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November 20, 2009

Via E-mail: docket@energy.state.ca.us
and First Class Mail

California Energy Commission
Dockets Unit, MS-4
Re: Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET
09-RENEW EO-1
DATE <u>11/20/2009</u>
RECD. <u>11/20/2009</u>

Re: Quechan Indian Tribe's Comments on Draft Planning Agreement,
09-Renew EO-01

Dear California Energy Commission:

The following comments on the Draft Planning Agreement for the Desert Renewable Energy Conservation Plan are submitted on behalf of the Quechan Tribe of the Fort Yuma Indian Reservation, California and Arizona. The Notice of Availability for the Draft Planning Agreement states that "the DRECP will embody a conservation strategy that identifies areas in the Mojave and Colorado Desert regions suitable for renewable energy project development." However, the sole focus of the DRECP and Draft Planning Agreement appears to be on the protection of endangered and threatened species.

Any planning process that attempts to determine suitable locations for renewable energy projects is deficient unless it also evaluates the presence, preservation, and protection of cultural and historic resources. The desert southwest is an area rich in cultural resources that are of importance to the Quechan Tribe and are subject to the protections of federal, state, and tribal law. Thus, any renewable energy projects proposed for development in the planning area will also need to comply with all applicable federal, state, and tribal laws related to the protection of cultural resources. In addition, meaningful consultation with affected tribes will be required.

The Tribe has concerns that should be taken into consideration, especially when projects are proposed within the Tribes' 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.

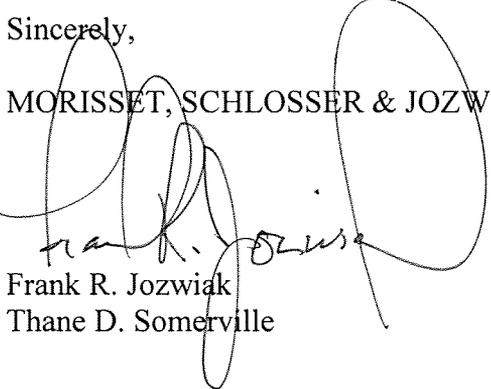
The Quechan people and their ancestors have inhabited the area surrounding the confluence of the Colorado and Gila Rivers for centuries. The Quechan Tribe's historic lands extended well beyond the boundaries of the present day Fort Yuma Indian Reservation and includes lands that fall within the solar energy study areas.

The Tribe, which was here prior to the arrival of the Europeans, had several villages scattered throughout areas in what is now Arizona and California. The traditional land area of the Tribe encompasses the lands from Blythe, California into Mexico and from Gila Bend, Arizona to Ocotillo, California. 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 Tribe.

Thank you for your consideration of the Tribe's comments.

Sincerely,

MORISSET, SCHLOSSER & JOZWIAK



Frank R. Jozwiak
Thane D. Somerville

cc: President Mike Jackson Sr. (via e-mail)
Vice President Keeny Escalanti Sr. (via e-mail)
Members of the Quechan Tribal Council (via e-mail)
Pauline Jose, Chair, Quechan Cultural Committee (via e-mail)
Members of the Quechan Cultural Committee (via e-mail)
Bridget Nash-Chrabasz, Tribal Historical Preservation Officer (via e-mail)