

# BRIGGS LAW CORPORATION

San Diego Office:  
814 Morena Boulevard, Suite 107  
San Diego, CA 92110

Telephone: 619-497-0021  
Facsimile: 619-515-6410

<b>DOCKET</b>	
<b>09-AFC-7</b>	
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Inland Empire Office:  
99 East "C" Street, Suite 111  
Upland, CA 91786

Telephone: 909-949-7115  
Facsimile: 909-949-7121

Please respond to: Inland Empire Office

BLC File(s): 1190.99

10 February 2011

Via Facsimile Only to 202-208-5048  
Ken Salazar, Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Via Facsimile Only to 202-208-5242  
Bob Abbey, Director  
U.S. Bureau of Land Management  
1849 C Street, N.W., Room 5665  
Washington, DC 20240

Re: Ivanpah Solar Electric Generating System Project (CACA 48668); Imperial Valley Solar Project (CACA 47740); Genesis Solar Power Project (CACA 48880); Chevron Lucerne Valley Solar Project (CACA 49561); Calico Solar Project (CACA 49537); Blythe Solar Power Project (CACA 48811); Palen Solar Power Plant (CACA 48810); Desert Sunlight Solar Farm Project (CACA 048649)

Dear Secretary Salazar and Director Abbey:

I represent La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee ("La Cuna") and various individuals who are either members of one or more Native American tribes or the descendants of such members in connection with the above-referenced fast-track solar projects in California. La Cuna is a non-profit, 501(c)(3) organization and a party to that certain *Amendment No. 1 to Memorandum of Understanding Between United States Department of the Interior Bureau of Land Management and the Southern Low Desert Resource Conservation and Development Council*, in which your agencies recognized La Cuna as being comprised of "15 indigenous and culturally aware individuals dedicated to physically protecting the Blythe Giant Petroglyphs, other geoglyphs, and several hundred sacred sites that are located along the Colorado River from Needles, California, to Yuma, Arizona."

My clients are deeply concerned about the effect that these eight solar projects will have on their religion, culture, and heritage and on the environment. Your agencies are required to initiate and complete consultations under the National Historic Preservation Act, 16 U.S.C. § 470 *et seq.*, before giving approval to actions like these projects. The first six were approved without proper consultations--they are the subjects of lawsuits in the Southern and Central Districts of California--and my clients are concerned that the last two will likewise be approved without proper consultations. The purpose of this letter is to request that you initiate and complete the legally required consultations for all eight projects before



any further action is taken on any of them (including but not limited to the issuance of notices to proceed to the project developers).

If you would like to schedule an opportunity to begin the legally required consultations, please do not hesitate to let me know. Proper consultations could result in improved projects that pose no significant threat to Native American religion and culture or to the environment. Consultations could also lead to the prompt resolution of the lawsuits filed over the approved projects as well as the avoidance of lawsuits over the projects not yet approved.

My clients and I look forward to hearing from you very soon. Time is of the essence.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

cc: David B. Glazer, U.S. Department of Justice (via e-mail only)





BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

**APPLICATION FOR CERTIFICATION  
FOR THE PALEN SOLAR POWER  
PLANT PROJECT**

**Docket No. 09-AFC-7**

**PROOF OF SERVICE  
(Revised 8/27/10)**

**APPLICANT**

Alice Harron  
Senior Director of Project Development  
\*1111 Broadway, 5<sup>th</sup> Floor  
Oakland, CA 94607  
[harron@solarmillenium.com](mailto:harron@solarmillenium.com)

\*Michael Cressner, Project  
Development & Permitting  
Solar Millennium, LLC  
1111 Broadway, 5<sup>th</sup> Floor  
Oakland, CA 94709  
[cressner@solarmillennium.com](mailto:cressner@solarmillennium.com)

Arrie Bachrach  
AECOM Project Manager  
1220 Avenida Acaso  
Camarillo, CA 93012  
[arrie.bachrach@aecom.com](mailto:arrie.bachrach@aecom.com)

Ram Ambatipudi  
Chevron Energy Solutions  
150 E. Colorado Blvd., Ste. 360  
Pasadena, CA 91105  
[rambatipudi@chevron.com](mailto:rambatipudi@chevron.com)

**Co-COUNSEL**

Scott Galati, Esq.  
Marie Mills  
Galati/Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)  
[mmills@gb-llp.com](mailto:mmills@gb-llp.com)

**Co-COUNSEL**

Peter Weiner, Matthew Sanders  
Paul, Hastings, Janofsky &  
Walker LLP  
55 2nd Street, Suite 2400-3441  
San Francisco, CA 94105  
[peterweiner@paulhastings.com](mailto:peterweiner@paulhastings.com)  
[matthewsanders@paulhastings.com](mailto:matthewsanders@paulhastings.com)

**INTERVENORS**

California Unions for Reliable Energy  
(CURE)  
c/o Tanya A. Gulesserian,  
Marc D. Joseph  
Jason W. Holder  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard,  
Suite 1000  
South San Francisco, CA 94080  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[jholder@adamsbroadwell.com](mailto:jholder@adamsbroadwell.com)

Michael E. Boyd, President  
Californians for Renewable Energy  
(CARE)  
5439 Soquel Drive  
Soquel, CA 95073-2659  
[michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)

Alfredo Figueroa  
Californians for Renewable Energy  
(CARE)  
424 North Carlton  
Blythe, CA 92225  
[lacunadeaztlan@aol.com](mailto:lacunadeaztlan@aol.com)

Basin and Range Watch  
Kevin Emmerich  
Laura Cunningham  
P.O. Box 153  
Baker, CA 92309  
[atomicoadranch@netzero.net](mailto:atomicoadranch@netzero.net)

Lisa T. Belenky, Senior Attorney  
Center for Biological Diversity  
351 California St., Suite 600  
San Francisco, CA 94104  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
Ileene Anderson  
Public Lands Desert Director  
Center for Biological Diversity  
PMB 447, 8033 Sunset Boulevard  
Los Angeles, CA 90046  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Holly L. Roberts, Project Manager  
Bureau of Land Management  
Palm Springs-South Coast  
Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262  
[CAPSSolarBlythe@blm.gov](mailto:CAPSSolarBlythe@blm.gov)

**ENERGY COMMISSION**

ROBERT WEISENMILLER  
Commissioner and Presiding Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

KAREN DOUGLAS  
Chairman and Associate Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

Raoul Renaud  
Hearing Officer.  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)

Alan Solomon  
Siting Project Manager.  
[asolomon@energy.state.ca.us](mailto:asolomon@energy.state.ca.us)

Lisa DeCarlo  
Staff Counsel  
[ldecarlo@energy.state.ca.us](mailto:ldecarlo@energy.state.ca.us)

Jennifer Jennings  
Public Adviser's Office  
*e-mail service preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, \_\_\_\_\_, declare that on \_\_\_\_\_, 2010, I served and filed copies of the attached \_\_\_\_\_, dated \_\_\_\_\_, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:  
[\[http://www.energy.ca.gov/sitingcases/solar\\_millennium\\_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen)

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

*(Check all that Apply)*

FOR SERVICE TO ALL OTHER PARTIES:

- \_\_\_\_\_ sent electronically to all email addresses on the Proof of Service list;
- \_\_\_\_\_ by personal delivery;
- \_\_\_\_\_ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

FOR FILING WITH THE ENERGY COMMISSION:

- \_\_\_\_\_ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

**OR**

- \_\_\_\_\_ depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 09-AFC-7  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

\_\_\_\_\_