United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
Juan Bautista de Anza National Historic Trail
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Oakland, California 94607-4807

IN REPLY REFER TO:

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08-AFC-5
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Christopher Meyer, Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Mr. Jim Stobaugh, National Project Manager
USDI Bureau of Land Management
BLM Nevada State Office
P.O. Box 12000
1340 Financial Boulevard
Reno, NV 89520-0006

Re: Comments regarding the Final EIS and Supplemental Staff Assessment for the Imperial Valley Solar Project (CEC#: 08-AFC-5; DOI# FES 10-29)

Mr. Meyer & Mr. Stobaugh:

The National Park Service (NPS) respectfully submits the following comments regarding the California Energy Commission's Supplemental Staff Assessment (SSA) and BLM's Final Environmental Impact Statement (FEIS) prepared for the Imperial Valley Solar Project in Imperial County, California. Our comments focus on the potential impacts to, and mitigation for, the Juan Bautista de Anza National Historic Trail (Anza NHT), due to NPS's responsibility to administer, preserve and enhance this component of the National Trails System. The SSA contains several significant omissions with regard to the Anza NHT, and this letter is intended to highlight and correct those errors.

This project will forever change the landscape of this area and irreparably degrade the integrity of the Anza NHT and it will diminish the public's experience and understanding of the historic expedition and the cultural landscape of that period. Both the FEIS and SSA document this fact and conclude that the Imperial Valley Solar project would result in significant adverse impacts to the Anza NHT that cannot be fully mitigated.

The National Trails System Act (NTSA, 16 USC 1241 et. seq.) states that "National historic trails . . . will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. . . [and] shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. . . components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as *Federal protection components. . .*" Section 7 of the

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Act also states that "Other uses along the trail, *which will not substantially interfere with the nature of and purposes of the trail*, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, *efforts be made to avoid activities incompatible with the purposes for which such trails were established*" (emphasis added).

Below are our comments regarding specific sections of the SSA and FEIS:

SSA Chapter C.3, Cultural Resources and Native American Values / FEIS Chapters 3.5 & 4.5, Cultural and Paleontological Resources

The CEC's summary of the Spanish Period is a misleading and inaccurate historical synthesis that emphasizes Anza's 1774 exploratory expedition and other Spanish period events (such as the Yuma Revolt), but essentially omits the more important 1775-76 colonizing expedition for which the Juan Bautista de Anza National Historic Trail was established by Congress. To clarify the record, we recommend that the Spanish Period section of Chapter C.3 be revised to accurately reflect the significance of the Anza colonizing expedition of 1775-76. Alternatively, CEC could incorporate pages 3.5-10 to 3.5-12 from BLM's FEIS into its administrative record because it provides an accurate summary of the Anza Expeditions and their cultural significance.

For example, page C.3-45 of CEC's document still includes the original text from the Draft EIS, which incorrectly states that the purpose of the expeditions was "to find an appropriate overland *route to the mission at San Diego along coastal California*." BLM's FEIS page 3.5-10 correctly states that the purpose of the expeditions was "to find an appropriate overland route *to the missions in Alta California*" (emphasis added). This is an important distinction, because neither the Anza colonizing expedition nor the exploratory expedition sought to go to San Diego. The purpose was to establish the overland route to the missions and presidios in Alta California, and to establish a new presidio and mission at San Francisco, where the strategic San Francisco Bay had recently been discovered by the Portola Expedition in 1769. Some of the same settlers later established San Jose, CA in 1777. The overland route established by Anza was also followed by another Spanish party in 1781 to establish Los Angeles and Santa Barbara. These omitted facts certainly relate to the historical significance of the Anza expedition, the significance of the Anza NHT historic corridor and recreational trail, and the potential to affect historical resources on the project site.

NPS is a consulting party of the Programmatic Agreement (PA) being prepared pursuant to Section 106 of the National Historic Preservation Act. Implementation of the PA is required by the CEC's Condition of Certification CUL-1 and BLM's Mitigation Measure CUP-11 to mitigate cultural resource impacts to the Anza Trail. The PA specifies that additional efforts to identify material remains of the Anza Trail be implemented, such as 1) a close-quarter pedestrian survey, 2) review of artifacts or faunal remains that may have been left behind by the Anza party, 3) use of infrared satellite imagery or LIDAR technology, and 4) coordination of mitigation measures for effects to the recreation trail and viewshed. NPS concurs with these conditions and the PA's proposed requirements related to the Anza NHT. However, pages

C.3-134 and p. C.3-156 refer to conditions of certification that do not exist, and must be included in the CEC's approval to mitigate impacts to the Anza NHT. Page C.3-156 states:

> If material remains related to the trail are ultimately found, a trail-specific HPTP would be developed and implemented under appendix B that co-opts and augments the conditions of certification related to the trail in the Visual Resources, and Land Use, Recreation, and Wilderness sections of this SSA. If material remains related to the trail are found to be absent, those latter conditions of certification would attempt to reduce the significant impacts of the proposed action on what would then be non-cultural resources considerations. (SSA, p. C.3-156).

Refer to our comments below regarding the mitigation that must be provided to offset the project's impacts to the Anza Recreational Trail.

SSA, Chapter C.8 Land Use, Recreation, and Wilderness / FEIS, Chapters 3.12 & 4.12, Recreation

The CEC and BLM documents reach similar but different conclusions regarding the project's impacts on Recreation on the Anza Trail. Both documents conclude that the project would impact the recreational experience for visitors following the Anza Trail. The FEIS states that the project would "represent a cumulative change to the visual and historic context of the Anza Trail and impact the overall recreational experience of the Anza Trail by adding modern development in the viewscape" (FEIS, p. 4.12-9). The FEIS proposes Mitigation Measure REC-1 to address those impacts. One of the measures includes re-evaluation and completion of the Anza Recreational Trail.

CEC's SSA concludes that the project would result in "permanent preclusion of the use of the existing and planned segments of the Anza Recreational Trail alignment within and near the site" (p. C.8-1). The text seems to confuse the historic corridor that crosses through the project site, and the recreation trail, which does not necessarily lie within the historic corridor and is located along the perimeter of the site. In the project vicinity, the recreation trail follows existing dirt and paved roads and would not be precluded by implementation of the project, though it would be impacted by the construction, access roads, visual and noise impacts, as discussed on page C.8-16. The SSA states that the only potential mitigation for these impacts is realignment of the recreation trail, but the BLM has determined that realigning the Anza Trail is not feasible. The SSA includes no mitigation for recreational impacts to the Anza NHT.

To mitigate impacts to recreational visitors to the Anza NHT, we strongly recommend that the CEC include a condition of certification consistent with the BLM's Mitigation Measure REC-1, which is copied below for reference.

> **REC-1** **Juan Bautista de Anza National Historic Trail (Anza Trail) Corridor.** As recommended by the United States National Park Service (NPS), a Comprehensive Interpretive Plan for the Anza Trail will be prepared through applicant cooperation and coordination with the United States Bureau of Land Management (BLM) and the NPS. Potential components of this Plan as identified by the NPS could include, but not be limited to the following:

- New Interpretive Facilities
- Installation of Yuha Well Wayside Exhibit
- Additional Interpretation at the Anza Trail Overlook
- Interpretive Exhibit at Plaster City Off-Highway Vehicle (OHV) Open Area
- Supplement Exhibit at Sunbeam Rest Area on Interstate 8 (I-8)
- Anza Trail-Themed Exhibit at a Local Museum
- Anza Trail Interpretive Brochure
- Increase Accessibility of the BLM Yuha Desert Cultural History Anza Tour
- Re-evaluate and Complete the Anza Recreational Trail
- Historic Campsite Surveys (Archaeological Studies)
- Trail-Wide Mitigation Fund

It is assumed that the resources provided by the applicant that are required to prepare and implement the final Comprehensive Interpretive Plan and its components would be roughly proportionate to the degree of impact of the IVS project on the Anza Trail. (FEIS, p.4.12-8)

SSA, C.13 Visual Resources / FEIS, 3.16, 4.16, Visual Resources

The BLM's FEIS Visual Resources Chapter includes Mitigation Measure VIS-5 to off-set the project's unavoidable adverse impacts to visitors on the Anza Trail and the Yuha Desert ACEC. It requires the project owner to contribute funds to provide the improvements outlined in Mitigation Measure REC-1 (incorrectly referenced as REC-2 in the FEIS p. 4.16-25).

The CEC also concludes that visual impacts along the Anza Recreation Trail would be significant: "Staff does not, however, dispute that visual impacts to the recreational Anza Trail and trail corridor in general would be significant from most locations. . ." (SSA, p. C.13-20). However, CEC does not provide any mitigation to address this impact. In fact, CEC eliminated Mitigation Measure VIS-5, proposed in the Draft EIS, because the types of measures proposed in the condition would not mitigate the project's visual effects. NPS believes that reevaluation of the alignment of the recreation trail through terrain that would shield it from visual, noise, and other project impacts is a feasible mitigation measure for the Anza Trail, and we request that this condition be reinstated. Alternatively, contribution to a fund for acquisition of property or conservation easements elsewhere along the Anza Trail would also serve to mitigate the project's visual impact.

Feel free to contact Naomi Torres, Superintendent for the Anza NHT (Naomi_torres@nps.gov, 510-817-1438), or Steven Ross (steven_ross@nps.gov, 510- 817-1400) Outdoor Recreation Planner, to discuss this letter.

Sincerely,

for Cynthia

George Turnbull
Acting Regional Director, Pacific West Region

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