Figure III.9-1), and dry lakes in this part of California are known to be very culturally sensitive. In addition, the Owens River Valley ecoregion subarea has the highest density of cultural resources of all of the DRECP ecoregion subareas (1.76 resources per acre). Therefore, the Preferred Alternative would protect more resources of interest to tribes in this location than the No Action Alternative.

Under the Preferred Alternative, Searles Lake between Fort Irwin and China Lake would be undesignated. Under the No Action Alternative, this location would be undesignated. There are NAE acres in this location (Figure III.9-1). Overall, for each alternative this location could either be developed or conserved, therefore there is no difference between the alternatives for resources of interest to tribes.

Under the Preferred Alternative the area along U.S. Route 395, north of Edwards Air Force Base would be an SAA. Under the No Action Alternative, this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources of interest to tribes.

#### IV.9.3.2.7.2 Preferred Alternative Compared With No Action Alternative for the BLM Land Use Plan Amendment

In this section, alternatives are distinguished through the comparison of the number of NAE acres and estimated cultural resources that would be conserved in BLM land designations and the NAE acres and estimated cultural resources in BLM land designations that are also in DFAs and therefore might be impacted by development. While the number of resources conserved by each kind of BLM land designation, cultural resources CMAs apply to NLCS, ACECs, and NSHT Management Corridors; and so the importance of those designations are emphasized here.

**Table IV.9-3**
**Comparison of Preferred Alternative with the No Action Alternative for the BLM Land Use Plan Amendment**

| Land Classification | Preferred Alternative NAE acres | No Action N AE acres |
|---|---|---|
| SRMA | 94,776 | 1,756 |
| NLCS | 433,447 | n/a |
| Existing and proposed ACEC | 319,952 | 515,272 |
| Wildlife allocation | 1,356 | n/a |
| Land with wilderness characteristics | 46,311 | n/a |
| NSHT Management Corridor | 162,358 | n/a |
| BLM LUPA land in DFA footprint | 991 | n/a |

**Table IV.9-4**
**Comparison of Preferred Alternative with the No Action Alternative for the BLM Land Use Plan Amendment**

| Land Classification | Preferred Alternative Estimated # of Resources | No Action Estimated # of Resources |
|---|---|---|
| SRMA | 68,801 | 52,426 |
| NLCS | 176,810 | n/a |
| Existing and proposed ACEC | 84,542 | 87,881 |
| Wildlife allocation | 742 | n/a |
| Land with wilderness characteristics | 11,237 | n/a |
| NSHT Management Corridor | 28,437 | n/a |
| BLM LUPA land in DFA footprint | 6,855 | n/a |

Under the Preferred Alternative, there are fewer NAE acres within the DFA footprint of BLM LUPA lands, and therefore fewer potentially impacted by development, than there would be with the No Action Alternative (Table IV.9-3). The No Action Alternative has no reserve design, but without approval of an action alternative, there would be continued protection of existing Legislatively and Legally Protected Areas such as wilderness areas.

There are more estimated archaeological and built-environment resources protected within BLM LUPA land designations under the Preferred Alternative than under the No Action Alternative (Table IV.9-4). Traditional cultural properties and cultural landscapes are not included in these calculations, but are considered qualitatively instead

Overall, a larger number of NAE acres and cultural resources would be protected more effectively by the Preferred Alternative than the No Action Alternative.

#### IV.9.3.2.7.3 Preferred Alternative Compared with No Action Alternative for NCCP

The impacts of the NCCP for the Preferred Alternative are the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis. As a result, the comparison of the Preferred Alternative with the No Action Alternative for the NCCP is the same as described above for Plan-wide DRECP.

#### IV.9.3.2.7.4 Preferred Alternative Compared with No Action Alternative for the GCP

There would not be a GCP under the No Action Alternative. The No Action Alternative assumes that renewable energy and transmission development and mitigation for such projects in the Plan Area would occur on a project-by-project basis in a pattern consistent with past and ongoing renewable energy and transmission projects.

## IV.9.3.3 Alternative 1

### *IV.9.3.3.1 Plan-wide Impacts of Implementing the DRECP: Alternative 1*

#### IV.9.3.3.1.1 Plan-wide Impacts and Mitigation Measures from Renewable Energy and Transmission Development

**Impact Assessment**

The general issues of concern to tribes related to renewable energy development for Alternative 1 are the same as those described for typical impacts (Section IV.9.2.1) and for the No Action Alternative (Section IV.9.3.1.1.1). Alternative 1 could directly impact culturally important resources on 1,571 acres of lands classified as NAEs and an estimated 18,928 cultural resource sites (see Table R2.9-14 and Table R2.8-14 in Appendix R2).

Figure IV.9-3, Native American Element (Identified in the 1980 CDCA Plan), Alternative 1, illustrates the location of NAEs and the components of Alternative 1.

While NAE designated lands and cultural resource sites are important, the metrics listed above do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account.

In addition, under Alternative 1, an estimated 18,928 archaeological and built-environment resources would fall within DFAs (see Table R2.8-14 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

***Impact TL-1: Plan components could disproportionately affect resources of cultural and spiritual importance to tribes.***

As described in more detail in Section IV.9.2, all phases of renewable energy development under all of the alternatives could impact resources of cultural and spiritual importance to tribes.

***Impact TL-2: Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations.***

As described in more detail in Section IV.9.2, the development of renewable energy projects could disproportionately impact tribal governments and organizations.

While NAE designated lands and cultural resource sites are important, the metrics listed above do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account.

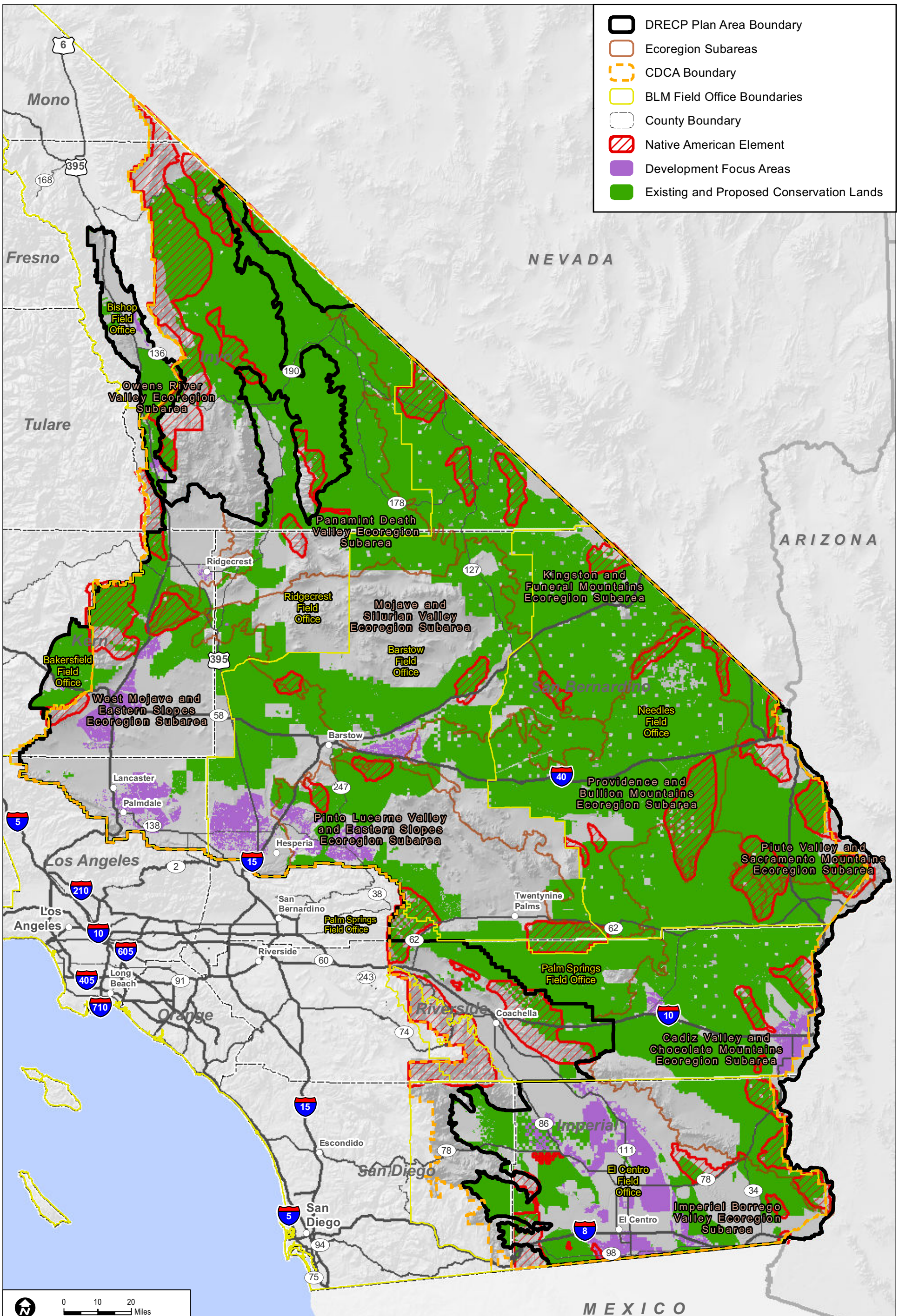
### Impacts in Study Area Lands

Study Area Lands refer to three categories of lands: FAAs, SAAs, and DRECP Variance Lands. Development in any of the Study Area Lands could adversely impact resources important to tribes.

**Future Assessment Areas.** No FAAs are defined for Alternative 1.

**Special Analysis Areas (SAAs)**. In Alternative 1 the two SAAs defined in the Preferred Alternative would be conservation lands. These 42,000 acres (Table IV.1-3) are predicted to contain 840 archaeological and built-environment resources. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

**DRECP Variance Lands.** Under Alternative 1, there would be 37,000 acres of Variance Lands (Table IV.1-4). An estimated 740 archaeological and built-environment resources are present. These overlap with a total 4,315 NAE acres: 42 acres in the Cadiz Valley and Chocolate Mountains ecoregion subarea, 1 acre in the Imperial Borrego Valley ecoregion subarea, 3,766 acres in the Kingston and Funeral Mountains ecoregion subarea, 13 acres in the Pinto Lucerne Valley and Eastern Slopes ecoregion subarea, and 493 acres in the Providence and Bullion Mountains ecoregion subarea. An estimated 86 archaeological and built-environment resources are in this area. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.




Sources: ESRI (2014); CEC (2013); BLM (2013); CDFW (2013); USFWS (2013)

**FIGURE IV.9-3**

**Native American Element (Identified in the 1980 CDCAP), Alternative 1**

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## Impact Reduction Strategies and Mitigation

The implementation of the Plan would result in conservation of some desert lands as well as the development of renewable energy generation and transmission facilities on other lands. The impacts of the renewable energy development covered by the Plan would be lessened in several ways. First, the Plan incorporates CMAs for each alternative, including specific biological reserve design components and LUPA components. Also, the implementation of existing laws, orders, regulations, and standards would reduce the impacts of project development. If significant impacts would still result after implementation of CMAs and compliance with applicable laws and regulations, then specific mitigation measures are recommended in this section.

### *Conservation and Management Actions*

The conservation strategy for Alternative 1 (presented in Volume II, Section II.3.1.1) defines specific actions that would reduce the impacts of this alternative. The conservation strategy includes a definition of the reserve design and specific CMAs for Alternative 1. While the CMAs were developed for BLM lands only, this analysis assumes that all CMAs would be applied also to nonfederal lands. As such, the details of these CMAs would be modified to meet the requirements of state law, CEC, or other appropriate state lead agencies. However, those modifications are not presented here. It is important to note that cultural resources CMAs and NSHT CMAs associated with NLCS lands and ACECs vary significantly by alternative.

All CMAs relevant to tribal interests are the same as the Preferred Alternative except for the following:

<u>Planning Area–Wide National Conservation Land Management Direction</u>

- **Cultural Resources** – Any adverse effects to historic properties resulting from allowable uses will be addressed through the Section 106 process of the NHPA and the implementing regulations at 36 CFR Part 800.

<u>Development Focus Areas</u>

- **Soil, Water, and Water-Dependent Resources**. Would require that disturbance of sensitive soils be limited to 1% of the sensitive soil areas within a proposed project footprint. In addition, this would limit disturbance of desert pavement so that no more than 5% of the desert pavement within a proposed project footprint shall be disturbed for construction.

National Trails

- **Management Corridor Width (see also maps)**: Establish an NSHT Management Corridor, width, generally 0.25 mile from centerline. It is important to note these widths vary by alternative, resulting in varying amounts of conserved land.
- **Management of NSHT Management Corridors:** Manage NSHTs as components of BLM's NLCS. Where NSHTs overlap other National Conservation Lands, the more protective CMAs or land use allocations would apply.
- **Lands and Realty:**
  - ROWs
    - **Site Authorizations**: NSHT Management Corridors would be avoidance areas. Sites' ROW would require mitigation/compensation resulting in net benefit to the NSHT.
    - **Linear ROWs:** NSHT Management Corridors would be avoidance areas. Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along historic trails corridors from transmission. Where development affects NSHT Management Corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
    - **Renewable Energy ROW:** Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along NSHT Management Corridors from transmission except in approved DFAs. Where development affects NSHT Management Corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
  - **Land Tenure:** Exchange or disposal must result in net benefit to trail values through acquisition or other compensation. Disposal of lands containing NSHTs would not occur.
- **Minerals:**
  - **Locatable Minerals**: Locatable minerals would be treated the same as limited or controlled use areas and a Plan of Operations would be required for greater than casual use as identified in CFR 3809.11.
  - **Saleable Minerals**: NSHT Management Corridors would be unavailable for saleable mineral development.

  - **Leasable Minerals**: NSHT Management Corridors would be available for leasing with a no surface occupancy stipulation. Surface coal mining would not be allowed within the NSHT Management Corridors

- **Recreation:** Competitive and Commercial Special Recreation Permits are permitted if they do not interfere with nature and purposes of trail.
- **Cultural Resources:** This CMA would also be applied to nonfederal lands but modified to meet the requirements of state law and CEC or other state lead agencies. This CMA also varies by alternative.
  - Any adverse effects to historic properties resulting from allowable uses would be addressed through the NHPA Section 106 process and the implementing regulations at 36 CFR Part 800.
- **Visual Resources Management:** All NSHT Management Corridors would be designated as VRM Class II, except within approved transmission corridors (VRM Class III) and DFAs (VRM Class IV). However, state-of-the-art VRM best management practices for renewable energy would be employed commensurate with the protection of nationally significant scenic resources and cultural landscapes to minimize the level of intrusion and protect trail settings.
- **Mitigation Requirements**
  - If a segment of a National Scenic or Historic Trail or trail under study for possible designation traverses a DFA, it will be subject to mitigation for impacts to trail resources, qualities, values, and associated settings, and primary use or uses, including, but not limited to, and not in priority order: avoidance, the cost of trail relocation, on-site mitigation and off-site mitigation. Compensation can include acquisition or restoration of corridor features and landscapes will be at a minimum of 2:1, and must result in a net benefit to the overall national trail management corridor. Covered Activity development within high potential route segments must not substantially interfere with the nature and purposes of the National Trail.

### *Laws and Regulations*

Similar to the No Action Alternative, existing laws and regulations would reduce certain impacts of Plan implementation. Relevant regulations are presented in the Regulatory Setting in Volume III. The requirements of relevant laws and regulations are summarized for the No Action Alternative in Section IV.9.3.1.1.1.

### *Mitigation Measures*

After implementation of the CMAs and existing laws and regulations, mitigation measures would be applied to further reduce some of the DRECP's adverse impacts. Recommended mitigation measures are presented for the Preferred Alternative in Section IV.9.3.1.1.1. Mitigation Measure TL-1a (Protect Tribal Resources) and Mitigation Measure TL-2a (Provide Support to Tribal Governments) are recommended to further reduce the adverse impacts of Alternative 1. The specific components of Mitigation Measures TL-1a and TL-2a would be developed in consultation with tribes and the State Historic Preservation Officer under NHPA Section 106.

#### IV.9.3.3.1.2 Impacts from Reserve Design

Under Alternative 1, tribal resources might benefit from increased protection of natural resources within conservation areas as well as from the CMAs defined above. Proposed ACEC and NLCS designations could provide protection for tribal resources; disturbance caps in these areas are designed to conserve and protect the resource values. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions would minimize surface disturbance and thereby provide protection for cultural resources of interest to tribes.

Under Alternative 1, the NAE acres within Reserve Design Lands are shown in Table R2.9-15 (Appendix R2). With Alternative 1, 76% of NAE acres (1,578,716) would fall within the reserve design and would not be subject to renewable energy development. While important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

Under Alternative 1, an estimated 573,972 (or 44% of all known archaeological and built-environment resources) resources would fall within Reserve Design Lands (see Table R2.8-15 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Due to their location, resources in these areas would not be subject to impacts from renewable energy development.

## *IV.9.3.3.2 Impacts of DRECP Land Use Plan Amendment on BLM Land: Alternative 1*

This section addresses two components of effects of the BLM LUPA: the streamlined development of renewable energy and transmission on BLM land under the LUPA and the impacts of the amended land use plans themselves.

#### IV.9.3.3.2.1 Impacts from Renewable Energy and Transmission Development on BLM Land

Under Alternative 1, 769 NAE acres fall within DFA footprints (as shown in Table R2.9-16 of Appendix R2). This represents less than 0.04% of the NAE acres identified in the 1980 CDCA assessment. While important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

Under Alternative 1, an estimated 9,536 archaeological and built-environment resources are within DFA footprints on BLM LUPA lands, shown in Table R2.8-16 (Appendix R2). Overall, approximately 1.6% of estimated archaeological and built-environment resources are within DFAs in BLM LUPA lands under Alternative 1. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

#### IV.9.3.3.2.2 Impacts of Changes to BLM Land Designations

The proposed changes to BLM land designations would have both beneficial and adverse effects on tribal resources. Proposed ACEC and NLCS designations would establish disturbance caps in areas designed to conserve and protect resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/ wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions, including the CMAs defined above, would minimize surface disturbance and thereby provide protection for tribal resources.

Under Alternative 1, NAE acres within BLM land designations on BLM LUPA lands are shown in Table R2.9-17 and archaeological and built-environment resources expected within BLM Land Designations on BLM LUPA lands are shown in Table R2.8-17 (Appendix R2). These designations include NLCS, ACEC, wildlife allocation, SRMA, land with wilderness characteristics, and Trail Management Corridors. The majority of the NAE acres (531,616) and estimated archaeological and built-environment resources (176,813) fall within the existing and proposed ACEC lands. Although important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present. An estimated 273,692 archaeological and built-environment resources are on BLM LUPA Land Designation acres under Alternative 1. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. In Alternative 1, the

NSHT Management Corridor is 0.25 mile on either side of the centerline. As a result, an estimated 2,019 cultural resources would be protected.

### *IV.9.3.3.3 Impacts of Natural Community Conservation Plan: Alternative 1*

The impacts of the NCCP for Alternative 1 would be the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis.

### *IV.9.3.3.4 Impacts of General Conservation Plan*

The impacts of the GCP would be similar to the impacts defined in Section IV.9.3.3.1 for the Plan-wide analysis, but they would occur on nonfederal lands only.

For Alternative 1, 802 NAE acres fall within the DFA footprints (see Table R2.9-18 in Appendix R2). Of the GCP lands, approximately 38% (78,442 NAE acres) would be within conservation lands (see Table R2.9-19).

Under Alternative 1, archaeological and built-environment resources expected within DFA footprints on GCP lands are shown in Table R2.8-18. For the GCP lands under Alternative 1, an estimated 9,360 archaeological and built-environment resources could fall within the DFA footprints. This is 1.75% of the archaeological and built-environment resources within the GCP lands. Table R2.8-19 has the number of estimated resources within the GCP Reserve Design Lands under Alternative 1. Of the GCP lands, approximately 13% would be within conservation acres. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.3.5 Impacts Outside the Plan Area*

#### IV.9.3.3.5.1 Impacts of Transmission Outside the Plan Area

The impacts of transmission outside the Plan Area on tribal interests would be the same under all alternatives. These impacts are as described for the No Action Alternative in Section IV.9.3.1.5, Impacts of Transmission Outside the Plan Area in No Action Alternative.

#### IV.9.3.3.5.2 Impacts of BLM LUPA Decisions Outside the Plan Area

Under Alternative 1, NAE acres found within BLM land designations outside the Plan Area are shown in Table R2.9-20; and archaeological and built-environment resources expected within BLM Land Designations outside the Plan Area are shown in Table R2.8-20 (Appen-

dix R2). There are 70,813 NAE acres on proposed NLCS lands, 87,923 NAE acres on existing and proposed ACEC lands, and 3,889 NAE acres within NSHT Management Corridors.

There are an estimated 2,715 archaeological and built-environment resource son proposed NLCS lands, with 3,777 on existing and proposed ACEC lands and 99 within NSHT Management Corridors. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. In Alternative 1 the National Trail Management Corridor is 0.25 mile on either side of the centerline. As a result, an estimated 78 cultural resources would be protected. Impacts of BLM land designations outside the Plan Area to NAE acres and all kinds of cultural resources would be the same as those described in Section IV.9.3.2.1.2.

### *IV.9.3.3.6 CEQA Significance Determination for Alternative 1*

The CEQA significance for Impacts TL-1 and TL-2 explained in Section IV.9.3.1.6 for the No Action Alternative also apply to Alternative 1. The Preferred Alternative has a higher potential for impact to sensitive resources on NAE lands than Alternative 1 as the Preferred Alternative contains more NAE acres within the DFA footprints than does Alternative 1. The Preferred Alternative would protect more NAE acres than Alternative 1 as the Preferred Alternative has more acres of land within the reserve design than Alternative 1.

In comparison to the Preferred Alternative, there are an estimated 18,928 archaeological and built-environment resources located in the DFAs, and an estimated 1,293,494 resources located on Reserve Design Land. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.3.7 Comparison of Alternative 1 with Preferred Alternative*

Chapter IV.27 presents a comparison of all action alternatives and the No Action Alternative across all disciplines. This section summarizes the comparison of Alternative 1 with the Preferred Alternative.

#### IV.9.3.3.7.1 Alternative 1 Compared with Preferred Alternative for Plan-wide DRECP

Table IV.9-5 compares the acres of NAE within DFAs and the reserve design for the Preferred Alternative and Alternative 1.

**Table IV.9-5**
**Comparison of Preferred Alternative with Alternative 1 for Plan-wide DRECP**

| | Preferred Alternative NAE Acres | Alternative 1 NAE Acres |
|---|---|---|
| Within DFAs | 1,994 | 1,571 |
| Within the reserve design | 1,655,877 | 1,578,716 |

Comparison of Alternative 1 with the Preferred Alternative yields few definitive conclusions regarding impacts to tribal resources overall. However, the following conclusions regarding sensitive resources in NAE areas can be made:

- The Preferred Alternative has a higher potential for impact to sensitive resources on NAE lands than Alternative 1 as the Preferred Alternative contains more NAE acres within the DFA footprints than Alternative 1.
- The Preferred Alternative would protect more NAE acres than Alternative 1 as the Preferred Alternative has more acres of land within the reserve design than Alternative 1.

Table IV.9-6 compares the number of cultural resources within DFAs and the reserve design for the Preferred Alternative and Alternative 1.

**Table IV.9-6**
**Comparison of Preferred Alternative with the Alternative 1 for Plan-Wide DRECP**

| | Preferred Alternative | Alternative 1 |
|---|---|---|
| Number of resources in DFAs | 12,543 | 18,928 |
| Number of resources conserved in Reserve Design Lands | 576,735 | 724,357 |
| Plan-wide CMAs (general) | Reduce impacts to cultural resources | Reduce impacts to cultural resources |
| Cultural resources CMAs for NCLS lands only | With exception of research, no adverse effects to historic properties authorized | Adverse effects will be addressed through NHPA Section 106 |
| CMAs for National Historic Trails | No adverse effects to NHT and NHT historic properties authorized. All NHT segments assumed to be eligible for NRHP pending evaluation | Adverse effects will be addressed through NHPA Section 106 |
| NSHT Management Corridor width and number of resources conserved | 5 miles on either side of centerline: 28,437 | ¼ mile on either side of centerline: 2,019 |

The Preferred Alternative would impact fewer cultural resources in the DFA footprints than Alternative 1. In contrast, Alternative 1 would conserve more resources in the Reserve Design Lands but conserve fewer resources in the NSHT Management Corridors. In addition, the CMAs for Preferred Alternative are more protective than for Alternative 1.

Overall Table IV.9-5 and Table IV.9-6 suggest that, although for Alternative 1 there are fewer acres of NAE land within a DFA footprint and the number of resources conserved is larger, the CMAs in the Preferred Alternative are more protective. Therefore, the Preferred Alternative is more protective to resources of interest to tribes than Alternative 1.

**Geographic Distinctions**

In this section, alternatives are compared in two ways: (a) by the presence or absence of NAE acres in the geographic areas of interest and potential impacts there and (b) by the potential impacts to archaeological and built-environment resources in these same locations.

Under the Preferred Alternative, the Silurian Valley would be an SAA. Under Alternative 1 this location would be a BLM conservation allocation. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. Overall, Alternative 1 would protect more resources important to tribes in this location than would the Preferred Alternative although they have not yet been identified.

Under the Preferred Alternative, the Hidden Hills area of Inyo County would be a DFA. Under Alternative 1, this location would be a Conservation Planning Area and Variance Land. Based on previous studies associated with a proposed solar project in this location, the Hidden Hills area is known to be very culturally sensitive because of the presence of a segment of the Salt Song Trail, Route 66 and a National Historic Trail. In addition, there are NAE acres in this location (Figure III.9-1). Overall, under Alternative 1, part of this location might be conserved; therefore, Alternative 1 would be more protective of resources important to tribes than the Preferred Alternative.

Under the Preferred Alternative, the Notch in the Park would be an FAA. Under Alternative 1 this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the Area north of Tehachapi would be an FAA. Under Alternative 1 this location would be undesignated. The majority of this area consists of NAE acres. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the area east of Twentynine Palms would be an FAA. Under Alternative 1, this location would be undesignated. There are NAE acres in this location (Figure III.9-1). In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under both the Preferred Alternative and Alternative 1, Owens Lake would be a BLM conservation allocation. There are NAE acres in this location (Figure III.9-1), and dry lakes in this part of California are known to be very culturally sensitive. In addition, the Owens River Valley ecoregion subarea has the highest density of cultural resources of all of the DRECP subareas (1.76 resources per acre). Therefore, both alternatives would protect resources important to tribes in this location equally.

Under the Preferred Alternative, Searles Lake between Fort Irwin and China Lake would be undesignated. Under Alternative 1, this location would be undesignated. There are NAE acres in this location (Figure III.9-1). In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the area along U.S. Route 395 north of Edwards Air Force Base is an SAA. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. Under Alternative 1, this location would be a BLM conservation allocation. Therefore, Alternative 1 would protect more resources important to tribes in this location than the Preferred Alternative.

#### IV.9.3.3.7.2 Alternative 1 Compared with Preferred Alternative for the BLM Land Use Plan Amendment

While the number of resources conserved by each kind of BLM Land Designation, cultural resources CMAs apply to NLCS, ACECs and Trail Management Corridors; and so the importance of those designations are emphasized here.

Table IV.9-7 compares the acres of NAE within ACECs, NLCS lands, Trail Management Corridors, and DFAs on BLM LUPA lands for the Preferred Alternative and Alternative 1.

**Table IV.9-7**
**Comparison of Preferred Alternative with Alternative 1 for BLM LUPA**

| Land Classification | Preferred Alternative NAE Acres | Alternative 1 NAE Acres |
|---|---|---|
| ACEC | 319,952 | 531,616 |
| NLCS land | 433,447 | 173,610 |
| NSHT Management Corridor | 162,358 | 13,633 |
| DFA on BLM LUPA land | 991 | 769 |

Table IV.9-8 compares the number of cultural resources of within BLM LUPA land designations for the Preferred Alternative and Alternative 1.

**Table IV.9-8**
**Comparison of Preferred Alternative with the Alternative 1 for the BLM Land Use Plan Amendment**

| Land Classification | Preferred Alternative Estimated # of Resources | Alternative 1 Estimated # of Resources |
|---|---|---|
| SRMA | 68,801 | 69,315 |
| NLCS | 176,810 | 63,863 |
| Existing and proposed ACEC | 84,542 | 176,813 |
| Wildlife allocation | 742 | 19,393 |
| Land with wildlife characteristics | 11,237 | 0 |
| NSHT Management Corridor | 28,437 | 2,019 |
| BLM LUPA land in DFA footprint | 6,855 | 9,536 |

Overall, although the Preferred Alternative contains more acres of NAE lands within DFA footprints on BLM LUPA lands, the Preferred Alternative contains more NAE acres and resources on conservation lands and has more restrictive CMAs. Therefore, a larger number of NAE acres and cultural resources would be protected more effectively by the Preferred Alternative than Alternative 1.

#### IV.9.3.3.7.3 Alternative 1 Compared with Preferred Alternative for NCCP

The impacts of the NCCP for Alternative 1 are the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis. As a result, the comparison of Alternative 1 with the No Action Alternative for the NCCP is the same as described above for Plan-wide DRECP.

#### IV.9.3.3.7.4 Alternative 1 Compared with Preferred Alternative for the GCP

Table IV.9-9 compares the acres of NAE within DFAs and the reserve design for the Preferred Alternative and Alternative 1.

**Table IV.9-9**
**Comparison of Preferred Alternative with Alternative 1 for GCP Lands**

| Land Classification | Preferred Alternative NAE Acres | Alternative 1 NAE Acres |
|---|---|---|
| GCP DFA | 1,004 | 802 |
| Conserved | 76,654 | 78,442 |

The following conclusions regarding sensitive resources in NAE areas for GCP lands can be made:

- The Preferred Alternative would have a higher potential for impacts to sensitive resources on NAE lands compared with Alternative 1 as the Preferred Alternative contains more NAE acres the DFA footprints than Alternative 1.
- Alternative 1 would protect more acres of NAE lands than the Preferred Alternative because more NAE acres would fall within the reserve design. However, it is important to note that the resources present on the NAE acres are not a complete list of places important to tribes.

**Table IV.9-10**
**Comparison of Preferred Alternative with Alternative 1 for the GCP**

| Development Category | Preferred Alternative Estimated # of Resources | Alternative 1 Estimated # of Resources |
|---|---|---|
| GCP DFA | 5,662 | 9,360 |
| Conserved | 69,920 | 69,919 |

Overall, both alternatives conserve the same number of resources. Furthermore, Alternative 1 would potentially impact more cultural resources than the Preferred Alternative yet the Preferred Alternative would potentially impact a greater number of NAE acres than Alternative 1. Therefore, the Preferred Alternative is more protective of NAE acres and resources important to tribes than Alternative 1.

## IV.9.3.4 Alternative 2

### *IV.9.3.4.1 Plan-wide Impacts of Implementing the DRECP: Alternative 2*

#### IV.9.3.4.1.1 Plan-wide Impacts and Mitigation Measures from Renewable Energy and Transmission Development

**Impact Assessment**

The general issues of concern to tribes related to renewable energy development for Alternative 2 are the same as those described in Section IV.9.2.1 for Typical Impacts and in Section IV.9.3.1.1.1 for the No Action Alternative. Alternative 2 could directly impact culturally important resources on 3,267 acres of lands classified as NAEs and an estimated 19,925 cultural resource sites (Appendix R2, Table R2.9-21 and Table R2.8-21). Figure IV.9-4, Native American Element (Identified in the 1980 CDCA Plan), Alternative 2, illustrates the location of NAEs and the components of Alternative 2.

While NAE designated lands and cultural resource sites are important, the metrics listed above do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account.

Under Alternative 2, an estimated 19,925 archaeological and built-environment resources would fall within DFAs (see Table R2.8-21 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Each impact is described below.

***Impacts TL-1 (Plan components could disproportionately affect resources of cultural and spiritual importance to tribes) and TL-2 (Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations).***

As described in Section IV.9.2, all phases of renewable energy development under all of the alternatives could affect resources of cultural and spiritual importance to tribes and disproportionately impact tribal governments and organizations.

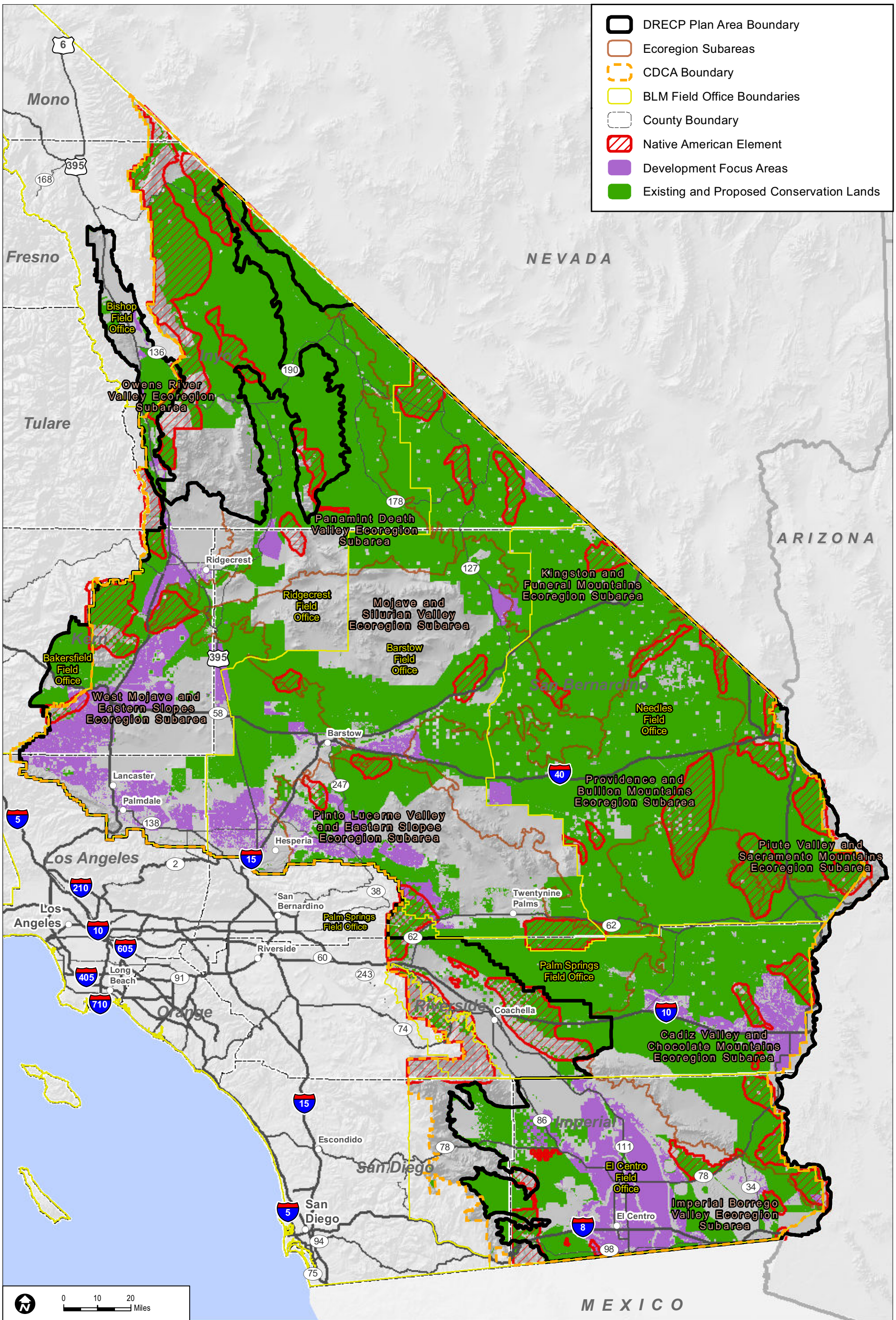
### Impacts in Study Area Lands

Study Area Lands refer to three categories of lands: FAAs, SAAs, and DRECP Variance Lands. Development in any of the Study Area Lands could adversely impact resources important to tribes.

**Future Assessment Areas.** In Alternative 2, 109,000 acres are identified as FAAs (Table IV.1-2). This area is predicted to contain 2,180 archaeological and built-environment resources. These FAAs overlap with NAE for 1,768 acres in the Pinto Lucerne Valley and the Eastern Slopes ecoregion subarea. This area of overlap is predicted to contain 35 archaeological and built-environment resources. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

**Special Analysis Areas (SAAs)**. In Alternative 2, the two SAAs defined in the Preferred Alternative would be DFAs. These 42,000 acres (Table IV.1-3) are predicted to contain 840 archaeological and built-environment resources. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

**DRECP Variance Lands.** Under Alternative 2, Variance Lands identified in the Preferred Alternative would be undesignated areas except the lands west of Parker and south of Big Maria Mountain Wilderness Areas, which would become NLCS conservation areas (Table IV.1-3).




Sources: ESRI (2014); CEC (2013); BLM (2013); CDFW (2013); USFWS (2013)

**FIGURE IV.9-4**

**Native American Element (Identified in the 1980 CDCAP), Alternative 2**

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## Impact Reduction Strategies and Mitigation

The implementation of the Plan would result in conservation of some desert lands as well as the development of renewable energy generation and transmission facilities on other lands. The impacts of the renewable energy development covered by the Plan would be lessened in several ways. First, the Plan incorporates CMAs for each alternative, including specific biological reserve design components and LUPA components. Also, the implementation of existing laws, orders, regulations, and standards would reduce the impacts of project development. If significant impacts would still result after implementation of CMAs and compliance with applicable laws and regulations, then specific mitigation measures are recommended in this section.

### *Conservation and Management Actions*

The conservation strategy for Alternative 2 (presented in Volume II, Section II.3.1.1) defines specific actions that would reduce the impacts of this alternative. The conservation strategy includes a definition of the reserve design and specific CMAs for the Preferred Alternative. While the CMAs were developed for BLM lands only, this analysis assumes that all CMAs would also be applied also to nonfederal lands. As such, the details of these CMAs would be modified to meet the requirements of state law, CEC or other appropriate state lead agencies. It is important to note that cultural resources CMAs and NSHT CMAs associated with NCLS lands and ACECs vary significantly by alternative.

All CMAs relevant to tribal interests are the same as the Preferred Alternative except for the following:

<u>Planning Area–wide National Conservation Land Management Direction</u>

- **Cultural Resources** – No allowable uses that result in adverse effects to historic properties as defined under NHPA Section 106 process of the NHPA and the implementing regulations at 36 CFR Part 800 will be authorized.

<u>Development Focus Areas.</u>

- **Soil, Water, and Water-Dependent Resources.** Would require that disturbance of sensitive soils be limited to 20% of the sensitive soil areas within a proposed project footprint. In addition, this would limit disturbance of desert pavement so that no more than 5% of the desert pavement within a proposed project footprint shall be disturbed for construction.

National Trails

- **NSHT Management Corridor Width (see maps).** Establish an NSHT Management Corridor width, generally 10 miles from the centerline. It is important to note these widths vary by alternative, resulting in varying amounts of conserved land.
- **Management of NSHT Management Corridors.** Manage national trails as components of BLM's NLCS. Where NSHT lands overlap NLCS lands, the more protective CMAs or land use allocations would apply.
- **Lands and Realty**
  - **ROWs**
    - **Site authorizations**: NSHT Management Corridors would be exclusion areas.
    - **Linear ROWs:** NSHT Management Corridors would be exclusion areas except in designated transmission corridors. Where development in transmission corridors affects NSHT Management Corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
    - **Renewable Energy ROW**: Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along NSHT Management Corridors from transmission except in approved DFAs. Where development affects NSHT Management Corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
  - **Land tenure:** Exchange, purchase, or donation of lands within NSHT Management Corridors would be allowed; disposal of land within NSHT Management Corridors would not be permitted.
- **Minerals**
  - **Locatable Minerals**: BLM would propose NSHT Management Corridors for withdrawal from mineral entry. Withdrawals would be subject to valid existing rights.
  - **Saleable Minerals**: NSHT Management Corridors would be unavailable for saleable mineral development.
  - **Leasable Minerals**: NSHT Management Corridors would be unavailable for mineral leasing.

- **Recreation.** Competitive Special Recreation Permits would not be permitted. Commercial Special Recreation Permits would be limited to those uses that provide for enjoyment and appreciation of NSHT values, resources, qualities, and associated settings, and the primary use or uses.

- **Cultural Resources.** No allowable uses that result in adverse effects to historic properties as defined under NHPA Section 106 and the implementing regulations at 36 CFR Part 800 would be authorized.

- **Visual Resources Management.** All NSHT Management Corridors would be designated as VRM Class II, except within approved transmission corridors (VRM Class III) and DFAs (VRM Class IV). However, state-of-the-art VRM best management practices for renewable energy would be employed commensurate with the protection of nationally significant scenic resources and cultural landscapes, and other identified resources, qualities, values, and associated settings and the primary use or uses to minimize the level of intrusion and protect trail settings.

- **Mitigation Requirements**
  - If a segment of an NSHT or Historic Trail or trail under study for possible designation traverses a DFA, it would be subject to mitigation for impacts to trail resources, qualities, values, and associated settings, and the primary use or uses, including, but not limited to, and not in priority order: avoidance, the cost of trail relocation, on-site mitigation, and off-site mitigation. Compensation can include acquisition or restoration of corridor features and landscapes at a minimum of 2:1, and must result in a net benefit to the overall trail corridor. Development of Covered Activities in high-potential route segments must not substantially interfere with the nature and purposes of the NSHT.

### *Laws and Regulations*

Similar to the No Action Alternative, existing laws and regulations would reduce certain impacts of Plan implementation. Relevant regulations are presented in the Regulatory Setting in Volume III. The requirements of relevant laws and regulations are summarized for the No Action Alternative in Section IV.9.3.1.1.1.

### *Mitigation Measures*

After implementation of the CMAs and existing laws and regulations, mitigation measures would be applied to further reduce some of the DRECP's adverse impacts. Recommended mitigation measures are presented for the Preferred Alternative in Section IV.9.3.1.1.1. Mitigation Measure TL-1a (Protect Tribal Resources) and Mitigation Measure TL-2a

(Provide Support to Tribal Governments) are recommended to further reduce the adverse impacts of Alternative 2. The specific components of Mitigation Measures TL-1a and TL-2a would be developed in consultation with tribes and the State Historic Preservation Officer under NHPA Section 106.

#### IV.9.3.4.1.2 Impacts from Reserve Design

Under Alternative 2, tribal resources might benefit from increased protection of natural resources within conservation areas as well as from the CMAs defined above. Proposed ACEC and NLCS designations could provide protection for tribal resources; disturbance caps in these areas are designed to conserve and protect the resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions would minimize surface disturbance and thereby provide protection for cultural resources of interest to tribes.

Under Alternative 2, the NAE acres within Reserve Design Lands are shown in Table R2.9-22 (Appendix R2). With Alternative 2, an estimated 83% of NAE acres (1,715,346) are within the reserve design and would not be subject to renewable energy development. While important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present. In addition, an estimated 577,848 (45% of all known archaeological and built-environment resources) resources fall within Reserve Design Lands (see Table R2.8-22 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Due to their location within the conservation reserve system, resources in these areas would not be subject to impacts from renewable energy development.

### *IV.9.3.4.2 Impacts of DRECP Land Use Plan Amendment on BLM Land: Alternative 2*

This section addresses two components of effects of the BLM LUPA: the streamlined development of renewable energy and transmission on BLM land under the LUPA and the impacts of the amended land use plans themselves.

#### IV.9.3.4.2.1 Impacts from Renewable Energy and Transmission Development on BLM Land

Under Alternative 2, 1,752 NAE acres fall within DFA footprints (as shown in Table R2.9-23 of Appendix R2). Renewable energy and transmission development impact this land. This represents 0.1% of the 2,069,755 NAE acres identified in the 1980 CDCA assessment. While

important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

In addition, an estimated 7,815 archaeological and built-environment resources are within DFA footprints on the BLM LUPA lands, shown in Table R2.8-23 (Appendix R2). Overall, approximately 1% of estimated archaeological and built-environment resources fall within DFAs in BLM LUPA lands under Alternative 2. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

#### IV.9.3.4.2.2 Impacts of Changes to BLM Land Designations

The proposed changes to BLM land designations would have both beneficial and adverse effects on tribal resources. Proposed ACEC and NLCS designations would establish disturbance caps in areas designed to conserve and protect resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions, including the CMAs defined above, would minimize surface disturbance and thereby provide protection for tribal resources.

Under Alternative 2, NAE acres found within BLM land designations on BLM LUPA lands are shown in Table R2.9-24 (Appendix R2); and archaeological and built-environment resources expected within BLM land designations on BLM LUPA lands are shown in Table R2.8-24 (Appendix R2). BLM land designations include NLCS, ACEC, wildlife allocation, SRMA, land with wilderness characteristics, and NSHT Management Corridor. There are 637,021 NAE acres on NLCS lands, 232,455 acres on existing and proposed ACECs, and 316,860 acres within NSHT Management Corridors. Although important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

An estimated 279,672 archaeological and built-environment resources are on BLM LUPA land designation acres under Alternative 2. The majority of the estimated archaeological and built-environment resources (225,060) fall within NLCS lands. About 42,307 are on existing and proposed ACEC lands. In Alternative 2, the NSHT Management Corridor is 10 miles on either side of the centerline. As a result, an estimated 6,337 cultural resources would be protected. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.4.3 Impacts of Natural Community Conservation Plan: Alternative 2*

The impacts of the NCCP for Alternative 2 would be the same as those defined in Section IV.9.3.4.1 for the Plan-wide analysis.

### *IV.9.3.4.4 Impacts of General Conservation Plan*

The impacts of the GCP would be similar to the impacts defined in Section IV.9.3.4.1 for the Plan-wide analysis, but they would occur on nonfederal lands only. For Alternative 1, 498 NAE acres fall within the DFA footprints (see Table R2.9-25 in Appendix R2). Of the GCP lands, approximately 43% (89,237 NAE acres) would be within conservation lands (see Table R2.9-26).

Archaeological and built-environment resources expected within DFA footprints on GCP lands are shown in Table R2.8-25. For the GCP lands under Alternative 2, an estimated 13,135 archaeological and built-environment resources could fall within the technology footprints in the DFA footprints. This is 2.4% of the resources within the GCP lands. Under Alternative 2, resources found within GCP Reserve Design Lands are shown in Table R2.8-26. Of the GCP lands, approximately 28% would be within conservation acres.

### *IV.9.3.4.5 Impacts Outside the Plan Area*

#### IV.9.3.4.5.1 Impacts of Transmission Outside the Plan Area

The impacts of transmission outside the Plan Area on tribal interests would be the same under all alternatives. These impacts are as described for the No Action Alternative in Section IV.9.3.1.5, Impacts of Transmission Outside the Plan Area in No Action Alternative.

#### IV.9.3.4.5.2 Impacts of BLM LUPA Decisions Outside the Plan Area

Under Alternative 2, NAE acres found within BLM land designations outside the Plan Area are shown in Table R2.9-27 (Appendix R2) and archaeological and built-environment resources expected within BLM land designations outside the Plan Area are shown in Table R2.8-27 (Appendix R2). There are 220,873 NAE acres on proposed NLCS lands, with 108,166 NAE acres on existing and proposed ACEC lands, and 152,636 NAE acres within NSHT Management Corridors.

There are 21,338 archaeological and built-environment resources on BLM LUPA lands outside the Plan Area. Of those archaeological and built-environment resources, 8,522 are on proposed NLCS lands, with 5,381 on existing and proposed ACEC lands and 3,763 within NSHT Management Corridors. In Alternative 2 the NSHT Management Corridor is 10 miles on either side of the centerline. As a result, an estimated 3,052 cultural resources would be protected. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural

resources. Impacts to these resources are therefore characterized in a more qualitative manner. Impacts of BLM land designations outside the Plan Area to NAE acres and all kinds of cultural resources would be the same as those described in Section IV.8.3.4.1.2.

### *IV.9.3.4.6 CEQA Significance Determination for Alternative 2*

The CEQA Significance Determinations listed in Section IV.9.3.1.6 also apply to Alternative 2. However, compared with the Preferred Alternative, there are an estimated 19,925 archaeological and built-environment resources located in the DFAs and an estimated 1,293,494 resources located on Reserve Design Lands. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.4.7 Comparison of Alternative 2 with Preferred Alternative*

Chapter IV.27 presents a comparison of all action alternatives and the No Action Alternative across all disciplines. This section summarizes the comparison of Alternative 2 with the Preferred Alternative.

#### IV.9.3.4.7.1 Alternative 2 Compared with Preferred Alternative for Plan-Wide DRECP

Table IV.9-11 compares acres of NAE within the DFA and the reserve design for the Preferred Alternative and Alternative 2.

**Table IV.9-11**
**Comparison of Preferred Alternative with Alternative 2 for Plan-Wide DRECP**

| Land Classification | Preferred Alternative NAE Acres | Alternative 2 NAE Acres |
|---|---|---|
| DFA | 1,994 | 3,267 |
| Conserved in Reserve Design Lands | 1,655,877 | 1715,346 |

Comparison of Alternative 2 with the Preferred Alternative yields few definitive conclusions regarding impacts to tribal resources overall; however, the following conclusions regarding sensitive resources in NAE areas can be made:

- Alternative 2 would have a higher potential for impacts to sensitive resources than the Preferred Alternative as Alternative 2 contains more NAE acres within the DFA footprints than the Preferred Alternative.

- Alternative 2 would protect more NAE acres than the Preferred Alternative as Alternative 2 contains more NAE acres within the reserve design than the Preferred Alternative.

**Table IV.9-12**
**Comparison of Preferred Alternative with Alternative 1 for Plan-Wide DRECP**

| | Preferred Alternative | Alternative 2 |
|---|---|---|
| Number of resources in DFAs | 12,543 | 19,925 |
| Number of resources conserved in Reserve Design Lands | 576,735 | 750,227 |
| Plan-wide CMAs (general) | Reduce impacts to cultural resources | Reduce impacts to cultural resources |
| Cultural resources CMAs for NCLS lands only | With exception of research, no adverse effects to historic properties authorized. | No adverse effects to historic properties authorized. |
| CMAs for National Historic Trails | No adverse effects to NHT and NHT/historic properties authorized. All NHT segments assumed to be eligible for NRHP pending evaluation. | No adverse effects to historic properties authorized. |
| NSHT Management Corridor width and number of resources conserved | 5 miles on either side of centerline<br>28,437 | 10 miles on either side of centerline<br>215,632 |

The Preferred Alternative would impact fewer cultural resources in the DFA footprints than Alternative 2. However, Alternative 2 would conserve more resources in the Reserve Design Lands and significantly more resources in the NSHT Management Corridors. In addition, the CMAs for Alternative 2 are more protective than the ones for the Preferred Alternative.

Overall, Alternative 2 is more protective of NAE acres and resources of interest to tribes than the Preferred Alternative and is the most protective of all of the alternatives.

### Geographic Distinctions

In this section, alternatives vary in two ways: (a) by the presence or absence of NAE acres in the geographic areas of interest and potential impacts there, and (b) by potential impacts to archaeological and built-environment resources in these same locations.

Under the Preferred Alternative, the Silurian Valley would be an SAA. Under Alternative 2, this location would be a DFA. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present.

Overall, the Preferred Alternative could protect more resources important to tribes than Alternative 2 because this location could become a conservation allocation.

Under both the Preferred Alternative and Alternative 2, the Hidden Hills area of Inyo County would be a DFA. Based on previous studies associated with a proposed solar project in this location, the Hidden Hills area is known to be very culturally sensitive because of the presence of a segment of the Salt Song Trail, Route 66, and an NSHT. In addition, there are NAE acres in this location (Figure III.9-1). Therefore, both alternatives could have similar potential negative impacts to resources important to tribes in this location.

Under the Preferred Alternative, the Notch in the Park would be an FAA. Under Alternative 2 this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the area north of Tehachapi would be an FAA. Under Alternative 2 this location would be undesignated. The majority of this location consists of NAE acres (Figure III.9-1). In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the area east of Twentynine Palms would be an FAA. Under Alternative 2, this location would be a BLM conservation allocation. There are NAE acres in this location (Figure III.9-1). Therefore, Alternative 2 would be more likely to conserve resources important to tribes in this location than would the Preferred Alternative.

Under both the Preferred Alternative and Alternative 2, Owens Lake would be a BLM conservation allocation. There are NAE acres in this location (Figure III.9-1), and dry lakes in this part of California are known to be very culturally sensitive. In addition, the Owens River Valley ecoregion subarea has the highest density of cultural resources of all of the DRECP ecoregion subareas (1.76 resources per acre). Therefore, both alternatives would protect resources important to tribes in this location equally.

Under the Preferred Alternative, Searles Lake between Fort Irwin and China Lake would be undesignated. Under Alternative 2, this location would be a DFA. There are NAE acres in this location (Figure III.9-1). Therefore, the Preferred Alternative would be more likely to preserve resources important to tribes in this location than Alternative 2.

Under the Preferred Alternative, the area along U.S. Route 395 north of Edwards Air Force Base would be an SAA. Under Alternative 2 this location would be a DFA. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no

resources important to tribes are present. Therefore, the Preferred Alternative would be more likely to preserve resources important tribes in this location than Alternative 2.

#### *IV.9.3.4.7.2 Alternative 2 Compared With Preferred Alternative for the BLM Land Use Plan Amendment*

While the number of resources conserved by each kind of BLM land designation, cultural resources CMAs apply to NLCS lands, ACECs and NSHT Management Corridors; and so the importance of those designations are emphasized here. Table IV.9-13 compares the acres of NAE within ACECs, NLCS lands, NSHT Management Corridors, and DFAs on BLM LUPA lands for the Preferred Alternative and Alternative 2.

**Table IV.9-13**
**Comparison of Preferred Alternative with Alternative 2 for BLM LUPA**

| Land Classification | Preferred Alternative NAE Acres | Alternative 2 NAE Acres |
|---|---|---|
| ACEC | 319,952 | 232,455 |
| NLCS land | 433,447 | 637,021 |
| NSHT Management Corridor | 162,358 | 316,860 |
| DFA on BLM LUPA land | 991 | 1,752 |

**Table IV.9-14**
**Comparison of Preferred Alternative with Alternative 2 for the BLM Land Use Plan Amendment**

| Land Classification | Preferred Alternative Estimated # of Resources | Alternative 2 Estimated # of Resources |
|---|---|---|
| SRMA | 68,801 | 66,058 |
| NLCS | 176,810 | 225,006 |
| Existing and Proposed ACEC | 84,542 | 42,307 |
| Wildlife Allocation | 742 | 30 |
| Land with wilderness characteristics | 11,237 | 25,435 |
| NSHT Management Corridor | 28,437 | 215,632 |
| BLM LUPA land in DFA footprint | 6,855 | 7,815 |

Overall, although Alternative 2 contains more acres of NAE lands within DFA footprints on BLM LUPA lands, Alternative 2 contains more NAE acres and resources on conservation lands. Therefore, Alternative 2 would protect a larger number of NAE acres and cultural resources more effectively than the Preferred Alternative.

#### *IV.9.3.4.7.3 Alternative 2 Compared with Preferred Alternative for NCCP*

The impacts of the NCCP for Alternative 2 are the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis. As a result, the comparison of Alternative 2 with the Preferred Alternative for the NCCP is the same as described above for Plan-wide DRECP.

#### *IV.9.3.4.7.4 Alternative 2 Compared with Preferred Alternative for the GCP*

Table IV.9-15 compares the acres of NAE within the DFA footprints and the reserve design for the Preferred Alternative and Alternative 2 for the GCP.

**Table IV.9-15**
**Comparison of Preferred Alternative with No Action Alternative for GCP Lands**

| Land Classification | Preferred Alternative NAE Acres | Alternative 2 NAE Acres |
|---|---|---|
| GCP DFA | 1,004 | 1,498 |
| Conserved | 76,654 | 89,237 |

The following conclusions regarding sensitive resources in NAE areas for GCP lands can be made:

- Alternative 2 would have a higher potential for impacts to sensitive resources on NAE lands than the Preferred Alternative because more NAE acres could fall within the DFA footprints under Alternative 2.
- Alternative 2 would protect more acres of NAE lands than the Preferred Alternative because more NAE acres would fall within the reserve design.

**Table IV.9-16**
**Comparison of Preferred Alternative with Alternative 2 for the GCP**

| Land Classification | Preferred Alternative Estimated # of Resources | Alternative 2 Estimated # of Resources |
|---|---|---|
| GCP DFA | 5,662 | 13,135 |
| Conserved | 69,920 | 150,595 |

Overall, Alternative 2 potentially impacts more NAE acres and cultural resources, but it also conserves more NAE acres and resources than the Preferred Alternative. Therefore, Alternative 2 is more protective than the Preferred Alternative.

## IV.9.3.5 Alternative 3

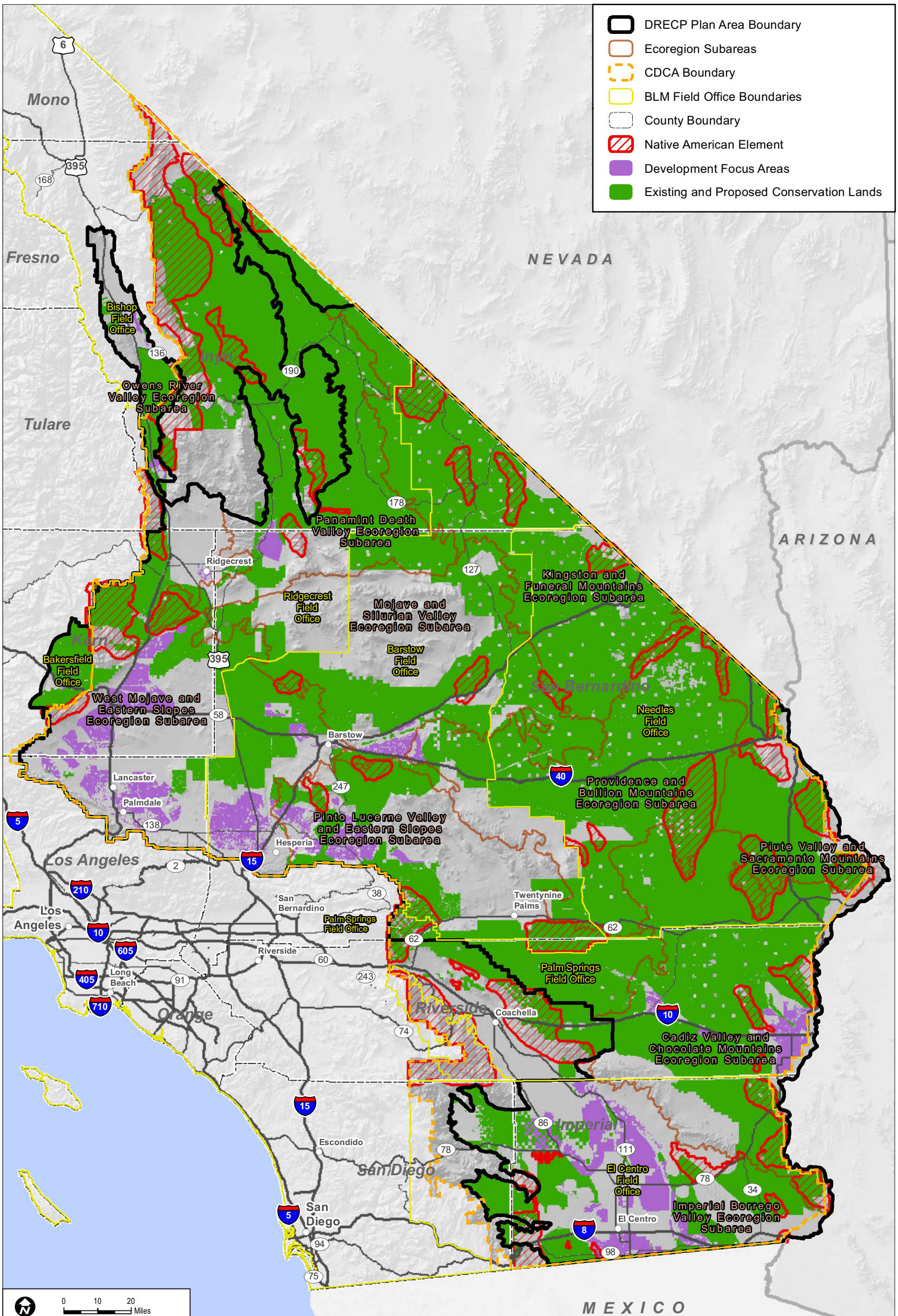
### *IV.9.3.5.1 Plan-wide Impacts of Implementing the DRECP: Alternative 3*

#### IV.9.3.5.1.1 Plan-wide Impacts and Mitigation Measures from Renewable Energy and Transmission Development

**Impact Assessment**

The general issues of concern to tribes related to renewable energy development for Alternative 3 are the same as those described in Section IV.9.2.1 for Typical Impacts and in Section IV.9.3.1.1.1 for the No Action Alternative. Alternative 3 could directly impact culturally important resources on 1,255 acres of lands classified as NAEs and an estimated 13,265 cultural resource sites (Appendix R2, Table R2.9-28, and Table R2.8-28). Figure IV.9-5, Native American Element (Identified in the 1980 CDCA Plan), Alternative 3, illustrates the location of NAEs and the components of Alternative 3.

- While NAE designated lands and cultural resource sites are important, the metrics listed in the previous paragraph do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account.
- Impacts TL-1 (Plan components could disproportionately affect resources of cultural and spiritual importance to tribes) and TL-2 (Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations)
- As described in Section IV.3.2, all phases of renewable energy development under all of the alternatives could affect resources of cultural and spiritual importance to tribes and disproportionately impact tribal governments and organizations.




Sources: ESRI (2014); CEC (2013); BLM (2013); CDFW (2013); USFWS (2013)

**FIGURE IV.9-5**

**Native American Element (Identified in the 1980 CDCAP), Alternative 3**

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### Impacts in Study Area Lands

- Study Area Lands refer to three categories of lands: FAAs, SAAs, and DRECP Variance Lands. Development in any of the Study Area Lands could adversely impact resources important to tribes.
- **Future Assessment Areas.** In Alternative 3 11,000 acres are identified as FAAs (Table IV.1-2). This area is predicted to contain 220 archaeological and built-environment resources. These FAAs overlap with NAEs for 419 acres in the Pinto Lucerne Valley and the Eastern Slopes ecoregion subarea. This area is predicted to contain 8 archaeological and built-environment resources. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.
- **Special Analysis Areas (SAAs)**. In Alternative 3, the two SAAs defined in the Preferred Alternative would be conservation lands. These 42,000 acres (Table IV.1-3) are predicted to contain 840 archaeological and built-environment resources. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.
- **DRECP Variance Lands.** Under Alternative 3, Variance Lands identified in the Preferred Alternative would be undesignated areas (Table IV.1-3).

#### *Impact Reduction Strategies and Mitigation*

- The implementation of the Plan would result in conservation of some desert lands as well as the development of renewable energy generation and transmission facilities on other lands. The renewable energy development covered by the Plan would be lessened in several ways. First, the Plan incorporates CMAs for each alternative, including specific biological reserve design components and LUPA components. Also, the implementation of existing laws, orders, regulations, and standards would reduce the impacts of project development. If significant impacts would still result after implementation of CMAs and compliance with applicable laws and regulations, then specific mitigation measures are recommended in this section.

#### *Conservation and Management Actions*

The conservation strategy for Alternative 3 (presented in Volume II, Section II.3.1.1) defines specific actions that would reduce the impacts of this alternative. The conservation strategy includes definition of the reserve design and specific CMAs for the Preferred Alternative.

While the CMAs were developed for BLM lands only, this analysis assumes that all CMAs would be applied also to nonfederal lands. However, those modifications are not presented here. It is important to note that cultural resources CMAs and NSHT CMAs associated with NLCS lands, and ACECs vary significantly by alternative.

All CMAs relevant to tribal interests are the same as the Preferred Alternative except for the following:

Planning Area–Wide National Conservation Land Management Direction

- **Cultural Resources** – Any adverse effect to historic properties resulting from allowable uses will be addressed through NHPA Section 106 and the implementing regulations at 36 CFR Part 800. Resolution of adverse effects will in part be addressed via alternative mitigation that includes regional synthesis and interpretation of existing archaeological data in addition to mitigation measures determined through the NHPA Section 106 consultation process.

Development Focus Areas

- **Soil, Water, and Water-Dependent Resources.** Would require that disturbance of sensitive soils be limited to 1% of the sensitive soil areas within a proposed project footprint. In addition, this would limit disturbance of desert pavement so that no more than 5% of the desert pavement within a proposed project footprint shall be disturbed for construction.

National Trails

- **NSHT Management Corridor width (see also maps)**: Establish an NSHT Management Corridor width generally 5 miles from the centerline for the Pacific Crest Trail and for high-potential route segments and other known historically significant segments of the NSHT. Additional segments of the NSHTs may be added to the Management Corridor as information becomes available on their qualifications as high-potential route segments. It is important to note these widths vary by alternative, resulting in varying amounts of conserved land.
- **Management of Trail Corridors:** Manage National Trails as components of BLM's National Landscape Conservation System. Where National Trails overlap other National Conservation Lands, the more protective CMAs or land use allocations would apply.

- **Lands and Realty:**
  - **ROWs**
    - **Site authorizations**: NSHT Management Corridors would be exclusion areas.
    - **Linear ROWs:** NSHT Management Corridors would be exclusion areas, except in designated transmission corridors. Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along historic trails corridors from transmission except in approved transmission corridors. Where development affects NSHT management Corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail and that mitigation/compensation results in a net benefit to the trail.
    - **Renewable Energy ROWs:** Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along historic trails corridors from transmission except in approved DFAs. Where development affects trail management corridors, an analysis must be performed to ensure that the development does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail.
  - Land tenure: Exchange, purchase, or donation of lands in NSHT Management Corridors would be allowed. Disposal of lands in NSHT Management Corridors would not be permitted.
- **Minerals**
  - **Locatable Minerals:** BLM would propose NSHT Management Corridors for withdrawal from mineral entry. Withdrawals would be subject to valid existing rights.
  - **Saleable Minerals**: Saleable mineral development in NSHT Management Corridors would be limited to use on local public works projects. Mitigation/compensation must result in net benefit to NSHT values.
  - **Leasable Minerals**: NSHT Management Corridors would be unsuitable for all leasing.
- **Recreation:** Competitive Special Recreation Permits would not be permitted. Commercial Special Recreation Permits would be limited to those uses that provide for enjoyment/appreciation of NSHT values, qualities, values, and associated settings and the primary use or uses.
- **Cultural Resources:** This CMA would also be applied to nonfederal lands but modified to meet the requirements of state law and CEC or other state lead agencies. This CMA also varies by alternative.

- Any adverse effects to historic properties resulting from allowable uses would be addressed through the NHPA Section 106 process and the implementing regulations at 36 CFR Part 800.

***Laws and Regulations***

Similar to the No Action Alternative, existing laws and regulations would reduce certain impacts of Plan implementation. Relevant regulations are presented in the Regulatory Setting in Volume III. The requirements of relevant laws and regulations are summarized for the No Action Alternative in Section IV.9.3.1.1.1.

***Mitigation Measures***

After implementation of the CMAs and existing laws and regulations, mitigation measures would be applied to further reduce some of the DRECP's adverse impacts. Recommended mitigation measures are presented for the Preferred Alternative in Section IV.9.3.1.1.1. Mitigation Measure TL-1a (Protect Tribal Resources) and Mitigation Measure TL-2a (Provide Support to Tribal Governments) are recommended to further reduce the adverse impacts of Alternative 3. The specific components of Mitigation Measures TL-1a and TL-2a would be developed in consultation with tribes and the State Historic Preservation Officer under NHPA Section 106.

#### IV.9.3.5.1.2 Impacts from Reserve Design

Under Alternative 3, tribal resources might benefit from increased protection of natural resources within conservation areas as well as from the CMAs defined above. Proposed ACEC and NLCS designations could provide protection for tribal resources; disturbance caps in these areas are designed to conserve and protect the resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions would minimize surface disturbance and thereby provide protection for cultural resources of interest to tribes.

Under Alternative 3, the NAE acres that fall within Reserve Design Lands are shown in Table R2.9-29 (Appendix R2). With Alternative 3, an estimated 76% of NAE acres (1,576,357) would fall within the reserve design and would not be subject to renewable energy development. While important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

An estimated 564,890 (or 44% of all known archaeological and built-environment resources) resources are within Reserve Design Lands (see Table R2.8-29 in Appendix R2).

Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Due to their location within the conservation reserve system, resources in these areas would not be subject to impacts from renewable energy development.

### *IV.9.3.5.2 Impacts of DRECP Land Use Plan Amendment on BLM Land: Alternative 3*

This section addresses two components of effects of the BLM LUPA: the streamlined development of renewable energy and transmission on BLM land under the LUPA and the impacts of the amended land use plans themselves.

#### IV.9.3.5.2.1 Impacts from Renewable Energy and Transmission Development on BLM Land

Under Alternative 3, 636 NAE acres fall within DFA footprints (as shown in Table R2.9-30 of Appendix R2). Renewable energy and transmission development could impact this land. This represents less than 0.04% of the 1,517,751 NAE acres identified in the 1980 CDCA assessment. While important, CDCA-designated NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

An estimated 5,751 archaeological and built-environment resources are within DFA footprints on the BLM LUPA lands are shown in Table R2.8-30 (Appendix R2). Overall, approximately 1% of estimated archaeological and built-environment resources fall within DFAs in BLM LUPA lands under Alternative 3. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

#### IV.9.3.5.2.2 Impacts of Changes to BLM Land Designations

The proposed changes to BLM land designations would have both beneficial and adverse effects on tribal resources. Proposed ACEC and NLCS designations would establish disturbance caps in areas designed to conserve and protect resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions, including the CMAs defined above, would minimize surface disturbance and thereby provide protection for tribal resources.

Under Alternative 3, NAE acres found within BLM land designations on BLM LUPA lands are shown in Table R2.9-31 (Appendix R2), and archaeological and built-environment resources expected within BLM Land Designations on BLM LUPA lands are shown in Table R2.8-31 (Appendix R2). BLM land designations include NLCS, ACEC, wildlife allocation, SRMA, land with wilderness characteristics, and NSHT Management Corridor. An estimated 586,141 archaeological and built-environment resources are on BLM LUPA land designation acres under Alternative 3. The majority of NAE acres (350,731) and estimated archaeological and built-environment resources (171,472) fall within NLCS lands. About 350,731 NAE acres and 93,324 cultural resources are on existing and proposed ACEC lands. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

In Alternative 3, the NSHT Management Corridor is generally 5 miles from the centerline for the Pacific Crest Trail, and for high-potential route segments and other known historically significant segments of NSHTs. Additional segments of NSHTs may be added to the Management Corridor as information becomes available on their qualifications as high-potential route segments. As a result, an estimated 6,337 cultural resources would be protected. Although important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

#### *IV.9.3.5.3 Impacts of Natural Community Conservation Plan: Alternative 3*

The impacts of the NCCP for Alternative 3 would be the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis.

#### *IV.9.3.5.4 Impacts of General Conservation Plan: Alternative 3*

The impacts of the GCP would be similar to the impacts defined in Section IV.9.3.5.1 for the Plan-wide analysis, but they would occur on nonfederal lands only. For Alternative 3, 619 NAE acres fall within the DFA footprints (see Table R2.9-32 in Appendix R2). Of the GCP lands, approximately 38% (77,891 NAE acres) would be within conservation lands (see Table R2.9-33).

An estimated 7,485 archaeological and built-environment resources could fall within the DFA footprints (see Table R2.8-32). This is 1.4% of the resources within the GCP lands. Table R2.8-33 has the number of estimated archaeological and built-environment resources within the GCP Reserve Design Lands under Alternative 3. Of the GCP lands, approximately 13% would be within conservation acres. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part

of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.5.5 Impacts Outside the Plan Area*

#### IV.9.3.5.5.1 Impacts of Transmission Outside the Plan Area

The impacts of transmission outside the Plan Area on tribal interests would be the same under all alternatives. These impacts are as described for the No Action Alternative in Section IV.9.3.1.5, Impacts of Transmission Outside the Plan Area in No Action Alternative.

#### IV.9.3.5.5.2 Impacts of BLM LUPA Decisions Outside the Plan Area

Under Alternative 3, NAE acres found within BLM land designations outside the Plan Area are shown in Table R2.9-34 (Appendix R2) and archaeological and built-environment resources expected within BLM land designations outside the Plan Area are shown in Table R2.8-34 (Appendix R2). There are 88,802 NAE acres on proposed NLCS lands, 108,202 NAE acres on existing and proposed ACECs, and 48,656 NAE acres within NSHT Management Corridors.

There are an estimated 21,338 archaeological and built-environment resources on BLM LUPA lands outside the Plan Area. Of those archaeological and built-environment resources, 3,434 are on proposed NLCS lands, with 5,380 on existing and proposed ACEC lands and 1,224 within NSHT Management Corridors. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

In Alternative 3, the NSHT Management Corridor is generally 5 miles from the centerline for the Pacific Crest Trail, and for high-potential route segments and other known historically significant segments of NSHTs. Additional segments of NSHTs may be added to the management corridor as information becomes available on their qualifications as high-potential route segments. As a result, an estimated 973 cultural resources would be protected. Impacts of BLM land designations outside the Plan Area to NAE acres and all kinds of cultural resources would be the same as those described in Section IV.8.3.4.1.2.

### *IV.9.3.5.6 CEQA Significance Determination for Alternative 3*

The CEQA Significance Determinations listed in Section IV.9.3.1.6 also apply to Alternative 3. However, compared with the Preferred Alternative, there are an estimated 12,193 archaeological and built-environment resources located in the DFAs, and an estimated 773,112 resources on 13,925,540 acres of Reserve Design Land. Traditional cultural

properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.5.7 Comparison of Alternative 3 with Preferred Alternative*

Chapter IV.27 presents a comparison of all action alternatives and the No Action Alternative across all disciplines. This section summarizes the comparison of Alternative 3 with the Preferred Alternative.

#### IV.9.3.5.7.1 Alternative 3 Compared with Preferred Alternative for Plan-wide DRECP

Table IV.9-17 compares acres of NAE within the DFA footprints and the reserve design for the Preferred Alternative and Alternative 3 for the Plan-wide DRECP.

**Table IV.9-17**
**Comparison of Preferred Alternative with Alternative 3 for Plan-wide DRECP**

| Land Classification | Preferred Alternative NAE Acres | Alternative 3 NAE Acres |
|---|---|---|
| DFA | 1,994 | 1,255 |
| Conservation | 1,655,877 | 1,576,357 |

Comparison of Alternative 3 with the Preferred Alternative yields few definitive conclusions regarding impacts to tribal resources overall; however, the following conclusions regarding sensitive resources in NAE areas can be made:

- The Preferred Alternative would have a higher potential for impacts to sensitive resources on NAE lands than Alternative 3 because the Preferred Alternative has more NAE acres within the DFA footprints than Alternative 3.
- The Preferred Alternative would protect more NAE acres than Alternative 3 as the Preferred Alternative contains more NAE acres within the reserve design.

**Table IV.9-18**
**Comparison of Preferred Alternative with the Alternative 3 for Plan-wide DRECP**

| | Preferred Alternative | Alternative 3 |
|---|---|---|
| Number of resources in DFAs | 12,543 | 13,265 |
| Number of resources conserved in Reserve Design Lands | 576,735 | 737,263 |

**Table IV.9-18**
**Comparison of Preferred Alternative with the Alternative 3 for Plan-wide DRECP**

| | Preferred Alternative | Alternative 3 |
|---|---|---|
| Plan-wide CMAs (general) | Reduce impacts to cultural resources | Reduce impacts to cultural resources |
| Cultural resources CMAs for NCLS lands only. | With exception of research, no adverse effects to historic properties authorized. | Adverse effects to historic properties resolved through NHPA Section 106 and regional synthesis and interpretation. |
| CMAs for National Historic Trails | No adverse effects to NHT and NHT/historic properties authorized. All NHT segments assumed to be eligible for NRHP pending evaluation. | Adverse effects to historic properties resolved through NHPA Section 106. |
| NSHT Management Corridor width and number of resources conserved | 5 miles on both sides of centerline<br>28,437 | 5 miles on both sides of centerline<br>18,052 |

The Preferred Alternative would impact fewer cultural resources in the DFA footprints than Alternative 3. In contrast, Alternative 3 would conserve more resources in the Reserve Design Lands and more resources in the NSHT Management Corridors. In addition, the CMAs for the Preferred Alternative are significantly more protective than for Alternative 3.

Overall, although the number of resources conserved by Alternative 3 is larger, the number of NAE acres on conservation lands is greater and the CMAs are more protective in the Preferred Alternative. Therefore, the Preferred Alternative is more protective to NAE lands and cultural resources than Alternative 3.

### Geographic Distinctions

In this section, alternatives vary in two ways: (a) by the presence or absence of NAE acres in the geographic areas of interest and potential impacts there, and (b) by potential impacts to archaeological and built-environment resources in these same locations.

Under the Preferred Alternative, the Silurian Valley would be an SAA. Under Alternative 3, this location would be a BLM conservation allocation. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. Therefore, Alternative 3 would protect more resources important to tribes in this location than the Preferred Alternative.

Under the Preferred Alternative, the Hidden Hills area of Inyo County would be a DFA. Under Alternative 3, this location would be a Conservation Planning Area. Based on previous studies associated with a proposed solar project in this location, the Hidden Hills area is known to be very culturally sensitive because of the presence of a segment of the Salt Song Trail, Route 66, and an NSHT. In addition, there are NAE acres in this location (Figure III.9-1). Overall, Alternative 3 would protect more resources important to tribes in this location than the Preferred Alternative.

Under the Preferred Alternative, the Notch in the Park would be an FAA. Under Alternative 3, this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the area north of Tehachapi would be an FAA. Under Alternative 3, this location would be undesignated. The majority of this area consists of NAE acres (Figure III.9-1). Overall, for each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, the area east of Twentynine Palms would be an FAA. Under Alternative 3, this location would be undesignated. There are NAE acres in this location (Figure III.9-1). In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under both the Preferred Alternative and Alternative 3, Owens Lake would be a BLM conservation allocation. There are NAE acres in this location (Figure III.9-1), and dry lakes in this part of California are known to be very culturally sensitive. In addition, the Owens River Valley ecoregion subarea has the highest density of cultural resources of all of the DRECP ecoregion subareas (1.76 resources per acre). Overall, both alternatives would protect resources important to tribes in this location equally.

Under the Preferred Alternative, Searles Lake between Fort Irwin and China Lake would be undesignated. Under Alternative 3, this location would be a DFA. There are NAE acres in this location (Figure III.9-1). Therefore, the Preferred Alternative would be more likely to preserve resources important to tribes in this location than would Alternative 3.

Under the Preferred Alternative, the area along U.S. Route 395 north of Edwards Air Force Base would be an SAA. Under Alternative 3, this location would be a BLM conservation allocation. No NAE acres have been identified in this location (Figure III.9-1); however, that

does not mean that no resources important to tribes are present. Therefore, Alternative 3 would be more likely to preserve resources important to tribes in this location than the Preferred Alternative.

#### IV.9.3.5.7.2 Alternative 3 Compared with Preferred Alternative for the BLM Land Use Plan Amendment

While the number of resources conserved by each kind of BLM land designation, cultural resources CMAs apply to NLCS, ACECs and Trail Management Corridors; and so the importance of those designations are emphasized here.

Table IV.9-19 compares the acres of NAEs within ACECs, NLCS lands, NSHT Management Corridors, and DFAs on BLM LUPA lands for the Preferred Alternative and Alternative 3.

**Table IV.9-19**
**Comparison of Preferred Alternative with Alternative 3 for BLM LUPA**

| Land Classification | Preferred Alternative NAE Acres | Alternative 3 NAE Acres |
|---|---|---|
| ACEC | 319,952 | 350,731 |
| NLCS land | 433,447 | 396,848 |
| NSHT Management Corridor | 162,358 | 316,860 |
| DFA on BLM LUPA land | 991 | 636 |

The following conclusions regarding sensitive resources in NAE areas for BLM LUPA lands can be made:

- Alternative 3 contains more NAE acres on conservation lands than the Preferred Alternative.
- The Preferred Alternative would have a higher potential for impacts to sensitive resources on NAE lands than Alternative 3 because the Preferred Alternative contains more NAE acres within the DFA footprints than Alternative 3.

**Table IV.9-20**
**Comparison of Preferred Alternative with Alternative 3 for the BLM Land Use Plan Amendment**

| | Preferred Alternative Estimated # of Resources | Alternative 3 Estimated # of Resources |
|---|---|---|
| SRMA | 68,801 | 69,111 |
| NLCS | 176,810 | 171,472 |

**Table IV.9-20**
**Comparison of Preferred Alternative with Alternative 3 for the BLM Land Use Plan Amendment**

| | Preferred Alternative Estimated # of Resources | Alternative 3 Estimated # of Resources |
|---|---|---|
| Existing and Proposed ACEC | 84,542 | 93,324 |
| Wildlife Allocation | 742 | 526 |
| Land with wilderness characteristics | 11,237 | 21,605 |
| NSHT Management Corridors | 28,437 | 215,632 |
| BLM LUPA land in DFA footprint | 6,855 | 5,751 |

Overall, while a larger number of resources and a greater amount of NAE land would be protected by Alternative 3, the Preferred Alternative protects them more effectively through CMAs.

#### IV.9.3.5.7.3 Alternative 3 Compared with Preferred Alternative for NCCP

The impacts of the NCCP for Alternative 3 are the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis. As a result, the comparison of Alternative 3 with the Preferred Alternative for the NCCP is the same as described above for Plan-wide DRECP.

#### IV.9.3.5.7.4 Alternative 3 Compared with Preferred Alternative for the GCP

Table IV.9-21 compares the acres of NAEs within the DFA footprints and the reserve design for the Preferred Alternative and Alternative 3.

**Table IV.9-21**
**Comparison of Preferred Alternative with Alternative 3 for GCP Lands**

| Land Categories | Preferred Alternative NAE Acres | Alternative 3 NAE Acres |
|---|---|---|
| GCP DFAs | 1,004 | 619 |
| Conserved | 76,654 | 77,891 |

The following conclusions regarding sensitive resources in NAE areas for GCP lands can be made:

- The Preferred Alternative has a higher potential for impacts to sensitive resources on NAE lands than Alternative 3 as the Preferred Alternative contains more NAE acres within the DFA footprints than Alternative 3.
- Alternative 3 would protect more acres of NAE lands than the Preferred Alternative as Alternative 3 contains more NAE acres within the reserve design. However, it is important to note that since the resources present on the NAE acres are not a complete list of places important to tribes, the value of this comparison is uncertain.

**Table IV.9-22**
**Comparison of Preferred Alternative with the Alternative 3 for the GCP**

| Land Classification | Preferred Alternative Estimated # of Resources | Alternative 3 Estimated # of Resources |
|---|---|---|
| GCP DFA | 5,662 | 7,485 |
| Conserved | 69,920 | 69,920 |

Overall, both alternatives conserve the same number of resources and roughly the same number of NAE acres. However, the Preferred Alternative contains slightly more NAE acres within the DFA footprints; and Alternative 3 could impact slightly more cultural resources than the Preferred Alternative. Therefore, the Preferred Alternative is slightly more protective of resources important to tribes than Alternative 3.

## IV.9.3.6 Alternative 4

### *IV.9.3.6.1 Plan-wide Impacts of Implementing the DRECP: Alternative 4*

#### IV.9.3.6.1.1 Plan-wide Impacts and Mitigation Measures from Renewable Energy and Transmission Development

**Impact Assessment**

The general issues of concern to tribes related to renewable energy development for Alternative 4 are the same as those described in Section IV.9.2.1 for Typical Impacts and in Section IV.9.3.1.1.1 for the No Action Alternative. Alternative 4 could directly impact culturally important resources on 2,226 acres of lands classified as NAEs and an estimated 15,787 cultural resource sites (Appendix R2, Table R2.9-35 and Table R2.8-35). Figure IV.9-6, Native American Element (Identified in the 1980 CDCA Plan), Alternative 4, illustrates the location of NAEs and the components of Alternative 4.

While NAE designated lands and cultural resource sites are important, the metrics listed in the previous paragraph do not represent a complete list of places or areas important to tribes in the Plan Area. The identification, evaluation, and treatment of resources important to tribes would need to be conducted on a project-specific level to ensure that any unidentified resources are taken into account.

Under Alternative 4, an estimated 15,787 archaeological and built-environment resources would fall within DFAs (see Table R2.8-35 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Each impact is described below.

***Impacts TL-1 (Plan components could disproportionately affect resources of cultural and spiritual importance to tribes) and TL-2 (Costs associated with the participation in environmental documents required by the Plan would be disproportionately borne by tribal governments and organizations).***

As described in Section IV.9.2, all phases of renewable energy development under all of the alternatives could affect resources of cultural and spiritual importance to tribes and disproportionately impact tribal governments and organizations.

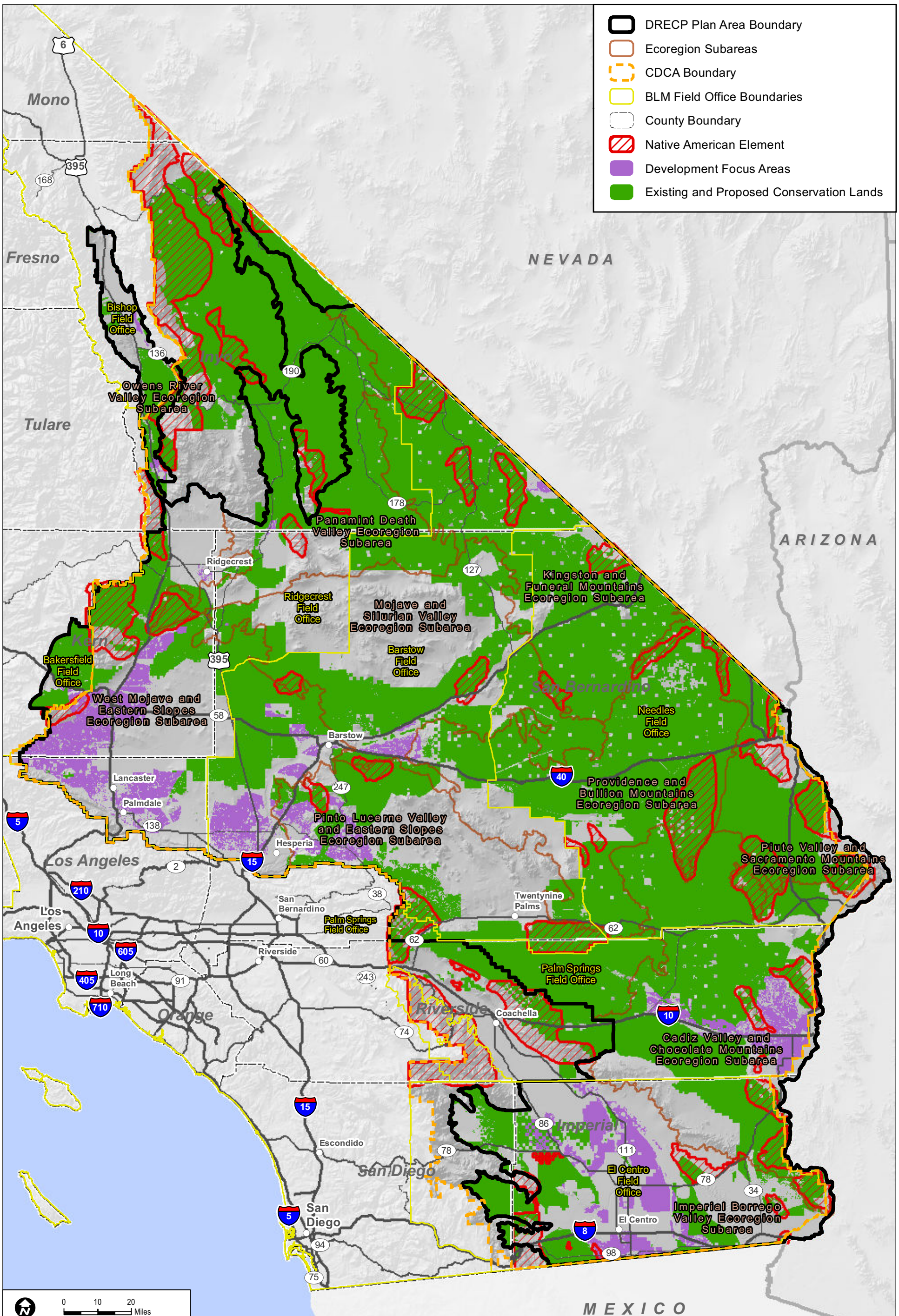
**Impacts in Study Area Lands**

Study Area Lands refer to three categories of lands: FAAs, SAAs, and DRECP Variance Lands. Development in any of the Study Area Lands could adversely impact resources important to tribes.

**Future Assessment Areas.** In Alternative 4, all FAAs identified in the Preferred Alternative would be undesignated areas except that portions of the FAA south of Historic Route 66 would become DRECP Variance Lands (Table IV.1-2).

**Special Analysis Areas (SAAs)**. In Alternative 4, portions of SAAs identified in the Preferred Alternative would be DRECP Variance Lands as described in the following paragraph, but the majority of these areas would be conservation lands (near U.S. Route 395) and undesignated areas (near Fort Irwin) (Table IV.1-3).

**DRECP Variance Lands.** Under Alternative 4, 588,000 acres would be Variance Lands. This area is predicted to contain 11,760 archaeological and built-environment resources. These lands overlap with 60, 696 NAE acres. This area is predicted to contain 1,214 archaeological and built-environment resources (Table IV.1-4).




Sources: ESRI (2014); CEC (2013); BLM (2013); CDFW (2013); USFWS (2013)

**FIGURE IV.9-6**

**Native American Element (Identified in the 1980 CDCAP), Alternative 4**

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### *Impact Reduction Strategies and Mitigation*

The implementation of the Plan would result in conservation of some desert lands as well as the development of renewable energy generation and transmission facilities on other lands. The impacts of the renewable energy development covered by the Plan would be lessened in several ways. First, the Plan incorporates CMAs for each alternative, including specific biological reserve design components and LUPA components. Also, the implementation of existing laws, orders, regulations, and standards would reduce the impacts of project development. If significant impacts would still result after implementation of CMAs and compliance with applicable laws and regulations, then specific mitigation measures are recommended in this section.

### *Conservation and Management Actions*

The conservation strategy for Alternative 4 (presented in Volume II, Section II.3.1.1) defines specific actions that would reduce the impacts of this alternative. The conservation strategy includes definition of the reserve design and specific CMAs for the Preferred Alternative. While the CMAs were developed for BLM lands only, this analysis assumes that all CMAs would be applied also to nonfederal lands. As such, the details of these CMAs would be modified to meet the requirements of state law, CEC or other appropriate state lead agencies. However, those modifications are not presented here. It is important to note that cultural resources CMAs and NSHT CMAs associated with NLCS lands and ACECs vary significantly by alternative.

All CMAs relevant to tribal interests are the same as the Preferred Alternative except for the following:

<u>Planning Area–wide National Conservation Land Management Direction</u>

- **Cultural Resources** – Any adverse effects to historic properties resulting from allowable uses will be addressed through the Section 106 process of the NHPA and the implementing regulations at 36 CFR Part 800. Resolution of adverse effects will in part be addressed via compensatory mitigation that includes either protection of resources of importance to tribes or acquisition of comparable sites into public ownership similar to those that are going to be destroyed.

<u>Development Focus Areas</u>

- **Soil, Water, and Water-Dependent Resources**. Would require that disturbance of sensitive soils be limited to 20% of the sensitive soil areas within a proposed project footprint. In addition, this would limit disturbance of desert pavement so that no

more than 5% of the desert pavement within a proposed project footprint shall be disturbed for construction.

National Trails

- **Management Corridor Width (see also maps)**: Establish an NSHT Management Corridor width generally 1 mile from centerline of the trail. It is important to note these widths vary by alternative, resulting in varying amounts of conserved land.
- **Management of Trail Corridors:** Manage NSHTs as components of BLM's NLCS. Where NSHTs overlap other National Conservation Lands, the more protective CMAs or land use allocations would apply.
- **Lands and Realty:**
  - **ROWs**
    - **Site Authorizations**: NSHT Management Corridors would be avoidance areas. Sites' rights-of-way would require mitigation/compensation resulting in net benefit to the NSHT.
    - **Linear ROWs:** NSHT Management Corridors would be avoidance areas except in designated transmission corridors. Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along historic trails corridors from transmission except in approved transmission corridors. Where development affects national scenic or historic trail management corridors, an analysis must be performed to ensure that the development does not substantially interfere with the nature and purposes of the trail, and that mitigation/compensation results in a net benefit to the trail
    - **Renewable Energy ROWs**: Exclude cultural landscapes, high-potential historic sites, and high-potential route segments identified along historic trails corridors from transmission except in approved DFAs. Where development affects NSHT Management Corridors, an analysis must be performed to ensure that it does not substantially interfere with the nature and purposes of the trail and that mitigation/compensation results in a net benefit to the trail.
  - **Land tenure:** Exchange, purchase, donation would be permitted to acquire lands within NSHT. Disposal would be permitted if it results in net benefit to trail

values through acquisition or other compensation. Lands within the National Trail Management Corridors would be retained.[1]

- **Minerals**
  - **Locatable Minerals**: For the purposes of locatable minerals, NSHT Management Corridors would be treated as "controlled" or "limited" use areas in the CDCA, requiring a Plan of Operations for greater than casual use under 43 CFR 3809.11.
  - **Saleable Minerals**: NSHT Management Corridors would be available for saleable mineral development
  - **Leasable Minerals**: NSHT Management Corridors may be available for geothermal leasing; however, these lands may only be offered for lease with a special stipulation to protect the appropriate resources as defined in the 2008 PEIS for Geothermal Leasing in the Western United States. Special stipulations that provide protections greater than the standard lease terms may include Timing Limitations (TL), Controlled Surface Use (CSU), or No Surface Occupancy (NSO) Lease Stipulations. National Conservation Lands values must be protected or enhanced through mitigation/compensation.
- **Recreation and Visitor Services:** Competitive and Commercial Special Recreation Permits are permitted if they do not substantially interfere with the nature and the purposes of the NSHT.
- **Cultural Resources:** This CMA would also be applied to nonfederal lands but modified to meet the requirements of state law and CEC or other state lead agencies. This CMA also varies by alternative.
  - Any adverse effects to historic properties resulting from allowable uses would be addressed through the NHPA Section 106 process and the implementing regulations at 36 CFR Part 800.

### *Laws and Regulations*

Similar to the No Action Alternative, existing laws and regulations would reduce certain impacts of Plan implementation. Relevant regulations are presented in the Regulatory Setting in Volume III. The requirements of relevant laws and regulations are summarized for the No Action Alternative in Section IV.9.3.1.1.1.

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[1] See BLM Manual 6280, 4.2.E.5.i.e. The land use plan and associated NEPA analysis should consider the following management decisions for lands and realty decisions for National Trails: Retention of public lands within a National Trail Management Corridor in accordance with Section 203 of FLPMA, as classified in accordance with 43 CFR 2420, and ensure public lands within the National Trail Management Corridor are not contained on Resource Management Plan disposal lists.

### *Mitigation Measures*

After implementation of the CMAs and existing laws and regulations, mitigation measures would be applied to further reduce some of the DRECP's adverse impacts. Recommended mitigation measures are presented for the Preferred Alternative in Section IV.9.3.1.1.1. Mitigation Measure TL-1a (Protect Tribal Resources) and Mitigation Measure TL-2a (Provide Support to Tribal Governments) are recommended to further reduce the adverse impacts of Alternative 4. The specific components of Mitigation Measures TL-1a and TL-2a would be developed in consultation with tribes and the State Historic Preservation Officer under NHPA Section 106.

#### IV.9.3.6.1.2 Impacts from Reserve Design

Under Alternative 4, tribal resources might benefit from increased protection of natural resources within conservation areas as well as from the CMAs defined above. Proposed ACEC and NLCS designations could provide protection for tribal resources; disturbance caps in these areas are designed to conserve and protect the resource values, and renewable energy development would be prohibited in these designations. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions would minimize surface disturbance and thereby provide protection for cultural resources.

Under Alternative 4, the NAE acres within Reserve Design Lands are shown in Table R2.9-36 (Appendix R2). With Alternative 4, an estimated 74% of NAE acres (1,538,012) would fall within the reserve design and would not be subject to renewable energy development. While important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

An estimated 534,177 (or 41% of all known archaeological and built-environment resources) resources would fall within Reserve Design Lands (see Table R2.8-36 in Appendix R2). Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. Due to their location within the conservation reserve system, resources in these areas would not be subject to impacts from renewable energy development.

### *IV.9.3.6.2 Impacts of DRECP Land Use Plan Amendment on BLM Land: Alternative 4*

This section addresses two components of effects of the BLM LUPA: the streamlined development of renewable energy and transmission on BLM land under the LUPA and the impacts of the amended land use plans themselves.

#### IV.9.3.6.2.1 Impacts from Renewable Energy and Transmission Development on BLM Land

Under Alternative 4, 1,029 NAE acres are within DFA footprints (as shown in Table R2.9-37 of Appendix R2). Renewable energy and transmission development could impact this land. This represents less than 0.07% of the 1,517,751 NAE acres identified in the 1980 CDCA assessment.

An estimated 7,901 archaeological and built-environment resources are within DFA footprints on the BLM LUPA lands. They are shown in Table R2.8-37 (Appendix R2). Overall, approximately 1.3% of estimated cultural resources fall within DFAs in BLM LUPA lands under Alternative 4. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

#### IV.9.3.6.2.2 Impacts of Changes to BLM Land Designations

The proposed changes to BLM land designations would have both beneficial and adverse effects on tribal resources. Proposed ACEC and NLCS designations would establish disturbance caps in areas designed to conserve and protect resource values. Development in NLCS lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC/wildlife allocations, whichever is more restrictive. These disturbance caps and other management actions, including the CMAs defined above, would minimize surface disturbance and thereby provide protection for tribal resources.

Under Alternative 4, NAE acres found within BLM land designations on BLM LUPA lands are shown in Table R2.9-38 (Appendix R2); and archaeological and built-environment resources expected within BLM Land Designations on BLM LUPA lands are shown in Table R2.8-38 (Appendix R2). BLM land designations include NLCS, ACEC, wildlife allocation, SRMA, lands with wilderness characteristics, and NSHT Management Corridor. An estimated 586,141 archaeological and built-environment resources are on BLM LUPA land designation acres under Alternative 4. The majority of NAE acres (355,845) and estimated archaeological and built-environment resources (171,472) fall within NLCS lands. About 340,834 NAE acres and 92,960 cultural resources are on existing and proposed ACEC lands. Traditional cultural properties and landscapes are not included in this calculation as these

types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. In Alternative 4, the NSHT Management Corridor is 1 mile on either side of the centerline. As a result, an estimated 889 cultural resources would be protected. Although important, NAE areas do not represent a complete list of places or areas important to tribes. Unidentified resources important to tribes may be present.

### *IV.9.3.6.3 Impacts of Natural Community Conservation Plan: Alternative 4*

The impacts of the NCCP for Alternative 4 would be the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis.

### *IV.9.3.6.4 Impacts of General Conservation Plan: Alternative 4*

The impacts of the GCP would be similar to the impacts defined in Section IV.9.3.6.1 for the Plan-wide analysis, but they would occur on nonfederal lands only. For Alternative 4, 1,197 NAE acres fall within the DFA footprints (see Table R2.9-39 in Appendix R2). Of the GCP lands, approximately 38% (77,739 NAE acres) would be within conservation lands (see Table R2.9-40).

Archaeological and built-environment resources found within GCP lands are shown in Table R2.8-39. For the GCP lands under Alternative 4, an estimated 7,863 archaeological and built-environment resources could fall within the technology footprints in the DFA footprints. This is 1.5% of the archaeological and built-environment resources within the GCP lands. Table R2.8-40 has the number of estimated archaeological and built-environment resources within the GCP Reserve Design Lands under Alternative 4. Of the GCP lands, approximately 11% would be within conservation acres. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.6.5 Impacts Outside the Plan Area*

#### IV.9.3.6.5.1 Impacts of Transmission Outside the Plan Area

The impacts of transmission outside the Plan Area on tribal interests would be the same under all alternatives. These impacts are as described for the No Action Alternative in Section IV.9.3.1.5, Impacts of Transmission Outside the Plan Area in No Action Alternative.

#### IV.9.3.6.5.2 Impacts of BLM LUPA Decisions Outside the Plan Area

Under Alternative 4, NAE acres found within BLM land designations outside the Plan Area are shown in Table R2.9-41 (Appendix R2); and archaeological and built-environment resources expected within BLM Land Designations outside the Plan Area are shown in Table R2.8-41 (Appendix R2). There are 88,765 NAE acres on proposed NLCS lands, 108,198 NAE acres on existing and proposed ACEC lands, and 13,131 NAE acres within NSHT Management Corridors.

There are 21,338 archaeological and built-environment resources on BLM LUPA lands outside the Plan Area. Of those archaeological and built-environment resources, 3,434 are on proposed NLCS lands, with 5,380 on existing and proposed ACEC lands and 1,224 within NSHT Management Corridors. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner. In Alternative 4 the NSHT Management Corridor is generally 1 mile on either side of the centerline. As a result, an estimated 263 cultural resources would be protected. Impacts of BLM land designations outside the Plan Area to NAE acres and all kinds of cultural resources would be the same as those described in Section IV.8.3.4.1.2.

### *IV.9.3.6.6 CEQA Significance Determination for Alternative 4*

The CEQA Significance Determinations listed in Section IV.9.3.1.6 also apply to Alternative 4. However, compared with the Preferred Alternative, there are an estimated 13,941 archaeological and built-environment resources in the DFAs, and an estimated 756,856 resources on 13,279,016 acres of Reserve Design Land. Traditional cultural properties and landscapes are not included in this calculation as these types of resources are not part of the dataset used to quantify cultural resources. Impacts to these resources are therefore characterized in a more qualitative manner.

### *IV.9.3.6.7 Comparison of Alternative 4 with Preferred Alternative*

Chapter IV.27 presents a comparison of all action alternatives and the No Action Alternative across all disciplines. This section summarizes the comparison of Alternative 4 with the Preferred Alternative.

#### IV.9.3.6.7.1 Alternative 4 Compared with Preferred Alternative for Plan-wide DRECP

Table IV.9-23 compares NAE acres within the DFA footprints and the reserve design for the Preferred Alternative and Alternative 4 for the Plan-wide DRECP.

**Table IV.9-23**
**Comparison of Preferred Alternative with Alternative 4 for Plan-Wide DRECP**

| Land Classification | Preferred Alternative NAE Acres | Alternative 4 NAE Acres |
|---|---|---|
| DFA | 1,994 | 2,226 |
| Conserved in Reserve Design Lands | 1,655,877 | 1,538,012 |

Comparison of Alternative 4 with the Preferred Alternative yields few definitive conclusions regarding impacts to tribal resources overall; however, the following conclusions regarding sensitive resources in NAE areas can be made:

- Alternative 4 has a higher potential for impacts to sensitive resources on NAE lands than Preferred Alternative as Alternative 4 contains more NAE acres within the DFA footprints than the Preferred Alternative.
- The Preferred Alternative would protect more NAE acres than Alternative 4 as the Preferred Alternative contains more NAE acres within the reserve design.

Table IV.9-24 compares the CMAs and number of cultural resources for the Plan-wide DRECP for the Preferred Alternative and Alternative 4.

**Table IV.9-24**
**Comparison of Preferred Alternative with Alternative 4 for Plan-wide DRECP**

| Resources | Preferred Alternative | Alternative 4 |
|---|---|---|
| Number of resources in DFAs | 12,543 | 15,787 |
| Number of resources conserved in Reserve Design Lands | 576,735 | 698,487 |
| Plan-wide CMAs (general) | Reduce impacts to cultural resources | Reduce impacts to cultural resources |
| Cultural resources CMAs within NCLS lands only | With exception of research, no adverse effects to historic properties authorized. | Adverse effects to historic resources resolved through NHPA Section 106 and compensatory mitigation. |
| CMAs for National Historic Trails | No adverse effects to NHT and NHT/historic properties authorized. All NHT segments assumed to be eligible for NRHP pending evaluation. | Adverse effects to historic resources resolved through NHPA Section 106 |
| NSHT Management Corridor width and number of resources conserved | 5 miles on both sides of centerline<br>28,437 | 1 mile on both sides of centerline<br>7,164 |

The Preferred Alternative would impact fewer cultural resources in the DFA footprints than Alternative 4. In contrast, Alternative 4 would conserve more resources in the Reserve Design Lands but conserve fewer resources in the NSHT Management Corridors. In addition, the CMAs for the Preferred Alternative are significantly more protective than for Alternative 4.

Overall, the number of NAE acres conserved by Alternative 4 is smaller yet the number of resources potentially impacted is also smaller. Furthermore, the number of resources conserved by Alternative 4 is larger, yet the number of resources potentially impacted is larger. However, the CMAs in the Preferred Alternative are more protective. Therefore the Preferred Alternative is more protective to cultural resources than Alternative 4.

### Geographic Distinctions

In this section, alternatives are compared in two ways: (a) by the presence or absence of NAE acres in the geographic areas of interest and potential impacts there and (b) by the potential impacts to archaeological and built-environment resources in these same locations.

Under the Preferred Alternative, the Silurian Valley would be an SAA. Under Alternative 4, this location would be Variance Lands. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes.

Under the Preferred Alternative, Hidden Hills area would be a DFA. Under Alternative 4, this location would be a DFA and Variance Lands. Based on previous studies associated with a proposed solar project in this location, the Hidden Hills area is known to be very culturally sensitive because of the presence of a segment of the Salt Song Trail, Route 66, and an NSHT. In addition, there are NAE acres in this location (Figure III.9-1). Both of these alternatives could impact resources important to tribes negatively, therefore there is no difference between the alternatives in this location.

Under the Preferred Alternative, the Notch in the Park would be an FAA. Under Alternative 4, this location would be undesignated. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes in this location.

Under the Preferred Alternative, the area north of Tehachapi would be an FAA. Under Alternative 4, this location would be undesignated. The majority of this area consists of NAE acres (Figure III.9-1). In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes in this location.

Under the Preferred Alternative, the area east of Twentynine Palms would be an FAA. Under Alternative 4, this location would be Variance Lands. There are NAE acres in this location (Figure III.9-1). In each alternative, this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes in this location.

Under the Preferred Alternative, Owens Lake would be a BLM conservation allocation. Under Alternative 4, this location would be Variance Lands. There are NAE acres in this location (Figure III.9-1), and dry lakes in this part of California are known to be very culturally sensitive. In addition, the Owens River Valley ecoregion subarea has the highest density of cultural resources of all the DRECP subareas (1.76 resources per acre). Therefore, the Preferred Alternative would be more protective of resources important to tribes in this location.

Under both the Preferred Alternative and Alternative 4, Searles Lake between Fort Irwin and China Lake would be undesignated. There are NAE acres in this location (Figure III.9-1). In each alternative this location could either be developed or conserved, therefore there is no difference between the alternatives for resources important to tribes in this location.

Under the Preferred Alternative, the area along U.S. Route 395 north of Edwards Air Force Base would be an SAA. Under Alternative 4, this location would be a BLM conservation allocation. No NAE acres have been identified in this location (Figure III.9-1); however, that does not mean that no resources important to tribes are present. Therefore, Alternative 4 would protect more resources important to tribes in this location than the Preferred Alternative.

#### IV.9.3.6.7.2 Alternative 4 Compared with Preferred Alternative for the BLM Land Use Plan Amendment

While the number of resources conserved by each kind of BLM land designation, cultural resources CMAs apply to NLCS, ACECs, and NSHT Management Corridors and so the importance of those designations are emphasized here. Table IV.9-265 compares the acres of NAE within ACECs, NLCS lands, NSHT Management Corridors, and DFAs on BLM LUPA lands for the Preferred Alternative and Alternative 4.

**Table IV.9-25**
**Comparison of Preferred Alternative with Alternative 4 for BLM LUPA**

| NAE Acres | Preferred Alternative | Alternative 4 |
|---|---|---|
| ACECs | 319,952 | 340,834 |
| NLCS Lands | 433,447 | 355,845 |
| NSHT Management Corridors | 162,358 | 44,452 |
| DFAs on BLM LUPA lands | 991 | 1,029 |

The following conclusions regarding sensitive resources in NAE areas for BLM LUPA lands can be made:

- The Preferred Alternative contains a greater amount of NAE acres on conservation lands and therefore will be more protective to sensitive resources than Alternative 4.
- Alternative 4 would have a higher potential for impacts to sensitive resources on NAE lands than the Preferred Alternative as it contains more NAE acres within the DFA footprints than Alternative 4.

**Table IV.9-26**
**Comparison of Preferred Alternative with Alternative 4 for the BLM Land Use Plan Amendment**

| Land Classification | Preferred Alternative Estimated # of Resources | Alternative 4 Estimated # of Resources |
|---|---|---|
| SRMA | 68,801 | 69,315 |
| NLCS | 176,810 | 63,863 |
| Existing and proposed ACEC | 84,542 | 176,813 |
| Wildlife allocation | 742 | 19,393 |
| Land with wilderness characteristics | 11,237 | 0 |
| NSHT Management Corridor | 28,437 | 2,019 |
| BLM LUPA land in DFA footprint | 6,855 | 9,536 |

Overall, the Preferred Alternative will protect a greater number of NAE acres and cultural resources than Alternative 4. Furthermore, the Preferred Alternative, because of the more restrictive CMAs, would protect a larger number of resources more effectively.

#### IV.9.3.6.7.3 Alternative 4 Compared with Preferred Alternative for NCCP

The impacts of the NCCP for Alternative 4 are the same as those defined in Section IV.9.3.2.1 for the Plan-wide analysis. As a result, the comparison of Alternative 4 with the Preferred Alternative for the NCCP is the same as described above for Plan-wide DRECP.

#### IV.9.3.6.7.4 Alternative 4 Compared with Preferred Alternative for the GCP

Table IV.9-27 compares the acres of NAE within the DFA footprints and the reserve design for the Preferred Alternative and Alternative 4.

**Table IV.9-27**
**Comparison of Preferred Alternative with Alternative 4 for GCP Lands**

| Land Category | Preferred Alternative NAE Acres | Alternative 4 NAE Acres |
|---|---|---|
| GCP DFA | 1,004 | 1,197 |
| Conserved | 76,654 | 77,739 |

The following conclusions regarding sensitive resources in NAE areas for GCP lands can be made:

- Alternative 4 has a higher potential for impacts to sensitive resources on NAE lands than the Preferred Alternative as Alternative 4 contains more acres within the DFA footprints than the Preferred Alternative.
- Alternative 4 would protect more acres of NAE lands than the Preferred Alternative as Alternative 4 contains more NAE acres within the reserve design. However, it is important to note that since the resources present on the NAE acres are not a complete list of places important to tribes, the value of this comparison is uncertain.

Table IV.9-28 compares the number of cultural resources within the DFA footprints and the reserve design for the Preferred Alternative and Alternative 4.

**Table IV.9-28**
**Comparison of Preferred Alternative with Alternative 4 for the GCP**

| Land Category | Preferred Alternative Estimated # of Resources | Alternative 4 Estimated # of Resources |
|---|---|---|
| GCP DFA | 5,662 | 7,863 |
| Conserved | 69,920 | 537,850 |

Overall, while Alternative 4 would protect more NAE acres and resources, Alternative 4 would also potentially impact more NAE acres and cultural resources than the Preferred Alternative. However, due to the more restrictive CMAs, the Preferred Alternative is more protective of NAE lands and cultural resources than Alternative 4.