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Comments from the Quechan Indian Tribe on the Preliminary Staff Assessment for the Palen Solar Electric Generating System

Additional submitted attachment is included below.



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August 27, 2013

Via Email

California Energy Commission
Docket Unit MS-14
Docket Number: 09-AFC-7C
1516 Ninth Street
Sacramento, CA 95814-5512
Email Docket@energy.ca.gov

Subject: Comments from the Quechan Indian Tribe on the Preliminary Staff Assessment for the Palen Solar Electric Generating System (09-AFC=7C)

Dear California Energy Commission:

General Background and Discussion:

The Quechan Indian Tribe is submitting these comments for the above referenced project. Our history is rooted in the Colorado River and this basin and the surrounding mountain ranges as demonstrated in our songs and stories. This is further evidenced by the archeological findings that represent only a **small** portion of our heritage. The Quechan as well as the other "Yuman" groups were stewards of this land for hundreds of years establishing trails, managing water resources, harvesting plants, and hunting. One of the petroglyphs near Dragon Wash denotes "songs of many people were sung here", which would mean it was a major and gathering site for social and spiritual ceremonies. The petroglyphs in this basin are linked to rock circles (some with directional stones placed in the center), intaglios, and cairns. When standing at these sites one can see they line up with trails and passes but also they show the gathering/ceremonial sites links or connections. This is further enhanced by the solstice tracking sites (petroglyphs or rock formations) and the use of the North Star and rock cairns or circles for navigating. The view shed of this area is critical to cultural, spiritual, and religious interpretation and meaning.

The cumulative impact of solar facilities in this basin has caused irreparable damage to the physical world (animals, plants, land, sky, and water) and our connection to the spiritual world. The fast-tracking by BLM and the tight schedule adhered to by CEC do not allow adequate time for the planning and protection of our cultural resources. Once again the laws and guidelines created by the government and agencies do not adequately address these issues or give us a voice. There is a real disparity between the resources we have compared to the client, BLM, or CEC. When the client pays BLM ½ to ¾ of a million dollars to complete all the regulatory requirements – we cannot compete with that. Our evidence: oral histories, stories, songs, artifacts (few remaining) weigh very little... When we question or disagree, another report is prepared to "demonstrate good faith effort" and refute us. We are late at responding

this week because we have been without electricity and internet since Thursday. This uneven battle more than meets the spirit of environmental justice, but nothing has been done to level the playing field. This is why it is so difficult to keep fighting to protect our heritage, because our requests or comments are deferred, delayed, disregarded, or ignored, especially by BLM. We do not have any of the original archeological reports to review. And until recently were not even invited to participate in the surveys. The one survey that CEC was going to perform around the view shed with our elders was deferred by BLM. The attitude is to proceed with the project at all costs, because we can always mitigate later". Because of the shock and dismay of what happened at the Genesis site, "we as well as the other Colorado River Tribes were very slow to respond, and yet a mitigation plan was prepared that did not address any of our concerns and once again provided more studies, reports/e-apps for self-justification, totally irrelevant to us. When we met with Nextera, and were provided a copy of the final mitigation plan, we found out that all the Phase I activities had already been conducted (Arch survey, trenching, ground penetrating radar). When we asked BLM and AECOM why we were not notified we were told that as long as they had a Tribal Monitor present – they did not have to notify the other Tribes. So there is still poor communication on this project even during implementation of the mitigation plan and its activities. The review and regulatory process is still not involving tribes or working with them. We have asked as one of the mitigation tasks for Genesis to be an analysis of the steps taken and what happened so we can prevent future incidents. Neither the CEC or BLM procedures provide adequate or equal consultation with the Tribes or resolves issues.

Specific Comments:

1. More time to address PA, especially since many of the sections were incomplete – data and research. The state mandated timeframe does not allow for adequate time for review and study of complicated issues such as ancestral land /cultural components. "Fix as you go" is NOT acceptable!
2. Environmental Justice – needs to be addressed, we are not provided the same information or given the same access to resources as the other stakeholders and we do not have the funding to do this on our own. Even though this land is not ours, it was taken from us and placed in trust by BLM; we thought it would be protected. Throughout history many people who have had their land taken from them still consider it theirs.
3. Alternatives – Solar Voltaic – least impact and more in line with original permit. Even though require more acreage – 10%, would have less overall impact.
4. Visual Impact – because we were unable to conduct the 2 week range top/contour survey – BLM requiring permit – after originally stating CEC did not need one - the 2 –day walk with elders to the few sites we visited – showed connections to trails – passes – gathering sites. Connections that were pointed out to Tom Gates. Once Tom showed us an initial site and described other petroglyphs or components nearby, Lorey Cachora, a Tribal Elder was able to point out other areas to investigate, where more markers were found. We had asked BLM about using a helicopter to fly over the area to help identify trails and markers, especially in the mountain ranges and we were told that no one was permitted to fly in these wilderness areas. However BLM just recently granted approval for Bloom Biological via email to conduct a 2 day helio survey for eagle nest in the same area (August 2013). Because many of our elders are in poor health and frail they cannot reach these sites, this would have enabled us to identify key sites (that have not been identified) and provide a better understanding. There is also the added

impact to the sky itself. We do not consider the sky a void. It is just as important as mother earth. You may want to consider all the general references to the western sky in songs, poetry, and art. The open sky defines the spirit of the west and enhances the beauty of the desert. These towers will destroy the natural aesthetic of the area. As the largest reservation in California we have over 50,000 acres and have restricted our development to a narrow corridor bounded by the Colorado River, All American Canal. and Interstate 8, protecting our desert areas.

5. Compliance, Monitoring, and Mitigation Plans – As discussed earlier these plans are NOT compatible with Tribal beliefs and traditions so they are flawed. This process must include Tribal input in order to avoid future destruction. The cumulative effect these projects with their “boiler plate” plans, power-point presentations, and poor communication, discourage Tribes from participation, especially when our comments are disregarded.
6. Biological Resources - Impact to our “culturally sensitive species” has not been addressed. The yearly gatherings of the “Pais” or “people” has taken place for hundreds of years in these traditional gathering sites where information and stories were shared about plants and animals. Our families had animal clans. The mitigation procedures utilized to prevent injury and death does not seem to be adequate.
7. Ethnographic Studies – Not adequate in linking cultural artifacts to natural setting and view shed. This needs to be prepared during the assessment, not as a mitigation.