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April 06, 2024

Ms. (or Hon.) Tracy Stone-Manning
Director
U.S. Bureau of Land Management
1849 C Street NW
Washington, DC 20240

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

Submitted via BLM National NEPA Register (eplanning.blm.gov)

Re: Comments on Utility-Scale Solar Energy Development PEIS/RMPA

Dear Director Stone-Manning:

We submit these comments on the Bureau of Land Management's (BLM) Programmatic Draft Environmental Impact Statement (PEIS) considering updates to the 2012 Western Solar Plan. The Bodie Hills Conservation Partnership is a coalition of organizations working to permanently protect the Bodie Hills, an American treasure with exceptional scenic, historic, recreational, and

ecological values. We are working to create a healthy, sustainable future for the Bodie Hills that combines conservation and public access, preserves current uses, and promotes the region's scenic beauty for the economic benefit of local communities and residents. We appreciate the opportunity to engage in the planning process for utility-scale solar energy development and offer these region specific comments.

For over 40 years, the BLM has prioritized resource extraction like mining, drilling, and grazing over conservation of intact landscapes in its land use management decisions, and solar, although very necessary for energy transition, risks becoming a part of this legacy without appropriate designations for development. We appreciate the BLM's commitment to planning for responsible solar energy development on public land in a way that balances the need for clean energy with the protection of natural, cultural, and historic resources, and we thus appreciate that the vast majority of lands in the Bodie Hills are not available for development in the alternatives.

We thank you for providing the mapping tool as a way to understand the various alternatives across such a large planning area, however the mapping tool provided shows several obvious errors, such as, in the Bodie Hills area specifically, several sections of the Bridgeport Reservoir shown in green as available for development. While it is clear that this is not the intention and it has been expressed that the map is just a visual for the various alternatives, this undermines the general clarity of the maps as a tool for the public to understand the development possibilities and thus provide the most accurate and relevant information for public comments. Additionally, having 11 out of 21 Resource Based Exclusions either partially mapped or unmapped further diminishes the accuracy and thus the utility of the mapping tool. These inaccuracies will lead to public confusion as to the status of lands they care about and potentially to inaccurate submitted comments, which do not assist in the planning process. We would like to see the accuracy of this interactive technology improved in future planning processes.

The Bodie Hills are one of the last strongholds for the Bi-State sage-grouse (BSSG), a Distinct Population Segment (DPS) of Greater sage-grouse with unique characteristics found in only a few counties along the central California-Nevada border. The Bodie Hills have a high concentration of Sage Grouse Priority Areas and are regularly used to augment other populations

within the DPS. In finding that the Greater sage-grouse warranted protection under the Endangered Species Act in 2010, the U.S. Fish and Wildlife Service identified the primary threats to sage-grouse across its range. The agency found that “[f]ragmentation of sagebrush habitats has been cited as a primary cause of the decline of sage-grouse populations.” USFWS also found that “[s]agebrush habitats are becoming increasingly degraded and fragmented due to the impacts of multiple threats, including direct conversion, urbanization, infrastructure such as roads and powerlines built in support of several activities, wildfire and the change in wildfire frequency, incursions of invasive plants, grazing, and nonrenewable and renewable energy development.”¹

The lands north of Aurora Canyon Road in the Bodie Hills, currently available for solar development in the alternatives, are included in the United States Fish and Wildlife Service (USFWS) 2012 Proposed Critical Habitat for the listing of the Greater sage-grouse (*Centrocercus urophasianus*) as Threatened under the Endangered Species Act. Additionally, on November 21, 2022, the Center for Biological Diversity submitted a petition to the California Fish and Game Commission (The Commission) to list the Greater sage-grouse as a threatened or endangered species under The California Endangered Species Act (CESA). The Commission published findings of its decision to make the species a candidate for listing as a threatened or endangered species on June 30, 2023. As a result of the status review process, the Greater sage-grouse now receives the same legal protections afforded to an endangered or threatened species until that process is completed. Furthermore, a judge ruled in 2022 that the U.S. Fish and Wildlife Service needs to reconsider if the Bi-State sage grouse warrants listing under the federal Endangered Species Act (ESA).² Exclusion 2 in the Resource-Based Exclusion Criteria of the PEIS states that *all* designated and proposed critical habitat areas for species protected under the ESA are excluded from availability for solar development.³ Proposed critical habitat for the Greater sage-grouse/Bi-State sage-grouse, especially those areas which are in and around the Bodie Hills, should be excluded from renewable energy development given past and ongoing efforts to not only list the species, but also to protect and restore sage-grouse habitats.

¹ Department of the Interior. Endangered and Threatened Wildlife and Plants; 12-month findings for petitions to list the greater sage-grouse as threatened or endangered. March 4, 2010. p. 14.

² Carson McCullough, Courthouse News Service, May 16, 2022

³ Bureau of Land Management, Utility-Scale Solar Energy Development PEIS/RMPATable 2.1-3

The Bodie Hills are an important natural resource area, including rare and intact landscapes found nowhere else. The BLM should evaluate these areas carefully and avoid developing in remote areas, intact habitat areas, and areas that connect or are near already protected areas, such as the region's Wilderness Study Areas. While lands mapped as available for application in the Bodie Hills are located north of Aurora Canyon Road and thus not within the three BLM Wilderness Study Areas (WSAs): Bodie, Bodie Mountain, and Mt. Beideman, development in the area would affect the overall intact nature of the region and thus the quality of large scale habitat surrounding the three WSAs as well as the other two WSAs, Masonic Mountain and Mormon Meadow, which were released with the passage of the Omnibus Public Land Management Act (2009).⁴ The area proposed as available for development would include lands which were formerly a part of the Masonic Mountain WSA.⁵ Even though they were released, these areas retain their wilderness character and deserve protection. Additionally, the area proposed as available for development north of Aurora Canyon Road would be almost abutting the Bodie Mountain WSA in Alternative 1, which offers the largest acreage, separated only by Aurora Canyon Road itself. The Bodie Hills also contain several areas totaling 40,141 acres identified by the BLM in 2011 to have Lands with Wilderness Characteristics.⁶ These lands, and the lands formerly part of the Masonic Mountain WSA should be managed by BLM to protect their wilderness characteristics.

In the Bodie Hills there are 33 (including 2 subspecies) endangered, rare, and special status plant species documented as of 2023.⁷ Pronghorn antelope, rare in central eastern California, are numerous in the Bodie Hills. Pika, black bear, mountain lion, mule deer, and many raptors including golden eagle, (and the previously mentioned Bi-State sage-grouse) all inhabit the Bodie Hills. Migratory animals such as the pronghorn antelope and the two herds of mule deer, the East Walker Herd and the Mono Lake Herd, especially rely on this intact landscape for their seasonal migrations. Pinyon woodland understory and rock outcroppings in the proposed area for development provide crucial fawning habitat for deer.⁵ Pinyon woodlands within the proposed area for development also provide habitat and a key food source, pinyon pine nuts, for

⁴ H.R.146 - Omnibus Public Land Management Act of 2009
111th Congress (2009-2010)

⁵ Bureau of Land Management, Masonic Mountain Wilderness Study Area Number CA-010-102

⁶ Bureau of Land Management, Bodie Hills 2011 Wilderness Characteristics Inventory Update – Summary Report

⁷ Tim Messick, Plants of the Bodie Hills, 2023

the most rapidly disappearing bird in the West, the pinyon jay, which has experienced an 80 percent decline in population in the last half-century.⁸ These species all would suffer from development in the proposed area and from the resulting habitat fragmentation.

The Bodie Hills are not only rich in biodiversity, but cultural history as well, be it historic or precontact. The region is dense with cultural resources and Traditional Cultural Places sacred to the Bridgeport Indian Colony, Walker River, Yerington, Mono Kutzadika'a, Benton, and Coleville tribes whose members remain deeply connected to these sacred landscapes today. The Bodie Hills include archaeological sites judged by federal archaeologists to be potentially the most dense in the western United States.⁹ Petroglyphs are scattered throughout the Bodie Hills, demonstrating precontact occupation throughout the region dating back at least 10,000 years. The 3,000-acre Bodie Hills obsidian source was a major trading resource, and Bodie Hills obsidian is found as far west as the Central Valley and north to the Columbia River.¹⁰ The Bodie Hills also contain remnants of the region's Basque sheepherding legacy from the 1860s through the 1960s. Traditional sheepherders carved beautiful calligraphy and pictures onto the water tanks and the trunks of aspen trees, or "arborglyphs," throughout the region.¹¹ Heritage tourism is popular, particularly in the Bodie Historic District which includes Bodie State Historic Park, one of the best preserved gold rush ghost towns in the West. Development in this region could not only disturb cultural sites and culturally significant animals and plants, such as the pinyon-juniper woodlands and sagebrush that abound in the area available for solar development in the PEIS, but also could disturb and diminish the experience and enjoyment of nearby sites, known for their solitude.⁵

The impetus for this process, Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, claims the goal of increasing "renewable energy production. . . while ensuring robust protection for our lands, waters, and biodiversity and creating good jobs." Slating lands in the Bodie Hills as available for solar development does not align with these goals given the rich biodiversity, intact landscapes, and cultural resources at stake. We appreciate that the lack of

⁸ United States Forest Service, Rocky Mountain Research Station, Science You Can Use, December 2021

⁹ The Climate Atlas, Bodie Hills, California Case Study

¹⁰ Samantha Klean, Projectile Points and Late Prehistoric Obsidian Procurement in the Central Sierra Nevada, California, 2019.

¹¹ J. Mallea-Olaetxe, Speaking Through the Aspens: Basque Tree Carvings in California and Nevada, 2008

suitability for development for the majority of the Bodie Hills has been recognized in the PEIS, and propose that a recognition of this lack of suitability be extended to all lands within the region, including those slated as available for development in the alternatives east of the community of Bridgeport and north of Aurora Canyon Road. Please designate all these areas of the Bodie Hills, Long Valley, lands in the West and East Walker River watersheds, and White Mountains as Solar Exclusion Areas to protect the Bi-State sage grouse and other resources described above. We appreciate the opportunity to engage in this process and look forward to a future in which the demand for renewable energy development can be responsibly balanced with the protection and stewardship of the West's great natural landscapes and resources such as the Bodie Hills.

Sincerely,



Allison Weber

Friends of the Inyo

allison@friendsoftheinyo.org



Laura Cunningham

California Director

Western Watersheds Project

PO Box 70

Beatty NV 89003

lcunningham@westernwatersheds.org



Michael J. Painter

Coordinator

Californians for Western Wilderness

mike@caluwild.org



Chuck McGinn

President

Desert Survivors