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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

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

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 Palen Solar Electric Generating System (“the Palen 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 Palen 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 Palen 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 and has submitted comment letters expressing its concerns about the Palen Project.

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 Preliminary Staff Assessment and outlined

in CRIT's comments on that document (TN 200075), the Palen 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 Palen 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.

This Petition is timely, as dates for both the prehearing conference and the first evidentiary hearing on the Palen Project have not been set by the Commission. 20 C.C.R. § 1207(b). While the most recent scheduling order (dated June 10, 2013) tentatively established dates in early September for these events (*see* TN 71204), these events are contingent on release of the Final Staff Assessment and have not yet occurred. At this time, the cultural resources and air quality sections of the Final Staff Assessment have yet to be released, and no updated scheduling order has been made available. Moreover, as the Preliminary Staff Assessment deferred significant cultural resource analysis to the Final Staff Assessment, it has been difficult for CRIT to evaluate the need for intervention.

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: September 20, 2013

SHUTE, MIHALY & WEINBERGER LLP

By: s/ Winter King

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TRIBES

DECLARATION OF SERVICE

Sean
I, Mulligan, declare that on Sept. 20, 2013, I served and filed copies of the Petition To Intervene By The Colorado River Indian Tribes dated September 20, 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.

(Check one)

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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: Sept. 20, 2013

s/ Sean Mulligan
[Name]

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Proof of Service List

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