

Tool Kit for Tribal Community Response to the Environmental Assessment for the Fort Irwin Photovoltaic Installation

The following document is a template or tool to assist in providing a response to the solar energy projects in the Mojave Desert. This is crafted to look at the Fort Irwin photovoltaic installation Environmental Assessment. However, it can be used for other solar energy projects as relevant.

I. Requirements of an Environmental Assessment: Use this section to analyze whether the EA has the requisite components.

A. A clear and concise description of the proposed action.

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
“clear and concise description” should include: drawings, maps, and charts, if directly pertinent to analyzing environmental consequences of the proposed action;	

B. A statement identifying the purpose and need for the proposed action

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
This is the reason why this project is being done, versus not being done	

C. Alternatives to the proposed action, including the no action alternative

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
Is there an alternative action that may be taken that increases positive results or decreases negative results with respect to the tribal community, culture and landscape? Provide a detail based upon evidence or prior experience that supports your comments.	

D. A description of the existing environment affected by the proposed action and alternatives to the proposed action, **in sufficient detail** to permit a meaningful evaluation of the potential environmental consequences of the proposed action.

1. Cultural Resources

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>Discussion of full extent of cultural resources including:</p> <p>Usually includes burial sites, ceremonial items, and various other “cultural items” or traditional cultural properties as defined under acts like NAGPRA, NHPA, AIRFA, and ARPA</p> <p>These Acts generally require that “cultural items” or “cultural resources” be defined either by the appropriate authoritative representative of the Tribe (Executive Order 13007) or by the Federal government in consultation with Tribes (NHPA)</p> <p>To the extent possible, identifying “cultural resources” will facilitate ensuring they get the most protection they can under an Environmental Assessment.</p> <p>It is appropriate to identify that they exist, but that specifics must be provided in a confidential matter to protect said resources.</p> <p>Possible Cultural Resources to discuss/identify:</p> <ul style="list-style-type: none"> • Landscapes • burial sites • rock art/ petroglyphs • Trails – associated with “salt songs”, community history, creation stories, etc. 	

<ul style="list-style-type: none"> • Historical sites • Sacred sites • Subsistence resources- are there any flora or fauna subsistence sources within the site or that would be impacted by the project. • Medicinal resources - are there flora or fauna used for medicinal purposes within the site or that would be impacted by the project 	
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2. Biological Resources

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>Descriptions of potential biological resources that may be impacted by the project include the more physical aspects of the ecosystem. There may be overlap between discussions of biological resources and cultural resources. For example the importance of water resources or specific wildlife can be described in both biological ecosystem health terms, as well as cultural or spiritual significance. Possible Biological Resources to discuss/identify:</p> <ul style="list-style-type: none"> • Water resources: <ol style="list-style-type: none"> 1. Will the project use water? 2. How much? 3. Where is the source? 4. What kind of health impact will be associated (i.e. changes in water availability, quality, etc.) • Air quality: <ol style="list-style-type: none"> 1. Will the project emit air pollutants? 2. What are the health implications of contaminated air? 3. Which communities are at risk of poor air quality? • Soil: 	

<ol style="list-style-type: none"> 1. What is the level of soil disturbance? 2. What is the potential for air contamination from soil disturbance? 3. What is the impact of soil disturbance on “cultural resources” (see above)? <ul style="list-style-type: none"> • Viewsheds or Viewpoints of Environmental Elements: <ol style="list-style-type: none"> • Are there any views of any environmental elements that will be preserved, altered or eliminated by the project? • Are there any views of specific tribal cultural elements within the viewshed that may be preserved, altered or eliminated by the project? • Wildlife: <ol style="list-style-type: none"> 1. Are there potential impacts to populations, breeding habitat, migration corridors? 2. Are there potential impacts on the access to necessary habitats? 3. Is there any glare affecting or altering natural migration? 4. Will protective fences impact standard migration? • Other issues: <ol style="list-style-type: none"> 1. Are there any flora or fauna used for ceremonies within the site? 2. Are there any flora or fauna important to tribal culture, history, etc.? <p>If there are no specific biological resources you can discuss general importance of overall landscape or ecosystem and role of wildlife.</p>	
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A description of the existing environment affected by the proposed action:

3. Visual Resources

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>The Visual Resources section may have overlap with cultural resources. This section will allow for greater discussion of the visual landscape.</p> <p>Some items to include are: Landscapes, visual site lines from important trail systems or vistas that make up important to various cultural resources (creation stories, Salt trails, songs, community history, etc.)</p>	

E. An assessment of potential impacts of the proposed action and alternatives to the proposed action, including direct, indirect, beneficial, adverse, significant and not significant;

How will the project effect the resources referenced above in a beneficial, adverse, significant, direct, indirect, or not significant way?

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>Potential Impacts of the project include direct, indirect, adverse, beneficial, significant and not significant. This assessment would include all of the potential impacts of the environment, but also include discussions on the direct and indirect impacts associated therewith.</p>	

F. A **discussion of potential cumulative and long-term environmental effects** from the proposed action

The NEPA process requires an analysis of cumulative impacts which is defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR§1508.7).

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>This section would include discussions relating to the specific sites cumulative impact as well as impacts to the entire Mojave Desert associated with this project and other</p>	

projects near or within the region. This could include cumulative impacts to species, the ecosystem, changes in climate (i.e. heat sinks), changes in wind patterns, wildlife migration, access to cultural resources, etc.	
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G. A discussion of the degree of controversy on environmental grounds by impact category if controversy is an issue;

This section addresses where a project could be impacted by controversy regarding similar projects. Here is the section to discuss solar energy development in the Mojave Desert generally, as well as the issues associated with these project for Native American Tribes.

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
This section addresses where a project could be impacted by controversy regarding similar projects. Here is the section to discuss solar energy development in the Mojave Desert generally, as well as the issues associated with this project for Native American Tribes.	

H. Mitigation measures when they are intended to reduce impacts to less than significant levels.

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
It is important to clarify that there are differences between the legal definition of “significant levels” for terms if NEPA compliance and “significant levels” for Native American Tribes from a cultural continuation perspective.	

I. Public comment schedule and consultation.

This would be where to indicate whether the timing and types of meetings will be sufficient to address communication and consultation desired by Native American Tribes. Some examples of recommendations include:

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)

<p>Including discussion of any existing protocols relating to communication or consultation. Other recommendations to consider include:</p> <ul style="list-style-type: none"> • Scoping meeting between Fort Irwin and Native American Tribes (Energy Initiative Task Force representative should be present or kept informed in the event that decisions would be required to be made by EITF based on meeting discussions); • This meeting may or may not include sharing of confidential cultural resource information • Scoping meeting with Third Party Contractor for the Project, or at least an opportunity to review and discuss design and siting details before final decisions are made. • If a third party contractor cannot be determined until final decisions are made with respect to design and siting, Tribes should have an opportunity to review and discuss potential design and siting (based on pending applications) to provide feedback on design and siting with minimal impacts to cultural resources; • Review and Discussion of Cultural Monitoring Plan. 	
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J. Health Impacts.—What are specific and overall health impacts associated with the project.

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>What are the specific and overall health impacts associated with the project? This section should include beneficial impacts as well as adverse impacts.</p>	

II. Formal Government to Government Consultation

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>Tribes are generally included in a consultation process for federal projects that may impact tribal lands. This project does not require formal tribal consultation; however, the tribes may address the need for specific steps to achieve the benefits of tribal consultation such as developing an informational exchange throughout the project, identification of tribal cultural resources, and providing support for any resources that may be impacted by the project. It is important to suggest a process for holding such meetings. An example of some recommendations to offer include:</p> <ul style="list-style-type: none"> a. Pairing the informal consultation on this project with other and similar projects being conducted at Fort Irwin. However it is recommended that there is sufficient time in the discussion to review relevant details for each Project. Consultation should be BEFORE final decisions affecting actual siting and design to allow NA Tribes to provide input. b. Distance of cultural resources identified from APE- review of these specifics would require an in person meeting or methods to ensure maintaining confidentiality of sensitive information. c. How in depth have the environmental reviews been on alternate sites where cultural resources were found? (Has a tribal cultural monitor reviewed the findings?) 	

III. Historical trauma:

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>a. Are there any specific historical trauma issues that have occurred in the project area or with the project owners that should be noted?</p> <p>b. Does the project increase or decrease the impact of the historic trauma on the tribal community?</p> <p>c. Does the project increase or decrease any modern stressors upon the tribal community or administration of the tribal government?</p>	

IV. Tribal Community Recommendations:

Points to consider/Notes for Comments	Recommendations (please provide additional considerations to include here)
<p>Summarize or reiterate specific recommendations particularly mitigation measures with respect to this project.</p>	