



SOCIETY FOR AMERICAN ARCHAEOLOGY

April 10, 2024

Mr. Jeremy Bluma
Bureau of Land Management
Draft Solar EIS
1849 C Street NW
Washington, DC 20240

RE: DOI-BLM-HQ-3000-2023-0001-RMP-EIS

Dear Mr. Bluma,

The Society for American Archaeology (SAA) is pleased to provide the following comments on the Bureau of Land Management's draft Utility-Scale Solar Energy Development PEIS/RMPA. In general, the SAA supports the BLM's exclusion of public lands and the elimination of the variance process under the action alternatives of the PEIS, where archaeological or connected resources would otherwise be at risk of impact. Nevertheless, we feel that there is room for improvement in the preferred alternative.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 5,500 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

The SAA supports the BLM seeking to maximize the protection of National Monuments and National Park Service units that contain important archaeological resources in relation to all action alternatives for utility-scale solar energy development. To further maximize protection for archaeological resources, we recommend that the BLM modify its preferred alternative in the following fashion:

- The action alternative that the BLM adopts in its final decision-making should be focused on previously disturbed areas with the smallest acreage of lands available for application for utility-scale solar energy developments to a greater extent than is the current preferred alternative. This is based on the principle that the smallest area of land disturbance will tend to reduce the possible impact of archaeological resources that are not already identified or listed on the National Register of Historic Places prior to the application for development. This principle is further supported by EIS Table ES-5, which reflects

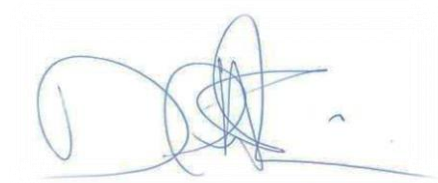
smaller quantities of “known cultural resources” with each action alternative as they go down in available public land acreage available for utility-scale solar energy development application. As DEIS Section 5.3.1 states, “The potential for impacts on cultural resources from solar energy development, including ancillary facilities such as access roads and transmission lines, whether on or off BLM-administered lands, is directly related to the amount of land disturbance and the location of the project.” As concluded at DEIS Section 5.3.4.1, “As expected, the number of known resources decreased as the area available for application decreased.”

- The Proposed Resource-Based Exclusion Criteria Common to All Action Alternatives (at Table ES-3) is focused primarily on historic properties and National Historic Landmarks, which would include archaeological sites listed on the National Register of Historic Places (NRHP). This is too narrow and limited of a criterion and inadequate for protecting significant historic properties or archaeological resources. Section 106 of the National Historic Preservation Act (54 USC § 300308) requires the BLM to consider the effects of its undertakings not only on NRHP-listed but also on NRHP-eligible historic properties. Since it is rare that historic properties are nominated and formally listed on the NRHP, and far more common that the BLM has identified historic properties that are eligible for listing without going through the nomination process, the SAA requests that the BLM expand the Proposed Resource-Based Exclusion Criteria Common to All Action Alternatives to more appropriately address properties eligible for listing as well as listed on the NRHP. We request that BLM create additional measures to identify historic properties, especially those that are archaeological resources, which have not yet been identified and assessed for NRHP eligibility and apply exclusion criteria to these.
- The single “mitigation” measure for cultural resources offered under DEIS Section 5.3.3 presents no actual mitigation and therefore is not a mitigation measure as indicated: “Where the BLM determines that a specific proposed solar energy project has the potential to adversely affect historic properties but those impacts cannot be determined prior to its approval, the BLM may elect to review a proposed solar energy project using an undertaking-specific Programmatic Agreement executed pursuant to the BLM National Programmatic Agreement (2012I) and 36 CFR 800.14, use the standard Section 106 consultation process identified in 36 CFR Part 800, or follow the procedures outlined in the 2012 Solar PA if the proposal is within a SEZ.” This measure identifies existing processes by which mitigation measures could be identified in the future but offers no actual mitigation for impacts under this EIS for cultural resources. This measure should be expressed in a context outside of one that represents it as mitigation. Actual mitigation measures for cultural resources should then be added, such as those that consider specific opportunities for design modification for projects to best avoid and minimize impacts to archaeological resources before applying mitigation for any unavoidable impacts that may remain. Examples of such specific measures could include altering placement of development to be directly off NRHP-eligible archaeological sites, necking down of construction easements to exclude archaeological sites, spanning, and protecting in place archaeological sites under transmission line developments (where appropriate), etc. This is particularly necessary for those properties in the northern five states of the impact areas, as described in DEIS Section 5.3.4.2, that are not protected by design features

under the “2012 Western Solar Plan” and where “Updated and more prescriptive design features applicable for all Action Alternatives may reduce the magnitude of impacts.” Better descriptions of the coverage of Appendix B, “B.3 Design Features for Cultural Resources (CR),” within DEIS Section 5.3.3 that address this issue could be considered. Note, too, that many of the measures under B.3 also express processes (e.g., reiterate BLM’s existing Section 106 process) instead of providing actual design considerations. These are processes that would already be required for implementation by the BLM or for BLM permits for these developments with or without this DEIS—in other words, they are already required whether or not this DEIS re-prescribes them, so it is unclear how they are “Proposed Programmatic Design Features Under the BLM Action Alternatives” as Appendix B is titled.

We look forward to working with the BLM on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Sandweiss', is written over a light blue horizontal line. The signature is stylized and somewhat abstract.

Daniel H. Sandweiss, Ph.D., RPA
President