

Groups sue over solar plans

Native Americans fear sacred sites will be harmed

Noaki Schwartz and Jason Dearen, Associated Press, 2-28-11

BLYTHE — Native Americans are clashing with the federal government over plans to fast-track approval and construction of massive solar energy projects that the Indians fear will harm sacred and culturally significant sites in Western deserts.

Recent lawsuits by two native groups pose a threat to half dozen proposed solar developments that the Obama administration has identified as a high priority in its quest for more clean energy production. One suit already has halted work on a major solar farm in Southern California.

Land use and legal experts say the lawsuits mark a new phase in a historically troubled relationship between the federal Bureau of Land Management and American Indians, who in the past have gone to court to block oil, gas, mining and other energy projects on public lands managed by the agency.

"There is this sense that there is this rush to renewable energy that's politically motivated and when tribes are consulted their concerns aren't being taken seriously," said Michelle Raheja, interim director of the California Center for Native Nations. "There's no guarantee that once the project starts that they won't harm something."

President Barack Obama's goal of generating 80 percent of the nation's electricity from clean energy sources by 2035 has led to numerous projects proposed on millions of acres of federally owned lands, most in Western states. The administration has put some of the most promising, shovel-ready projects on the fast track for BLM permitting, although the process still could take years of environmental studies and public scrutiny.

Federal officials say they have consulted with multiple tribes and have either made sure the massive solar projects will not harm any historic works or have determined that certain sites are not worthy of protecting.

"The BLM takes very seriously its responsibilities to ensure that these projects are sited and developed in the right way and in the right places, and that we honor our responsibilities to Indian nations and the law," said Kendra Barkoff, a Department of the Interior spokeswoman, who could not comment specifically on the suits because they are active litigation.

Dave Singleton with the California Native American Heritage Commission, which advises local, state and federal agencies on issues involving indigenous communities, said he's heard from at least 10 tribes in the Colorado River area concerned about various renewable projects. The problem is in part cultural: while a site may not be registered as historic, some tribal leaders say they know it's sacred because of oral history accounts.

"The tribes are saying you've consulted us, we've identified sites and you're saying it doesn't matter," Singleton said.

While the concept of using renewable sources of energy such as sunshine aligns with nature-based principles that have historically guided Native communities, members say the projects are simply in the wrong place. Some of 56,000 acres proposed for fast track solar projects in California are near abandoned villages, native drawings and other cultural landmarks.

Southern California, for example, has one of the most significant collections of geoglyphs in the world. In order to communicate with their ancestors, certain tribes created drawings, some as big as football fields, by scraping the dark gravel back to reveal pale dirt below. The wide lines of the drawings were often used for ceremonial dancing.

"There's plenty of desert out there to build solar panels," said Boma Johnson, a former archaeologist who worked for the BLM in Yuma for 25 years studying the drawings. "We have something in the Southwestern desert not matched almost anywhere in the world except southern Peru and northern Chile. We really have a national treasure here in this lost area."

Alfredo Figueroa, whose group La Cuna de Aztlan Sacred Sites Protection Circle filed three lawsuits last month against five fast-tracked projects including a 1,000 megawatt project in Blythe, said the government is not giving their concerns as much weight as is given to federal archeologists.

Where Figueroa sees an ancient throne in a pile of rocks and a thousand-year-old flute player carved into the desert floor, for example, federal experts see something less profound. BLM archeologists believe the flute player and so-called Throne of Quetsequatle are less than 50 years old, with modern concrete used in the throne's construction.

Despite the suit to stop Solar Millennium's proposed 7,000 acre project in Blythe, the plan is moving forward, said Andrea Elliott, a company spokeswoman. She said the footprint of the solar farm had been shifted many times to address tribal and environmental concerns, and note she noted that no federally recognized tribes have joined La Cuna's suit.

"Native American representatives from area tribes have been, and will continue to be, present on site to monitor activities involving cultural resources during project construction," Solar Millennium said in a statement.

About 100 miles to the southwest, the Quechan tribe got an injunction in December against the Imperial Valley Solar project planned on 6,000 acres of public land near the Mexican border. Preston J. Arrow-weed, a tribal leader, said that despite this victory the fast-track projects are advancing so quickly they are "hitting us from everywhere.

"They seem to want to do it at the price of destroying our history," said Arrow-weed. "It's an assault. They've already wiped out a lot of things and now they want to wipe out the desert and any evidence of our past."

Tribes seeking injunctions against projects on federal lands often do not get far, so when a judge does issue an injunction it is indicative of a serious issue, said Patrick Parenteau, an environmental law professor at Vermont Law School's Natural Resources Law Clinic.

"BLM should be doing more to reach out to the tribes and understand the areas they're permitting these projects in and what artifacts might be there and what oral traditions exist," said Parenteau, who tracks the lawsuits filed by tribes. "There is some value to be gained from this."