



QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation

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08-AFC-5

DATE	FEB 04 2010
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February 4, 2010

Mr. Daniel Steward, Acting Field Manager
Bureau of Land Management, El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243

Re: SES Solar Two Project – Section 106 Consultation Process

Dear Mr. Steward:

This letter addresses concerns that the Quechan Indian Tribe of the Fort Yuma Indian Reservation has with the ongoing evaluation of cultural resource impacts associated with the SES Solar Two Project. Specifically, the Tribe is concerned that the current regulatory approval schedule, which calls for a Record of Decision to be issued by September 2010, does not provide adequate time to conduct a thorough and complete Section 106 consultation under the National Historic Preservation Act (NHPA). BLM must ensure that it completes the Section 106 process, including identification of affected sites, consultation with affected entities and tribes, and development of an appropriate treatment plan, before it makes a final decision whether to approve the right-of-way for the Project. It would be inappropriate to defer consultation or decisions regarding cultural resource protection and mitigation until after the final decision is made.

The SES Solar Two Project is proposed for development on federal (BLM) lands and is subject to the NHPA Section 106 process. Preliminary information suggests that the federal land proposed for development is extremely sensitive in terms of cultural resources. Initial studies indicate that hundreds of cultural resource sites are located in the Project area. These sites include cremation sites, habitation sites, trails, and lithic and pottery scatters to name a few.

The Quechan people and their ancestors have inhabited the area surrounding the confluence of the Colorado and Gila Rivers for centuries. The Quechan Tribe's traditional lands extend well beyond the boundaries of the present day Fort Yuma Indian Reservation. Prior to creation of the Fort Yuma Indian Reservation, the Tribe and its members traditionally used lands far to the north and west of the Reservation. The cultural landscape of the Quechan consists of a myriad of natural and cultural features. Cultural features include mythology locales, sacred places, petroglyphs, settlement and

battle site locations, trails, and other resource use areas, along with prehistoric and historic archaeological sites. Proposed developments such as the SES Solar Two Project threaten the integrity of the cultural landscape. Careful consideration is required to identify and evaluate measures to avoid impacts to cultural resources.

It is our understanding that the Project is seeking "fast track" approval in order to meet certain Project funding deadlines. However, BLM must not rush the Section 106 process simply to meet the applicant's timetable. Federal law requires BLM to conduct a thorough and deliberative review of the affected cultural resources, consult with interested parties and tribes, and prepare a meaningful plan to address potential impacts prior to making a final decision. The Tribe expects BLM to comply with that process in this proceeding even it requires pushing the final record-of-decision beyond September 2010.

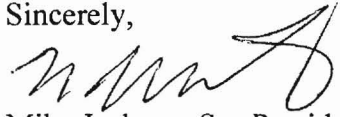
It is the Tribe's understanding that BLM is currently developing a Programmatic Agreement (PA) to address effects of the Project on cultural and historic resources. First, the Tribe does not believe that this Project meets any of the regulatory criteria contained in 36 C.F.R. § 800.14(b) for use of a PA. Other than the artificial fast-track timeline proposed by BLM and the Project applicant, there is no apparent reason why effects on cultural resources cannot be fully determined prior to BLM's decision whether to approve this Project. In addition, the proposed PA is currently being developed without the benefit of a final cultural resources report that comprehensively identifies the potentially affected resources. It is unclear how the PA can adequately address impacts prior to completion of this pending report.

The rush to finalize a PA suggests that BLM is determined to approve the Project regardless of the possible impacts to cultural resources. The Tribe believes that the appropriate course of action is to thoroughly consult and evaluate how the undertaking, if approved, would impact cultural sites and then, based on that thorough review, make an informed decision on whether to approve the Project. The standard Section 106 process of consultation and determination/resolution of effects, prior to project approval, is required here. Even if the PA process is used, government-to-government consultation with the Tribe is still required.

The Quechan Tribe is not necessarily opposed to the SES Solar Two Project, but the Tribe has significant concerns that must be addressed prior to any BLM decision whether to move forward with this Project. BLM must meaningfully comply with the Section 106 and government-to-government consultation processes so that it has sufficient information to determine whether it is appropriate to permit construction of this Project in a very culturally sensitive area. If BLM ultimately determines that the Project can go forward, despite the presence of significant cultural resources, BLM must work with the Tribe to develop a meaningful plan to avoid impacts to the cultural sites. It may not be possible to accomplish these tasks under the "fast track" schedule currently envisioned.

Thank you for your consideration. The Tribe looks forward to working with BLM as this process moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Jackson, Sr.", written in a cursive style.

Mike Jackson, Sr., President

cc: Ken Salazar, Secretary of the Interior
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