

Thank you for your comment, Kurt Russo.

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Comment Submitted:

September 11, 2009

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

**Re: Solar Energy Study Area**

To Whom It May Concern:

I am writing on behalf of the Native American Land Conservancy (NALC) regarding the designation of solar energy zones in the Mojave and Sonoran Deserts.

The NALC is an intertribal organization, with project affiliations with tribal communities in San Diego, Riverside, San Bernardino, and Imperial counties, as well as with tribal communities in Arizona, Nevada, and Utah. The NALC is a 501c(3) organization established in 1998 to promote the protective management of Native American cultural sites, areas, and resources throughout the traditional aboriginal territories of our member-tribes. The NALC also works to promote understanding and cooperation between our member-tribes and state, federal, and private sector groups, organizations, and agencies. We would like to take this opportunity to offer our comments regarding the potential impact solar development will have on culturally-significant landscapes in the region of interest.

We would first like to commend you both for the diligence and detail represented in the information provided about the solar energy zones. We would also like to make clear our support for the development of appropriate alternative energy resources. At the same time, we have grave concerns about the impacts the development of solar energy will have on culturally significant landscapes. Our concerns, discussed below, include: (1) the nature of the consultation process, (2) the impact of solar development on cultural landscapes, and (3) recommended action steps

**The Consultation Process**

If an area is destroyed, marred, or polluted, my people say, the spirits will leave the area. If pollution continues not only animals, birds, and plant life will disappear, but the spirits will also leave. This is one of the greatest concerns of Indian people.<sup>i</sup>

Our first concern with the consultation process is the manner in which tribal communities with a concern for impacts in their aboriginal territories were brought into the process. Native American governments and organizations have long made the point that it is vitally important to engage them in the front-end of the process. In this case it would include, but not be limited to, engaging the tribes in the initial analysis that sets forth the guidelines for identifying solar energy study areas. Unlike other groups or organizations, tribal communities have a conception of the

landscape that includes a unique evaluative framework based on historically-based understandings of the value and meaning of these sites, areas, and resources. The tribes also enjoy a government-to-government relationship with the United States that underscores the importance of early and frequent engagement of the tribes in a process of this magnitude.

It is crucial that this evaluative framework and these relations be represented in the initial, conceptual stages of development, particularly where a project will have a deleterious impact on the place-based identity of Native American communities. Instead, tribal communities are faced with a situation where they must respond to and select from—and thereby legitimate—alternatives and their embedded evaluative assumptions, principles, and guidelines that marginalize cultural values placed at-risk by the proposed solar projects. Broadly speaking, the effect is to impose a specific definition of reality on the tribal community and to structure the situation so as to limit their cultural and political autonomy. While it can be debated whether engaging the tribes at this level in the initial stages of development is, in the strictest sense, required by state or federal law, failure to do so will, at the very least, compromise the ethical and intellectual integrity and legitimacy of the consultation process.

This process of marginalization leads to our second, and related, concern for the consultation process. Embedded in the consultation is a predisposition to a scientific framework of evaluation grounded in an ontology that relies on a mechanical, push-pull conception of causation. Landscapes understood against this ontic background are conceived as de-totalized, utilitarian, rationalized, and economically useful, and often are characterized in terms of desanctified surface or volume set apart from people, myth, and history; that is, something of instrumental value to be controlled and used.

This hierarchized, formal scientific discourse and its dream of *mathesis universalis* is understandable, and is the typical evaluative framework deployed by land management agencies. However, this has the effect of altogether marginalizing the indigenous conception of the landscape that is sanctified and animistic, ritualized, mythic, totalized, symbolic, and historical, that engages a multilayered, supersensible, as well as serial causation common to indigenous cultures such as the Chemehuevi Indians. The remarks of Dr. Richard Stoffle, working with the Southern Paiute people of the Grand Canyon portion of the Colorado River, are germane this issue in the solar energy study zone. Dr. Stoffle discusses the “great variety of storiscapes that crisscross the landscape of American Indian holy lands,” including the Mojave and Sonoran Deserts. Many of these storiscapes involve a “time before today’s humans existed, what some would call a mythic time.” He emphasizes that the term “mythic” implies only another time before the present time but “it certainly does not imply that either that time or the stories were fictitious.”<sup>ii</sup>

While objective in its own terms, the scientific mode of inquiry at best marginalizes, subordinates, or provincializes the indigenous lifeworld and, at worst, altogether excludes the indigenous concept of landscapes and the impacts development on them. Facts—whether we speaking of the physical world of nature or the mental world of belief—are socially constructed. What matters is how the various, relative are truths are understood and treated in relation to each other. Each way of knowledge is relative to how it accords to a theoretical correspondence

which, in turn, is based on presuppositions that trace to deeply-held cultural beliefs, what the Native American writer posed as the metaphysical backdrop of truth. While this may seem to be an abstruse philosophical argument, it is very real in terms of the potential impact on traditional cultural sites, areas, resources, and landscapes—and the aboriginal lifeworld—in the region of interest. More generally, the consultation process—in its structure, process, and content—ignores any of these concerns as outside the limits of the law and beyond the borders of scientific mode of inquiry. More specifically, the impact on the StoryScape of the Salt Song trail and other cultural properties in the study area, the subject of our second concern with the proposed projects.

### **Impact of Solar Development on Cultural Landscapes**

This is what makes the Salt Song—gives it its power—because it goes from station to station to station drawing the power of the land and bringing it back.  
(Larry Eddy, Chemehuevi elder and Salt Song leader)

The significance of storied-landscapes of *Tiwiinyarivipi* includes Salt Song trail sites in the solar study area, and documented in tribal oral histories and by historians and anthropologists including Robert Manners, Isabel T. Kelly, and Carobeth Laird. These landscapes and Salt Song trails are associated with the healing agency of power-giving dreams, shamanic animal-familiars, as well as songs that describe the personal and the natural and supernatural landscape in a multi-dimensional reality that Salt Song singers say enable them to fly from place to place.

The Salt Songs remain an important part of the cosmology of these indigenous cultures. Vivienne Jake, a Kaibab Paiute elder, described how the songs talk about the upper world. The Mohave Indian elder Llewellyn Barrackman said these creation songs came from Spirit Mountain and serve as a map of their sacred territory. Matthew Leivas, a Chemehuevi traditionalist and tribal elder and Board Member of the Native American Land Conservancy, stated that the Salt Songs tell about the different sacred sites on the thousand-mile journey and explain the whole history of his people and the connections they have with the elements. Mr. Leivas has also spoken about how the Salt Songs have volition and a life all their own and live in certain caves along the Salt Song trail, as well as traveling throughout Chemehuevi territory.

One of the issues that remains to be addressed is the nature, extent, and consequences of solar energy development on these Salt Song trail sites. This is not only a question of mapping the sites but, as discussed in the previous section, how the sites and the trail are signified by way of scientific versus a discursive field that legitimates, rather than marginalizing, indigenous beliefs. It is difficult to imagine how a public agency, charged with assessing the impacts of development on Salt Song trail sites would respond to the following comments of Chemehuevi elder Larry Eddy:

The Indian doctor, he has, as a spirit, he has an animal friend. And nobody sees that animal but him. He calls to that animal through his Songs. He can do this, sing and sing, and when that animal arrives, he knows that he's going to save that person. Until that animal gets there, he doesn't really put on his power. That's hard to express or understand or hard to....He'd sing and sing until the red hawk eagle got there or whatever....They called and they called and that helper wherever he was he heard that Song he could hear it for miles and he heads in direction to that doctor. When he gets there, then the doctor knows, well, I'm going to save this guy....

It was all done in his Songs. He sang his Songs and his Songs were a beckoning to his familiar, whatever it may have been or whatever it was, and [his familiar] could come out from the mountain or from the valley or wherever he was at, he would come down to this doctor singing there and play around there. He'd play around the sick person and do this and do that and that may have been the healing process he's playing around there, playing around, and every now and then he'd jump towards or come towards the doctor and the doctor would sit there and watch him like he's nothing, like he's not paying attention. But as soon as he got close enough the doctor would grab him. And once he had his familiar in his hand or by him and captured him this is when that healing power would be transferred to him, to the doctor, to the patient. That's how they healed. They healed their sick person or ailing person. That's how they did it.

The issue takes another form in the potential impacts on traditional cultural sites such as those associated with Iron Mountain and the Chocolate Mountains. The archaeological importance of these sites has been well-documented by Catherine Fowler, among others. What is less well understood is the marginalizing effect the conventional concept of "mapping" has on the cultural legitimacy and meaning of this information. It is fair to describe the meaning of these locations as found in both the sites, themselves, and in the relationship between different sites in a give cultural ethnoscape. It is certainly important to protect the values inherent in these sites, but it is also important to understand—and to act on the understanding—that there is an important, sacred relationship between the sites that also gives them their sanctified meaning. Once again, the difficulty is in part how the situation is conceived and the pre-assumptions that go into this conception. With this in mind, we would like to recommend a number of steps we believe must be taken to take up and address the issues raised in this letter.

### **Recommended Action Steps**

It is in the balancing of human values that we make healthy communities, that we find justice. Perhaps if [the United States] can begin making justice here in your nation sitting upon our many nations, you may also begin to envision how to honor others' values, make peace and see unity in the world....You have our earnest prayers.<sup>iii</sup> (Mary Clearing-Sky)

Given the dimensions and multilayered complexity of the issue of the impacts of solar energy on the Native American sacred sites, areas, resources, and landscapes, we would like to recommend the following steps be taken before the EIS is finalized:

1. The agencies involved in the development of the solar energy study area re-convene a meeting with the affected tribes to assess and review through a series of Listening Sessions, the framework for assessing the impacts on cultural sites, areas, resources, and landscapes.
2. The agencies involved participate in a series of meetings with leaders of the Salt Song tradition to reach a better understanding of the values placed at-risk by the development of solar farms in the Salt Song trail ethnoscape.

We believe these two straightforward action steps would provide a major contribution not only for the this issue, but for other matters that might impact the Native communities in the eastern Mojave Desert. The Native American Land Conservancy is prepared to help in any appropriate way to bring together a better understanding on this matter in the hopes of coming to a solution that is fair to the values and beliefs of all the parties involved.

Respectfully yours,

Kurt W. Russo, Ph.D.  
Executive Director  
Native American Land Conservancy

K, Tilley illustrated the “major differences between a ‘scientific’ or abstract As Thomas Greider and Lorraine Garkovich put it, “meaning is not inherent in the nature of things.”<sup>iv</sup> Instead, the meaning of the landscape is produced and reproduced through the process of negotiation and symbolic interactionism in a cultural context.

#### Conclusion Mary Clearing Sky

*Tiwiinyarivipi*

Mapping the land

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<sup>i</sup> (Chief) John Snow, *These Mountains Are Our Sacred Places* (Toronto: Samuel-Stevens, 1977), 145.

<sup>ii</sup> Richard W. Stoffle, David B. Halmo, Diane E. Austin, “Cultural landscapes and traditional cultural properties: A Southern Paiute view of the Grand Canyon and Colorado River,” *American Indian Quarterly* Vol. 21, Iss.2 (Spring 1997), 232.

<sup>iii</sup> Mary Clearing Sky, “Tallying up for Reparations: Asking for New Promises?” In *Reparations: Repairing the Psychological Harm* (Washington, DC: Office of Ethnic Minority Affairs, 2005), xii-xiv.

<sup>iv</sup> Thomas Greider and Lorraine Garkovich, “Landscapes: The Social Construction of Nature and the Environment,” *Rural Sociology* Vol. 59, No. 1 (1994), 2.