



April 13, 2023

Mr. Kasey Prestwich  
Lava Ridge Project Manager  
BLM Shoshone Field Office  
400 West F Street  
Shoshone, ID 83352

Dear Mr. Prestwich:

Please accept Friends of Minidoka and National Parks Conservation Association comments regarding the draft Environmental Impact Statement (DEIS) for the proposed Lava Ridge Wind Project in Jerome, Lincoln, and Minidoka Counties, Idaho. LS Power proposes to build on sacred ground and within the viewshed of the Minidoka War Relocation Center (WRC) where thousands of Japanese Americans were illegally incarcerated during World War II – on land managed by both the Bureau of Land Management and the National Park Service.

Our organizations recommend Bureau of Land Management (BLM) adopt Alternative A, the no action alternative. The area where the Lava Ridge Wind Project is proposed constitutes Traditional Cultural Property because it is within and surrounding the Minidoka War Relocation Center. As required by Federal Land Policy and Management Act (FLPMA), we encourage BLM to amend its Resource Management Plan to designate a Greater Minidoka Area of Critical Environmental Concern (ACEC) to protect Minidoka National Historic Site, its viewshed and other culturally significant sites within this area.

The Friends of Minidoka (FOM) engages in and supports education, research and historic preservation of the Japanese American World War II incarceration experience. Through partnerships with the National Park Service (NPS), we strive to pass on the history, legacy, and lessons of civil liberties through transformative and inspiring experiences for the general public and those with personal and familial ties to Minidoka. Our organizations support the Congressionally-authorized mission of the Minidoka National Historic Site (NHS), a unit of the National Park System to preserve and interpret the lives of Japanese Americans at the Minidoka War Relocation Center during World War II. We work with NPS and partners to accomplish these goals, along with Minidoka survivors and descendants.

The National Parks Conservation Association (NPCA) is the only conservation and preservation organization focused solely on protecting the National Park System. Founded in 1919, NPCA is a non-partisan, non-profit organization that works to preserve America's national parks for current and future

generations. Through more than a century of stewardship, science-based advocacy, education, and outreach, NPCA has established itself as a leader in national park protection and as an expert in the application of laws that ensure long-term conservation of national park units.

We agree with President Biden’s statement that national parks are “treasures and wonders that define the identity of us as a nation. They’re a birthright that we pass down from generation to generation. And they unite us.”<sup>1</sup>

Minidoka represents a place where Japanese American and Alaska Native families were displaced, separated, and isolated from other Americans. The unconstitutional forced incarceration of the Japanese American community has left an ongoing legacy of trauma and loss and it has motivated the community to fight to protect civil rights for religious, racial and ethnic groups.

Since the mass incarceration of Japanese Americans, Congress and Presidential administrations of both parties have worked with the Japanese American families and community to acknowledge, heal, and address the ongoing impacts of the incarceration. Designating Minidoka and other incarceration sites has been part of this longstanding effort. Unfortunately, Minidoka NHS does not adequately protect and preserve all of the cultural and historic lands where families suffered, worked, and overcame racial prejudice.

We appreciate the Biden Administration’s commitment to uplift the Asian American Native Hawaiian and Pacific Islander (AANHPI) community,<sup>2</sup> “tell the full story of America” through the Amache National Historic Site,<sup>3</sup> establish the Japanese American World War II History Network,<sup>4</sup> and “advance an ambitious, whole-of-government approach to racial equity and support for underserved communities and to continuously embed equity into all aspects of Federal decision-making.”<sup>5</sup>

We call on the BLM to accept our proposal to establish a 237,000 acre Greater Minidoka Area of Critical Environmental Concern to preserve the cultural and historic landscape and traditional uses of the land surrounding Minidoka. We support Alternative A (no action) with regard to the Lava Ridge Wind Project and recommend the BLM amend the Monument Resource Management Plan (RMP) to designate the ACEC.

FLPMA requires BLM to manage public lands “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental ... and archeological values.”<sup>6</sup> The BLM’s Monument RMP

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<sup>1</sup> Remarks at the designation of Camp Hale as a National Monument. <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/10/12/remarks-by-president-biden-on-protecting-and-conserving-americas-iconic-outdoor-spaces/>

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/17/fact-sheet-biden-harris-administration-continues-to-uplift-asian-american-native-hawaiian-and-pacific-islander-communities/>

<sup>3</sup> “Interior’s 2022 Wrapped!,” dated December 27, 2022. See: <https://www.doi.gov/blog/interiors-2022-wrapped#:~:text=We%20are%20committed%20to%20telling,This%20Year%20at%20Interior%20video!>

<sup>4</sup> NPS Greenbook “Budget Justifications and Performance Information for Fiscal Year 2024,” p. Overview 6.

<sup>5</sup> Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, February 16, 2023.

<sup>6</sup> 43 USC §1701(a)(8).

has not been updated in 38 years<sup>7</sup> and does not directly address the need to protect the historic Minidoka War Relocation Center (WRC), that was chosen as a prison for its remoteness and isolation, as well as the surrounding viewshed.

While we support responsible renewable energy development on public lands, we believe that renewable energy projects be sited on public lands in the right places (areas that have low conflicts with resource values) in the right ways (with meaningful early consultation with stakeholders and measures to avoid, minimize and mitigate impacts) and with public support. The proposed Lava Ridge project does not meet these criteria. We strongly recommend BLM protect the area's historical and cultural resources as an ACEC in order to preclude Lava Ridge and future projects that would obstruct the viewshed of Minidoka NHS.

**I. Summary and Petition to designate Greater Minidoka Area of Critical Environmental Concern (ACEC).**

We propose the BLM establish a Greater Minidoka ACEC (Attachment A) to protect approximately 237,000-acres of BLM lands surrounding the Minidoka NHS and Minidoka War Relocation Center. Along with multiple uses and valid existing rights, the Minidoka ACEC will protect a sensitive and culturally important area for Minidoka survivors, descendants, the Japanese American community, and our country. The historic Minidoka War Relocation Center and viewshed have been identified as Traditional Cultural Property (TCP) eligible for listing in the National Register of Historic Places (NRHP) by the Idaho State Historic Preservation Officer (SHPO).<sup>8</sup> (Attachment B)

The proposed ACEC is located in southcentral Idaho, between the Pioneer Mountains, the Snake River and Craters of the Moon National Monument. It includes scenic and cultural values of significant national importance, which are necessary to interpret the experiences of Japanese Americans and Alaska Natives incarcerated at the Minidoka War Relocation Center during World War II. The ACEC is needed because the BLM's Monument RMP "does not establish Visual Resource Management (VRM) classes or associated management objectives for BLM public lands in the siting corridors,"<sup>9</sup> as required by BLM policy.<sup>10</sup>

In BLM contractor interviews with Japanese Americans conducted in 2022, BLM contractors reported that Minidoka is sacred ground that provides a "sense of place and remembrance that resonates with visitors to the NHS. In addition, the vast open landscape and isolation add to the educational and emotional narratives."<sup>11</sup>

Through NPS's general management planning process, Minidoka survivors, descendants, and partners have identified Minidoka as hallowed ground and sense of isolation, remoteness, and viewshed as fundamental resources and values to be managed unimpaired.<sup>12</sup>

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<sup>7</sup> The BLM signed the Record of Decision on April 22, 1985.

<sup>8</sup> Idaho State Historic Preservation Office, Letter to Robyn Achilles, Friends of Minidoka, dated February 20, 2023.

<sup>9</sup> Lava Ridge Wind Project Draft Environmental Impact Statement (DEIS), January 2023, p. 3-396

<sup>10</sup> BLM, Manual H-8410-1 - Visual Resource Inventory, p.3. "Visual Resource Management classes are established through the RMP process for all BLM-administered lands."

<sup>11</sup> BLM, Lava Ridge Wind Project: Stakeholder Assessment and Engagement Report, Shoshone Field Office, 2022, p. 2-3.

<sup>12</sup> NPS, Minidoka Internment National Monument, General Management Plan, 2006, p. 97.

Any substantial piece of Federal land over which the wind blows can be amenable to development by the wind energy industry, and the Greater Minidoka landscape is no exception. At the present time, Minidoka is immediately threatened by the application from Magic Valley Energy (MVE), LLC, an affiliate of LS Power, for a permit to use public lands to construct, operate, maintain, and decommission the Lava Ridge wind project. Any decision by BLM that impacts the Greater Minidoka viewshed would damage Minidoka's ability to serve as a place for learning, commemorating, and healing for the Japanese American community, the Asian American Pacific Islander community, and the nation as a whole.

The NPS has also identified the Lava Ridge project's significant negative impacts on Minidoka National Historic Site, "primary amongst them is the potential for this project to negatively affect the historical integrity of Minidoka NHS, especially the setting, feeling, and association."<sup>13</sup> According to NPS:

The Lava Ridge Project would fundamentally change the psychological and physical feelings of remoteness and isolation one experiences when visiting Minidoka NHS, as the lands north would be transformed into a large-scale renewable energy site marked by hundreds of wind turbines, transmission towers and associated ancillary infrastructure. Approaching the site and walking its grounds, visitors would no longer experience the feeling of a rural, undeveloped landscape recalling what Minidoka was like during World War II. Additionally, the night skies at Minidoka are integral to its cultural and historical fabric. The NPS is concerned that night skies will be impacted by light sources emanating from the project, thereby altering visitors' experience and capacity to see the nightscapes experienced by those who lived at the camp during World War II.<sup>14</sup>

In March 2023, the BLM's Lava Ridge Resource Advisory Council Subcommittee reached a unanimous conclusion that the project's impacts could not be mitigated and recommended "that BLM adopt protective measures for the cultural landscape and heritage of wise multiple use."<sup>15</sup> The proposed ACEC also includes Indigenous ancestral sites, essential habitats for threatened and migrating species, public lands grazing and opportunities for outdoor recreation.

*ACEC Requirements:* The proposed ACEC meets BLM requirements for relevance, importance, significance, and need for special management to establish an ACEC. Section 103 of FLPMA defines ACECs as:

"...areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards."

As defined in BLM Manual 1613, an area needs to meet the criteria for relevance, importance, and need for special management attention. A proposed ACEC meets the "relevance" criterion "if it contains one or more" of several qualities, including "significant historical, cultural, or scenic value ... and religious or cultural resources important to Native Americans," "a fish and wildlife resource," "a natural process or

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<sup>13</sup> NPS, Letter to the Community, dated September 12, 2021, p. 2.

<sup>14</sup> NPS, Letter to the Community, dated September 12, 2021, p. 3.

<sup>15</sup> "Draft report/recommendation to Idaho Resource Advisory Council," March 2023, p. 4.

system,” and/or “natural hazards.” A proposed ACEC meets the BLM’s “importance” criterion if the “resource is characterized by one or more of the following”:

- “Has more than locally significant qualities which give it special worth, consequence, meaning, distinctiveness or cause for concern, especially compared to any similar resource.”
- “Has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or vulnerable to adverse change.”
- “Has been recognized as warranting protection in order to satisfy national priority concerns...”
- “Has qualities that warrant highlighting in order to satisfy public or management concerns about safety and public welfare.”

Finally, a proposed ACEC meets the “special management attention” criterion if it requires “management measures” which are “unique to the area involved and include terms and conditions specifically to protect the important and relevant values occurring in that area.”

After an ACEC is nominated, FLPMA requires that a BLM interdisciplinary team evaluate it to ensure that the proposed ACEC fits the statutory definition. Resources are evaluated based on several criteria, including, for instance, the degree of degradation already present at the resource. After developing a draft land use plan amendment, BLM sets a 90-day public comment period during which citizens can comment on the proposed ACEC. Public comments are incorporated into the ACEC. After the period of public comment, the ACEC is designated by the State Director via a Resource Management Plan amendment if no protests are submitted.

*Minidoka Meets the ACEC Criteria:* The proposed Greater Minidoka Area of Critical Environmental Concern includes imperiled cultural and natural resources. A brief background and discussion about each of these resources follows.

*Minidoka War Relocation Center:* Following the Japanese attack on Pearl Harbor, President Franklin D. Roosevelt issued Executive Order 9066. Under Executive Order 9066, individuals of Japanese descent who lived in “Exclusion Zones” across the West Coast of the United States were forcibly evacuated to “assembly centers” and later to concentration camps (often euphemistically referred to as “relocation centers” or “internment camps”).

As part of this forced removal process, the U.S. government incarcerated 122,28 people in sites across the U.S., including the Minidoka WRC in south central Idaho.

Minidoka was established in 1942 and operated until 1945. Over these three years, the U.S. government incarcerated 13,000 Japanese Americans and other citizens from Oregon, Washington, and Alaska (including Japanese Alaskan family members, with Japanese and Alaska Native ancestry) at the site, located near the present-day community of Eden, Idaho.

The Minidoka War Relocation Center covered approximately 33,000 acres of then-Bureau of Reclamation land and included over 400 residential barracks and other buildings located on 900 acres. Because of the inferior construction and lack of adequate infrastructure, living conditions were substandard. After World War II, the U.S. government dispursed land through a lottery to returning veterans; Japanese American veterans were barred from this process.

Today, NPS manages a portion of the Minidoka War Relocation Center as the Minidoka National Historic Site, a unit of the National Park System. In 2001, President Clinton established the Minidoka Internment National Monument, as authorized by the Antiquities Act. In 2006, the NPS completed a General Management Plan which highlighted the importance of protecting the park's immersive setting, sense of isolation and other values.

In 2008, Congress followed the GMP's recommendations and expanded the park boundary and redesignated the monument as the Minidoka National Historic Site. The site's congressionally designated purpose includes "to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II." In 2009, the House version of the FY 2010 Interior Appropriations bill included legislation to authorize federal grants to acquire private edgeholdings, but that legislation was not included in the final bill. To protect the park's viewshed to the west, NPS acquired historic lands and a conservation easement via a minor boundary adjustment in 2010.<sup>16</sup> Also in 2010, Congress passed legislation to authorize the BLM to move the SWIP-N right-of-way to the west so it would not bisect Minidoka NHS.<sup>17</sup>

Today, Minidoka NHS includes a visitor center, walking trails, interpretive signage, historic buildings, replica structures and other features of the concentration camp. BLM manages the rest of the area of the historic Minidoka War Relocation Center where incarcerated laborers labored to clear the land, build irrigation canals, and farm.

Even though lands immediately adjacent to Minidoka are privately-owned, the surrounding landscape remains vital to the Minidoka survivor and descendant community and are part of Minidoka Traditional Cultural Property (TCP).

People formerly incarcerated at Minidoka have poignantly described how the expansive landscape within the site's viewshed is intrinsically tied to the site, particularly to the feelings of loss and isolation on the landscape experienced during incarceration. According to the TCP report, "the viewshed is an integral part of the visitor experience. Therefore, significant changes to this expansive, largely unobstructed viewshed would have negative consequences and adverse impacts to the integrity of the TCP."<sup>18</sup>

Minidoka survivors and their descendants have continued and will continue to visit the site, during the annual Minidoka Pilgrimage and other times. Academic research has highlighted the importance of commemorative events and pilgrimages for the Japanese American community. Professor Donna Nagata et al. describe how pilgrimages "provide camp survivors, their children, grandchildren, and the community an opportunity to remember the past, a process that fosters group resilience and survival."<sup>19</sup>

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<sup>16</sup> National Park Service, Minor Boundary Revision at Minidoka National Historic Site, Federal Register, October 22, 2010, p. 65378.

<sup>17</sup> P.L. 111-212, Section 2003(a)(1)

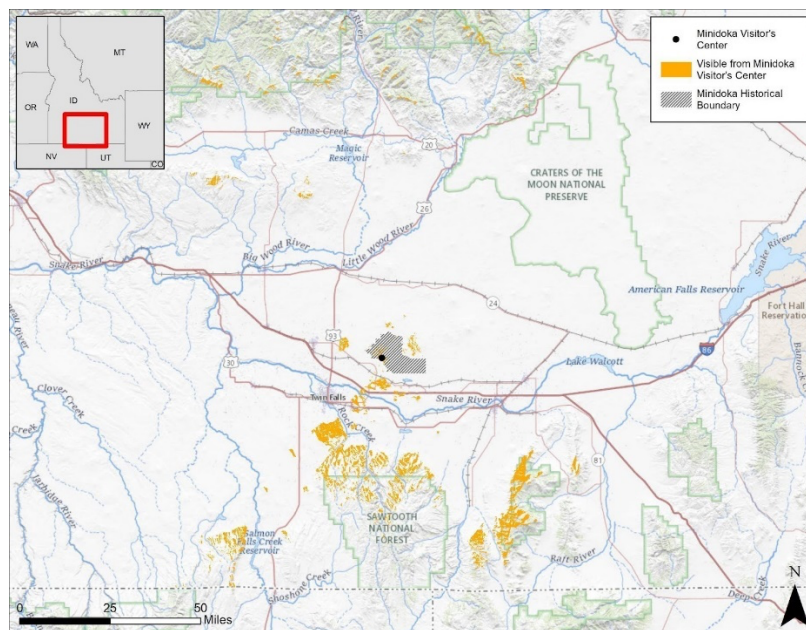
<sup>18</sup> Mario Battaglia, Rebecca A. Hawkins and Thomas F. King, "A Landscape of Isolation: A Traditional Cultural Property Study of the Minidoka Concentration Camp and its Viewsheds in Jerome, Lincoln, Blaine, and Minidoka Counties, Idaho, with Recommendations as to their Eligibility for Listing in the National Register of Historic Places," December 2, 2022, p. 58

<sup>19</sup> Nagata, Donna K., Jacqueline H.J. Kim, and Kaidi Wu. "The Japanese American wartime incarceration: Examining the scope of racial trauma." *American Psychologist* 74, no. 1 (2019): 36.

Therefore, preserving the Minidoka NHS, Relocation Center and the vulnerable Minidoka viewshed landscape as a cultural resource is critically important.

*The Viewshed:* As noted in the ACEC nomination “[i]t is of fundamental importance to the visitor experience at Minidoka that the viewshed – that is, the landscape that can be viewed, night or day, from the site -- be kept as unsullied as possible.”<sup>20</sup>

The ACEC petition defines the methodology for determining the Minidoka viewshed: “[i]n order to quantify the extent of the viewshed, we conducted an analysis using ArcMap 10.8’s Viewshed tool (in the Spatial Analyst extension). ArcMap’s Viewshed tool uses a raster elevation surface and inputs “observer” points to determine the area visible from the observer point at a given height above the ground. The state of Idaho’s Digital Elevation Model was clipped to an approximately 150 x 120-mile rectangle around Minidoka. The National Historic Site’s Visitor Center was chosen as the observation point for the analysis, with an eye height of 2 meters (approximately 6 feet) and a refractivity coefficient of 0.13 (tool default). The tool was also set to account for the earth’s curvature.”<sup>21</sup> The representation below shows the results of this analysis. The viewshed from the Minidoka Visitor’s Center extends to the borders of the provided clipped raster and includes the mountains to the north and south and some of the buttes and local high points in the Snake River Plain.



The nomination for the ACEC includes a more comprehensive viewshed analysis than the one provided in the DEIS. The ACEC nomination also includes information about Tribal resources and values as well as species protection that complement our ACEC petition.

The proposed ACEC is consistent with the recommendations of the BLM’s Lava Ridge Subcommittee. Because of the project’s significant negative impacts on Minidoka’s viewshed and a range of other

<sup>20</sup> ACEC Petition, p. 6.

<sup>21</sup> Joshua Vallejos, M.A., Katherine Peck, M.S., Brian Elliott, M.S., Thomas F. King, Ph.D., and Rebecca A. Hawkins, M.A., Nomination: Greater Minidoka Area of Critical Environmental Concern, February 12, 2023, p. 7.

important public values, the Subcommittee unanimously recommended the no Action alternative (Alternative A).<sup>22</sup> The Subcommittee also recommended that “BLM adopt protective measures for the cultural landscape and heritage for wise multiple use ... [and] begin a public process to amend the Monument RMP to designate protective measures around Minidoka and other wise multiple uses, subject to valid existing rights.”<sup>23</sup>

*Why the ACEC Designation Supports Previous US Government Actions:* Designating the ACEC would align BLM land management with the Monument RMP, FLPMA, the Administration’s racial justice policies and statutory and policy authorities to protect nationally-significant historic resources. The ACEC petition builds on our recommendation in the scoping letter that “BLM study measures to permanently protect Minidoka’s fundamental resources and values from Lava Ridge and future threats.”<sup>24</sup>

Approval of the ACEC would build on nearly fifty years of official U.S. government acknowledgements that the incarceration was wrong and executive branch policy, dating back to President Gerald Ford’s decision to rescind Executive Order 9066 in 1976 and the designation of Minidoka on the National Register of Historic Places in 1979. Pursuant to the National Historic Preservation Act, the U.S. Bureau of Reclamation secured approval to add the former Minidoka Relocation Center to the National Register of Historic Places on July 10, 1979. The Bureau’s National Register nomination highlighted Minidoka’s significance:

“The ruins of Camp Minidoka ... are tangible reminders of one of the most serious and painful contradictions of our country's philosophy of freedom. Through a nefarious legal fiction, over 110,000 loyal Americans were wrenched from their homes and forcefully detained without due process of law, in bleak, barbed-wire enclosed camps scattered over isolated inland areas on desolate tracts of Federal land. The concrete slabs, dilapidated shacks, and scattered refuse surrounded by rich farmland—much of it reclaimed by the camp's inmates, is also a memorial to the suffering and remarkable courage of the Japanese-Americans of that time. Despite being less than 50-years old, this site represents an exceptional chapter in the history of the United States that should always be remembered. Commemoration of this event should take place before memories fade and the sharpness of the event is dulled by time.

The Japanese-American experience in the United States is marked by their exceptional achievements in the face of extreme resistance by the white majority. Hostility, that for years had been aimed at the Chinese, was immediately directed against the first Japanese immigrants to the west coast in the late 1800's. The 1870 Naturalization Statute of the United States denied most Asian aliens the right to become naturalized citizens; this forced most Issei (first generation Japanese in the U.S.) to remain citizens of Japan to retain some official status and representation. Other laws were passed refusing the Issei the right to own land, severely restricting their ability to lease land, and forbidding them from working on many State and Federally-funded projects.”<sup>25</sup>

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<sup>22</sup> “Other” recommendation #1, “Bureau of Land Management (BLM) Idaho Resource Advisory Council (RAC), Lava Ridge Wind Project Subcommittee, Draft report/recommendation to the Idaho Resource Advisory Council,” March 2023, p. 4.

<sup>23</sup> Id., “Other” recommendations #7 and #8, p. 4.

<sup>24</sup> FOM Scoping letter dated October 20, 2021, p. 10.

<sup>25</sup> U.S. Bureau of Reclamation, “Minidoka Relocation Center, United States Department of the Interior, National Park Service, National Register of Historic Places Inventory – Nomination Form for Federal Properties,” March 28, 1979, p. 3.



Our organizations support the Administration’s renewable energy goals and efforts to fight the climate crisis, which are predicated on racial justice. According to Department of the Interior Secretary Haaland, when considering energy projects on public land: “equity is our North Star.”<sup>26</sup> To further the Department’s racial equity goals, we respectfully request BLM’s favorable consideration of our request for No Action Alternative A for Lava Ridge and approval of the ACEC petition to protect Minidoka.

The ACEC would also meet FLPMA’s planning requirements and statutory goals and BLM’s goals in the proposed Conservation and Landscape Health regulation. FLPMA Section 202(c)(3) requires BLM to “give priority to the designation of and protection of areas of critical environmental concern” and Section 102(a)(11) states that “regulations and plans for the protection of public land [areas of critical environmental concern](#) be promptly developed.”<sup>27</sup> In its Conservation and Landscape Health draft rule, BLM proposes a change to its Section 1610.7-2 of its regulations to “emphasize the requirement that the BLM give priority to the identification, evaluation, and designation of ACECs during the planning process as required by FLPMA...”<sup>28</sup> The proposed regulation states that “[i]n the land use planning process, authorized officers must identify, evaluate, and give priority to areas that have potential for designation and management as ACECs.”<sup>29</sup>

Adoption of the ACEC would also meet FLPMA’s requirement to coordinate BLM land use planning with the National Park Service. FLPMA section 202(c)(9) requires BLM “to coordinate the land use inventory, planning, and management activities ... with the land use planning and management programs of other Federal departments and agencies.” The ACEC would coordinate with both the Minidoka GMP and NPS’s broader cultural landscape program:

Cultural landscapes are geographic areas associated with a historic event, activity, or person, or which exhibits other cultural or aesthetic values. Cultural landscapes managed by NPS include battlefields and cemeteries such as Gettysburg National Military Park and National Cemetery, urban landscapes such as the National Mall, and places such as the Jamestown Island Area at Colonial National Historical Park, the site of the first permanent English settlement in North America, and Manzanar National Historic Site, a camp where Japanese Americans were incarcerated during World War II. Parks manage cultural landscapes through research, planning, and stewardship, with the goal of defining the values and associations that make the landscape historically significant, identifying the type and degree of change that can occur while maintaining the historic character of the landscape, and planning for an undertaking the long-term preservation of the landscape through preservation maintenance and treatments and other resource protection activities.<sup>30</sup>

Approval of the ACEC will avoid retraumatizing Japanese American and Alaska Native survivors and descendants, reversing efforts to change America’s commemorative landscape, dishonoring the military service and ultimate sacrifices of Japanese American veterans and Gold Star families, violating laws and policies relating to Minidoka, damaging the way of life of Minidoka’s community partners, and diverting

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<sup>26</sup> Secretary Haaland, video statement regarding the Willow Project, Twitter, March 13, 2023.

<sup>27</sup> Codified at 43 U.S.C. Sec. 1701(a)(11).

<sup>28</sup> BLM, Conservation and Landscape Health Proposed Rule, Federal Register, April 3, 2023, p. 19593.

<sup>29</sup> BLM, Conservation and Landscape Health Proposed Rule, Federal Register, April 3, 2023, p. 19596.

<sup>30</sup> NPS, FY 2024 Greenbook, p. ONPS-31.

our community's work to stop racial violence against the AAPI communities, and advance racial justice and healing for our allies in the Muslim, Latino, Black communities<sup>31</sup> and Tribal Nations.

By moving forward with the ACEC planning process, BLM can uplift the Japanese American and AAPI communities, ensure that wrongful incarceration does not happen to anyone and advance the goals of President Biden's inaugural address to unify our nation.

## **II. Traditional Cultural Property (TCP) Designation**

In partnership with the National Park Service, our organizations seek to preserve and interpret the painful stories of the forced incarceration of Japanese Americans and Alaska Natives at Minidoka and other sites during World War II.

To further this goal, FOM commissioned a TCP report and ethnographic survey. Based on interviews, oral histories, NPS planning documents, BLM analysis and extensive documentary evidence, the report concluded that the Minidoka is eligible for listing on the National Register of Historic Place as Traditional Cultural Property.<sup>32</sup> Traditional cultural property is:

... significant because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (Parker and King 1998:1). TCPs draw upon a community's traditions, defined as the ...beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices (Parker and King 1998:2).<sup>33</sup>

The report also includes GIS mapping and viewshed analysis to define the approximate TCP boundary.<sup>34</sup>

To determine eligibility, a traditional cultural landscape must meet four requirements: (1) tangible property, (2) integrity; (3) National Register of Historic Places Criteria; and (4) not be ineligible.

- **Tangible Property.** "Minidoka is a geographically definable area that encompasses and is largely defined by the concentration of interrelated and linked buildings, sites, and viewshed surrounding the national monument."<sup>35</sup>

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<sup>31</sup> As noted in the NPS's Foundation Document, Minidoka connects to current events. Because of the World War II incarceration, the Japanese American community has fought unjust detentions, family separations and immigration policies (See: <https://tsuruforsolidarity.org/>). The Japanese American community has also fought for reparations for African Americans. <https://jacl.org/statements/jacl-joins-76-japanese-and-asian-american-organizations-in-calling-on-president-biden-to-establish-presidential-commission-to-study-black-reparations>

<sup>32</sup> Mario Battaglia, M.A., Rebecca Hawkins, M.A., and Thomas F. King, PhD, Algonquin Consultants, Inc., "A Landscape of Isolation: A Traditional Cultural Property Study of the Minidoka Concentration Camp and its Viewsheds in Jerome, Lincoln, Blaine, and Minidoka Counties, Idaho, with Recommendations as to their Eligibility for Listing in the National Register of Historic Places," (TCP Report), December 2, 2022, p. 1.

<sup>33</sup> TCP Report, p. 6.

<sup>34</sup> TCP Report, Figure 25, entitled, "Viewshed from the Minidoka National Historic Site Visitors Center that informs, at least in part, the proposed boundary of the Minidoka TCP," p. 40.

<sup>35</sup> TCP Report, p. 41.

- Integrity. The TCP Report finds that the Minidoka’s TCP meets the integrity elements:<sup>36</sup>
  - Relationship -- Feeling and Association.
    - Feeling. The TCP report found that the Minidoka TCP: “embodies and evokes this sense of the historic era both through the historic barracks and other buildings as well as through the expansive viewshed, serving to evoke feelings of isolation and remoteness that are a major part of the property...”<sup>37</sup>
    - Association. The TCP report found that the TCP meets the association requirement: “... there is a clear continuation of association with the property evidenced through the annual return of Minidoka incarcerated descendants to commemorate and memorialize those imprisoned there, [and] to the various events held at Minidoka...”<sup>38</sup>
  - Condition -- Location, Design, Setting, Materials, and Workmanship. The report found that even with modern intrusions in the traditional cultural landscape, the TCP meets the condition test: “...the integrity of condition remains strong enough and intact enough to convey its historical narrative and the experience of the incarcerated. Even though there are now nearby farmlands, the expansive, unobstructed viewshed still conveys this sense of isolation and remoteness, an important aspect to the historic integrity of Minidoka.”<sup>39</sup> The report found that Minidoka also meets the condition requirements for location, design, setting, materials and workmanship.<sup>40</sup>
  
- National Register of Historic Places Criteria. To be determined eligible for listing, a property needs to meet at least one of four National Register criteria defined in regulations.<sup>41</sup> The report found that the TCP meets all four Criteria A, B, C and D:
  - Criterion A: Association with events that have made a significant contribution to the broad patterns of our history. The Minidoka TCP “is directly associated with events that have had a major impact within American history. The forcible relocation and imprisonment of thousands of first and second-generation Japanese Americans [and Japanese Alaskans] at Minidoka (and the other WWII concentration camps) impacted the lives of countless Japanese Americans and continues to impact their lives today. Their story, one that continues to be told and further contextualized today, is a significant contribution to the broad patterns of American history.”<sup>42</sup> This finding is supported by numerous NPS findings relating to National Historic Landmark (NHL) designations of similar incarceration sites at Amache, Manzanar, Rohwer, Tule Lake, Heart Mountain, Topaz and Poston.<sup>43</sup> The NHL designation represents a determination of national significance.<sup>44</sup> The NPS has determined that Minidoka is “nationally-significant.”<sup>45</sup>

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<sup>36</sup> TCP Report, p. 42-50.

<sup>37</sup> TCP Report, p. 43.

<sup>38</sup> TCP Report, p. 44.

<sup>39</sup> TCP Report, pp. 45-46.

<sup>40</sup> TCP Report, pp. 46-50.

<sup>41</sup> 36 CFR § 60.4 “Criteria for Evaluation”

<sup>42</sup> TCP Report, p. 50.

<sup>43</sup> National Park Service, National Historic Landmarks (NHL) Program, U.S. Department of the Interior, “Japanese Americans in World War II: A National Historic Landmarks Theme Study,” August 2012, p. 88.

<sup>44</sup> 36 CFR Part 65.4 (a)

<sup>45</sup> NPS, NHL Theme Study, p. 154.

- Criterion B: Association with the lives of persons significant in our past. The Minidoka TCP "...is associated with the lives of multiple historically significant people, many of whom were heavily influenced by their experiences at the Minidoka concentration camp."<sup>46</sup> While there is not space here to highlight all the lives of persons significant in our past associated with Minidoka, one person significant in our past is George Nakashima, the internationally acclaimed woodworker and furniture maker. In its National Historic Landmark nomination package for his home and workshop in New Hope, Pennsylvania, the NPS noted that "George Nakashima is one of America's most eminent furniture designer-craftsmen and a significant force within the American Craft movement of the mid-twentieth century, a seminal period for woodworking in the United States."<sup>47</sup>

National Register Bulletin 15 provides guidance to applying Criterion B regarding a person's association with a property, with a focus on the "person's productive life, reflecting the time period when he or she achieved significance." NPS described Nakashima's productive life while incarcerated at Minidoka:

"The Nakashimas, including their newborn daughter Mira, were relocated to Camp Minidoka in Idaho. In George Nakashima's autobiography *The Soul of a Tree*, he describes the mass incarceration in the internment camps as 'a stupid and insensitive act, one by which my country could only hurt itself. It was a policy of unthinking racism.' Despite the horrendous circumstances, Nakashima made the best of his situation. As luck would have it, Japanese carpenter Gentaro Hikogawa was also incarcerated at the camp; Hikogawa was well-trained in the use of traditional Japanese hand tools and had an intimate knowledge of Japanese wood joinery. Hikogawa taught his skills to Nakashima, thus enhancing Nakashima's already considerable furniture making ability. They used scraps of wood and bitter-brush scavenged from the desert to make pieces of furniture that could enhance their primitive living conditions. While Nakashima claimed to bear no scars from the interment experience, it certainly strengthened his beliefs. As Mira explains, 'Fortunately, he was able to transform anger and negativity into the positive passion of conviction, the passionate creativity of his work, and the passion for beauty and perfection, which served him well.' Rather than building animosity because of his heritage, Mira points out that 'My father's insistence that he was a citizen of the world not limited by national or racial boundaries, enabled him to rise above prejudice and persecution, to embrace, rather than reject the Japanese culture and aesthetics as few, if any, of his fellow internees dared.'"<sup>48</sup>

- Criterion C. Represents a Significant and Distinguishable Entity. According to the TCP report, "the Minidoka TCP is a district with multiple important, character-defining components: the Minidoka national monument itself, but also the surrounding viewsheds defined by the rolling hills of sagebrush, the many rock outcrops, the peaks, and other elements that compose and characterize the sagebrush steppe landscape."<sup>49</sup>

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<sup>46</sup> TCP Report, p. 51.

<sup>47</sup> George Nakashima Woodworker Complex, National Historic Landmark Nomination, United States Department of the Interior, National Park Service, p. 4. The Secretary of the Interior designated George Nakashima's home, studio and workshop in New Hope, Pennsylvania as an NHL in 2014.

<sup>48</sup> George Nakashima Woodworker Complex, National Historic Landmark Nomination National, p. 16

<sup>49</sup> TCP Report, p. 52.

- Criterion D: Has yielded, or may be likely to yield, information important in prehistory or history. According to the TCP report, “[e]thnographic and archaeological studies have yielded information important to the history of the area. Future studies of the area will likely yield more information about the significance of both the Minidoka National Historic Site specifically, and the surrounding area generally.”<sup>50</sup>
- Ineligibility Analysis. The TCP report found that the Minidoka TCP “does not fall under any of the ineligibility criteria and is therefore recommended to be eligible under criteria (a), (b), (c), and (d) as listed above.”<sup>51</sup>

The Friends of Minidoka submitted the Traditional Cultural Property report to the Idaho SHPO. In February 2023, the SHPO determined that the area is TCP eligible based on meeting Criterion A. National Register eligibility is determined pursuant to 36 CFR § 800.4(c)(2) of the Advisory Council on Historic Preservation’s Section 106 regulations<sup>52</sup> as well as 36 CFR § 63.<sup>53</sup> The eligibility determination is the responsibility of the lead federal agency, in this case, the BLM, often in coordination with the SHPO. The BLM’s Monument RMP states that “[i]f properties that may be eligible for the National Register are discovered, the BLM will consult with the State Historic Preservation Officer (SHPO) and forward the documentation to the Keeper of the National Register to obtain a determination of eligibility in accordance with 36 CFR Part 63.”<sup>54</sup>

Minidoka is sacred ground to survivors, their descendants and the Japanese American community. During World War II, 193 incarcerated died in Minidoka through suicide, accidents, poor medical conditions, infant mortality and natural causes.<sup>55</sup> (Attachment C – Death Roster). The incarceration left emotional scars lasting decades, which have flowed through generations of Minidoka descendants.

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<sup>50</sup> TCP Report, p. 53.

<sup>51</sup> TCP Report, p. 53.

<sup>52</sup> <https://www.law.cornell.edu/cfr/text/36/800.4>

<sup>53</sup> <https://www.ecfr.gov/current/title-36/chapter-I/part-63>

<sup>54</sup> Monument RMP, p. 41.

<sup>55</sup> Mychel Matthews, “Hidden History: What happened to those who died while incarcerated at Minidoka,” Twin Falls Times News, February 10, 2022. [https://magicvalley.com/news/local/hidden-history-what-happened-to-those-who-died-while-incarcerated-at-minidoka/article\\_0f6acb6f-33db-5bad-aa59-d32104814511.html](https://magicvalley.com/news/local/hidden-history-what-happened-to-those-who-died-while-incarcerated-at-minidoka/article_0f6acb6f-33db-5bad-aa59-d32104814511.html)



Photo of basalt headstones and funeral at Minidoka. Source: National Archives Records Administration

In conjunction with other Congressionally-designated incarceration sites, such as Amache in Colorado, Minidoka NHS also tells the stories of Japanese Americans who served in the military, fought the unjust incarceration and worked to maintain family life and a sense of purpose in very difficult conditions. The reconstructed Military Honor Roll at the park entrance honors the service and sacrifice of over 1,000 Japanese Americans who served in the U.S. Armed Forces. Seventy-three were killed in action. (Attachment D – Minidoka Soldiers Killed in Action.) Private William Nakamura joined the Army from Minidoka, died in combat in Italy and received the Congressional Medal of Honor posthumously in 2000.<sup>56</sup> WRA authorities held memorial services at the baseball field for Staff Sergeant Francis “Bako” Kinoshita, who was killed in action while fighting in Italy with the 100th Battalion of the 442nd Regimental Combat Team.<sup>57</sup>

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<sup>56</sup>[https://encyclopedia.densho.org/Congressional\\_Medal\\_of\\_Honor\\_recipients/](https://encyclopedia.densho.org/Congressional_Medal_of_Honor_recipients/)

<sup>57</sup> Tom Ikeda, “Khizr Khan’s words echo for Japanese American World War II Gold Star families,” The Seattle Globalist, posted on August 4, 2016.



Fred Suyekichi and Akino Kinoshita receive a flag in honor of their son Staff Sergeant Francis “Bako” Kinoshita, killed in action in World War II, accompanied by a family friend. (Photo courtesy Tom Ikeda)

In addition to military service members and Gold Star Families, Minidoka tells the stories of over 13,000 people who were wrongly incarcerated including:

- Min Yasui, a Nisei lawyer from Oregon, protested the incarceration, fought for justice after the war and received the Presidential Medal of Freedom posthumously from President Obama.<sup>58</sup>
- George Nakashima, a world-renowned woodworker, developed his unique style blending Japanese and American designs at Minidoka.<sup>59</sup>
- Mira Nakishima, his daughter, who was incarcerated as an infant in Minidoka and runs Nakishima Woodworkers in Pennsylvania.
- Kenjiro Nomura, a first generation immigrant from Seattle, painted remarkable pictures of life in Minidoka including sweeping vistas from behind barbed wire.<sup>60</sup>
- Roger Shimomura, a Sansei from Seattle, was imprisoned as a young boy and later painted pictures blending pop art and traditional imagery to depict life behind barbed wire in Minidoka and contemporary themes.<sup>61</sup>

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<sup>58</sup> [https://encyclopedia.densho.org/Minoru\\_Yasui/](https://encyclopedia.densho.org/Minoru_Yasui/)

<sup>59</sup> [https://encyclopedia.densho.org/George\\_Nakashima/](https://encyclopedia.densho.org/George_Nakashima/)

<sup>60</sup> [https://encyclopedia.densho.org/Kenjiro\\_Nomura/](https://encyclopedia.densho.org/Kenjiro_Nomura/)

<sup>61</sup> [https://encyclopedia.densho.org/Roger\\_Shimomura/](https://encyclopedia.densho.org/Roger_Shimomura/)

- Monica Sone, a Nisei author from Seattle wrote Nisei Daughter, “the first published autobiography written by a Nisei woman.”<sup>62</sup>

### III. Justice for the Japanese American Community

In addition to FLPMA’s requirements to preserve important resources, we provide the following list of authorities to support a decision by BLM to designate the Greater Minidoka ACEC. We also cite these authorities to provide a more complete list of laws, Executive Orders, Administration statements, policies and directives that relate to Minidoka and request that they be added to the FEIS.

National Environment Policy Act (1969): In addition to its procedural requirements, NEPA includes substantive requirements via a congressional declaration of National Environmental Policy to: “...create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”<sup>63</sup> NEPA also includes substantive requirements relating to historic resources and scenery: “it is the continuing responsibility of the Federal Government to use all practicable means ... [to] preserve important historic, cultural and natural aspects of our national heritage”<sup>64</sup> and “assure for all Americans ... esthetically and cultural pleasing surroundings.”<sup>65</sup>

The Monument RMP cites NEPA’s substantive authority as requiring BLM to “identify, evaluate, and protect cultural resources on public lands under its jurisdiction and to ensure the Bureau-initiated or Bureau-authorized actions do not inadvertently harm or destroy non-federal cultural resources.”<sup>66</sup> NEPA’s substantive requirement to preserve historic sites was further clarified by Executive Order 11593, entitled “Protection and enhancement of the cultural environment,” which was incorporated into the Monument RMP and therefore guides BLM management decisions.<sup>67</sup> Executive Order 11593 establishes a federal policy that “[t]he Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as “Federal agencies”) shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people...”<sup>68</sup>

Preserve America Executive Order 13287 (2003). The Preserve America Executive Order states that it is federal policy to “provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government ... and fostering a broader appreciation for the development of the United States and its underlying values ... executive branch departments and agencies (“agency” or “agencies”) shall

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<sup>62</sup> [https://encyclopedia.densho.org/Monica\\_Sone/](https://encyclopedia.densho.org/Monica_Sone/)

<sup>63</sup> 42 U.S.C. 4331(a).

<sup>64</sup> 42 U.S.C. 4331(b)(4).

<sup>65</sup> 42 U.S.C. 4331(b)(2).

<sup>66</sup> Monument RMP, p. 41

<sup>67</sup> BLM, Monument RMP, p. 41.

<sup>68</sup> <https://www.archives.gov/federal-register/codification/executive-order/11593.html>



advance this policy through the protection and continued use of the historic properties owned by the Federal Government.”<sup>69</sup>

*Environmental Justice EO 12898 (1994) – Achieving environmental justice.* Executive Order 12898 states that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations ....”<sup>70</sup> Emphasis added.

*Anti-discrimination provisions.* In addition to the affirmative mandate to promote environmental justice, the Environmental Justice EO directs federal agencies to manage their programs so that they do not have the effect of “...subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.”<sup>71</sup>

*Advancing Racial Justice Executive Order (E.O. 13895).* On January 20, 2021, President Biden signed a “Day One” Executive Order entitled “Advancing Racial Equity and Support for Underserved Communities through the Federal Government.” EO 13895 states that “[a]ffirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government.”<sup>72</sup> The EO states that underserved communities who have been denied “fair, just, and impartial treatment” include “Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color.”<sup>73</sup>

To implement the Racial Justice EO, Secretary Haaland highlighted President Biden’s Fiscal Year 2022 budget request to Congress which included funding increases for National Parks, including Minidoka

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<sup>69</sup> <https://www.achp.gov/digital-library-section-106-landing/preserve-america-executive-order-13287>.

Section 1 Statement of Policy. “It is the policy of the Federal Government to provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation’s communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies (“agency” or “agencies”) shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide.”

<sup>70</sup> Environmental Justice EO 12898: “Section 1–1. Implementation 1–101. Agency Responsibilities.”

<sup>71</sup> Environmental Justice EO 12898: “Sec. 2–2. Federal Agency Responsibilities for Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.”

<sup>72</sup> See: [Whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/)

<sup>73</sup> See: Section 2 “Definitions,” EO 13895.

NHS, that tell the stories of underrepresented communities.<sup>74</sup> In 2022, the President’s FY 2023 Budget request proposed “\$48 million across the National Park Service to advance racial justice and equity for underserved communities, including \$14.3 million for operational increases at parks that preserve the stories of under-represented communities,” including Minidoka NHS.<sup>75</sup> The President’s FY 2024 Budget request includes \$250,000 to establish the recently-authorized Japanese American World War II History Network, which shall include: “(1) All units and programs of the National Park Service that are determined by the Secretary to relate to Japanese American World War II history and Japanese American experiences during the war, including relocation centers and confinement sites” and “[w]ith the consent of the property owner, other Federal, State, local, Tribal, and privately owned properties that ... (C) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places.”<sup>76</sup>

Through an Instruction Memorandum (IM2022-59), dated September 20, 2022, BLM provided guidance to field offices: “[w]orking to achieve environmental justice is a whole-of-government responsibility, requiring Federal agencies to provide fair treatment and meaningful involvement to all. The BLM supports this effort.”<sup>77</sup> The BLM’s “Addressing Environmental Justice in NEPA Documents: Frequently Asked Questions,” states that: “[f]air treatment means that no group should bear a disproportionate share of the adverse consequences that could result from federal environmental programs or policies. Populations of particular concern are minority, low-income, and tribal communities.”<sup>78</sup>

The EPA defines environmental justice “as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The EPA further defines the term *fair treatment* to mean that ‘no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies’.”<sup>79</sup> As noted below, BLM’s preferred alternatives C and E violate BLM and Administration environmental justice “fair treatment” requirements because of the Alternatives’ “disproportionately high and adverse impacts to the Japanese American community and Native American Tribes.”<sup>80</sup> Adopting the ACEC would avoid disproportionate burdens and ensure fair treatment for our community.

In February 2023, President Biden restated Administration policy through an Executive Order “to advance an ambitious, whole-of-government approach to racial equity and support for underserved

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<sup>74</sup> See: Statement by Secretary Haaland on the President’s FY 22 Discretionary Funding Request. <https://www.doi.gov/news/statement-secretary-haaland-presidents-fy22-discretionary-funding-request>,” dated 4/9/2021. See also: See: NPS FY 22 “Greenbook” Budget Justification, p. Overview 12

<sup>75</sup> <https://www.doi.gov/pressreleases/president-bidens-fiscal-year-2023-budget-makes-181-billion-investment-interior>

<sup>76</sup> “An Act to direct the Secretary of the Interior to establish, within the National Park Service, the Japanese American World War II History Network,” P.L. 117-328.

<sup>77</sup> BLM, Environmental Justice Implementation, Instruction Memorandum (IM2022-059), September 20, 2022

<sup>78</sup> BLM, “Addressing Environmental Justice in NEPA Documents: Frequently Asked Questions,” 2022, p. 3.

<sup>79</sup> U.S. EPA, “Technical Guidance for Assessing Environmental Justice in Regulatory Actions,” June 2016, p. 1.

<sup>80</sup> DEIS, Table 3.6-2 Summary of Impacts to Dispersed Environmental Justice Communities, p. 3-202.

communities and to continuously embed equity into all aspects of Federal decision-making.”<sup>81</sup> The Administration identified a goal to ensure that “federal programs are serving the American people in an equitable and just manner.”<sup>82</sup>

*Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States.* On January 26, 2021, President Biden sent a memorandum to federal actions directing that “[e]xecutive departments and agencies (agencies) shall take all appropriate steps to ensure that official actions, documents, and statements, including those that pertain to the COVID-19 pandemic, do not exhibit or contribute to racism, xenophobia, and intolerance against Asian Americans and Pacific Islanders.”<sup>83</sup> By impairing Minidoka’s values, approval of Alternatives C and E would run counter to this guidance.

To fight the pandemic of COVID hate crimes directed at the Asian American Native Hawaiian and Pacific Islander (AANHPI) community, it is vital that the public understand that racial hate and prejudice directed against the AANHPI community is not new. It dates back over 150 years to exclusionary laws, race riots, the incarceration of Japanese Americans during World War II, the murder of Vincent Chin, violence against South Asians in the wake of the 9/11 terrorist attacks, proposed bans on traveler from Muslim countries and acts of violence up to the present day. Preserving Minidoka is a critically-important step to acknowledge this history as a way to combat racial prejudice.

*Executive Order on Tackling the Climate Crisis at Home and Abroad-- Environmental Justice.* While the Administration’s Climate Crisis EO (#14008) establishes nationwide goals for renewable energy, it also requires that the response to climate change delivers environmental justice, not come at the expense of the environmental justice.<sup>84</sup> Executive Order 14057, on “Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability,” also includes environmental equity requirements: “[e]nvironmental justice can only

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<sup>81</sup> Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, February 16, 2023. Section 10 of the EO defines equity as: “(a) The term “equity” means the consistent and systematic treatment of all individuals in a fair, just, and impartial manner, including individuals who belong to communities that often have been denied such treatment, such as Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander persons and other persons of color; members of religious minorities; women and girls; LGBTQI+ persons; persons with disabilities; persons who live in rural areas; persons who live in United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such communities.”

<sup>82</sup> FACT SHEET: President Biden Signs Executive Order to Strengthen Racial Equity and Support for Underserved Communities Across the Federal Government, Dated February 16, 2023.

<sup>83</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/>

<sup>84</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/> . Part II – Taking a Government-Wide Approach to the Climate Crisis, Sec. 201 states that “[i]t is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure

be achieved by ensuring that all those affected by agency operations enjoy the same degree of protection from environmental and health hazards.”<sup>85</sup>

Executive Order on Advancing Equity, Justice and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islands.<sup>86</sup> On May 28, 2021, President Biden signed Executive Order 14031 to establish the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI).<sup>87</sup> The E.O. directed the Initiative to “advance equity, justice, and opportunity for AA and NHPI communities by coordinating Federal interagency policymaking and program development efforts to eliminate barriers to equity, justice, and opportunity faced by AA and NHPI communities, including by advancing policies, programs, and initiatives.”<sup>88</sup>

Approval of the ACEC and rejection of the Lava Ridge proposal would further the E.O.’s direction to: “promote inclusion and belonging for AA and NHPI communities, including by expanding public education and knowledge of AA and NHPI people and their diverse cultures, languages, and histories.”<sup>89</sup>

In January 2023, the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders released “collected action plans from 32 federal agencies, which collectively represent the Biden-Harris Administration’s national strategy to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander communities.”<sup>90</sup> The January 2023 Report to the President highlights WHIAANHPI’s goals including: “... promote inclusion and belonging for AA and NHPI communities, including by expanding public education and knowledge of AA and NHPI people and their diverse cultures, languages, and histories.”<sup>91</sup> Importantly, the Initiative highlights preserving the Amache World War II incarceration site as part of its compliance with E.O. 14031:

“Promoting Belonging and Inclusion and Addressing Anti-Asian Hate/Discrimination: Across the federal government, agencies have stepped up their efforts to respond to the increasing number of bias incidents and discrimination against AA and NHPIs, promote belonging, equity, and inclusion, and improve access to federal resources ... In March 2022, the Department of the

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<sup>85</sup> Sec. 402, Executive Order 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, December 8, 2021.

<sup>86</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/28/executive-order-on-advancing-equity-justice-and-opportunity-for-asian-americans-native-hawaiians-and-pacific-islanders/>

<sup>87</sup> E.O. 14031, Section 3

<sup>88</sup> E.O. 14031, Section 3(b)

<sup>89</sup> E.O. 14031, Section 3(b)(iii)

<sup>90</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/17/fact-sheet-biden-harris-administration-continues-to-uplift-asian-american-native-hawaiian-and-pacific-islander-communities/>

A NATIONAL STRATEGY TO ADVANCE EQUITY, JUSTICE, AND OPPORTUNITY FOR ASIAN AMERICAN, NATIVE HAWAIIAN, AND PACIFIC ISLANDER COMMUNITIES, dated January 2023, “On May 28, 2021, President Joe Biden signed Executive Order 14031, establishing the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders. In its first year, the Initiative collected action plans from 32 federal agencies, which collectively represent the Biden-Harris Administration’s national strategy to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander communities.”

<https://www.whitehouse.gov/wp-content/uploads/2023/01/AA-and-NHPI-Strategy-2023.pdf>

<sup>91</sup> “Policy Goals and Strategic Priorities,” WHIAANHPI Report to President on a National Strategy to Advance Equity, Justice and Opportunity for Asian American, Native Hawaiian, and Pacific Islander Communities, dated January 2023, p. 16

<https://www.whitehouse.gov/wp-content/uploads/2023/01/WHIAANHPI-2023-Report-to-the-President-FINAL.pdf>

Interior designated the Amache National Historic Site in Colorado as the newest component of the National Park System, honoring and preserving AA and NHPI history of the Japanese American incarceration during World War II.”<sup>92</sup>

In January 2023, DOI issued a fact sheet which stated: “[p]er Executive Order 14031, DOI has identified five high-priority goals that will span the next two years. These goals will advance equity, justice, and opportunity for AA and NHPI communities ... GOAL 4 Promote equity and inclusion by ensuring the history of AA and NHPIs is part of America’s storytelling.”<sup>93</sup> Approval of the ACEC would demonstrate DOI’s commitment to ensure that AANHPI history is part of America’s storytelling.

Presidential Proclamation “Day of Remembrance of Japanese American Incarceration During World War II, February 18, 2022:” To mark the 80<sup>th</sup> anniversary of the signing of E.O. 9066, President Biden noted that: “the National Park Service helps preserve several Japanese American incarceration camps. These tangible reminders of our history provide important spaces for reflection and learning about the injustices born of prejudice. Preserving incarceration sites as national parks and historic landmarks is proof of our Nation’s commitment to facing the wrongs of our past, to healing the pain still felt by survivors and their descendants, and to ensuring that we always remember why it matters that we never stop fighting for equality and justice for all. My Administration is committed to maintaining these national parks and landmarks for future generations and to combating xenophobia, hate, and intolerance — including through the reestablished White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders. In the words of Dr. Frank Kitamoto, who was incarcerated as a child, ‘This is not just a Japanese American story but an American story with implications for the world.’”<sup>94</sup>

Honoring America’s Veterans. During Memorial Day and Veterans Day events, President Biden has pledged to honor the memories of America’s veterans and the sacrifices of Gold Star families. In his remarks at Arlington Cemetery on Memorial Day 2022, President Biden said: “today, as a nation, we undertake a sacred ritual: to reflect and to remember. Because if we forget the lives that each of those silent markers represent — mothers, fathers, siblings, spouses, children — if we forget what they sacrificed, what they made so that our nation might endure strong, free, and united, then we forget who we are ... And so, to every Gold Star family, to every survivor and family member and caregiver: This grateful nation owes you as well as that person you lost.”<sup>95</sup> The Minidoka War Relocation Center was home to 72 Gold Star Families, who lost military service members. The ACEC would protect the sacred space around the reconstructed Minidoka Honor Roll.

Disproportionate burden of environmental harms and risks. During World War II, the U.S. government sited the Minidoka Relocation Center in south central Idaho, because of the area’s remoteness and

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<sup>92</sup> Fact Sheet: Biden-Harris Administration Continues to Uplift Asian American, Native Hawaiian, and Pacific Islander Communities, January 17, 2023. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/17/fact-sheet-biden-harris-administration-continues-to-uplift-asian-american-native-hawaiian-and-pacific-islander-communities/>

<sup>93</sup> U.S. Department of the Interior, Agency Plan, dated January 2023 [https://assets.performance.gov/communities/equity/2023/action-plans/WHIAANHPI/EO\\_14031\\_DOI\\_AANHPI\\_Plan\\_2022.pdf](https://assets.performance.gov/communities/equity/2023/action-plans/WHIAANHPI/EO_14031_DOI_AANHPI_Plan_2022.pdf)

<sup>94</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/18/day-of-remembrance-of-japanese-american-incarceration-during-world-war-ii/#content>

<sup>95</sup> Remarks by President Biden at the 154th National Memorial Day Observance, Arlington Cemetery, May 30, 2022.

proximity to a railroad needed to transport over 13,000 Japanese Americans to an incarceration site. Because railroad siting is similar to electric transmission siting, Minidoka is already subject to a disproportionate burden of permitted electric transmission lines, including the SWIP-N, Gateway West (Cedar Hill to Midpoint), and two Westwide Energy Corridors.

*Unfair Treatment of Japanese American Sacred Sites.* As noted in these comments, our nation is working to protect sacred sites and sites of healing for communities of color. As part of America's changing commemorative landscape, the Department of the Interior is working to preserve Chaco Culture National Historical Park,<sup>96</sup> African American Civil Rights sites in the Mississippi Delta,<sup>97</sup> sites of enslavement,<sup>98</sup> federal Tribal boarding schools,<sup>99</sup> the Blackwell School in Texas, and other important sites that tell the full story of America.

To demonstrate "the Biden-Harris Administration's commitment to protect historically and culturally significant areas and conserve our nation's treasured outdoor spaces,"<sup>100</sup> President Biden designated the Avi Kwa Ame National Monument, a sacred site in Nevada in March 2023. President Biden noted that Avi Kwa Ame is "... a place of reverence. It's a place of spirituality. And it's a place of healing. And now it'll be recognized for the significance it holds and be preserved forever. Forever."<sup>101</sup> The Minidoka ACEC would build on the Administration's commitment to preserve sacred ground.

We are hopeful that the BLM will follow precedent for fair treatment of the Japanese American community at Minidoka and Manzanar. In 2009, the Obama Administration directed LS Power to reroute the Southwest Intertie Project-North power line be rerouted away from Minidoka.<sup>102</sup> Also, the Los Angeles Department of Water and Power suspended consideration of a solar project at the Manzanar National Historic Site, a unit of the National Park System, because of its impact on Japanese Americans, Tribal Nations and the local community.

*Environmental Injustice.* Rather than advancing justice and equity, as required by Biden Administration policy, the proposed Lava Ridge project constitutes environmental injustice. According to EPA, "allegations of environmental injustice describe the situations where communities believe that the goal has not been achieved because of their belief that there is disproportionate exposure to environmental harms and risks ... Allegations of environmental injustice come in a variety of shapes and sizes."<sup>103</sup>

In addition, Japanese American survivors and descendants have fought prejudice directed against Muslims and South Asians after 9/11, family separations at the southern border, unjust immigration

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<sup>96</sup> <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon>

<sup>97</sup> <https://www.doi.gov/pressreleases/secretary-haaland-tours-significant-civil-rights-sites-mississippi-highlights>

<sup>98</sup> <https://www.nytimes.com/2021/07/03/us/forks-of-the-road-national-park.html>

<sup>99</sup> <https://www.doi.gov/pressreleases/department-interior-releases-investigative-report-outlines-next-steps-federal-indian>

<sup>100</sup> "FACT SHEET: Biden-Harris Administration Takes New Action to Conserve and Restore America's Lands and Waters," March 21, 2023."

<sup>101</sup> Remarks by President Biden at the White House Conservation in Action Summit, March 21, 2023.

<sup>102</sup> The NPS and BLM agreed to relocate the line away from Minidoka. The new alignment was approved by Congress in 2010.

<sup>103</sup> U.S. EPA, "Toolkit for Assessing Allegations of Environmental Injustice," 2004, p. 1

policies. Against the backdrop of COVID hate crimes directed against the AANHPI community, Minidoka and other sites of conscience can help stop violence by helping the public understand that racial hate and prejudice against AANHPIs is not new. It dates back over 150 years to immigration laws designed to exclude Chinese, Japanese, and East and South Asian immigrants. Unfortunately, acts of racial hate and violence and efforts to erase our history continue to this day.

#### **IV. The Department of the Interior via the BLM has a duty to protect Minidoka**

The Federal Land Policy and Management Act (FLPMA) requires the Interior Department and BLM to:

- “Protect public land values including air and atmospheric, water resource, ecological, environmental, and scenic values,” and to preserve and protect “certain public lands in their natural condition,” and “food and habitat for fish and wildlife,”<sup>104</sup>
- Account for “the long-term needs of future generations;”<sup>105</sup>
- Prevent “permanent impairment of the productivity of the land and quality of the environment;”<sup>106</sup> and
- Shall “take any action necessary to prevent unnecessary or undue degradation of the lands.”<sup>107</sup>

While these substantive obligations have existed since the passage of FLPMA in 1976, BLM has not properly applied these land and resource management requirements in the Monument RMP or the Lava Ridge DEIS. Instead, the BLM chooses preferred alternatives that would run counter to FLPMA’s requirements, Minidoka specific statutes, laws of general applicability and environmental justice.

Among FLPMA’s requirements, BLM must adhere to 43 USC §1701(a)(8) which provides for protection of scenic and historical values: “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.”

Furthermore, FLPMA’s definition of “multiple use” in 43 USC 1702(c) includes scenic and historical values: “The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the

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<sup>104</sup> 43 U.S.C. §1701(a)(8).

<sup>105</sup> 43 U.S.C. §1702(c).

<sup>106</sup> 43 U.S.C. §1702(c).

<sup>107</sup> 43 U.S.C. §1732(b).

relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.”

Additionally, when considering multiple renewable energy projects, BLM regulations require it to apply screening criteria to prioritize wind energy development applications with a goal to reduce resource conflicts.<sup>108</sup> Low-priority applications, which may not be feasible to authorize, include those for projects sited on land “near or adjacent to lands designated by Congress, the President, or the Secretary for the protection of sensitive viewsheds, resources, and values (e.g., units of the National Park System, Fish and Wildlife Service Refuge System, some National Forest System units, and the BLM National Landscape Conservation System), which may be adversely affected by development.”<sup>109</sup> Here, the proposed project meets the criteria for a “low-priority” designation because it is sited on land “near or adjacent to ... units of the National Park System.”<sup>110</sup>

As stated in an 2022 Instruction Memorandum relating to initial screening and prioritization for solar and wind energy applications, “BLM’s objective is to facilitate solar and wind projects with the greatest technical and financial feasibility and the least anticipated natural and cultural resource conflicts on BLM-administered lands.”<sup>111</sup> BLM has incorporated the prioritization principles in its new Idaho Renewable Energy Strategy, which it adopted in early 2023, after beginning the Lava Ridge wind project NEPA process.<sup>112</sup> In addition, BLM’s Best Management Practices (BMPs) include siting wind projects outside of sensitive viewsheds, or as far as possible from sensitive viewing locations, including units of the National Park System:

“Special consideration should be given when siting facilities within view of National Historic Trails and Sites (including sites eligible for Listing on the National Register of Historic Places), and tribal cultural resources, especially if the visual setting is important to the historic or cultural context and integrity of the area. A detailed visual analysis should be conducted, and stipulations, such as restrictions on surface disturbance, may be warranted. Population centers and highly sensitive scenic resources, including, but not limited to, units of the National Park Service, National Monuments, National Scenic Highways, and Wild and Scenic Rivers, should also be given special consideration, and every attempt should be made to avoid visual impacts on these areas, including consideration of alternative siting locations. When facilities must be sited within view of visually sensitive areas, they should be sited as far away as possible, as visual impacts generally diminish as viewing distance increases.”<sup>113</sup>

Incomplete list of authorities. In our comments in support of the ACEC designation (above) and regarding the relationship to statutes, regulations and other NEPA Documents (below), we demonstrate requirements for BLM to protect Minidoka’s cultural resources through BLM’s authorities and

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<sup>108</sup> 43 C.F.R. § 2804.25(e)(2)(ii) (2016).

<sup>109</sup> 43 C.F.R. § 2804.35(c) (2016)

<sup>110</sup> Id.

<sup>111</sup> <https://www.blm.gov/policy/im-2022-027>

<sup>112</sup> <https://www.blm.gov/programs/energy-and-minerals/renewable-energy/strategy/idaho>

<sup>113</sup> BLM, Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands, First Edition, 2013, p. 141.



congressional direction that Minidoka and other incarceration sites should be protected and interpreted as part of a comprehensive network to tell the whole story of America.

BLM's current list of authorities in the Purpose and Need section of the DEIS and Appendix 2 "Potential Major Agency Authorities and Actions and Other Applicable Federal Laws, Regulations and Policies" is incomplete and does not include relevant statutory and Executive Branch authorities. While the DEIS lists only partial authorities relating to Minidoka and Japanese American incarceration sites, BLM lists one industry-backed legislative rider in an appropriations bill that establishes a nationwide goal for renewable energy.<sup>114</sup>

*Congressional intent and "Better fitting statutes."* The Property Clause of the U.S. Constitution vests Congress with the power to manage public lands.<sup>115</sup> Congress has directed that Minidoka and other Japanese American incarceration sites, including the Bainbridge Island Japanese American Exclusion Memorial, Amache, Manzanar, Tule Lake, and Honouliuli, be managed unimpaired for the benefit of current and future generations, as required by the NPS Organic Act, the Redwoods Act and other statutes.

In 1916, Congress enacted the National Park Service Organic Act, 54 U.S.C. §§ 100101–104909, which governs NPS's management actions within all national park units. Under the Organic Act, NPS is required to manage national park units "to conserve the scenery, natural and historic objects, and wild life . . . and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."<sup>116</sup> This overarching directive is referred to as the "non-impairment" mandate. NPS has promulgated management policies that interpret the agency's legal duties and obligations in complying with the NPS Organic Act when managing national park units.<sup>117</sup> The Department of the Interior is required to uphold and apply the NPS Organic Act to its decision making, including decisions by the BLM.

NPS's management policies that apply to all units of the National Park System, including Minidoka. For example, those policies require the federal government to:

- "preserv[e] and restor[e] the natural abundances, diversities, dynamics, distributions, habitats, and behaviors of native plant and animal populations and the communities and ecosystems in which they occur"; and "minimize[e] human impacts on native plants, animals, populations, communities, and ecosystems, and the processes that sustain them."<sup>118</sup>
- "preserve soundscape resources and values of the parks to the greatest extent possible to protect opportunities for appropriate transmission of cultural and historic sounds that are fundamental components of the purposes and values for which the parks were established."<sup>119</sup>
- "provide for the long-term preservation of, public access to, and appreciation of the features, materials, and qualities contributing to the significance of cultural resources."<sup>120</sup>

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<sup>114</sup> 43 USC 3004(b).

<sup>115</sup> Article IV, Section 3, Clause 2.

<sup>116</sup> 54 U.S.C. § 100101(a).

<sup>117</sup> NPS, Management Policies, 2006. [Management Policies 2006 \(nps.gov\)](https://www.nps.gov/management-policies)

<sup>118</sup> NPS Management Policies, § 4.4.1.

<sup>119</sup> NPS Management Policies, § 5.3.1.7.

<sup>120</sup> NPS Management Policies, §5.3.5.

- “prevent unacceptable impacts to park resources or values”; and “minimize visitor use conflicts.”<sup>121</sup>

In the absence of direct and specific Congressional authority to derogate Minidoka’s “values and purposes,” as required by the Redwoods Act of 1978, BLM lacks the authority to impair Minidoka’s fundamental resources and values.<sup>122</sup>

BLM lacks authority to issue a permit that damages Minidoka NHS. FLPMA’s permitting provisions also preclude BLM from issuing permits which “damage federal property.”<sup>123</sup> The NPS has highlighted the Lava Ridge proposal’s significant negative impacts on federal lands it manages as part of the National Park System.<sup>124</sup> Based on federal law relating to deference to agency interpretation of its own statutory authority, determination of what constitutes protection under the NPS Organic Act, NHPA and other NPS statutes is best made by NPS.<sup>125</sup>

BLM must choose an alternative that does not allow development within the viewshed of Minidoka National Historic Site. It is well within BLM’s authority to make decisions regarding land use authorizations that protect National Park System units and resources.<sup>126</sup> Development adjacent to NPS units can result in significant impacts to park resources and values, as well as the ability for current and future visitors to experience parks “unimpaired,” as intended by the 1916 National Park Service Organic Act.

## **V. Chronology of Preserving Minidoka and Telling the Story of Illegal Incarceration**

Today, the boundary of the Minidoka Relocation Center includes the Minidoka National Historic Site, private property and BLM lands.

BLM has not complied with FLPMA’s requirement to inventory resources on public lands. Section 201 of FLPMA requires BLM to “maintain on a continuing basis an inventory of all public lands and their resource and other values (including but not limited to outdoor recreation and scenic values).”<sup>127</sup> During World War II, the Minidoka Relocation Center was located on approximately 33,000 acres of federal land, which included approximately 950 acres of land for barracks and administration facilities. Following World War II, the U.S. government conveyed lands to returning veterans to develop farms.

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<sup>121</sup> NPS Management Policies, § 8.2.

<sup>122</sup> The Redwoods Act of 1978 states that “[C]onducted in light of the high public value and integrity of the National Park System and not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.” Pub. L. 95-250, Title I, §101(b), Mar. 27, 1978, 92 Stat. 166.

<sup>123</sup> 43 USC 1765 states that: “Each right-of-way shall contain ... (b) such terms and conditions as the Secretary concerned deems necessary to (i) protect Federal property and economic interests”

<sup>124</sup> NPS, Letter to the Community, dated September 12, 2021.

<sup>125</sup> Access Fund v. DOI (D. Idaho) “The Courts shall defer to an agency’s interpretation of its own regulations.”

<sup>126</sup> For example, a 2009 Department of the Interior report recommended that BLM Utah avoid issuing new oil and gas leases in the viewsheds and soundscapes it shares with Arches and Canyonlands National Parks. Final BLM Review of 77 Oil and Gas Lease Parcels Offered in BLM-Utah’s December 2008 Lease Sale, p. 26.

<sup>127</sup> 43 U.S.C. §1701

Over the past 30 years, the National Park Service, Presidents and Congress have clearly documented the importance of Minidoka and the Minidoka Relocation Center. As noted below, in 1992, Congress directed the Secretary of the Interior to study Minidoka as part of a National Historic Landmark Theme Study. To support the study, the National Park Service issued a comprehensive report in 1999, entitled Confinement and Ethnicity, which identified important historic resources at the Minidoka Relocation Center and other sites.<sup>128</sup> In 2001, President Clinton designated the Minidoka Internment National Monument as a unit of the National Park System.

As required by the Monument Proclamation and NPS planning regulations, NPS developed its general management plan (GMP) in consultation with the BLM.<sup>129</sup> In 2006, the GMP recommended the administrative transfer of Minidoka's dump site from the BLM to the NPS.<sup>130</sup> The 2008 Minidoka legislation authorized the transfer of 80 acres of BLM land to NPS, which has been completed. Also, the NPS identified Minidoka as nationally significant in the Japanese Americans in World War II Theme Study.<sup>131</sup>

Despite the significant amount of public information about the importance of Minidoka, BLM failed to update its inventory of historic resources on BLM lands. BLM also did not maintain the required visual resource inventories and prepare visual resource management classes or perform five-year plan reviews. While the Biden Administration has a nationwide goal of 25 gigawatts of renewable energy on public lands by 2025, there are clear statutory authorities that direct BLM to protect Minidoka and no direct authority relating to the location of the Lava Ridge Wind Project.

National Historic Preservation Act – National Register Listing. As noted above, a small portion of Minidoka was listed on the National Register in 1979 through the work of the Bureau of Reclamation. In 2010, Congress authorized the relocation of the SWIP-N line to avoid impacts on this Register listing and Minidoka NHS.

Japanese American National Historic Landmark Theme Study Act of 1992.<sup>132</sup> The P.L. 102-248 directed the Secretary of the Interior to prepare a National Historic Landmark (NHL) Theme Study “to identify the key sites in Japanese American history that illustrate the period in American history when personal justice was denied Japanese Americans” and directed the Secretary to study Minidoka and other sites.<sup>133</sup>

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<sup>128</sup> Western Archeological and Conservation Center, National Park Service, U.S. Department of the Interior, “Confinement and Ethnicity: An Overview of Japanese American Relocation Sites,” *Publications in Archeology* 74, 1999, Chapter 9, “Minidoka Relocation Center, Idaho,” pp. 203-214.

<sup>129</sup> Minidoka GMP, p. 79 “In 2003, the NPS contracted with the BLM, to establish the legal boundaries of the national monument. Land survey monuments were placed to denote the boundary line.”

<sup>130</sup> Minidoka GMP at p. 78.

<sup>131</sup> National Park Service, “Japanese Americans in World War II Theme Study,” 2012, p. 154 <http://www.npshistory.com/publications/nhl/theme-studies/japanese-americans-ww2.pdf>

<sup>132</sup> P.L. 102-248 (106 Stat. 40) an act of March 3, 1992 to establish the Manzanar National Historic Site in the State of California, and for other purposes.”

<sup>133</sup> P.L. 102-248 Sec. 202(a) “The study shall include (but not be limited to) the following sites: (1) Internment and temporary detention camps where Japanese Americans were relocated, detained, and excluded pursuant to Executive Order Number 9066, issued on February 19, 1942. The internment camps include: Tule Lake, California;

Antiquities Act of 1906. The Monument RMP states that BLM will comply with the Antiquities Act of 1906.<sup>134</sup> The Antiquities Act authorizes the President to proclaim National Monuments to preserve "...historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States..."<sup>135</sup> On January 17, 2001, President Clinton used this authority to establish the Minidoka Internment National Monument.<sup>136</sup> The Proclamation states that the Monument "is a unique and irreplaceable historic resource which protects historic structures and objects provide public education and interpretation of an important chapter in American history..." It further states that "[warning] is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument..."

Minidoka National Historic Site Act of 2008. In 2008, Congress passed legislation (P.L. 110-229) to expand, redesignate the Monument as Minidoka National Historic Site, and establish the Bainbridge Island Japanese American Exclusion Memorial.<sup>137</sup> The law directs that the NHS be managed "to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center ..." <sup>138</sup> Minidoka's authorizing legislation directs the Secretary to interpret "(I) the story of the relocation of Japanese Americans during World War II to the Minidoka Relocation Center and other centers across the United States; (II) the living conditions of the relocation centers..."<sup>139</sup> The law also provides guidance to coordinate with Manzanar and tell the stories of the other incarceration sites.

Historic Sites Act of 1935, as amended. Minidoka's authorizing legislation (P.L.110-229) also directs that Minidoka NHS be managed in accordance with the Historic Sites Act.<sup>140</sup> Section 1 of the Historic Sites Act declares that it is national policy "to preserve for public use historic sites, buildings, and objects of

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Rohwer, Arkansas; Gila River, Arizona; Poston, Arizona; Granada, Colorado; Jerome, Arkansas; Heart Mountain, Wyoming; Minidoka, Idaho; and Topaz, Utah. The temporary detention camps include: Pomona, California; Santa Anita, California; Fresno, California; Pinedale, California; Tanforan in San Bruno, California; Sacramento, California; Marysville, California; Mayer, Arizona; Salinas, California; Turlock, California; Merced, California; Stockton, California; Tulare, California; Puyallup, Washington; Portland, Oregon. (2) Angel Island, California, the port of entry for many Japanese Issei. (3) Camp Shelby, Mississippi, the training ground for the 442nd Infantry Regimented Combat Team. (4) Camp Savage and Fort Snelling, Minnesota, locations for the Military Intelligence Service Language School where Japanese Americans received Japanese language instruction, enabling the Japanese Americans to translate Japanese war plans into English. (5) Camp McCoy, Wisconsin, where the 100th Infantry Battalion was trained. (6) Terminal Island, California, the first location where Japanese Americans were forced to evacuate. (7) Bainbridge Island, Washington, where Japanese Americans were evacuated pursuant to Exclusion Order Number 1. (8) Immigration and Naturalization Service internment camps at Crystal City, Kennedy, and Seagoville, Texas, Missoula, Montana, and Bismarck, North Dakota."

<sup>134</sup> Monument RMP, p. 41.

<sup>135</sup> 16 U.S.C. Sec. 431-433

<sup>136</sup> President William J. Clinton, "Establishment of the Minidoka Internment National Monument," Proclamation 7395 dated January 17, 2001.

<sup>137</sup> P.L. 110-229, Section 313(c)

<sup>138</sup> P.L. 110-229, Section 313(c)(2)(A)

<sup>139</sup> P.L. 110-229, Section 313(c)(2)(B)(i)(I)

<sup>140</sup> P.L. 110-229, Section 313(c)(5)(A)(ii)(III).

national significance for the inspiration and benefit of the people of the United States.”<sup>141</sup> Because it is a unit of the National Park System, Minidoka is deemed nationally significant.<sup>142</sup> Section 2 of the Historic Sites Act states that The Secretary of the Interior (hereinafter in sections 1 to 7 of this Act referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 1 of this Act, shall have the following powers and perform the following duties and functions: “(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance ...”

*Japanese American Confinement Sites Act.* In 2006, Congress passed bipartisan legislation “to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II.”<sup>143</sup> Known as the Japanese American Confinement Sites Act (JACS), the Act directed the Secretary of the Interior to:

... create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation’s commitment to equal justice under the law.”<sup>144</sup>

Because the law defines historic confinement sites to include the Minidoka Relocation Center, which includes approximately 33,000 acres as depicted in Figure 9.2 from the NPS’s Confinement and Ethnicity publication, we ask that BLM list this statute in its list of applicable laws and consider the intent of Congress.<sup>145</sup> In 2022, Congress reauthorized and expanded the Japanese American Confinement Sites Act via the Norman Y. Mineta Japanese American Confinement Education (JACE) Act.<sup>146</sup>

## **VI. Review of the DEIS**

The following is a section-by-section analysis of the DEIS.

*Chapter 1.2 Purpose and Need.* We recommend replacing the current purpose and need section with the following: “In light of new information relating to the Minidoka Traditional Cultural Property (TCP) and the nomination for the Minidoka Area of Critical Environmental Concern (ACEC), the Bureau of Land Management is issuing a supplemental draft environmental impact statement regarding a plan amendment to the Monument Resource Management Plan (RMP) to designate an ACEC to protect the Minidoka National Historic Site, Minidoka Relocation Center, Minidoka TCP and important multiple uses and values including rangeland, cultural resources, scenery, wildlife and other values.”

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<sup>141</sup> 16 U.S.C. 461

<sup>142</sup> National Park Service, 2012, “Japanese Americans in World War II Theme Study, p. 154 <http://www.npshistory.com/publications/nhl/theme-studies/japanese-americans-ww2.pdf>. “As a National Monument and a unit of the National Park System, the site has been determined nationally significant.”

<sup>143</sup> See: P.L. 109-441

<sup>144</sup> P.L. 109-441, Section 1(a) Emphases added.

<sup>145</sup> P.L. 109-44, Section 2(1)

<sup>146</sup> P.L. 117-328, Division DD—Public Land Management, Section 644

The proposed new purpose and need section would align the Monument RMP land use inventory, planning and management activities, as required by FLPMA, with the listing of Minidoka on the National Register of Historic Places (1978), the National Monument designation (2001), the NPS General Management Plan (2006) and enactment of bipartisan Congressional legislation to expand, ratify and redesignate the Minidoka National Historic Site (2008).<sup>147</sup>

At a minimum, the purpose and need section should include Congressional direction related to Minidoka.<sup>148</sup> According to the D.C. Circuit, “[w]hen an agency is asked to sanction a specific plan, . . . the agency should take into account the needs and goals of the parties involved in the application [cites omitted]. Perhaps more importantly, an agency should always consider the views of Congress, expressed to the extent that the agency can determine them, in the agency’s statutory authorization to act, as well as in other Congressional directives.”

The Purpose and Need Statement’s should accurately reference Executive Order 14008, entitled “Tackling the Climate Crisis at Home and Abroad.” The Climate Crisis E.O. states the goals of the Administration to reduce climate pollution and deliver environmental justice.<sup>149</sup>

1.3 Decision to be Made. In light of the petition to designate the ACEC, we respectfully request BLM replace the decision to be made with:

- Decide to amend the Monument RMP to designate the Minidoka ACEC as proposed in the petition submitted by the Friends of Minidoka.

1.4 Conformance with Land Use Plans.

In addition to supporting the ACEC nomination, the TCP means that LS Power’s proposed wind project does not conform with the Monument RMP’s requirement to protect cultural resources. Because of the cultural significance of the Minidoka TCP, the RMP requires BLM to reject LS Power’s proposal. The RMP designates the lands around Minidoka as a Moderate Use Area and directs that “[s]ensitive and significant values will always be protected consistent with Federal and State law.”<sup>150</sup> The Monument RMP also requires BLM to “manage cultural resources so that representative samples of the full array of scientific and socio-cultural values are maintained or enhanced consistent with State and Federal laws.”<sup>151</sup> The RMP continues:

...Cultural resource values discovered in a proposed work area will be protected by adhering to the following methods:

1. Redesigning or relocating the project.

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<sup>147</sup> FLPMA Section 202(c)(9)

<sup>148</sup> See: *Citizens against Burlington, Inc. v. Busey IV*, Administrator, Federal Aviation Administration, D.C. Circuit, 938 F.2d 190 (1991).

<sup>149</sup> Section 201 of the EO states: “We must deliver environmental justice in communities all across America.”

<sup>150</sup> Monument RMP, p. 4

<sup>151</sup> Monument RMP, p. 26.

2. Salvaging, through scientific methods, the cultural resource values pursuant to the SHPO agreement.
3. Should the site be determined to be of significant value; eligible for or on the National Register of Historic Places; and/or the above mentioned methods are not considered adequate, the project will be abandoned.<sup>152</sup>

The BLM DEIS is based on inadequate information. BLM is aware of the TCP and, based on the SHPO's determination, the Minidoka TCP "may be eligible for the National Register." As required by the RMP, BLM has not indicated in the DEIS that it has forwarded the documentation to the Keeper for a determination of eligibility. Without a determination of ineligibility by the Keeper of the Register, BLM cannot conclude that the proposed action conforms with the RMP. In addition, the DEIS does not include a determination of adequacy relating to redesigning or relocating the project and salvaging the cultural resource values pursuant to the SHPO agreement. Without a finding of adequacy, the project does not conform with the RMP. Also, regarding cultural resources, the RMP states that "any adverse impacts to sites," constitutes a "variation From RMP warranting management concern."<sup>153</sup>

## CHAPTER 2 -- PROPOSED ACTION AND ALTERNATIVES

### 2.8 BLM Alternatives Considered but Eliminated from Detailed Analysis

In the letter sent to BLM on July 8, 2022, Japanese American organizations and partners asked BLM to "develop and analyze an additional alternative in the draft EIS that would avoid any adverse impacts on the Minidoka Relocation Center and Minidoka NHS."<sup>154</sup> While we were pleased that BLM developed Alternative H, BLM's finding that Alternative H was not economically feasible and therefore not considered as an alternative is based on inadequate information.<sup>155</sup> CEQ regulations require BLM to analyze "a reasonable range of alternatives that are technically and economically feasible."<sup>156</sup>

BLM's feasibility conclusion was based on unsupported reasoning and analysis regarding both wind speed and transmission availability and costs. In considering Alternative H, the BLM states that a combination of poor wind quality and distance from the Mid-Point Substation and SWIP-N line makes Alternative H infeasible. BLM's Alternative H is based on siting corridors with 84 3 MW turbines (545 feet). In terms of wind quality, BLM did not review "[s]ite-specific data for wind variability within the project area." It based its feasibility analysis on a general understanding "that the wind resource varies with topographic features and associated changes in elevation ..." BLM later states that some of the turbine locations "would be located in areas assumed to have a lower quality wind resource ..." However, BLM does not base this analysis on detailed wind speed information that the company presumably could provide to BLM to support its analysis.

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<sup>152</sup> Monument RMP, pp. 41-42.

<sup>153</sup> Monument RMP, table on p. 44.

<sup>154</sup> Friends of Minidoka sign-on letter to Nada Culver, dated July 8, 2022, p. 5.

<sup>155</sup> DEIS, pp. 216-217.

<sup>156</sup> 40 CFR 1408.1 (z).

A cursory review of Alternative H shows similar wind resources to other parts of the project area. A portion of Alternative H is in the vicinity of Kimama and Sid Buttes, high points in the project area, with a higher base elevation and better wind speeds. The NREL's Wind Supply Curve Interactive map shows that the area proposed for Alternative H has an average capacity of 287 (MW) and wind speeds between 6.55 and 6.92 miles per hour, which are similar to the overall Lava Ridge project area.<sup>157</sup> Also, the Global Wind Atlas shows that the area proposed for Alternative H has wind resources that are similar to the rest of the project area.<sup>158</sup>

Based on the NREL and Global Wind Atlas interactive maps, the wind quality in Alternative H appears similar to wind quality throughout the project area.<sup>159</sup> The NREL nationwide wind speed maps show higher wind speeds at higher elevations. In terms of BLM's dynamic visual simulations, posted on its E Planning web-site, BLM's simulations feature 3 MW turbines to minimize the visual impacts.<sup>160</sup> However, in its discussion of Alternative H, it says that the wind quality for 3 MW turbines "has less potential for generating electricity ... [and] lower wind potential."<sup>161</sup>

The BLM also cited the lack of "access to suitable transmission" and the need to build 19 miles of new 500 kV transmission line as another reason to find that Alternative H is not economically feasible. However, as noted by BLM in its 2023 "Energy Overview Map,"<sup>162</sup> Alternative H is either bisected by or immediately adjacent to several existing and permitted power lines located between the Borah and Midpoint substations including:

- Kinport to Midpoint existing 345 kV power line (bisecting Alternative H)
- Midpoint to Adelaide existing 345 kV power line (located in the 2009 WEC 49-112 corridor.)<sup>163</sup>
- Midpoint to Borah existing 345 kV power line.<sup>164</sup>
- Midpoint to Valmy existing 345 kV power line (located within WEC Corridor 112-226).<sup>165</sup>
- Gateway West permitted 500 kV power line (Borah-to-Midpoint bisecting of Alt. H) (upgrade of existing Kinport to Midpoint line to 500 kv)<sup>166</sup>
- Westwide Energy Corridor (WEC) – Segment 49-112

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<sup>157</sup> <https://nrel.carto.com/u/alopez/builder/df165aba-7760-4e88-aa99-2e38667bb1a7/embed>

<sup>158</sup> [Global Wind Atlas https://globalwindatlas.info/en](https://globalwindatlas.info/en)

<sup>159</sup> The MW average is based on five data points located in southern Lincoln County near Kimama Butte from the NREL interactive map.

<sup>160</sup> <https://eplanning.blm.gov/eplanning-ui/project/2013782/570>

<sup>161</sup> DEIS, p. 2-17.

<sup>162</sup> [https://www.blm.gov/sites/default/files/docs/2023-03/EnergyOverviewMap\\_508.pdf](https://www.blm.gov/sites/default/files/docs/2023-03/EnergyOverviewMap_508.pdf)

<sup>163</sup> Magic Valley Energy, LLC, Lava Ridge Wind Project, Plan of Development, October 2022, p. 56.

<sup>164</sup> Id.

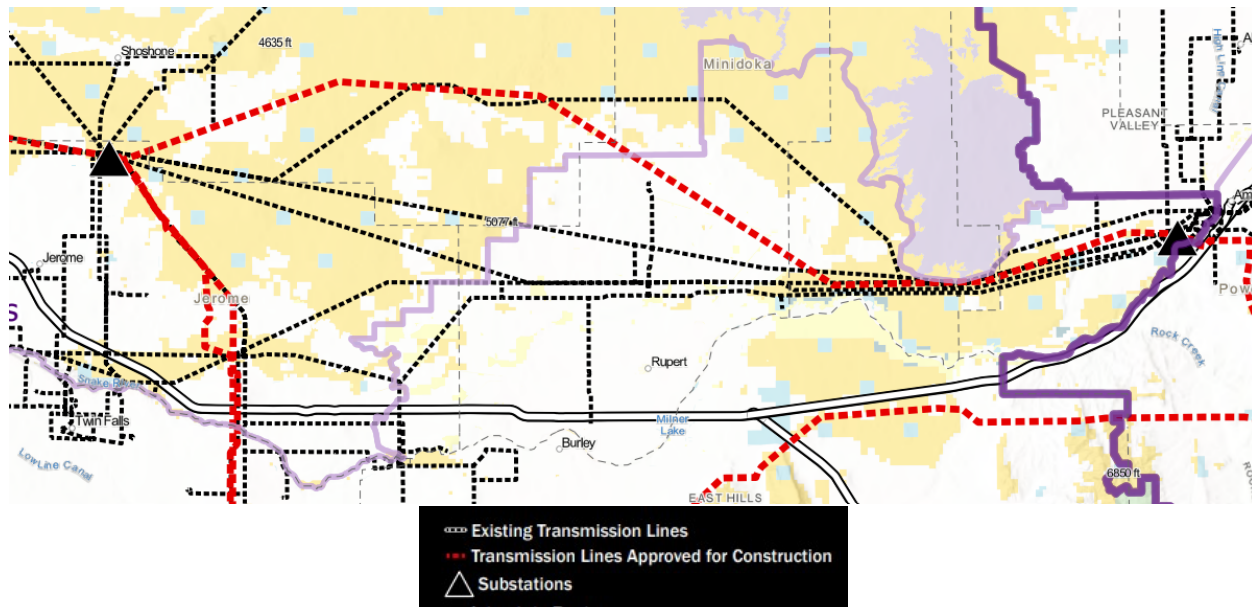
<sup>165</sup> Id.

<sup>166</sup> PacifiCorp letter to Mr. Philip Augustin, Chairman WECC Studies Subcommittee, "Re: PacifiCorp 2022 Annual Progress Report, dated March 3, 2022, p.7. <https://www.wecc.org/Reliability/PAC%202022%20APR.pdf> "Borah [Populus] West (Path 17) Construction of one new 500 kV circuit from Populus to Borah (55 miles) and new 500 kV circuit between Borah and Midpoint (88 miles). These line sections will be built by conversion of the operating voltage of the existing Kinport/Borah to Midpoint 345 kV line section to 500 2030 (earliest) PacifiCorp 2022 Annual Progress Report 8 kV [IPC owned facility], and the addition of a new 500 kV circuit between Populus and Borah [PAC owned facility]. A 500/345 kV (1500 MVA) autotransformer (3 x 1Φ) will be installed at Borah."



- 2009 WEC corridor (immediately south of Alternative H, Midpoint to Adelaide.)<sup>167</sup>
- Proposed 2022 realignment along Gateway West corridor (which bisects Alt. H)<sup>168</sup>
- Borah-to-Hunt, existing 203kV power line

### BLM “ENERGY OVERVIEW: BORAH TO MIDPOINT”



Source: BLM, Energy Overview Map, 2023

[https://www.blm.gov/sites/default/files/docs/2023-03/EnergyOverviewMap\\_508.pdf](https://www.blm.gov/sites/default/files/docs/2023-03/EnergyOverviewMap_508.pdf)

While Idaho Power identified transmission constraints west of Midpoint, between the Magic Valley and Boise,<sup>169</sup> Idaho Power’s 2021 Integrated Resource Plan (IRP) did not identify any transmission constraints between Borah and Midpoint (where Alternative H would interconnect). According to Magic Valley Energy, it has executed a Large Generator Interconnection Agreement with Idaho Power Company.<sup>170</sup>

<sup>167</sup> Bureau of Land Management, “Approved Resource Management Plan Amendments/Record of Decision (ROD) for Designation of Energy Corridors on Bureau of Land Management-Administered Lands in the 11 Western States,” dated January 14, 2009, “FIGURE A-4: BLM Resource Management Plans in Idaho Amended by this ROD,” p. A-22. [https://www.corridoreis.anl.gov/documents/docs/Energy\\_Corridors\\_final\\_signed\\_ROD\\_1\\_14\\_2009.pdf](https://www.corridoreis.anl.gov/documents/docs/Energy_Corridors_final_signed_ROD_1_14_2009.pdf)

<sup>168</sup> Bureau of Land Management, U.S. Forest Service and U.S. Department of Energy, Energy Policy Act of 2005 Section 368 Energy Corridor Review FINAL REPORT: REGIONS 1-6, dated April 2022, p. 33. The report recommends that the local BLM field office “[c]onsider shifting corridor along authorized Gateway West Transmission Line Project ROW beginning at MP 13 and connecting to the recommended revision for Corridor 36-112 [which connects at MidPoint and runs south along SWIP-N alignment].”

<https://www.corridoreis.anl.gov/documents/docs/Section-368-Energy-Corridor-Final-Report.pdf>. See also: BLM, USFS, DOE, Section 368 Energy Corridor Review VOLUME 2 — REGIONS 1—6 APPENDICES: SUPPORTING INFORMATION, p. H-31. The Appendix further states: “49-112 Recommended revision: A 345-kV transmission line follows the entire corridor while multiple lines are within and adjacent to portions of the corridor. The Agencies have identified a recommended revision relocating the corridor along the authorized Gateway West Transmission Project route to better collocate with existing and planned infrastructure.” See: <https://www.corridoreis.anl.gov/documents/docs/Final-Report-Appendices.pdf>

<sup>169</sup> Idaho Power, 2021 Integrated Resource Plan—Appendix D, P. 51, 53.

<sup>170</sup> Magic Valley Energy, LLC, Lava Ridge Wind Project, Plan of Development, October 2022, p. 56.

BLM makes an assumption that Alternative H needs to connect to the Midpoint Substation or SWIP-N and that LS Power would need to build an additional 19 miles of 500 kV power line which would increase the cost of Alternative H. However, Alternative H has ample existing and planned transmission, as pointed out by LS Power’s own Plan of Development, in and around Alternative H. The FEIS should address whether an interconnection to the existing or planned transmission closer to Alternative H is technically feasible and if so, if it would change BLM’s conclusions about the economic viability of Alternative H.

BLM also states that because Alternative H would provide 252 MW, or only 20 percent of the electricity generation it is economically infeasible. Because of the large size of the Plan of Development (POD) and its associated unacceptable impacts, this 20% reasoning is also flawed. The DEIS should consider the absolute size of Alternative H, not its relation to the original POD. Idaho has several wind projects of this size currently operating in Idaho including:

- Burley – 34 turbines generating 51 MW.
- American Falls – 44 turbines generating 79 MW
- Mountain Home – 80 turbines generating 180 MW.

Also, a project that is 20% of the original POD would have lower cost to build and operate. We recommend that the BLM reexamine whether the Alternative H is economically viable or if it is needed to help LS Power secure its financing to construct the SWIP-N line which is connected to the Lava Ridge project.

## CHAPTER 3 -- AFFECTED ENVIRONMENT AND IMPACTS

### 3.5.3 Minidoka War Relocation Center and Minidoka National Historic Site

P. 3-155 – While the BLM’s 2022 Stakeholder Assessment and Engagement Report summarizes the effects of the proposal on the Japanese American community, it only scratches the surface of the social and health impacts it would have on our community. Our comments on Section 3.6 address this issue further.

P. 3-156 – As noted in our comments above, please include the following authorities in this section:

Japanese American National Historic Landmark Theme Study Act of 1992.<sup>171</sup> The P.L. 102-248 directed the Secretary of the Interior to prepare a National Historic Landmark (NHL) Theme Study “to identify the key sites in Japanese American history that illustrate the period in American history when personal justice was denied Japanese Americans” and directed the Secretary to study Minidoka and other sites.<sup>172</sup>

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<sup>171</sup> P.L. 102-248 (106 Stat. 40) an act of March 3, 1992 to establish the Manzanar National Historic Site in the State of California, and for other purposes.”

<sup>172</sup> P.L. 102-248 Sec. 202(a) “The study shall include (but not be limited to) the following sites: (1) Internment and temporary detention camps where Japanese Americans were relocated, detained, and excluded pursuant to Executive Order Number 9066, issued on February 19, 1942. The internment camps include: Tule Lake, California; Rohwer, Arkansas; Gila River, Arizona; Poston, Arizona; Granada, Colorado; Jerome, Arkansas; Heart Mountain,

Norman Y. Mineta Japanese American Confinement Education (JACE) Act. In 2022, Congress passed the JACE Act (P.L. 117-328) to “provide competitive grants for the promotion of Japanese American confinement education as a means to understand the importance of democratic principles, use and abuse of power, and to raise awareness about the importance of cultural tolerance toward Japanese Americans, and for other purposes.” The law reauthorized the JACS grant program which includes Minidoka NHS as an eligible confinement site.

Supplemental Appropriations Act, 2010. Section 2003 of P.L. 111-212 authorized the Secretary to realign the SWIP-N right-of-way to the west of the Minidoka NHS to protect the park from the direct effects of the power line. This legislation demonstrates Congressional support for Minidoka.

Executive Order 13985 “Advancing Racial Equity and Support for Underserved Communities through the Federal Government,” dated January 20, 2021, and as furthered by a February 2023 EO.

“Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States,” dated January 26, 2021.

#### 3.6.2.1.2 Dispersed Environmental Justice Populations

The DEIS does not adequately describe the Japanese American Community, the impacts and effectiveness of mitigation measures. Rather than a “hard look” at the impacts of the Alternatives on the Japanese American community, the DEIS provides a very cursory analysis of impacts on our community. The Council on Environmental Quality NEPA regulations require that the human environment “shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.”<sup>173</sup> The NEPA regulations also state that “[w]hen an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.”<sup>174</sup>

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Wyoming; Minidoka, Idaho; and Topaz, Utah. The temporary detention camps include: Pomona, California; Santa Anita, California; Fresno, California; Pinedale, California; Tanforan in San Bruno, California; Sacramento, California; Marysville, California; Mayer, Arizona; Salinas, California; Turlock, California; Merced, California; Stockton, California; Tulare, California; Puyallup, Washington; Portland, Oregon. (2) Angel Island, California, the port of entry for many Japanese Issei. (3) Camp Shelby, Mississippi, the training ground for the 442nd Infantry Regimented Combat Team. (4) Camp Savage and Fort Snelling, Minnesota, locations for the Military Intelligence Service Language School where Japanese Americans received Japanese language instruction, enabling the Japanese Americans to translate Japanese war plans into English. (5) Camp McCoy, Wisconsin, where the 100th Infantry Battalion was trained. (6) Terminal Island, California, the first location where Japanese Americans were forced to evacuate. (7) Bainbridge Island, Washington, where Japanese Americans were evacuated pursuant to Exclusion Order Number 1. (8) Immigration and Naturalization Service internment camps at Crystal City, Kennedy, and Seagoville, Texas, Missoula, Montana, and Bismarck, North Dakota.”

<sup>173</sup> 40 CFR 1508.14

<sup>174</sup> 40 CFR 1508.14

No baseline condition regarding the Japanese American Community. NEPA requires a baseline condition.<sup>175</sup> “Establishing appropriate baseline conditions is critical to any NEPA analysis.”<sup>176</sup> While the DEIS references BLM’s CADR Report, neither the CADR Report nor the DEIS includes a baseline condition of the Japanese American community. The DEIS should include the current condition of the Japanese American community in detail in order to detail the Alternatives’ negative impacts on the Japanese American Community. The baseline condition should include the impact of the incarceration as offset by actions that uplift as outlined in this letter. This lack of information is likely due to the BLM’s failure to follow DOI’s policy guidance to engage with Environmental Justice communities early in the planning process.<sup>177</sup>

No analysis of substantial scholarly research on the Japanese American Community. Without commenting on the adequacy of the DEIS’s analysis of avian species, bats, pollinators and insects, we note that the EIS includes 20 pages of listed scientific articles relating to Avian and Bat Species<sup>178</sup> and seven pages on Pollinators and Insects.<sup>179</sup> In contrast, the DEIS’s Environmental Justice Section includes a reference to the CADR Report<sup>180</sup> and NPS planning documents.<sup>181</sup>

There are scores of scholarly articles that describe the baseline social and health conditions of the Japanese American community. Professor Donna Nagata at the University of Michigan, for example, has published numerous articles over many years documenting the ongoing inter-generational trauma and psychological and health impacts of the incarceration on the Japanese American community.<sup>182</sup> Other

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<sup>175</sup> In Oregon Natural Desert Association v. Jewell, the Ninth Circuit held that: “[t]he establishment of a ‘baseline is ... a practical requirement in environmental analysis often employed to identify the consequences of a proposed agency action.’” Citing American Rivers v. FERC, 201 F.3d 1186, 1195.

<sup>176</sup> See: Great Basin Resource Watch v. BLM, (Find citation, at p.9.)

<sup>177</sup> Secretarial Order 3399, Sec. 5(c), “Tribal Consultation and Environmental Justice Engagement in NEPA,”

<sup>178</sup> DEIS, Appendix 10, p. 13-32

<sup>179</sup> DEIS, Appendix 10, p. 42-48

<sup>180</sup> DEIS, Appendix 10, p. 36

<sup>181</sup> DEIS, Appendix 10, p. 38

<sup>182</sup> Nagata, Donna & Kim, Jacqueline & Wu, Kaidi. (2022). Relationship between religion and redress relief among Japanese American World War II incarceration survivors. *American Journal of Orthopsychiatry*. 92; Patel, Reeya & Nagata, Donna. (2021). Historical Trauma and Descendants' Well-Being. *AMA Journal of Ethics*. 23. E487-493; Nagata, Donna & Patel, Reeya. (2021). “Forever foreigners”: Intergenerational impacts of historical trauma from the World War II Japanese American Incarceration; Nagata, Donna & Kim, Jacqueline & Wu, Kaidi. (2019). The Japanese American Wartime Incarceration: Examining the Scope of Racial Trauma. *American Psychologist*. 74. 36-48; Suzuki, Lisa & Nagata, Donna. (2018). Qualitative Methods in Asian American Psychology: Part II. *Asian American Journal of Psychology*. 9. 1-3; Nagata, Donna & Wu, Kaidi & Kim, Jacqueline. (2017). Content Review of Qualitative Research on Asian American Psychological Well-Being. *Asian American Journal of Psychology*. 8. 262–295; Nagata, Donna & Kim, Jacqueline & Nguyen, Teresa. (2015). Processing Cultural Trauma: Intergenerational Effects of the Japanese American Incarceration. *Journal of Social Issues*; Nagata, Donna & Tsai-Chae, Amy & Nguyen, Teresa. (2015). Depression among Asian and Pacific Islander American Elders; Kim, Jacqueline & Nagata, Donna & Akiyama, Mark. (2014). Japanese American Reactions to World War II Incarceration Redress: Just World Belief, Locus of Control, and Coping. *Cultural Diversity & Ethnic Minority Psychology*. 21; Nagata, Donna & Cheng, Wendy & Nguyen, Teresa. (2012). Recollections of historical injustice: A qualitative investigation of emotions in Japanese American incarceration memories.

scholars have documented the therapeutic benefits from the commemorative events and pilgrimages.<sup>183</sup> As noted in this letter, other scholars have described the condition of the broader AANHPI community resulting from COVID hate crimes and racial prejudice during the COVID pandemic. CEQ's NEPA regulations require that "[d]ata and analysis in a statement shall be commensurate with the importance of the impact."<sup>184</sup>

Because of the "disproportionately high and adverse impact on the Japanese American community,"<sup>185</sup> we suggest the following detailed baseline conditions to include the following past actions:

- Pre-World War II racial prejudice and exclusionary laws and policies, such as Alien Land Laws.
- Forced removal and incarceration of the entire West Coast Japanese American community in World War II, to include family separations, loss of homes, businesses, farms, pets, jobs, friends, communities and lives on the west coast.
- Stress and trauma of life in incarceration sites.
- Post World War II, the breaking up of the community and racism.

The baseline condition analysis can include actions that uplift the Japanese American community on the road to healing.

These negative visual impacts lead directly to social effects on the Japanese American community. The Council on Environmental Quality (CEQ) NEPA regulations require analysis of social and health effects that are interrelated with environmental effects: (g) *Effects or impacts* means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following:

- (1) Direct effects, which are caused by the action and occur at the same time and place.
- (2) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
- (3) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.
- (4) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic,

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<sup>183</sup> Jane Naomi Iwamura, "Critical Faith: Japanese Americans and the Birth of a New Civil Religion," *American Quarterly*, September 2007

<sup>184</sup> CEQ NEPA regulations 40 CFR 1502.15

<sup>185</sup> DEIS at 3-211

social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial. 40 C.F.R. 1508.1(g) 2022 version

**Psychological Effects.** In addition to a baseline, courts have required agencies to assess both the physical and the psychological effects along with indirect and cumulative impacts on effected communities. In *People Against Nuclear Energy*, the Supreme Court held that “[a]ll the parties agree that effects on human health can be cognizable under NEPA, and that human health may include psychological health.”<sup>186</sup> In *Access Fund v. Department of the Interior*, the U.S. District Court (D. Idaho) held that:

... psychological factors have to be weighed and evaluated by the NPS in reaching its management decision just as in another context a federal agency would have to measure the pollutants in a mountain stream to determine compliance with the Clean Water Act, even though the first is a ‘subjective’ assessment, while the latter is a ‘scientific measurement.’<sup>187</sup>

BLM’s analysis does not include an analysis of the psychological impacts of the wind project, including an analysis of anxiety, depression and related physical health impacts.

BLM also did not consider indirect and cumulative psychological impacts. For example, telling the stories of the incarceration is painful and has emotional impacts. As noted by Secretary Haaland at the Amache Roundtable in 2022, “I also know that reliving our trauma is never easy.” There are cumulative impacts from the ongoing scourge of COVID hate crimes.

Japanese Alaskans – families with both Japanese and Alaska Native ancestry



<sup>186</sup> *People Against Nuclear Energy*, 460 U.S. 766 (1983).

<sup>187</sup> *Access Fund v. DOI*, D. Idaho, 2000, p. 30.

The DEIS does not adequately describe or assess the impact of the project on Alaska Native survivors and descendants. “For EJ purposes, the definition of tribal populations is broad: ‘a person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.’ Any American Indian or Alaska Native qualifies. Membership in a federally recognized tribe is not required.”<sup>188</sup>

The U.S. Government directed that Japanese Americans families in Alaska be relocated, leading to the forced removal of approximately 145 Japanese Alaskans from their homes and communities to Minidoka. Japanese Alaskans included fathers and husbands were arrested and detained soon after Japan’s attack on Pearl Harbor and Alaska Native women and children. According to government records, approximately a third of people relocated were Japanese Alaskans with both Alaska Native and Japanese ancestry including Tlingit, Haida, Tsimshian, Aleut, Inupiat, and others.

Prior to the relocation, families consisting of Japanese men, Alaska Native women and their children lived in tight-knit communities. They came from diverse backgrounds including Alaska Native villages in northern and western Alaska, some hunted and fished for a living, while others were well-established business owners from Southeast.

Most of the Japanese Alaskan families, including those of Alaska Native and Japanese descent, were incarcerated at the Minidoka Relocation Center purposely located in a desolate and isolated area of Idaho. The forced removal had devastating impacts particularly on these Alaska Native families and created unthinkable hardships. In many cases, families were separated for the duration of the war with the men being sent the Santa Fe and Lordsburg detention centers in New Mexico. Some Alaska Native children were separated from their parents and went to Minidoka by themselves. Some Alaska Native wives went to Minidoka with her children to keep their family together.

At Minidoka, incarcerated with both Alaska Native and Japanese ancestry were even more isolated within the camp because they were torn from their Native communities and culture and lived in a desolate desert-like environment and with people of an unfamiliar culture—some hadn't associated before with Japanese Americans. Assigned to a separate barracks block (block 24), they formed their own unique community at the center of the Minidoka camp to provide strength and support to one another.<sup>189</sup> As noted by Marie Matsuno, Japanese Alaskans had to overcome obstacles upon their return to Alaska Native communities, including being sent to boarding schools away from home.<sup>190</sup>

*American Indian Religious Freedom Act.* E.O. 13007 directs BLM to avoid harming sacred sites “to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions.” The Minidoka Honor roll and other features at Minidoka have cultural importance to Alaska Natives incarcerated at Minidoka and their descendants.<sup>191</sup>

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<sup>188</sup> BLM, “Addressing Environmental Justice in NEPA Documents: Frequently Asked Questions,” 2022, p. 8.

<sup>189</sup> For a detailed account of the incarceration of Japanese Alaskans, see: Claude-M. Naske, “Relocation of Alaska’s Japanese Residents,” *Pacific Northwest Quarterly*, July 1983, p. 124.

<sup>190</sup> Marie Matsuno, Lava Ridge Scoping Letter submitted to BLM, dated October 20, 2021.

<sup>191</sup> *Id.*

### 3.6.2.1.3 Existing and Future Trends and Actions.

The BLM's Existing and Future Trends and Actions section is narrowly written and does not include "reasonably foreseeable trends and actions from the affected environment" relating to the Japanese American community as a dispersed Environmental Justice Community.

Racial Justice Executive Order (EO 13985) Compliance – Actions that Uplift. The description of the Japanese Americans as a dispersed Environmental Justice Community is incomplete. We recommend that BLM add a new section in the EIS entitled "Underserved Community." As noted above, through his Day One E.O. 13895, the President directed the federal government "should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." As noted in the FOM Scoping Letter (p. 3) and in comments relating to Statutes, Regulations and Other NEPA Documents, the Japanese American community has been "marginalized" and "adversely affected" by inequality.

To carry out E.O. 13985, DOI has deemed the Japanese American community at Minidoka an underserved community through its FY 2022 and FY 2023 budget requests to hire more staff for Minidoka's visitor center to enable the public to better understand the whole story of America. As part of the Administration's commitment to underserved communities, the President's FY 2023 budget proposes a \$210,000 base increase to enable Minidoka NHS to hire three additional park staff. According to the budget request, "[f]unding will support operations and maintenance of the visitor center in order to provide quality visitor services and management for the museum collection. Established in 2001, Minidoka NHS had almost no public infrastructure and provided limited visitor services and access. The new visitor center, dedicated in 2020, is a significant part of the site's visitor experience. This funding will ensure the facility is open for recreational access and enjoyment."<sup>192</sup>

America's Changing Commemorative Landscape (Actions that Uplift). Through Presidential proclamations and direction from Congress through authorizing legislation and annual appropriations bills, the Japanese American and AANHPI Community has worked to make America's commemorative landscape more inclusive to better reflect America's rich and diverse heritage and to tell the whole story. With the exception for possible decisions relating to renewable energy projects at Japanese American sites in the Western U.S., the Japanese American community anticipates that America's commemorative landscape will continue to trend towards greater inclusion and belonging and encourages BLM to factor this into the baseline condition.

Thanks to bipartisan support, the Japanese American community has worked to add additional sites and resources to our nation's fabric of National Parks, memorials and museums. In 2019, Congress passed the John D. Dingell, Jr. Conservation, Management and Recreation Act to ratify the Tule Lake National Monument and redesignate the Honouliuli National Historic Site. The Act also authorized NPS to study the Amache Relocation Center in Colorado as a new unit of the National Park System.<sup>193</sup> In 2022, both

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<sup>192</sup> National Park Service, "Budget Justifications and Performance Information, Fiscal Year 2023," p. Overview 12. <https://www.doi.gov/sites/doi.gov/files/fy2023-nps-greenbook.pdf>



the House and Senate passed bipartisan legislation to authorize the Amache National Historic Site in Colorado via unanimous consent. President Biden signed this bipartisan legislation to authorize the NPS to establish the Amache NHS as a new unit of the National Park System.<sup>194</sup> While the experience of Amache survivors is different from Minidoka survivors, the two sites tell very similar stories.<sup>195</sup>

Through DOI's budget requests and Secretarial guidance, this trend is expected to continue in the future. In her 2021 confirmation hearing before the Senate Energy and Natural Resources Committee, Secretary Haaland pledged to "work my heart out for everyone," including "[p]eople of color whose stories deserve to be heard."<sup>196</sup> To mark the signing of the Amache bill, Secretary Haaland stated:

"[a]s a nation, we must face the wrongs of our past in order to build a more just and equitable future ... I applaud President Biden and the bipartisan action in Congress that has ensured this important and painful chapter in our nation's story is preserved and honored for the generations to come. After visiting Amache and meeting with survivors and descendants, I was moved by their resilience and the way in which Colorado communities came together during and after the injustice to support Japanese Americans. May we all be inspired to do the same today for all our fellow citizens."<sup>197</sup>

The Secretary's February 2022 Day of Remembrance visit to Amache also highlights the healing power of these sacred sites to survivors and descendants.<sup>198</sup> Secretary Haaland also compared her family history with the Japanese American experience and noted: "Through my role as Secretary, I see it as my responsibility to honor the communities and the history that is often underrepresented and is not given the time in history classes."<sup>199</sup>

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<sup>193</sup> P.L. 116-9, Section 2004 "Amache special resource study."

<sup>194</sup> Public Law 117-106, enacted March 18, 2022 "To establish the Amache National Historic Site in the State of Colorado as a Unit of the National Park System, and for other purposes."

<sup>195</sup> Amache Special Resource Study available at:

<https://parkplanning.nps.gov/document.cfm?parkID=415&projectID=92521&documentID=123965>

<sup>196</sup> Statement of Debra Anne Haaland Nominee for the Position of Secretary of the Department of the Interior, Before the Committee on Energy and Natural Resources, United States Senate, February 23, 2021, p. 2.

<https://www.energy.senate.gov/services/files/D80C6AC0-D4F4-4E7E-9D1D-C7DD06E93411>

<sup>197</sup> U.S. Department of the Interior press release: "President Biden Designates Amache National Historic Site as America's Newest National Park, dated March 18, 2022." <https://www.doi.gov/pressreleases/president-biden-designates-amache-national-historic-site-americas-newest-national-park>

<sup>198</sup> U.S. Department of the Interior: "80th Day of Remembrance ..." Flickr Page:

<https://www.flickr.com/photos/usinterior/sets/72177720297447626/>

<sup>199</sup> U.S. Senator Michael Bennet facebook page, "Amache Virtual Discussion," dated:

<https://www.facebook.com/senbennetco/videos/amache-virtual-discussion/3062184974043319/>

<https://www.youtube.com/watch?v=hpl5gtZxb9Q>

Secretary Haaland: "I know what it's like to feel compelled to tell your story so that it can never be forgotten. I also know that reliving our trauma is never easy. You not only bear the burden of this history, but you also bear the burden of sharing it. I am truly grateful to bear witness to your experiences to have the honor of visiting Amache tomorrow, as we approach the 80th Day of Remembrance, we honor the business owners, school teachers, farmers, and young children who were taken away from their homes and communities and incarcerated at sites run by the federal government... As some of you may know, I am intimately familiar with the forced removal of families from their homes. My maternal grandparents were stolen from their families when they were only eight

Funded in part through the NPS's Japanese American Confinement Sites (JACS) grant program, Japanese American organizations and local partners are working to preserve and interpret the incarceration sites for the Issei (first generation) at detention centers throughout the Western U.S. and the "Assembly Centers" located on the West Coast, which have direct connections to Minidoka, Japanese American and Alaska Native communities, including:

- Fort Richardson, Alaska (U.S. Army)<sup>200</sup>
- Santa Fe, New Mexico<sup>201</sup>
- Fort Missoula, Montana<sup>202</sup>
- Fort Lincoln, North Dakota (in partnership with the United Tribes Technical College)<sup>203</sup>
- Puyallup Fairgrounds, Washington (Camp Harmony)<sup>204</sup>
- Juneau, Alaska (Empty Chair Project)<sup>205</sup>
- Tanforan Memorial, California, dedicated in 2022<sup>206</sup>

America's changing commemorative landscape also includes BLM's work to preserve sacred sites for Tribal Nations on lands adjacent to the Chaco Culture National Historical Park and President Biden's designation of the Avi Kwa Ame National Monument.<sup>207</sup> President Biden also took action to honor the military service and sacrifices of America's veterans, such as the 10<sup>th</sup> Mountain Division by designating Camp Hale as a National Monument in 2022.

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years old and were forced to live in boarding schools away from their parents, culture and communities until they were 13. To heal from these types of historical wounds that we carry it takes a deep reckoning with these truths and a recognition that they have generational impacts. Through my role as Secretary, I see it as my responsibility to honor the communities and the history that is often underrepresented and is not given the time in history classes. Because this history is American history and all of us have an obligation to know it. I'm proud of the role that the National Park Service plays to honor this important history including stewarding six former incarceration sites across the country. I'm thrilled that Congress has taken bipartisan action today to send a bill to the President to add the Amache site as the newest unit of the National Park System, number 424. What a special day and fitting action as we approach this 80th Day of Remembrance, Japanese American incarceration is a page in our history books that we may not be proud of, but that we must learn from so that as a country we never repeat those wrongs in any way, shape or form."

<sup>200</sup> <https://www.juneauempire.com/news/research-into-interned-japanese-americans-in-alaska-receives-grant-support/> See also: [Fort-Richardson-Internment-Camp-3-21-2015-Final-Redacted.pdf \(alaskapublic.org\)](#)

<sup>201</sup> <https://www.abqjournal.com/2546395/righting-a-wrong-japanese-americans-and-world-war-ii-on-exhibit-at-t.html> See also: [https://www.santafenewmexican.com/news/local\\_news/80-years-later-internment-camp-still-an-unknown-part-of-santa-fe-history/article\\_d19976be-c24f-11ec-9ba3-fb4330c7e5df.html](https://www.santafenewmexican.com/news/local_news/80-years-later-internment-camp-still-an-unknown-part-of-santa-fe-history/article_d19976be-c24f-11ec-9ba3-fb4330c7e5df.html)

<sup>202</sup> <https://fortmissoulamuseum.org/exhibit/fort-missoula-alien-detention-center/> See also: <https://nbcmontana.com/news/local/fort-missoula-receives-grant-to-shine-light-on-internment-camp>

<sup>203</sup> <https://tribalcollegejournal.org/united-tribes-exhibit-promotes-human-rights/>

<sup>204</sup> <https://www.king5.com/article/news/local/japanese-american-internment-gallery-puyallup-fairgrounds/281-bcf6877c-3d7f-4b5e-8535-b5ede3919788>

<sup>205</sup> <https://emptychairproject.wordpress.com/>

<sup>206</sup> <https://www.tanforanmemorial.org/> See also: [https://encyclopedia.densho.org/Tanforan\\_\(detention\\_facility\)/](https://encyclopedia.densho.org/Tanforan_(detention_facility)/)

<sup>207</sup> <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon>  
<https://www.washingtonpost.com/climate-environment/2022/11/30/avi-kwa-ame-monument-nevada/>

Commemorative Events (Actions that Uplift) As part of the baseline description of the Japanese American community, there are several events which uplift our community. The DEIS does not adequately incorporate these events in the baseline description and assess the impacts of the wind project on these uplifting events. These events include Day of Remembrance and associated events (February-March) such as:

- Puyallup Fairground, WA – events sponsored by the Minidoka Pilgrimage Planning Committee and the Japanese American Citizens League (JACL) at “Camp Harmony” in Washington State.
- Idaho -- commemorative events sponsored by the Friends of Minidoka and JACL, including proclamations by the Governor of Idaho.
- Bainbridge Island (Eagledale Ferry Dock), WA -- commemorative events to mark the forced relocation of the Bainbridge Island Japanese American community on March 30, 1942 sponsored by the Bainbridge Island Japanese American Exclusion Memorial Association (BIJEAMA) and the Bainbridge Island Japanese American Community (BIJAC)

With the COVID pandemic in decline, Japanese American groups have restarted annual in-person pilgrimages. These events provide immersive experiences, opportunities for healing, sharing stories, and connecting the Japanese American diaspora and multiple generations. Minidoka Pilgrimage Planning Committee is planning to have its annual pilgrimage in 2023.<sup>208</sup> Annual pilgrimages are a critical part of the value of Minidoka for our community. According to Joanne Doi, pilgrimages are a “sacred journey” that captures a “sacred story of suffering and spirit”:

[They are] an attempt to regain our center as human persons and community by reconnecting to our history and each other on the periphery, on the margins. It is not escape but a return to the center of our history, the pivotal events that have marked us as Japanese Americans. In a paradoxical way, the center of our history located on the margins recreates and revitalizes as the truth of who we are shifts into place.<sup>209</sup>

Professor Donna Nagata also highlighted the benefits that pilgrimages provide to camp survivors:

“... group pilgrimages to former camp locations and annual ceremonies to remember the incarceration have also promoted healing. Pilgrimages allow children of survivors to vicariously witness their parents’ traumatic past and allow survivors to revisit traumatic memories amid positive support and respect (Loo, 1993). Initially undertaken by a few individual Nisei in the 1960s, pilgrimages have evolved into larger, organized and multigenerational events. Day of Remembrance ceremonies, which began in the 1970s with the redress movement (Maki et al., 1999) and are now held yearly on February 19th (the date of the removal order), also provide healing. Both pilgrimages and Day of Remembrance gatherings provide camp survivors, their

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<sup>208</sup> <https://www.minidokapilgrimage.org/>

<sup>209</sup> Joanne Doi, “Tule Lake Pilgrimage: Dissonant Memories, Sacred Journey,” in *Revealing the Sacred in Asian and Pacific America*, ed. Jane Naomi Iwamura and Paul Spickard (New York: Routledge, 2003), p. 280.

children, grandchildren, and the community an opportunity to remember to the past, a process that fosters group resilience and survival in traumatized groups (Lee & Clarke, 2013).<sup>210</sup>

*Japanese American Confinement Sites Grants (Actions that Uplift)*. In annual appropriations bills from FY 2009-2023, Congress has appropriated funds every year for the JACS program for a total of over \$43.5 million. To tell the whole story, the NPS awarded \$657,000 in grants for the guard tower, honor roll, interpretive material, digitization of resources and other projects at Minidoka. President Biden's FY 2024 budget request includes a request for JACS grants.

*Investments in Museum Education (Actions that Uplift)*. This changing commemorative landscape extends to regional and national museums and other institutions that help tell the full story of America. To complement America's changing commemorative landscapes, our nation is making significant investments in museums focused on the Japanese American and AANHPI experiences. In 2021, the Japanese American Museum of Oregon (JAMO) opened its new building Portland with a focus on Oregon's Nikkei community and the World War II incarceration.<sup>211</sup> An affiliate of the National Park Service and the Smithsonian, the Wing Luke Museum in Seattle interprets the stories of Washington States AAPI communities including the Japanese American incarceration.<sup>212</sup> The Idaho State Museum in Boise has partnered with Minidoka in its educational programming.<sup>213</sup>

At the national level, museums have helped tell the story. The Japanese American National Museum (JANM) has taken a lead role to document the lives of Japanese Americans, including before, during and after the incarceration. In 2020, Lonnie Bunch, the Secretary of the Smithsonian, announced "Our Shared Future: Reckoning with Our Racial Past."<sup>214</sup> Through this initiative, the Smithsonian will: "... explore the complicated history and legacy of race and racism in our communities and institutions ... [and support] a collective shift toward equity." In 2022, Congress passed legislation to authorize a Commission to support the proposed National Museum of Asian American History and Culture.<sup>215</sup> At the bill signing ceremony, Vice President Harris stated that the Museum:

"... will teach and tell the story of our country. This is a story about heroes who shaped our nation for the better, from the South Asian Americans who helped transform farming up and down the Pacific coast, to the Japanese Americans who defended our freedom during World War Two, to the Chinese American garment workers who marched through the streets of New York City 40 years ago to win better pay and benefits for all workers.

This is also a story about some of our country's darkest moments: the Chinese Exclusion Act, the internment of Japanese Americans, the murder of Vincent Chin, discrimination against South

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<sup>210</sup> Donna K. Nagata, Jacqueline H. J. Kim, Kaidi Wu, "The Japanese American Wartime Incarceration: Examining the Scope of Racial Trauma, *Am Psychol.*, January 2019, p. 13

<sup>211</sup> <https://jamo.org/exhibits/oregons-nikkei-an-american-story-of-resilience/>

<sup>212</sup> <https://www.wingluke.org/exhibit-resisters>

<sup>213</sup> <https://www.ktvb.com/article/news/local/idaho-state-museum-hosts-smithsonian-exhibit-focusing-on-detention-of-japanese-americans-during-wwii/277-1f852017-8fb0-49cb-be7b-694303ff92bf>

<sup>214</sup> <https://oursharedfuture.si.edu/>

<sup>215</sup> P.L. 117-140, "an act to establish the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture, and for other purposes."

Asian Americans after 9/11, and today's epidemic of hate, which is fueling violent acts against many communities including the AA and NHPI community."<sup>216</sup>

Generational Change. The DEIS describes the Japanese American community with a very broad brush, without the necessary baseline conditions, including the generational changes. With the passage of time, we are losing Minidoka survivors. Minidoka survivors are now in the late-seventies, eighties and older. The Japanese American community is in a race against time to commemorate and preserve these sites to honor survivors and ensure that we honor survivors while they are still alive. The first generation of Minidoka descendants, who were born after the incarceration, are also advancing in age.

Preserving these sites is critically important to provide meaning to the lives of their late-parents, grandparents and family members, many of whom served in the military. Through multi-generational visits to Minidoka, the Japanese American community seeks to engage the next generation of young people as stewards of Minidoka. Minidoka is our past and our future:

Even though many of the ambitious goals of the Japanese American community have been realized, the pilgrimages continue to fulfill an important function. Nisei join their children and grandchildren on these journeys, and the rituals have become intergenerational affairs.<sup>50</sup> As such, they provide the opportunity to share long-suppressed stories and feelings with one another.<sup>217</sup>

America's Racial Reckoning – Telling the Whole Story (Actions that Uplift). In 2021, the Department of the Interior has led an effort to acknowledge additional painful chapters in our history including the murder of Emmett Till, the trade in enslaved people at the Forks of the Road site in Natchez, the terrible legacy of family separations and social genocide at federal tribal boarding schools.

Contemporary Human Rights issues. As noted in the DEIS, Minidoka is a place "to make connections between past injustices ... and contemporary human rights issues."<sup>218</sup> The NPS's Foundation Document also notes that the site "provides an opportunity for understanding the need to protect civil rights and liberties for all regardless of gender, race, religion, sexual orientation, or national origin."

What happened eighty years ago drives the community to fight injustice on many fronts:

"Although the Civil Liberties Act brought a great deal of closure for Japanese American internees, former servicemen, and their descendants, it did not end the ordeal of the concentration camps and racial prejudice. The legacy of internment remains ever present for many Nikkei. Japanese American Nisei still deal with the psychological trauma and lingering

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<sup>216</sup> Remarks by President Biden and Vice President Harris at Signing of H.R. 3525, the "Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act," June 13, 2022. <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/06/13/remarks-by-president-biden-and-vice-president-harris-at-signing-of-h-r-3525-the-commission-to-study-the-potential-creation-of-a-national-museum-of-asian-pacific-american-history-and-culture/>

<sup>217</sup> Jane Naomi Iwamura, "Critical Faith: Japanese Americans and the Birth of a New Civil Religion," *American Quarterly*, September 2007, p. 950.

<sup>218</sup> DEIS, p. 3-195.

feelings of guilt and shame over the event. Their progeny also suffer the effects of the violation, as Sansei, Yonsei, and Gosei “continue to search for a sense of cultural identity and historical integrity.” Common to many descendants is an intense recognition of the suffering and sacrifice of the Issei and Nisei, and the need to pay homage to their Japanese American ancestors. The collective memory of internment also compels Japanese Americans to forge sympathetic connections with other communities of color and new immigrant groups who are at risk of suffering the same racist mistreatment and propels an intense mission to safeguard against governmental injustice.<sup>219</sup>

“Rituals play an important role in the preservation of memory as they involve the active bodily participation of all those who are present. Japanese American civil religion similarly involves rituals that bring a community together to remember the past for the sake of the present. These modern-day rituals, such as the annual pilgrimage to Manzanar that opens this article (and the Tule Lake Pilgrimage, which began in 1974), initially brought together Japanese Americans, mainly Sansei, who often lived in the shadow of their parents’ and grandparents’ silence, and helped them begin to recover a shattered past. As Joanne Doi explains: ‘These [events] were attempts to search out the truth of the history bound up in the silence of the Nisei and the classroom. The magnitude of the silence of the Nisei helped form the voice of the Sansei; the Nisei’s absence of outward emotional response mobilized the Sansei to begin to speak out.’<sup>48</sup> In a significant sense, the annual pilgrimages and Days of Remembrance prepared the way for more intense struggles (the fight for redress) and extended projects (the Japanese American National Museum).<sup>220</sup>

COVID Hate Crimes (Actions of oppression). The DEIS does not adequately analyze the cumulative impact of COVID 19 hate crimes on the Japanese American community. On May 20, 2022, the one-year anniversary of the signing of the COVID-19 Hate Crimes Act, the U.S. Departments of Justice (DOJ) and Health and Human Services (HHS) found that “[t]he tragic toll of the COVID-19 pandemic has been compounded by a surge in violence against communities of color, including Asian American and Black communities in the United States. Hate crimes in the United States rose in 2020 to the highest level in 12 years, with a significant increase in numbers of anti-Asian and anti-Black hate crimes.”<sup>221</sup> In response to the COVID-19 Hate Crimes Act’s requirement for guidance, DOJ and HHS found that:

“Hate crimes and hate incidents pose a unique and distinct harm in our society. Hate crimes have ‘a broader effect than most other kinds of crimes because the victims are not only the crime’s immediate target but also others like them.’ Failing to acknowledge the existence of hate crimes and hate incidents can exacerbate the isolation and danger communities feel; can make victims and communities feel devalued by and disconnected from government officials, law enforcement, and the community at large; can discourage victims from reporting hate crimes; and thus can deprive victims and communities of the resources and treatment they may

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<sup>219</sup> Jane Naomi Iwamura, “Critical Faith: Japanese Americans and the Birth of a New Civil Religion,” *American Quarterly*, September 2007, p. 943.

<sup>220</sup> Iwamura, at p. 950

<sup>221</sup> U.S. Departments of Justice and Health and Human Services, “Raising Awareness of Hate Crimes and Hate Incidents During the COVID-19 Pandemic,” May 20, 2022, p. 2.

need to address the individual and collective trauma and negative health impacts such incidents cause.” (internal citations removed).<sup>222</sup>

BLM’s effects analysis did not consider the cumulative impacts of COVID hate crimes on the Japanese American community:

“... the historical perpetuation of this othering process, embedded in fear of perceived outsiders and racial hatred, has allowed for more extreme, violent, and devastating violence and state abuse, such as the Japanese Concentration Camps following the Pearl Harbor attacks (Conrat & Conrat, 1972), and the seeming influx of hate crime we see today with the COVID-19 pandemic. Hate crimes during the COVID-19 pandemic are an extreme manifestation of othering illustrating the replicative and cumulative effects of the historical embeddedness of racism and xenophobia. That is, perpetrators exact violence to dehumanize and ostracize Asian Americans, stigmatizing and “marking” them as deviant to destroy their sense of belonging (Kim & Sundstrom, 2014), encourage and perpetuate ongoing exclusion, sustain feelings of superiority, and restore feelings of normalcy and comfort. It is likely that this rash of COVID-19 related hate crimes and incidents will have enduring deleterious psychological, emotional, and physical effects on Asian American victims and Asian communities, exacerbated by decades of generational trauma (Comas-Díaz, 2016). Arguably equally as devastating is the damage to society of normalizing the othering of any minority group based on race, ethnicity, religion, national origin, disability, gender identity, and/or sexual orientation.”<sup>223</sup>

*Erasure of AANHPI Cultural Sites (Acts of Oppression)*. In addition to the direct physical attacks and the broader emotional and social impacts of COVID-19 hate crimes, Japanese American historic sites have been damaged by vandalism and fires. In June 2022, the Shofuso House, located in a Japanese garden in Philadelphia, was vandalized.<sup>224</sup> In March 2022, a suspicious fire destroyed Japanese American structures at Historic Wintersburg in Huntington Beach, California.<sup>225</sup> In addition to crimes against property, Asian American heritage is also under assault including the demolition of the Yamaguchi Hotel

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<sup>222</sup> U.S. Departments of Justice and Health and Human Services, “Raising Awareness of Hate Crimes and Hate Incidents During the COVID-19 Pandemic,” p. 8.

<sup>223</sup> Angela R. Gover, Shannon B. Harper and Lynn Langton, “Anti-Asian Hate Crime During the COVID-19 Pandemic: Exploring the Reproduction of Inequality,” *American Journal of Criminology*, published online July 7, 2020. pp. 647-667.

<sup>224</sup> “Vandalism Hits Shofuso Japanese House and Garden,” *Pacific Citizen*, June 16, 2022. The article notes: “Although there is no evidence thus far that the vandalism was related to the surge in anti-Asian violence that began with the onset of the Covid-19 pandemic, Buscher speculated that this may have been more than a typical random or opportunistic act vandalism. ‘I think it’s really important to specify that this is the only physical site in the city of Philadelphia that is identifiably Japanese,’ Buscher said. ‘It’s the only piece of Japanese architecture, it’s the only Japanese cultural site in our entire region. So even if this was a crime of opportunity, there’s still some intent that happens behind choosing a target like this. I mean, people know this as the Japanese house. So, you know, given the climate of anti-Asian hate, that is certainly something that we’ve been dealing with here in the city of Philadelphia. To me, we can’t write off the possibility that there’s some sort of anti-Asian animus that’s involved in this.’”

<sup>225</sup> “Historic Wintersburg Structures Fall Victim to Fire, Demolition,” *Pacific Citizen*, March 18, 2022.

in Portland, Oregon<sup>226</sup> and the Philadelphia 76ers proposed new basketball arena that would damage Philadelphia’s Chinatown community.<sup>227</sup>

### 3.6.2.2.3 Alternative C (Reduced Western Corridors)

BLM rightfully finds that any alternative would have “disproportionately high and adverse impacts to the Japanese American community...”:

“Given the importance of environmental setting and feeling to the visitor experience of remoteness, isolation, abandonment, reflection, and healing at these sites, any adverse effects to the baseline soundscape or landscape would have a disproportionately high and adverse effect on the Japanese American community.”<sup>228</sup>

However, the BLM wrongfully states that the “the degree of visual change ... would be reduced from major to moderate.”<sup>229</sup> The visual simulations from KOP 1, KOP 2 and the Honor Roll clearly show major visual changes. In addition, the visual modeling in the Minidoka ACEC nomination shows major visual changes from the multiple locations in the park.<sup>230</sup>

### 3.6.2.2.5 Alternative E (Reduced Southern Corridors)

BLM rightfully finds that any alternative would have “disproportionately high and adverse impacts to the Japanese American community...”:

“Given the importance of environmental setting and feeling to the visitor experience of remoteness, isolation, abandonment, reflection, and healing at these sites, any adverse effects to the baseline soundscape or landscape would have a disproportionately high and adverse effect on the Japanese American community.”<sup>231</sup>

However, the BLM wrongfully states that for both Alternatives C and E “the degree of visual change ... would be reduced from major to moderate.”<sup>232</sup> The visual simulations from KOP 1, KOP 2 and the Honor Roll clearly show major visual changes. In addition, the visual modeling in the Minidoka ACEC nomination shows major visual changes from the multiple locations in the park.<sup>233</sup>

### Alternative C & E. Impairment of the Park’s Fundamental Resources and Values.

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<sup>226</sup> <https://www.opb.org/article/2023/03/13/the-fight-over-portlands-yamaguchi-hotel-and-the-future-of-japantown/>

<sup>227</sup> <https://www.axios.com/local/philadelphia/2023/03/07/chinatowns-shrinking-philadelphia-76ers-stadium>

<sup>228</sup> DEIS, p. 3-211.

<sup>229</sup> DEIS, p. 3-211.

<sup>230</sup> ACEC Nomination, pp. 15-16.

<sup>231</sup> DEIS, p. 3-213.

<sup>232</sup> DEIS, p. 3-212 and 3-213.

<sup>233</sup> ACEC Nomination, pp. 15-16.



Because of the negative impacts of both Alternatives C and E, this section will comment on both Alternatives' impairment of Minidoka's fundamental resources and values which would violate the NPS Organic Act, NPS Policies and other authorities. In 2006, the NPS completed its GMP which NPS adopted through a record of decision (ROD) based on the GMP/Final Environmental Impact Statement. The ROD's Selected Action provides that "[o]n site education and interpretation will be accomplished through a wide range of visitor experiences, including immersion into the historic scene, interaction with a variety of educational and interpretive media and personal services, and participation in creative and self-directed activities."<sup>234</sup>

The final Minidoka GMP identified maintaining the park's immersive setting, scenic vistas of the surrounding landscape, and living conditions during World War II as park priorities:<sup>235</sup>

- Desired future conditions and goals for adjacent lands: "[t]he vastness, isolation, and open character of site's desert environment that existed during the historic period are maintained through collaborative partnerships and cooperative efforts with surrounding landowners and others."
- Scenic Resource Management goals:
  - "Scenic viewing areas and interpretive overlooks along the northern boundary of the site and within the east end site will be developed to provide panoramic views of the physical extent of the historic residential areas."
  - "[t]he NPS will collaborate with neighboring landowners to assist in the protection of historically significant distant views to the surrounding areas."
- Education and interpretation will be accomplished "through immersion into the historic scene," and "[t]he use of historically accurate buildings, features, and their site context will provide visitors with an opportunity to experience a high level of interest in living conditions associated with the historic period."
- Contemplative setting and sense of openness: "[t]he historic open space will provide a contemplative setting with restored historic pathways and the historic perimeter fence, along with interpretive trails and waysides that will allow for self-guided exploration. The historic open space will provide a sense of openness that was apparent during the historic period."
- Interpretative themes:
  - "The setting and location of Minidoka, with its isolation, openness, and distance from the Pacific Coast, are characteristic of the War Relocation Authority's site selection criteria."
  - "Internees transformed undeveloped arid land into irrigated agricultural fields in and around the Minidoka Relocation Center. The present-day agricultural character of the Hunt area is the legacy of the internees' labor during World War II."
  - Agricultural development following World War II.

The NPS's 2016 Foundation Document further refined the General Management Plan and summarized the park's fundamental resources and values including:<sup>236</sup>

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<sup>234</sup> U.S. Department of the Interior, National Park Service, "Record of Decision," General Management Plan, Final Environmental Impact Statement, Minidoka Internment National Monument," Jonathan B. Jarvis, Regional Director, Pacific West Region, September 6, 2006, p. 1-2.

<sup>235</sup> National Park Service, "Minidoka Internment National Monument: General Management Plan," 2006.

<sup>236</sup> "Foundation Document, Minidoka National Historic Site, Idaho and Washington," 2016.

- Environmental Setting: “Minidoka’s remote location in the high desert of Idaho provides an immersive setting that is fundamental to the visitor experience. Views of open fields and distant mountains create a sense of isolation on a vast landscape where Minidoka once stood...Extreme changes in temperature, the arid environment, and high winds that the people at Minidoka experienced are part of the environmental setting that are felt today. Experiencing this environmental setting allows visitors to better understand and connect to the daily lives at Minidoka.”
- Commemoration and Healing: Minidoka provides a place “... for engagement, reflection, and healing. These sites provoke connections to individuals affected by the World War II exclusion, forced removal, and unjust incarceration, and serves to commemorate those who survived this difficult chapter of American history.”
- Public Understanding, Education, and Involvement: “Educating and engaging the public in understanding the history of the incarceration of Japanese Americans during World War II, the fragile nature of civil rights, and the need to protect civil and constitutional rights in the United States is essential...At Minidoka, special events such as the pilgrimage and the civil liberties symposium connect the public to the history that occurred here and its significance today.”

While an improvement over LS Power’s Plan of Development, Alternatives C and E would have significant negative visual impacts on Minidoka NHS’s fundamental resources and values, the Minidoka Relocation Center and Minidoka TCP. As depicted in the DEIS, Alternatives C and E with both the 3 and 6 MW turbines are clearly visible from KOP 1 (Visitor Center), KOP 2 (Barracks Block 22) and KOP 16 (Honor Roll). The ACEC petition also identifies the significant negative visual impacts on other parts of the park including the fire station/water tower, reconstructed guard tower, and multiple reflective stops located throughout the park.<sup>237</sup>

Based on the visual models, the visual impacts are significantly worse in the mornings, based on the backlighting of the turbines by the rising sun. Because of inherent limitations in printed and computer-based images, the DEIS’s static and dynamic visual simulations do not accurately convey the real world on the ground impacts on the park’s resources and visitors. Also, there is a high level of subjectivity in BLM’s ratings analysis, as each rater has his or her own perception.

BLM’s dynamic simulations show a wall of wind turbines that would occupy a significant percentage of the park viewshed and would damage the park’s fundamental resource values and have significant negative impacts on both feeling and association. The dynamic simulations depict the shorter 3 MW wind turbines (545 feet), rather than the larger 6 MW turbines (740 feet). In analyzing Alternative H, BLM notes that there is lesser wind resources at lower elevation. The dynamic simulations also do not show the harmful impacts of the turbine lights on the night-sky.

BLM’s analysis does not evaluate the visual impacts from the “glinting.” According to a study by the Argonne National Laboratory:

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<sup>237</sup> ACEC Petition, pp. 14-15.

Blade glinting is the brief, often repeated flash of point-like light reflection from wind turbine blades, typically seen near the hub. In the authors' experience, glinting may last from a few seconds to tens of seconds, occasionally longer, and is subject to rapid appearance and disappearance or fluctuation from minor changes in rotor orientation with respect to the sun angle. In the course of the study, glinting was observed 18 times; in all cases except one, the distance was less than 16 km (10 mi); however in one instance, glinting was clearly visible at a distance of 26.1 km (16.2 mi), and even at that long distance was judged to be very noticeable, and was in fact first observed through a casual glance from a moving vehicle.<sup>238</sup>

BLM's analysis does not evaluate the visual impacts from the "strobe effect." According to a study by the Argonne National Laboratory:

Shadows of turbine blades falling on towers when the sun is at a low elevation can cause a strobe-like effect as the blade shadow passes the lit tower repeatedly. In some instances, this can add substantially to the visibility of the wind facility. This common phenomenon was recorded 43 several times in the course of the study, at distances ranging up to 28.3 km (17.6 mi). A notable observation occurred at the Dunlap facility on October 19, at a distance of 16.3 km (10.1 mi). In this instance, just before sunset, the shadowing of turbine towers by blades caused the strobeflike effect to appear on almost all of the visible turbines in the facility, which had the appearance of whole turbines "turning off and on" as each blade passed, but with this effect occurring simultaneously for all of the visible turbines. The effect was very striking, and strongly attracted visual attention.<sup>239</sup>

#### 3.16.1.1.2 Key Observation Points

BLM's analysis of visual impacts is flawed based on an incomplete and inaccurate methodology of visual sensitivity for the Japanese American community. According to the project's consultant, "[v]isual sensitivity reflects attitudes and perceptions held by people regarding the landscape and, in general, reflects the public's level of sensitivity for noticeable change to the landscape."<sup>240</sup>

Sensitive user groups. The DEIS identified three key observation points (KOPs) associated with Minidoka, including the new visitor center (KOP 1), barrack block 22 (KOP 2) and the view looking east towards the Honor Roll from the park entrance (KOP 16).<sup>241</sup> The DEIS defines tourist and recreational users as "local and seasonal residents engaged in recreational activities, and tourists and recreation users visiting from outside the local area."<sup>242</sup> However, the DEIS wrongly categorizes members of the Japanese American community as "tourists and recreational users."<sup>243</sup>

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<sup>238</sup> Robert G. Sullivan, Argonne National Laboratory Argonne, et al. "Wind Turbine Visibility and Visual Impact Threshold Distances in Western Landscapes," 2012, p. 42.

<sup>239</sup> Robert G. Sullivan, Argonne National Laboratory Argonne, et al. "Wind Turbine Visibility and Visual Impact Threshold Distances in Western Landscapes," 2012, p. 43.

<sup>240</sup> SWCA Environmental Consultants, "Visual Resource Technical Report for the Lava Ridge Wind Project," January 2023, p. 9.

<sup>241</sup> Table 3.16-2 "Key Observation Points in the Visual Resource Analysis Area," DEIS, p 3-404. This chart is not accurate because it does not list KOP 16.

<sup>242</sup> DEIS, p. 3-403.

<sup>243</sup> "Sensitive viewer group," Id.

In contrast to this mischaracterization, Lawrence Matsuda, a Minidoka survivor, states “I’m not a ‘tourist.’ I am a survivor.”<sup>244</sup> As a result, this list does not accurately reflect the connection between the Japanese American community and Minidoka, which is sacred ground. Minidoka is not a tourist attraction for the Japanese American and Alaska Native communities with family connections to Minidoka. It is a place of deep sacred connections to family members who are no longer with us, to Nihonmachi (Japantowns), farming communities, schools, friends, jobs, businesses, houses, pets and neighborhoods lost forever because of racism and prejudice. Minidoka is a place of deep spiritual resonance and connection.

While the project consultant highlighted the unique sensitivities of the Japanese American community, the DEIS does not accurately describe or analyze the visual impact on the Japanese American community, including survivors, descendants and Japanese Alaskans.<sup>245</sup> We recommend that BLM develop a new category of sensitive users, maybe entitled commemorative users,<sup>246</sup> and develop a new methodology for assessing the impacts. We note that there might not be this type of analysis available because agencies generally respect sacred ground and avoid siting energy projects in areas that would impact national park units, such as the Manzanar National Historic Site<sup>247</sup> and the Sand Creek Massacre National Historic Site.

BLM’s current methodology is flawed because it only lists limited types of sites that have “visual importance relative to one’s home, social, business, and recreation environment.”<sup>248</sup> If BLM seeks to locate renewable energy sites in high conflict areas, BLM could consider adding “sacred ground, memorials to veterans and victims of racial prejudice, cemeteries, places of healing and commemoration, Traditional Cultural Property and sites of religious significance” to this list of types of sites.

*Definition of Recreational User and Tourists.* While the DEIS does not define recreational users and tourists, its consultant lists recreational users as including “those involved in active recreation (e.g., hiking, off-highway vehicles, hunters) and those involved in more passive recreational activities (e.g., sightseeing or wildlife observation) ... [a]s distinguished from recreational visitors, tourists may be just passing through the local area or staying for a period of varying duration to enjoy local attractions. Tourists typically come to the area for activities such as visiting historic or geologic sites, taking

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<sup>244</sup> <https://www.kuow.org/stories/sacred-ground-why-camp-minidoka-s-survivors-say-no-to-this-windfarm>

<sup>245</sup> SWCA Environmental Consultants, “Visual Resource Technical Report for the Lava Ridge Wind Project,” January 2023, p. 9. “... localized sensitive groups occur within the SLRU (e.g., Minidoka Historic Site visitors) where the surrounding visual context and character of the area is important and of higher sensitivity to visual change from a cultural-visual perspective than the typical visitor due to the significance of the site and historical context.”

<sup>246</sup> This commemorative user category could include groups like the Families of Flight 93 at the Flight 93 Memorial, Cheyenne and Arapahoe Tribal Members at the Sand Creek Massacre National Historic Site, Gold Star families at Arlington Cemetery and other cemeteries.

<sup>247</sup> <https://www.pacificcitizen.org/solar-energy-plants-near-manzanar-on-hold/>

<sup>248</sup> SWCA Environmental Consultants, “Visual Resource Technical Report for the Lava Ridge Wind Project,” January 2023, p. 15

sightseeing tours, visiting friends and family, and attending festivals or events...”<sup>249</sup> We recommend that BLM develop a more accurate definition of visitors to Minidoka.

Additional KOPs – Historic Fire Station (former Herrmann farm). BLM’s limited selection of KOPs at Minidoka does not accurately assess the visual impacts on sensitive user groups. The old fire station is located on higher ground and would enable the BLM to get a better understanding of the impacts on the park.

Vulnerability model. We recommend that BLM adopt its own methodologies to assess the visual impacts relating to vulnerability and impact pathway. Under BLM’s vulnerability model for environmental justice communities: vulnerability = exposure + sensitivity. “Exposure is used here broadly to mean the potential to be affected by environmental change, whether through physical, technological, or socioeconomic factors. Sensitivity refers to any factor that may increase or decrease the magnitude of impact...To be *vulnerable* to a change a population must be *sensitive* to it and *exposed* to it.”<sup>250</sup>

Alternatively, BLM could consider its impact pathway methodology, which “involves the chain of factors by which an environmental change could have(human) consequences.”<sup>251</sup> The impact action model considers action, population, exposure, sensitivity and impact.<sup>252</sup>

Under both methodologies, BLM should consider the emotional sensitivity of the Japanese American community and the impact of the U.S. Government’s betrayal on the community. Minidoka is about survivors living with a sense of shame for decades afterward and going to their graves thinking that they were “the enemy.” It is about the Japanese American diaspora – families scattered across the country and never returning to their homes on the West Coast. It is a place to heal multi-generational trauma that has flowed through our community for decades. It is about acknowledging a wrong and helping us heal. Siting wind turbines against the backdrop of the Military Honor Roll is a profound sign of disrespect to the memories of Japanese American veterans and their courage and sacrifice for a nation that imprisoned their families.

Visual Resource Contrast Rating. BLM did not follow its policies relating to visual resource contrast ratings with regard to degrees of visual change. BLM policy requires field offices to designate visual resource management classes.<sup>253</sup> However, the Monument RMP does not include have VRM classes.<sup>254</sup> The BLM policy for this case is “[w]here there are no RMP approved objectives, interim Visual Resource Management (VRM) classes will be developed using the guidelines in Handbook H-8410-1 except: (1

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<sup>249</sup> Id at p. 14

<sup>250</sup> BLM, “Addressing Environmental Justice in NEPA Documents,” p. 25.

<sup>251</sup> Id at 25.

<sup>252</sup> See Table 9, p. 25.

<sup>253</sup> BLM Manual 8431.06 Policy. A.2 “Visual management objectives (classes) are developed through the RMP process for all Bureau lands. The approved VRM objectives shall result from, and conform with, the resource allocation decisions made in RMP’s.”

<sup>254</sup> SWCA Environmental Consultants, “Visual Resource Technical Report for the Lava Ridge Wind Project,” January 2023, p. 6.

The inventory will be limited to the area affected by the project; and (2) the VRM classes will reflect the management decision made in existing RMP's."<sup>255</sup>

While BLM completed project related visual resource inventories,<sup>256</sup> the Visual Resources Technical Report said it would not evaluate conformance with existing or interim VRMs, as required by BLM policy.<sup>257</sup> Identifying interim VRMs will help guide agency actions, including mitigation.<sup>258</sup> For Alternatives C and E, the BLM describes the impacts on the Minidoka KOP's as "moderate." The purpose of determining degrees of visual change, whether major or moderate, is to compare those findings with the RMP's VRMs, or interim VRM classes.<sup>259</sup> Please include interim VRM's in the DEIS.

Degree of Visual Change. The DEIS states that both alternatives C & E would have moderate degrees of visual change based on a percentage of visible acres within the distance zone. BLM's distance zones are defined as immediate foreground (0-2 miles), foreground (2-10 miles), middleground (10-20 miles), and background (20-30 miles). BLM's should consider a model developed by researchers at the Argonne National Laboratory, which was commissioned by BLM, which shows major impacts at farther distances.<sup>260</sup> The Argonne analysis found that: "[u]nder favorable viewing conditions, the wind facilities were judged to be major foci of visual attention at up to 19 km (12 mi) and likely to be noticed by casual observers at >37 km (23 mi). A conservative interpretation suggests that ...facilities could be major sources of visual contrast at up to 16 km (10 mi)."<sup>261</sup> We encourage BLM to consider the Argonne methodology because it more accurately assesses the impacts.

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<sup>255</sup> BLM, "Manual 8431 – Visual Resource Contrast Rating," 1986, p. 2 "II. Steps in the Contrast Rating Process. B. Identify VRM Objectives." As noted above, the Monument RMP has strong protections for cultural resources, stating that they will always be protected.

<sup>256</sup>SWCA Environmental Consultants, "Visual Resources Technical Report for the Lava Ridge Wind Project," January 2023, p. i, "The BLM uses the VRM system to classify and manage visual resources on lands under its jurisdiction, assigning a visual resource inventory (VRI) class designation to indicate the relative scenic quality of various areas. SWCA Environmental Consultants (SWCA) and the BLM conducted a project-level VRI to document the visual values (e.g., scenic quality, sensitivity, and visual distance zones) within a 30-mile visual resource analysis area (analysis area) in February 2021."

<sup>257</sup> SWCA Environmental Consultants, "Visual Resources Technical Report for the Lava Ridge Wind Project," January 2023, p. 6, "The SFO 1986 Monument RMP (BLM 1986c) does not establish VRM classes or associated visual management objectives for BLM public land within the analysis area and therefore determination of conformance with VRM objectives following current BLM policy will not be determined in this study."

<sup>258</sup> BLM, "Manual 8431 – Visual Resource Contrast Rating," 1986, p. 2 "III. Requirements for Completing the Contrast Rating Worksheet 4.d Developing Additional Mitigation Measures."

<sup>259</sup> BLM, "Manual 8431 – Visual Resource Contrast Rating," 1986, p. 5 "III. Requirements for Completing the Contrast Rating Worksheet," p. 5 "3. Determining Whether VRM Objectives are Met (Section D2). Compare the contrast ratings with the objectives for the approved VRM Class (see Appendix 2 for definitions of VRM classes). For comparative purposes, the four levels of contrast (i.e., none, weak, moderate, and strong) roughly correspond with classes I, II, III, and IV, respectively. This means that a "strong" contrast rating may be acceptable in a class IV area but probably would not meet the VRM objectives for a class III area. In making these comparisons, one must also look at the cumulative effect of all the contrast ratings. Certain combinations of ratings may indicate there is a stronger overall contrast than the individual ratings show. For example, several "moderate" ratings when viewed in combination may warrant an overall "strong" rating."

<sup>260</sup> Robert G. Sullivan, Argonne National Laboratory Argonne, et al. "Wind Turbine Visibility and Visual Impact Threshold Distances in Western Landscapes," 2012, p. 3.

<sup>261</sup> Id. The Argonne researchers evaluated the visual impacts of existing wind projects in 2011, with turbine blade tip heights under 400 feet. See: p.14-15.

Sensitivity Level Analysis. The DEIS’s visual resource inventory is based on its Sensitivity Level finding of Moderate. BLM policy requires field office to prepare sensitivity level analysis, based on high, medium or low sensitivity levels “by analyzing the various indicators of public concern:”<sup>262</sup> Below are the rating elements taken from BLM Form 8400-6 Sensitivity Level Rating Sheet:

1. Type of Users. Visual sensitivity will vary with the type of users. Recreational sightseers may be highly sensitive to any changes in visual quality, whereas workers who pass through the area on a regular basis may not be as sensitive to change.
2. Amount of Use. Areas seen and used by large numbers of people are potentially more sensitive. Protection of visual values usually becomes more important as the number of viewers increase.
3. Public Interest. The visual quality of an area may be of concern to local, State, or National groups. Indicators of this concern are usually expressed in public meetings, letters, newspaper or magazine articles, newsletters, land-use plans, etc. Public controversy created in response to proposed activities that would change the landscape character should also be considered.
4. Adjacent Land Uses. The interrelationship with land uses in adjacent lands can affect the visual sensitivity of an area. For example, an area within the view shed of a residential area may be very sensitive, whereas an area surrounded by commercially developed lands may not be visually sensitive.
5. Special Areas. Management objectives for special areas such as Natural Areas, Wilderness Areas or Wilderness Study Areas, Wild and Scenic Rivers, Scenic Areas, Scenic Roads or Trails, and Areas of Critical Environmental Concern (ACEC), frequently require special consideration for the protection of the visual values. This does not necessarily mean that these areas are scenic, but rather that one of the management objectives may be to preserve the natural landscape setting. The management objectives for these areas may be used as a basis for assigning sensitivity levels.
6. Other Factors. Consider any other information such as research or studies that includes indicators of visual sensitivity.

The DEIS rated the Twin Falls Metro SLRU (#01) and Wilson and Kimama Buttes SLRU (#05) as “moderate” for sensitivity level rating.<sup>263</sup> The Visual Resources Technical Report found that “the combination of the amount of use, diverse user groups, public interest associated with locations within the area, and designated special areas (e.g., Minidoka Historic Site and the Snake River Canyon) have relative visual importance. This also means that there is a moderate level of tolerance related to visual changes within the landscape in general based on the degree of modifications that currently exist. It should be noted that localized sensitive groups occur within the SLRU (e.g., Minidoka Historic Site

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<sup>262</sup> BLM, “Manual H-8410-1. Visual Resource Inventory, Sec. III Sensitivity Analysis” 1986.

<sup>263</sup> DEIS, Figure 3.16-2 Sensitivity level ratings in the visual resource analysis area., p. 3-405.

visitors) where the surrounding visual context and character of the area is important and of higher sensitivity to visual change from a cultural-visual perspective than the typical visitor due to the significance of the site and historical context.”

The BLM’s moderate sensitivity level ratings for the two SLRUs is based on flawed analysis. It does not appear that the BLM considered the Minidoka TCP when it found a moderate sensitivity level rating. There is a high level of public concern about the Twin Falls SLRU (#01) and Wilson and Kimama Buttes SLRU (05) to support a finding that the sensitivity level rating is high. The following suggested analysis and ranking is based on BLM Form 8400-6 Sensitivity Level Rating Sheet:

1.Types of user. Because of the importance of Minidoka as a place for healing and learning, the Japanese American community is highly sensitive to any changes in visual quality. The Japanese American community has fought to preserve Minidoka’s viewshed to preserve the immersive setting, feeling of isolation and to interpret the living conditions of Minidoka incarcerated, as required by Congress. BLM’s stakeholder report found that the Japanese American community has deep and unique connections to the scenery around Minidoka.<sup>264</sup> Also, the Lava Ridge Subcommittee received information highlighting the importance of maintaining visual quality for recreational users and the immersive experience:

Suggested ranking: “Maintenance of visual quality is a major concern for most users” High

2. Amount of use. According to the BLM’s table for classifying the amount of use “recreation sites, with greater than 10,000 visitor days/year,” merits a high ranking for visitor use. In 2022, Minidoka National Historic Site received 13,717 visitors.<sup>265</sup> This does not include recreational visits to the public lands and use of roads and highways through the project area.

Suggested ranking: “Maintenance of visual quality becomes more important as the level of use increases” High (based on the BLM’s Table for Classifying Amount of Use)

3.Public Interest. LS Power’s Lava Ridge proposal has generated a high level of public interest both locally and nationally as demonstrated by: scoping letters submitted to BLM, articles and press coverage in local, regional and national news outlets, designation of Minidoka as one of the 11 most endangered sites by the National Trust for Historic Preservation in 2022, extensive public comment and participation in the BLM’s Lava Ridge Subcommittee including a very large turnout for the June 2022 tour, letters of opposition, public comments, and the Subcommittee’s final report, several large Stop Lava Ridge meetings in Jerome starting in May 2022 and running through February 2023, letters to the editor of the Twin Falls Times-News, the Stop Lava Ridge web-page and facebook group. The high level of

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<sup>264</sup> BLM, Shoshone Field Office, “Lava Ridge Wind Project Stakeholder Assessment and Engagement Report,” 2022, pp. 2-3. “The viewshed, noise, and light pollution associated with the proposed project were common concerns identified during interviews, consistent with previous engagement input. During these recent conversations, however, it became clear it was not just the visual disruption, it was also the sense of place and remembrance that resonates with visitors to the NHS. The vast open landscape and isolation all add to the educational and emotional narratives. These characteristics are most important to preserve according to the assessment participants.”

<sup>265</sup> <https://irma.nps.gov/Stats/Reports/Park/MIIN>



controversy is also demonstrated by the letter to BLM signed by the Governor, Lt. Governor and Members of the Idaho Congressional delegation in February 2023, unanimous passage of House Concurrent Resolution #4 opposing the project in the Idaho Legislature, questions from Mike Simpson to the Secretary and BLM Director at March 2023 budget hearings before the House Interior Appropriations Subcommittee, a seven county anti-Lava Ridge resolution attended by several hundred people,<sup>266</sup> and an anti-Lava Ridge rally in Twin Falls on April 11, 2023.

Suggested ranking: "Maintenance of visual quality is a major public issue" High

4. Adjacent Land Use. The Minidoka National Historic Site and Minidoka Relocation Centers are adjacent land uses.<sup>267</sup> The National Park Service, through its management planning, has identified the viewshed as a fundamental resource and value to be managed unimpaired.

Suggested ranking: "Maintenance of visual quality to sustain adjacent land use objectives is very important" High

5. Special Area. Minidoka is a Presidentially-designated and Congressionally-ratified unit of the National Park System. Congress has given specific guidance for the management of the Minidoka Relocation Center.

Suggested ranking: "Maintenance of visual quality to sustain Special Area management objectives is very important" High

6. Other Factors. As noted above, the Friends of Minidoka commissioned a report that found that Minidoka's viewshed located in the Twin Falls and nearby SLRUs is Traditional Cultural Property (TCP). The Idaho SHPO has concurred with a finding that the TCP is eligible for listing on the National Register of Historic Places. As noted above, the Friends of Minidoka submitted a petition to BLM to designate the area as an Area of Critical Environmental Concern, which is currently being reviewed. And as noted above, there is substantial guidance from the Biden Administration relating to racial and environmental justice, AANHPI heritage, underserved communities and telling the whole story.

In addition, the BLM should address how the Twin Falls and Wilson and Kimama Butte SLRUs were delineated. BLM policy states that SLRU "boundaries will depend on the factor that is driving the sensitivity consideration. Consequently, a thorough review of the factors referred to in IIIA [Sensitivity Level Analysis - Factors to Consider listed above] should be completed before any attempt is made to delineate SLRU's." <sup>268</sup> These factors include the TCP and proposed ACEC.

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<sup>266</sup> [https://magicvalley.com/news/local/counties-sign-resolution-calling-for-halt-to-lava-ridge-other-wind-projects-in-magic-valley/article\\_24f0b31c-d4ac-11ed-9d59-672cc4eda60a.html](https://magicvalley.com/news/local/counties-sign-resolution-calling-for-halt-to-lava-ridge-other-wind-projects-in-magic-valley/article_24f0b31c-d4ac-11ed-9d59-672cc4eda60a.html)

<sup>267</sup> Minidoka NHS is adjacent to BLM land, even though it doesn't adjoin BLM land. Black's Law Dictionary defines "Adjacent: adj., Lying near or close to, but not necessarily touching. Cf. adjoining."

<sup>268</sup> III. Sensitivity Level Analysis- Delineation of Sensitivity Level Rating Units (SLRU's) BLM Manual H-8410-1 - Visual Resource Inventory, 1986.

Visual Resource Inventory Classes. The BLM may wish to reconsider its sensitivity level ratings to develop its visual resource inventory (VRI) classes. The BLM uses a matrix to determine its VRI classes. The BLM determined that the area proposed for the wind project has a visual resource inventory class 4.<sup>269</sup>

Mitigation. While we appreciate BLM's efforts to minimize damage to Minidoka's cultural and historic values, Alternatives C and E have "disproportionately high and adverse impacts to the Japanese American community and Native American tribes."<sup>270</sup> This proposed wind project suffers from intrusive viewshed impacts to Minidoka National Historic Site BLM must follow the mitigation hierarchy in evaluating those impacts. The DEIS does not adequately identify mitigation measures that would offset the disproportionate adverse impacts.

As noted above, these Alternatives do not conform with requirements in the BLM's Monument Resource Management Plan (RMP) to preserve Japanese American Traditional Cultural Property (TCP) and other cultural values.

Based on Lava Ridge's unacceptable impacts to our community, we recommend that BLM adopt Alternative A, the No Action alternative and begin a public planning process to consider the ACEC.

## **VII. Public Involvement**

The Lava Ridge permit process began with little outreach to the Japanese American community. This directly contravenes the administration's Executive Orders and policies regarding stakeholder engagement while implementing its climate agenda.

Climate Crisis Executive Order 14008. On January 27, 2021, President Biden issued Executive Order 14008, entitled "Tackling the Climate Crisis at Home and Abroad." The Climate Crisis E.O. states the goals of the Administration to reduce climate pollution and deliver environmental justice.<sup>271</sup> The E.O. also states that: "[s]uccessfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments."

Secretarial Order 3399. To carry out this guidance from the President's Climate Crisis EO, Secretary Haaland issued Secretarial Order 3399, entitled a "Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process." Section 5 (c) of the Secretary's Order clearly requires BLM to engage with stakeholders early in the planning process, before a decision to prepare an environmental impact statement: "Bureaus/Offices will proactively begin consultation

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<sup>269</sup> DEIS, Figure 3.16-4 "Project level Visual Resource Inventory Classes", p. 3-407.

<sup>270</sup> Table 3.6-2 "Summary of Impacts to Dispersed Environmental Justice Communities," DEIS at 3-202.

<sup>271</sup> "It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure." Emphases added.

with potentially impacted Tribes, both those currently in the proposed area and those with a historic presence, as well as engage potentially impacted environmental justice communities early in the project planning process. ‘Early in the project planning process’ includes when a Bureau/Office has enough information on a proposed action to determine that an environmental assessment or an environmental impact statement will be prepared.” Emphases added.

Misleading Conflicts Map. BLM’s failure to comply with SO 3399 led to a flawed process and reliance on faulty information to consider LS Power’s application. According to Mike Courtney, BLM developed a “conflicts map” of the Twin Falls District which identified important areas for Sage Grouse and other resources, but not Minidoka and off-reservation treaty rights held by the Shoshone Bannock Tribes.<sup>272</sup> The flawed conflicts map shows the Minidoka Relocation Center as a “no conflict” area despite Congressional direction to the Secretary to preserve and interpret the MRC and an NPS finding of National Significance.

Failure to conduct inventory and monitoring. BLM did not comply with its own guidance to conduct inventories and monitoring to identify trends and emerging issues during plan evaluations that are supposed to occur every five years.<sup>273</sup> As noted in the BLM Instruction Memorandum 2023-013:

BLM state offices should ensure that inventories used to obtain information and data on the relevance and importance of values, resources, systems or processes, and natural hazards (MS-1613.21(B)) are kept current consistent with section 201(a) of FLPMA “so as to reflect changes in conditions and to identify new and emerging resource and other values” (43 USC 1711(a)). Inventories and subsequent monitoring should be performed and updated on intervals appropriate to the resource value sensitivity to ensure data are available to identify trends and emerging issues during the plan evaluations that occur every 5 years (43 CFR 1610.4-9; MS-1613.63; Handbook-1601-1, Land Use Planning, rel. 1-1693)

Idaho Renewable Energy Strategy. In early 2023, the Idaho BLM office adopted a new Idaho Renewable Energy Strategy.<sup>274</sup> In outlining the strategy, the BLM implemented improvements to considering renewable energy projects via an Instruction Memorandum “Pre-National Environmental Policy Act (NEPA) Assessment Process for Wind and Solar Energy Development Applications.”<sup>275</sup> In a tacit acknowledgment of the flawed public process associated with the Lava Ridge project, the Memorandum states “[s]creening and prioritization of applications that are less likely to be developed is required to reduce Bureau workloads; to facilitate accelerated processing and decision-making for projects with the greatest technical and financial feasibility and the fewest anticipated natural and cultural resource conflicts...”

However, the BLM did convene the Lava Ridge Subcommittee of the Resource Advisory Council which held several public meetings and received input from subject matter experts and members of the public.

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<sup>272</sup> See “Conflicts Map” posted on BLM Lava Ridge Subcommittee webpage.

<sup>273</sup> 43 CFR § 1610.4-9 Monitoring and evaluation. The plan “shall establish intervals and standards, as appropriate for monitoring and evaluation of the plan.”

<sup>274</sup> <https://www.blm.gov/programs/energy-and-minerals/renewable-energy/strategy/idaho>

<sup>275</sup> <https://www.blm.gov/policy/id-2023-009>

All of the Subcommittee members supported Alternative A – the no action alternative. The Subcommittee also issued a report which highlighted significant concerns about the proposal.

**VIII. Conclusion**

We urge BLM to support and advance a Greater Minidoka Area of Critical Environmental Concern through a Resource Management Plan amendment and adopt Alternative A “no action” with regard to the proposed Lava Ridge Wind Project.

Thank you for considering our views.

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Attachment A: Greater Minidoka ACEC nomination

Attachment B: Landscape of Isolation Traditional Cultural Property report

Attachment C: Letter Determining Eligibility as Traditional Cultural Property and for National Registry of Historic Places

Attachment D: Minidoka Death Roster

Attachment E: Minidoka Soldiers Killed in Action