

July 9, 2009

Renewable Energy Transmission Initiative (**RETI**)

Sent by email to: RETI Co-Coordinator: Rich Ferguson, rech@ceert.org
Johanna Wald, jwald@nrdc.org
Carl Zichella, carl.zichella@sierraclub.org

No. of Pages: 2

Re: Native American Sacred Sites Protection in the Northern California area of the proposed Transmission Agency of Northern California **TANC Project**

Dear RETI:

The Redding Rancheria whose membership includes members of Pit River, Wintu and Yana descent must inform you that the Medicine Lake Highlands is designated as a "Native American Cultural Landscape" with the Native American Heritage Commission (NAHC) and further informs you that the Keeper of the National Register of Historic Places, in the Department of Interior (DOI), has determined that the Medicine Lake Caldera is a Traditional Cultural District eligible for the National Register of Historic Places. The Medicine Lake Highlands is vital to the spiritual way of life to our Native Peoples of California and Oregon, and traditional people of the earth, as a place for prayer, healing and renewal.

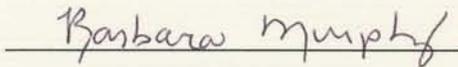
On Nov. 6, 2006, the 9th Circuit Court of Appeals ruled that the U.S. Bureau of Land Management and U.S. Forest Service extension of Calpine's geothermal leases at Medicine Lake violated both the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). In early 1998, the BLM and USFS extended Calpine's leases for five years and *then* started an environmental impact study, in violation of NEPA. The court also found that after finally completing the impact study, the agencies did not include a "no action" alternative: "The agencies never took the requisite 'hard look' at whether Medicine Lake Highlands should be developed for energy at all." The court ruled that BLM and USFS "violated their duties under NEPA and NHPA and their fiduciary duty to the Pit River Tribe by failing to complete an environmental impact statement before extending Calpine's leases in 1998. Hence, both the five-year lease extensions and the subsequent forty-year extensions must be undone."

Judge J. Clifford Wallace, who wrote the opinion on behalf of the three-circuit-judge panel that also included judges Kim McLane Wardlaw and Sidney R. Thomas, acknowledged the "great spiritual significance" of the Medicine Lake Highlands to the Pit River Tribe and to the other Native American tribes in the region, who "continue to use numerous important spiritual and cultural sites within the highlands."

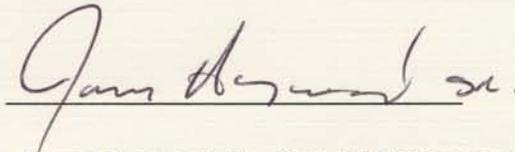
The projects related to "BLM and FS lands" in northeastern California, especially those in or near the sacred Medicine Lake Highlands, must be discussed in formal consultations with the Pit River Nation and other tribal nations of this region and should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f])*et se*, and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The projects must also include a "no action" alternative.

Please refer to the attached Tribal Resolution #06-20-00-A, of June 20, 2000, that urges the United State Forest Service and the Bureau of Land Management to "cease their proposed Geothermal Development of the Medicine Lake Highlands and to work with the various Native Peoples and their supporters to expand the Traditional Cultural District and create a Cultural Plan for the Medicine Lake Highlands."

Sincerely,



Barbara Murphy, Chairperson
Redding Rancheria Tribe



James Hayward, Sr., Cultural Resources Manager
Redding Rancheria Tribe

Cc: Redding Rancheria Tribal Council
Pit River Tribe
Native American Heritage Commission
Bureau of Land Management
Attachment



REDDING RANCHERIA
TRIBAL COUNCIL RESOLUTION
#06-20-00-A
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SUBJECT: Opposition to proposed Geothermal Development in the Medicine Lake Highlands and to expand the traditional Cultural District in the Medicine Lake Highlands.

WHEREAS: The Medicine Lake Highlands are vital to the spiritual way of life of Native Peoples of California and Oregon, and other traditional people of the earth, as a place for prayer, vision, healing and renewal, and;

WHEREAS: The keeper of the National Register of Historic Places, in the Department of the Interior (DOI), determined that the Medicine Lake Caldera is a Traditional Cultural District eligible for the National Register of Historic Places, and a larger Historic District Boundary must now be created to assure that spiritual and cultural values will be preserved, and;

WHEREAS: The U.S. Forest Service (USFS) and Bureau of Land Management (BLM) have proposed two large geothermal power plants for the Medicine Lake Highlands, with potential for four more power plants, and;

WHEREAS: The proposed Geothermal Development would ruin the natural qualities of the area, which are essential to the traditional cultural and spiritual use of the area by Native Peoples, and which is in direct conflict with the DOI determination that the area is a Traditional Cultural District;

THEREFORE BE IT RESOLVED, THAT: The Redding Rancheria Tribal Council hereby urges the USFS and BLM to cease their proposed Geothermal Development of the Medicine Lake Highlands and to work with the various Native Peoples and their



REDDING RANCHERIA
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supporters to expand the Traditional Cultural District and create a Cultural Plan for the Medicine Lake Highlands.

FURTHER BE IT RESOLVED, THAT: In the Chairman's absence his authority to execute this Resolution is delegated to the Vice-Chairman and in the absence of the Vice-Chairman, the authority is further delegated to the Treasurer.

CERTIFICATION

The foregoing Resolution was adopted by a vote of 6 for, 0 against and 0 abstentions, at a duly called meeting of the Redding Rancheria Tribal Council, at which a quorum was present, this 20th day of June, 2000.

Treasurer, Redding Rancheria
Tribal Council

June 20, 2000
Date

Secretary, Redding Rancheria
Tribal Council

June 20, 2000
Date