

Attachment 13 – Additional Comment Letters



United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
333 Bush Street, Suite 500
San Francisco, California 94104-2828

January 14, 2015

Joshua Hart
Planning Commission
Inyo County Planning Department
P.O. Drawer L
Independence, CA 93526

Dear Mr. Hart:

We are writing to provide comments on Inyo County's Renewable Energy General Plan Amendment (REGPA) and Environmental Impact Report (EIR). The National Park Service (NPS) supports the efforts of Inyo County to define where and how renewable energy would be permitted in the County. We appreciate being invited to participate in the planning process as a stakeholder. We are also appreciative of the responsiveness of the County to NPS and other comments in the earlier public meetings and comment periods.

The NPS fully supports renewable energy projects so long as such projects 1) do not adversely affect National Park units, 2) can be constructed and operated in an environmentally responsible manner, 3) protect natural and cultural resources and 4) protect our treasured landscapes. It is the role of the NPS to contribute to the planning process and to help ensure that renewable energy projects are "Smart from the Start." Our goal is to provide expertise and practical and specific feedback in order to avoid significant adverse impacts to the resources and visitor experiences of Death Valley National Park, the Old Spanish National Historic Trail, and Manzanar National Historic Site. Comments are organized as general comments and NPS unit-specific comments below. Please contact Lara Rozzell at (415) 623-2205 for further clarification or information.

Sincerely,

Jay Goldsmith
Chief, Natural Resources
Pacific West Region, National Park Service

General Comments

We look forward to commenting in more detail throughout the stakeholder involvement process and the Programmatic Environmental Impact Report (PEIR) process. The NPS team is continuing analysis of the proposed policies and designations, and welcomes opportunities to work with staff and decision makers throughout the process.

The NPS thanks the County for its responsiveness to public concern over the earlier proposed versions of the REGPA. In particular, we commend the county for proposing new visual resource policies that reflect the importance of tourism and recreation in continuing economic development of the County, and for recognizing the national and international significance of the Death Valley National Park night skies.

Planning and Land Use

The currently proposed Plan Amendment contains a Land Use Implementation Measure as follows:

“The County shall coordinate with agencies managing lands within the County’s boundary to avoid, minimize, or mitigate potential impacts from Renewable Energy Solar Facilities to an acceptable level as determined by the County.”

The NPS appreciates coordination from the County, and suggests the following more specific language:

“The County shall coordinate with the National Park Service, Death Valley National Park, Manzanar National Historic Site, and Old Spanish National Historic Trail personnel on the siting of renewable energy facilities in a manner that does not significantly impact resources of congressionally designated units of the National Park System. Issues to be addressed in the coordination include but are not limited to: wildlife habitat and corridor impacts, invasive species, light and glare, air quality, night sky resources, and visual resource impacts including proposed development heights, traffic impacts, and renewable energy construction personnel training regarding preservation of natural and cultural resources.”

Earlier guidance for the REGPA included only wilderness lands within NPS units as “Areas to be Considered for Exclusion”. Please add NPS units, in their entirety, as “Areas to be Considered for Exclusion” from Solar Energy Development Areas (SEDA’s). Of particular concern, page 4.10-6 refers to the Owens Valley Study Area as a “SEDA managed by several agencies...including the National Park Service”. Please clarify whether there is a SEDA envisioned that will include land managed by the NPS.

The NPS commends the County for recognition and protection of the unique visual resources of the landscapes under study. The NPS recommends recognition in the EIR of the differing visual impacts specific to choice of solar technology, and identification of appropriate technologies within individual SEDA’s or portions of SEDA’s; for instance, currently proposed power towers

for concentrated solar power projects (located outside of Inyo County) range up to 750 feet in height. Areas within the proposed SEDA's may be appropriate for photovoltaic development with its lower profile and visual impact, but could be inappropriate for power tower construction due to visual impacts. The NPS can provide viewshed analysis for areas of particular visual sensitivity and encourages the County to use viewshed analysis for other visual resources within the County.

Water Use

The Project contains a Water Resource Policy as follows:

“Policy WR-3.5 (Sustainable Renewable Energy Solar Development) – The County shall require Renewable Energy Solar Facility development to incorporate measures to minimize water consumption and use of potable water and encourage the use of reclaimed water and/or practices that do not require water during construction, the life of the facility, and during reclamation.”

The NPS commends the County for establishing policy to protect increasingly constrained water resources and for continuing to refine and expand on the language for water protection. The NPS suggests further information will be useful on the specifics of how water consumption will be minimized, and recommends the adoption of best practices from the BLM Solar PEIS in the PEIR.

Solar PEIS Variance Areas

The current draft REPGA includes a commitment from the County to encourage renewable energy development on BLM Solar PEIS variance areas, which were characterized in an earlier staff report as “fully studied and vetted as optimal for renewable energy.” In contrast, the BLM Solar PEIS Record of Decision (ROD) states that “A variance process was established to allow development outside of SEZs on an exceptional basis” and also states that:

“The BLM will consider ROW applications for utility-scale solar energy development in variance areas on a case-by-case basis based on environmental considerations; coordination with appropriate Federal, state, and local agencies and tribes; and public outreach. The responsibility for demonstrating to the BLM and other coordinating parties that a proposal in a variance area will avoid, minimize, and/or mitigate, as necessary, sensitive resources will rest with the applicant. The modification of variance areas would involve planning-level decisions and require the BLM to amend applicable land use plans.”

The NPS recommends that Inyo County maintain the distinctions applied by BLM between lands recommended for renewable energy development (disturbed lands, DRECP development focus areas, etc.) and the variance lands. The variance lands, as stated in the Solar PEIS ROD, require considerable study, interagency cooperation, tribal consultation, and BLM land use planning amendment before an application can be approved.

The NPS suggests discussion in the EIR of the specific measures to be used in the permitting process to encourage development within SEDA's. In particular, please identify how development would be encouraged within the SEDA's in contrast to the incentives for development that may be applied to Solar PEIS variance areas.

Cultural and Ethnographic Studies

The sites and landscapes under consideration in Inyo County for solar development may contain a variety of natural and cultural resources that American Indian peoples define as heritage or traditional resources, as well as cultural resources important to recent American history. The NPS encourages a robust cultural analysis of the area of consideration in the REGPA and recommends ethnographic study, particularly for the Owens Valley area. Ethnographic study should include participation by the tribes affiliated with areas under study.

Cumulative Effects

The BLM Las Vegas/Pahrump Draft Resource Management Plan and Environmental Impact Statement proposes intensive renewable energy development areas in Nevada directly adjacent to the Inyo County Planning area. Cumulative effects from the proposed Nevada developments will need to be considered in the Inyo County PEIR. Cumulative effects of groundwater withdrawals, air quality impacts, and visual resource impacts are of particular concern to the NPS. The NPS recommends early analysis of cumulative effects to inform the designation of SEDA's along the Nevada state line.

Death Valley National Park

The formerly proposed Death Valley Junction SEDA was located within the Amargosa Desert, the location of the detached Devils Hole unit of Death Valley National Park that provides the sole habitat for the federally listed Devils Hole pupfish. Courts have ruled that NPS has a federally reserved water right in Devils Hole. The 1976 Supreme Court ruling in *Cappaert v. United States* led to a curtailment of ground water pumping near Devils Hole. This resulted in some recovery of the Devils Hole water level, but the water level remains well below the "pre-Cappaert" level. Water in the Amargosa Desert Hydrographic Basin is over-appropriated and over-pumped. Many concerns were raised over similar groundwater issues in the 2011 scoping report for the California BLM Desert Renewable Energy Conservation Plan (DRECP). For these reasons, the NPS gratefully supports the County's decision to remove Death Valley Junction from the list of proposed SEDAs.

The formerly proposed Panamint Valley SEDA is located in an area that is highly visible from Surprise Canyon, Telescope Peak, and other very popular visitor use destinations in Death

Valley National Park. Utility-scale renewable energy development would vastly alter the viewshed, the scenic resources, and the experience of visitors to that part of Park. The NPS supports the decision of the County to apply its criteria for exclusions from renewable energy development, in particular criterion I identified in stakeholder worksheets: “Scenic Resources.” Moreover, the preferred alternative in the most recent draft of the DRECP proposes designating the Panamint Valley SEDA as an ACEC and a National Conservation Land. We support these protective designations and appreciate the County’s acknowledgement of the visual resource impacts that would accompany commercial development.

The formerly proposed Centennial Flat/Darwin SEDA, particularly in the larger designation of the more intense development alternative, raised concerns about the potential depletion of Death Valley National Park’s groundwater resources. Groundwater withdrawal in this area would potentially reduce the discharge of the springs which support Darwin Falls, a highly popular visitor destination and a unique perennial waterfall occurrence in this arid setting. The NPS commends the County for removing the proposed Centennial Flat/Darwin SEDA.

Comments on specific text and maps in the document are included in Table 1 below.

Manzanar National Historic Site

The formerly proposed Owens Valley REDA and Sierra Wind: Owens Valley REDA were of particular concern for potential impacts to the Manzanar National Historic Site (Manzanar). The NPS commends the County for removing these proposed development areas from REGPA consideration, and requests further clarity on likely treatment of these areas for future development. The development of a utility-scale solar facility within the viewshed of Manzanar will have irreversible negative impacts to the authentic cultural experience for visitors and the cultural landscape associated with Manzanar. The uncertainty in the current REGPA process around potential wind and solar development raises questions about CEQA analysis of cumulative effects. Future projects in the Owens Valley and in the Sierra Winds area would have cumulative effects relevant to the REGPA. The NPS requests that the County link the process for renewable energy planning in these areas concurrent with the REGPA development, so that cumulative effects can be fully analyzed by the County and commented upon by the public and other agency stakeholders.

Manzanar is a California Registered Historic Landmark (1972), Los Angeles Historic-Cultural Monument (1976), listed on the National Register of Historic Places (1979), and a National Historic Landmark (1985). It was designated a National Historic Site by Congress in 1992. In 2004 the National Park Service opened a visitor center in the adaptively restored historic high school auditorium. Annual visitation averages 82,000 per year.

Manzanar was established to preserve the stories of the internment of nearly 120,000 Japanese Americans during World War II and to serve as a reminder to this and future generations of the

fragility of American civil liberties. As the Japanese American internees discovered, Manzanar feels like the middle of nowhere. Although Manzanar is only 814 acres, Manzanar is surrounded by some of the largest tracts of public lands in the country. This allows for the preservation of an important and invaluable cultural landscape appearing largely as it did when 11,070 Japanese Americans were confined here between 1942–1945.

Natural systems were historically important characteristics in the initial selection and development of the Manzanar War Relocation Center in 1942. At the largest scale, the natural landforms defining the valley—the Sierra Nevada, White, and Inyo Mountains—were the dominant structuring features that physically and perceptually contained the valley. They provide a strong visual context for the camp and all of the views and vistas from the camp. The topography of the valley and the low-growing vegetation allowed for expansive views of the mountain ranges on either side of the camp—reasons that the U. S. Army selected this site in 1942.

Sue Kunitomi Embrey (1923-2006), Former Internee, Founder of the Manzanar Committee and Chair of the Congressionally established Manzanar Advisory Commission, reflecting about the power of this place stated:

“As the rock gardens, the pleasure parks and the ponds brought solace to the internees beneath the high majestic Sierras, so can the Manzanar National Historic Site be a healing source for the devastation of the human spirit which we all experienced, not only for the Japanese American community, but for America as well.”

Since 1969 the Manzanar Committee, a non-profit educational organization, has sponsored an annual pilgrimage to Manzanar. Former internees, their families, friends, and a growing number of young people gather at the Manzanar cemetery to remember, to honor, and to carry the lessons of this experience into the future. The event takes place on the last Saturday of April each year. For the 44th Annual Manzanar Pilgrimage, an estimated 1,500 participants made the Pilgrimage. Many of the pilgrims remarked that the 2013 Pilgrimage was the most inspirational that they could recall.

If utility-scale energy generation projects were built in the Owens Valley REDA and/or Sierra Winds: Owens Valley REDA, there would be significant adverse impacts to the scenic vistas and the culturally significant views from Manzanar. The setting, feel, and association of the area are of remote isolation. The construction of a utility-scale solar facility that will employ the use of large photovoltaic (PV) panels will add industrial intrusions to the natural landscape, impacting the cultural landscape and visual resources. In addition, facility lighting and the potential for glint and glare from the panels have a high potential for significant adverse impacts to Manzanar’s visual resources, visitor experience and night sky resources.

Air quality in the Owens Valley is very good except in the category of inhalable particulates, where there are major deficiencies because of dust generated in the Owens Lake area. Owens

Valley is subject to frequent high winds and inclement weather conditions that are dependent on the season. Fugitive dust as a result of construction activities and grading is a significant concern for human health and visual resource impacts. Utility-scale solar projects that utilize large-scale land clearing activities for the installation of PV panels severely damage existing vegetation cover and the fragile biological crust that stabilizes surface soils, creating problematic fugitive dust conditions.

The junction of U.S. Highway 395 and Manzanar Reward Road is not a signalized intersection. The addition of significant construction traffic volume to the existing traffic volume at that intersection is likely to increase the hazards for all motorists and bicyclists passing through that intersection. Signalizing the intersection would drastically affect the historic landscape, changing its character from rural to urban. Even if no adjacent focused development areas are identified in this REGPA, the NPS recommends consultation with the California Department of Transportation District 9 staff to analyze and to suggest mitigations for potential highway traffic hazards associated with future utility-scale development in the Owens Valley.

Old Spanish National Historic Trail

The NPS is concerned about the potential designation of the Charleston View SEDA, the Chicago Valley SEDA and the Sandy Valley SEDA in close proximity to the cultural corridor that constitutes the Old Spanish National Historic Trail (NHT). Proposed energy zones across the Nevada state line could also contribute to significant cumulative effects. In particular, there are High Potential Segments of the trail at Stump Springs and Emigrant Pass that could be affected by solar developments in the Charleston View SEDA. “High Potential Segments” are defined in the National Trails System Act of 1968 (as amended) as “those segments of a trail which would afford high quality recreation experience in a portion of the route having higher than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.” The quality and integrity of trail segments, associated sites, and the trail setting provide the visitor with the opportunity “to vicariously share the experience of the original users of a historic route” (National Trails System Act of 1968) make this one of the premier trail experiences anywhere along the Old Spanish NHT. The potential scope of renewable energy development in this area would adversely affect the trail viewshed and significantly degrade the visitor experience. The Chicago Valley and Sandy Valley SEDAs would likely only affect trail resources if tall structures such as power tower technology were employed, or if transmission lines associated with those areas were constructed near the Old Spanish NHT. In addition to the Old Spanish NHT, other cultural resources that could be affected include the Mormon Road, the Salt Song Trail, and the Pahrump Metapatch Mesquite Woodland-Coppice Dune Archaeological Landscape.

Designation of a NHT is a rigorous process. The NPS conducted exhaustive research—both documentary and in the field—to document the significance, integrity, and location of the Old Spanish NHT as part of the feasibility study for its designation. The language of the National

Trails System Act of 1968 (as amended) states: (To be designated as a National Historic Trail...) "It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential." The trail was determined to be nationally significant (NPS 2001:23) in terms of National Historic Trail criteria. Congress agreed, designating the Old Spanish NHT in 2002. The California Desert Renewable Energy Conservation Plan (DRECP), which will factor into future permitting decisions for renewable energy development on lands in Inyo County, also will address National Historic Trail protection. Lands with proximity and potential effects on NHT resources may be designated as National Conservation Lands, depending on the eventual chosen Plan alternative. The NPS encourages Inyo County to approach trail resource protection in alignment with the DRECP process.

In response to the County request for relevant references to inform the EIR, the NPS has included a list of references which pertain to Old Spanish NHT trail use and remnants in Inyo County. The NPS is available to continue discussions with Inyo County regarding the potential impacts to the visitor experience on this nationally significant Historic Trail, and to find the best ways to avoid, minimize, or offset impacts to the visitor experience.

Old Spanish National Historic Trail references

Crampton, C. Gregory and Madsen, Steven K. 2007. In Search of The Old Spanish Trail: Santa Fe to Los Angeles 1829-1848. Layton, UT: Peregrine Smith Books.

Eggenhofer, Nick, n.d. Wagons, Mules and Men: How the Frontier Moved West. New York, NY: Hastings House Publishers.

Fremont, John C. 1845. Report of the exploring expedition to the Rocky Mountains in the year 1842 and to Oregon and North California in 1843-44. Washington, D.C.: Blair and Rives (printed for the House of Representatives).

Hafen, Leroy and Hafen, Ann 1993 The Old Spanish Trail. Lincoln, NE, and London: University of Nebraska Press. [originally published 1954]

Lawrence, Eleanor, 1932. Mexican Trade between Santa Fe and Los Angeles, 1830-1848. California Historical Society Quarterly 10: 27-39.

Lyman, E., 2004. The overland journey from Utah to California: Wagon travel from the City of Saints to the City of Angels. Reno & Las Vegas: University of Nevada Press.

Myhrer, Keith, White, William G., and Rolf, Stanton D. 1990. Archaeology of the

Old Spanish Trail/Mormon Road from Las Vegas, Nevada to the California border. U.S. Department of the Interior, Bureau of Land Management Contributions to the Study of Cultural Resources: Technical Report 17.

Steiner, Harold 1999. The Old Spanish Trail across the Mojave Desert. Las Vegas, NV: the Haldor Co.

Warren, Elizabeth von Till, 1974. Armijo's trace revisited. A new interpretation of the impact of the Antonio Armijo route of 1829-1830 on the development of the Old Spanish Trail. Unpublished M.A. thesis, University of Nevada, Las Vegas.

Table 1 – Comments specific to text and maps in the Inyo County REGPA DEIR

Section #	Page #	Paragraph	Comments
Table ES-1	27	AES-3	The NPS recommends the use of the Bureau of Land Management’s environmental colors. Projects on BLM lands would likely be required to use the colors, and their effectiveness has been studied in multiple landscape types. If the County does not wish to require the use of BLM environmental colors, it may be useful to provide the recommendation for proponents for informational purposes.
Sec. 4.4	312	Table 4.4-9	Please move this table so it directly follows information on the Trona SEDA. It may be confusing to the reader to see this Trona summary with the text of the Chicago Valley description
Sec.4.4	314	1 st paragraph	This paragraph describes special status species within the Trona SEDA, but is in the body of text regarding the Charleston SEDA.
Sec 4.4	113	2 nd	Will water be trucked in or taken from groundwater to spray roads and wash mirrors?
Fig. 4.4-3	194	2 nd	This paragraph describes the BLM visual resource management system, including the management objective of preserving the existing character of the landscape in Class I wilderness areas. The proposed Charleston View, Chicago Valley, Sandy Valley may impact visual resources in adjacent wilderness areas. Please analyze how this impact relates to Class I visual resource management objectives.
Sec. 4-5	414	Federal Regulations	The NPS suggests inclusion of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).
Sec. 4.5	Figure 4.5-1	Map	The NPS suggests greater scrutiny of the Chicago Valley SEDA, specifically in regard to the proximity of historically used obsidian quarries.
Sec. 4.15	663	Death Valley NP	The extent of Death Valley NP is 3.4 million acres.
Sec. 4.9	534	Watershed and Drainage Characteristics	The plan states, “Principal drainage in the noted hydrologic designations is through the Amargosa River and a number of associated ephemeral washes, with these flows internal and terminating in Death Valley.” Because of this hydrologic connectivity, any utility scale development in the vicinity of the southeastern portion of the park may have adverse hydrologic impacts. Please address how potential impacts will be analyzed and any protective measures that would be used to avoid, minimize, or compensate for impacts.
Sec. 5.2.2	765	Biological Resources	Death Valley NP is concerned about potential impacts from the Chicago Valley SEDA on migratory birds that utilize the Amargosa River drainage. Mitigation measures should involve an adaptive process of biological surveys to reveal previously unrecorded species of concern, and to track effects over time from development. The 1,000 foot avoidance corridor proposed on page ES-59 is not accompanied by a reference or scientific explanation regarding bird avoidance

			distances. Please provide information regarding the protection level expected from this avoidance corridor.
Section 4.9		Hydrology and Water Resources	Development in the Chicago Valley SEDA has potential to impact water resources along the Amargosa River (a Wild and Scenic River). The SEDA is up gradient from Death Valley National Park resources such as Saratoga Springs, which is home to the Saratoga Springs Pupfish and an additional five rare invertebrate species also occur at Saratoga Spring and include: the Amargosa tryonia snail, the Amargosa spring snail, the Saratoga Springs belostoma bug, the Amargosa naucorid bug, and the Death Valley June beetle (Bedinger, M. S., and J. R. Harrill. 2012. Groundwater geology and hydrology of Death Valley National Park, California and Nevada. Natural Resource Technical Report NPS/NRSS/WRD/NRTR—2012/652. National Park Service, Fort Collins, Colorado). Please address potential groundwater impacts to Saratoga Springs related to utility-scale renewable development in the Chicago Valley SEDA.
Section 4.8.1.2	492	Hazardous Materials	This section states that there are three DTSC listed sites at Camp Manzanar. The NPS administers the Manzanar National Historic Site, and is unsure what extent is referred to by “Camp Manzanar”. The NPS is unaware of DTSC sites within Manzanar National Historic Site. Please identify the mapped extent of Camp Manzanar, and also the location and details of these DTSC sites. The NPS is concerned about the inclusion of Manzanar sites in this section regarding disturbed lands, as the disturbed lands are generally prioritized for utility scale development. For reasons covered well in other sections of the document, Manzanar NHS and surroundings are not appropriate for utility scale development. Please remove reference to the Manzanar sites in this section. Alternatively, please include a statement that due to the presence of Manzanar NHS, these disturbed sites are not prioritized for development.
Section 4.1-9	195	National Park Service	Please add this sentence to the paragraph: “The NPS also administers the congressionally designated Old Spanish National Historic Trail in portions of the County.”
Section 4.1-17	203	National Park Service	Please remove the unjustified and inaccurate statement “ <i>the focus of visitors of the national historic site is generally inward and on the facilities within the site rather than on the surrounding areas and visual landscape. For this reason, viewers from this location would, in general, not be highly sensitive to changes in the visual environment resulting from solar energy projects in close proximity to the national historic site within the OVSA.</i> ” The focus of visitors is not limited to the site and its features. The landscape setting and cited sense of isolation are important aspects of the overall visitor experience. Viewers would be sensitive to visual intrusions that could diminish those experiences.