



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

DOCKET	
09-AFC-8	
DATE	06/04/10
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**Declaration of Greenaction for Health and Environmental Justice
Against 09-AFC-8, 09-AFC-6, and 09-AFC-7**

Greenaction for Health and Environmental Justice is a 501(c)(3) non-profit organization that works with community groups to protect health and promote environmental justice. Greenaction has members and constituents in Blythe and among the Native Nations in the region impacted by this proposed project. Greenaction's interest in the protection of the sites at issue in this proposed project is based on our long history and continued involvement with Native American Nations and the interests of our members in the area.

Greenaction is opposed to the following three Applications for Certification (AFC) of the six AFC's consolidated for this hearing:

1. Genesis Solar Energy Project: 09-AFC-8
2. Solar Millennium Blythe Project: 09-AFC-6
3. Solar Millennium Palen Project: 09-AFC-7

On the California Energy Commission (CEC) website, the description of each of these projects states:

Under its certified program, the Energy Commission is exempt from having to prepare an environmental impact report. Its certified program, however, does require environmental analysis of the project, including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment.

The California Energy Commission, (*Solar Millennium*) *Palen Solar Power Project*, http://www.energy.ca.gov/sitingcases/solar_millennium_palen/index.html (last visited June 1, 2010).

However, an adequate investigation into the impacts of this project on cultural, historical, and sacred American Indian geoglyphs and the spiritual well-being of the Native peoples has not yet been conducted. In order to conduct an adequate analysis of the environmental impacts of these projects, the California Energy Commission must consider the environmental, cultural and environmental justice impacts this project would have due to the desecration of the geoglyphs located in the project area. To do otherwise would be a violation of federal and state law.

“No person in the United States shall, on the ground of *race, color, or national origin* . . . be subjected to discrimination under any program or activity receiving Federal financial assistance.” Civil Rights Act of 1964, Pub. L. No. 88-352, § 601, 78 Stat. 241, 252 (emphasis added). According to CEC staff, all three of these projects are receiving federal funding through the American Recovery and Reinvestment Act.¹ If built at their current proposed location, these projects would have discriminatory and disproportionate negative impacts against the Native Nations and indigenous peoples due to the siting of their project on top of and near geoglyphs. While Rachel McMahon, director of governmental affairs for Berkeley-based Solar Millennium, may claim that these solar panels will not interfere with the geoglyphs,² the local people’s maps and statements show otherwise.³ This discriminatory siting cannot be conducted by a project receiving Federal stimulus money without violating Title VI of the Civil Rights Act of 1964, as recipients of federal funding are prohibited from taking actions that would have such a discriminatory and disproportionate impact on the Native Nations and indigenous peoples.

In addition, the CEC is subject to California civil rights laws:

No person in the State of California shall, on the basis of *race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability*, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that . . . is funded directly by the state, or receives any financial assistance from the state. Cal. Gov. Code § 11135(a) (West 2007) (emphasis added).

The CEC is a state agency and is funded by the state. Therefore, it cannot discriminate on the basis of race, ethnic group identification, or religion when awarding AFC’s. These particular projects will have a discriminatory impact on Native Nations and indigenous peoples whose religious, cultural and spiritual beliefs place strong significance on the geoglyphs at these project sites, and thus cannot be awarded without violating § 11135(a).

¹ E-mail from J. Mike Monasmith, Siting Project Manager, California Energy Commission, to Rachael Steller, Summer Intern, Greenaction (June 1, 2010, 14:03 PST) (See Exhibit A).

² See David Kelly, *Near Blythe, Historian Sees Solar Plants as Threat to Desert Carvings*, L.A. Times, April 24, 2010 (available at <http://articles.latimes.com/2010/apr/24/local/la-me-blythe-spirits-20100425>) (See Exhibit B).

³ See Exhibit C and D, and Alfredo Figueroa’s Declaration.

Before making a decision on these AFC's, the CEC must consider these impacts and must review the pending reports of John Kalish (BLM Field Manager), George Kline (archaeologist from the BLM Renewable Energy Coordinating Office in Palm Springs, CA), and local indigenous peoples and experts like Alfredo Figueroa. CEC should not be the final arbiter of what qualifies as a cultural, religious, and historical site, especially without adequate information about these sites: this power should reside with the people of the region whose expertise far surpasses that of outsiders.

While Greenaction supports the goal of increasing the availability of solar power, Greenaction is opposed to the siting of these projects in a discriminatory manner on lands that have sacred, cultural, spiritual and archaeological significance. Thus, 09-AFC-8, 09-AFC-6, and 09-AFC-7 simply cannot be granted.

Sincerely,

Bradley Angel
Executive Director



Rachael Steller <rachael.steller@gmail.com>

funding for 09-AFC-7, 09-AFC-8, 09-AFC-6

Mike Monasmith <Mmonasmi@energy.state.ca.us>

Tue, Jun 1, 2010 at 2:03 PM

To: Rachael Steller <rachael.steller@gmail.com>

If by "federal funding" you mean federal stimulus dollars from the American Recovery and Reinvestment Act:

<http://www.recovery.gov/Pages/home.aspx>

...in the case of all three solar projects listed, yes.

J. Mike Monasmith
Siting Project Manager
California Energy Commission
phone: 916-654-4894
fax: 916-654-3882
www.energy.ca.gov/siting

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>>> Rachael Steller <rachael.steller@gmail.com> 6/1/2010 1:58 PM >>>

Hello,

I was wondering if you could tell me whether any federal, state, or national funding would be going towards the Genesis Solar Energy Project:

09-AFC-8, the Solar Millennium Blythe Project:

09-AFC-6, or the Solar Millennium Palen Project: 09-AFC-7.

Thank you,

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Rachael Steller

Near Blythe, historian sees solar plants as threat to desert carvings

Alfredo Figueroa has made it his mission to guard huge carvings known as geoglyphs. His biggest concern was damage from off-roaders. Now he worries that solar energy plants could do even more harm.

April 24, 2010|By David Kelly, Los Angeles Times

After a rough ride through narrow desert washes, Alfredo Figueroa came to a clearing and ordered the vehicles to halt.

The giants were waiting.

Figueroa strode briskly across the plain.

Before him, clear lines in the stony sand formed a 200-foot-long image of the flute-playing Native American god Kokopelli. Beside him was Cicimitl, an Aztec spirit said to guide souls to the afterlife.

"No one has a clue that this stuff is out here," Figueroa said, picking his way around a massive foot.

The self-taught historian has made it his mission to guard these huge carvings in the earth known as geoglyphs. On this day, he brought in Aztec dancers to do a ritual cleansing of the site.

"Alfredo told me he needed our help," said Pastel, a shirtless, gray-haired dancer with rattles on his feet. "We are calling up and down in all directions, inviting the spirits to come."

Just a few miles and a world away from downtown Blythe's cheap motels and fast-food joints, they lighted a bowl of dried sage, beat the drums and began to summon the spirits under a pitiless sun.

Until recently, Figueroa's biggest concern was damage from off-roaders. Now he worries that solar energy plants could do even more harm.

Three major installations are planned in the vicinity of Blythe. The largest, a joint project of Solar Millennium and Chevron Energy Solutions, would spread mirrors over 7,030 acres of public land. Figueroa believes mirrors could be installed on top of Kokopelli and Cicimitl, or the geoglyphs could be fenced off, out of reach.

"That's completely false. The Kokopelli image is south of our proposed project, maybe a mile or two away," said Rachel McMahon, director of governmental affairs for Berkeley-based Solar Millennium. "The image is adjacent to our transmission line, but they don't interfere with each other."

Others have raised broader objections to proposed solar plants in the desert — as threats to habitats and as visual blight.

As champion of the geoglyphs, Figueroa is largely on his own — battling big business and the state over enigmatic etchings in the middle of nowhere.

"We are the guardians of these historic sites," he says fiercely. "We will fight tooth and nail to protect this."

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Some geoglyphs, such as the nearby Blythe Intaglios, are well-known and already protected. Those large figures were made by scraping away the top layer of black rock, revealing lighter-colored, powdery soil beneath. One story says they represent giants who once dwelled on Earth and were warned not to fall down. When they did fall, they could not get up and ended up marooned on the desert floor.

Other geoglyphs, including Kokopelli and Cicimilt, are known only to intrepid desert rats and those who view them as central to their history.

"They are important to us and should be to all Americans ...," said Charles Wood, chairman of the Chemihuevi tribe based on the California side of Lake Havasu. "They go back to the migration stories which to us are history, not myth."

The figures are easier to see from the air than from the ground. The Blythe Intaglios were discovered only in 1931 when they were spotted by a pilot.

Archaeologists have long debated the origins and age of the geoglyphs. Those near the Colorado River are thought to be perhaps 3,000 or 4,000 years old, while some deeper in the desert may be closer to 12,000.

McMahon, of Solar Millennium, contends that, based on aerial photography, historical maps and satellite imagery, Kokopelli was made no earlier than 1994.

"That doesn't mean it's not significant to some populations," she said. "It is not my intention to judge the intaglio. The point is our site doesn't interfere with it."

The Bureau of Land Management, which will decide whether to give solar projects access to public land, has been assessing the geoglyphs and working with the California Native American Heritage Commission to determine their sacred value.

"If a tribe has told us they consider those sites sacred, we will factor that into our decision..." said BLM archaeologist Rolla Queen. "We do what we can to avoid, minimize and reduce harm."

Independent archeologist Jeffrey Adams, who is documenting geoglyphs in the West for the BLM, said he's already catalogued 312, including Kokopelli.

"These geoglyphs are typically expressions of space and native spirituality," he said. "They tell stories and connect things."

For Figueroa, the story they tell is nothing short of epic.

Blythe may be a searing desert outpost, but this is his Garden of Eden, his place of creation, and these desert figures are its major characters. He is convinced they are 10,000 years old, made by ancient people who later migrated to Mexico.

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Figueroa, who is of Yaqui, Pima and Chemehuevi heritage, goes further. He says the region around Blythe is Aztlan, the celebrated birthplace of the Aztecs.

Though most scholars view Aztlan as a cherished myth, Figueroa sees it as the living, breathing center of the world. The 76-year-old community organizer and former miner has spent decades studying old Spanish texts and Meso American hieroglyphs, matching them up, he says, with mountains and landmarks around Blythe.

"People often want to look to far-off exotic places for explanations of things when you can find the answers locally," said Kenneth Hedges, an expert in rock art and emeritus curator at San Diego's Museum of Man. "Whether the valley is home to Aztlan and the origins of the Aztecs, there is simply no way to know. And as far I'm concerned, there is no way to prove it."

Hedges said ancestors of the Mojave and Quechan Indians who lived along the Colorado River are most likely responsible for the Blythe intaglios. Still, he said: "The ethnographic history of the river is very difficult to follow because there have been so many migrations. It's hard to say who was involved and at which time."

Believe Figueroa or not, his boundless enthusiasm is infectious.

In his world, a rocky protrusion is a nose, a pointy mountain a pyramid.

He's energetic bordering on frenetic, and he quizzes those around him to make sure they don't miss anything.

"See that mountain? What does it look like?" he asks.

A camel?

No.

A tooth?

No.

"It's the creator's chair," he declares. "And over there are the Mule Mountains. That's where you go when you die."

Figueroa grew up in Blythe in a neighborhood he calls the "oldest in the world." Its true name, he says, is Acacitli, which means "jackrabbit in the reeds" in Nahuatl, the Aztec language.

His grandfather began mining gold, copper and manganese in 1862. His father followed and Figueroa was right behind.

Life was hard in the mines. Tunnels collapsed, but Figueroa learned the landscape.

"That's how I know all these hills and all these sites," he said.

Figueroa has nine children and lives in a rambling ranch house crammed with artifacts. A Virgin Mary stands in the living room. The serpent god Quetzalcoatl lurks near the kitchen.

"He is the god who has no name and all names," Figueroa says cryptically before vanishing into his room to dig up old maps.

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His adult children filter into the frontyard, where dozens of birds twitter in a large shade tree. They smile respectfully as he launches into a lecture.

"He eats, sleeps and dreams this stuff," said his daughter Machi Rivera, 50.

Long before her father got involved with the solar plants, he was a tireless activist, campaigning against the proposed Ward Valley nuclear dump, organizing farmworkers and fighting for Latino rights.

When his daughter Patricia got into trouble in 1972 for showing a movie about anti-Nixon protests at school, he started a new school, Escuela de la Raza Unida, which still operates today. A radio station followed.

Then came the geoglyphs. "It was a whole new world," Rivera said. "He would go deeper and deeper into the mountains and find new intaglios. It's like a big puzzle for him, and day after day he would get closer to the answer."

It was a puzzle for the family as well.

"He often spoke in riddles," Rivera said. "But after awhile I came to be a believer."

Figueroa had always been interested in his ancestry, but a single incident turned a spark into an inferno. In 1957, an uncle in Sonora, Mexico, handed him a book, "Notions of Sonora."

The book placed Aztlan about 100 miles north of the confluence of the Colorado and Gila rivers. "I realized that was near Blythe," he said.

He began reading Spanish codices dealing in Aztec history. He read indigenous histories in university libraries. When he pieced it all together, he concluded that Aztlan was in his own backyard.

"I was thrilled to find this out, but I had to convince my family. I was very fond of Joe Friday from Dragnet, 'Just the facts,' so I had to find evidence," he said.

His wife, Demesia, 73, recalled the early days. "At first when he introduced me to all this, I didn't understand it," she said. "Then I started going to the sites and getting this really good energy."

When he embraced the Aztec religion over Catholicism, however, she drew the line.

"I said I was brought up as a Catholic, so leave me alone with my saints and my Virgin Mary," she said. "I can't turn my back on the saints."

He has self-published his theories in a book, "Ancient Footprints along the Colorado River," and founded the La Cuna de Aztlan Sacred Sites Protection Circle, a group of 14 like-minded people dedicated to the geoglyphs.

Back at Kokopelli, the dancers wound up their ceremony. Some carried sticks covered in wolf skin and dangling eagle talons.

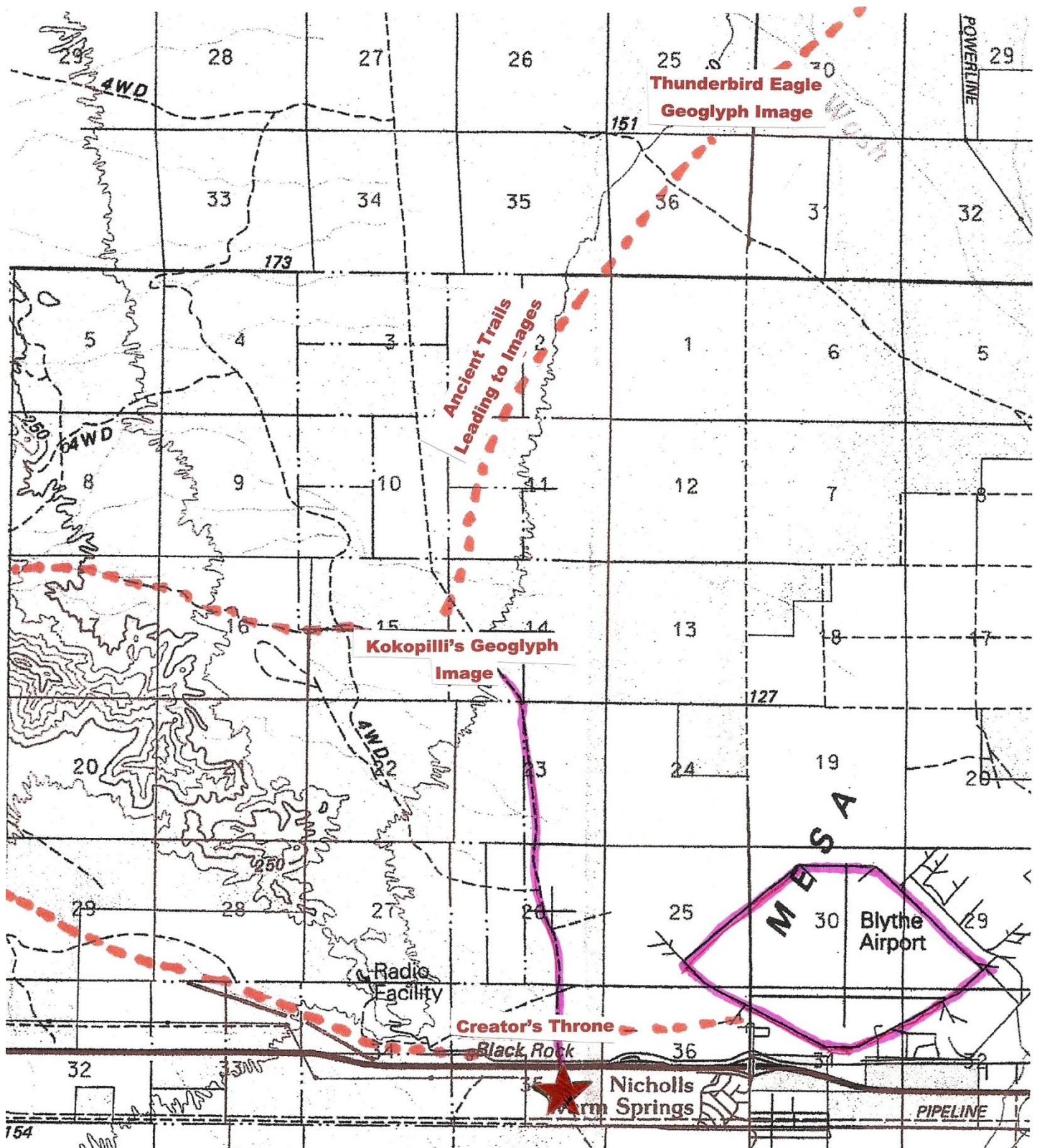
They formed a circle around the smoking sage and spoke of the significance of the day.

"Maybe they have good intentions in pursuing clean energy, but they will erase our history," a 20-year-old dancer named Netze Cauhtemoc said of the solar project. "It would be like throwing up a shopping mall in the middle of Jerusalem."

Figueroa took up a staff and walked — a man among giants.

"Our whole effort today is to make sure our creator knows how we much care," he said.

david.kelly@latimes.com



BLM Special Edition Surface Management Status Desert Access Map 1999. Here we included the locations of the Sacred Sites of Kokopilli and the Thunderbird Eagle Geoglyphs along with the Sacred Trails that lead from the Blythe Giant Intaglios of the McCoy Springs Petroglyphs site which are directly situated in the proposed Blythe Solar Power project of the Solar Millennium LLC Company.

Blythe Solar Power Project

