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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

INTERVENOR COLORADO RIVER INDIAN TRIBES

REQUEST TO CLARIFY CEC CULTURAL RESOURCES OPENING STATEMENT
AND CEC STAFF PREHEARING CONFERENCE STATEMENT

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On July 21, 2014, California Energy Commission Staff filed its Prehearing Conference Statement and Exhibit List (TN# 202775). On July 23, 2014, CEC Staff filed its Evidentiary Hearings California Energy Commission Cultural Resources Opening Statement (TN# 202785). Both documents attempt to characterize the position of the Colorado River Indian Tribes (“CRIT”) regarding proposed mitigation measure CUL-1. As CEC Staff erroneously characterizes this position, CRIT requests that CEC Staff revise these documents in advance of the evidentiary hearing next week.

Prehearing Conference Statement

CEC Staff’s Prehearing Conference Statement includes the following language: “CRIT supports the funding amount included in Staff’s proposed CUL-1, but has concerns with the Native American Advisory Group. (Ex. 8036).” Statement at 3. This language severely overstates Exhibit 8036. Councilwoman Amanda Barrera indicated she supported further increases to CUL-1B for the additional reasons identified in Staff’s Supplemental Testimony (CEC Staff Supplemental Testimony at 28-29), but she did not indicate any support for the funding amount included in Staff’s proposed CUL-1. As CRIT representatives have repeatedly stated, no amount of monetary compensation is sufficient to reduce the cultural resource impacts of the Palen Project.

Cultural Resources Opening Statement

Similarly, the powerpoint slides indicate a “CRIT Position” that CUL-1A should be set at $3,203,273 and that CUL-1B should be set at $2,110,000. Powerpoint at 9. As described above, CRIT has not taken this position or otherwise indicated that Staff’s proposed figures are adequate. While CRIT appreciates that CEC Staff is attempting to synthesize the various positions of the parties for the benefit of the Commission, CRIT respectfully requests that CEC Staff allow CRIT to present its own positions during the evidentiary hearings, rather than have CEC Staff first present their interpretation of those positions.
DATED: July 25, 2014   COLORADO RIVER INDIAN TRIBES

By: /s/ Rebecca Loudbear
    REBECCA LOUDBEAR
    NANCY JASCULCA

Attorneys for Intervenor Colorado River Indian Tribes

DATED: July 25, 2014   SHUTE, MIHALY & WEINBERGER LLP

By: /s/ Sara A. Clark
    WINTER KING
    SARA A. CLARK

Attorneys for Intervenor Colorado River Indian Tribes

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