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STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the matter of:

Amendment for the **BLYTHE SOLAR
POWER PROJECT**

DOCKET NO. 09-ACF-6C

**PETITION TO INTERVENE BY THE
COLORADO RIVER INDIAN TRIBES**

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PETITION TO INTERVENE

The Colorado River Indian Tribes (“CRIT” or “Tribes”) hereby petitions the California Energy Commission to intervene in the proceedings for an amendment to the Blythe Solar Power Project (“the Blythe Project”), pursuant to Public Resources Code section 25214 and the California Code of Regulations, title 20, sections 1207 and 1712.

Under applicable regulations, any person or group has the right to file a petition to intervene in any California Energy Commission proceeding. 20 C.C.R. § 1207(a). Such requests are liberally granted, so long as the presiding Commissioner deems the request “reasonable and relevant.” *Id.* § 1207(c).

CRIT is a federally recognized Indian tribe with a 300,000-acre reservation located between Parker, Arizona and Blythe, California, astride the Colorado River. CRIT is comprised of members from four distinct tribes: the Mohave, Chemehuevi, Hopi, and Navajo. Despite the current narrow reach of the Colorado River Indian Reservation, the ancestral homeland of some CRIT members includes the area directly and indirectly affected by the Blythe Project. For example, this area has been—and continues to be—used for spiritual and religious ceremonies, travel and trade, collection of culturally and medicinally important plants, and resource processing and collection. Consequently, the landscape that would be impacted by the Blythe Project has been sacred to CRIT members and their ancestors since time immemorial. CRIT has attended informational meetings with both California Energy Commission staff and the Bureau of Land Management.

CRIT requests Intervenor status in this proceeding to protect its cultural resources, including archaeological resources, trails, sacred places, plants and wildlife, and the visual landscape, from adverse impacts. As indicated by the Staff Assessment, the Blythe Project has the potential to result in adverse impacts to these resources. CRIT has a distinct and unique

interest in the protection of these cultural resources, an interest that is currently underrepresented in the proceedings. Consequently, such participation will provide the California Energy Commission with relevant information related to cultural resource impacts during its consideration of the amendment application, in order to ensure that both the Commission's consideration of the Blythe Project application, and any potential construction or operation, comply with applicable law.

At this time, CRIT intends to fully participate as a party in the proceedings, if this Petition is granted by the California Energy Commission.

CRIT recognizes that this Petition has not been filed more than thirty days prior to the evidentiary hearing, which was just scheduled today. 20 C.C.R. § 1207(b); *see also* Notice of Evidentiary Hearing (November 1, 2013). Good cause nonetheless supports CRIT's intervention.

1. CRIT could not determine whether the CEC Staff would adequately represent its concerns in the CEC proceedings prior to the release of the Staff Assessment, as no Preliminary Staff Assessment was prepared, and CRIT is unaware of any preliminary determination. The Cultural Resource section of this document was not released until October 11, 2013. CRIT staff immediately reviewed this document, and sought to bring the matter of possible intervention before the Tribal Council at the next possible meeting. The next regularly scheduled meeting was not until November 7, 2013. To expedite the decisionmaking process, CRIT staff requested the Tribal Council to convene earlier, in Special Session, to make its decision. On October 31, 2013, the Tribal Council authorized filing a petition to intervene, which CRIT staff promptly prepared.

2. Under the California Energy Commission regulations, a petition to intervene must be filed by the pre-hearing conference *or* by 30 days prior to the evidentiary hearings, whichever is earlier. 20 C.C.R. § 1207(b). However, under current Commission practice, the notice of

evidentiary hearing is frequently issued less than 30 days before the evidentiary hearing, rendering petitions to intervene untimely before the notice of an impending deadline is even given. In this instance, the notice of evidentiary hearings was issued 18 days prior to the start of the evidentiary hearing; thus, the setting of the deadline to intervene occurred 12 days *after* the deadline had already passed. This practice of late notices makes it exceedingly difficult for members of the public to comply with Commission regulations.

CRIT acknowledges that the deadline for discovery has already passed and that significant information has already been docketed. However, CRIT anticipates that it will be able to fully participate in the evidentiary hearings without seeking time extensions and without prejudice to other parties.

CRIT will be represented in this proceeding by the counsel identified below. All filings should be served on CRIT's counsel (email service is preferred):

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CRIT respectfully requests that the California Energy Commission grant its Petition to Intervene in this proceeding and allow CRIT to participate as a party.

DATED: November 1, 2013

SHUTE, MIHALY & WEINBERGER LLP

By: s/ Winter King

WINTER KING

SARA A. CLARK

Attorneys for the COLORADO RIVER INDIAN
TRIBES

DECLARATION OF SERVICE

I, Sean Mulligan, declare that on November 1, 2013, I served and filed copies of the Petition To Intervene By The Colorado River Indian Tribes, dated November 1, 2013. The most recent Proof of Service List, which I copied from the web page for this project at: <http://www.energy.ca.gov>, is attached to this Declaration.

For service to all other parties and filing with the Docket Unit at the Energy Commission:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: November 1, 2013

/s/ Sean Mulligan
[Name]



Proof of Service List

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