

**NATIVE AMERICAN HERITAGE COMMISSION**

1550 Harbor Boulevard, Suite 100  
West Sacramento, CA 95691  
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August 21, 2013

The Honorable Anthony R. Pico, Chairman

**Viejas Band of Kumeyaay Indians**

P.O. Box 908; 1 Viejas Grade Road  
Alpine, CA 91903-0908

RE: Ocotillo Wind Express Facility Project; NAHC April 22, 2013 Public Hearing in San Diego; Your Request for Response to the Request of the California Attorney General concerning the Jurisdiction of the Native American Heritage Commission for Bringing a Law Suit Against the Parties in the Ocotillo Wind Facility Project

Dear Chairman Pico:

The Native American Heritage Commission (NAHC) received your request for an update on the above referenced matter. The Office of the California Attorney General (Attorney General) has determined that the Native American Heritage Commission has no jurisdiction to bring action in the form of a lawsuit against a federal agency for a project situated on federal land. Further, the Attorney General can no longer represent the Native American Heritage Commission on the Ocotillo Project due to a conflict of interest.

This letter is in response to your request. We thank you for your thoughtful comments presented at the April 22<sup>nd</sup> public hearing.

If you have any questions, please contact me at (916) 373-3710.

Respectfully,

  
Cynthia Gomez  
Executive Secretary

Cc: James Ramos  
NAHC Chairperson