

**TOHONO O'ODHAM NATION
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TRIBES FILE FEDERAL LAWSUIT TO PROTECT SACRED AND HISTORIC SITES IN SAN PEDRO VALLEY FROM DESTRUCTION BY SUNZIA TRANSMISSION LINE PROJECT

BLM Repeatedly Failed to Comply with Federal Process for Historic Preservation and Tribal Consultation

TUCSON, Ariz. -- The Tohono O'odham Nation and San Carlos Apache Tribe, together with Archaeology Southwest and the Center for Biological Diversity, have filed a lawsuit against the U.S. Department of the Interior (DOI) and the U.S. Bureau of Land Management (BLM) for failure to comply with federal laws and executive orders that would protect cultural sites from the SunZia high-voltage transmission line. The lawsuit, filed January 17, 2024, seeks to overturn BLM's issuance of a Limited Notice to Proceed (LNTF) to SunZia, halting construction and requiring the agency to follow the law.

The SunZia project, developed by Canadian-owned Pattern Energy, aims to run a massive high-voltage transmission line through the heart of the lower San Pedro Valley, causing irreparable damage to sacred and cultural sites of the Tohono O'odham Nation, San Carlos Apache Tribe, and other tribes.

In issuing SunZia the permits to move forward, BLM failed to follow the requirements of the National Historic Preservation Act (NHPA), the Administrative Procedure Act (APA), and multiple executive orders on historic preservation and tribal consultation. Despite repeated calls from tribes and others going back more than a decade, BLM failed to conduct an adequate inventory of historic properties and cultural resources that would be impacted by the SunZia project. The Bureau also failed to properly consult with impacted tribes and address the concerns that were repeatedly raised.

This disregard for tribal cultural resources corrupted the NHPA process and resulted in the unlawful granting of a LNTF which has allowed SunZia and Pattern Energy to plow forward with construction despite the permanent damage to sacred and cultural resources in the San Pedro Valley.

Tohono O'odham Nation Chairman Verlon Jose said, *"The O'odham and our ancestors the Hohokam have deep cultural and historical connections to the San Pedro Valley, with many sites of great significance. We have made BLM and the Pattern Energy aware of this, but their disregard for the NHPA process has put these cultural sites in danger of irreparable harm. They must change course, immediately stop all ground clearing activity, and work with us to protect these sites as required by federal law."*

- More -

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San Carlos Apache Tribe Chairman Terry Rambler said, *"For more than a decade, the San Carlos Apache Tribe and others have been raising alarms about the need to protect the cultural resources in the San Pedro Valley from the impacts of the SunZia project. We join with the many other tribes whose sacred sites are endangered by this project in calling for a halt until our concerns are heard and addressed. We will keep fighting for a meaningful historic preservation process that actually addresses the concerns that so many have raised."*

This lawsuit comes after years of Pattern Energy and BLM disregarding the concerns raised by tribes, the environmental community and others. This culminated in 2023, when BLM authorized work to begin on the transmission line without even notifying the tribes. In response to the entreaties of tribal leaders, BLM briefly halted project construction to hold consultations with tribes, only to reverse course a few days later and allow Pattern Energy to resume work. Even during the brief discussion period with the tribes, BLM made clear that their choice of right-of-way for the transmission line was already selected and would not be changed. The repeated failures by Pattern Energy and BLM to act in good faith contributed to the decision to bring this suit on behalf of all tribes affected by the SunZia project.

"Tribes are some of the leading supporters of alternative energy solutions," Chairman Jose went on to say. *"However, there has been a pattern of bad faith going back many years. What else can you call the recent decision to halt construction to hold consultations, and then start up construction again? Consultations to protect sacred areas while construction is already ongoing, and the route for the transmission line is already selected and non-negotiable, shows clear bad faith on the part of the federal government."*

Chairman Rambler said, *"At this point, it is clear that the only way to compel BLM and Pattern Energy to follow the law is through the courts. We must take this action so that all the impacted tribes can have our concerns heard, instead of falling on deaf ears."*

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Editor's Note: The lawsuit has been file in U.S. District Court, District of Arizona, Case 4:24-cv-00034-JGZ.