



# QUECHAN INDIAN TRIBE

## *Ft. Yuma Indian Reservation*

P.O. Box 1899  
Yuma, Arizona 85366-1899  
Phone (760) 572-0213  
Fax (760) 572-2102

<b>DOCKET</b>	
<b>08-AFC-5</b>	
DATE	AUG 04 2010
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August 4, 2010

Mr. Daniel Steward, Project Lead  
Bureau of Land Management, El Centro Field Office  
1661 S. 4<sup>th</sup> Street  
El Centro, CA 92243

Re: Imperial Valley Solar Project (SES Two) – Section 106 Consultation

Dear Mr. Steward:

On February 4, 2010, I wrote to you regarding the Quechan Tribe's concern with BLM's evaluation of cultural resource impacts associated with the Imperial Valley Solar Project (formerly known as SES Two) and BLM's failure to consult with the Quechan Tribe as required by law. Since that date, the Tribe's concerns with this Project and BLM's review process have only increased. The Tribe requests that BLM stop rushing this process and allow adequate time to meaningfully comply with the consultation process required by law and to properly evaluate the impacts this project would have on cultural resources if approved.

The Tribe's Historic Preservation Officer (HPO) first requested a copy of the cultural report for this project over two years ago, on February 19, 2008. In subsequent meetings, BLM informed the Tribe's HPO that the cultural report would be ready for distribution in June 2008. However, the Tribe only recently received a CD containing a copy of the cultural report in early July 2010. Required consultation under Section 106 regarding the evaluation of resources and the mitigation of impacts can not even begin until the Tribe has adequate time to review the lengthy cultural resources report. Yet, BLM contends that it will be ready to consider approval of this Project within weeks. BLM is not complying with the Section 106 process or its fiduciary obligations to the Tribe.

To date, BLM has not met with the Quechan Tribal Council to discuss this project. The Tribe requests that BLM arrange a time to meet with the Tribal Council at the Fort Yuma Indian Reservation to engage in meaningful government-to-government consultation. Such consultation should occur only after the Tribe has been provided adequate time to review the relevant reports and maps describing the cultural resources present on the project site.

To be clear, notification letters and brief project updates to the general public are not adequate to comply with BLM's Section 106 consultation obligation to the Quechan Tribe. Meaningful consultation includes a timely exchange of information and requires BLM to seek

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out, discuss, and carefully consider the views of the Quechan Tribe regarding identification, evaluation, and mitigation of affected cultural resources prior to reaching any final decision on the project. In this case, BLM's sole focus has been on rushing towards the finish line and getting this project approved on a "fast track," regardless of tribal views or impacts on cultural resources. This is not acceptable and not consistent with BLM's obligations.

Like BLM, the State of California is also rushing the process at the expense of cultural resource protection. The California Energy Commission (CEC) recently published its final Staff Assessment which included the evaluation and selection of its preferred alternative. Noticeably absent from the Staff Assessment was any analysis of cultural resource impacts. This is because the CEC has not completed its analysis of cultural resource impacts. *See Supplemental Staff Assessment, Section C.3* (stating that "the Cultural Resources and Native American Values section of the Supplemental Staff Assessment will be filed subsequently and is not included in this document"). It is not clear to the Tribe how CEC can make an informed recommendation and select a preferred alternative for the project with literally no information or analysis about cultural resource impacts.

Information that has been made available to the Tribe confirms that there are numerous cultural resources located on this project site, which is located within territory traditionally used by the Quechan Tribe. The most significant impact associated with this project is the permanent loss of cultural resources within the existing cultural landscape. Based on these impacts, the most appropriate alternative may be denial of the proposed project and relocation to other federal lands that have been previously disturbed and that lack the significant cultural values of this site. Until BLM finishes its cultural analysis, consults with the Quechan Tribe in accordance with its legal and fiduciary obligations, and completes the Section 106 process, BLM may not make any final decision on this project.

BLM has a duty under federal law to consult with the Quechan Tribe and to thoroughly understand, evaluate, and mitigate impacts to cultural resources before approving a project. The Quechan Tribe expects full compliance by BLM in this case. The Tribe looks forward to engaging in future consultation with BLM regarding this project.

Sincerely,  
Quechan Indian Tribe



Mike Jackson, Sr., President

cc: Ken Salazar, Secretary of the Interior  
Jim Stobaugh, Bureau of Land Management  
Nancy Brown, Advisory Council on Historic Preservation  
Chris Meyer, California Energy Commission Project Manager  
Wayne Donaldson, California State Historic Preservation Officer  
Dave Singleton, Native American Heritage Commission