



# COLORADO RIVER INDIAN TRIBES

## *Colorado River Indian Reservation*

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February 27, 2012

President Barack Obama  
1600 Pennsylvania Avenue  
Washington, DC 20500

**Re: Impacts of BLM's Fast-Tracked Renewable Energy Program on Cultural Resources**

Dear President Obama:

On behalf of the Colorado River Indian Tribes ("CRIT" or "Tribe"), I write to ask for your assistance in with an urgent problem facing our Tribe. In pursuit of "green" energy, the Department of Interior ("DOI") is authorizing the development—and thus destruction—of tens of thousands of acres of land within the ancestral homelands of CRIT's people. These lands are an essential part of our religion, culture, and history. The ancestors of CRIT's members lived on these lands and were cremated and buried there. Yet the DOI has targeted these lands as "ideal" for solar and wind energy development, which means that, without your intervention, they will be bulldozed and graded, covered with mirrors, troughs, towers, and turbines. What's more, the DOI is making these decisions to industrialize our sacred landscape without prior tribal consultation.

This failure to consult with CRIT and other affected Indian tribes not only violates federal law, it also threatens to undo the positive steps your administration has taken to build relationships between the United States government and Indian tribes in the American southwest. It is also bad policy. As you have stated, "History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results." November 5, 2009 Presidential Memoranda on Tribal Consultation. Unless you take steps to ensure that the DOI satisfies both the letter and spirit of the many statutes, regulations, executive orders, and agency policies mandating consultation and protection of cultural resources, that agency's frantic pursuit of utility-scale renewable energy development in the deserts of California and Arizona will, indeed, lead to devastating and tragic results.

Our concerns about the DOI's approach to renewable energy development have been heightened over the last several months as we have witnessed first-hand its reaction to the "unanticipated" discovery of numerous artifacts and cultural resources at the site of the Genesis Solar Energy Development Project ("Genesis"). Genesis is located approximately 30 miles west of the Colorado River Indian Reservation, adjacent to an ancient lakebed that was used by numerous tribes in the area, and within CRIT's traditional homeland. The Bureau of Land Management ("BLM") approved the Genesis project on a fast-tracked schedule despite clear evidence that its development—which requires grading and fill over 1,700 acres—would likely unearth and

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possibly destroy artifacts and remains sacred to Indian tribes and people in the area. BLM promised, however, that if such artifacts and remains were discovered after project approval, the agency would follow certain protocols to protect them, and would, whenever feasible, avoid disturbing them.

BLM's promises were tested last November, when Genesis's developer uncovered an "unprecedented" and "unanticipated" find of cultural resources at the site. Among the items found were two nested metates (or grinding stones) lying on a bed of charcoal, clear evidence of a cremation site. Numerous additional metates, manos (or pestles), and artifacts of our ancestors' occupation were uncovered.

Instead of keeping its promises in the wake of these discoveries, BLM has repeatedly violated its own protocols, and has treated consultation with the Tribes as simply one more box to check off before allowing the developer to proceed with the project. For example, just last week, BLM provided my government with a copy of the agency's plan for determining the scope and nature of the discoveries at the Genesis site. BLM assured us that it would consult with us about this plan before implementing it. In an effort to engage in this promised consultation, we provided BLM with a list of preliminary concerns about the plan within 48 hours of receiving it. Foremost among these concerns was the plan's extensive use of road graders to determine whether there are more artifacts at the site, even though BLM's own protocols require the much less destructive method of hand excavation. The following day, at 8:53 pm on Friday night, BLM informed us that it would be proceeding with its plan on the following Monday morning. No consultation was held. No response to our comments was provided.

We are turning to you, Mr. President, because it appears to us that the root of the problem faced by CRIT and other tribes in the area is the tremendous pressure felt by the BLM to act immediately to develop huge amounts of federal lands with renewable energy. The fast-track process used at Genesis, and proposed as the norm in BLM's six-state "Solar Energy Development Program," has created an atmosphere in which adequate consultation and consideration of impacts to cultural resources is all but impossible. Tribes have limited resources to expend on consultation, review, and public comment. From our perspective, it is also clear that BLM staff, while dedicated, are intensely overworked, and subjected to pressure from both developers and DOI to approve these projects regardless of their consequences. The problems inherent in this fast-track process are exacerbated by the sheer number of projects proposed (our current count places over 40 proposed projects within a 50-mile radius of the Colorado River Indian Reservation).

CRIT of course recognizes that the environmental and economic stakes are high as the United States seeks to reduce the nation's dependence on fossil fuels. And CRIT generally supports your efforts to shift toward cleaner energy sources. However, efforts to reduce the nation's greenhouse gas emissions and to develop domestic sources of energy should not come at the expense of cultural resources and sacred sites, especially when other, less destructive options have not been exhausted. Why should our ancestors' remains be disturbed and our sacred trails be destroyed to develop these facilities before a single Californian has been asked to drive a little less, insulate his house, or turn down his thermostat one degree? Before all state and federal government buildings have solar panels on their roofs and over their parking lots? Continuation of DOI's current policies will result in shifting nearly the entire burden of renewable energy development to tribal communities, who have contributed little to the problems posed by global climate change. This approach is short-sighted and unjust.

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To address these issues, CRIT formally requests that your administration acknowledge and respect the complexity, magnitude, and potential impacts of wide-scale renewable energy development across the southwest desert landscape by allowing adequate time for project review. In particular, the BLM must not approve the programmatic environmental impact statement (“PEIS”) for Solar Energy Development in Six Southwest States before holding true government-to-government consultation with affected tribes. The BLM must also pause its work on the Desert Renewable Energy Conservation Plan in California and the Restoration Design Energy Project in Arizona until the broader PEIS is completed in a manner respectful of tribal concerns. All of these plans specifically encourage utility-scale renewable energy development within the sacred landscapes of numerous Tribes, including CRIT. If these plans are approved in their current form, the resulting “green” rush of industrial development will inflict great harm on tribal communities. Prior to approving these plans, BLM must consult with the tribes that will be most affected by them.

As for individual projects, like Genesis, we ask that you instruct agency staff to proceed cautiously; to follow the rules they themselves established to protect cultural resources; and to be forthcoming and transparent with tribal representatives concerned about the potential for wide-scale destruction of cultural resources and sacred sites that we see looming on the horizon. Consultation is not a box to be checked, or an issue to be “wrapped up” before acceding to a developer’s wishes. For projects that have been proposed but not yet approved, we ask that our input be sought out early and often, and that BLM remain willing and able to turn down ill-sited projects. Moreover, we ask that those charged with considering the impacts of these projects and developing plans to “mitigate” their impacts do so with honesty and respect. In our minds, digging up “artifacts” and sending them to a museum does not “mitigate” the impacts of destroying a sacred landscape; likewise, when a proposed project would cut off a sacred trail that has been used by our people for hundreds of years, the only way to avoid this impact is to move the project, not to “relocate” the trail. The impacts of these projects on our culture will be permanent and deep. If agency staff does not acknowledge these issues or follow these guidelines, we ask that you instruct Department leadership to step in and meet with concerned tribes like CRIT.

Thank you for your time and consideration. We know that other tribes in the area, including the Viejas Band of Kumeyaay Indians and the Quechan Tribe, are similarly concerned, and we will continue to work with these tribes to make our collective voices heard on these issues. We look forward to discussing these issues with you and your representatives in the near future.

Very truly yours,

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Eldred Enas  
Tribal Council Chairman

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Cc: Kim Teehee, Senior Policy Advisor for Native American Affairs  
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Anthony R. Pico, Chairman, Viejas Band of Kumeyaay Indians  
Linda Otero, Tribal Council, Fort Mojave Indian Tribe  
John Bathke, Historic Preservation Officer, Quechan Indian Nation  
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Eric Shepard, Attorney General  
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