



PECHANGA CULTURAL RESOURCES

Temecula Band of Luiseño Mission Indians

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May 1, 2014

VIA E-MAIL and USPS

Mr. Thomas Gates
Cultural Resources Analyst
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Pechanga Tribe Comments on the Draft Consultation Policy Review for the California Energy Commission

Dear Mr. Gates:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government in response to the request for comments of the Draft Tribal Consultation Policy for the California Energy Commission (CEC). The Tribe formally requests to be notified and involved in the drafting, review and consultation of the above referenced Policy. Please add the Tribe to your distribution list(s) for public notices and circulation of all documents pertaining to this review. The Tribe further requests to be directly notified of any public hearings or workshops and scheduled approvals concerning the Draft Review.

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. It is undisputed that the California Energy Commission has projects that are planned within the Pechanga Tribe's traditional territory. It is imperative that the California Energy Commission consult with the Tribe in order to develop an appropriate and respectful Consultation Policy that benefits both parties.

¹See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

² See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

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Anna Hoover

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At this time, the Tribe requests to formally consult with the CEC regarding the Draft Consultation Policy. We have concerns that the Policy does not adequately address, at a minimum: confidentiality of tribal information; how CEC plans to research Tribal entities and Related Cultures and how such research will be conducted in a respectful manner; timelines for tribal contact and early consultation procedures; specifically commit to proactively engage in long-term relationships with tribes or sufficiently denote realistic steps in which to do so; and provide any mechanism for preservation, avoidance and protection of sensitive and significant tribal cultural resources.

Thus, the Tribe requests to be involved and to formally consult with the CEC in developing a more communicative and transparent policy that will be beneficial and productive to the CEC and California Indian tribes. The Pechanga Tribe reserves the right to provide further comment, as appropriate.

The Pechanga Tribe looks forward to working together with the California Energy Commission in developing this very important Consultation Policy document. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov so we may schedule our formal government-to-government consultation. Thank you.

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel