

BEFORE THE
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA

Applications for Certification for the	)	Docket No.
)	
Genesis Solar Energy Project,	)	09-AFC-8
_____)	

In behalf of CALifornians for Renewable Energy, Inc (CARE) we respectfully submit the following prehearing conference statement and exhibits list regarding cultural resource information. CARE has no other Exhibits at this time.

On June 22, 2010 Commission Staff posted its Cultural Resources Section to the Revised Staff Assessment which is 236 pages long. CARE believes this RSA to be premature since the BLM has not completed its government to government consultations with affected Indian tribes and has yet to release all the information on cultural resources that BLM holds in trust for those affected tribes to the Parties. Be that as it may, CARE is requesting a separate evidentiary hearing be held in Blythe on the subject of Cultural Resources -- citing the good cause of the late filing of the Staff RSA on cultural resources.

PHC statement

CARE doesn't agree that the project is ready for evidentiary hearings and believes that the rushed schedule is due only to the applicant's commercial interests in receiving ARRA funding from the United States, which is a financial interest that shouldn't be allowed to prejudice or prejudge this project's environmental review¹ based on the currently incomplete record for the project's review.

Each statement shall set forth under a separate heading:

a) The topic areas that are complete and ready to proceed to Evidentiary Hearing;

¹ Environmental review is public process not a document.

CARE believes the record in this case is incomplete in all areas since final mitigation measures to be adopted are unknown do to a lack of baseline information and the failure of BLM to provide all the necessary information required to determine what mitigation is acceptable to the BLM specifically regarding the alternatives examined and the impacts of the project on cultural resources.

b) The topic areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefore;

See response to a) above.

Specific areas that are not ready for hearings due to outstanding baseline information are the project description, socioeconomic impacts, project alternatives, biological resources, cultural resources, water and soils.

c) The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;

Outstanding baseline information disputed,

1. The project description (what is the final project that the public should be commenting on?)
2. Socioeconomic impacts (how many farmer worker jobs will be eliminated by the project if the applicant buys Colorado River entitlements for the project?)
3. Project alternatives (did the applicant consider a reasonable range of alternative including a no-action alternative consistent with BLM requirements under NEPA?)
4. Biological resources (what new mitigation measures has the applicant proposed in light of new information on additional biological impacts that remain unmitigated to a level of insignificance?)
5. Cultural resources (what is the baseline information on cultural resources impacts for this project and what mitigation measures (if any) are proposed?)
6. Water and soils (is there any water available for this project that the applicant holds entitlements for or is this so-called water supply based on

speculation? What impacts does the proposed use by the applicant of Colorado River water have Mexico's entitlements to the water and the impacts of the project on international treaty and other agreements between the United States and Mexico?)

d) The identity of each witness sponsored by each party (**note**: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;

CARE asks that the Parties stipulate to the Exhibits CARE has already provided and Docketed under 10-CRD-1.

Regulatory and policy expert Mr. Boyd, Cultural Resources Expert Mr. Figueroa, Pilot Mr. Gatchell, and private land manager Mr. Marsh will be made available for telephone cross examination at the evidentiary hearing, unless the hearing is held in Blythe, if the Parties so request.

e) Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination (including voir dire of any witness' qualifications), and the time desired for each such cross-examination;

The topic areas for which CARE wishes to perform cross examination and the questions are described in c) above. CARE desires 10 minutes for the Staff and Applicant witnesses on each subject matter.

f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explained in the following section on Formats for Presenting Evidence);

See Exhibits listing. CARE also desires to have an opportunity to provide a supplemental exhibit in the form of a DVD copy of a video of the cultural resources sites taken from an airplane fly over of the project site taken on June 29, 2010 with an additional Declaration from Alfredo Figueroa, the pilot, and the film maker.

g) Topic areas for which the Applicant will seek a commission override due to public necessity and convenience pursuant to Pub. Res. Code § 25525.

N/a

h) Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and

TBD

i) For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Analysis (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

TBD

Testimony and Exhibits

CARE provided its Testimony and Exhibits to the CEC on June 4, 2010 in the consolidated Cultural Resources Docket 10-CRD-1² which is a consolidated proceeding including Docket 09-AFC-8, and we ask that these be incorporated in the record for the Genesis proceedings individually as well with the following exhibit listing.

Number of Exhibits and Description of Exhibit

600 Cover to testimony and exhibits of CARE.pdf ³ Jun 04 2010 68.7 kb
601 Dec of Alfredo Figueroa 5-26-2010.pdf ⁴ Jun 04 2010 167.6 kb
6011 Dec of Gatchell 5-24-2010.pdf ⁵ Jun 04 2010 43.8 kb
602 MOU LCdA SSPC and BLM March 2008.pdf ⁶ Jun 04 2010 562.7 kb
603 Chemehuevi Tribe MOU Resolution 7-26-2006.pdf ⁷ Jun 04 2010 570 kb
604 United Nations Declaration on the Rights of Indigenous Peoples September 2007.pdf ⁸ Jun 04 2010 56.2 kb

² http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/

³ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/00%20Cover%20to%20testimony%20and%20exhibits%20of%20CARE.pdf

⁴ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/01%20Dec%20of%20Alfredo%20Figueroa%205-26-2010.pdf

⁵ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/011%20Dec%20of%20Gatchell%205-24-2010.pdf

⁶ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/02%20MOU%20LCdA%20SSPC%20and%20BLM%20March%202008.pdf

⁷ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/03%20Chemehuevi%20Tribe%20MOU%20Resolution%207-26-2006.pdf

605 President Clinto Executive Order 13007 3-9-1998.pdf⁹ Jun 04 2010 301.2 kb
606 Figueroa letter 2 J Kalish BLM 3-5-2010.pdf¹⁰ Jun 04 2010 452.8 kb
607 Figueroa letter 2 G Kline BML 3-5-2010.pdf¹¹ Jun 04 2010 221.2 kb
608 Flyer of Tribal Symposium in Palm Desert CA.pdf¹² Jun 04 2010 597.7 kb
609 Patrick Johnson Map 4-1-1957.pdf¹³ Jun 04 2010 406.8 kb
610 Quechan Indian Tribe position 2-16-2010.pdf¹⁴ Jun 04 2010 111.6 kb
612 Robbin Marsh's Declaration.pdf¹⁵ Jun 04 2010 1 mb
613 Testimony and Declaration of Michael Boyd 10-CRD-1.pdf¹⁶ Jun 04 2010 129.6 kb
614 Alfredo Figueroa cover letter 5-28-2010.pdf¹⁷ Jun 04 2010 366.3 kb

Respectfully submitted,



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⁸ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/04%20United%20Nations%20Declaration%20onthe%20Rights%20of%20Indigenous%20Peoples%20September%202007.pdf

⁹ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/05%20President%20Clinto%20Executive%20Order%2013007%203-9-1998.pdf

¹⁰ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/06%20Figueroa%20letter%202%20J%20Kalish%20BLM%203-5-2010.pdf

¹¹ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/07%20Figueroa%20letter%202%20G%20Kline%20BML%203-5-2010.pdf

¹² http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/08%20Flyer%20of%20Tribal%20Symposium%20in%20Palm%20Desert%20CA.pdf

¹³ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/09%20Patrick%20Johnson%20Map%204-1-1957.pdf

¹⁴ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/10%20Quechan%20Indian%20Tribe%20position%202-16-2010.pdf

¹⁵ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/12%20Robbin%20Marsh%27s%20Declaration.pdf

¹⁶ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/13%20Testimony%20and%20Declaration%20of%20Michael%20Boyd%2010-CRD-1.pdf

¹⁷ http://www.energy.ca.gov/2010-CRD-1/documents/Boyd_evidence/Alfredo%20Figueroa%20cover%20letter%205-28-2010.pdf



Mr. Lynne Brown Vice-President
CALifornians for Renewable Energy, Inc.
(CARE)
24 Harbor Road
San Francisco, CA 94124
E-mail: l_brown369@yahoo.com

June 28th, 2010

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 28th day of June 2010, at San Francisco, California.



Lynne Brown Vice-President
CALifornians for Renewable
Energy, Inc. (CARE)

09-AFC-8 POS attached



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

**APPLICATION FOR CERTIFICATION FOR THE
GENESIS SOLAR ENERGY PROJECT**

Docket No. 09-AFC-8

**PROOF OF SERVICE
(Revised 5/20/10)**

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on May 27, 2010, I mailed hard copies of the attached Status Report #3 for Genesis Solar Energy Project (09-AFC-8). 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/genesis_solar].

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-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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.

Maria Santourdjian

BEFORE THE
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA

Applications for Certification for the	)	Docket Nos.
)	
Calico Solar (SES Solar One) Project,	)	08-AFC-13,
Genesis Solar Energy Project,	)	09-AFC-8,
Imperial Valley (SES Solar Two) Project,	)	08-AFC-5,
Solar Millennium Blythe Project,	)	09-AFC-6,
Solar Millennium Palen Project, and	)	09-AFC-7,
Solar Millennium Ridgecrest Project.	)	09 -AFC-9, and
)	
Consolidated Hearing on Issues	)	10-CRD-1
Concerning US Bureau of Land)	
Management Cultural Resources Data)	
_____)	

In behalf of CALifornians for Renewable Energy, Inc (CARE) we respectfully submit the following testimony and exhibits regarding the CEC mis-handling and improper disclosure of confidential cultural resource information.

Respectfully submitted,



Michael E. Boyd President
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5439 Soquel Drive
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Mr. Lynne Brown Vice-President
CALifornians for Renewable Energy, Inc.
(CARE)

24 Harbor Road
San Francisco, CA 94124
E-mail: l_brown369@yahoo.com

June 4th, 2010

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 4th day of June 2010, at San Francisco, California.



Lynne Brown Vice-President
CALifornians for Renewable
Energy, Inc. (CARE)

La Cuna de Aztlan Sacred Sites Protection Circle

Alfredo A. Figueroa
424 N. Carlton Ave
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Phone: (760) 922-6422
E-mail: lacunadeaztlan@aol.com

Mike Boyd
5439 Soquel Dr.
Soquel, Ca 95073

May 28, 2010

Dear Mike,

Enclose is the packet that I promised I was going to send you. As you read my declaration your will see that the 3 (Blythe, Genesis, Palen Solar Projects) are all tied together and come from the same source which are the Blythe Giant Intaglios and the Aztec Sun Stone Calendar. You may use the following information against the proposed projects.

Enclose you will find:

- 1) Alfredo Acosta Figueroa's signed Declaration
- 2) Memorandum of Understanding with the Bureau of Land Management
- 3) Chemehuevi Tribe Resolution.
- 4) United Nation: Declaration on the Rights of Indigenous People. (See article 11)
- 5) President Clinton's Executive order: 13007
- 6) Copy of the letter to John Kalish (BLM)
- 7) Copy of letter to George Kline (BLM)
- 8) Flyer of Tribal Symposium in Palm Desert, Ca
- 9) Patrick Johnson Map
- 10) Quechan Indian Tribe position
- 11) Declaration of the Pilot Jeff Gatchell from the Blythe Desert Air Ambulance who took us to the sites. (When I receive more declaration letters I will e-mail them to you so that they can be submitted before June 5, 2010).

We hope that this material is beneficial in stopping these idiotic stimulus money projects that are only proposed to put money in the solar company's wallet. As you well saw on the declaration, we the tribes are determined at all cause to stop the desecration of our Sacred Sites which are not only sacred to the indigenous people but to all humanity.

We appreciate all the work that you are doing and we hope to continue working together to stop these projects. Please feel free to contact me at anytime with any questions that you might have because the time has now come for native people to tell the truth.

Sincerely,


Alfredo Acosta Figueroa

May 26, 2010

The following is the Declaration of:

Alfredo Acosta Figueroa
424 North Carlton Ave.
Blythe, Ca 92225
Phone: (760) 922-6422
E-mail:

Submitted To:

California Energy Commission
Hearing Room B
1516 Ninth Street
Sacramento, Ca 95814

I Alfredo Acosta Figueroa, a native of the Colorado River, born in Blythe, California, Elder/Historian and a Chemehuevi Tribal Sacred Site Monitor hereby declare:

That I for the past 55 years has been studying "The Aztec Place of Origin," Aztlán/Chicomoztoc/Hue-Hue-Tlapallan, here in the surrounding Palo Verde/Parker Valleys. The author of the book "Ancient Footprints of the Colorado River," published in May 2002.

That in 1975 we organized opposition against the Sun Desert Nuclear Power Plant proposed to be built at the base of the Sacred Mule Mountains ("Calli" in Nahuatl & "Hamoc-Avi" in Mojave) stopping the project in 1979.

That in 1992 we organized the Colorado River Anti-Ward Valley Coordinating Committee and after 8-years stopped the proposed Ward Valley Nuclear Toxic Dump located in between the Sacred Turtle and Avi-Kawme (Spirit Mountain located 15 miles west of Laughlin, Nevada) Mountains.

That in 2000 we organized La Cuna de Aztlán Sacred Sites Protection Circle under the auspices of La Escuela de la Raza Unida, said circle is comprised of 15 individuals dedicated to physically protecting the Sacred Sites and that on February 15, 2008 were given a Memorandum of Understanding together with the Southern Low Desert Resource Conservation & Development Council to partnership for protection of cultural resources, that included the Blythe Giant Intaglios, other geoglyphs and several hundred Sacred Sites that are located along the Colorado River from Needles, Ca down to Yuma, Az.

I hereby state:

That we oppose the certification by the California Energy Commission and the issuing of public land by the Bureau of Land Management to the following proposed solar power projects:

- 1) Genesis Solar Energy Project: 09-AFC-8
- 2) Solar Millennium Blythe Project: 09-AFC-6

Our investigations concerning the above projects are located in Eastern Riverside County along the I-10 corridor that is the most Sacred area of the North American Continent. It is the area where the Aztec Calendar is geographically outlined and located. The area entails from the Kofa Mountains in Arizona, west to the human head image (Copill-Quetzalli) on the crest of the San Jacinto Mountains above the city of Palm Springs, Ca.

The proposed Blythe Solar Power Project is overlaid on more than 25 large geoglyphs that we have found throughout the area. They include the world known image of Kokopilli, Cicimitl (The Great Spirit that takes human spirits to their final resting place in the Topock Maze, "Mictlan"). Included in the area is the image of Tosco, over 5 large windrow mazes, a 9-level pyramid and over 25 Sacred images (that we have not yet deciphered).

The main East/West & North/South trails all lead to and from the Blythe Giant Intaglios. One trail leads to Kokopilli and Cicimitl which traverses west through the south end of the McCoy Mountains to the McCoy Springs. Here the image of Quetzalcoatl takes a bath then goes to the Palen Mountains "Hue-Hue-Tlapallan" (Reddish Earth), where he is lead to the underworld by Xolotl (The Dog), as shown in the petroglyphs at the Palen Mountain Mural Wash.

The trail comes down from the Palen Mountain Wash and meets with another trail from the McCoy Springs area that is in the Genesis project. The trail then runs west along the plains of the Palen Mountains then crossed southwest towards the Chuckawalla Mountains where it meets the main trail coming west from the Mule Mountains towards Desert Center, Ca. These two trails meet at the proposed Palen Mountain Project and the southwest trail leads towards Corn Springs (Tula) located in the center of the Chuckwalla Mountains.

On February 2009, we took 2 archeologists, Jeffery Adams and Joe that had contacts with the BLM to document all the geoglyphs along the Colorado River which included the Sacred Sites of Kokopilli and Cicimitl.

On March 2, 2010 we took John Kalish, Bureau of Land Management Field Manager and George Kline, archeologist of the Palm Springs, California office to the Blythe Power Project area and took them on an onsite tour which included 5 large geoglyphs and the images of Kokopilli and Cicimitl. Unfortunately, we have not yet received a report of the investigations.

Please feel free to contact me with any questions regarding the Sacredness of the areas.

Sincerely,


Alfredo Acosta Figueroa

**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**

This Amendment No. 1 modifies the current Memorandum of Understanding (MOU) that was signed by the Bureau of Land Management (BLM) and the Southern Low Desert Resource Conservation and Development Council (Council) in July 2006 to include the La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee (LCASSPC) and the Blythe Area Chamber of Commerce and Tourist Information Center (Chamber) in the partnership for protection of cultural resources in the BLM Yuma Field Office planning area.

Section "II. Definitions" is amended as follows:

- A. BLM: The Bureau of Land Management's Yuma Field Office, which has management responsibility for the public land area covered under this MOU.
- B. Council: The Southern Low Desert Resource Conservation and Development Council (a 501(c)(3) non-profit / non-governmental conservation and community development organization).
- C. LCASSPC: La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee. A 501(c)(3) nonprofit organization that is comprised of 15 indigenous and culturally aware individuals who are dedicated to physically protecting the Blythe Giant Intaglios, other geoglyphs, and several hundred sacred sites that are located along the Colorado River from Needles, California, to Yuma, Arizona.
- D. Chamber: The Blythe Area Chamber of Commerce and Tourist Information Center. Provides information to visitors and the community about the Blythe Intaglios and other important cultural resources in the vicinity of Blythe, California.
- E. MOU signatories: Refers to all agencies and organizations that have a formalized partnership through the July 2006 MOU and associated amendments.

Section "III. Statement of MOU Purpose" is amended as follows:

This Memorandum of Understanding (MOU) will provide a means for the ~~BLM the Council~~ MOU signatories to work in partnership to enhance cultural resources protection, conservation, and interpretation efforts on BLM lands within the Yuma Field Office's jurisdiction and the Southern Low Desert RC&D area. The purpose of this MOU is to assist the BLM with its responsibilities under Section 110 of the National Historic Preservation Act of 1966, as amended.

The ~~BLM, and the Council~~ MOU signatories agree that all projects conducted under this MOU will be carried out by qualified specialists. Contractors hired for projects must meet

BLM standards. Projects that may be conducted under this MOU include but are not limited to cultural resources survey, archaeological site recordation, National Register of Historic Places nominations, ethnographic studies with interested Native American tribes, design and installation of site protection and interpretation measures, and the production of interpretive materials for the public. All projects will be coordinated with and approved by the BLM.

The BLM and the Council MOU signatories have a common objective of helping to bring about the conservation, development, and wise use of archaeological and historical resources in the southeastern California desert area. Therefore, both the BLM and the Council the MOU signatories desire this effort of mutual benefit to both all parties. We hereby agree as follows:

A. The Council agrees to:

1. Work cooperatively with BLM to coordinate and facilitate the development of plans for the conservation, protection, and interpretation of desert resources. Specifically, the Council agrees to diligently work towards the immediate and future protection of cultural resources, including the Blythe Intaglios, for the public good.
2. Assist with any environmental documents deemed necessary for the completion of joint projects within the mutual boundary of the Council and BLM.
3. Provide a public outreach program to encourage and promote active public participation in the protection of desert resources.
4. Assist in the solicitation of funds from outside organizations and agencies to complete agreed upon projects or work items within the mutual boundaries of the BLM and the Council.

B. LCASSPC agrees to:

1. Work cooperatively with BLM to coordinate and facilitate the development of plans for the conservation, protection, and interpretation of desert resources and sacred sites. Specifically, LCASSPC agrees to diligently work toward the immediate and future protection of cultural resources, including the Blythe Intaglios, for the good of the future generations and the public good.
2. Assist with any environmental documents deemed necessary for the completion of joint projects.
3. Provide a public outreach program to encourage and promote active public participation in the protection of desert resources.
4. Assist in the solicitation of funds from outside organizations and agencies to complete agreed upon projects or work items.

C. The Chamber agrees to:

1. Work cooperatively with BLM to coordinate and facilitate the development of plans for the conservation, protection, and interpretation of desert resources. Specifically, the Chamber agrees to diligently work toward the immediate and future protection of cultural resources, including the Blythe Intaglios, for the public good.
2. Provide a public outreach program to encourage and promote active public participation in the protection of desert resources.
3. Assist in the solicitation of funds from outside organizations and agencies to complete agreed upon projects or work items.

D. BLM agrees to:

1. ~~Work cooperatively with the Council on projects of mutual benefit to BLM and the Council the MOU signatories.~~
2. Provide technical and planning assistance for projects of mutual benefit to the BLM and the Council MOU signatories.
3. Initiate any environmental assessment documents deemed necessary for the completion of any agreed upon joint projects ~~within the mutual boundaries of the BLM and the Council.~~
4. Assist with the preparation of statements of work and hiring of contractors to complete the agreed upon projects.
5. Cooperate and assist (when appropriate) with seeking funds to complete agreed upon joint projects.

Section "IV. Terms of the MOU" is amended as follows:

A. ~~The following individuals are designated as the liaison between the BLM and the Council MOU signatories.~~

1. Bureau of Land Management
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Rebecca Heick-James T. Shoaff, Field Manager
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FX: 928-317-3250
2. Southern Low Desert Resource Conservation & Development Council
Thomas Burgin, President
53990 Enterprise Way, 6B

Coachella, CA 92236
PH: 760-391-9002
FX: 760-391-9813

3. La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee

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E-mail: launa@aztlan@aol.com

4. Blythe Area Chamber of Commerce and Tourist Information Center

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Blythe, CA 92225
PH: 760-922-8166
FX: 760-922-4010
E-mail: blythecoc@yahoo.com

B. Nothing herein is intended to conflict with existing BLM, Department of the Interior orders, or Council directives. If any terms or conditions of this MOU are inconsistent with existing BLM orders or Council directives, those portions of this MOU are invalid.

By signing below, the partners show their agreement to MOU Amendment No. 1 as described in this document.

Thomas Burgin, President of the Southern Low Desert Resource Conservation and Development Council.

Signed: 

Date MAR 6, 2008

Alfredo Figueroa, La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee.

Signed: 

Date FEB 15, 2008

Jim Shipley, Blythe Area Chamber of Commerce and Tourist Information Center.

Signed: 

Date FEB 29, 2008

James T. Shoaff, Field Manager of the Bureau of Land Management Yuma Field Office.

Signed: 

Date March 14, 2008



Chemehuevi Indian Tribe

CHEM.R. 06-07-29-02

A RESOLUTION OF THE TRIBAL COUNCIL OF THE CHEMEHUEVI INDIAN TRIBE SUPPORTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SACRED SITES PROTECTION CIRCLE, THE SOUTHERN LOW DESERT RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, AND THE BUREAU OF LAND MANAGEMENT FOR THE PROTECTION AND PRESERVATION OF THE 'BLYTHE' INTAGLIOS.

WHEREAS, the Chemehuevi Indian Tribe (the Tribe) is a federally recognized Indian Tribe recognized by the Secretary of the Interior maintaining a government-to-government relationship with the United States; and

WHEREAS, the Tribe is organized under the provisions of the Indian Reorganization Act, 25 U.S.C. Sec. 476, with a written constitution vesting in the Chemehuevi Tribal Council (the Tribal Council) the authority to govern the Tribe; and

WHEREAS, the Tribe is the beneficial owner of the Chemehuevi Indian Reservation, the title to which is owned by the United States government in trust for the Tribe (Reservation); and

WHEREAS, the Tribe still holds all ancestral, historical land use areas within our trust and stewardship and seeks the protection and preservation of same; and

WHEREAS, the 'Blythe' Intaglios fall within our ancestral and historical land use area we wish to protect and preserve them for future generations, and

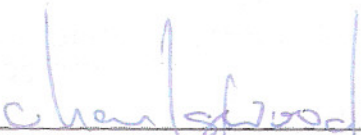
WHEREAS, the Sacred Sites Protection Circle, the Southern Low Desert Resource Conservation and Development Council and the Bureau of Land management have entered into a Memorandum of Understanding to protect and preserve the 'Blythe' Intaglios and seek Tribal support;

NOW THEREFORE BE IT RESOLVED that the Chemehuevi Tribal Council approves and supports the MOU between the Sacred Sites Protection Circle, the Southern Low Desert Resource Conservation and Development Council and the Bureau of Land Management for the protection and preservation of the known, identified intaglios on the lower Colorado River and any future intaglios that may be discovered.

CERTIFICATION

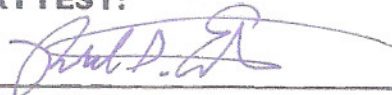
The foregoing Resolution was adopted at a duly convened meeting of the Chemehuevi Tribal Council with a quorum present held on the 29th day of July, 2006, by the following vote:

AYES: 6
NOES: 0
ABSENT: 3
ABSTAIN: 0



Charles F. Wood, Tribal Chairman
Date Aug 11, 2006

ATTEST:



Ronald D. Escobar, Sr., Secretary/Treasurer
Date August 9, 2006



General Assembly

Distr.: Limited
7 September 2007

Original: English

Sixty-first session

Agenda item 68

Report of the Human Rights Council

Belgium, Bolivia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Latvia, Nicaragua, Peru, Portugal, Slovenia and Spain: draft resolution

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.



Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights¹ and the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action,² affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing also that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

¹ See resolution 2200 A (XXI), annex.

² A/CONF.157/24 (Part I), chap. III.

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights³ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

³ Resolution 217 A (III).

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of

the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
California State Office
2135 Butano Drive
Sacramento, California 95825-0451
March 9, 1998

8160(P)
CA-930.5

EMS TRANSMISSION: 3/9/98
Information Bulletin No. CA-98-37

To: Field Managers and Archaeologists
From: State Director
Subject: Sacred Areas

In California we have worked for nearly two decades in trying to identify and facilitate use of special areas by California's aboriginal inhabitants who presently reside on 105 federally recognized reservations. We have worked diligently with State and self recognized native groups to assist in sound land use planning and use throughout the state. In order to work with various groups of California Indians we have entered into MOU's with the California Native American Heritage Commission, have developed protocols with local Indian groups, have developed specific planning efforts on the Carrizo Plain and in the Santa Rosa Mountains National Scenic Area where California Indian individuals and groups provided specific management counsel. We have set aside portions of the landscape to emphasize Indian collecting and harvesting areas as well as have developed ACEC's for sacred geography.

In 1996 President Clinton signed Executive Order 13007 to facilitate the preservation of Indian religions and to provide for access to sacred and religious sites on federal property, as long as that access was not inconsistent with other laws or policy (See Attached). The Order also provided for the formal development of Protocols between the BLM and all of the federally recognized tribes which considered California to be their homeland. Also attached is the Department Manual 512, Part 3 and some basic questions and answers designed to help you in working with sacred sites.

You Field Managers and your archaeologists have taken great pain in developing protocols. We have over a dozen which have been developed in the last two years. Many more are in the planning and discussion mode and will be completed this year. I encourage you to finish them as quickly as you can, but keep in mind the fact that the protocol is the end product of the development of a meaningful relationship between you as the Bureau's representative and the tribal chair as the representative of aboriginal peoples in your specific area.

I have enclosed an article courtesy of Current Anthropology for you to review with your staff archaeologist. This article analyzes a "sacred site" in Santa Barbara from an historical and anthropological perspective. The discussion is extremely relevant to the management of public lands within your field area because it discusses not only anthropologically relevant data and process, but the politics of Indian interest related to non reservation lands. Try and follow the essay through to the logical end and read some of the comments. You will be seeing more discussion in the newspapers about the issue because it is active and divisive in the local community pitting Indians, archaeologists, land use planners, and project proponents in "no win" situations. These situations may have been avoided with better research and better negotiation,

but emotions with "sacred" sites often run high.

In California, on public lands we may have sites which have been determined by the same type of process to be of special significance. There is at least one site which has been designated as a sacred place where there is absolutely no historic background to indicate that the site had special meaning historically. While it is important to listen to concerned land users it is equally important to listen to your staff specialist and analyze their data and reasoning before making a long term land use decision.

Please continue to work with California's tribes in a positive manner to develop protocols. A list of our current protocols will be sent to the WO since the Director has expressed an interest in them.

Please contact the State Office Indian Coordinator if you have questions on how to verify some of the special attributes claimed to occur on the landscape before these places receive long term planning designations. If you have questions, please contact Russell L. Kaldenberg at 916 978-4635.

Signed
Ed Hastey
State Director

Authenticated
AJ Ajitsingh
Records Management Team

4 - Attachments:

- 1 - Executive Order 13007 (2 pgs)
- 2 - Departmental Manual Part 512 (5 pgs)
- 3 - Questions and Answers (Draft, BLM) (6 pgs)
- 4 - Essay "Anthropology and the Making of Chumash Tradition" (34 pgs) **{Under Separate Cover}**

THE WHITE HOUSE
May 24, 1996
Executive Order 13007
INDIAN SACRED SITES

By the authority vested in me as President by the Constitution and the laws of the United States, in furtherance of Federal treaties, and in order to protect and preserve Indian religious practices, it is hereby ordered:

Section 1. Accomodation of Sacred Sites.

(a) In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accomodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

(b) For purposes of this order:

(i) "Federal lands" means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust lands;

(ii) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No. 103-454, 108 Stat. 4791, and "Indian" refers to a member of such an Indian tribe; and

(iii) "Sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

Section 2. Procedures. (a) Each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of carrying out the provisions of section 1 of this order, including, where practicable and appropriate, procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. In all actions pursuant to this section, agencies shall comply with the Executive memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments." (b) Within 1 year of the effective date of this order, the head of each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall report to the President, through the Assistant to the President for Domestic Policy, on the implementation of this order. Such reports shall address, among other things, (i) any changes necessary to accommodate access to and ceremonial use of Indian sacred sites;

(ii) any changes necessary to avoid adversely affecting the physical integrity of Indian sacred sites; and (iii) procedures implemented or proposed to facilitate consultation with appropriate Indian tribes and religious leaders and the expeditious resolution of disputes relating to agency action on Federal lands that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites.

Section 3. Nothing in this order shall be construed to require a taking of vested property interests. Nor shall this order be construed to impair enforceable rights to use of Federal lands that have been granted to third parties through final agency action. For purposes of this order, "agency action" has the same meaning as in the Administrative Procedures Act (5 U.S.C.551[13]).

Section 4. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States, its agencies officers, or any person.



WILLIAM J. CLINTON

THE WHITE HOUSE, May 24, 1996.

La Cuna de Aztlan Sacred Sites Protection Circle

Alfredo A. Figueroa
424 N. Carlton Ave
Blythe, Ca 92225



Tel: (760) 922-6422
E-mail: lacunadeaztlan@aol.com

March 5, 2010

John Kalish
Bureau of Land Management, Field Manager
1201 Bird Center Drive
Palm Springs, Ca 92262

Dear John,

It was indeed a pleasure having you and George together with our committee here on Tuesday March 2, 2010 for the onsite tour of the Sacred Sites. During the tour we visited Kokopilli, Cicimitl, the ancient trails and the rest of the Sacred Sites which are within the area of the proposed Blythe Solar Power project. I hope that you and George were able to absorb most of the information that we presented to you.

Like I explained to you, most of the mountain images that surround the Lower Colorado River Basin (Beginning in the north from Spirit Mountain, "Avi-Kawme," (Mojave) and Tlalocan (Nahuatl) north of Laughlin, NV, down to the south to the Gulf of California) relate to the Mexica Codices and what we call "La Cuna de Aztlán" (Cradle of Aztlán) which is centered around Blythe, California.

During our conversation, I explained to you that at first we were afraid to reveal the Sacred Sites to the general public because we were threatened by the off-roaders who were the principle destroyers of these sites. However, now we are at the brinks of having all the sites destroyed by these Solar Power Projects. For this reason, we are totally against the proposed Blythe, Palen and Gencsis Solar projects.

We would greatly appreciate if our La Cuna de Aztlan Sacred Sites Protection Circle organization could extend our current MOU with the BLM office in Yuma, Arizona in order to extend and fall under the jurisdiction of the Palm Springs, Ca office.

I was also glad to know that there might be some money from the Department of Interior to erect the fences in order to protect the Kokopilli/Cicimitl Sites which are now being revealed to the general public due to the current critical situation in which we are in. Please advise us of what procedures we must take in order to receive the funds or if we can establish a partnership with the BLM office to immediately build the fences.

And please let me know if you would like me to make a presentation at the BLM office because we do not want to spend another 10 years fighting a proposed Solar Power Projects like we did during Ward Valley Nuclear Toxic Dump campaign.

Enclose you will find the Mission Statement for La Cuna de Aztlán Sacred Sites Protection Circle.

Thank you again for your help and I hope to hear from you soon.

Sincerely,

Alfredo Acosta Figueroa

La Cuna de Aztlan Sacred Sites Protection Circle

Alfredo A. Figueroa
424 N. Carlton Ave
Blythe, Ca 92225



Phone: (760) 922-6422
E-mail: lacunadeaztlan@aol.com

March 5, 2010

George E Kline
Palm Springs –South Coast Field Office
1201 Bird Center Drive
Palm Springs, Ca 92262

Dear George,

It was indeed a pleasure having you and John together with our committee here on Tuesday March 2, 2010 for the onsite tour of the Sacred Sites. During the tour we visited Kokopilli, Cicimitl, the ancient trails and the rest of the sacred sites which are within the area of the proposed Blythe Solar Power project.

I hope that you and John were able to absorb most of the information that we presented to you. John told me, that if he could remember 10% of what we showed all of you it would be a lot for him. This is why I am sending you some additional information for your enlightenment and so you can share it with the agency.

Most of the mountain images that surround the Lower Colorado River Basin (Beginning in the north from Spirit Mountain, "Avi-Kawme," (Mojave) and Tlalocan (Nahuatl) north of Laughlin, NV, down to the south to the Gulf of California) relate to the Mexica Codices and what we call "La Cuna de Aztlán" (Cradle of Aztlán) centered around Blythe, California.

During our conversation, I explained to you that at first we were afraid to reveal the Sacred Sites to the general public because we were threatened by the off-roaders who were the principle destroyers of these sites. However, now we are at the brinks of having all the sites destroyed by these Solar Power Projects. For this reason, we are totally against the Blythe, Palen and Genesis projects.

The proposed project areas are tied together with the Creators travels west (To the Sunset) to the San Jacinto Mountains. The ridge of the San Jacinto Mountains has a human face image called "Copilli" (Our Lord's Crown) and it is seen when looking west from Frank Sinatra & Cook St. in Palm Desert, Ca.

Like I explained to you, our fore-fathers were so precise in there traditional daily Cosmic/Mother-Earth relation which they called "Pan-Che-Bek" meaning "Seek the Roots of the Truth to the fullest extent. And I was glad to know that you and your wife are associated with the Malki Museum because in the Nahuatl language we have a saying "In-Ixtli-In-Yollotl" meaning "Your profile and your heart reveals your persona."

Included in the Creators travels are the images seen on the San Gorgonio & San Bernardino Mountains. So, when you are going through Banning, Ca (at the Highland Ave. off-ramp by the Denny's café) look north towards the

center of the San Gorgonio Mountains. Here you will see a large white image that is not covered with forest (this image changes during the five positions of the Suns daily travels) in this image you will see the face of a person with a large headdress (facing west) and at another time you will see a descending eagle.

And as you continue on the freeway towards Redlands, get off at Orange St. and go north beyond Pennsylvania Ave. and look northeast towards Running Springs and you will see the image of a descending human (below Highway 18). During our conversation I explained to you what the Descending Arrowhead meant, which is similar to the trinity. All these images are related to the Aztec Sun Stone Calendar as they are related to the Five Suns which depicts the migration ending and beginnings.

It has been extremely difficult for us to personally be at these sites to get better pictures of the images due to our distance and weather conditions. But now that we know that you live in the area and are interested, you can maybe help us and possibly there might be some relevant research concerning these images at the different Universities.

Please feel free to call me and let me know when you would like to come and visit us again so that we can enlighten you more on this subject.

And please let me know if you would like me to make a presentation at the BLM office because we do not want to spend another 10 years fighting a proposed Solar Power Project like we did during Ward Valley Nuclear Toxic Dump campaign. Why spend 10 years when we can stop this now.

I am enclosing some copies of the books "*Creating the Cosmos*" *The Myth of the Four Suns in the Codex Vaticanus A*", and "*Pre-Columbian Literatures of Mexico*." These are in references to the Aztec Sun Stone Calendar and most of the information is correct but there's a lot of inconsistency and lies because these books were written and supervised by notorious Spanish inquisition priest like Fray Diego Duran. Yet, we can grasp a lot of the material and cross-reference it with our local surrounding, which include mountain images, geoglyphs, petroglyphs, pictographs, solstices, equinoxes and so on. In addition, I am including "*Alfredo's Aztlán: December 24, 2006; West Magazine, Los Angeles Times*", and the picture of the ascending Thunderbird Eagle and the face of Copilli on the San Jacinto Mountains. Also, I would highly recommend that you read the "University of California Archeological Survey No. 20; issued March 16, 1953; By Michael J. Harner "*Gravel Pictographs of the Lower Colorado River Region*."

We can go on and on but this is only a starter for you and John, so that both of you and the BLM can grasp these facts and understand that we did not cross the border, the border crossed us.

Thank you for your help and I hope to hear from you soon.

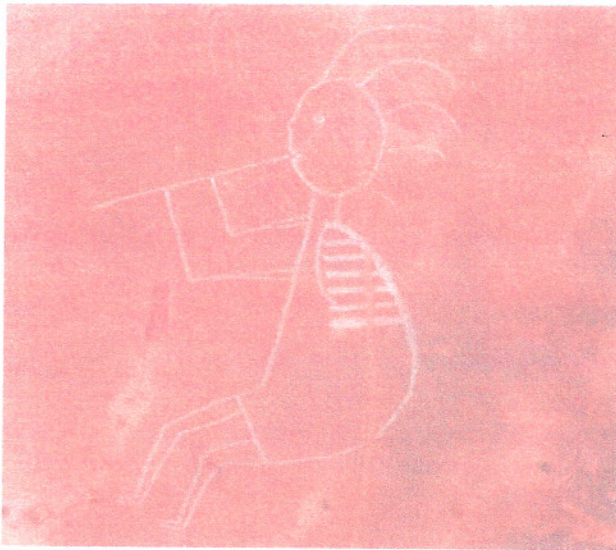
Sincerely,



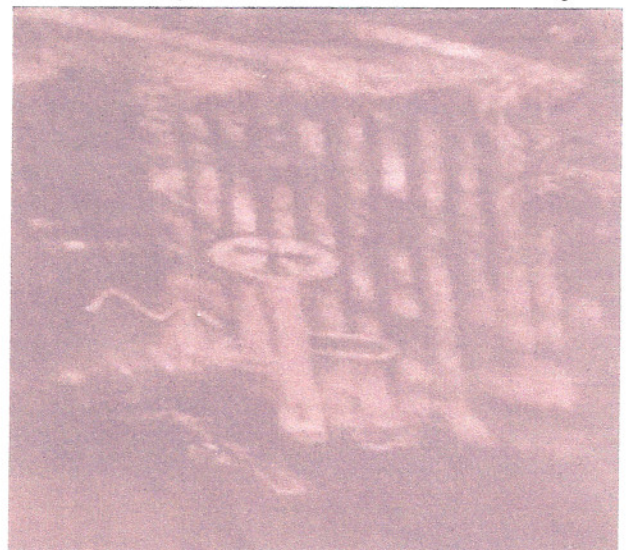
Alfredo Acosta Figueroa

Elder Historian, La Cuna de Aztlán Sacred Site Protection Circle
Chemehuevi Tribal Monitor

Sacred Sites are Threaten by the Proposed Solar Panel Projects in Riverside County



Geoglyph image of the Creator in the form of Kokopilli (200ft long & 50ft wide) located within the Blythe Solar Power project site.



Geoglyph image of Cicimitl "The Spirit of the Underworld" which takes human spirits to their final resting place. (10x10 yards)

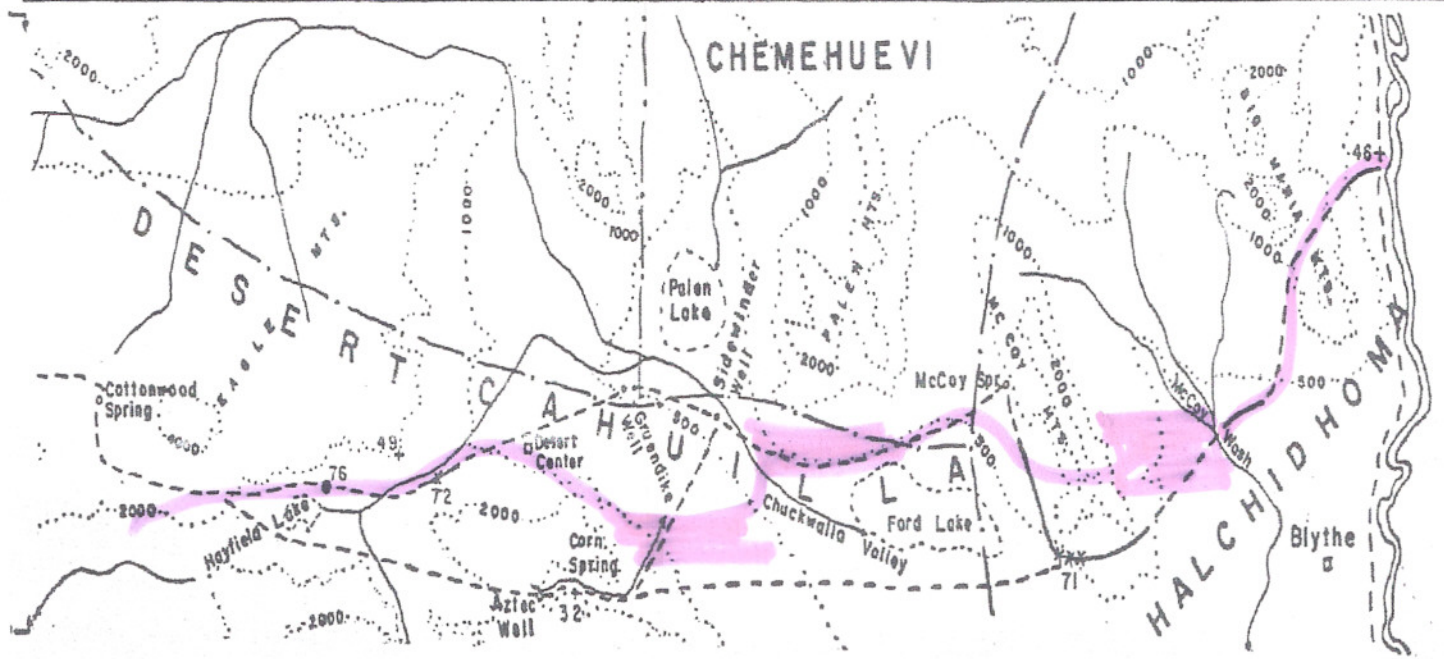
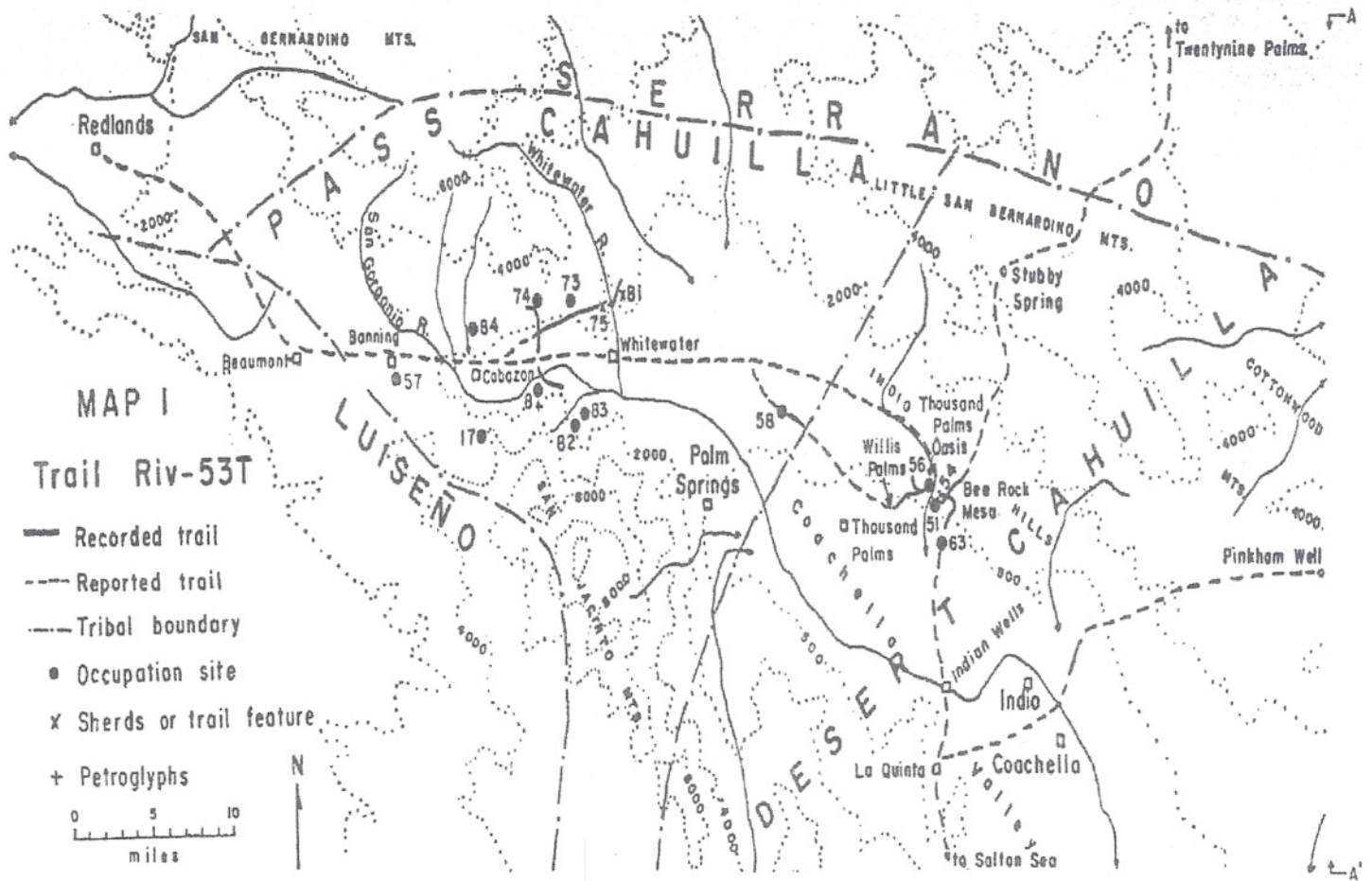
La Cuna de Aztlán Sacred Sites Protection Circle strongly urge The San Manuel & 29 Palms Band of Mission Indians , The Native American Land Conservancy and the participants of the Tribal Renewable Energy Symposium to help protect Mother Earth from the Proposed Solar Panel Projects.

The images of Kokopilli, Cicimitl, Thunderbird Eagle as well as numerous other Sacred Sites and trails are all located within the proposed Blythe Solar Project. The image of Kokopilli depicts his travels from La Cuna de Aztlán going through the southern end of the McCoy Mountains to the McCoy Springs area where he bathes himself and continues on to "Hue-Hue-Tlapallan" (Palen Mountains). There Kokopilli is shown descending together with Xolotl (Canis Major) to the underworld at the Palen Mountain Wash petroglyph mural. During another Era, Kokopilli travels and meets with the trails from the Palen Wash and McCoy Springs that go west past Desert Center, which is the location of the top part of the Aztec Sun Stone calendar, as seen in the Florentine Codices.

Included below are State, Federal, Mexico and United Nation laws that support our demands and why these projects should not be constructed in these Sacred areas:

- *Estrella Newman, Chairman of the Mexicanidad Movement visit to Blythe, California on March 28, 2010 was to confirm the Sacred Sites and their relation to the Mexica Codices.
- *United Nations Declaration on the Right of Indigenous People. Resolution adapted by the General Assembly during the 107th plenary meeting, September 13, 2007. (61/295) Includes: Article 11 that stipulates Indigenous archeological rights.
- *Native American Sacred Places, March 6, 2003 (S.B. 18)
- *Native American Sacred Lands Act, June 11, 2003 (H.R. 2419)
- *The Sacred Land Protection Act, July 18, 2002 (H.R. 5155)
- *The Native American Sacred Sites Protection Act, February 22, 2002 (S.B. 1828)
- *Accommodations of Sacred Sites and Federal Land, Signed by President Bill Clinton on May 24, 1996 (Executive Order 13007)
- *Native American Graves Protection & Repatriation Act of 1990
- *Archeological Resource Protection Act of 1979
- *American Indian Religious Freedom Act, August 11, 1978
- *The Civil Right Act of 1968
- *Antiquities Act of 1906

La Cuna de Aztlán Sacred Sites Protection Circle
Patricia Piñon, President & Alfredo Figueroa, Monitor & Historian
(760) 219-2834 or (760) 922-6422
lacunadeaztlan@aol.com





QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation

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

DOCKET
09-AFC-8

DATE 02/16/10

RECD. 03/11/10

February 16, 2010

Mr. John Kalish, Field Manager
Bureau of Land Management, Palm Springs Field Office
1201 Bird Center Drive
Palm Springs, CA 92262

Re: Section 106 Consultation Process: (a) First Solar Desert Sunlight; (b) Palen Solar; (c) Ford Dry Lake Solar; and (d) Blythe Solar Projects

Dear Mr. Kalish:

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 First Solar Desert Sunlight, Palen Solar, Ford Dry Lake Solar and Blythe Solar power projects. 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 grant approvals for each Project. It would be inappropriate to defer consultation or decisions regarding cultural resource protection and mitigation until after the final decision is made.

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 these threaten the integrity of the cultural landscape. Careful consideration is required to identify and evaluate measures to avoid impacts to cultural resources.

PROOF OF SERVICE (REVISED 2/22/10) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 3/11/10

MS

It is our understanding that each of the aforementioned projects 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 applicants’ 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 these proceedings even if it requires pushing the final record-of-decision beyond September 2010.

It is the Tribe’s understanding that other BLM offices are developing Programmatic Agreements (PA) to address effects on cultural and historic resources for the fast track projects within their field offices. The Tribe does not believe that any of these projects meet 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 applicants, there is no apparent reason why effects on cultural resources cannot be fully determined prior to BLM’s decision whether to approve these projects.

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 projects. 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 projects, but the Tribe has significant concerns regarding impacts to cultural resources that must be addressed prior to any BLM decision whether to move forward with these Projects. 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 these projects in a culturally sensitive area. If BLM ultimately determines that the projects 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
Mike Monasmith, California Energy Commission Project Manager
Wayne Donaldson, California State Historic Preservation Officer
Dave Singleton, Native American Heritage Commission



**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**

**APPLICATION FOR CERTIFICATION FOR THE
*GENESIS SOLAR ENERGY PROJECT***

Docket No. 09-AFC-8

**PROOF OF SERVICE
(Revised 2/22/10)**

APPLICANT

Ryan O’Keefe, Vice President
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Meg Russel/Project Manager
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INTERESTED AGENCIES

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e-recipient@caiso.com

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Palm Springs South Coast
Field Office
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Palm Springs, CA 92262
Allison_Shaffer@blm.gov

INTERVENORS

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c/o: Tanya A. Gulesserian,
*Rachael E. Koss,
Marc D. Joseph
Adams Broadwell Joesph
& Cardoza
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Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
rkoss@adamsbroadwell.com

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

OTHER

Alfredo Figueroa
424 North Carlton
Blythe, CA 92225
lacunadeaztlan@aol.com

ENERGY COMMISSION

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jboyd@energy.state.ca.us

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Jennifer Jennings
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*indicates change

DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on March 11, 2010, I served and filed copies of the attached Section 106 Consultation Process Letter, dated February 16, 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/genesis_solar].

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:

 x sent electronically to all email addresses on the Proof of Service list;

 x by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 x 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-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Originally Signed by _____
Maria Santourdjian

May 24, 2010

To Whom It May Concern:

My name is Jeff Gatchell and I am a professional pilot. On Friday, May 21, 2010, I volunteered to fly a couple of people who were interested in taking pictures (stills and video) in the area of the Blythe Airport. I was off work that day so I did not have to worry about other commitments from my on-call flying job. My two passengers turned out to be a Mr. Robert Gonzales and a Mr. Jesse Figueroa. I understood that this was arranged by Mr. Alfredo Figueroa, a resident of Blythe. Both of my passengers were very busy throughout the flight taking pictures, which I am hopeful turn out as well as what I was able to witness.

I borrowed a Cessna 172 for this purpose due to its relatively slow speed and its high-wing design. This makes for a great photo aircraft. We departed the Blythe Airport at approximately 0845 and our flight lasted slightly over an hour. During that time we orbited multiple areas in which there were many ancient Indian drawings carved out on the desert floor. As one can imagine, seeing these from the air is vastly different from being on the surface.

Please contact me if you have any further questions or be of assistance in any way.

Sincerely,

A handwritten signature in black ink that reads "Jeff Gatchell". The signature is written in a cursive style with a large, stylized "J" and "G".

Jeff Gatchell

164 North Broadway

Blythe, CA 92225

(760) 922-5911

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

Application for Certification for the

Calico Solar (SES Solar One) Project,
Genesis Solar Energy Project,
Imperial Valley (SES Solar Two) Project,
Solar Millenium Blythe Project,
Solar Millenium Palen Project, and
Solar Millenium Ridgecrest Project.

Consolidated Hearing on Issues Concerning
US Bureau of Land Management Cultural
Resources Data

Docket Nos.

08-AFC-13,
09-AFC-8,
08-AFC-5,
09-AFC-6,
09-AFC-7,
09-AFC-9, and

10-CRD-1

**TESTIMONY OF ROBBIN MARSH ON ISSUES CONCERNING US BUREAU OF
LAND MANAGEMENT CULTURAL RESOURCES DATA**

May 19, 2010

I Robbin Marsh am the care taker of 160 acres at the location of 57 Gas line Rd. This path of land is being affected by the Millennium Solar Project and I openly oppose all of the excess violations. These 'violations' have been going on for the last 2.5 years in and around the private property I manage and maintain. This private property has been jeopardized from the very beginning of this companys' idea of establishing this project here in Blythe, CA. Trespassing on this privately owned 160 acres has been a huge issue ever since the specialists of plants, animals, rocks, and land surveyors have arrived.

Pulling up massive amounts of California's number one resource, i.e. water, from the aquifers that exist deep down below the surface and have it evaporate is wasteful. Our one precious resource that makes life possible here and the Millennium Solar Project are going to destroy it; this would be a major blunder. I believe that solar power is our best alternative to this threat as it harnesses the natural sunlight, stores the energy, and/or directs it into our power grid.

This Solar Thermal Generating does not seem to have any kind of green effect to it, and I oppose it openly. To save our desert from complete devastation is our right, our job, and the correct thing to do. Not only is this project an experiment, but I think there should be some more education available to what the impacts this will have on our wildlife, natural plants, and eventually us.

There is a history behind this area where I live besides the glacial waters underneath the desert surface. The Indian tribes have ancient markings on the surface as well as on the mountain peaks. The first one that comes to mind is 'the lady of the mountain - Quetzalpetlatl' which can be seen with the naked eye from my home. Another marking is the 'the Owl - Tosco' which lies

May 19, 2010

on the Big Maria Mountains; even the famous 'Kopilli and Cicimitl' geoglyphs. All of these priceless archeological finds are being threatened.

I need to know where all of this information pertaining to all of the environmental impact studies is being sent. This way, I can be assured that whatever is being documented is available for viewing; to make absolutely sure that this is not an attempt to 'pull the covers' over the public's eyes just to establish this disastrous project.

I do agree that there is a need for a new energy producing form of power but to take something as the precious as water which exists deep below and evaporate it has no kind of green effect to it. Please look for other alternatives before a major disaster is made and the California's desert is held responsible.

Sincerely,

Robbie Marsh
57 Gasline Rd.
Blythe, CA. 92226
760-397-7925

Testimony of Michael E. Boyd

June 4, 2010

According to the April 29, 2010 letter from BLM “[t]he California Energy Commission (CEC) has received a number of draft cultural resource reports prepared for a number of solar projects on Bureau of Land Management (BLM) administered lands. These draft cultural resource reports contain sensitive location and other information that BLM does not make publicly available. The BLM has recently been informed that some of these documents were docketed with the CEC as part of its public file for the Imperial Valley solar facility, and that a recent decision was made by the CEC Chief Counsel to release this information.”

Further according to BLM CEC allowed an “Inappropriate Disclosure under Federal Law: The documentation that has been docketed with the CEC for decision making purposes has been made under an inappropriate disclosure under federal law. The BLM has requested that this information be recalled and secured by the entity that filed this information with the CEC. In addition, the BLM has asked that the siting division of the CEC return any and all cultural resource reports and other information, and all copies of the same, pending further agreement between the BLM and the CEC as to the future protection of this information.”

The BLM further states, “Property of the United States for which no authorization has been granted: The above referenced cultural resource information is and remains the property of the United States. As its steward, the BLM has not approved the release of this information for purposes of docketing with the CEC. The BLM has taken appropriate steps to secure the return of this information. It has likewise contacted the CEC siting division and the state with the

1 understanding that an agreement regarding appropriate release conditions will be
2 reached in the very near future.”

3
4 I am providing this Testimony in support of the BLM and against the CEC and
5 Applicants’ mishandling of sensitive cultural resource information. It is my
6 testimony herein that such information disclosure is part of a pattern and practice
7 and a culture synergistic corruption between the CEC and large energy
8 corporations whom the CEC is purportedly supposed to regulate and review their
9 projects in an unbiased manner so as to protect the environment and public from
10 harm. Unfortunately this isn’t the first time the CEC has mishandled sensitive
11 cultural resource information.

12
13 As CARE’s local expert Alfredo Figueroa states¹ in his attached cover letter to
14 me and attached exhibits “[a]s you read my declaration your will see that the 3
15 (Blythe, Genesis, Palen Solar Projects) are all tied together and come from the
16 same source which are the Blythe Giant Intaglios and the Aztec Sun Stone
17 Calendar. You may use the following information against the proposed projects.

18
19 Enclose you will find:

- 20 1) Alfredo Acosta Figueroa's signed Declaration
- 21 2) Memorandum of Understanding with the Bureau of Land Management
- 22 3) Chemehuevi Tribe Resolution.
- 23 4) United Nation: Declaration on the Rights of Indigenous People. (See article
24 11)
- 25 5) President Clinton's Executive order: 13007
- 26 6) Copy of the letter to John Kalish (BLM)
- 27 7) Copy of letter to George Kline (BLM)
- 28 8) Flyer of Tribal Symposium in Palm Desert, Ca
- 29 9) Patrick Johnson Map
- 30 10) Quechan Indian Tribe position

¹ With a supporting Declaration from pilot Jeff Gatchell.

1 11) Declaration of the Pilot Jeff Gatchell from the Blythe Desert Air Ambulance
2 who took us to the sites. (When I receive more declaration letters I will e-mail
3 them to you so that they can be submitted before June 5, 2010).

4
5 [Alfredo also provided 12) an additional May 19, 2010 Declaration of Morris
6 Marsh.]

7
8 We hope that this material is beneficial in stopping these idiotic stimulus money
9 projects that are only proposed to put money in the solar company's wallet. As
10 you well saw on the declaration, we the tribes are determined at all cause to stop
11 the desecration of our Sacred Sites which are not only sacred to the indigenous
12 people but to all humanity.”

13
14 I also include this document as #13 Testimony and Declaration of Michael Boyd
15 and provide answers to the following CEC questions.

16
17 1. Who “owns” or controls the data at issue (e.g., BLM, the applicant, the
18 Energy Commission (CEC)?

19
20 *The cultural resource information or data is owned by the United States pursuant*
21 *to federal law. The term ‘Cultural Resources’ can apply to “those parts of the*
22 *physical environment – natural and built – that have cultural value of some kind*
23 *to some socio-cultural group.” This can include, spiritual places, historic*
24 *resources, archaeological resources, Native American cultural items, historical*
25 *objects, religious practices, cultural uses of the natural environment, community*
26 *values, or historical documents (from Cultural Resource Laws & Practice: An*
27 *Introductory Guide, King 1998:7,9)., These resources are protected for the rest*
28 *of humanity pursuant to the September 2007 United Nation Declaration on the*
29 *Rights of Indigenous Peoples regarding “their cultural, intellectual, religious and*
30 *spiritual property taken without their free, prior and informed consent or in*
31 *violation of their laws, traditions and customs”.*

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2. If BLM limits use of the data, what “controls” or restrictions has it put on the data?

BLM as an Agency of the United States should not share any data with any state agency like CEC that is involved in synergistic corruption with the project applicant and will disclose that information with the developer who could cause direct harm to cultural resources.

Has the applicant (or other entity or person that submitted the data to the Commission) complied with the controls or restrictions that BLM may have placed upon the use of the data?

If the CEC Staff and the Applicant have shared confidential cultural resource information in any way than they failed to comply with federal law since such information shouldn't be shared with the Applicant.

3. Who submitted the data to the Commission?

BLM submitted data to the Commission that was then shared with non-BLM approved recipients of confidential information related to cultural resources.

4. What is the data?

The data is confidential and public disclosure of what the data is, is confidential, and that information's disclosure would compromise the confidentiality of the data.

5. Is there restricted access to the land on which the cultural resources are found?

1 *Yes access is restricted to those persons authorized by the United States and*
2 *the affected tribes who have aboriginal rights to access. Also see Declaration of*
3 *Robbin Marsh regarding the project applicant and CEC staff trespassing on*
4 *private property under color of state law his Declaration is to “oppose all [ac]cess*
5 *violations. These ‘violations’ have been going on for the last 2.5 years in and*
6 *around the private property I manage and maintain...Trespassing on this*
7 *privately owned 160 acres has been a huge issue ever since the specialists of*
8 *plants, animals, rocks, and land surveyors have arrived.”*
9

10 6. Should local tribal entities with an interest in the project site have access to the
11 data and the land?

12
13 *Yes but subject to a non-disclosure agreement between the tribal member and*
14 *BLM, and without the ability to remove the data from the lawful site of the data*
15 *repository.*
16

17 7. Which substantive law(s) govern the confidentiality of the data: federal cultural
18 resources statute(s) and regulation(s), state cultural resources statute(s) and
19 regulations?
20

21 *See 10) Quechan Indian Tribe position:*
22

23 *“This letter addresses concerns that the Quechan Indian Tribe of the Fort Yuma*
24 *Indian Reservation has with the ongoing evaluation of cultural resource impacts*
25 *associated with the First Solar Desert Sunlight, Palen Solar, Ford Dry Lake Solar*
26 *and Blythe Solar power projects. Specifically, the Tribe is concerned that the*
27 *current regulatory approval schedule, which calls for a Record of Decision to be*
28 *issued by September 2010, does not provide adequate time to conduct a*
29 *thorough and complete Section 106 consultation under the National Historic*
30 *Preservation Act (NHPA). BLM must ensure that it completes the Section 106*
31 *process, including identification of affected sites, consultation with affected*

1 *entities and tribes, and development of an appropriate treatment plan, before it*
2 *makes a final decision whether to grant approvals for each Project. It would be*
3 *inappropriate to defer consultation or decisions regarding cultural resource*
4 *protection and mitigation until after the final decision is made.”*

5
6 8. What restrictions do each of those laws put on access to the data?

7
8 *It is up to the tribes and the BLM to decide what data can be made public.*

9
10 9. What are the cultural resource issues in the proceedings?

11
12 *There are three predominant cultural resource issues associated with direct*
13 *impacts of the proposed projects.*

14
15 *This are according to CARE local expert Alfredo Figueroa first is the presence of*
16 *La Cuna De Aztlan (the cradle of the Aztec civilization) which is like Jerusalem to*
17 *the indigenous peoples of the American continent. As Alfredo explains in his*
18 *Declaration the mountains and desert are the canvas of native peoples of the*
19 *past whose Aztec calendar itself is made three dimensional in the surrounding*
20 *mountains and on the lake beds that nurtured the ancestors of all the Americas’*
21 *peoples before the European conquest the ethnically cleansed their culture from*
22 *the maps that had existed for thousands of years in the rocks all around you...if*
23 *you just open your eyes to see them. Therefore it is sacred to humanity pursuant*
24 *to the September 2007 United Nation Declaration on the Rights of Indigenous*
25 *People too. As Alfredo explains the monkey with his tongue sticking out in the*
26 *middle of the Aztec Calendar symbolizes what is the key to human survival; it is*
27 *communication with each other.*

28
29 *The other issue is the tribes hold all the desert wildlife as sacred to. Once again I*
30 *point to the Aztec Calendar that is inscribed on the back of the desert tortoise.*

31 *This tortoise is sacred because it holds the world on its back. The last issue is*

1 *the water. Another tribe in Arizona like those involved in these projects consider*
2 *water is very sacred since as I learned from CARE's Hopi expert Vernon*
3 *Masayesva we all came from the water so the use of ground water for non-*
4 *consumptive uses like these projects propose violates the natives peoples*
5 *relationship to water as a sacred resource. As Vernon explained when we die it*
6 *isn't our souls but water that leaves our body. According to Vernon when it rains*
7 *your relatives who passed on come back to visit you. Water is also an important*
8 *issue because the United States is supposed deliver 1.5 million acre feet of*
9 *Colorado River water to Mexico under a 1944 treaty with the Country and it*
10 *doesn't allow for these non-consumptive use projects.*

11

12 10. What data does the Commission need, under the Warren-Alquist Act, the
13 CEC regulations, CEQA, NEPA, the cultural resources laws, and the APA,
14 to resolve those issues?

15

16 *See 7 above.*

17

18 11. For projects proposed on BLM land, can the CEC defer, partially or entirely,
19 to BLM's decisions on cultural resource issues, under the Warren- Alquist Act,
20 the CEC regulations, CEQA, NEPA, the cultural resources laws, and the APA?

21

22 *No this is required baseline information and it would be improper to approve any*
23 *application for certification without the necessary baseline information being*
24 *included. Also a determination of data adequacy for the purpose of filing the*
25 *application would become impossible therefore too.*

26

27 12. In a Commission proceeding for a project(s) proposed on private land, are
28 there similar issues of who should be permitted access to confidential cultural
29 resources data?

30

1 My only experiences are with the CEC miss-handling of confidential
2 cultural resource information on private land comes from the Metcalf Energy
3 Center located in San Jose California although the CEC allowing the Blythe I
4 project on a significant cultural trail (Riverside Drive) also demonstrates the
5 CEC's lack of concern and disrespect for protecting indigenous peoples cultural
6 resources too. Regarding the Metcalf Energy Center the project disturbed the
7 human remains of several indigenous individuals. CARE provided extensive
8 expert testimony from fully qualified archeologists² that both concluded the
9 presence of human remains was highly likely for the MEC project's site. The
10 Commission ignored this choosing to accept on good faith the applicant's claim
11 that such remains were unlikely. In June 2002 Calpine had graded the Metcalf
12 Energy Center site and raised the site above the flood plain. They had also
13 prepared the lay down area and had begun to receive some of the heavy
14 equipment. During the site preparation phase, 17 to 20 human burial remains
15 were discovered. 10 cultural artifacts were found too. In reviewing the events
16 surrounding the discovery and removal of the remains CARE discovered that the
17 CEC has not yet adopted a protocol to protect the civil constitutional and human
18 rights of the Most Likely Descendants (MLD). In this case the CEC allowed the
19 removal of the remains prior to notifying the MLD, then when the MLD was
20 contacted, the CEC and applicant failed to carry out the MLD's recommendation
21 for the remains which included, leaving the remains in place until the MLD could
22 examine the remains for removal to another MLD selected location for re-
23 interment. The MLD also recommended that the remains not be removed by the
24 applicants archaeologist Basin Research for research purposes, because of the
25 MLD's prior problems with the applicant's archaeologist's over their previous
26 handling of native remains. The CEC in fact allowed the applicant to remove the
27 remains and keep them in storage on the project site where they were than

² These and the following references to CARE's expert testimony and briefs before the CEC on the MEC project's impacts on Cultural Resources are incorporated by this reference as if fully set forth here. See http://www.energy.ca.gov/sitingcases/metcalf/documents/intervenors/2000-04-21_CARE.PDF

1 *presumably subject to research by Basin Research. The CEC had failed to*
2 *develop the appropriate protocols to protect the civil, constitutional, and statutory*
3 *rights of the MLD, and we expected nothing less than a guarantee that such*
4 *actions would not re-occur in the development of these projects. Eventually these*
5 *protocols were developed by the CEC and applicant but not until after the power*
6 *plants construction in 2006.³ This demonstrates a pattern and practice and a*
7 *culture synergistic corruption between the CEC and the Applicant in the Metcalf*
8 *case; Calpine and Bechtel Corp.*

9
10 13. What data are parties entitled to, under the Warren-Alquist Act, the CEC
11 regulations, CEQA, NEPA, the cultural resources laws, and the APA?

12
13 *Not much. The authority and directives for cultural resource management within*
14 *the BLM come from an integral set of laws: Antiquities Act (1906), Historic Sites*
15 *Act (1935), National Historic Preservation Act (1966), National Environmental*
16 *Policy Act (1969), Federal Land Policy and Management Act (1976), American*
17 *Indian Religious Freedom Act (1978), Archeological Resources Protection Act*
18 *(1979), Native American Graves Protection and Repatriation Act (1990), and*
19 *Executive Orders 11593, 13007 and 13175.*

20
21 14. If the CEC Staff has access to certain data, must some or all other parties
22 have access, under the Warren-Alquist Act, the CEC regulations, CEQA, NEPA,
23 the cultural resources laws, and the APA?

24
25 *Yes unless it is specifically exempted from disclosure under the California Public*
26 *Records Act and federal law.*

27
28 15. If the data is revealed to any party, including but not limited to the CEC

³ See http://www.energy.ca.gov/sitingcases/metcalf/calpine/figures/FIG_08-03-06.PDF
and
http://www.energy.ca.gov/sitingcases/metcalf/documents/applicant/Word_Documents/VOLUME%25202/AP%252008%25203A%2520Native%2520Am%2520Pln.doc

1 Staff, what appropriate nondisclosure agreements, if any, should be made?

2

3 *The NDA must comply with BLM requirement and be subject to a non-disclosure*
4 *agreement with the tribes and BLM (subject to their written authorization), and*
5 *viewing of the data would only be possible without the ability to remove the data*
6 *from the lawful site of the data repository.*

7

8 16. May the Commission legally remove information from the docket of an
9 adjudicative proceeding?

10

11 *Yes the Commission shouldn't have included this information in the first instance*
12 *without prior written authorization of the Tribes and BLM.*

13

14 17. If limited access by parties other than BLM is appropriate, how should the
15 access be handled (e.g., through restricted websites, controlled room viewing,
16 redacting, etc.)?

17

18 *Access to cultural resource data must be subject to a non-disclosure agreement*
19 *with the tribes and BLM (subject to their written authorization), and viewing of the*
20 *data would only be possible without the ability to remove the data from the lawful*
21 *site of the data repository.*

22

23 18. Any closely related other matter necessary to resolve the issue.

24

25 *The CEC must be subject to a non-disclosure agreement with the tribes and BLM*
26 *(subject to their written authorization), and viewing of the data that would only be*
27 *possible without the ability to remove the data from the lawful site of the data*
28 *repository.*

29

30

31

1 I, Michael Boyd, declare as follows:

2 I am president of CALifornians for Renewable Energy (CARE) and have
3 personal knowledge of the information contained in the foregoing testimony.

4 I declare under penalty of perjury, under the laws of the State of California,
5 that the foregoing is true and correct to the best of my knowledge and that this
6 declaration was executed at Soquel, California on June 4, 2010.

Michael E. Boyd

7

8

9

Michael E. Boyd President

10

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