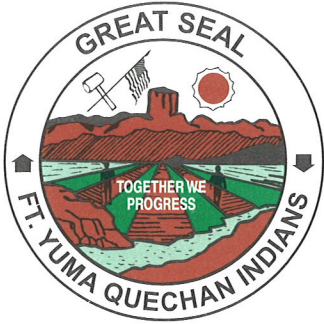


QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation



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

September 3, 2009

Solar Energy PEIS
Argonne National Laboratory
9700 S Cass Avenue – EVS/900
Argonne, IL 60439

Re: Quechan Indian Tribe's Comments on Programmatic Environmental Impact Statement for Solar Energy Development

Dear Solar Energy PEIS Team,

Thank you for notifying us of the preparation of a Programmatic Environmental Impact Statement for the six southwestern states. Portions of BLM lands currently being analyzed for solar development fall within the traditional land area of the Quechan Indian Tribe. In addition, the Tribe has federal reserved rights in the waters of the Colorado River and is concerned about impairment of the quantity and quality of the water resources.

I. Cultural Resource Impacts

The Tribe's concerns regarding cultural resource protection and preservation must be taken into consideration by the United States. This is especially true when projects are proposed within the Tribe's traditional land area. In cases like this, where proposed projects are likely to affect cultural resources, the federal government has an obligation under existing resource protection laws, and pursuant to its trust obligation to the Tribe, to gather accurate information about the location of cultural resources so that it can make a fully informed decision, and then to adequately protect those cultural resources from harm.

The Quechan people and their ancestors have inhabited the area surrounding the confluence of the Colorado and Gila Rivers for centuries. The Indian Claims Commission found that the Quechan Tribe's historic lands extended well beyond the boundaries of the present day Fort Yuma Indian Reservation and includes certain lands to the north and west of the Fort Yuma Indian Reservation that fall within the solar energy study areas. See 8 Ind. Cl. Com. 111, 130 (Sept. 30, 1959).

The Quechan Tribe, who was here prior to the arrival of the Spaniards or Europeans, had several villages scattered throughout what is now Arizona and California. The traditional land area of the Tribe encompasses the lands from Blythe, CA into Mexico and from Gila Bend, AZ to Ocotillo, CA. It is within this geographic area that resources were utilized and the Tribe lived. Plants, animals, landforms, water, and cultural resources must all be considered as they are all used together to tell the history of the Quechan Tribe.

The area is rich in cultural resources that could be impacted by large-scale solar development projects. BLM's 2008 Final Environmental Impact Statement for the Yuma Field Office Resource Management Plan noted that over 4,300 archaeological sites have already been documented within BLM's Yuma Field Office planning area (which overlaps in part with the solar planning area). See page 3-58 of the BLM FEIS. This is especially impressive given that only 16% of that planning area has been surveyed for cultural resources, according to BLM's FEIS. Thus, there could be tens of thousands of additional resources that exist in the area and a portion of these could be impacted or permanently destroyed by new solar development projects. This highlights the importance of comprehensive surveys for resources, and appropriate protection measures, prior to any authorization for new development.

Having participated in numerous discussions for proposed solar projects, the Quechan Tribal Council along with the Quechan Cultural Committee has become aware of some of the problems these projects present.

Long-term loss of vegetation, habitat, and soil are of concern due to the need for a level project area. The potential destruction of traditional plant gathering areas and clay sources located within the project areas is quite concerning to the Tribe. The potential for animals of traditional importance to the Tribe to leave the area due to loss of habitation is also concerning. The projects also could result in a visual blight on the landscape. Moreover, given the size and scope of these projects, a significant amount of land will be disturbed for construction and operation – resulting in significant potential for permanent loss of cultural resources that exist within the Tribe's traditional area.

Due to each solar project having the potential to encompass several thousand acres, we are requesting that the clustering of these projects be prohibited, and that the projects not be located within the Tribe's traditional area that is rich in cultural resources. We are also requesting that any large-scale, centralized solar projects be placed on lands that have already been heavily disturbed, such as abandoned farm land. As mentioned previously, the Tribe has a large traditional land area with an extensive network of cultural resources and Traditional Cultural Properties (TCPs) located within. With each project the Tribe faces the loss of their culture as impacts to cultural resources affiliated with the Tribe, as well as the spiritual landscapes in which they are located, are impacted.

The Tribe is not opposed to solar energy development in general. However, the Tribe would like to recommend that BLM and other federal agencies consider the use of local

homes and buildings for the placement of solar panels. If each home, business and abandoned building were outfitted with solar panels, the need for large substations would be drastically reduced, thereby reducing the destruction of the Tribes' traditional homeland, the loss of animal habitat, and the need for water that is already at its capacity.

To alleviate the potential for impacts to cultural resources and/or spiritual landscapes we request to be consulted with at the inception of the project, prior to any plans being finalized. Experience has shown us that once the plans for a project are in place people are less open to discussing suggestions from us for mitigation. By contacting and consulting with the Tribe when the project is first proposed, it is our hope that we will be able to work through any potential concerns during the planning process.

II. Traditional Cultural Properties (TCPs) – Indian Pass

The Tribe is aware of numerous applications for solar development within or nearby the area known as Indian Pass, which is a Traditional Cultural Property area that is considered sacred to the Tribe. The Tribe opposes solar development in areas that have been identified as specific TCPs of the Tribe, such as Indian Pass.

The Indian Pass area is rich in cultural resources including a complex trail network, which includes the Xam Kwatcham trail that begins at Avikwame, in southern Nevada, and extends to Avikwalal, on the International Border. This trail is an integral part of the Tribes' creation story and contains both a physical and spiritual component. The surrounding area also includes significant cultural resources such as intaglio sites, desert pavement features, including cleared areas and rock alignments, and artifact scatters.

BLM must not allow the analysis in the programmatic impact statement to focus exclusively on archaeological site impacts, while failing to fully address impacts to resources such as cultural landscapes and TCPs. Cultural landscapes and TCPs, like Indian Pass, can not be piecemealed and need to be considered in their entirety. The focus should be on protection and preservation of the cultural significance of the area, not just its archaeological resources. It is also important to note that the introduction of any new element to this cultural landscape affects the significance of the property, which is why it is equally important to limit effects to the areas and not just to archaeological remains.

III. Water Resource Impacts

The Quechan Tribe's Fort Yuma Reservation was established at its current site in 1884, which gave the Tribe, under federal law, reserved rights to water in the Colorado River with a priority date of 1884. See *Arizona v. California I*, 376 U.S. 344 (1964); *Arizona v. California II*, 460 U.S. 605 (1983); *Arizona vs. California* (consolidated decree), 126 S. Ct. 1543 (2006). Pursuant to the 2006 Supreme Court decree, the Tribe has diversion rights of 71,616 acre-feet per year in California and diversion rights of 6,350 acre-feet per year in Arizona. These rights have a priority date of 1884.

The federal government must not approve projects that lack adequate water rights or that will result in any impairment to the Tribe's reserved water rights. In addition, the Tribe is also concerned that the proposed large-scale utility solar projects will have negative impacts on the quality of water in the Lower Colorado River Basin. In reviewing the potential impacts to environmental and cultural resources, the cumulative impacts of the solar projects must be considered.

Thank you for your consideration to the Tribe's comments. I look forward to meeting with officials at the local BLM offices to discuss the Tribe's concerns in more detail. If you have any questions, please do not hesitate to call me at (760) 572-2423.

Sincerely,



Mike Jackson, Sr.
President, Quechan Indian Tribe

cc: Senator Dianne Feinstein
Ken Salazar, Secretary of the Interior
Rahm Emanuel, White House Chief of Staff
Valerie Hauser, Advisory Council on Historic Preservation
Nancy Brown, Advisory Council on Historic Preservation
James Peterson, Deputy State Director – Senator Dianne Feinstein
Charlotte Hunter, BLM California State Office
Rolla Queen, BLM California State Office
Michael Taylor, BLM Arizona Deputy State Director
Linda Resseguie, BLM Arizona State Office
Eddie Arreloa, BLM Arizona State Office
Vicki Wood, BLM El Centro Field Office Manager
Carrie Simmons, BLM El Centro Field Office
Chris Dalu, BLM Palm Springs/South Coast Field Office
Bridget Nash-Chrabasz, Quechan Historic Preservation Officer
Dave Singleton, Native American Heritage Commission
Frank Jozwiak, Quechan Indian Tribe Attorney