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STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the matter of:

Amendment for the **PALEN SOLAR
ELECTRIC GENERATING SYSTEM**

DOCKET NO. 09-ACF-7C

COLORADO RIVER INDIAN TRIBES

Exhibit 8028: Testimony of Chairman Dennis Patch

Regarding Proposed Modifications to CUL-1

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QUALIFICATIONS

Dennis Patch is the elected Chairman of the Colorado River Indian Tribes. Chairman Patch earned his Bachelor of Science in Education from Northern Arizona University in 1976 and went back to school in the early 1990s and earned his Master's Degree in Education, Administration, and Supervision from the University of Phoenix. Chairman Patch also served in the United States Marine Corps from 1976 through 1976, achieving the rank of Corporal.

In sum, Chairman Patch has served on the Tribal Council of the Colorado River Indian Tribes ("CRIT") for almost twenty-five (25) years. While serving on Tribal Council, Chairman Patch has gained a variety of knowledge in different areas including agriculture, business, and solar energy development.

STATEMENT

In January 2014, Commissioner Karen Douglas observed that the then-proposed CUL-1 "seem[ed] too oriented towards the State interests [in conservation and documentation of the State's cultural and historical resources] and not as well suited to the Native American concerns that the Committee heard in this proceeding." Consequently, she requested that the CEC Staff and the Petitioner work with area tribes to develop a compensatory mitigation measure "to address the impact of the project on Native Americans."

In response, the CEC Staff proposed allocating \$2,000,000 among 15 tribes (or approximately \$133,333 per tribe) to mitigate for the loss of an entire cultural landscape. I participated in the April 8, 2014 workshop to discuss this proposed mitigation measure. Tribal representatives at that workshop, including representatives from the Colorado River Indian Tribes, the Quechan Tribe, and La Cuna de Aztlan Sacred Sites Protection Circle, were unanimous in their opposition to the Project and their inability to identify compensatory mitigation measures sufficient to offset the Project's impacts.¹ Critical comments include:

- **Daphne Hill Poolaw (CRIT Mohave Elder):** It looks like there is nothing in the desert, but there is a deep history of stories, songs, that you can still hear if you listen. Money is not listening. We're not ignorant. We don't want to accept the bait.
- **David Harper (CRIT Mohave Elder):** There is no money that is enough to mitigate the impacts to the tribes and the landscapes. These landscapes, artifacts, have no monetary value. They are sacred and cultural.
- **Dennis Patch (CRIT Chairman):** \$2 Million to the tribes? You bought Manhattan for \$26 worth of beads. If you are offering us \$26 worth of beads, there's not going to be a sale today.

At the workshop, CEC Staff asked tribal representatives to provide input on whether the compensatory mitigation they proposed would be "sufficient." Given the importance of these

¹ The workshop was attended by the Petitioner, CEC Staff, and tribal representatives. CRIT representatives have transcribed the WebEx recording for the benefit of the Commission. This summary transcript is attached to this declaration and submitted into evidence.

resources and this landscape, CUL-1B does not come close. More importantly, the amount proposed under CUL-1B is a mere trifle in comparison to the financial profit BrightSource/Abengoa and BLM stand to gain from the approval and construction of the Project. Based on information submitted in connection with our Tribe’s litigation over the Genesis Solar Energy Project, we estimate that BrightSource/Abengoa stands to earn around \$6 billion in revenue from the full 500 MW project.² The proposed compensatory mitigation is just three-hundredths of a percent of this projected revenue. BLM also earns significant financial revenue from approving these utility-scale renewable projects (estimated at around \$50-60 million annually), yet provides none of that revenue back to the tribal people most affected by their construction and operation.

The version of CUL-1B proposed by both the CEC Staff and BrightSource/Abengoa also includes a tribal working group to distribute compensatory mitigation funds. This mechanism appears to be modeled on the Genesis Tribal Working Group, which has been convened to distribute mitigation funds required as a result of the disturbance and relocation of thousands of artifacts during the construction of the Genesis Solar Energy Project.

The CEC Staff appears to anticipate that tribes will agree on the appropriate disbursement of funds designated under CUL-1B. However, CRIT’s experience with the Genesis Tribal Working Group—detailed further in the Declaration of Councilwoman Amanda Barrera—indicates that it may be difficult, if not impossible, for tribes to agree on the appropriate mitigation projects. This difficulty should come as no surprise; the procedure appears to be specifically designed to pit tribes against one another in a fight over small sums of money. This proposal illustrates to CRIT that the CEC Staff does not take seriously the concerns raised by CRIT and other Tribes.

CRIT has participated extensively in the CEC proceeding on this Project. CRIT has also submitted dozens of comment letters to federal decisionmakers, including the Bureau of Land Management, and participated in countless meetings and listening sessions. However, it has become apparent to us that neither state nor federal decisionmakers have actually internalized our concerns or taken them into account in any meaningful way: this lack of engagement and response is disrespectful of the time and effort the Tribes have put into reviewing, analyzing, and responding to the continuing flow of utility-scale renewable energy project proposals. We urge the Commission to engage on a deeper and more meaningful basis in this new round of evidentiary hearings.

Exhibit 8028	Declaration of Dennis Patch
Exhibit 8029	Summary of April 8, 2014 Cul-1 Workshop

² Declaration of Aldo Portales in Support of Genesis Solar LLC’s Opposition to Plaintiffs’ Application for a Temporary Restraining Order, ECF No. 35 (C.D. Cal. Case No. 2:12-cv-04291-GW-SS).

Testimony of Chairman Dennis Patch

I, Dennis Patch, declare as follows:

- 1) I am currently the Chairman of the Colorado River Indian Tribes.
- 2) My relevant professional qualifications and experience are set forth in the attached testimony.
- 3) I assisted with the preparation of the attached testimony relating to the proposed Amendment to the Palen Solar Electric Generating System.
- 4) It is my professional opinion that the attached testimony is true and accurate with respect to the issues that are addressed.
- 5) I am personally familiar with the facts and conclusions described within the attached testimony and if called as a witness, I could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED: June 27, 2014

AT: Parker, AZ



Dennis Patch

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