



# Ewiiapaayp Tribal Office

## Ewiiapaayp Band of Kumeyaay Indians

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April 27, 2012

California Energy Commission  
Dockets Office, MS-4  
Docket No. 09-RENEW EO-01  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
<b>09-RENEW EO-1</b>	
DATE	APR 27 2012
RECD.	APR 27 2012

Mark Purdy  
Tribal Liaison  
Renewable Energy Coordination Office  
BLM California Desert District

Re: Comments to DRECP and DRECPSP

Dear CEC and Mr. Purdy:

The Ewiiapaayp Band of Kumeyaay Indians (the Tribe) by this letter submits its comments the California Desert Renewable Energy Conservation Plan (DRECP) and its Strategy Plan.

First and foremost, is the Tribe's disappointment in the lack of involvement of federally recognized Indian tribal governments in the development of the DRECP and all of its component parts. Tribes are mentioned only in the context of promises for tribal consultation. However, other than these references, tribes have no role in the DRECP development other than in questions of Traditional Cultural Property (TCP), tribal cultural recourse, and cultural landscape with cultural and religious value to a Tribe. TCP protection and preservation is an essential tribal priority, however, tribes must not be limited to artifacts, as we are then treated as artifacts and not a peer government active in the modern economy and environment. The word "tribal" is mentioned 1 time in the DRECP Strategic Plan, in an appendix, and the 19 references in the DRECP Best Management Practices and Guidance Manual is in references to promises for tribal consultation only. Tribes are entirely absent from the Renewable Energy Action Team (REAT) Memorandum of Understanding (MOU), and are tribal reservations are not shown, not one, on the DRECP maps. Our concern is evidenced in that no tribe is listed in the DRECP Stakeholder Committee. This Tribe attended Renewable Energy Transmission Initiative (RETI) meetings, which is the forerunner of the DRECP, and found no role for tribes in that forum either, with tribal

interests being represented by a representative of the California Native American Heritage Commission.

With no defined role in the DRECP, including no status as a stakeholder and no reservation depicted on DRECP maps, there is little chance, absent a significant change to policy, that the interests of federally recognized Indian tribes will be adequately considered by the DRECP.

The Bureau of Land Management (BLM) Tribal Liaison to its Renewable Energy Coordination Office asked this Tribe, and others, to assist with development of maps depicting areas with Tribal Cultural Properties (TCP), cultural resources and tribal cultural landscapes.

The Tribe believes it essential, and formally requests, that such maps should depict Indian reservations which have modern and historical relations to TCP, cultural resources and cultural landscapes, and use color or boundary line design to associate tribes and their modern reservations to their historical territories.

The Tribe believes there should be no arbitrary restriction on locations for renewable energy development, by preference for or against development, that is not based upon the outcome of a formal environmental analysis pursuant to the National Environmental Policy Act (NEPA) on federal lands, tribal environmental policies on tribal land, and the California Environmental Quality Act (CEQA) on state/private lands. Development should occur where the renewable energy resource exists. Tribal TCP often benefit from renewable energy projects that provide heretofore unavailable funding for the protection and preservation of tribal cultural resources. Crematory sites and funerary objects take precedence, and may be avoided or preserved, but too often the presence of lithic scatter is conflated to the status of sacred that harms the interests of tribes and energy opportunities that benefit the entire community.

The comments above represent explicit requests of the Ewiiapaayp Band of Kumeyaay Indians. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Robert Pinto Sr". The signature is written in a cursive, slightly slanted style.

Robert Pinto, Sr.  
Tribal Chairman  
Ewiiapaayp Band of Kumeyaay Indians