

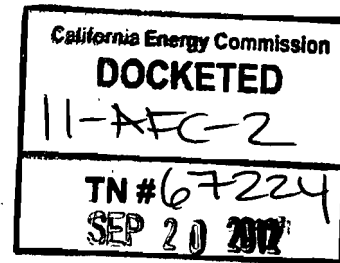
STEVEN R. SCOW, ESQ.  
MEMBER OF STATE BAR OF NEVADA  
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September 5, 2012

Mike Monasmith  
Senior Project Manager  
California Energy Commission  
1516 9th Street  
Sacramento, CA 95814-5112



RE: Hidden Hills Solar Electric Generating System Application for Certification, 11-AFC-2  
Comments on Ethnographic Report Submitted by Thomas Gates, PHD,  
Ethnographer for California Energy Commission, Ethnography Report dated  
August 2012, Comments by Cindy MacDonald re: Native American Cultural  
Resources, April 2, 2012, and Comments by Pahrump Paiute Tribe

Dear Mr. Monasmith:

This law office represents the Mary Wiley Trust and Mary Jane McMonigle, individually. Mary Jane McMonigle is a Co-Trustee of the Mary Wiley Trust and an owner of real property which is subject of the present application for the Hidden Hills Solar Electric Generating System, application for certification 11-AFC-2 ("Owner"). She and the Wiley Trust are also owners of land on the Nevada side of the border located near the Hidden Hills Generating System proposed site.

An examination of information submitted by the ethnographer, Thomas Gates, PHD, by Cindy MacDonald and also by the Pahrump Paiute Tribe, has made it necessary to make the following comments to correct and supplement the record.

1. We are sending you this letter to "set the record straight" on various unfounded ideas raised regarding Native American activity on the Hidden Hills ranch in Nevada. These alleged activities are three miles from the Project Site and therefore are not connected to the California project site. But it appears that they assert that, by implication, somehow the California Project Site, which is several miles away from the Hidden Hills Ranch in Nevada, could be impacted as well.

2. A number of unsupported allegations have been made in the reports referred to, such as general burial practices, both on or near the Nevada land and the surrounding land which is alleged to include the proposed California HHSEGS ("Project Site") site. There has been no specific person or source identified for many of the so-called claims. Any allegation that there is anything more than one small cemetery on the far eastern side on the Nevada real property and a marker which is set over the body of Queho is both unsubstantiated and considered by the owner

to be a fabrication. This comment is being made so that no one takes the unsubstantiated and general allegations which have been submitted as either factual or accepted as statements that should be relied on regarding the California HHSEGS land (which is several miles away), which is under application, or the Nevada land, which is a few miles from it.

3. It is considered noteworthy that a number of the reports submitted make allegations regarding inspection of various land, which happens to be entirely in private ownership for which no one obtained permission, such as Cindy MacDonald, the California Energy Commission, or others, to either examine or comment upon. None of the persons mentioned have ever sought information from the Owner regarding these matters.

4. It is noteworthy that the Pahrump Paiute tribe is not a tribe recognized as an incorporated tribe by the federal government and therefore has a questionable independent claim to have any standing to make allegations regarding any "tribal" activity in the Pahrump Valley.

5. Reference is made to Cathedral Canyon. Cathedral Canyon is a private place of meditation located on the Nevada side of the border, several miles from the Project Site. Cathedral Canyon was established by Roland Wiley, the predecessor in interest of the real property. It was entirely maintained by Roland Wiley before it passed to the Owner. Because it is private land, Cathedral Canyon is subject to closing and to alternative uses. In fact, Cathedral Canyon has been closed for many years, since about 1998. It was closed due to the fact that it was seriously vandalized on several occasions and virtually all assets previously installed by Roland Wiley were destroyed or stolen. Cathedral Canyon no longer exists as a place of meditation and has not for a period of many years.

6. There is a statement by the Pahrump Paiute Tribe that the "Hidden Hills area is central to the lives of our people. It is near our creation place in the Spring Mountains." This statement was docketed with the CEC on July 25, 2012. The statement goes on to say that the "Pahrump Paiutes have occupied this area since our creation and have been seriously threatened by the continuous expansion of progress that has adversely had an impact on our culture. This threat is not limited to Indian people who live in the immediate vicinity to the Project Site and use its resources on a regular basis, but extends to other Southern Paiutes who share resources who have been collecting and using area in or near the proposed PAA." This general allegation is considered to be totally unfounded. All of the real property on the California side including the Project Site has been in the Wiley family since at least 1953 and there has been no reported use or access to the property by any Native American person or any non-tribal person seeking to assert access for collecting or using the area whatsoever. The allegation goes on to state that there is "loss of access to traditional foodstuffs, medicine, and other important resources". This is denied. Again, for more than 60 years, there has been no reported statement, notice or even observed presence on any of the real property for any gathering purpose by any Native American person or group whatsoever. Almost 500 acres of the Hidden Hills property on the Nevada side

have been in private ownership for approximately 100 years. There has never been an allegation of gathering any traditional foodstuffs or traditional medicine resources which have ever been accessed on the property by anyone asserting a tribal purpose.

7. Queho was buried on the Nevada side of the real property--several miles from the Project Site by Roland Wiley himself. It was Roland Wiley who placed the marker to indicate where he had buried Queho in 1975. There has never been any other known land use for a burial on any of the California land whatsoever and on no other site in the Nevada land, except for the small cemetery on the far Eastern side (approximately 3 miles from the California border and the Project Site). To take the fact that there is a small cemetery and the Queho burial and extrapolate that to a general burial of the dead by Native Americans is unfounded and amounts to nothing more than fabrication of a speculation. A statement submitted in August 2012 by Thomas Gates indicates that there is a story "which attempts to convey that Hidden Hills is a place designated by the Creator (the Coyote) as a place where girls learn to become women." This allegation is entirely unsubstantiated. Even the statement made by Thomas Gates indicates that the exact course of events and specific meanings are lost in translation. The comment gives no specific location other than the entire Pahrump Valley, which is more than 40 miles long and more than 20 miles wide.

Mr. Gates' report goes on to state that "formal traditional ceremonies and burials are held at Hidden Hills. They may continue to be held here in the future." This statement is entirely unfounded and untrue as to any present formal traditional ceremonies. It is true that there is one published reference to a "crying ceremony" which was held after a non-native pioneer woman died in about 1933, but this was essentially a funeral or wake service a year after her death and cannot, in any way, be characterized as a formal continuing traditional ceremonial site and certainly nothing that has ever continued or may be expected to continue in the future. It must be remembered that we are talking about private land which has never been identified by any person, tribe, or party as having any continuing use for ceremonies. And, of course, this is Nevada land, which has been in private hands for a hundred years and which is land several miles away from the California border and the HHSEGS Project Site.

8. There are allegations made that the Pahrump Piute tribe actively maintains the small cemetery which is located on the far eastern side on the Nevada real property (approximately 3 miles from the HHSEGS Project Site. This allegation is vigorously disputed as untrue. Not only is it an unfounded general statement made without any support, the Owner of this real property affirmatively states that when the property was deeded to her, approximately 25 years ago, by Roland Wiley, he specifically informed her that it had a cemetery which was under his sole control and which had long been under his control and sole maintenance before that time. From that time until the present, there has never been any notice, statement or allegation of any type whatsoever by anyone whether of Native American descent or otherwise

that asserted any right of access or any degree of authority to conduct maintenance on this small cemetery.

The owner hereby reserves the right to make further comments and provide further information in support of the position which is stated herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. R. Scow', with a long horizontal flourish extending to the right.

Steven R. Scow, Esq.

cc: Mary Wiley Trust  
Mary Jane McMonigle